WHITETWATHING:
CINEMA, RACE AND REGULATION IN THE PROGRESSIVE-ERA
UNITED STATES

by

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Abstract

Cinema emerged during a period of enormous social change in the United States. Gender relations were changing as the “New Woman” asserted her place in public life on more individualistic grounds, and ethnic relations were changing as vast numbers of Catholic and Jewish “New Immigrants” were changing the face of the growing industrial cities of the Northeast and Midwest. Urban reformers, many of whom were themselves New Women as well as professionals characteristic of the corporate capitalism emerging at the time, saw cinema as an opportunity to assimilate immigrants to the self-governing ideals of white, middle-class American subjectivity. They formed the unofficial National Board of Review of Motion Pictures in New York City to review films prior to distribution in voluntary cooperation with the manufacturers. While Progressive era reformers often advocated increasing state intervention in other spheres of activity, they sought to pursue what they termed a constructive agenda for cinema in order to develop its educational and artistic potential and limit the police power of the state to regulating exhibition conditions and prosecuting obscenity. This experiment in governmentality had a racialized geography that went well beyond either the New Immigrants or New York, however. African Americans were moving in large numbers to these same cities from the South, yet these reformers remained willfully ignorant of their new neighbors. Drawing on archival case studies of Atlanta, Minneapolis and New York, with their very different racial, class and sexual politics, this project explores the variable geography of Progressive era cinema regulation and its production of whiteness.
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<td>EC</td>
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<td>EW</td>
<td><em>The Early Works of John Dewey</em></td>
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<tr>
<td>GDAH</td>
<td>Georgia Department of Archives and History, Digital Library of Georgia</td>
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<td>NYT</td>
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 CHAPTER 1 —

Introduction: Cinema as Social Problem

CINEMA has been one of the defining technologies of the past century, changing how we entertain and educate ourselves and even altering the way we perceive the world. It has been thoroughly enmeshed in the social and cultural conflicts of twentieth-century modernity in the United States and elsewhere through controversies over its effects on the behavior of its spectators. This includes the geographies of such conflicts, and the combination of effects surrounding cinema can be complex. Consider the East Oakland high school students who prompted such outrage in 1994 when they laughed at a woman being shot in the head in Schindler's List. The students were African American and Hispanic and came from one of the poorest areas of the state with some of the lowest test scores in the Bay Area. "'We see death and violence in our community all the time,' explained Mirabel Corral, 16, one of the students ejected from the movie. 'People cannot understand how numb we are toward violence.'"¹ For the students, New York Times columnist Frank Rich added, "Next to the real thing, the black-and-white bloodshed of "Schindler's List" looked laughably fake." The incident underlined the

¹ "'Schindler's' Dissed," New York Times, 6 February 1994, 17; hereafter cited as NYT. It is important to add that many of the students involved took responsibility and turned the incident into an opportunity for mutual education and understanding with the Jewish community.

Image removed due to copyright restrictions.

Figure 1. Peter Bacigalupi's Kinetoscope, Phonograph, and Gramophone Arcade; San Francisco, 1895. National Park Service, Edison Historical Site.

Uncertain boundaries between the virtual world projected on the screen, the social space within the theater, and the actual world outside the cinema, past and present—a world sharply divided by race and class—and it showed cinema's power to condense all these geographies through its spectators' attitudes and conduct. Although this story meshes neatly in its specifics with the urban underclass discourse of the past forty years, it resonates more generally with anxieties that have accompanied cinema since its inception.

Cinema emerged in the 1890s to become a staple of public amusements in U.S. cities and was quickly enrolled in the social and cultural conflicts of the Progressive era: It arose at a time of enormous social change, and it appealed to the masses of workers who were flowing into the industrial cities of the Northeast and Midwest during a period of immigration and urbanization that was unprecedented in the country's history. Public amusements were newly commodified forms of leisure that met the needs of the working classes and formed new, public and heterosocial urban spaces such as vaudeville theaters, arcades and dance halls. Many social reformers saw them as breeding grounds for crime and prostitution that were particularly dangerous to women.
and children. For its first decade cinema came in two forms, first as peepshows for individual spectators at venues such as arcades and saloons (fig. 1), and second, the more familiar projected films for group audiences which were commonly shown between vaudeville acts (fig. 2). But the changing technical apparatus was only one aspect of its emergence; cinema only became a problem distinct from other public amusements for urban reformers with its spatial segregation in dedicated moving picture theaters. The theater that gave its name to this new urban space opened in
Pittsburgh in 1905, and the "Nickelodeon" marked the beginning of a boom that quickly spread to the major cities of the Northeast and Midwest (fig. 3).²

Of urban reformers' reactions to this new amusement, historian Kathleen McCarthy writes,

> Although critics randomly categorized the storefront theaters with other popular commercialized amusements—poolrooms, dance halls, and barrooms—they were most frequently compared to the saloon. Much of the terminology of the censorship arguments was lifted directly from the temperance literature. Vachel Lindsay, for example, described the nervous condition ascribed to chronic movie-going as "photoplay delirium tremens." Both institutions were labeled "schools for crime." Theater employees, like bartenders, were regarded as "evil

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minded men" waiting to corrupt the innocent....Moreover, nickelodeons and saloons were both believed to hygienically “undermine the health of (their) patrons,” by harboring germs. Reformers complained that dust, high temperatures and large crowds facilitated the spread of disease....Traveling vermin and expectorating patrons similarly menaced the unwary....The Independent reflected such fears when it complained in 1910 that “the moving picture show is liable to be more of a menace to health than any of the popular amusements of recent years. The two institutions were therefore symbolically linked through common metaphors, while sharing the opprobrium for producing similar moral and psychological ills.3

McCarthy’s gloss is characteristic of scholarship on early censorship. While it is certainly accurate as far as it goes, there was in fact a broader range of opinion among reformers.

We talk a good deal about the censorship of picture shows, and pass city ordinances to keep the young from being corrupted by them; and this is all very well, because a great amusement of the people ought to be kept clean and sweet; but at the same time this discussion has left a sort of feeling in the minds of people who do not need to go to the picture show that it is a doubtful sort of a place, where young girls and men scrape undesirable acquaintances, and where the prowler lies in wait for the unwary, and where suggestive films of crime and passion are invariably displayed. But I think that this is an unjust idea, and that any one who will take the trouble to amuse himself with the picture show audiences for an afternoon or two will see why it is that the making of films has become a great industry, why it is that the picture show has driven out the vaudeville and the melodrama.4

Vorse’s perspective was shared by many Progressive-era reformers in that she saw cinema as a unique industry, one that presented positive opportunities for uplift in comparison to other cheap amusements. Vorse and her colleagues wished to turn cinema from partner in crime to social worker, and the audience member from vulnerable child to potential citizen. This project of using the social agency of cinema to produce the political agency of the citizen was articulated not only in the pages of social work journals such as the Outlook and the Survey, but in settlement houses, lecture halls, 

churches, city halls and courtrooms—and nickelodeons themselves—in cities across the country. Progressive national discourse on cinema was no monolithic entity, and any consideration of it that ignores its local productivity is necessarily incomplete. Instead it had a variable geography whereby each locality produced this reformist project out its own local cultural, social, political and economic circumstances and gave the national debate over cinema its own inflection.5

1.1 The “Cheap Theatre” Problem

But for cinema to be rehabilitated, it first had to become a problem. What enabled this problematization was that nickelodeons physically differentiated picture shows from other cheap amusements. Movies had been shown in peepshows and vaudeville theaters for nearly a decade, but spectators could only watch the former individually, while they watched the latter with a variety of other entertainments. When

nickelodeons emerged as dedicated movie theaters with group audiences, they presented their own special physical and moral risks. This made them ripe to become targets of urban reform, in no small part because they were inexpensive to set up and run and so appealed to immigrant entrepreneurs with little capital. An often-quoted piece in the trade journal *Moving Picture World* from 1907 described all that was needed to open a store-front theater:

- One storeroom, seating from 200 to 500 persons.
- One phonograph with extra large horn.
- One young woman cashier.
- One electric sign.
- One cinematograph, with operator.
- One canvas on which to throw the pictures.
- One piano.
- One barker.
- One manager.
- As many chairs as the store will hold.
- A few brains and a little tact. Mix pepper and salt to taste.
- After that all you have to do is to open the doors, start the phonograph and carry the money to the bank. The public does the rest.

Such allegedly easy profits only made the exhibitors and producers involved in the nascent industry even more suspect. In a number of cities across the country, social reformers were often at the forefront of criticism; although exhibitors may have been targets, as I will show in this study, for these reformers the paramount concern was how best to regulate the effects of moving pictures on its audiences.

### 1.1.1 Chicago's Unruly Audiences

Moving pictures and their audiences appear to have first been targeted for criticism in Chicago, a city which had recently and explosively grown to become the second largest in the United States, and its industrial capital. As in other industrial cities, this growth was fueled in no small part by Catholic and Jewish immigration from

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7 "The Nickelodeon," *Moving Picture World* 1, no. 9 (4 May 1907): 140; (hereafter cited as *MPW*).
Eastern and Southern Europe as well as the migration of African Americans from the South. This mix of peoples combined with often tense labor relations meant that violence and disorder were always just around the corner, at least in the eyes of the Anglo-Saxon Protestants who had until recently always held direct political power. Lauren Rabinovitz points out that the coincidence of the nickelodeon boom with the peak of immigration in 1907 led to a moral panic about picture shows on the part of urban reformers as they worried about the immigrants' effects on social conflict. Rather than attempt social reform, they worked for social control, focusing on the spread of public commercial cultures in immigrant neighborhoods. They were interested in remaking the Europeanized, lower-class slum neighborhoods as ideal communities where 'American' and moral values (which they associated with traditional small towns) would prevail. Rabinovitz argues that a primary basis of the reformers' worries was not so much the volatile ethnic mix of the city, but the new heterosocial space that public amusements such as nickelodeons provided for unescorted women from the vulnerable classes.

In fact, nickelodeons were seen by many immigrant parents as one of the few safe places for their daughters to go alone. Whether reformers were aware of this or not, the very presence of these lone women in public theaters was no doubt prima facie evidence to reformers of immigrant immorality. But where did this propensity for immorality come from? According to reformer Louise de Koven Bowen, "Girls in their craving for excitement are only too anxious to appear in public." A newspaper reporter echoed this assessment with a characterization of "boys and girls...spending

9 Ibid., 111.
their petty savings and earnings with an insatiable appetite for the crude sensations that are experienced within.”  

Children, then, were as vulnerable to moving pictures as were women, a matter made worse by the lack of constructive recreational opportunities. While Rabinovitz emphasizes that Chicago nickelodeons “represented for the reformers a new licentiousness and harbors for young, out-of-control immigrant and working class women,” Lee Grieveson claims that reformers’ investigations of movie audiences “focused almost exclusively on children of an urban immigrant population.”

However, Grieveson does point out the stark gendering of juvenile susceptibilities: girls were tempted by sex and boys were lured to crime. Grieveson traces this treatment in a series of articles the Chicago Tribune published in 1907 for its white middle-class readers in which it “exposed” nickelodeons as a pernicious influence on boys. According to the paper, they “minister to the lowest passions of childhood. They make schools of crime where murders, robberies and holdups are illustrated. The outlaw life they portray in their cheap plays lends to the encouragement of wickedness. They manufacture criminals to the city streets.” The Tribune also chronicled the downfall of a runaway girl who was seduced to prostitution by a manager of a nickelodeon on Halstead Street.

The young girl was 15 years old and from all the evidence in the case was of pure and unsophisticated mind until she began looking at the scenes of love and

11 Rabinovitz, For the Love of Pleasure, 121.
12 Quoted in ibid., 115.
14 Ibid., 106.
15 Lee Grieveson, “Why the Audience Mattered in Chicago in 1907,” in American Movie Audiences: From the Turn of the Century to the Early Sound Era, ed. Melvyn Stokes and Richard Maltby (London: British Film Institute, 1999), 80; for a discussion of the focus on children in New York at this time, see Roberta E. Pearson and William Uricchio, “the Formative and Impressionable Stage: Discursive Constructions of the Nickelodeon's Child Audience” in the same volume, 64-78.
16 Ibid., 83.
17 Quoted in ibid.
passion supplied by Sorenson's tawdry place. Day by day she frequented the place...The man saw her pretty cheeks and fresh young face and laid his nets. Finally there came a day when she did not go home and when the police found her she was living in a room in a West Madison street hotel with Sorenson.¹⁸

Such tales of ruin were common fare for newspapers, and certain reformers used them to bolster their case for official censorship and a police presence in theaters. Reverend Anna Shaw argued,

There should be a police woman at the entrance of every moving picture show and another inside. These places are the recruiting stations of vice. In Chicago recently twenty-three young girls in one month were lured from a moving picture show and shipped to Texas for immoral purposes on the representation that they were being engaged for a theatrical spectacle. This could never have happened had two police women been stationed there.¹⁹

These attacks put the industry on the defensive. Alfred Saunders, editor of the Moving Picture World, cautioned his subscribers, “These shows, be it remembered, are largely, almost exclusively, patronized by school girls and young women who always have a loose nickel in their purse. These young girls and women go to these places to see a moving picture, but they often see a good deal more than a picture and hear a good deal more than what's good for them.”²⁰

If girls were susceptible to prostitution, boys were potential pickpockets. Saunders ran a satirical article that asked why more attention wasn’t paid to racetracks and other venues where people parted with much more money. “It seems that those moving picture shows are a great menace to the majesty of the law. Pickpockets go in there and get nickels and dimes and even dollars out of the people’s pockets.”²¹ Some theater managers saw out-of-control boys as their worst threat. “[C]rowds of noisy, unwashed boys are a nuisance to every manager and drive away quiet, respectable people who would otherwise be patrons. Especially in the big city the boy is too often a

¹⁸ Quoted in ibid.
²¹ Untitled, MPW 1, no. 11 (18 May 1907): 170.
malicious mischief-maker, and much minor damage has been committed by him around
and in moving picture theatres."

1.1.2 THE NEW MIDDLE CLASS AND THE PRODUCTION OF WHITENESS

Such portrayals of immigrant women, children as well as nickelodeon owners
were of course explicitly classed. And while at first nickelodeons required little
investment, this would not last for long. Film historians have debated the
"embourgeoisement thesis," the long-standing assumption that cinema was originally a
working-class phenomenon which took several years to become a middle-class
amusement in terms of theater location, audience composition, film content, interior
décor and admission price. Historians such as Russell Merritt, Robert C. Allen and Ben
Singer have engaged in empirical studies of nickelodeon location and numbers
correlated with demographic data in order to arrive at conclusions about the class
configuration of early audiences. Even as they sharply differed, they underscored the
complexity and geographical variability of cinema audiences. This body of work was
in part a tangential reaction to psychoanalytic apparatus theory and Althusserian

22 Untitled, MPW 9, no. 8 (2 September 1911): 605. These concerns never really abated; the first
major sociological study of children and cinema was undertaken in the late 1920s and early 1930s
through the Payne fund and many of the issues raised would sound familiar to Progressive era
reformers. See Garth S. Jowett, Ian C. Jarvie and Kathryn H. Fuller, eds., Children and the Movies:
23 Classic examples include Garth Jowett, Film: The Democratic Art (Boston: Little, Brown, 1975),
518; Robert Sklar, Movie-made America: A Social History of American Movies (New York: Random
House, 1975), 340. For a more recent work that focuses on the politics of early labor films and
their decline, see Steven J. Ross, Working-Class Hollywood: Silent Film and the Shaping of Class in
24 Robert C. Allen, "Motion Picture Exhibition in Manhattan, 1906-1912: Beyond the
Nickelodeon," Cinema Journal 18, no. 2 (1970), 2-15; Russell Merritt, "Nickelodeon Theatres, 1905-
1914: Building an Audience for the Movies" in The American Film Industry, ed. Tino Balio
(Madison: University of Wisconsin Press, 1976), 59-79; Ben Singer, "Manhattan Nickelodeons:
New Data on Audiences and Exhibitors " Cinema Journal 34, no. 3 (1995), 5-35. For debates
following the publication of Singer's paper, see Robert C. Allen, "Manhattan Myopia; Or, Oh!
Iowa!" Cinema Journal 35, no. 3 (1996), 75-103; Ben Singer, "New York, just Like I Pictured it,"
Cinema Journal 35, no. 3 (1996), 104-128; and the Spring 1996 and Summer 1997 issues of Cinema
Journal.
ideology analysis in which cinema's textual content and positioning of subjects interpellated its spectators as middle-class consumers.\textsuperscript{25} More recent scholarship has contested apparatus theory's assumption of spectators' consumerist political passivity, particularly in feminist accounts of early spectatorship, and as with the historians mentioned above, underscored the variability of cinematic practices, the diversity of audiences and the agency enabled by cinema.\textsuperscript{26} Yet another area of reappraisal has been the films themselves; rather than regarding early cinema simply as a "primitive" precursor to the causal-narrative films that would be called "Classical Hollywood Cinema" by David Bordwell, Janet Staiger and Kristen Thompson, or simply "bourgeois" by advocates of interpellation, a number of scholars have been interested in early films such as actuality footage or trick films for their own kinesthetic qualities and logics.\textsuperscript{27}

Accounts of the relationships between and the transitions within film content, spectatorship and exhibition have been considerably complicated. In light of such complexity Miriam Hansen has characterized cinema as an highly productive "public sphere," one that has not simply presupposed masculinist middle-class norms as the term might suggest, but has instead produced "counter-publics" that have been crucial


\textsuperscript{26} A classic is Miriam Hansen, \textit{Babel and Babylon: Spectatorship in American Silent Film} (Cambridge: Harvard University Press, 1991), 377.

in reconfiguring gender as well as class relationships. Her work and others' have resonated with that of other scholars investigating public spaces in the city at large and interrogating the historical equation of feminized and middle-class public spaces with consumerist passivity. This gendering of public spaces of consumption was an acute anxiety during the Progressive era; the so-called new middle class was emerging at this time as the rise of corporate capitalism produced a demand for professionals who could manage large companies they did not own. They were not "productive" in the working-class sense, nor did they own the means of production, and this new class configuration was perceived by many to be an assault on "traditional" masculinity.

For all the insights into the gender, class and ethnic dynamics involved in problematizing cinema early audiences, much of the scholarship duplicates a gap in the reformers' accounts of audience composition. Mary Carbine forcefully points this out in her work on African-American theatergoing in Chicago. "[T]he emphasis on European immigrants presumes that the most significant shift in turn-of-the-century urban populations resulted from the second wave of European immigration. In fact, the nickelodeon era and the rise of the picture palace coincided with major population shifts among black Americans, as southern blacks moved to northern cities in a large-scale exodus known as the 'Great Migration.'"

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Avant-Garde," in Early Film, ed. Thomas Elsaesser and Adam Barker (London: British Film Institute, 1989); this will be treated in more detail in chapter 2.

28 Hansen, Babel and Babylon.
is rather more succinct; she notes, “[R]acial difference has functioned as something like
the proverbial ‘nigger in the woodpile’ of early film history and theories of film-viewer
relations, including those developed by revisionist film scholarship.”31 This is due in no
small part to the well-known difficulty of finding historical evidence concerning the
black community in the archive. Yet this archival absence is a geographically
determined absence that has structured the ways audiences have been construed from
the beginning, one that needs to be accounted for in order to gain a clearer picture of how
cinema became a problem in the U.S. on a national scale.32

Interestingly, the very first article published in a national reform-oriented
journal on the moving picture problem serves as an index of this absence, and it too
concerned Chicago. Sherman Kingsley, superintendent of the Chicago Relief and Aid
Society, summarized the aforementioned study by the Chicago City Club in the
prominent social work journal, Charities and Commons. He discusses penny arcades and
nickelodeons, then writes, “In the theaters of the second class [ten-cent vaudeville] that
attract children, admission can be gained to the ‘nigger heaven’ for ten or fifteen cents.
Here young boys are found in large numbers.”33 Referring to the segregation of black
patrons in the balcony commonly practiced in many Chicago theaters, Kingsley

at the time, see Kathryn Grover, Make a Way Somehow: African-American Life in a Northern
Community, 1790-1965 (Syracuse: Syracuse University Press, 1994), 106-157; Lillian Serece
Williams, Strangers in the Land of Paradise: The Creation of an African American Community, Buffalo,
31 She describes the metaphor as such: “Dating back to the mid-nineteenth century, (white)
Americans have used the expression ‘a nigger in the woodpile’ to indicate that something is
amiss, that there is a ‘catch’ or an unseen but important factor ‘affecting a situation in an adverse
way.” Jacqueline Najuma Stewart, Migrating to the Movies: Cinema and Black Urban Modernity
(Berkeley: University of California Press, 2005), 4-5.
32 My sense of the term “scale” is similar to that of Sallie Marston, who writes that it is “a
contingent outcome of the tensions between structural forces and the practices of human agents,”
although I would emphasis the mutually constitutive aspect of structural forces and human
no. 2 (2000), 220.
33 Sherman C. Kingsley, “The Penny Arcade and the Cheap Theatre,” Charities and the Commons
racialized what was supposedly a (somewhat) better class of theater and the boys who attended—African Americans themselves, of any age, were beneath analysis.

He quoted an investigator asking the boys about what theaters they preferred: "What about the five cent theaters?" to which a boy responded, "Yes, we go to them but we like the real theaters best." Kingsley did not elaborate on the boys' preference for "real theaters." However his characterization of nickelodeons may offer a clue. "One strong impression left by visits to these places, especially in the residential portions of the city, is that they answer, imperfectly to be sure, a real need of the community. This impression was borne out by the character of the audience. Father and mother, the baby, the older children, the grand parents—all were there...in the main the performances were not objectionable." Nickelodeons were a family affair, then, and perhaps the "colored" sections of vaudeville houses offered an escape for immigrant children from parental supervision along with the twin allures of experiencing the adult "class" of real theaters and of transgressing African-American space. This mobility and ability to experience the spaces of racial others was one of the "wages of whiteness" which W.E.B. Du Bois famously argued compensated working-class whites for their relative lack of political and economic power. Yet this form of consumption was continuous with the middle-class consumerism that was emerging and expanding at this time, and so the compensatory model of whiteness only goes so far in explaining how it operates.

34 Ibid., 296.
35 Ibid., 295.
37 George Lipsitz updates Du Bois' formulation by focusing on the "possessive investment in whiteness," which was "generated by slavery and segregation but augmented by social democratic reform" in the 1950s and '60s. He makes the commonplace observation that "Americans produce largely cultural explanations for structural social problems," referring to the pathologization of African American culture, in order to advocate the introduction of social-structural accounts into American Studies. George Lipsitz, "The Possessive Investment in
If the presence of a black community received at least cursory acknowledgment in Chicago, it did not appear to figure at all in defining cinema as a problem in New York City. In his 1901 sociological study of the black community in New York City, Du Bois described it as “a world of itself, closed in from the outer world and almost unknown to it,” and this observation is borne out in the writings of New York reformers. A year after Kingsley wrote his article, John Collier, secretary at the People's Institute, a prominent settlement house in Lower Manhattan, publicized the results in Charities and Commons of a joint study with the Woman's Municipal League of cheap amusements. Collier describes the audiences of different classes of theater in similar terms as Kingsley. While “vaudeville has at best has only a limited interest for the great, basic, public of the working and immigrant classes in New York,” “[t]he nickelodeon is a family theater, and is almost the creation of the child, and it has discovered a new and healthy cheap-amusement public.” Collier was quite optimistic about this audience, whose only problem was that it was such a large portion of the city’s population “not being actively reached by churches, settlements or night schools.” The “great, basic, public of the working and immigrant classes” simply needed to be educated, and Collier was willing to do this in their own space rather than try to get a resistant public into church or night school.

To this end, Collier would co-found the National Board of Review of Motion Pictures a year later with the People's Institute head Charles Sprague Smith, and he


became the Board’s most visible advocate for voluntary, representative censorship as he wrote countless articles and traveled around the country to deliver speeches. At the 1910 Congress of the Playground Association of America, he compared the audiences of the regular theater and the motion picture theater. “The audience of the regular theatre is composed of the leisure class, the man out for a good time away from his family, the sophisticated element of the community. The audience of a motion picture show is the immigrant, the wage-earner, and the child, the formative and impressionable elements of our people.” But as suggested above, the audience of the motion picture show that interested reformers was also white. Progressive reformers often professed antiracism, but by and large they ignored the black migrants coming from the South to live in their midst. Even Jane Addams, who experimented with the first “ideal” picture show demonstrations at Hull House in the “cosmopolitan neighborhood” around North Halstead in Chicago, had relatively little contact with the city’s black community, despite her invitations to Du Bois to speak at Hull House and her activities with the NAACP and Urban League. This abjection of African Americans, I will argue, was an important epistemological move on the part of reformers as they sought to understand and direct the agency of cinema to produce their vision of white American citizens out of “the formative and impressionable elements” of the urban masses.


43 Jane Addams, Twenty Years at Hull-House, ed. Victoria Bissell Brown (Boston: Bedford/St. Martin’s, 1999), 146, 160. See also Mary Bryan, Lynn McCree and Allen F. Davis, eds., 100 Years at Hull-House (Bloomington: Indiana University Press, 1969), 133-134.
1.1.3 RACIALIZED POWER/KNOWLEDGE/GEOGRAPHY

Such a disavowal of African Americans on the part of many white reformers was geographical, and Kingsley’s remarks on “nigger heaven” begin to give a sense of how Progressive reformers’ racial epistemology mutually implicated race and space. The notion that space is racialized is not in itself an exceptional statement, and there is much scholarship, particularly postcolonialist and feminist, on racialized geographies. Still less is the frequent cultural invisibility of African Americans an astonishing new insight. My interest here is to show how this invisibility was geographically articulated through the regulation of cinema, a visual medium that in itself makes racist visions of blackness all too visible, and I will offer two preliminary examples here to give a sense of the displacements and disavowals that will recur in the study. A crucial technique of rendering invisible an oppressed individual or group is to blame the victim. And a way that members of the National Board such as John Collier maintained their calculated ignorance of their African Americans neighbors was to locate racism geographically with the racially targeted people. This was not limited to the black community; in an early and unusually explicit reference to race in the Board’s records, John Collier drafted a memo regarding Japanese in motion pictures in which he begins to delimit racism. He wrote that that the moving picture audience


45 As bell hooks puts it, “One mark of oppression was that black folks were compelled to assume the mantle of invisibility, to erase all traces of their subjectivity during slavery and the long years of racial apartheid, so that they could be better—less threatening—servants.” bell hooks, “Representing Whiteness in the Black Imagination” in Cultural Studies, eds. Lawrence Grossberg, Cary Nelson and Paula Treichler (New York: Routledge, 1992), 340.
is composed in the main of wage workers and their families. This class is more likely than the well-to-do classes to entertain prejudice against the orient and to be influenced by the sensational press.

Various organizations and bodies of public opinion have recognized that motion pictures could be made an invaluable adjunct to their propaganda.46

The working-class susceptibility to sensationalism is familiar. So too is cinema's social agency to educate the poor; but here motion pictures are to act in the unusual service of eradicating racism. Collier goes on to suggest that Japanese films be produced:

(a) Pictures dealing with the social life and geography of Japan. These Pictures should be dramatic in nature and should be designed to make plain the motives that guide Japan in those actions that interest the outside world... (b) Pictures, descriptive and dramatic in nature, dealing with the Japanese in America. In effect, the two branches of the subject could be blended in each film.

Collier positions Japanese people as a corporate racialized subject split between Japan and the U.S., a split occasioned by immigrant mobility. More importantly for my purposes, there is a sense of distance here due to the peripheral position of Japanese immigrants within the U.S. relative to Collier in New York. Whites on the West Coast were claiming that immigrants were taking jobs away and lowering wages, and it was they who put the "Japanese problem" on the national agenda by pressing for federal legislation similar to the Chinese Exclusion Act of 1882. Collier was attempting to enlighten the urban masses of the Northeast and Midwest who were themselves becoming white, control the spread of racism and keep the Japanese problem a West Coast problem.47 The control of racism, then, was effectively a Northern white prerogative that Progressives in general shared.

This desire to manage racism is also apparent in the example of reformers' contrasting treatment of Du Bois and Booker T. Washington. The head of the Tuskegee Institute with his non-confrontational, boot-strap approach for black self-sufficiency

47 For a discussion of federal racial legislation at the time that is sensitive to this racialized geography, see Thomas Adams Upchurch, Legislating Racism: The Billion Dollar Congress and the Birth of Jim Crow (Lexington: University Press of Kentucky, 2004).
contained in the South was a favorite in the Survey (which continued Charities and Commons), to which John Collier and other members of the Board of Review frequently contributed. Upon Washington's death in 1915 the Survey ran numerous tributes and quoted a eulogy given by his successor at Tuskegee, Robert R. Moton, that emphasized Washington's conciliatory stance on race. "He interpreted with kindness and patience and wisdom, the North to the South, the South to the North, the Negro to both, and both to the Negro...He used every opportunity to allay factional strife and bickerings among Negroes. He was truly a peacemaker."48 This universalizing take on fighting racism was articulated most fully in an editorial in which the journal geographically located racism and the fight against it. "[A]s the nation could not live half bond and half free in the days of political slavery, so in the days to come, the spiritual bonds of prejudice are to be broken from the white South as those to which [Washington] called attention are to be stricken from the black South. Only when both are removed will either be wholly free."49 White accountability was brought up only to be recuperated—the whites who were accountable for racism were not only located in the South, but with the permission of their Northern counterparts they were accountable to themselves before their fellow black citizens.

This contrasted starkly with the approach of his rival Du Bois whose insight about the psychological wage of whiteness actively challenged whites on their racism and acceptance of class exploitation. Du Bois worked with the interracial NAACP in part by editing its house organ, Crisis, and so he could not be ignored.50 He was thus occasionally asked to contribute to the Survey, but within clear limits. Du Bois wrote a

50 For a discussion of the shift in Du Bois' work from sociological studies of African Americans in Atlanta and Philadelphia to a more militant stance at The Crisis in terms of the scientific racism common at the time, see David Turley, "Black Social Science and Black Politics in the Understanding of the South: Du Bois, the Atlanta University Studies and the Crisis, 1897-1920" in Race and Class in the American South since 1890, eds. Melvyn Stokes and Rick Halpern (Oxford: Berg, 1994), 139-157.
piece entitled "Work for Black Folk in 1914," which he implied the NAACP endorsed. Point number six read as follows: [T]he Negro must demand his social rights: his right to be treated as a gentleman when he acts like one, to marry any sane grown person who wants to marry him, and to meet and eat with his friends without being accused of undue assumption or unworthy ambition [emphasis the Survey's]." 51 The editor claimed, "It was news in the Survey office that the National Association for the Advancement of Colored People was committed to the part of paragraph 6 which we have italicized...As journalists, our judgment was that here was something which would open wide the sluice gates of unreasoning controversy and race feeling." 52 Du Bois dropped the implied endorsement but not the plank. This was ultimately insufficient for the Survey which dropped the piece, claiming readers would still confuse the man for the organization. When Du Bois publicized the incident claiming that the Survey refused to print it due to his endorsement of "social equality," the Survey responded with an editorial account of the incident calling Du Bois's version an "unsportsmanlike half-truth." It offered a masterful equivocation, characterizing the platform as "a creed which, however other Negro and white leaders may break with it as an ill-advised piece of social statesmanship, demands a fair hearing as an expression of self-respecting racial dignity." 53

This style of racism management by northern whites was ubiquitous, and even Du Bois's colleague at the NAACP Mary White Ovington used it in the pages of the Survey. In an article about the 1913 Conference on Negro Advancement, she quoted a Southern woman reformer as saying,

We are children in our understanding of our social problems and in our feeling of responsibility toward them. You in the North have been thinking of these matters longer than we....We have seen the Negro problem as though it were

52 Ibid., 810-811.
53 Ibid., 811.
something by itself. Now we are putting it in its relation to the rest of our world, in its rightful setting, and we are beginning to sympathize and to understand.\textsuperscript{54}

Ovington was a white New Yorker, and her sense of gratification that her white Southern sisters were beginning to manage race by Northern standards was quite clear. White did in fact believe in social equality, and no doubt some reformers on the National Board did as well, but this spatial/racial epistemological move served to infantilize the South,\textsuperscript{55} arrogate the management of race and racism to white Northern reformers, and thereby implicitly justify their more frequent choice to ignore the issue of African Americans in the North altogether as an expert decision on the relative importance of the Negro and immigrant problems.\textsuperscript{56} The distinction between managing

\textsuperscript{54} Mary White Ovington, "Conference on Negro Advancement," \textit{Survey} 30, no. 10 (7 June 1913): 322.

\textsuperscript{55} Larry J. Griffin writes of "the idea that the South exists on a visibly lower ethical plane" than "America," "Whether the South was thought ‘savage,’ or ‘benighted,’ or an ‘American problem,’ on the one hand, or ‘traditional’ or ‘authentic,’ on the other, almost everyone was sure that it was different, different from the Northeast, different from the Midwest and West....But the South wasn’t just different, it was really different, importantly different; more, in the differentness of its history and its culture and in the way it meshed, or did not mesh, with mainstream America, the South was constructed to be something larger than the totality of its history and its people and their practices." Larry J. Griffin, "Southern Distinctiveness, Yet again, Or, Why America Still Needs the South," \textit{Southern Cultures} 6, no. 6 (2000), 59, 57; also see Larry J. Griffin and Don H. Doyle, eds., \textit{The South as an American Problem} (Athens: University of Georgia Press, 1995). This relationship between “the South” and “America” has often had imperialistic overtones, especially during and after Reconstruction; see Jamie Winders, “Imperfectly Imperial: Northern Travel Writers in the Postbellum US South, 1865-1880,” \textit{Annals of the Association of American Geographers} 95, no. 2 (2005), 391-410. A more specific term for this imperialism would be Northernization, and as Richard Current points out, “Northernization has generally been synonymous with modernization,” precisely the hope of Progressive northern reformers. Richard N. Current, \textit{Northernizing the South} (Athens: University of Georgia Press, 1983), 13. As I am arguing in this study, this modernization project was also to be a production of whiteness, an unmarked project whose cultural geography is dependent on the South; as Grace Elizabeth Hale puts it, “The region has been central to the erasure of the whiteness of American identity precisely because its dramas have been so graphic, so violent, so perversely pleasing.” Grace Elizabeth Hale, \textit{Making Whiteness: The Culture of Segregation in the South, 1890-1940} (New York: Vintage Books, 1999), 282.

\textsuperscript{56} Allan Pred writes of present-day Sweden, which has experienced unprecedented immigration from non-European countries in the past two decades, “The evidence, knowledge and experience of racisms in their own midst frequently proves contradictory and difficult to accept for that majority of Swedes who have long viewed...their country as a champion of the oppressed, as a moral superpower on the world stage....The contradiction between the presence of racisms and central elements of national identity is time and again culturally reworked through spatial
race and managing racism is important here, for the former requires knowledge of the subordinated objects of management, in this case African Americans. It requires a will-to-knowledge more typical of colonial power, no matter how fearful, stereotyped or incomplete that knowledge may be, and such an epistemological stance has been territorialized through such concepts as terra incognita or terra nullius, terms which invite their own rectification. But when the management of racism is the primary goal, as in the case of reformers on the National Board, knowledge of subordinated peoples themselves can be dispensed with when convenient. Here it is the attitudes of whites that count, and there is instead a will-to-ignorance that becomes territorialized through the displacement of blame for their racist attitudes upon the very presence of the victims of that racism, such as African Americans. The places those victims inhabit, such as "the South" or "the ghetto," come to exist in a supplemental relationship to white space with no positive presence of their own. One of the most effective ways to disavow such an issue as racism is the classic claim, "it can't happen here."

1.1.4 SPACES OF DANGER

Unruly audiences and their invisible counterparts were only one aspect of the reformers' object of regulation. Nickelodeons were urban spaces that had their own characteristic problems. Among reformers of all stripes, there was wide agreement that crowded picture houses were potential firetraps that were often unsanitary, and that rigorously enforced city ordinances were needed. Reformers varied widely on their assessment of moral dangers, however. While the most conservative reduced the nickelodeon's audience to both the most vulnerable and the most predatory elements,
others sought to individualize children and criminals as needing regulation while leaving the rest of the audience to enjoy the show. But no matter the particular assessment of opportunities presented by cinema, the physical and moral perils of nickelodeons were inextricably linked, and what may now seem an obvious point that the content of the films, the behavior of the audiences and the physical conditions of the theaters were separate issues cannot be assumed. Just as it took time for cinema to be differentiated from other public amusements, it took time for its problematic aspects to be fully individuated. In short, this separation was an argument that had to be made.

Fire safety was of special concern because of the inflammability of the nitrate film stock that was used for moving pictures. This was exacerbated by the overcrowding of spectators and the frequent siting of nickelodeons in tenement blocks, and newspapers would sensationalize the risk of fires despite the fact that they were in reality quite rare. Nickelodeon managers complained bitterly about the press coverage, claiming that most actual fires had nothing to do with film igniting. Instead, they pointed out that most fires were caused by hazards common to all theaters, such as faulty stage lights and lanterns. They argued that proper safeguards such as running the film between brass rollers next to the lamp and encasing the uptake reel would extinguish any fire caused by overheating, and this combined with fire-proofing the projection booth and hiring competent operators would make nickelodeons inherently safe.

While fire control was an issue for the press and the industry, it played an ambiguous role in national reform debates because fire codes were a strictly local matter, and the way it played out in local politics of cinema varied from city to city. Fire codes were brought up to date quite quickly in many cities by 1908 (with the notable exception of New York), but this greatly increased the expense for opening a movie theater. A settlement worker in Iowa noted that along with the cost of a fireproof projection booth,
“Insurance charges are quadrupled on building and contents where pictures are shown. Exits must be provided, also iron fire-escapes. In the interests of safety and to guard against a murderous panic in our audiences we have paid competent operators to project the pictures.”59 In terms of the embourgeoisement thesis mentioned earlier, what did change markedly in the first few years was not so much the composition of audiences, but the physical space of the movie theater itself, and it was probably as much the requirements of city inspectors and insurance underwriters as it was the tastes of middle-class moviègoers that accounted for the increasingly elaborate and expensive theater setups.

Fire wasn’t completely absent from reformist discourse, however. When it was mentioned, it was usually metonymically linked with other physical hazards, especially disease, as in the instance of a writer for the Outlook claiming, “The shows are often in unsanitary, dangerous rooms which are frequently overcrowded.”60 Tuberculosis was as communicable in a crowd as fire-induced panic, and the newly accepted germ theory of contagion led to minimum ventilation requirements and calls to curb spitting. The Moving Picture World advised, “[T]he place should be kept perfectly clean. It seems strange that it should be necessary to throw slides on the screen admonishing men not to spit on the floor, but in numerous nicolets this has to be done, otherwise under some seats huge pools of tobacco spit would be left to spoil the skirts of the lady who happened to be unfortunate enough to sit there.”61 Yet the author had to concede, “This is said, too, knowing full well the fact that the cheap shows are quite likely to attract those who are not any too cleanly in their habits and who, all things considered, require to be admonished to do things which should, apparently, appeal to every man with any of the instincts of a gentleman.”62

60 “Motion Pictures,” Outlook 98 (24 June 1911): 382.
62 Ibid.
The author quoted a nickelodeon manager, who claimed, "The more filthy the place is, the better the people around here seem to like it."63 Another wrote,

As for air it is impossible to suit all tastes—
Some like it hot
Some like it cold
Some like it in the show
Seven days old.64

If fire receded fairly quickly as a concern, ventilation and sanitation continued to be seen as problems for a longer time (the manager-poet was writing in 1916), and the same patrons who enjoyed the foul surroundings were also reputed to be attracted to darkness. According to this same author, "Works of evil multiply under the cover of darkness and the danger of a poorly lighted theater to weak-minded and weak-willed young people can hardly be exaggerated."65

New York City alderman Ralph Folks, a member of the National Board of Review, bluntly stated, "Proper lighting is very necessary to prevent improper and offensive conduct on the part of some individuals of low moral standards who frequent all public places."66 A 1913 report on the condition of movies in Cleveland cited "cases of the ruin of young girls in badly lighted theaters," while John Collier announced that "unaccompanied children, seated for hours in semi-darkness amid a promiscuous crowd, are liable to all sorts of abuse."67 Low lighting, then, underscored the bodily vulnerability of children and others to sexual and criminal behavior, and the problem that "the habit of visiting these places leads children and young girls and boys into undesirable company, and paves the way to ruin in some cases."68 This somatic moral danger resonated with the physical dangers of fire, poor ventilation and sanitation, and

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63 Ibid., 356.
65 Ibid.
66 Ralph Folks, "Motion Picture Legislation," Playground 7, no. 6 (September 1913): 234.
this sense of bodily assault was also used to understand the motivating power of suggestive films.

1.2 From Problem to Opportunity: The Plan of the Study

This chapter has addressed the problematization of cinema in terms of its physical and moral dangers. And as I have already noted, problems can also be opportunities, and this was certainly how Progressive reformers approached the regulation of cinema. They saw it as a potentially powerful tool in their settlement work of assimilating New Immigrants and the urban working class to white, middle-class American citizenship, and it is this opportunity cinema presented to urban reformers that I explore in the rest of the study. To take advantage of this opportunity, reformers had to understand how cinema affected its spectators, and such a Progressive theory of spectatorship is the subject of chapter 2. Both reformers’ and critics’ accounts of cinematic perception underscored a visceral, physical quality of the film image that was unique to the medium. This haptic quality of film, the ability of its images to provoke the other senses, particularly touch and proprioception, and the perceptual psychology by which reformers understood it, underpinned the construction of a vulnerable audience in need of both protection and guidance because they had neither the moral fortitude to resist the temptations of the big city nor the intelligence to distinguish true from false.69

That these abilities could be gained or not meant to reformers that the process of perception giving rise to them was contingent upon environmental factors, both physical and social. In short, any given mode of perception was a historical product. This was an insight that Walter Benjamin held in common with Progressive reformers, but their accounts were very different. I turn to Benjamin’s writings on perception because they have been extremely influential in current debates over cinematic spectatorship as well as urban spectatorship more generally. I show how Benjamin’s

68 “Public Opinion as a Moral Censor,” MPW 1, no. 10 (11 May 1907): 148.
assumption that sight and touch offer different guarantees of knowledge and truth has influenced current accounts, and I then read Henri Bergson's account of perception, which Benjamin criticized, for its refusal to give ontological priority to either sight or touch. Bergson was a contemporary of reformers in the U.S., and he was highly influential upon them. Because their understanding of cinematic spectatorship was more often assumed than explained, I look to Bergson to help draw out a Progressive theory of spectatorship that is implicit in reformers' writings on cinema.

Chapter 3 shifts attention from cinematic perception to its regulation. While it was apparent to reformers that audiences were quite heterogeneous, varying according to time of day, the type of theater and its location in terms of neighborhood, city and region, for those who advocated strong measures against moving pictures, the mere presence of the more vulnerable classes, especially children, was enough to justify prior restraint by government officials. It was this lowest-common-denominator approach that prompted the formation of the National Board. The infamous Canon William Sheafe Chase was vigorously protesting nickelodeons in New York City, and exhibitors, after watching the foment in Chicago, feared that they could be put out of business if they didn't respond. They approached Charles Sprague Smith of the People's Institute, which had conducted the aforementioned study of public amusements jointly with the Woman's Municipal League. Since the study's author, John Collier, reported favorably on motion pictures, citing the social needs they fulfilled in immigrant communities, the exhibitors asked the settlement house to review films prior to exhibition for their moral content and to recommend cuts where necessary. Given the machine politics and graft characteristic of Tammany Hall at the time, the last thing the trade wanted was a potentially capricious official censorship. But this "Board of Censorship of Motion Pictures" would quickly come to be funded by the film manufacturers and become the National Board of Review because of a basic fact of the industry's economic geography.

"Intelligence" was used at the time either as a synonym for knowledge or as a category of innate capacity depending on the author.
Film production and distribution were mostly headquartered in New York—studios would not begin to relocate to Hollywood until 1913—and the censors for the Board had direct access to the original negatives and master prints, often just a few blocks away, and so they were in a position to mandate changes in a most direct way prior to any distribution.

The National Board was staffed by volunteers working in a cooperative relationship with the industry. The Board would come to articulate its project as such:

Film criticism is a practical matter. Those who review motion pictures must have some kind of a policy which is both practical and impersonal....It does not believe in coercion....Though it is a voluntary, extra-legal body having no legal power resident in itself, its decisions have the effect of legal verdicts through the co-operation of mayors, license bureaus, police departments and boards of public welfare in cities throughout the country where the official correspondents enforce the judgments of the National Board.70

This reads very much like Michel Foucault's political rationality of governmentality, "which is at once internal and external to the state."71 He defined governmentality as "[t]he ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security."72 The operation of such power relies on the ubiquitous but largely unnoticed regulation of social variables rather than the spectacular exercise of state power—on technocratic expertise rather than the majesty of the law. There are of course major differences in the specifics which are extremely important to explore when using governmentality as a theoretical lens. An important difference that I have already introduced is the principal form of knowledge. While political economy arguably took the population as a whole as its

72 Ibid., 219-220.
object of knowledge, the reformers' account of the perceptual psychology at play in the regulation of cinema took the individual as its object of knowledge. However, as in Foucault's account, this individual was not given a priori; instead it was socially produced, embedded and active.

The rationality of governmentality also involves an awareness of the limits of state intervention. Cinema arose at the same time that the state began to be consistently called upon to actively govern in the U.S. in the sense of solving social problems. This was highly contested at the time, and not just for moral qualms about state power. Many Progressives were pragmatists who were acutely aware of how state intervention could go wrong due to mismanagement and corruption. Board members were as keen as the trade to keep censorship out of official hands, but for reasons of purifying the polity rather than for pecuniary interests. But in their pragmatism (with a small "p") they recognized common interests at the concrete level with the industry as well as municipal officials, and they were happy to cooperate. This concreteness is crucial to an understanding of any governmental project, for the conditions in which they arise are intensely local and highly variable across the country. In the case of the formation of the National Board, Canon Chase was criticizing nickelodeons for violating Sunday-closure laws. His efforts to enforce blue laws regarding public amusements were in reaction to the large population of Eastern European Jews who had moved to New York City and were remaking its cultural landscape. He and other anti-Semites sought to reassert Anglo-Saxon Protestant hegemony by enshrining the Christian Sabbath as a day of enforced rest for all in the city, thereby denying working-class people of all faiths one of their favorite recreations on the only day off many had.

While Chase saw film as the devil's apothecary shop, members of the National Board saw its potential for uplift, even on Sundays, and this educational and artistic use of cinema is explored in chapter 4. The haptic power of the moving image was seen by many as a boon to educators, who could show on film aspects of the world neither words nor the naked eye could convey. It enabled a "scientific" approach to education that combined "seeing-is-believing" with "learning-by-doing." Film was understood to
be mimetic, but this mimesis was not the atrophied sense of imitation by which the term is often dismissed. Instead it was understood as a creative participation in and appropriation of the world. This vision of science involved play, rather than mastery, for as Benjamin reminds us, true mastery of the world would be magic. While actuality footage had been a staple of early cinema and still was important, the National Board sought to build a market for educational films in schools and churches. Thomas Edison also saw the potential for educational films, and the Survey sent a group of educators and reformers to his laboratory to report on his efforts. One of the participants was John Dewey, the Pragmatist philosopher and educational reformer, and I look to his writings on perception in order to extend the discussion found in this fascinating document of Progressive thought on the educational potential of cinematic perception.

But it wasn’t just the physical world that could be probed in new ways by cinema. The social world was also the subject of its insights, for according to Progressive reformers human relationships were as subject to explanation as physical relationships, and so they wished to develop cinema’s dramatic potential. Moral understanding came through art, they argued, and so the artistic development of film became one of the Board’s priorities. Fictional narrative film was still developing at the time, and reformers argued that a great dramatic film could be as educational as a film about the Bessemer furnace, and the distinction between narrative and documentary film was not so clear cut in terms of how they affected people. Rather than look at the emergence of fictional narrative cinema as a radical change in the positioning of spectators, I explore how reformers understood its emergence as continuous with other modes as they sought to regulate cinema.

In chapter 5 I turn to the Board’s response to several controversial films that were produced at a key moment in cinema’s development. Race and sex were central to all of these films that caused trouble for the Board, and I offer readings focused on Traffic in Souls, a 1913 film that sensationalized the so-called white slave traffic, and The Birth of a Nation, D.W. Griffith’s 1915 racist masterpiece. In Traffic, the heroine who rescues her little sister from the clutches of the white slavers is in many ways emblematic of the
New Woman, the late nineteenth- and early twentieth-century figure of the self-reliant white woman, a perceptually proficient governmental subject who belonged in and knew her way around both the public and private spaces of the city. While Progressive reformers debated the “realism” of the film’s plot and more conservative censorship agitators condemned it for even broaching the subject of prostitution, the National Board passed it with little alteration.

This sort of acquiescence was in itself significant as the Board’s foes endlessly pointed out, and I explore how the apparently unexceptionable character of Mary Barton mobilized both white and heterosexual privilege as she exercised public agency in unraveling her sister’s kidnapping. Mary is a subject of knowledge, a marked contrast to the African American characters in the film whom I read as objects of ignorance that mirror the disavowal of blackness on the part of Progressive reformers. In Birth of a Nation, the epistemological status of black and white characters is geographically determined at the national rather than urban scale, and the National Board took a much more active role in altering the film and its imaginative geography. I explore this in part through a reading of key changes in intertitles mandated by the Board. While


74 Edward Said describes the power of the discourse of Orientalism, which he describes as an “imaginative geography”: “It is Europe that articulates the Orient; this articulation is the prerogative, not of a puppet master, but of a genuine creator, whose life-giving power represents, animates, constitutes the otherwise silent and dangerous space beyond familiar boundaries.” Edward W. Said, Orientalism (New York: Vintage Books, 1979), 57; cited in Derek Gregory, Geographical Imaginations (Oxford: Blackwell, 1994), 170. Gregory, however, underscores not only the production of the discourse of Europe itself in this process, but its decidedly unsovereign agency that gets lost in Said’s account.
Griffith saw racial conflict arising from northern African Americans not knowing their place and bringing such confusion to the South during Reconstruction, the Board sought to fix racial conflict firmly in the South itself. Here too national heterosexuality plays a role, and I look at how the productivity it enables whiteness is mapped onto sectional conflict.

While films themselves offer imaginative, or more precisely, virtual geographies of race and sex, the geography of their regulation is more concrete, or actual. Films such as Traffic and Birth were always locally received, even when framed by national discourses. In chapter 6 I look to two very different cities, Minneapolis and Atlanta, to show how both the objects and practices of regulation varied across the country. Despite facing a rate of immigration similar to other northern cities, reformers in Minneapolis appeared to be most concerned about a more home-grown group of migrants to the city. Young white women were arriving in large numbers from rural areas and working at poverty-level wages in textile-factory and clerical jobs. They were seen by reformers to be particularly prone to prostitution, a vulnerability which unsurprisingly prompted the regulation of public amusements, especially dance halls, a project that was also meant to conserve the productivity of these women's labor power.

Because not everyone in Minneapolis was as convinced of cinema's haptic power as in some other places, the regulation of cinema was not always an end in itself. It was not until the city's small black community protested Birth of a Nation that the city's political

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75 The virtual (imaginative) and the actual (concrete) are both real in that they both have effects in the world. The virtual is not synonymous with the possible; as Gilles Deleuze declares, following Henri Bergson, "The possible has no reality." Because the virtual or imaginative is real, its occurrence as an image on the screen is not a "mere" representation of something else in the "real world" as conventionally understood. I have chosen to use virtual/actual rather than imaginative/concrete, which is more common within the discipline of geography, for the sake of consistency with the Bergson- and Deleuze-inspired discussions in the following chapters. Gilles Deleuze, Bergsonism, trans. Hugh Tomlinson and Barbara Habberjam (New York: Zone Books, 1991), 96; see also Gilles Deleuze, Pure Immanence: Essays on a Life, trans. Anne Boyman (New York: Zone Books, 2001), 31. Deleuze also elaborates the virtual/actual dyad in his Cinema volumes, but I find his account of the historical development of the movement-image and the
leaders took much notice of cinema. The mayor was involved in a struggle with the city council over the power to revoke hotel licenses to combat prostitution, itself highly racialized. The mayor banned the film, an action that had numerous precedents in other cities, in the hope of provoking a test case. It worked, and the mayor’s executive discretion over licensing was reaffirmed.

Film regulation in Atlanta had a somewhat different trajectory due to two factors. One was that movie-going was a white, middle-class activity from the start, and the other was its institution of legal segregation. Many public services were available only to whites, despite African Americans comprising one-third of the city’s population. This included the public library, which was mandated by statute to censor films. In effect, statutory film regulation in Atlanta was by and for whites. The black community appears to have taken little notice of cinema at the time, and films such as Birth ran without comment. Instead business leaders sought economic development within the community as the basis for racial uplift, and again, conserving labor power was the key determinant in their reception of public amusements, whether dancing or movies. Black Minneapolitans, on the other hand, attempted to use the political machinery of the city to suppress Birth of a Nation, but once the mayor won his test case, he turned over the question of its exhibition to the city’s fledgling volunteer censorship board, which then ignored African American concerns. Like the Atlanta board, the Minneapolis board of censors cooperated with the National Board in enforcing its alterations. But because the Minneapolis board was voluntary rather than statutory, it was used in National Board publicity campaigns as a workable compromise over local film regulation.

Chapter 7, finally, looks at the Board’s response to the rising tide of censorship legislation between 1916 and 1922, the year Will Hays was hired by the industry to institute self-censorship. Board members such as Collier were always loathe to lay down black-letter standards because they saw the process of film review as an ongoing time-image to be oddly recapitulationist, and thus teleological, and therefore unhelpful for my purposes of emphasizing the productivity of early film.
experiment. But by 1916 dissatisfaction among the volunteer censors themselves, whose complaints to the New York Commissioner of Licenses George Bell prompted him to publicly question the Board's usefulness, forced the Board to publicize more specific standards. At the same time, in recognition of its limits in promoting films for children and improving cinema as an art, the Board formed two spin-off committees, the National Committee on Films for Young People, and the Better Films movement. The review machinery of the Board came to be used to rate films rather than simply approve or condemn them, and the Board sent speakers all over the country not only to persuade state legislatures to vote down censorship bills, but to convince the women's clubs agitating for official censorship to form local committees for these "constructive" projects instead.

Women were usually sent as speakers, and they were highly educated and accustomed to public respect; in short, they were exemplars of the New Woman. This could be a fraught exercise as the New York-based National Board discussed with the tour's sponsors in the South the appropriate comportment of the New Woman in public. The southern partners arranging the tours did not have a problem with the New Woman per se; instead, part of this negotiation of white womanhood involved educating the northerners on the "inter-racial problem" in the South, as images of white, female stars found their way into black theaters, "inflaming the negroes," as one white minister from Atlanta described it. As such, race and sex were inextricably linked in the regulation of cinema, and in its concrete manifestation this link was geographically determined. I conclude with a number of speculative conclusions about whiteness itself and its ties to national heterosexuality, because while blackness was disavowed by northern reformers, whiteness, as the privileged term, never needed mentioning. Whiteness is a fugitive presence in the archive of the Progressive era, and in many places this is mirrored in the study, as whiteness requires a great deal of coaxing. The unmarked character of whiteness in the white community itself of course has not changed very much, and so a goal of this study is to contribute to its marking, objectification and interrogation.
1.2.1 A NOTE ON METHOD

The racial complexion of the United States varied across the country then as it does now, and blackness was not the only "other" to whiteness. Native Americans, Asian Americans and Latinos, then as now, were racialized groups that had their own particular social relationships to whites, as well as to each other. All of these groups were important to the definition of whiteness, but as they were mostly confined to specific areas of the West, they were geographically marginal to the centers of economic, political and social power in the United States where most of the regulation of cinema occurred, and so I have chosen to limit my focus to African Americans in comparison to whites. It is also important to note that whiteness itself was not quite the monolithic category as it is today, and it was the putative ability of certain European immigrants to northern cities to become white that prompted the so-called constructive project of film regulation. African Americans had the distinction not only of not being white, but of having no potential to become so. This was simply assumed, and as I have already discussed, many white urban reformers in the Northeast and Midwest certainly attempted to marginalize the so-called Negro problem as a distinctly southern problem, but the growing black communities in northern cities made this displacement increasingly untenable, and all the more jarring for it. White reformers' epistemic disavowal of their black neighbors has its mirror in the archive. African Americans are grossly underrepresented in the historical archive while whiteness is almost never explicitly mentioned, and so my reading of racialization is in some ways a reading of both forms of absence. As Foucault put it, "There is not one but many silences, and they are an integral part of the strategies that underlie and permeate discourses."


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fact of life, whether biological or social. In short, it means objectifying whiteness in order to study it.

The sources for this study include personal papers, organizational records, state and municipal documents, newspapers, trade papers and social work journals, as well as books and published reports that were influential at the time. Part of my reading of course involves reconstructing the sequence of specific events, but explaining those events is more difficult. I take it as axiomatic that discourse—in the linguistic sense—is a crucial component of how our world is produced, but the world is also equally materially produced. I look to the archive for both discursive and material practices that together produce power-effects such as whiteness, a combination Foucault referred to as a dispositif in an attempt to move beyond the limitations of Althusserian notions of ideology as a form of power. In English translations of Foucault’s work, dispositif is a term that has been dissolved instead of reclaimed from its obsolete status in that language. Rather than use “dispositive,” translators have used terms such as “apparatus” or “deployment,” but to retain the original word for the concept underscores that power is an internalized effect of multiple practices (such as whiteness), rather than a singular, externalized thing to be possessed and wielded (such as property). It is this approach that makes this study a geographical work, for the

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77 Nikolas Rose declares, “There is a history to be written of the subjects of government...It is a little, variegated, multiple history of the objectifications of human beings within the discourses that would govern, and their subjectification in diverse practices and techniques.” I am not so sure that the dyad objectification/subjectification can be so neatly mapped upon the dyad discourse/practice. Nikolas Rose, Powers of Freedom: Reframing Political Thought (Cambridge: Cambridge University Press, 1999), 41.

78 Althusser used the term “dispositif” himself in “Ideology and Ideological State Apparatuses,” but his use of the term is limited to the psychic life of the “free” subject from which “the (material) attitude of the subject concerned naturally follows,” and so despite Althusser’s insistence on the materiality of ideology, here material practice does not help constitute the subject—it follows from the already-constituted subject. Louis Althusser, Lenin and Philosophy, trans. Ben Brewster (New York: Monthly Review Press, 1971), 167.

79 For example in “Society Must Be Defended,” an original phrase regarding power, “ces différents dispositifs de pouvoir qui s’exercent, à des niveaux différents de la société,” is translated as “the various power-apparatuses that operate at various levels of society.” Michel Foucault, ‘Il faut défendre la société’: cours au Collège de France, 1975-1976, ed. Mauro Bertani and Alessandro Fontana
spatiality of power is integral to its production. As David Theo Goldberg points out, racist discourse furnishes “material power” for exclusion, and “[t]o succeed so long in doing this, racist discourse has to be grounded in the relations of bodies to each other, and in ways of seeing (other) bodies.” The geographical determinants of whiteness that I have already alluded to, such as the distribution and movement of racialized bodies at both the national and urban scales, are indispensable to an understanding of the regulation of cinema, for race was a primary lens through which urban reformers understood and acted within their world. And if racial relations varied across the country, so too must have regulatory projects such as this. This does not mean that this regulatory project would not have arisen in the locales that I study had the factors I identify not occurred. Cinema was a powerful new technology that begged a response, so its regulation would have emerged differently in different places by enrolling different social conflicts and producing different specific outcomes for different people. I am interested in how these specific, concrete effects happened.

This raises the question of generalization in explanation. Race and regulation are certainly general categories, but this study is not a conventional history of race or regulation. Progressive era historiography has tended toward debating the trajectory of the time through seeking the resolutions of the era’s conflicts. This is explanation by subtraction that does not seriously address the productivity of the apparent conflicts—or


Goldberg argues racist discourse (he does not use the term dispositif, although that is ultimately what he is describing) is a form of disciplinary power and cites Foucault’s definition from Discipline and Punish, “the investment of the body, its valorization, and the distributive management of its forces.” David Theo Goldberg, “The Social Formation of Racist Discourse” in Anatomy of Racism, ed. David Theo Goldberg (Minneapolis: University of Minnesota Press, 1991), 305.
absences—themselves. Rather than history, this study fits more comfortably into the category of film studies, an area that seems to be coming to enjoy the status of an indiscipline (as geography already does) that has expanded its scope of inquiry from film content and style to cinematic reception and, more recently, to regulation. Annette Kuhn’s 1988 study of the regulation of cinema and sexuality deserves special mention here, because here she emphasizes the productivity of reception and regulatory practices in regard to sexuality. My approach has much in common with Kuhn’s, but while class, gender and even sexuality have been central analytical categories for some time, race has recently emerged at the forefront of a great deal of film scholarship. Siobhan Somerville has recently shown how racial divisions were central to the production of sexualities in early film and other forms of cultural discourse in the U.S. Lee Grieveson and Jacqueline Najuma Stewart in particular have investigated the racialization of legal film regulation and the relationship between film and the Great Migration, and Whitewatching expands the direction all these scholars have taken by decentering the state as a regulatory agency of cinema, race and sexuality, and by showing how the movement and territorialization of racialized groups had important epistemological consequences for this reformist project. I borrow a great deal from film theory and elsewhere, but it is the spatial relations of race and regulation that make this work a cultural geography of governance.

82 For a useful overview of debates over discourse and narrative in historiography, particularly Hayden White’s appropriation of Foucault’s concept of the episteme, see chapter 1 in Alun Munslow, Discourse and Culture: The Creation of America, 1870-1920 (London: Routledge, 1992), 224.
— CHAPTER 2 —

Sensational Cinema: Cinema as Social Opportunity

The spatial segregation of movies made the “cheap theatre problem” possible, but the movies’ effects on its spectators made it urgent. Enemies of cinema told stories of boys starting their criminal careers in nickelodeons by pickpocketing according to instructions on the screen. They imagined girls heading straight to the brothel after the show as they conflated the screen’s and procurer’s promises of glamour and excitement in the big city. While Canon Chase and the Chicago Tribune focused on what they saw as film’s immediate effects to call for its abolition, Progressive reformers focused on the same in order to begin to articulate cinema as a social opportunity. Critics frequently complained that films were “sensational,” and they meant this quite literally. Cinema was not just sensational in the spectacular sense; it was sensational because its visuality provoked the other senses as well as actions. Vision was a direct conduit for action, and it was this capacity that Progressive reformers sought to harness for the uplift and education of their charges.

For this project they put into action the findings of perceptual psychology, which suggested that human perception was not an unchanging capacity, but instead an ever-shifting adaptive response to the environment. John Collier (fig. 4), cofounder and secretary of the National Board, had attended talks by Sigmund Freud’s rival psychologist Pierre Janet in Paris, and the vitalist philosopher Henri Bergson was
becoming a darling of the lecture circuit in the United States. Likewise William James, Charles Peirce and John Dewey were among the foremost American Pragmatist thinkers of the time and profoundly influenced the thinking of Progressive reformers. These psychologists and philosophers from both sides of the Atlantic produced an account of a free, self-governing subject that superficially resembled the unitary, sovereign subject of classical liberalism. But they did not assume this subject; they explained it. For them, human beings' capacity for agency and choice was a material product of biological evolution, while the actualization of this capacity in a given individual was a social

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process vulnerable to all kinds of impediments, whether biological illness, social deprivation or cultural backwardness.

These thinkers were enormously influential in the general intellectual climate of the time, but they were theorizing what many already knew in practice—that technologies of the previous century had radically changed the way humans perceived and experienced the world. And if perception and experience were historically contingent upon environmental factors, so too must be behavior. Reformers reasoned that if they could change the cinematic environment, they could change the behavior of cinema’s spectators. But in order to do so they needed an understanding of spectatorship itself, for the cinematic spaces and images reformers could directly control were one step removed from the activity of viewing and perceiving films that was the ultimate human object of regulation. The theory of spectatorship I will explore in this chapter is not my own, and it is not based on my empirical observation of spectators, historical or otherwise. Instead it is a theory that was implicitly held by Progressive reformers. It might be more appropriate from a current perspective to call this a Progressive discourse of spectatorship, given that it emerged from numerous scattered sources, whether the popular press, trade publications, reform journals or contemporary philosophy which I will outline below, rather than as one, singular, coherent narrative. But Progressive reformers regarded their regulatory activities as experiments and their discourses as testable hypotheses, and therefore theories. This provisionality sets the Progressive theory of spectatorship apart from much of the theorizing that came after, some of which I will look to as both retrospectives on early film and as counterpoints to earlier film theory.

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2.1 "A Thrilling Drama"

The 1907 furor over moving pictures in Chicago that sparked the whole censorship movement can in large part be ascribed to one film, according to Lee Grieveson. The Unwritten Law: A Thrilling Drama Based on the Thaw-White Case (USA 1907, Lubin) dramatized the murder of the infamous playboy-architect Stanford White by millionaire Harry Thaw, a murder that led to the first so-called trial of the century. Thaw had married Evelyn Nesbit, famed ex-Gibson girl (fig. 5) who had formerly been in a relationship with White. Out of jealousy he shot White on the rooftop garden at Madison Square Gardens—designed by White himself—three times in the face. The press ran stories with lurid innuendo about White’s sex life, all the while professing its own delicacy. In an article titled “A Dramatic and Terrible Murder,” The New York Evening Journal offered this apology for its coverage of the story. “It is not pleasant to speak harshly of a man scarcely cold in his grave. But beyond the sentimental respect felt for the dead, and beyond the horror of dealing with the shameful details of lives unmentionable, there is a duty to the public in the face of great danger that cannot be ignored....Almost every human being in this country has discussed this terrible killing of one man by another. And a

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newspaper which speaks to millions, and for millions, cannot avoid a share in the discussion.” 88 The subheading ran, “It Reveals a Hideous Picture, but the Picture Cannot be Hidden,” using Oscar Wilde’s The Picture of Dorian Grey to underscore the illicit sexuality of the parties involved, but more importantly, linking this sexuality to anxieties surrounding the power of vision. The Evening Journal metaphorically aggrandized its power to convey a story and to titillate by comparing its written story to a visual image. The lack of an image, at least in this story, adds to the allure of reading such a sensational account by reinforcing the threat the “hideous picture” posed to the viewer’s moral sense should it in fact be revealed in the form of an image.89 Coverage of the Thaw-White trial did in fact help to bring on the emergence of tabloid journalism, and the newly intense visuality of the popular press, whether through its prose or its images, and public criticism of such sensationalism, was available to both the producers and the would-be censors of the moving picture.90

Actuality footage was in fact a staple of early cinema, but it took the portrayal of scandal for the genteel classes to take notice. According to Lee Grieveson, “The Unwritten Law became a dense transfer point between the Thaw-White scandal and the production of a ‘moral panic’ about cinema that had far-reaching implications for the shaping of cinema at this moment when what cinema would become was malleable and up for grabs.” 91 He points to three major issues surrounding the profound changes affecting urban society which the scandal and its cinematic version helped articulate with cinema in general: “concerns about pleasure superseding traditions of self-restraint, hard work, and respectability; concerns about sexual immorality and perversity; and

89 I do not mean to discount the disingenuousness of William Randolph Hearst in this editorial line!
anxieties about the vulnerability of women in the public sphere of commercialized leisure." Thus he sees the scandal and film as part of "a broader 'regulatory space,'" a term that "refers to the wider structures and more general aims of particular interventionist systems, in particular to the panoply of regulatory issues subject to public decisions, debates, and often governmental intervention." The industry was well aware of the moving picture's place in this regulatory space. In the pages of the *Moving Picture World*, for example, the editor responded to calls for state suppression by claiming *The Unwritten Law* was the exception. One of the first cities to suppress the film was Minneapolis, where the license inspector was called to a theater on lower Hennepin Avenue in downtown, in which "[i]t was alleged that the majority of the patrons of the house were boys and girls and the pictures were 'mind poisoning.'" Houston police stopped the exhibition of the film, even though "[t]he manager offered to cut out the mirrored bedroom scene." These individual police actions around the country against a single film didn't trouble the trade paper's editor, however. What was alarming to many in the trade was the reaction in Chicago, where the *Chicago Tribune* declared war against the entire industry:

> [T]he average five cent theater does not have a single thing to commend it. Its influence is wholly vicious. It belongs with the lowest kind of dance hall, where the enjoyment of a popular form of recreation is made subservient to the pandering to the basest passions of wicked men and women. The complaints against it are constant. Those who are working to reclaim wayward children are united in their demand that the five cent show must go. Their cry should be reinforced by the protests of all good citizens. When an institution is everywhere recognized as evil in its influence it should not be tolerated for a day in a community where truth and honor and good citizenship are urged as worthy of the aspirations of childhood. There is no voice raised to defend the great majority of the five cent theaters because they cannot be defended.96

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92 Ibid.
93 Ibid., 45, fn. 14.
94 Untitled article, *MPW* 1, no. 4 (30 March 1907): 57.
95 "Houston Authorities Object to Picture of Thaw-White Tragedy," *MPW* 1, no. 7 (20 April 1907): 102.
96 "The Five Cent Theaters," *Chicago Tribune*, 10 April 1907; reprinted in *MPW* 1, no. 7 (20 April 1907): 101.
The paper reproduced the editorial along with a response by George Kleine, a major film importer based in Chicago, who called on readers “to eliminate those film subjects that justify criticism on account of their moral tone.” The paper itself chided the producers, saying, “[I]f manufacturers of films will only take a word in season and strive to uplift rather than pander to the lower ideas of mankind, all persecution will cease.” The Chicago City Club commissioned a report on the nickelodeon and declared, “Here was a little too much realism of the wrong sort.” While the Tribune pressed for the complete abolition of nickelodeons and penny arcades, Jane Addams recognized their importance to immigrants and the working class and their potential in settlement work and proposed to the City Club that they be regulated rather than suppressed. The World’s editor breathed a sigh of relief: “We are glad...to see that in Chicago, at least, less stringent methods are to be adopted.”

The actual method adopted was a censorship composed of ten detectives and one lieutenant from the Chicago police charged with destroying “any pictures found of a morbid or criminal nature” and prosecuting the theater owners. This brought about a temporary “improvement” in the pictures in Chicago, and Jane Addams herself opened a model theater at Hull House. Her credibility even prompted the Chicago Tribune to back down somewhat on its editorial line. “Perhaps it is going a little too far to class all five-cent theaters as the ‘devil’s apothecary shops...’ Any enterprise personally or by authority conducted by the devil, which threatens the welfare of children, can be suppressed without much difficulty.” Even so, the Chicago police, reformers and clergy continued their vigilance of nickelodeons. The controversy sparked by the Thaw-White picture was only just beginning, and a year later, the World’s editor chastised its readers. “Although the Thaw-White pictures were suppressed in many places last year, they are again being flaunted by managers who see in them the

97 Untitled article, MPW 1, no. 17 (29 June 1907): 263.
98 “Public Opinion as a Moral Censor,” MPW 1, no. 10 (11 May 1907): 147.
99 Untitled article, MPW 1, no. 10 (11 May 1907): 152.
100 Untitled article, MPW 1, no. 16 (22 June 1907): 248.
sensational feature that is calculated to draw a crowd." He went on to recommend that "[t]he exhibitors' associations in all cities, the renters and the manufacturers should unite in exercising a wholesome restraint upon a certain element among the exhibitors and managers who let their baser instincts run riot and use their theater privilege as a means of pandering to the lowest strata of the community."

Such trade papers were important vehicles for moralizing film within the industry. Grieveson notes of their efforts, "The Unwritten Law was produced as 'other' to a respectable and moral cinema. This position would lead to support for self-regulatory censorship bodies that could police the morality of individual films and also to the emergence of a narrative configuration...closely imbricated with moral discourse." Finally, he links concerns over cinema and its audiences to "regulating and governing populations." "Contestations over film texts are one of the principal forums for discussions of moral norms, of how people are to live—a particularly pressing question in the United States in the early years of the twentieth century." Grieveson firmly establishes The Unwritten Law in the discursive web that produced cinema as a problem, which I outlined in the previous chapter, and a strategy of governmentality which led to the establishment of the National Board, which will be the subject of the next chapter. Yet cinema's agency, how its power operates, is only gestured toward. I wish to take the openings in Grieveson's Chicago-based account and expand on the ways cinema was produced as a social agent by reformers through their understanding of the reception of motion pictures by audience members.

What is striking about the three issues Grieveson identifies—pleasure vs. character, "immoral" sex and vulnerable women—is that they rely on a sensational logic of the body and its discipline. Anxieties surrounding sensual gratification, an expanded

101 "Wicked Five-Cent Theatres," MPW 1, no. 38 (23 November 1907): 615.
102 "The Importance of Running a Clean Show," MPW 3, no. 6 (8 August 1908): 100.
103 Ibid.
104 Lee Grieveson, "The Thaw-White Scandal," 42.
realm of sexuality and the public comportment of women were anxieties about “how people are to live” at the individual bodily level. To this series I would add the arrival of racialized migrants. The body and its senses were becoming pleasurable in new ways, both through the public assertiveness of women and through the leisure practices brought to industrial cities by people such as eastern and southern Europeans and African Americans, and one of these new pleasures was cinema. Progressive reformers took technological development for granted, and so their task was not to put the genie back in the bottle as more conservative reformers would have done, but to guide its effects in what they saw as an appropriate direction.

Cinema operated primarily, but not exclusively, through the eyes of the spectators, and the sensational power of its visuality was frequently touted as the source of cinema’s agency, for better or for worse. The suspicion of cinematic sensationalism first provoked by The Unwritten Law was often articulated in the language of medicalized sexuality. Sherman Kingsley noted in his summary of the 1907 Chicago City Club report, “Aroused by hold-up scenes, shoplifting episodes...children get into trouble.” The Survey described a lecture by another educator, stating, “He recognized the good in this form of amusement but deplored the extent to which it excites taste for scenes of passion and violence and gratifies ‘nervous inquietude and superficiality.’” The erotics of reformers’ worries over the bodily effects of visuality were complex and contradictory, but also informed by an intellectual climate in which the physiology and psychology of perception were under close scientific investigation. It was by then quite clear that vision was not an unmediated sense, and the new experience of cinema was convincing evidence that sense-perception in general was at least in part historically

105 Ibid., 41.
determined. However these studies did not specifically look at cinema, leaving reformers to attempt to theorize its agency at a more technocratic level. Yet while reformers were skeptical of vision, it was not so much for lack of representational veracity, but for the immoral sensations, passions and actions which cinematic vision could elicit.

Because Progressive reformers advocated a move away from “political” governance in the U.S. toward “scientific,” technocratic management by experts, it is worthwhile to look at some of their epistemological practices. It has been a commonplace in scholarship to equate ocularcentrism with distance, abstraction, objectivity and mastery, and feminist, Marxist and poststructuralist scholars in particular have devalued those terms as striving for a Cartesian subject that was masculinist and bourgeois. More recently this view has been challenged within critical thought through explorations of the empirical fact that vision is both embodied and imbricated in the other senses, and thus it is situated and inherently provisional rather than a “god-trick of seeing everything from nowhere,” as Donna Haraway famously puts it. While certain strands of modern thought and visual practice certainly did aspire to panopticism, others attempted to grapple with the situatedness and partiality of the observer—for what is Cartesian doubt but the knowledge that

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109 Hermann von Helmholtz, who pioneered empiricist accounts of perception, wrote in 1868, “[N]one of our sensations give us anything more than signs for external objects and movements and...we can learn how to interpret these signs only through experience and practice.” It took only the one further step of interrogating “experience” to allow for a social account of perception. Hermann von Helmholtz, Selected Writings of Hermann Von Helmholtz, ed. Russell Kahl (Middletown: Wesleyan University Press, 1971), 196.


omniscience is impossible because the senses cannot be trusted? I want to examine some of the Progressive Era thinking on visuality and the ways in which it was taken up in reformist discourse, because even if vision was sometimes assumed to be dominant, it was by no means sovereign. We are accustomed to thinking of the image as being mediated by visual perception, but Progressive reformers proposed a more reciprocal interaction. While seeing was definitely believing, belief was still just that—something of an act of faith based on our participation in the world rather than an unmediated process of observing external reality, and the regulation of cinema would require a more self-reflexive stance than might accompany a positivist approach.

2.1.1 THE HAPTICS OF CINEMA; OR, THE ANNIHILATION OF SPACE BY TIME

It was generally agreed and often feared that visual images could stimulate other senses, emotions and, ultimately, actions, and Progressive-era commentators offered numerous observational accounts of this effect. One reason for this fascination was that cinema was the most recent in a series of nineteenth-century technologies and representational practices that dramatically shifted human perception by reducing both spatial and temporal distance. Trains, telegraphs and telephones all served as prosthetics that effectively shrank the world; likewise panoramas, dioramas and photography enabled a “virtual gaze” to similar effect. Architecture itself was put to the service of human mobility, with such spaces as arcades, department stores,

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114 Anne Friedburg, Window Shopping: Cinema and the Postmodern (Berkeley: University of California Press, 1993); see also David B. Clarke and Marcus A. Doel, “Engineering Space and Time: Moving Pictures and Motionless Trips,” Journal of Historical Geography 31 (2005), 41-60.
exhibition halls and railway stations
“changing the relation between spatial
perception and bodily motion.” The
railroad in particular was a crucial
technology for pre-positioning cinematic
spectators at the perceptual level because
its unprecedented speed radically changed
the experience of mobility through
blurring the foreground and seemingly
disengaging the observer from the
environment. Lynne Kirby has extended
this argument first made by Wolfgang
Schivelbusch to shown how early film
producers frequently depicted cinema’s kinesthetic debt to the distinctly modern
experience of riding trains. Yet while railroads were ubiquitous in films, the most
common explicit comparison drawn in contemporary debates was with the printing
press, for while the train annihilated space by time through bringing the spectator to the
scene much faster than before, its reproduction by the press brought the scene to the
spectator. Mechanical reproduction exponentially multiplied the presence of images in
everyday life, and their sheer ubiquity meant that a given image had to do more to be
noticed (fig. 6). Changes in newsprint technology such as the ability to cheaply
reproduce photos prompted changes in the visual style of newspapers and magazines,
and the sensational press and advertisers were quick to use the power of images to
provoke the senses, emotions and actions. Moving Picture World reprinted an

Illuminated sign advertising “Automatic
One Cent Vaudeville.

Image removed due to copyright
restrictions.

Figure 6. Nickelodeons borrowed from the
visual style of the sensational press.
Crystal Hall, 14th Street, New York City,
1909 by H. Lyman Broening. From Victor
Milner, “Fade Out and Slowly Fade In,”
American Cinematographer, September
1923, 4.

116 Schivelbusch, Railway Journey.
117 “Cinema” and “kinesthetic” come from the same Greek root for movement. See Lynne Kirby,
118 Umphlett, Visual Focus of American Media Culture, 74-75.
"adman’s" description of the impulsive yet ephemeral character of images and the modern mind. “The human mind, as Mr. W.I. Scandlin, the eminent American authority on ‘publicity’ says, is so constructed that impressions created in it are quickly effaced and are replaced for the time being by others of more recent or engrossing interest.”

The invention of the moving picture accelerated this process to 18 frames per second and more.

Thus cinema was a round in the never-ending cycle of time-space compression that characterizes capitalist modernity. In the Grundrisse Karl Marx characterized the geographical consequences of the circulation of capital. “The more developed the capital...the more extensive the market over which it circulates, which forms the spatial orbit of its circulation, the more does it strive simultaneously for an even greater extension of the market and for greater annihilation of space by time.”

David Harvey reformulated Marx’s insight as “time-space compression” in order to foreground the consequences of this reduced friction of distance for representation and subjectivity. Rather than an “annihilation” of space, this process was a “spatial and temporal restructuring,” because “the collapse of spatial barriers does not mean that the significance of space is decreasing.”

Cinema was particularly suited as a representational practice to enact through montage the time-space compression which instantaneously bridged distant places and establish relationships between them. As one reformer put it, “The motion picture has as its field the sum-total of human experience. The camera enlarges the field of the stage a hundred-fold.”

But the moving picture also just as speedily dissolved the relationships it produced, and Harvey worries about the subjective effects of such spatial restructuring,

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119 Reprint of undocumented article from The Photographic Dealer in “The Right Kind of Advertising,” MPW 1, no. 10 (11 May 1907): 149.
citing Alvin Toffler’s notion of the “throwaway society” coined in the 1960s. “It meant more than just throwing away produced goods (creating a monumental waste-disposal problem), but also being able to throw away values, life-styles, stable relationships, and attachments to things, buildings, places, people, and received ways of doing and being.” Given the inherently expansionary logic of capitalism, this increase in speed is accompanied by an increase in geographic coverage and lowered cost, and thus a greater accessibility of the throwaway society to a wider spectrum of people. Harvey and other geographers have explored the two outcomes of this process—the homogenization of local places into uniform global space on the one hand and the intensely local appropriation of and reaction to information and commodities on the other. The latter has been seized upon by some as capitalism’s Achilles’ heel in that it serves as an opportunity for radical democratic and even revolutionary political action. But while much of this scholarship focuses on post-World War II consumer society in the pursuit of our current putative postmodernity, the war—and the preceding depression—were an interregnum in processes well underway. Progressive reformers were also fixated on the democratic potential for capitalism, but for them, capitalism with its drive for time-space compression through technological change was not the great leveler despite itself, but for itself.

Civilization, all through the history of mankind, has been chiefly the property of the upper classes, but during the past century civilization has been permeating steadily downward. The leaders of this democratic movement have been general education, universal suffrage [sic], cheap periodicals and cheap travel. To-day the moving picture machine cannot be overlooked as an effective protagonist of democracy. For through it the drama, always a big fact in the lives of the people at the top, is now becoming a big fact in the lives of the people at the bottom. Two million of them a day have so found a new interest in life.

123 Harvey, *Condition of Postmodernity*, 286.
124 Ibid., 271.
126 Joseph Mendill Paterson, undocumentedit reprint from the *Saturday Evening Post*, MPW 2, no. 2 (11 January 1908): 22.
Instead of bringing the alienation, objectification and false consciousness that commentators only a generation later would see, motion pictures brought real life to the weary masses, according to Progressive reformers. In short, “Motion pictures did for the drama exactly what the printing-press did for the literature of the world—it carried the very best to the great public, at the lowest possible price.”

2.1.2 THE BODILY PLEASURES OF TIME-SPACE COMPRESSION

While cinema enlarged the stage by bringing the world directly to millions of spectators, rich and poor alike, it also annihilated space and time within the individual body by speeding up the perceptual process and reduced the individual’s capacity for critical attention. It did this through eliminating time for contemplation and producing a “state of distraction,” as Siegfried Kracauer put it. White, middle-class reformers were accustomed to art that was both narrative and symbolically based, including music, which required extended linear contemplation. While narrative film was developing already as cinema came to be problematized by 1907 (and it was the narrative content of The Unwritten Law that initially sparked outrage), intertitles presented a minimum of verbal information, and it was the pure visuality of cinema that was truly novel and quickly became the focus of concern. To these ostensibly logocentric reformers, the movie camera did little to mediate the kinesthetic experience of the activities projected on the screen, and they understood this mimetic capability to be the source of pleasure for the audience. One newspaper noted, “The invention of the biograph and similar machines has made it possible to depict life and motion in a very realistic and fascinating manner.” It went on, “Persons in search of amusement, whether old or young...want life, action, fun, and plenty of it. A baseball match, a

127 [Orrin Cocks?], Draft speech, [1911?], New York Public Library Manuscripts and Archives Section, Records of the National Board of Review of Motion Pictures, box 170, folder 1, p. 3. (hereafter cited as NBRMP).
football game, a yacht race, a country fair, a circus—anything that corresponds to what they enjoy in actuality—will be enjoyed with zest in a picture show and will not be likely to injure manners or morals appreciably..." Another writer suggested, "[F]or some time the public went to see the pictures chiefly to see the figures in them move with lifelike action, and not on account of any photographic art or realism in action, so far as the picture as a whole was concerned" [my emphasis]. This last remark is particularly telling, for "realism" did not refer to mere representational accuracy, but an entire artistic movement that narrated the social conditions of ordinary people.

This writer was responding to another's call for more "art" in motion pictures. "The moving picture possesses the same elements of permanence as the stage does, with the added advantage of brevity. In ten minutes a well-constructed, well-acted picture drama excites all the emotions which can be imparted by a comedy, melodrama or tragedy of two hours' duration, but to fulfill its mission the picture drama must possess excellence and the acting must be good." Yet even as narrative film was emerging and films such as The Unwritten Law dramatized news stories or adapted fictional stories, the power of their narratives derived in no small part from their kinesthetic productions of the story lines. Thus the emergence of narrative did not end discussion of visuality and affect as commentators remarked upon the rapt attention of audience members, as in this 1908 description of a showing of A Hold-up in Calabria. "Not more than three or four yards of the film had been clicked off, however, before the audience began to sit up and take notice. Then it began to applaud. The third and last stage of its interest was emphasized by its sitting on the edges of its seats with hundreds of pairs of eyes riveted on the picture."
on the canvas where the pictures played, and uproarious applause at the end of each picture chapter."\textsuperscript{134}

Such absorption could become an addiction, with spectators contracting "moving picturitis"\textsuperscript{135} which could infect an entire city with "a bad attack of nickelodeonitis."\textsuperscript{136} But of course the more serious and pressing charge was that this rapture could lead to the reenactment of immoral actions shown in the film. "The motion picture, particularly, would be a stronger influence...than reading the story. The scene is enacted with lifelike vividness before the eyes of the audience. It ought to be comparatively easy for anyone to go out and do likewise. It is impossible to be too careful about these influences. They are subtle and persuasive and their effect is far more powerful than anything that can possibly be written."\textsuperscript{137} Silent motion pictures provoked impulses largely without the leavening of language. Their behavioral effect was temporally immediate, and it was assumed that the submerged masses lacked the appropriate habits and the moral and intellectual training to control them.

2.2 Progressive Spectatorship

So far I have documented early 20\textsuperscript{th}-century assertions that cinema was visually immediate, that it triggered sensations of touch and proprioception—the sense of bodily location and movement in space—and that this haptic vision prompted emotions and actions without the deliberation over and transformation of perceptions purported to be enabled only by language and narrative. Cinema not only compressed time and space through bringing the world to the spectator and reducing geographical constraints on the effects of events in one place on people in another, but it also did so by reducing the

\textsuperscript{134} From unnamed Louisville daily newspaper, "Films that Please," \textit{MPW} 2, no. 11 (14 March 1908): 209.
\textsuperscript{136} From undated \textit{Indianapolis News}, "The Vogue of the Motion Picture," \textit{MPW} 3, no. 5 (1 August 1908): 83.
\textsuperscript{137} Burton H. Alber, "Character of Your Pictures," \textit{MPW} 3, no. 7 (15 August 1908): 120.
psychological constraints on the effects of external events on the actions of individuals. But how did reformers explain this process at the psychic level? The glib answer would be that they didn’t, and at a systematic level that is true for the early years of the censorship movement. This phenomenon seemed self-evident to friends and foes of cinema alike, and it would not be until reformers started seriously pushing for educational films in the early 1910s that they considered this question in more depth, and I will explore this in chapter 4. Instead, what was important to them at this point were the social effects of this powerful mobilization of the senses and their philosophical ramifications.

One such effect was the emergence of yet another vector for general speculation on “the primitive.” Cinema was paradoxical in that this most modern medium of “civilization” could short-circuit the spectator’s moral inhibitions and cognitive brakes through its sensory appeal, unleashing unbridled primitive passion. This was a common reaction to a great deal of artistic experimentation in the first decade of the twentieth century, and this binary opposition between primitive and civilized was such a pervasive assumption it was rarely explicitly mentioned. This colonial product of capitalist modernity was of course inextricably linked with race, and these superimposed hierarchies of civilized/white and primitive/black informed many theories and philosophies of social change and the positioning of film spectators within that process.

Yet theories of film spectatorship until recently tended to elide these inherently social distinctions and capacities. Apparatus theory, which positions the spectator both technologically and ideologically, often in a psychoanalytic register, has posited a viewing subject that Miriam Hansen describes as “the transcendental vanishing point of specific spatial, perceptual [and] social arrangements,”[138] theory which Giuliana Bruno notes is “[u]nable to account for a collective, nomadic, and historical dimension of

reception.” Apparatus theory, in responding to the “deceptive” representational structure and causal narrative of so much Hollywood cinema, tends to assert a spectator that passively submits to the ideological position assigned by the camera. This position, or at least its appearance, is that of a coherent subject engaged in visual mastery as the camera’s mobility compensates for the spectator’s immobility. The spectator’s identification with the camera’s point of view ultimately conflates the process of perception and the content of representation.

This masculinist identification incited by the camera has been the object of feminist critique for three decades as scholars have explored this dissonance between the ideological positioning of the spectator on the screen and the social position of women in the audience. Superficially Progressive reformers shared the basic assumption of perceptual passivity, for they wished to use film to reform the character of the unwashed, white-but-not-quite masses. But this assumption entailed a logical contradiction with the equally assumed potential of each and every human being to govern him- or herself. Far from conflating a disavowed perceptual process and an ideological representation, reformers saw perception and representation as a continuum produced through a plethora of different social practices. Rather than serving as a straitjacket, cinema, particularly in its infancy, “exploded this prison-world with the dynamite of the split second,” to appropriate Benjamin’s famous description. Their project was to use the processes of perception and representation to produce agency, albeit of a particular sort. This classic conundrum of how to determine free will was arguably the central question of environmental determinism of the time, a question

whose urgency was intensified by the technologies of time-space compression through which the world impinged upon the individual ever more fully and insistently.

2.2.1 MAKING HISTORY IN CIRCUMSTANCES NOT OF ONE'S CHOOSING

Theorizing Progressive spectatorship is in some ways an exercise in retrospective speculation, because as I showed above, this particular agency of cinema was more often asserted than explained. The “recovery” of modes of spectatorship is a fraught exercise because of the patchiness of archival sources and the impossibility of fully representing such experience in the first place, but the general suspicion of sensationalism and “base passion” that I have outlined is an important indicator of how reformers understood cinema’s effect on its audience. To provide a sense of modes of spectatorship and its agency addressed by the regulation of cinema, I will need to triangulate the empirical accounts of spectatorial agency and its social effects provided by reformers and other commentators with more philosophical accounts of subjectivity. But rather than start with philosophical contemporaries of the reformers, I will start in the following generation with Walter Benjamin, who assessed cinema’s potential in the aftermath of war and the experience of fascism. Unlike some of his more pessimistic Frankfurt School interlocutors such as Theodor Adorno and Max Horkheimer, who thought cinema and other forms of popular culture simply reflected alienated bourgeois society, Benjamin held out a certain utopian hope for cinema’s ability to facilitate collective political action that in some ways resonates with the hopes held by Progressive era reformers.

Not only is Benjamin’s work valuable as an assessment of the beginnings of cinema from the perspective of living memory; his thinking on modernity has also inspired an enormous body of recent work on urban experience. I focus here on a strand of recent scholarship that explores the relationship between urban ways of life and cinematic spectatorship, specifically that of Giuliana Bruno, Anne Friedberg, Tom Gunning and Miriam Hansen. These works in many ways have inspired my project, although their projects involve the reconstruction of modern spectatorship per se rather
than an understanding of contemporary takes on it. Yet it is helpful to discuss how their understandings of haptic visuality are quite different from Progressive reformers' in order to draw out the very different politics at stake. Simply put, Progressive reformers did not see capitalist relations of production to be inherently alienating, and so their anxieties over the commodification of social relations had a different basis.

Their point of reference for their fears over the unmooring of the urban working class from "tradition" and "community" was not the cotton mills of Manchester but the cotton plantations of the South. Their concern was not to abolish the institution of private property underpinning commodified relationships, but to inculcate the sense of self-possession that would allow individuals to effectively interact with their environment and "improve" both themselves and the larger world. This self-possession required a perceptual economy that both used and directed the power of the senses to become a successful subject. This was implicitly an achievement of whiteness, for the imaginative geography of the reformers incorporated a form of slavery as the free subject's "other" that was indelibly marked with blackness. What is essential to understand is that Progressive reformers, though liberal in their political commitments, did not take the individual to be given a priori as in classical liberal thought. Instead the free individual was a production, and so their understanding of freedom's determination had a very different epistemological basis from either Marxian or liberal accounts of subjectivity and spectatorship, and instead anticipates a number of features in poststructuralist accounts. My project here is to show what mode of spectatorship was the object of regulation, and so I will only be able to make some preliminary observations about its more general utility as a theory of spectatorship and urban subjectivity.

In his 1936 essay "The Work of Art in the Age of Its Technological Reproducibility," Benjamin famously argues, "Just as the entire mode of existence of human collectives changes over long historical periods, so too does their mode of perception. The way in which human perception is organized—the medium in which it occurs—is conditioned
not only by nature but by history.” He credits art historians Aloïs Riegl and Franz Wickhoff with being “the first to think of using...art to draw conclusions about the organization of perception at the time the art was produced.” However, their limitation was that “[t]hey did not attempt to show the social upheavals manifested in these changes of perception—and perhaps could not have hoped to do so at that time.” “But,” Benjamin claims, “today, the conditions for an analogous insight are more favorable.”

What interested him in particular about Riegl’s work was his claim that art has developed over time from a haptic mode of perception in which the object is close at hand, to an optical perception which relies on a distant observer. This is not simply an arbitrary change in artistic style, but a change in human perception. Riegl’s fundamental assumption was that “[d]efinite knowledge about the enclosed individual unity of single objects we obtain only with our sense of touch.” But because we touch only individual points, only through repetition of touching can we grasp an object’s two-dimensional extensity. Thus our “definite knowledge” of the object is no immediate perception but a combination of multiple perceptions, a combination achieved “necessarily” through the “process of subjective thinking.” Riegl argues that sight works the same way, only much faster, and is therefore more “useful” for perceiving extensity than touch. Art was thus beset with a contradiction from its very beginning: “one was not able to avoid a subjective blend in spite of the intended basically objective perception of objects. This latent controversy was the seed for all later development.” In short, human perception is inherently subjective.

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143 Ibid., 104.
144 Rolf Winkes translated “haptisch” as “tactile” instead of “haptic” in Late Roman Art Industry (cited below); but Margaret Iverson points out Riegl chose haptic quite deliberately in order to avoid the physiological connotations of tactile. Margaret Iversen, Aloïs Riegl: Art History and Theory (Cambridge: MIT Press, 1993), 170.
146 Ibid., 22.
Of course we live in a three-dimensional world, but Riegl argues that “sense perception cannot recognize depth;” it can recognize only planar extensity. Thus the two-dimensional representation of depth—space—could be misleading. “But,” Riegl asked, “how can material individuality be recognized within the plane, if it does not emerge from the plane at least a little?” Recall, touch is the guarantor of material individuality and objectivity, and while it senses planes, the object’s individuation necessarily implies depth and space. “Thus from the very beginning a particular perception of the dimension of depth was required and on this contradiction rests...the basis for the perception of relief in ancient art...” Riegl assimilated the dialectic of perception (material object and subjective idea) to the dialectic of representation (two-dimensional senses and three-dimensional perceptions) by proposing his haptic/optic distinction. Art, and with it perception, develop, broadly speaking, from a haptic

147 Ibid., 23.
148 Ibid., 24.
149 Ibid. Richard Woodfield, following Joel Snyder, suggests that Benjamin’s reading of Riegl may have been a bit off in that Wöllflin was the more likely source of the idea of perceptual change. According to Woodfield, “He [Wöllflin] took the view that the artist’s activity was essentially mimetic and that a work of figurative art consisted of an organized response to the visible world.” Richard Woodfield, “Reading Riegl’s Kunst-Industrie,” in Framing Formalism: Riegl’s Work, ed. Richard Woodfield (New York: Routledge, 2001), 67; see also Joel Snyder, “Benjamin on Reproducibility and Aura: A Reading of ‘The Work of Art in the Age of Its Technical Reproducibility,’” in Benjamin: Philosophy, Aesthetics, History, ed. Gary Smith, (Chicago: The University of Chicago Press, 1983). Benjamin Binstock interestingly maps the performative onto this “how of representation.” Despite the fact that Riegl’s theory exclusively concerns visuality and is resolutely non-linguistic, Binstock cites Austin’s How to Do Things with Words, underscoring perception as an iterative process. Binstock notes that Riegl’s argument is elaborated “in terms of an indexical relation between the paintings and the bodily beholder: the body, mind, and eye of the beholder in the most literal sense” and cites the “performative emphasis on sight and on the role of the beholder” in Rembrandt’s paintings. Benjamin Binstock, “I’ve Got You Under My Skin: Rembrandt, Riegl, and the Will of Art History,” in Woodfield, Framing Formalism, 220-221.
150 Richard Woodfield criticizes current art historians for following Riegl’s lead here in “commit[ting] the fundamental error of confusing a mode of depiction with a mode of perception, which was the identical mistake made by Riegl in 1901.” He terms this “a mimetic stance” that is an exemplary colonial gesture of appropriation. “[John] Willat takes the view that alternative cultures simply represent the world from, literally, different points of view; that is, they are produced out of alternative transformational geometries...To put the matter simply, a
vision of a “touchable” outline or contour that guarantees objectivity, to an optic vision that subjectively perceives depth and space in their own right.\(^{151}\) While this is superficially a Hegelian argument about the increasing subjectivity in art, subjectivity is present from the beginning, even in haptic vision. This means that rather than follow a straightforward teleological development across all of human history, a given culture in an identifiable historical period will instead manifest its own internal artistic and perceptual rationality or “intention”—its \textit{Kunstwollen}.

What, then, is the social effect of this dialectic of touch and sight, near and far, depth and extensity, guaranteed and inferred? Benjamin appropriated Riegl’s notion of \textit{Kunstwollen} with its determinate haptic/optic relation in order to explore the social organization of perception in modernity. In the “Work of Art” essay, he brought forward this tension between haptic proximity and optic distance in terms of the loss of the “aura” of art, that is to say its authority based on the presence of an original work with its tangible sense of production and history, and by extension, the authority of other “traditional” human institutions. He clarifies: “What, then, is the aura? A strange tissue of space and time: the unique apparition of a distance, however near it may be. To follow with the eye—while resting on a summer afternoon—a mountain range on the horizon or a branch that casts its shadow on the beholder is to breathe the aura of those mountains, of that branch.”\(^{152}\) The eye is a finger that reaches afar to trace the edge of the mountain, while the branch reciprocates by casting its shadow back on the observer. Yet such intersubjectivity is difficult to achieve in capitalist modernity.

\(^{151}\) Margaret Olin notes that Riegl eschewed parallax vision and motor sensations for touch in his account of “tactile” vision. She argues, “It afforded Riegl the opportunity to tie illusory perception, and its representation in art, to physical existence.” I’m not so convinced of this reading, as Olin uses “tactile” instead of “haptic” which has the effect in her discussion of eliding the visuality of the haptic. He may have seen touch as the guarantor of objectivity, but haptic vision always already included an element of subjectivity. Margaret Olin, \textit{Forms of Representation in Alois Riegl’s Theory of Art} (University Park: Pennsylvania State University Press, 1992), 134.

The social basis of the aura’s present decay...rests on two circumstances, both linked to the increasing emergence of the masses and the growing intensity of their movements. Namely: the desire of the present-day masses to “get close” to things, and their equally passionate concern over overcoming each thing’s uniqueness by assimilating it as a reproduction. Every day the urge grows stronger to get hold of an object at close range in an image, or, better, in a facsimile, a reproduction. And the reproduction, as offered by illustrated magazines and newsreels, differs unmistakably from the image. Uniqueness and permanence are as closely entwined in the latter as are transitoriness and repeatability in the former. The stripping of the veil from the object, the destruction of the aura, is the signature of a perception whose “sense for sameness in the world” has so increased that, by means of reproduction, it extracts sameness even from what is unique.\textsuperscript{153}

Benjamin’s radical separation of the reproduction from the image is of course an argument that “authentic” images have become commodified in capitalist modernity, that, to rephrase Marx’s aphorism on commodity fetishism, “[i]t is nothing but the definite social relation between men themselves which assumes in reproductions...the fantastic form of a relation between images.”\textsuperscript{154} Modern spectatorship for Benjamin is a capitalist social relation.

This atrophy of the aura is the result of changing modes of production across history, in which “the replacement of the older narration by information, of information by sensation, reflects the increasing atrophy of experience.”\textsuperscript{155} Benjamin’s valorization of “experience” comes in the essay, “On Some Motifs of Baudelaire,” in which Benjamin explores the experience of modernity in French literature, or more precisely, the “emancipation from experience” found in the work of Charles Baudelaire. He then reads Proust’s À la Recherche du temps perdu as an attempt “to restore the figure of the storyteller to the present generation,”\textsuperscript{156} “an attempt to produce experience synthetically...under today’s conditions, for there is less and less hope that it will come...

\textsuperscript{153} Ibid., 105.
\textsuperscript{156} Ibid.
into being naturally."157 Although some commentators point out Benjamin’s commitment to a non-teleological dialectic of history, his nostalgia for “authentic” experience is apparent in both “Baudelaire” and “The Storyteller.”158

But in “Work of Art,” Benjamin suggested there was an opportunity in the continuing dialectical development of the “synthetic experience” of cinema to overcome fascism, as image and reproduction find their synthesis. Benjamin resituates Riegl’s claims about the development of perception in terms of social function. “Artistic production begins with figures in the service of magic. What is important for these figures is that they are present, not that they are seen.”159 Yet, “with the emancipation of specific artistic practices from the service of ritual, the opportunities for exhibiting their products increase.” These changing practices and technologies increased art’s portability as greater emphasis was placed on its exhibition rather than its presence.160 Here we come to Benjamin’s reformulation of Riegl; rather than through physical contact, “primitive” art touches us through our knowledge of its presence. The rituals and knowledges surrounding the artwork, its aural aura, constitute our haptic relation to it. Reproduced art is seen; reproducibility enables our optic relation to it. But with this reformulation Benjamin introduces a new paradox, for is not the aural image in its “pure” hidden form inaccessible, thus distant from the would-be observer, even as he or she enters into an intimate, haptic relation with it? Is not the reproduced image far closer, more accessible, in its ubiquity, even as our relationship is mediated by the mechanics of reproduction?


157 Ibid., 157.
158 The aura is a perceptual practice—it is not inherent to the technologies involved, as Benjamin’s meditations on fascism’s exploitation of the aura show. However his desire for authentic experience can obscure this; as Carsten Strathausen points out, “his reflections on history remain tainted by this recourse to nature, which fatally essentializes and dehistoricizes the aura.” I would argue part of this recourse to nature is the priority he gives to touch over vision. Carsten Strathausen, “Benjamin’s Aura and the Broken Heart of Modernity” in Benjamin’s Blind Spot: Walter Benjamin and the Premature Death of the Aura, with the Manual of Lost Ideas, ICI Field Notes 5, ed. Lise Patt (Topanga, CA: The Institute of Cultural Inquiry, 2001), 5.
159 Ibid., 106.
160 Ibid., 107.
While the exchangeability of images inherent in their commodification can reduce the chances of the modern city-dweller's attentive, intersubjective experience with a given image (or any other form of communication), the ubiquity of reproduced images increases their possible functions beyond "parasitic subservience to ritual" to include political action. Reproducibility also provides a "capacity for improvement" which serves as "a radical renunciation of eternal value." Most importantly, this potential political emancipation originates at a very mundane level.

Our bars and city streets, our offices and furnished rooms, our railroad stations and our factories seemed to close relentlessly around us. Then came film and exploded this prison-world with the dynamite of the split second, so that now we can set off calmly on journeys of adventure among its far-flung debris. With the close-up, space expands; with slow motion, movement is extended. And just as enlargement not merely clarifies what we see indistinctly 'in any case,' but brings to light entirely new structures of matter, slow motion not only reveals familiar aspects of movements, but discloses quite unknown aspects within them...

The technological apparatus of cinema that commodifies images also materially extends human senses, thus potentially undermining the process of commodification, through greater knowledge of the world. In this Benjamin oscillates between the futurity of a Hegelian dialectic based on Riegl's distinction between touch and sight, and the immanence of a Nietzschean eternal return of the same as the haptic reinstates itself.

As I discussed earlier, U.S. commentators at the moment of cinema's emergence were similarly enthralled by the prosthetic capabilities of the camera. Like Benjamin, they focused not on the representational status of the moving image; they took its veracity as such for granted, but equally they assumed its partiality. Instead they focused on what they thought cinema actually did. Unlike Benjamin, they did not worry...

161 Ibid., 106.
162 Ibid., 109.
163 Ibid., 117.
about the paradoxical effects of distanced, optical contemplation, its aestheticization of politics and the possibilities for haptic perception to come through the dialectical back door to smash the eternal truths and cult value of the fetishized image. For reformers, cinema’s haptic qualities were immediately present and active precisely because in Benjamin’s words, “the distracting element in film is also primarily tactile, being based on successive changes of scene and focus which have a percussive effect on the spectator. Film has freed the physical shock effect—which Dadaism had kept wrapped, as it were, inside the moral shock effect—from this wrapping.” It already was present for them precisely because “[f]ilm is the art form corresponding to the pronounced threat to life in which people live today.”

Reformers recognized that this was a large part of film’s conscious appeal to its spectators. Orrin Cocks pointed out that working-class men wanted “something virile, cheap, absorbing and entirely open to them on a ‘take it or leave it’ basis.” The frenzy of the city was an antidote to the drudgery of industrial life, but that isn’t to say that the urban masses never sought relief from its onslaught. They often did, but it was not an escape through aestheticized contemplation, but through sensory immersion in different places. “If they can’t go to the ocean, they like to have it brought to them and dashed into their faces; if they can’t get out to the forests to hear the rustle of the leaves they like to see the trees swaying in the wind; if they can’t go to foreign lands, they like to get true glimpses of them and their resources, their crops, their scenery and their romantic castles and scenes.” Anne Friedberg has described this mode of spectatorship as the “mobilized virtual gaze,” mobile both spatially and temporally, and virtual in its very

164 While my main concern is Benjamin’s treatment of the senses, I should point out that these ambiguities also stem from his much critically dissected struggle to articulate a theory of history and negotiate the relation between past, present and future.
166 Ibid., 119.
167 Ibid., 132.
169 “Vogue of the Motion Picture,” 84.
real effects on the observer. In many ways her characterization is closer to the Progressive era understanding of cinema than to Benjamin’s proleptic nostalgia in that she is exploring the agency that early cinema was already enabling in women as a subjected group. Yet the arguments she is positioning herself against are those that see women as passive observers of inauthentic images. Instead, the controversy in the Progressive era was over whether cinema was too haptic, that is to say too authentic, rather than too little. As a high school principal from Utah claimed, “the impression made by one bad picture on the mind of a young child is deeper than that made by six good ones; and that for this reason the pictures should be censored.”

The danger, then, was that moving pictures could be too real in their effects on vulnerable groups such as women and children precisely because they mobilized all the senses, and the distinction between haptic, authentic intersubjectivity and optic, alienated objectivity that haunts Benjamin’s dialectical account was meaningless. For some such as this school principal, the opposition was of course based on bourgeois morality that Benjamin excoriated — did it represent immorality, or did it represent something uplifting or at least harmless? If it did the former, then it would cause children to become immoral and so it needed to be censored outright. But not everybody concerned with enforcing bourgeois morality thought that the bald portrayal of an immoral act would serve a sufficient cause for mimicry — it might produce a very different bodily response. A merely “suggestive” picture, argued another writer, “attracts but does not disgust like the picture which represents the real object.”

However critics viewed the morality of cinema, the language ranging from “correspondence” to “lifelike vividness” to “action” to “sensational” used to describe...

170 Anne Friedburg, Window Shopping, 204. I will say more about the category of the virtual later in the chapter.
171 Undated reprint from Salt Lake Tribune, “Keep the Pictures Clean” MPW 3, no. 6 (8 August 1908): 100.
173 Alber, “Character,” 120.
the medium went well beyond suggestion or even resemblance. The danger—and opportunity—presented by cinema was precisely its haptic quality that produced an immediate surfeit of reality: "The effect upon the minds of children of pictures of burglars at work, of prize fighters in the ring, of gamblers, of drunkards, or other equally objectionable or questionable views that may be readily called to mind, is deplored, and the suppression of these pictures, as dangerous to public morals, is called for." Progressive reformers advocated a different form of regulation, but the lack of qualitative distinction between optic and haptic perception was widespread. Progressive spectatorship arguably entailed a "mobilized virtual gaze," but it was one that did not so much compensate oppressed subjects as it formed appropriate ones, and its production was through an apparatus that produced its own reality and admitted no nostalgia for authentic experience. The apparatus was simply one environment amid an infinite number in which the spectator might be situated; it was a technological network that was a prosthetic extension of the spectator's perceptual process which the image traversed.

When I say that Progressive reformers understood the image to be unmediated, what I mean is that they saw no original, true image that was then distorted. Images of "objects" could only issue to and arrive at a point of view, and could only do so through environmental/perceptual determinations. These various conditions of existence for the cinematic image required various forms of regulation. This did include the content of images, but more than sheer content, reformers had high hopes for their ordering by narrative. In describing early film as a "cinema of attractions," Tom Gunning has argued that once Classical Hollywood cinema developed, the mode of spectatorship incited by early film's kinesthetic went "underground," in avant-garde film and musicals. On

the cinema of attractions, Miriam Hansen comments, "What had yet to be developed was the matrix of integration: a mode of narration that would grant the viewer fictional presence and identification on the very condition of his or her perceptual absence, the segregation of film and theater space." Yet for Progressive reformers regulating cinema well into the development of narrative film, this segregation was porous, as was the distinction between theater and urban space more generally. Narrative was action, one that impinged upon the world. Reformers' fixation on narrative and drama will be the subject a later chapter, but for now I will simply note that this was not necessarily logocentric in that they saw senses and language as mutually reinforcing, and this refusal to prioritize one over the other points to the value of exploring the haptic agency of cinema.

This refusal to prioritize escapes the dialectical dilemmas of valorized origins that arise when we consider technologies such as cinema as interlopers "mediating" five original senses, attenuating experience and producing perceptual confusion. Yet the compensatory models that emphasize the productivity of this confusion rather than false consciousness, for all their insights, inadvertently grant those who apparently do not need to be compensated—straight, white, middle-/upper-class men—access to authentic experience due to their power position. But Progressive reformers, situated during simultaneous crises of masculinity, the new middle class and eroding Anglo hegemony, seemed aware of the fragility of these power relations and their need for cultural work and reiteration for their maintenance. They had no more access to authentic and objective experience than anyone else, for such experience of the world was a contradiction in terms. Benjamin points to the historical production of perception, but the radical separation of optic from haptic that he takes from Riegl to theorize the sensorium of modernity is unsustainable from the start, for as Riegl concedes, cognition is necessary even for touch, the supposed guarantor of objectivity, in the very process of


176 Babel 28.
perception. It was because U.S. reformers saw the danger of too much of a good thing in any of the senses without distinction that they looked to channel and direct the perceptual effects of film toward “higher” ends.

Only three years later, a National Board official offered this redux of the period of time during which The Unwritten Law was released.

[T]he studios were overworked and the art was in a primitive state. The motion picture carried moral dynamite in its hands and did not know it. The motion picture is graphic, dramatic, and speaks a universal language. It is dreadfully easy to thrill the audience with sensational episodes in motion pictures. It is still easier to deal with moral problems (which are the essential subject matter of drama) without realizing the peril of giving an immoral suggestion, and teaching an immoral lesson. 177

But the same year John Collier offered a more optimistic view.

We surely need to study the language of the feelings of man and to discover and understand how we can lead, educate, and socialize man by an appeal to his feelings and spontaneous interests—and moving pictures come as one of the profound forms of speech of the human soul, being, as they are, drama; and they come as a labor saving device, like the printing press, bringing this profound art, this profound poetry of the soul, cheaply and simultaneously to a whole nation...In other words, if drama is to be used by the social center, moving pictures are the means. 178

Collier’s words point toward Progressive assumptions about agency and the motor of change, but more needs to be said about the psycho-social life of perception.

2.3 The Sensory Production of Habit

The excess of reality and its affect that appealed to spectators’ “spontaneous interests” was immediate in two senses—causally, but also temporally. If the image was an index that bridged the spatial distance between the filmed object and the spectator such that it could evoke the same senses, emotions and actions as if the object were in direct

177 [Orrin Cocks?], Draft speech, [1911?], NBRMP 170:1, p. 4.
178 John Collier, “Motion Pictures and the Social Center,” 1912 [1911], NBRMP 173:15, p.9.
contact, the image also had a complex temporality. At the level of time-space compression as it is usually understood, actuality footage greatly reduced the time between an event and its consumption as news, thus effectively bringing the event closer. But this rested on the ability of film to extend the temporality of the same event by freezing it on film. And the life of the event was extended even further by its retention by the spectator in his or her memory, and it was in the impression of the image on the memory and the consequent development of habits that reformers saw the truly social potential of cinema.

Some commentators saw this as morally suspect. One complained, "The moving picture has asphalted the non-royal road, and the picture operator has rubber tired the intellect, until now for a nickel you can get history, geography, art, philosophy, and fiction, and you do not have to matriculate, either. Yes, you can get all this without burning the midnight electricity or exerting the least exertion and grow up to be an honor to the country and a success in life." This fear of movie-induced laziness suggested an early indication of the emerging trust-era figure of the "organization man" whose concern was not for building "character" but creating "personality." While this would certainly become a critical theme of the 1920s, the writer was not gesturing toward the dulling of the intellect by the fog of ideology but was bemoaning its sharpening to the point of effortlessness. Knowledge and thought would come too easily instead of not at all, as later critics claimed.

However, reformers were very excited about this possibility, especially for those whom they thought were otherwise condemned never to learn or think at all. A common argument for cinema was that it would greatly aid the temperance movement, and not only by attracting men away from saloons to the nickelodeons.

In vividness of presentation, the ordinary drama does not compare with [the moving picture]. The most impressive temperance lecture I ever have known was a moving picture drama that laid the monster of drunkenness bare; so bare

179 I do not say "as if the object were real," because the object is real. Perception relies on indices of objects, no matter how far those indices have to travel.
180 Undated reprint from *Knoxville Sentinel*, MPW 1, no. 36 (9 November 1907): 591.
that the audience was melted in tears, and one man made the vow that never again would he touch the stuff; a vow that he has kept to this day, and will keep the rest of his life. Yet he had ‘sworn off’ a dozen times before. But this time he saw himself as he really was, and as he never had seen till then, and the hate aroused was a hate that stands by him.181

2.3.1 THE IMAGE: THE MATTER OF MEMORY

What was at stake, then, was not only the immediate effect of cinema, but also its ability to form habits in spectators through its haptic vision. In “Work of Art,” Walter Benjamin wrote, “Tactile reception comes about not so much by way of attention as by way for habit.”182 Yet for all his attention in this essay to the “training of apperception,” Benjamin does not detail how habits are formed. Habit appears in the essay as simply the product of a distracted subject’s success in negotiating the world. But his reading of Marcel Proust’s “synthetic experience” does lead to a fuller discussion. Proust’s complaint, according to Benjamin, is that at this historical juncture he can only gain access to auratic images by chance through other senses, such as the taste of madeleines that “transport him back to the past,” to a full memory of experience he could never voluntarily recall.183

He contrasts this “involuntary memory” with “voluntary memory” which we intentionally call up and whose “information which it gives about the past retains no trace of it.” He paraphrases Proust’s argument, “It is the same with our own past. In vain we try to conjure it up again; the efforts of our intellect are futile.” Proust saw the recovery of auratic images through involuntary memory as a matter of chance, a human perceptual condition which Benjamin argued was in fact historically determined. In Proust’s text, Benjamin located a performative immanent critique of the relationship between these two types of memory or image as theorized by the French philosopher Henri Bergson. Bergson was enormously influential as a public intellectual in the

182 Benjamin, “Work of Art,” 120.
183 Benjamin, Illuminations, 158.
United States at the beginning of the twentieth century, and his conception of human subjectivity as primarily a locus of action rather than contemplation, based in part on the findings of clinical psychologists such as Pierre Janet, was the major point of his affinity with American Pragmatists such as James and Dewey. It was Bergson's methodological individualism which would be Benjamin's point of critical departure. In "Baudelaire," he points out that Proust's category of involuntary memory was a direct refiguration of Bergson's "pure memory" in the latter's *Matter and Memory*, a refiguration made necessary in Benjamin's reading by a voluntary notion of memory he locates in Bergson.\(^{184}\)

This is because Bergson's project in *Matter and Memory* is to provide an account of freedom that avoids the problems of negative determinism in dialectical thinking and the sovereignty of subjects over objects of liberal thinking (which Benjamin argues he in fact falls prey to). Bergson theorizes a pure memory consisting of all of an embodied individual's past perceptions which he terms "virtual objects,"\(^{185}\) a "memory-image" which is the actualization of a memory in the present mobilized by impending action,\(^{186}\) and perception "expressing the virtual action upon our body, or of our body upon the object."\(^{187}\) He makes an empirical claim that "none of them, in fact, occurs apart from the others,"\(^{188}\) but he is equally adamant that this does not entitle us to conflate the three.\(^{189}\) Instead of a metonymic association of discrete objects, they form a "continuity of becoming" as we do one thing, and one thing only—act as part of the world as our past meets the demands of our future.\(^{190}\)

What is important here is that Bergson conceives of conscious beings not as sovereign subjects whose choices amount to "caprice," but as "zones of

\(^{184}\) Ibid., 158.
\(^{186}\) Ibid., 140.
\(^{187}\) Ibid., 58.
\(^{188}\) Ibid., 133.
\(^{189}\) Ibid., 67.
\(^{190}\) Ibid., 134.
"indetermination" in which everything we think, feel and do are actions as adaptive responses to the world acting upon us in the present, conditioned by our (virtual) pasts through the actualization of our memories. For Bergson, pure memory, were we able to empirically experience it, would indeed be involuntary, for it could only be accessed when all determinations by the need to act were absent, that is to say, when we are fully unconscious and our habits relaxed. The closest we can come is precisely through "disturbances" as Bergson would term the taste that brought Proust back to his childhood in such vivid detail. By a Bergsonian reading, Proust had relaxed his "adaptation of [his] nervous system to the present situation, did not set aside all those among the past images which cannot be coordinated with the present perception and are unable to form with it a useful combination...[and] the equilibrium maintained by the brain between the external stimulation and the motor reaction." Proust's "darkened image" of his childhood home thus was able to "come forward into the full light." Indeed, Bergson frequently refers to memories as "fugitive," because images in and of themselves are exceedingly difficult to intentionally conjure up because they are not tied to sensory-motor responses upon which voluntary memories rely for actualization.

The chief difficulty Benjamin has with Bergson's account is that the latter does not define a means for the social change of perception. Bergson does not make a radical distinction between different senses, particularly vision and touch, upon which Benjamin's dialectical development of image to reproduction, following Riegl, depends.

191 Ibid., 39.
192 Ibid., 84.
193 For a discussion of the tendency to conflate this "spontaneous memory" with Proust's involuntary memory, see A. E. Pilkington, Bergson and His Influence: A Reassessment (Cambridge: Cambridge University Press, 1976), 146-155.
194 Bergson, Matter and Memory, 84-85.
195 Ibid., 85.
196 "[S]pontaneous recollection, which is masked by the acquired [habitual] recollection, may flash out at intervals, but it disappears at the least movement of the voluntary memory." Ibid., 87.
Indeed Bergson specifically repudiates any differentiation of the two in terms of degrees of objectivity.

It is alleged, indeed, that sight ends by becoming symbolic of touch and that there is nothing more in the visual perception of the order of things in space than a suggestion of tactile perception. But we fail to understand how the visual perception of relief, for instance, a perception which makes upon us an impress sui generis, and indeed indescribable, could ever be one with the mere remembrance of a sensation of touch.\textsuperscript{197}

Bergson rejects the assumption that vision is mere inauthentic representation, or reproduction of a more authentic touch.\textsuperscript{198} Instead, images, regardless of which senses they come through, can only be indexes of the objects concerned, and they partake of the reality of the object even as they pass through perception into memory.

For Bergson, vision is not a distancing sense that institutes a dichotomy between subject and object, mind and body.\textsuperscript{199} His philosophy was eagerly received by many critics who saw an instrumentalism taking over social life in the early twentieth century, and his impact was not limited to France. His attempt to do away with such dualistic thought resonated quite closely with similar accounts on the part of Pragmatists on the other side of the Atlantic, and Bergson and William James formed “a mutual admiration

\textsuperscript{197} Ibid., 214. Also, “the data of sight and touch are those which most obviously have extension in space, and the essential character of space is continuity;” ibid., 196-197.

\textsuperscript{198} Interestingly Bergson’s followers in the European avant-garde of the time often read him as criticizing vision tout court, with widely diverging political consequences, including support for the fascism Bergson abhorred. See Mark Antliff, \textit{Inventing Bergson: Cultural Politics and the Parisian Avant-Garde} (Princeton: Princeton University Press, 1993).

\textsuperscript{199} Bergson’s conception of distance in the spatial sense has been criticized by geographers. Doreen Massey sees space as the dimension of multiplicity and difference, and she notes, “For Bergson, it was time which is the essential dimension of difference...[because] ‘difference’ was itself imagined, not as a potential aspect of multiplicity as in this paper, but as change in time.” To use Bergson’s terms, duration (time) produces qualitative difference, while extension (space) produces quantitative difference. I suspect Massey may have a point (although it is beyond the scope of this study to adjudicate between these competing conceptions of space), so long as her goal of philosophizing a relational notion of space and multiplicity does not succumb to the relation of negation. Doreen Massey, “Philosophy and Politics of Spatiality: Some Considerations” (the Hettner-Lecture in Human Geography), \textit{Geographische Zeitschrift} 87, no. 1 (1999), 5. Henri Lefebvre also complains that Bergson “relativized and devalued” space and its productivity by making it dependent on time. Henri Lefebvre, \textit{The Production of Space}, trans. Donald Nicholson-Smith (Oxford: Blackwell, 1991), 73.
society,” as William Connolly puts it, with James writing, “I feel that at bottom we are fighting the same fight.”

Bergson became a celebrity in the U.S., with his lecture tours eagerly followed in newspapers and social work journals. The *New York Times* gushed in its coverage of his 1913 tour, “not since the days of 1848 did French social ideas and ideals sway men and women of other countries to the extent they do now,” while the *Outlook* ran several articles in the space of a month, praising Bergson as a “believer in democracy and in the ability of mankind to make conscious social efforts that shall produce progress towards higher stages of civilization.”

John Collier later wrote, “I read William James to the deeps, as also Henri Bergson,” as he prepared a series of studies of drama and motion pictures for the *Survey*. In one of the articles, he echoed Bergson’s understanding of the image when he wrote, “the motion-picture goes like lightning; in a decade, it has broken through to the eyes and brains of hundreds of millions of people, of all culture-grades and of every land.”

Likewise, Board member Orrin Cocks claimed, “The motion picture is more vivid in its impressions than fiction.”

### 2.3.2 The Contemplation and Direction of Images

Yet there were some who seemed immune to the impress of images on the screen, at least according to one theater manager.

Strange thing that moving pictures do not appeal to the masses of negroes....I have analyzed the cause and found it to be due to the fact that the average negro wants to see a show with an abundance of noise, something like a plantation minstrel, with lots of singing and dancing and horse-play. He doesn’t seem to

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201 “The Philosophy of Henry Bergson,” *NYT*, 26 January 1913, 4:1; “Professor Bergson at the City College,” *Outlook* 103 (1 March 1913): 467.


204 Orrin Cocks, Manuscript for *Library Journal*, “Motion Pictures and Reading Habits,” 1914, NBRMP, 32:1, p.1.
grasp the idea of the moving pictures. And one of these reasons, too, is the fact that the persons in the pictures are white. While there were in fact black audiences for films, the racialization of spectatorship by this manager spoke to the mobile and contradictory understandings of visuality on the part of reformers. While vision was as “immediate” as any other sense, there was nonetheless an implied hierarchy of senses, but one embodied as a simple datum of the medium of film itself.

Again, this hinged on narrative ordering. Vision and then sound were privileged by reformers as the most civilized senses not because they could guarantee reality better than other senses, but because they could (but did not always) mediate other senses through the perception of order, linguistic or not. The above passage indicates the suspicion in which other senses were held when unmediated. Of course touch and, especially, proprioception were the most suspect because of their association with sex, and it is instructive that dance halls were the other heterosocial/sexual public amusement that met with as much criticism as nickelodeons, as will be shown in chapter 6. Middle-class African-Americans in particular condemned dance halls as they sought to undermine stereotypes of irrationality, impulsiveness and unbridled sensuality. The medium of cinema did not avoid the passions assumed to underlie these faults as some of the more “genteel” arts might be said to do. Instead it harnessed them for productive ends. Cinema was not only the medium of modernity, but it could be the medium of whiteness and what it purported to stand for—not just morality and decorum, but energy, discipline, drive and progress. As I will discuss in chapter five, these characteristics were still highly gendered, but as more men acquiesced to the growing presence of women in public life, their racialization took on relatively more importance.

For reformers vision seemed to have the ability to organize the other senses, to give them direction. This does not mean that they shared Riegl’s and Benjamin’s assumption of ontological difference for vision; this racialized understanding of haptic

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205 Untitled article, MPW 1, no. 14 (8 June 1907): 216.
vision was specific to the medium of film. Hearing was equally valorized and
condenmed as haptic when discussions came to regulating music and deciding which
sorts of concerts were permissible on Sundays. What was important for the reformers
was how senses were constituted through the particular medium, and through this
understanding, how best to regulate the medium. The point was to bring haptic
responses under control, to provide them with direction, and this they would do
through the ordering of vision through the movement, the action, of narrative. This was
inherent to the image on the screen because it was a consequence of the specific
technology. It is important not to confuse this effect for positivist ocularcentrism on the
part of Progressive reformers. Even Thomas Edison’s kinetoscope was somewhat
incidental; when he first saw Muybridge’s zoopraxiscope in 1888, Edison attempted to
synchronize the moving image with the phonograph he had already patented in order to
provide additional entertainment to customers paying to listen to recorded sound.
Vision was supplemental to sound during the American version of cinema’s invention,
and attempts to synchronize sight and sound were more of a curiosity rather than a
particular call to order haptic visuality symbolically through language.206

Progressive spectatorship’s epistemological valorization of the haptic was
ambivalently racialized as much as it was gendered or classed. The “noise” and “horse-
play” that the manager patronizingly ascribed to African-Americans was at the mild end
of a continuum of spontaneous behavior that met its culmination at the other end for
reformers in crime and sex which were ascribed to the black community as much as to
other more “vulnerable” groups. And the further danger for reformers was that such

206 Stanley Corkin ties literary realism with the development of cinema, the trusts and
Progressive governance by arguing they were all underpinned by positivism. He makes the
claim that Edison, when confronted with the technical problem of synchronizing sound and
sight, “had to decide on one form or the other for mass entertainment....He decided on the latter,
reasoning that the eye, the empiricist’s primary means of knowing the world and the essential
vehicle of the positivist reduction, was the preeminent sense.” Never mind that Edison had
patented the phonograph a full ten years before he assigned William Dickson to work on the
kinetoscope. Stanley Corkin, Realism and the Birth of the Modern United States: Cinema, Literature,
spontaneity could be carried forward into the future through memory as habit. As one critic put it, "Train robberies and safe-blowings are hardly the proper kind of intellectual food to spread before the plastic minds of children, for the impression left by the vivid picture forms a part of the man's character later in life, and this latter fact no doubt often is responsible for a criminal act which otherwise would not have been committed."\(^{207}\)

While reformers saw this as potentially criminal, Bergson described such spontaneous recall of images as merely maladaptive, but in terms that fit quite neatly with his U.S. counterparts' assumptions. "Indeed we observe this...exaggeration of spontaneous memory in men whose intellectual development hardly goes beyond that of childhood. A missionary, after preaching a long sermon to some African savages, heard one of them repeat it textually, with the same gestures, from beginning to end."\(^{208}\)

Children—and "savages" and the mentally ill—"remember with less discernment." Thus "[t]he apparent diminution of memory, as intellect develops, is...due to the growing organization of recollections with acts." Summarizing his approach to memory, Bergson wrote,

> Now let us turn to memory. The function of the body is not to store up recollections, but simply to choose, in order to bring back to distinct consciousness, by the real efficacy thus conferred on it, the useful memory, that which may complete and illuminate the present situation with a view to ultimate action. It is true that this second choice is much less strictly determined than the first, because our past experience is an individual and no longer a common experience, because we have always many different recollections equally capable of squaring with the same actual situation, and because nature cannot here, as in the case of perception, have one inflexible rule for delimiting our representations. A certain margin is, therefore, necessarily left in this case to fancy...\(^{209}\)

It was this "fancy" that reformers sought to direct by making a habit of contemplation.

While Riegl and Benjamin would not recognize a basis for change in perception in this account, this racialized account of technologically determined senses, intellectual


\(^{208}\) Bergson, Matter and Memory, 154.

\(^{209}\) Ibid., 179-180.
development and agency make it abundantly clear that there is room for a social account of perception despite the ostensibly liberal-humanist subject proposed by Bergson and the Progressive reformers. While they presupposed this subject, they also sought to explain it. And what was remarkable about their attempts at explanation was that they admitted the influence of images, regardless of their source. Bergson wrote, "Matter...is an aggregate of 'images.' And by 'image' we mean a certain existence which is more that that which the idealist calls a representation, but less than that which the realist calls a thing—an existence placed halfway between the 'thing' and the 'representation.'" 210

Not only did spectators see images on the screen, but they perceived them in the smells in the air, the people sitting next to them, the space of the theater, and even in their own memories. Miriam Hansen writes,

What is missing from any theory that conceptualizes the spectator as function—or effect—of a closed, albeit flexible, system, be it the form of codes of narration of the script of Ideology, is a place for the public dimension of cinematic reception. This public dimension is distinct from both textual and social determinations of spectatorship because it entails the very moment in which reception can gain a momentum of its own, can give rise to formations not necessarily anticipated in the context of production. 211

What is important here is that despite her critique of closed spectatorial systems, Hansen leaves intact the problematic of representation in the "textual determinations of spectatorship," a problematic that remains open to Benjaminian fears of cinematic inauthenticity grounded in the priority of touch. This simply was not a concern of Progressive era reformers; vision was as primary as touch, and images were "true" no matter the content or the sense appealed to. Images simply were, but nevertheless as Hansen alludes to, it was "the public dimension of cinematic reception" that was the object of reformist efforts. In proposing such an open mode of spectatorship to then be governed, reformers would become caught in the tension between the direction they wanted to provide and the freedom they wished to produce.

210 Ibid., 9.
2.4 Perception and the Self-Governing Subject

The materiality of the image assumed by reformers and philosophers such as Bergson side-stepped any question of a "crisis of representation" that dialectical accounts have proposed.\(^{212}\) The image was an index, and an index is an effect or a trace of its "referent." As such, it is necessarily partial. And because it was understood to be partial, there was no pretense that the cinematic image was reality in the sense of actual presence of the referent. Thus there was no possibility of representation of an exterior object to underwrite anxieties over its impossibility brought about by changing social circumstances; there were only degrees of sufficiency for action. When they referred to "reality" on the screen, reformers were talking about the degree of affective responses the image could evoke in the spectators. To repeat an earlier remark, when the proverbial rube looked behind the screen, he was not checking for the presence of the train; he was acting to check his bodily sensations produced by the image of the train. Thus Progressive spectatorship was not a relationship to a representation, conventionally understood, which in turn would entail a subject-object relationship. Instead the indexicality of the image required an intersubjective relationship much like the one Benjamin called for, the difference being that Progressives thought it was already socially active. This intersubjectivity was not the colonizing urge to merge of phenomenology, but the capacity for interaction with the world in the fullest sense of the word.

Without an assumption that vision was merely a representation of touch, the senses individually had their own ontological validity, thus one could not be a negation of the other, and contradiction made sense only at the intentional level. No dialectical development of perception was possible on this basis. Instead for Progressives perception changed as technologies changed and provoked senses in particular and distinct ways to form new habits. Progressive spectatorship was ordered neither by

\(^{211}\) Hansen, *Babel and Babylon*, 5.
\(^{212}\) Harvey, *Condition of Postmodernity*, 261.
capital nor the phallus. As a regulatory object it was assumed to be a shifting, adaptive response to indices of externalities contingent upon the habits and reflexes already developed by the individual. This is not at all to say that they did not see those habits to be subject to class, gender, sexual or racial determinations—far from it, for the habit of contemplation was assumed to be white. But these determinations did not preposition spectators in a static way. If they did, there was no hope for social change except only at the structural, institutional level, and they would have left cinema alone until a purified state could institute legal censorship.

My point is not to romanticize Progressive spectatorship as somehow inherently radical. It wasn’t. Instead it is to point out that the empirical observation that films provoke other senses through vision has been conflated with a particular problematic of representation, one that critiques ocularcentrism by making the opposite assumption that vision is merely derivative of touch or proprioception, and only these other senses can guarantee truth. Ocularcentrism is usually criticized as positing discrete objects fully represented to centered subjects. But if Progressives seemed ocularcentric, this appearance was more a by-product of the medium than a foundational assumption. And if Progressives seemed to “confuse perception and representation,”

213 this was because they formed a continuum which the image traversed. The mutuality entailed by the image’s travel from the referent into the psyche and back again as action, especially when virtualized through the habit of contemplation, was seized upon by reformers as a possible agent of social change, however methodologically individualist it may have been. Agency was not presumed to be the a priori sovereign power of a centered subject, but a product of action and mutual adaptation between person and world.

In this sense the sensibility of this era anticipated Foucault’s argument that human agency is produced through the microphysics of power, but as I will elaborate in chapter 4 it suggested a more concrete psychology which purported to provide a specific perceptual economy of the psyche. If we accept with Foucault or Deleuze that the

213 Friedberg, Window Shopping, 204, fn. 9.
negativity of dialectics has no ontological status, that the logic of identity/difference involves political decisions about what to compare and what to exclude at an intentional level, then Benjamin’s account, while rich and productive, must be taken as a representational practice that is powerfully performative in its particulars but utopian in its generalities. To be fair, in “Work of Art” he does not promise revolution from the development of perception, only its possibility, but that gap indicates a residue of the very humanism that he chides Bergson for. Finally, the political project of the reformers was accommodationist in that it was classist, racist and heterosexist, yet there is something compelling about many of their assumptions about subjectivity and spectatorship. Given their resonance with the poststructuralist dictum that power produces its own resistance, it simply points out that a political guarantee is also an oxymoron, and to seek an assured outcome through restructuring human agency is beside the point. As such the limitations remain, and the determination of freedom racialized as the production of whiteness was always a precarious achievement.


215 Alan Latham writes, “through the play of tensions [Benjamin] seeks to feel out, or articulate, potentialities for redeeming the contemporary moment, the now.” A result, however, is that “if the revelations of the optical unconscious that the camera brings up are understood solely within the register of a fuller and so more emancipated consciousness, these revelations do little more than reproduce (albeit in a more affirmative form) the kinds of positivistic knowings that Benjamin finds to distasteful in bourgeoise society.” Alan Latham, “The Power of Distraction: Distraction, Tactility, and Habit in the Work of Walter Benjamin,” Environment and Planning D: Society and Space 17 (1999): 466.
If cinema had social agency, then it had to be regulated. This was the truism by which Progressive reformers sought to direct the development of cinema in all of its aspects. The question, then, was not whether to regulate, but how. This was a larger question than just the regulation of cinema and its effect on people's conduct; the apparent social disorder in every sphere of life that resulted from the rapid growth of cities and their increasingly diverse populations put unprecedented pressure on the police power of the state at every scale. Should the state use the law, the police and the judiciary to redouble its prohibitive efforts in controlling the behavior of its individual citizens, as Canon Chase or Anthony Comstock and their allies would have it? Should it adopt a more facilitative, managerial stance that relied on the discretion of experts in the executive to provide a physical and social infrastructure to encourage smooth social interaction among millions of citizens, as mainstream Progressives advocated?²¹⁶ Or

²¹⁶ Paul Boyer proposes a distinction between “coercive” projects and “environmental” projects with which to understand Progressive-era moral reform, a distinction Alan Hunt argues “misses the extent to which most projects for the ‘reform of popular culture’ exhibited an overriding moralization of popular urban life.” However Hunt claims that advocating constructive forms of regulation “was a significant but largely tactical issue.” As will become apparent in the rest of this study, this reduction of regulatory choices to tactics does not account for the very different subjectivities each mode of regulation was to produce. Paul Boyer, *Urban Masses and Moral Order*
were there some problems for which the state was simply inadequate and better left in the hands of “the public” itself, as Progressives on the Board held? What rationality of governance was best suited to cinema’s determination of freedom—and the production of whiteness?

The reformers who would come to staff the National Board of Review were pragmatic (in both senses of the word) in their approach to answering these questions, and they frequently described their regulatory project as an experiment. As the “moving picture problem” emerged from the “cheap theater problem” in the public imagination, reformers in New York City were careful to further distinguish the problem in terms of physical and moral dangers and propose different, appropriate solutions. Cinema’s haptic power, though quite material, was ever-shifting in its psychic and social effects. As outlined in the previous chapters, these effects depended upon the content of films, conditions of exhibition and characteristics of the spectators, and these reformers argued that this high degree of contingency was something that simply could not be met by statutory codification. They instead advocated regulation by experts who immersed themselves in the problem and actively used their judgment and discretion according to evolving standards, free from “political” interference, and to this end they established the Board of Review as a local, voluntary and private organization that was funded by and cooperated with the industry it was to regulate.

As a self-proclaimed “body of experts” that nonetheless “represented the public,” the Board, though originally local in scope, soon reviewed films prior to national distribution and mandated changes to the manufacturers. New York reformers were uniquely situated to do this because most film producers were headquartered in New York City and neighboring areas at the time. Thomas Edison, whose first movie studio was located in West Orange, New Jersey, controlled—and jealously enforced—most of the patents for moving-picture technology in the United States. However in 1895 William Dickson, a former inventor for Edison, had founded Biograph in New York

City, and in 1907 courts upheld its camera patent, reinforcing the company's position as Edison's main domestic competitor. Most other producers were forced to become licensees of one or the other, and in December of 1908 the two camps joined forces under the Motion Picture Patents Company to shut out upstart competition. Importantly for the position of the National Board of Review, the Patents Company ("the trust") controlled not only film production. Over the previous several years of the nickelodeon boom the companies had formed exclusive distribution agreements with film exchanges across the country, as well as with major French producers such as Pathé and Méliès, meaning that film distribution was also directly controlled in New York. The censors of the National Board were in a position to walk down the street, view the master print of a new film in the offices of the producer, demand eliminations and even retain the corresponding cuts from the single, original negative if they so wished.

The geography of film production enabled this discretionary oversight on the part of self-constituted experts, and its efficiency appealed to the manufacturers. Official censorship in multiple locations at the local, state and federal levels would be enormously expensive for the producers as they would have to produce, distribute and track multiple versions of their films. They would support the National Board as it fought continuously against government censorship of movies across the country and constantly cited the dangers and limitations of "politics" entering the regulation of something as variable and productive as moving pictures. But when it came to concrete matters such as the conditions of exhibition spaces, the Board advocated use of the full police power of the state through zoning laws and building codes, and it also argued that already existing obscenity laws were appropriate remedies for pornographic films that circulated underground. This division of labor in regulating cinema was not immediately obvious to all; it was an argument that had to be made. Although the Board's activities would be national in scope, its structure, governmental rationality and its policies toward different aspects of cinema emerged as a result of specific cultural, social and political conflicts in New York City, and it is to these I now turn.
3.1 Fire and Brimstone in New York City

There were two major series of local events in the years leading up to the 1909 formation of the National Board of Review of Motion Pictures in New York City, and these two issues continued to drive its consolidation over the next several years. The first was a fight over Sunday closing laws for public amusements led by the infamous Canon William Chase, who along with many other conservatives was alarmed at what he saw as the degradation of morals brought about by the New Immigrants. This was a contest over the very future of the moral character of Americans and their access to citizenship. The second was a concern over fire safety and sanitation in nickelodeons that largely mirrored the national anxieties discussed in chapter 1. But while many U.S. cities adopted stringent fire codes that covered all manner of venues after the 1904 Iroquois Theatre fire in Chicago, such would not be the case in New York City until 1913, and even then the new ordinance was severely limited. The two controversies were bound during the Board’s formative period not only by the displacements and substitutions of physical spaces, people and behaviors that I discussed earlier, but also by the police powers that took these as their objects of regulation.

3.1.1 Blue Sundays and the Regulation of Morality

The close regulation of individual moral conduct since the beginnings of European colonization belies the “myth of American statelessness” historian William J. Novak ascribes to much scholarship on U.S. governance prior to the twentieth century.\(^{217}\) Such “blue laws” (after “blue-nose”) had accreted at the state and local levels over two centuries of social change. They had built up contradictions over time, and, particularly

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in the large cities of the Northeast, they were becoming widely abused or ignored. Their selective enforcement was a tempting political opportunity for some and a satirical opportunity for others. Massachusetts, for example, banned the sale of flowers on the Sabbath but not the sale of tobacco, and when a Boston district attorney sought to enforce the law, he became a national joke. The New York Times editorialized, "[He] has convinced himself, by the study of recent history, that the path to greatness lies through a literal and undiscriminating enforcement of the Massachusetts Sunday laws. Now the Sunday laws of Massachusetts are, if possible, more absurd than the Sunday laws of New York.""219

The main problems with New York's Sunday laws were the varying legislative powers of different levels of government and their contradictory laws on police power. While section 1481 of the city charter (changeable only by the state legislature) gave a laundry list of acts prohibited in Sunday shows ranging from opera to "negro minstrelsy," section 1620 empowered the board of aldermen to supercede 1481 and certain other sections through city ordinances. In theory New York City aldermen could change the city's blue laws without the consent of the legislators in Albany. However, even if the aldermen were to do this and eliminate the restrictions altogether, section 277 of the state penal code prohibited all but music and talking for Sunday shows. Also, New York City had amalgamated in 1898, and different sets of case law within the municipal court system mandated different blue laws in each borough. While such contradictions in the laws were easy targets for scoring political points, the controversies that raged around them were symptomatic of growing tensions in northern cities over gender, sexuality, class and race. In New York race was an overwhelming concern, even in debates over what were perhaps the most gendered public amusement spaces, saloons and dance halls, and the emergence of the moving-

218 Charles Musser points out that nickelodeons emerged first in cities such as Pittsburgh and Chicago rather than New York or Boston because of Midwestern cities' relative lack of blue laws, making Sundays available for picture shows. Charles Musser, The Emergence of Cinema: The American Screen to 1907, Vol. 1 (New York: Charles Scribner's Sons, 1990), 418.
picture show problem was a particular focus of the conflict between “native” Americans who claimed to represent the country and safeguard its values and the recent immigrants whose economic and recreational practices were seen as a lack of respect for the law and a refusal to assimilate.

On 28 January 1907 a number of New York City ministers met in the wake of several arrests of theater owners who produced Sunday night “sacred concerts.” The term “concert” had been previously held by courts not to be “an entertainment of the stage” in that it “does not require costumes, scenery or curtain,” but the ministers objected to such an interpretation, announcing that the Sunday closing law was “openly” violated by about forty theaters and amusement places. They sought to meet with Mayor George McClellan “in behalf of the illegally employed actors, theatre employees, and the law-abiding citizenship of New York” with the stated aim of cooperating with the mayor in better enforcement, “thus relieving the Police Department and the Judicial Department from unnecessary labor, and also relieving private citizens of the burden of securing law enforcement.”

While the ministers claimed to be fighting inefficiency and corruption in general, they were clear about whom they saw responsible for the city’s declining morals. “I wonder,” said Dr. Burrell, ‘why the good Jewish people of this community do not speak out, for it is a Jewish syndicate that is carrying on this infernal business. This continued violation of the law is leading us to anarchy.’” Anti-Semitism has often been augmented with such fears of radical politics, as well as associated with deviant sexualities, and Burrell went on to criticize the Metropolitan Opera’s “Salome,” which he described as “written in the interests of sensuality by a man whose very name is infamous as the

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220 “Bingham to Close Sunday Theatres,” NYT, 5 December 1907, 16.
221 “New York’s Sunday Night ‘Concert’ Question,” NYT, 27 October 1907, sec. 5, p. 5.
222 In quoted material, I will generally let stand vocabulary, grammar and punctuation that differs from today’s usage without comment. I will correct typographical errors without comment with the exception of film and document titles. “To Ask Mayor to Stop Sunday Performances,” NYT, 29 January 1907, 3.
representative of unnatural vice.”223 He then asked, “What are our magistrates for anyway?” This question brought to the fore the ministers’ approach to regulation, which was to use the law as a coercive measure to enforce morality on behalf of the majority. As Canon Chase commented soon after, “The object of the law is to permit the majority to have their way.”224 The accusation that the Jewish minority was thwarting the will of the Christian majority by running Sunday vaudeville was a consistent refrain throughout the debate in New York, as Chase and others chided the Jewish community for considering only its own “special interests” instead of the “general welfare.”225

Chase, pastor of a prominent Brooklyn church, was both vociferous and ubiquitous and quickly became the leader of the movement. He set out to promote the majesty of the law by bringing suit against the Shubert Theatre over its Sunday vaudeville show. When a representative of the Jewish-owned company said he would close his theater if Chase would close down all Brooklyn theaters instead of singling out the Shubert, Chase called his bluff and said that “he believed Mr. Klaw’s proposal was perfectly fair and he would see Deputy Police Commissioner O’Keefe about closing the other theatres.”226 But O’Keefe delayed action by referring the matter to Corporation Counsel and ignoring Chase’s enquiries. A month later, Chase was frustrated, and at another meeting of clergy, he said, “The open saloon is not so dangerous to our young people as is the apparently clean and innocent Sunday show,” so, “[w]hen a Police Commissioner does not do his duty we must not always blame him, but try to find what

223 This link was even more direct than even Burrell’s comments suggest. Hannah Arendt discusses it in *The Origins of Totalitarianism* through the figure of Marcel Proust: “There is no better witness, indeed, of this period when society had emancipated itself completely from public concerns, and when politics itself was becoming a part of social life. The victory of bourgeois values over the citizen’s sense of responsibility meant the decomposition of political issues into their dazzling, fascinating reflections in society. It must be added that Proust himself was a true exponent of this society, for he was involved in both of its most fashionable ‘vices,’ which he, ‘the greatest witness of dejudaized Judaism’ interconnected in the ‘darkest comparison which ever has been made on behalf of Western Judaism’: the ‘vice’ of Jewishness and the ‘vice’ of homosexuality, and which in their reflection and individual reconsideration became very much alike indeed.” Hannah Arendt, *The Origins of Totalitarianism* (San Diego: Harvest/HBJ, 1973), 80.
224 “New York’s Sunday Night ‘Concert’ Question.”
it is which is hindering him. It may be some influence which needs to be exposed."  

Klaw made the most of Chase's intimations with the statement, "You may depend on it that graft is always found or based upon some violation of the law. For that reason I would like to see all the theatres closed on Sunday, no matter who is hit, until a law is passed which will not interfere."  

But his tactical alliance with Chase was prickly, and he also alluded to the minister's anti-Semitism by calling for "sincerity in these prosecutions."  

Chase was not the only public figure in New York to target Jewish theater owners with lawsuits. Police Commissioner Theodore Bingham was notoriously anti-Semitic, writing in the *North American Review*, "[I]t is not astonishing that with a million Hebrews, mostly Russian, in the city (one-quarter of the population), perhaps half of the criminals should be of that race, when we consider that ignorance of language, more particularly among men not physically fit for hard labor, is conducive to crime."  

After "serious complaint" he retracted "frankly and without reserve" the statement he claimed to have written "without the slightest malice, prejudice or unfriendliness;" but despite acknowledging the "hurt" caused by his comments, the substance of the retraction cited the uncertainty of his data, an empiricist stance toward the "truth" about racial minorities that I will show later was adopted by the National Board in its handling of such matters on film.  

After promising the ministers he would scrutinize theater owners with lawsuits, Chase made the most of his intimations with the statement, "You may depend on it that graft is always found or based upon some violation of the law. For that reason I would like to see all the theatres closed on Sunday, no matter who is hit, until a law is passed which will not interfere."  But his tactical alliance with Chase was prickly, and he also alluded to the minister's anti-Semitism by calling for "sincerity in these prosecutions."  

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229 "Last year a minister got up in a Harlem pulpit and charged the so-called theatrical syndicate with being responsible for the opening of the theatres Sunday. Now there wasn't a single theatre in which the syndicate was interested that was open on Sunday night except the New York Theater, which the syndicate did not control, but in which it held some stock. To test the sincerity of this preacher and others we induced the New York Theatre Company to promptly close that theatre, and it was kept closed during the whole year, but no other theatre was closed or stopped from giving Sunday night performances during that period. In the present instance we do not propose to be made the goat while all others are browsing in the green pastures of Sunday night profits." Ibid.  
license applications on the annual renewal day. 232 Bingham brought “opera impresario” Oscar Hammerstein to court on allegations that “two performers sang and danced a clog” at a so-called Sunday night concert at his vaudeville house, the Victoria Theatre (fig. 7). 233 This action quickly became a test case for the enforcement of blue laws in Manhattan, and Hammerstein relished the publicity. In court he declared, “I am a director of grand opera,” and while this was true for his other theaters, opera was not the fare offered at the Victoria. While mocking the class distinctions that determined what was suitable for Sunday night concerts, he also toyed with their racialization—and perhaps deflected his own as Jewish—by referring to his African American elephant trainer as the “impresario of the elephants” to the laughter of the lawyers and the referee.

He was then asked why such a show was called a “Grand Sacred Concert,” to which he replied, “The law evidently required it.” “The word ‘sacred’ covers many things,” said the prosecutor. “A multitude of sins, yes,” was his response. In October 1907 the referee decided against Hammerstein, ruling that singing was permitted under the law while trained animals were not, and “[d]ancing itself may be indulged in a mild


Image removed due to copyright restrictions.

Figure 8. "Arabian Acrobats demonstrating acrobatic feats on the roof of Hammerstein's Victoria Theatre." New York City, 1901-1902. Silver gelatin. MCNY.

way."234 Although the shows would not "offend the most refined" and most of the show was not theatrical in the strictly prohibited sense, neither could much of it be construed as a "sacred concert" (figs. 8 & 9).235 Hammerstein hoped that the referee's report on his case would be the last word and resisted calls to change the law as opening a can of worms. "This matter is a simple one. We have a law which says that certain kinds of performances shall not be given on Sunday. It also says that others can be given. What is there simpler than that?"236

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233 "Hammerstein as Theatre Censor," NYT, 26 April 1907, 9.
234 "Finds Against Hammerstein," NYT, 8 October 1907, 5.
235 Concerns for the "illegally employed actors" were occasionally mooted. While The New York Times was sympathetic to the actors' plight, not everyone else was. At a meeting organized to air the actors' grievances, one actor said that the average pay was $30 a week for a twenty-week season and that working on Sunday "made inroads on his physical constitution." William Grossman, the lawyer for the Hammersteins' Victoria Theatre, retorted, "I should think that thirty-two weeks of inactivity...would provide sufficient rest for the actor. The people want Sunday entertainments." See "Sunday Theatricals," NYT, 9 October 1907, 10; "Oppose Sunday Shows," NYT, 18 November 1907, 4.
236 "Say Sunday Shows Can't Be Stopped," NYT, 21 October 1907, 7.
While Hammerstein claimed the law was now simple, Bingham was reluctant to bring more suits before the state Supreme Court signed off on the referee's opinion, despite mounting pressure from more and more parties, including the governor. The decision came out on Tuesday, 4 December 1907. Supreme Court Justice O'Gorman upheld the closure of the Victoria, but he also held that all Sunday performances were prohibited and endorsed the constitutionality of the statute itself. "The law is well established in the State of New York that the Christian Sabbath is one of the civil institutions of the State and that for the purpose of protecting the moral and physical well-being of the people and preserving the peace, quiet and good order of society the Legislature has authority to regulate its observance and prevent its desecration by appropriate legislation." Reaction was mixed among theater owners and managers,

237 "Against Sunday Concerts," NYT, 1 November 1907, 9; "Bingham May Act Sunday," NYT, 2 November 1907, 7.
238 “All Sunday Shows Declared Illegal,” NYT, 4 December 1907, 1.
but they were unanimous in predicting a legislative fight as a result of the decision, which went well beyond the scope of the original order being reviewed. They decided the best course was to leave it to the Aldermen to allow Sunday shows within the limits of the penal code—as one owner put it, "Gen. Grant once said that the best way to repeal an odious law is to enforce it." Going to court over municipal ordinances was one thing, but nobody was volunteering to be a test case for the penal code provisions.

So far the efforts of the Sabbatarians were focused on Jewish-owned vaudeville theaters, and moving pictures themselves had not received much individual attention. But three days after the Supreme Court issued its opinion in the Hammerstein case, a decision involving a nickelodeon, also Jewish owned, further complicated the legal situation in New York City. Sol Brill and William Fox, owners of a Brooklyn picture show, had come to trial for showing pictures on a Sunday. Their attorney, Gustavus Rogers, argued that "moving-picture shows are not prohibited by either the charter or Penal Code provisions by name, and that the phrase, 'or any other entertainment of the stage,' contained in the charter provision, does not apply to moving-picture shows, because they do not require the use of a stage as that word is understood." The judge's decision was even less clear than the law to be decided. It tautologically enjoined the police commissioner from "interfering with the plaintiffs in their lawful conduct of their business" and authorized the police merely to execute "lawful warrants," while never defining what was lawful.

So did the blue laws apply to movies or not? It was anyone's guess if Bingham would enforce the law against the movie theaters now that he had his Supreme Court opinion prohibiting the broader category of Sunday concerts. As it turned out, on the first "Blue Sunday," 8 December 1907, Fox and Brill were allowed to open their picture houses along with a few other amusement places protected by injunctions. The rest were shut down and even private organizations from one end of the spectrum to the other felt the chill. The YMCA cancelled its usual Sunday evening picture shows and

239 "Picture Shows to Test Blue Law," NYT, 7 December 1907, 12.
240 "City Spends a Blue Sunday," NYT, 9 December 1907, 1.
the Bohemian clubs cancelled recitals by their members. A handful of arrests were made for Sunday violations, yet saloons were doing a brisk business, and as the *New York Times* editorialized, “It is a significant fact that while the Sunday amusements law was being so strictly enforced yesterday the liquor law was nearly a dead letter.”

German-Americans, including their musicians’ unions, who were bewildered that their Sunday-evening dances at the Terrace Garden and other venues were cancelled, excoriated the “puritanical fanatics” who had successfully enforced the blue laws. Canon Chase was ecstatic, proclaiming from his pulpit,

> The authority and influence of Christ is recognized to-day in an overwhelming victory of law and religion over the greed and irreligion of those who in order to make a million a year, were willing to debauch our young people and steal away from the people’s rest day not only the opportunity of the actors to cooperate with the worship of the Church, but also the sacred influences of the holy day, without which in a short time the day would have become a day full of debauchery and a very nest of crime.

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As Bingham was beginning to systematically enforce blue Sundays, Alderman Reginald Doull was drafting an ordinance that would clarify the Sunday laws. Chase feared that the rumored ordinance would do away with them altogether, and church groups pressed for a commission to study the issue. The *New York Times* dismissed the idea, for “many bewildering shades of opinion are manifested when sober-minded persons of Anglo-Saxon origin discuss the question.”

According to the paper, “The dislike of the so-called Continental Sunday still prevails here, but we have a cosmopolitan community, made up of citizens of many races and religions, and it is, speaking broadly, only the Puritan spirit that fiercely combats the idea of all Sunday amusements.” The proposal proved quite strict. It allowed only lectures and recitals, catering to the protestant upper-middle classes wishing to go to concerts at Carnegie Hall or to the Metropolitan Opera. It offered little help to “east siders” whose “religious

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law establishes another day as their Sabbath,” and it did not allow moving pictures at all.244

At a public hearing on the ordinance, speakers pled the case of Yiddish theaters that operated on Sundays, saying that they were more instructional than entertaining, and the actors’ unions pointed out the economic hardship imposed by Sunday closings.245 The following Blue Sunday, more amusements were open after obtaining injunctions, but the German societies and actors’ unions continued to press for change while the ministers thundered from their pulpits that “[d]isregard for the Sabbath means National decrepitude and ruin. When the Sabbath goes down, the Republic goes with it.”246 The aldermen passed the Doull ordinance in front of a packed chamber, and several spoke of intimidation by ministers promising retribution, both electoral and eternal, should they vote for it. Chase said he would take the issue to court on the pretext the new ordinance would still violate Sunday labor laws. On Thursday the mayor signed off on the ordinance.247 Nonetheless, despite Corporation Counsel interpretation on behalf of the police commissioner that moving pictures were prohibited, the following week the newly-formed Moving Picture Association served “a luxuriant new crop of injunctions” on Bingham.248

The nickelodeon owners organized separately from vaudeville house owners because their licensing fell under ordinances for shows seating fewer than 300. This split was reinforced in the spring of 1908 when the state assembly passed a bill which placed the licensing of picture shows with the police over the opposition of Tammany members from New York City (fig. 3.4).249 “The friends of the bill declared that the character of the moving-picture shows, which are of mushroom growth in New York City, was such as to contaminate the morals of young children, who constitute the majority of their

244 “Managers Decide Not to Open Sunday,” NYT, 13 December 1907, 6.
245 “Churches Rally for Blue Sunday,” NYT, 14 December 1907, 1.
246 “Sunday Less Blue Under Injunctions,” NYT, 16 December 1907, 1.
249 “Moving Picture Control, NYT, 25 March 1908, 9.
patrons” (fig. 10). In June an appellate court ruled in the favor of picture show owners, finding that “the ‘composite Christian mind’ of the State nowhere gave evidence of a demand for a ‘still’ Sabbath.” Chase and his followers were quiet for a few months, more likely because the ruling came at the beginning of the summer vacation season than because it was a court ruling per se. The fight over Sunday closings in general continued on the part of the German community, which continued to advocate the repeal of all blue laws and organized to oppose any local-option legislation on the

250 “‘Still’ Sunday Not Wanted,” NYT, 1 July 1908, 3.
question. Shortly after the appellate court decision, the attention on nickelodeons shifted focus. While the Actors’ National Protective Union had raised the issue of fire safety before, the city began to take legal action on the issue only in June of 1908. Tenement House Commissioner Butler demanded that picture shows vacate spaces in tenement houses, and Fox and Brill sought an injunction, claiming that there were some

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251 “Against Local Option, NYT, 22 June 1908, 2; “Plea for a Liberal Sunday,” NYT, 13 September 1908, sec. 2, p. 8.
300 picture shows (out of over 500 nickelodeons in the city) located in tenement buildings. The pair lost their case, and stories of the vagaries of city permit issuances began to emerge. In one case, a picture-show company obtained a permit to cut an emergency exit through the back fence into the yard of the fire station next door. Promising to revoke the license, the Fire Commissioner denied the accusation that he issued the permit under pressure from Alderman “Big Tim” Sullivan, claiming it “was no doubt given while I was away in Denver.” Likewise, the Bureau of Licenses came under fire for graft in the issuance of licenses to picture house operators, who gave testimony about bribery and ethnic discrimination.

Nickelodeons, and with them, cinema, had now been firmly differentiated from other entertainments in New York City, nearly two years after they had been so in Chicago. The historical accident of pre-nickelodeon licensing laws had put them in a different class from their larger competitors in the public amusement field, and the litigation and politicking surrounding the city’s blue laws had created conflicting interests among different types of theater owners, resulting in the formation of a separate trade organization for moving-picture operators. The flammability of nitrate stock coupled with the frequent location of nickelodeons in tenement blocks figured as a threat to public safety, and this physical danger was tied to the moral danger of the movies themselves as actuality footage had been giving way to narrative films such as The Unwritten Law and others portraying crime and sex. These film subjects meshed neatly with the purported criminality and sexual deviancy of the city’s large Jewish population, and the fact that many theater owners were themselves Jewish closed the circuit, enabling the anti-Semitism of many of New York’s white, protestant middle class to inflect every aspect of the so-called cheap theater problem.

252 “Danger in Moving Pictures,” NYT, 18 January 1908, 2.
254 “Moving-Picture Men Lose,” NYT, 25 July 1908, 12.
255 “Picture Show Uses Fire House as Exit,” NYT, 4 August 1908, 3.
3.1.2 CHRISTMAS EVE, 1908

Canon Chase and the Presbyterian and Methodist Ministers Conferences continued to press the fight for blue Sundays, but McClellan had signed the Doull ordinance, and the nickelodeon permit scandal that had put tenement fire safety into question was a more urgent matter for the mayor. But when McClellan called a public hearing for 23 December 1908, the moral dangers of nickelodeons were as much on the agenda as were the physical dangers. It proved to be one of the longest public hearings ever, and the Aldermanic Chamber was filled to capacity. Chase claimed, “I am not opposed to moving picture shows, or theatres; I am only opposed to bad moving pictures shows and bad theatres. Your duty, Mr. Mayor, is defined in the law which clearly forbids these shows.”

Rev. Dr. J.M. Foster asked, “Is a man at liberty to make money from the morals of people? Is he to profit from the corruption of the minds of children?” They pressed the mayor to use the police power of the state against immorality as he was doing for fire safety. Not all reformers so staunchly opposed the movies however. Charles Sprague Smith of the People’s Institute had co-sponsored the 1907-1908 study of public amusements with the Woman’s Municipal League which had found far greater potential for moving pictures than other amusements to meet legitimate community needs. He told the mayor, “[T]here were things more rotten than moving picture shows that needed correction.” The exhibitors applauded this remark, which prompted a rebuke from the mayor. The exhibitors themselves offered to have their films censored as was already happening in Chicago and promised to fix the problem of inadequate fire exits. They argued moving pictures “were the poor man’s theatres” and a substitute for the saloon.

The next day McClellan revoked the license of every moving-picture show in the city. In his statement, he started with the safety issues. “I have personally seen in these places...the rear exits blocked up, the doors fast, ladders missing, steps on same broken,

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257 “War on Sunday Vaudeville,” NYT, 1 December 1908, 9.
258 “Moving Pictures Hearing,” NYT, 21 December 1908, 2.
and almost invariably a lack of lighting of the exits on the exterior after dark." He also described various experiments testing the inflammability of film stock conducted by the fire department and wrote, "As these licenses for moving-picture shows are issued by me, I feel personally responsible for the safety and lives of the patrons, and take this action on personal knowledge of existing conditions and the firm conviction that I am averting a public calamity." McClellan revoked the licenses on Christmas Eve pending inspection of each movie theater by the Bureau of Licenses, and in deference to "the serious opposition presented by the rectors and pastors of practically all the Christian denominations in the city," he also ordered that no new license be issued unless the licensee agree in writing not to operate on Sunday. He closed the statement with the warning, "And I do further declare that I will revoke any of these moving-picture show licenses on evidence that pictures have been exhibited by the licensees which tend to degrade or injure the morals of the community."

While both Protestant and Catholic clergy congratulated the mayor, the Moving Picture Association met with Gustavus Rogers to plan their lawsuit, and they immediately agreed that no nickelodeon owner would reapply for a license and accede to the mayor's demand that they promise not to open on Sunday, but they also agreed not to admit any owner to membership who violated the law. Justice William Gaynor of the Supreme Court in Brooklyn issued an omnibus injunction the next day allowing picture houses to open. Meanwhile Police Commissioner Bingham met with vaudeville house owners regarding the new Sunday law, which allowed only orchestral or vocal music, educational lectures, and moving pictures provided they accompanied the lectures. When asked by a vaudeville manager if he should go to the corporation counsel for a specific interpretation of the law, Bingham replied, "I'd be glad to have you do so....I'd like to know what the law is myself." Afterwards some managers characterized the meeting as an "'illustrated lecture:'"

261 "Picture-Show Men Organize to Fight," NYT, 26 December 1908, 2.
"It's a scream," said one vaudevillian.  
"It's a framed egg," said another.  
"It's a sketch," said a third, "and it has lines like this:  
"Bingham—Gentlemen, I've brought you down here to tell you about the law.  
"Managers—What is the law, anyway?  
"Bingham—I don't know. Go down to the Corporation Counsel's office and find out. But if you violate it I'll arrest you anyway."

The corporation counsel proved little help; he reformatted the clauses of the Doull ordinance as line items without changing a word.

The New York Times described the Blue Sunday picture show at Hammerstein's Victoria Theater:

Upon a Screen was thrown the title, "Travels in Northern Europe." Then a moving picture showing a railway track with scenery on either side appeared on the screen, giving the impression of a journey from an unusual angle. The "lecturer" stepped down left centre. As the track first appeared he announced: "Railroad track."

Then he was silent for several minutes. Meanwhile the film had spun along. The track was still in view.

"More railroad track," said the lecturer.

The audience, thoroughly appreciating the situation, laughed and applauded.

The film traveled faster. The land of the journey was now in the region of snows. The reindeer appeared at the side of the track.

"Reindeer," announced the educational lecturer.

Suddenly the reindeer lowered their heads and seemed to be eating Iceland moss or snow or something.

"Luncheon on snow," said the lecturer.

Then the film darkened.

"Pennsylvania Tunnel," said the lecturer." 263

The cleaned-up vaudeville show wasn't good enough for McClellan, who had orders-to-show-cause served on the Victoria and others for Sunday violations.264

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263 "Police Permit Only Tame Vaudeville," NYT, 28 December 1908, 1.
264 "Mayor Makes War on Sunday Vaudeville," NYT, 29 December 1908, 3.
The five-cent theater owners were frustrated as well, as the test case they had initiated in response to the Christmas closings was continued and then the decision reserved.265 Marcus Loew told the papers, "We were to have passed resolutions asking some of the civic bodies to submit to us the names of a number of men to act as inspectors for the shows. If a decision favorable to us had been made we would have accepted the men named by the civic organizations and would have had them go about and report upon our shows. Any shows that were not fit to open would have been weeded out of our organization."266 Although the nickelodeon owners had floated the idea of censorship before, this was the first specific proposal, but it is not clear whether the People's Institute was one of the "civic bodies" they had in mind at this point. Less than a week later a letter to the editor of the New York Times appeared arguing the Progressive reformers' point of view that moving pictures were a boon to the immigrants and workers of the tenement districts whom they were trying to reach (figs. 3.6-3.8). "This quiet and inexpensive amusement meets the crying, but hitherto unheeded, demand for recreation for the poor and middle class."267 The writer went on,

The miserable housing conditions of the great majority of our community, the great nervous strain and pressure of life, make relaxation one of the greatest needs. If we are looking for any means of drawing the people away from dissipation and drunkenness, the most efficient method is to offer them an entertaining and educational amusement at low cost, and properly selected moving pictures certainly fulfill these requirements.

While censorship in New York City was emerging as a public issue separate from blue laws, Supreme Court Justice Blackmar in Brooklyn issued a permanent injunction against the mayor in regard to the picture-show license revocation.268 The judge scored the mayor for exceeding his authority in revoking all licenses without cause, stating his exercise of police power "must not be arbitrary, tyrannical, or unreasonable." The judge did allow the mayor to revoke individual licenses in the cases of violations of fire safety

265 "Court to Pass on Theatre Licenses," NYT, 30 December 1908, 10.
266 "Mayor Makes War."
268 "Moving Picture Shows Win," NYT, 7 January 1909, 18.
Photograph of family sitting at table making artificial flowers. Library of Congress. Image 05346r.

Image removed due to copyright restrictions.

Figure 12. "Artificial flower making at 8 cents a gross. Youngest child working is 5 years old." New York City, Lewis Wickes Hine, January 1908. LOC.

Photograph of woman carry large box on street. Library of Congress. Image 04192v.

Image removed due to copyright restrictions.

Figure 13. "Italian woman carrying an enormous empty dry-goods-box for some distance along Bleecker Street, N.Y. Used for kindlings." Lewis Wickes Hine, February 1912. LOC.
laws, licenses "acquired by bribery," or "improper" pictures. The Committee on Cheap Amusements at the People's Institute responded to the ruling with a public letter calling for "competent, broad-minded censorship" in regulating the picture shows of the city. They admonished the more zealous reformers that "[t]here is no other form of amusement at prices sufficiently low which meets the amusement needs of the workingman's or immigrant's entire family. The possibility of cheap, wholesome,
dramatic amusement for the people is involved in the moving-picture problem. Let us remember this in our efforts at reform.”

Shortly after, an ordinance was passed without opposition that barred anyone under sixteen from picture shows unless accompanied by a parent or guardian.270 As initially proposed, the ordinance would have also barred children from restaurants and candy stores, but those provisions were quickly dropped during the initial hearing in favor of an exclusive focus on moving pictures.271 The day the ordinance was first read Chase and the other members of the Interdenominational Committee of the New York Clergy for the Suppression of Sunday Vaudeville met to renew the war they had declared a year earlier on Sunday shows, now with special attention to picture shows.272 As with the ordinance, the meeting focused on the question of protecting children, but here, yet again, it was not about from what, but from whom. A lawyer in attendance said “that it must not be forgotten that ‘this is still a Christian country, despite the foreign elements which have come to us.’” The assembly passed a resolution directed at their “Jewish brethren” complaining that “Hebrew business men are compelling Christians to work on Sunday,” that “[t]he Jew is not ethically justified in distorting the legal permission to labor on Sunday, which is a generous concession to his interpretation of the fourth commandment, into permission to conduct any amusement or other business on that day.” They further resolved, “That we call upon our Jewish brethren to substitute for the letter of Sabbath the spirit of his Holy Day adopted by the Constitution and common law of this land as a satisfactory recognition of his religion.” Further attacks on “the indecencies” of vaudeville and the movie business came from a Catholic men’s society,273 while the New York Society for the Prevention of Cruelty to Children weighed in against “the pernicious moving-picture abomination.”274 They reported, “Children support the picture shows at a cost to their little souls and bodies and minds

272 “Pastors Open War on Sunday Shows,” NYT, 19 January 1909, 8.
273 “Catholics Denounce Stage Immorality,” NYT, 11 February 1909, 16.
274 “Shows Schools of Crime,” NYT, 14 February 1909, 8.
that no one can compute," and that "[t]he child who steals her first 5 cents from home is already on the high road to destruction as surely as the simple girl who yields to the 'kind,' strange man who takes her to the pictures."

Not everyone took the issue so seriously. The entertainment committee of a men's social club, The Prowlers, issued invitations to a program for Saturday night on 13 March—that is, midnight Sunday morning—promising "[t]here will be [a] 'piece de resistance' of vivid Oriental pictures.—Enough said." In red ink was written, "Non-members must present this card at the door"—on invitations that "made their way" to the police commissioner, Alderman Doull, various precinct stations and even Anthony Comstock's office. They took the bait and showed up, looking awkward as their names were announced at the door. The president of the group, George Scarborough, asked Doull to say a few words, which he did on the subject of "morality," which "were well received, especially by the two police Captains, and the two Comstock men." When it was time for the show, a club member got up and said, "Look here, Scarborough, I want to ask you not to let those Oriental pictures be shown. From what I hear, they are not exactly the kind usually seen in galleries." "'Put out the lights,' directed Mr. Scarborough, remorseless." The account continues,

There was a splutter from the moving picture machine. Every eye in the room turned on a big sheet which had been spread across the wall. A round circle of light appeared on this sheet and a thrill of anticipation went through the assembled Prowlers and their guests. Then a picture flashed on the sheet. It was a view of "The Holy City."

While the picture lingered, William Foster, a singer, broke into song. He sang the "Holy City" from start to finish, while the moving picture machine showed the scenes.


Another series of pictures was shown. It was "The Garden of Gethsemane." Another was "The Mount of Olives." All were Oriental enough...

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3.2 Formation of the “Board of Censors”

The specific sequence of events that led to the formation of the National Board of Review of Motion Pictures is unclear, and there is no detailed official account. The more appealing of the two personal accounts that I have found suggests that the Board was conceived during a chance encounter on the Staten Island Ferry between Charles Sprague Smith of the People’s Institute and Alfred H. Saunders, founder and critic for the Moving Picture News.276 According to Saunders, prior to running into Sprague Smith, he had been asked by three exhibitors to come to a theater to view “indecent” films that were being “forced” upon them by Pathé and Vitagraph. At the time exhibitors had no choice of films under the terms of their contracts with distributors (which were controlled by the manufacturers), and they saw Saunders as a potential way to gain leverage by writing against them in the News. The exhibitors also asked Saunders to “censor” films for them prior to exhibition. This request came after Saunders had met with “Mayor Mitchell,”277 whom he “induced [to] change the licenses of some of the people showing these pictures.” Saunders wrote the article but refused the censorship, and upon meeting Sprague Smith on the ferry he suggested the People’s Institute take up the censorship. According to Saunders’ recollection, Sprague Smith agreed to send John Collier to discuss the matter, and “it was agreed that he would receive $900 for the first three months censorship, and that became very effective, and from that was formed the National Board of Censorship.”

John Collier also offered personal account in his autobiography, but his recollection of the Board’s founding was more generalized.278 Whatever the specific events, the arrangement between the Moving Picture Association and the People’s Institute was made in private through personal connections. The People’s Institute was

276 “Formation of the National Board of Review — Facts as Given to Miss Evans from the Personal Experience of Alfred H. Saunders,” July 1924, NBRMP 120: 1.
277 George McClellan Jr. was the mayor at this time; John Purroy Mitchell would shortly be elected president of the Board of Alderman, but would not become mayor until 1914.

Image removed due to copyright restrictions.

Figure 15. The People's Institute served both children and adults. New York, 1905. MCNY.


Image removed due to copyright restrictions.

Figure 16. Interior view of the People's Institute, 1905. MCNY.
a Lower East Side settlement house that provided educational and recreational programs and other forms of assistance for the newcomers to the surrounding neighborhoods (figs. 15 & 16). The new relationship with the Moving Picture Association was an opportunity to directly improve the recreational opportunities of their immigrant charges without the interference of the more conservative reformers or politically-beholden official censors. The public support by such a respected and prominent organization of the potential of moving pictures over vaudeville appealed to the exhibitors. The economic factors of ticket prices and production costs exacerbated by the 300 seat threshold in the local building code were combining with the differential enforcement of blue laws to cleave the picture show and vaudeville interests, and the imprimatur of the People’s Institute would give the exhibitors the leverage they sought against the overzealous police, the censorious clergy, the dictatorial manufacturers and their own more unscrupulous operators. In the face of the fallout from sensational films such as The Unwritten Law and the distinctly down-market trajectory of vaudeville, the Moving Picture Association sought to gain public legitimacy as “wholesome” entertainment.279

3.2.1 A CONSTRUCTIVE AGENDA

The first recorded meeting of the new Board of Censors was on 8 March 1909 at which its Executive Committee adopted a mark for films which said, “Approved by The Board of Censors.”280 As the Board was set up at the behest of exhibitors in New York City, its brief was purely local, but this lasted less than a week. At the first meeting of

279 Ruth A. Inglis cites the Thaw-White films as a catalyst for the formation of the Board in, Freedom of the Movies: A Report on Self-Regulation from The Commission on Freedom of the Press (Chicago: The University of Chicago Press, 1947), 75. In an appendix, Inglis notes that her information on the formation of the Board came from interviews with James S. Hamilton and Richard Griffith who were executive directors of the Board during the 1940s.

280 Minutes of the meeting of the Executive Committee of the Board of Censorship, 8 March 1909, NBRMP, 118:1 (hereafter cited as EC Minutes). Over the course of the study period, the General Committee almost always ratified decisions made by the Executive Committee. Thus in the text I will not distinguish which committee made a particular decision unless there was disagreement.
the Governing Board, or the General Committee as it came to be called, a representative from the Motion Picture Patents Company attended to tell the Board that the officers of the company were interested in cooperating. The Patents Company publicly announced their cooperation with the Board in the effort to make films “moral and educational” on 13 March 1909, and the next week it invited the Board to review the films it would ultimately be distributing to over 5000 theaters nationwide and also promised to revoke the license of any establishment that wasn’t kept “safe and sanitary.” The censors inspected 18,000 feet of film over five hours and condemned a total of 400 feet for being “inartistic.” The following week they inspected 20,000 feet, and by mid April, the total inspected was over 125,000 feet, with ten percent condemned and “only” five percent of films condemned in toto. According to the minutes, Collier reported, “The standards of the Censorship Committee were empirical. Obscenity was always condemned, scenes of violence as a rule, suicides when seriously treated, and pictures of crime which might have a suggestive tendency.”

While the censoring work of the Board was being established, the Board also established a committee to deal with local conditions in “city places of amusement.” While the Board had clearly differentiated cinema in terms of the image on the screen and was already fairly clear on how to regulate it, it seemed reluctant to focus on nickelodeons to the exclusion of vaudeville houses in terms of exhibition conditions, despite their sponsorship by the Moving Picture Association and the city’s focus on nickelodeons for fire safety; even a month later, the Executive Committee was still concerned that “the physical condition of the theatres, the vaudeville, etc., had not been controlled.” Meanwhile, the Board had been attempting to contact the mayor with an

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281 Minutes of the meeting of the Governing Board of the Board of Censorship, 12 March 1909, NBRMP, 120:1 (hereafter cited as GC Minutes).
283 “Moving Pictures Censored,” NYT, 26 March 1909, 2.
284 GC Minutes, 1 April 1909, NBRMP, 120:1.
286 GC Minutes, 12 March 1909, NBRMP, 120:1.
287 GC Minutes, 15 April 1909, NBRMP, 120:1.
eye toward cooperating with the city, but the mayor was “too busy” to meet and requested the proposition in writing. This was unsurprising given that John Collier had already publicly supported open-Sunday proposals being considered by both the aldermen and the state assembly which the mayor opposed.288

Other groups formed to propose legislation, such as the Liberal Sunday League, an alliance of Jewish theater owners and industrial magnates such as the Vanderbilts, which educated its members by showing European films of “Sunday scenes,” but also drafted their own legislation modeled after European statutes declaring Sunday an official holiday.289 The Board, for its part, hosted a “model picture show” in a Harlem theater in order to show the benefits of its activities. The films were projected on an aluminum screen to enable the lights to be turned up, while the pictures themselves were morality plays from the bible and Norse legends (including, strangely, stories involving the immolation of daughters), and educational films about airships and balloons. The New York Times described how these were interspersed with educational slides. “In place of the old colored ‘illustrated’ songs, which represented girls in blue dresses saying farewell to soldiers in khaki beside a moonlighted lake or in a rose garden, there were reproductions of classical statues, paintings, and architecture—the ‘Marble Fawn,’ the ‘Mona Lisa,’ and ‘St. Peter’s’—for example. But these, it was explained, are not intended entirely to take the place of the songs.”290

John Collier addressed the audience composed mainly of teachers, stating that the exhibitor’s association had agreed to expel any member not abiding by the Board’s decisions. He told the group that “[t]his...was the only authority that the Board of Censors had, yet it had proved strong enough.” He told the teachers about his hopes for the new medium, saying, “The moving picture theatre is the only one worthy to be called the people’s theatre.” He cited national daily attendance figures in the millions and claimed, “Two-thirds of all the theatres are now as high class as the one we are about to show you, and in a little while, we think, all the theatres of the country will

come up to this mark.” Dr. Henry Moskowitz of the Downtown Ethical Society delivered the closing remarks.

I think some of us, especially our clerical brothers, are a little afraid of human nature. Some look upon the instinct for recreation as actually wrong. They desire to suppress such things as moving picture shows because there is bad in them.

We aim to construct, not to suppress. We think the instinct for recreation is fine and wholesome, and we wish to make popular recreation wholesome so that they will have the truly rejuvenating quality that will help people to go on with their daily strain of work. We wish to take out of it what is bad, not to kill it all, and to give it an educational as well as an enjoyable quality. This work in the field of moving pictures is only one phase of a great movement which we hope will soon result in the adoption by the city authorities of a constructive recreation policy embracing all fields of amusement.

Such an optimistic and ambitious agenda arose in response to local conditions in New York City. In their own minds, these urban reformers were meeting a legitimate need of the immigrant workers of the city while encouraging their assimilation to middle-class American virtues.

3.2.2 THE BOARD BECOMES NATIONAL

The fact that the Board was effectively a national organization from the beginning was slow to dawn on the members, and it wasn’t until the end of May that they noted during a General Committee meeting that the Patents Company had voluntarily made the censorship of their films national and that they were asking other producers to do the same.291 This had implications for the structure of the Board—should there be boards in other cities? Should there be a national committee separate from the local committee? Collier advocated sticking to regulating content, citing the need for a coherent ordinance for theater licensing and safety. “Until this was gained nothing of lasting value could be gained, and this could be gained only by adopting a

militant attitude and forcing the reform on the City. Was the censorship board now so constituted as to go aggressively into the semi-political problem now before it?"

Two weeks later Collier reported that the Moving Picture Association was falling apart. "[T]he exhibitors have fallen down on their responsibility, their Association is disorganized, they cannot be counted on for financial support, and save as individuals will not be of service at the present time." Support would have to come from the manufacturers, who, "at first neutral or antagonistic, have been thoroughly won over to the censorship." However, "[T]hey do not want to contribute to the censorship in such a manner as to suggest to other localities that there is money in the censorship business. They want to make their contribution confidential." Collier went on,

It should be said here that the interests of the manufacturers and of the Censorship Board are identical at the present time. Both recognize that the censorship, to help the manufacturers or protect the public, must be national; that the creation of independent local censorships throughout the country should be forestalled; and that the local license situation is such as to bear with hardship on the trade while at the same time making consistent regulation, from the standpoint of public interest, impossible.

The manufacturers made it clear that they expected the Board to "create a fighting wing" that would "force the issue" with the present and incoming city administrations on moving-picture licenses. The Patents Company agreed to cover the Board's costs for the time being and still open the censorship to all companies, while the leading independent, the International Company, located in Chicago, fairly quickly agreed to support the effort. The Board also approached civic organizations in different cities "making a general inquiry concerning the local situation or their interest in moving picture shows." Approximately one-third of the surveys were returned by August, and as a result, over 300 names of individuals and organizations were added to the Board's mailing list, and eleven municipalities were receiving lists of censored films.

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293 EC Minutes, 28 June 1909, NBRMP, 118:1.
3.3 The National Board and the City of New York

While the Board was beginning to build national support for its censorship efforts, it also devoted its energies to the local legislative arena by trying to develop what it considered model legislation in New York for the rest of the country to follow, despite the fact that New York was far behind the legislative curve on fire safety. New York City Alderman Ralph Folks joined the Executive Committee at the end of June and undertook to lead the Board’s efforts in drafting an ordinance for the city, a project that would take over two years. Litigation continued; a judge struck down the Doull ordinance in May, characterizing it as “a futile and abortive effort and of no validity,” but the ultimate effect of the decision was to bring into force again the old, more restrictive blue laws.295 However theater owners got a reprieve during the summer when McClellan forced Bingham out of office. Although Bingham’s enforcement actions would eventually be upheld,296 the new Police Commissioner let it be known that enforcing the blue laws against the theaters would not be a priority, and the New York Times described one theater manager’s first open Sunday under the new regime. “It [had become] such a habit with Manager Rogers to get arrested that he said he always looked forward to it, and felt neglected when it didn’t occur. Last night from force of habit, he said, he started for the station house and suddenly remembered that he hadn’t been arrested, and went home instead.”297

Alderman Folks helped the Board as it began to assemble all of the conflicting regulations affecting motion picture theaters from the various city departments involved.298 By August, the Board had also obtained a list of all of the moving picture theaters inspected by the fire department as well as those listed in the Real Estate Record

294 EC Minutes, 6 August 1909, NBRMP, 118:1.
296 “Picture Shows Lose,” NYT, 5 October 1909, 4.
298 EC Minutes, 8 July 1909, NBRMP, 118:1.
and Guide, which it used for its "local inspection movement" to which it recruited settlement-house and other social workers. This was not just for safety inspections—the fire department was already charged with that—but conformity between license rulings and actual registrations to "make it possible for the Board to point out discrepancies and bring pressure to bear to get uniform treatment and ultimate codification."

The Board was also inspecting for compliance with its censorship, and it adopted a policy toward noncompliant exhibitors and manufacturers.

[Should the verdicts of the Censorship be found disobeyed in particular instances, pressure should be brought to bear tactfully upon the exhibitor; that where other means fail, a distinctly undesirable or dangerous show might be called to the attention of the Society for the Prevention of Crime, or if necessary, directly to the City Authorities; that every endeavor should be made to keep manufacturers and exhibitors informed of the standards and of the co-operative attitude of the Censorship, and to make them see that the Board means that its standards be those standards which are really set by the public, and which are necessary, for the present in order that public opinion should support the moving picture business.

As the Board enlarged and formalized its procedures over the summer of 1909 and censored ever more of the industry's output, the pressure from hostile groups let up on picture shows, and the Board received public credit for "cleaning up" films.

According to the New York Times, "Since popular opinion has been expressing itself through the Board of Censors of the People's Institute, such material as 'The Odyssey' [sic], the Old Testament, Tolstoy, George Eliot, De Maupassant, and Hugo has been drawn upon to furnish the films, in place of the sensational blood-and-thunder variety
which brought down public indignation upon the manufacturers six months ago."\(^{303}\)
The paper added, "It would be absurd to pretend that the manufacturers had
voluntarily turned from cheap to expensive productions." Yet, "In some ways the
manufacturers have gone further than the censors in forbidding their authors to
construct plots involving battle, murder, and sudden death. The law of the board is not
the decalogue, according to John Collier, the General Secretary, but the rules of good
taste."

To eliminate all murders would be to eliminate Shakespeare and nearly all the
classic drama, which would be absurd. But we object to laboratory displays of
crime. We won't have a burglar demonstrate exactly how one picks a lock or
jimmies open a door. You must remember our audience consists largely of
impressionable children and young people. It is not a Broadway audience.

While censorship activities ran apace and more producers agreed to participate,
the Board restructured.\(^{304}\) Among other changes, day-to-day power was concentrated in
the office of the General Secretary, Board co-founder John Collier, who was a paid staff
member required to be present at all Executive and General Committee meetings as well
as frequently called upon to substitute at Censorship Committee meetings. As General
Secretary, Collier was also the most frequent public face of the Board, representing the
Board to manufacturers, exhibitors, city government, and at public speaking
engagements. He wrote scores if not hundreds of articles explaining the Board's
activities for newspapers, popular and trade magazines and professional journals all
over the country. Given that his paid position was so central to the running of the
Board, he was becoming both the object of lobbying by the manufacturers and the target
of critics.

The Board also hired M.H. Brubaker as a local theater inspector in December,
but the question remained, what specific role would the Board have in improving the
conditions at local picture shows?\(^{305}\) Brubaker detailed the problems he found in a
report to the Executive Committee. In January of 1910, he visited approximately 125

\(^{303}\) "Browning Now Given in Moving Pictures," \textit{NYT}, 10 October 1909, 8.
\(^{304}\) GC Minutes, 16 December 1909, NBRMP, 120:1.
\(^{305}\) EC Minutes, 30 December 1909, NBRMP, 118:1.
moving picture shows in Manhattan, "practically all the motion picture shows in the Borough." He found that while most fire regulations were observed, overcrowding was still a major problem. Sanitation and ventilation were still generally poor, while lighting had greatly improved to the point that "In most places the rooms are light enough to be able to see one's neighbors easily. Conditions in very dark shows which have been agitated considerably, do not seem to justify the criticisms which have been made in the past."

Brubaker targeted Italian and Jewish Lower East Side shows, which were immigrant-owned, for particular criticism. Ventilation was a particular problem, because "[t]he odor in one of the shows where the Italian working men form a greater part of the patrons, is almost unendurable." Brubaker noted that the Italian shows tended to be small, averaging 150 seats, because "(1) they are run on small capital, (2) they are in locations where there are no good buildings for the purpose, and (3) they depend upon the working class on their trade and consequently do not open before five o'clock in the afternoon." He singled out the content of the films for being "importations" that "invariably deal with a murder, assassination or some other illegal proceeding" that were being screened in front of "goodly numbers of unaccompanied children." He noted that enforcement of any regulations was difficult because of the owners' poor English, and that "[t]he proprietors will promise anything, constitutionally, but to get them to live up to any of their promises seems to be a very difficult matter. These people have grown up in the habit of dodging laws and consequently they are very difficult propositions to deal with." However, the inspector

308 Giorgio Bertellini argues that so-called Italian films exhibited in New York to immigrants from different regions of Italy helped them forge a national, Italian identity that they did not have upon their arrival to the U.S. See Giorgio Bertellini, "Italian Imageries, Historical Feature Films and the Fabrication of Italy's Spectators in Early 1900s New York" in American Movie Audiences:
found the vaudeville offered in some Italian theaters to be “far better than [that offered in] English or Yiddish theatres,” overcrowding was rarely a problem, and “the treatment of the patrons by the management is almost universally most courteous.”

In the Lower East Side shows, though, “The managers apparently have not the least conception of what courtesy to patrons means.” If a patron violated some house rule, they were “sworn at and pushed into their seats.” Extreme overcrowding was an acute problem, and Brubaker described the shows as “universally cheerless affairs.” He also complained, “They will sell everything in the line of cheap candies and unhealthy soft drinks which result in extremely dirty floors.” He summed up his report by stating, “In general, there seems to be a decided tendency to make the so-called ‘Poor Man’s Theatre’ a decidedly poor theatre.” While there were many well-run nickelodeons in the city, “the conditions which have been pointed out in the above report occur in localities where they simply represent the way business generally is carried on. To find a remedy for these conditions is the great need of this Censorship Board.”

However, this charge to the Board by its inspector was not a simple matter to take on. At a February Governing Board meeting, two possible policies were presented.

One was in the line of bending all energies toward the strictly policing of the various shows; the other was to endeavor to codify by an ordinance all those regulations pertaining to the moving picture show, and by this means of centralizing the controlling power to compel and to allow the City authorities to more effectively supervise the moving picture theatres. The secretary to work through the settlements in influencing various shows, directing prosecutions only when other means failed to bring about a reform.309

But after a conference with manufacturers, Sprague Smith reported, “The manufacturers stated very plainly that although this work was desirable, the pressure from the exhibitors who would be prosecuted would eventually compel the manufacturers to withdraw their films from the censorship of the board.”310

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From the Turn of the Century to the Early Sound Era, ed. Melvyn Stokes and Richard Maltby (London: British Film Institute, 1999), 29-45.
309 GC Minutes, 9 February 1910, NBRMP, 120:1.
310 GC Minutes, 10 March 1910, NBRMP, 120:1.
With this reversal on the part of the manufacturers, the Board voted to dissolve and immediately reorganize “with the understanding that the local police supervision and prosecution would be eliminated from the duties of the Censorship.” Absentee Board members were notified by letter of the Board’s new policy.

First: To censor, both for the city and the country, all motion pictures. Second: To promote the motion pictures in the higher fields, especially of education. Third: To keep itself informed, through the work of a local inspector on the local situation, with the purpose of co-operation with the civic and state authorities in securing proper ordinances and legislation, and thus standardizing the field as a model for the country. In this work it will co-operate with all other organizations. It will not, however, undertake the work of policing and of prosecution.311

Earlier, the Board had tabled a motion to request that municipal officials across the country make adherence to its decisions a condition for picture show licenses, but with this new policy, it formally rejected basing any of its authority on the police power of the state.312

Spring of 1910 saw the city renew its efforts in enforcing fire safety standards and also the prosecution of moving-picture proprietors for admitting unaccompanied children.313 This focus on children crystallized around the representation of crime, even though many films were now in fact “pleasing,” according to many clergy.314 Such complaints were vindicated by the occasional story of children blaming films for their misdeeds, and this was not limited to petty crime such as pick-pocketing. “Little Ethel Allen,” for example, tried twice to torch her apartment building, leaving a note reading,

311 The following organizations and individuals agreed to “cooperate with” the reconstituted Board: Rev. Knox, Ethical-Social League; W. Frank Persons, Charity Organization Society; M.P. Adams, Children’s Aid Society; Dr. Henry Moskowitz, Dr. Matthew Beattie, City Vigilance League; George B. Pratt, International Committee of the YMCA; Robert E. Ely, League for Political Education; Miriam Sutro Price, Public Education Association; M. Serena Townsend, Woman’s Municipal League; John Collier, Ralph Folks, Augusta Prescott, Josephine Redding, Gustave Straubenmuller, A. W. Denne, Dr. Warbasse. GC Minutes, 12 April 1910, NBRMP, 120:1.
312 EC Minutes, 8 July 1909, NBRMP, 118:1.
"If you don't put $50 under door mat we will burn your home and everybody in it. (signed) BLACK HAND." Fire was a serious danger to people's lives in crowded tenement districts, and when she was caught, she sobbed, "I saw a moving picture where there was a fire and people were rescued, and I also saw one where the Black Hand tried to get money. I don't know why I did it, but I did not mean to do wrong.” When asked by the judge how she was able to get into such shows, her father replied, "Why, I took her myself...but I had no idea that she would get such a terrible idea into her head. The fact is, your honor, that there is not a theatre in the Bronx that does not show pictures during their performances, and some of them are just such pictures as my little daughter had told about."

The same article suggested that the city was already considering some form of official censorship of its own, but it wasn't until autumn that public hearings commenced. At a 10 October 1910 hearing of the Aldermen's Law Committee, moving picture show proprietors astonished everyone by supporting the idea of a public censorship. The lawyer for the rejuvenated Moving Picture Association told the Aldermen, "The men engaged in this business in the city are business men and wish to make their business as helpful to the community as it can be made. They recognize in the moving picture a moral and educational influence, and believe that it should take its place in the school and church, and they will welcome the day when such a board as you propose is established.” It is unclear why the association repudiated the Board they themselves had formed, or what was the tone of John Collier's reaction to this appropriation of the Board's line, but he did tell the Aldermen, "There has been some cry that we have not done away with all 'crime pictures.' I will tell you why. Many of them teach a high moral lesson. They usually close with the triumph of good over evil.”

While there was also a proposed ordinance at this point for the censorship of theater productions, the political focus was on moving pictures. At a subsequent hearing the License Bureau Chief said that the voluntary nature of the Board was

inadequate in that "[i]t cannot enforce its decisions...and I believe that steps should be taken either to make this enforcement possible or create a public board with the necessary authority." At another hearing, the Superintendent of the Society for the Prevention of Crime, Thomas L. McClintock, supported the Board's efforts, but thought it should be "clothed in authority" to enforce its decisions, a point underscored by Collier's confession that the Jeffries-Johnson fight pictures could not be reviewed because they were made by a company not cooperating with the Board. While much of the racialization of the moving-picture phenomenon in New York involved Jewish theater owners, the controversy over the Board's inaction on the Jeffries-Johnson pictures arose over African American boxer Jack Johnson defeating white boxer Jim Jeffries, an event with far greater repercussions for film regulation elsewhere in the country which will be explored in chapter 5.

Despite this growing agitation over the Board's lack of official status, Collier gave an optimistic report to the General Committee that the independent manufacturers had recently agreed to cooperate and that indecency was nearly eradicated, the only remaining problem being the depiction of crime. The Board had a new ally in city hall that year, Mayor William Gaynor, the very judge who enjoined McClellan's nickelodeon closure two years earlier. When the Aldermen refused to act on a motion by Folks to form a committee to study the moving-picture question, Gaynor took up the issue and charged Commissioner of Accounts Raymond Fosdick with investigating the situation. At a Child Welfare Exhibit in January 1911, Collier made it clear that the Board was cooperating with Fosdick, and he told the audience,

The moving picture men [exhibitors] have played a pretty trick upon the public and the law. We said something about it over a year ago, but we found the Aldermen very loath to act....The instant [the Fosdick report] is made public the rest of our programme will come into action, and we do not think the Aldermen will be as slow to consider the matter as they were before when they could have

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317 "For Picture Show Censors," NYT, 27 October 1910, 8.
318 "Moving Picture Censors," NYT, 17 November 1910, 16.
319 GC Minutes, 2 November 1910, NBRMP, 120:1.
acted with credit to themselves rather than under the goading of public sentiment that is sure to force them along as soon as the facts become known.”321

Two resolutions were before the aldermen calling for censorship boards to be appointed either by the Board of Aldermen or by the Mayor, the latter “to censor all places of amusement, exhibitions, shows or acts in the city.”322 At the time the mayor was pressing for a new charter in Albany, and rather than attempting to change state law regarding amusements, the Motion Picture Conference, formed by the People’s Institute and several other groups when the Board abandoned the idea of prosecuting exhibitors,323 chose to work with the Mayor while waiting to see if the new charter would enable action on theater conditions at the local level.324 The Children’s Society, however, was not willing to wait. The advocated a state law segregating theaters by sex, and requiring the lights to be on during the show. The New York Times presented the efforts as being in conflict, but the chairman of the Conference wrote to the editor stating this was not the case. The paper picked up on the chair’s words the next day with an editorial chastising the Aldermen for failing to act, citing the “menace of such conditions to young girls.”325

3.2.1 THE FOSDICK REPORT

Fosdick filed his report on 22 March 1911. Pointing out that “[o]ur laws have not kept pace with the development of the picture shows,” he summarized the complex legal adaptations for regulating cinema that had emerged, and how their enforcement had become spread across seven city departments.326

321 “Ready to Attack the Picture Shows,” NYT, 28 January 1911, 5.
323 Albert W. Hing to NYT, “Motion Picture Shows,” NYT, 16 March 1911, 8; Walter Storey to NYT, “Motion-Picture Censors,”, NYT, 18 March 1911, 12.
325 “Motion-Picture Shows,” NYT, 17 March 1911, 8.
Our study of moving picture shows convinces us that their abuses are largely ascribable to three causes:

1. The lack of definite laws and ordinances and uniform regulations in regard to the moving picture business.
2. The lack of centralized control by the municipal authorities.
3. The presence in the Building Code of a section which virtually restricts the moving picture business to small "store front" shows. 

While the first two problems made the enforcement of any standards difficult if not impossible, the problem with the building code was that it effectively guaranteed nickelodeons would be fire traps. Devised decades before with the more expensive regular theater in mind, the code had stringent safety requirements for venues seating more than 300 persons which were redundant and cost-prohibitive for five-cent theaters which had fewer hazards of stage scenery, props or costumes, so nickelodeons operated in venues seating fewer than 300, unregulated by the theater provisions of the building code and more cheaply licensed by a different department.

As a result of such haphazard regulation, "the conditions found to exist are such as attach to cheap and impermanent places of amusement, to wit: poor sanitation, dangerous overcrowding, and inadequate protection from fire or panic." Fosdick quoted an inspector's description of a theater: "This is a vile smelling place, and an attendant went round with a big pump atomizer spraying perfumery to allay the odor." Another wrote, "Seats full and about two hundred and fifty standing in the rear and in the aisles. A critical inspection of this place was impossible. The crowd was surging back and forth, pushing and shoving for vantage points of view. Quarrels were frequent. The air was fetid and stifling. Children under sixteen years were admitted

327 Fosdick report, 15.
328 "Urges One Control of Picture Shows," NYT, 23 March 1911, 6; Fosdick report, 2-3. Fosdick reported, "There are at the present time approximately 450 motion pictures shows in Greater New York under a common show license, and 290 under a concert or theatrical license. Of the total number [740], approximately 600 are constructed with a seating capacity of under three hundred." Fosdick report, 7-8.
329 Fosdick report, 11.
330 Ibid., 13.
unaccompanied. This place is without one single redeeming feature.”  

331 Despite the horror stories cited by the inspectors including their fears should fire break out, Fosdick observed, “it should not be forgotten that the conditions of moving picture shows in New York have greatly improved within the last two years.”  

332 Because the license bureau chief had already ordered that all picture houses be lit during the performances, “The frequent allegations of vice and immorality made possible by the absolute darkness in which the films were formerly presented, would to-day, therefore, be largely unfounded.”  

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Fosdick’s discussion of the content of the shows was relatively brief, and he gave unqualified praise to the Board for improving the content of the shows. “It can now safely be said that there are no obscene picture publicly exhibited in New York.”  

334 He made no claims for artistic merit, citing the practical issues faced by the Board “which call for a policy of steady but gradual improvement rather than uncompromising severity.”  

335 Regarding the depiction of crime, he recited the Board’s stance that manufacturers “must be allowed a certain liberty in depicting moral problems,” so long as they were not “sensationalized,” as this was the heart of the dramatic art. “Some crimes, needless to say, are always debarred, as for instance, pictures of arson, poisoning, etc., together with certain socially-forbidden themes.”  

336 By following his recommendations, including allowing larger moving-picture theaters, he argued, “it is very probable, as has been the case in other cities, that the cheaper and less desirable shows would be eliminated through competition.”  

337 Gaynor appointed a committee of five that included Collier and two other Board members to work with the aldermen on new legislation.

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331 Ibid., 14.
332 Ibid.
333 Ibid., 14-15.
334 Ibid., 8-9.
335 Ibid., 9.
336 Ibid., 17.
337 “To Revise Moving Picture Regulations,” NYT, 13 April 1911, 1.
Fosdick’s thinking on government is important to consider here not only for his endorsement of the Board in his report. He systematized the distinction between the content of films and the conditions of their display—a distinction the Board had already codified in its own policy—in terms of concrete regulation at the local level. His recommendations would provide the basis for the ordinance eventually adopted in New York City and help consolidate the Board’s rationale for regulating cinema adopted under pressure from the manufacturers. Fosdick had trained as a lawyer and was well-versed in legal theory, and he was particularly interested in the problematic of the police. He was enamored of the gospel of efficiency and was hired by Mayor McClellan as Commissioner of Accounts to audit the performance of various city departments in an effort to root out corruption.

In 1913 Fosdick was commissioned by the Rockefeller Foundation’s Bureau of Social Hygiene to conduct a comparative study on different police systems as part of a larger project of combating prostitution. The bureau was initiated in response to the recommendation of a public commission to study the issue by a 1910 special grand jury investigating the “white slave” traffic in New York City, which in turn was part of a national moral panic over prostitution that would last for several years, and, as will be discussed in chapter 5, would embroil the National Board in controversy when film producers sought to exploit the scare in 1913-1914. John D. Rockefeller Jr. wrote in his introduction to the first published report,

So the conviction grew that in order to make a real and lasting improvement in conditions, a permanent organization should be created...which would go on, generation after generation, continuously making warfare against the forces of evil. It also appeared that a private organization would have, among other advantages, a certain freedom from publicity and from political bias, which a publicly appointed commission could not easily avoid.

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Rockefeller's rationale for the bureau with its suspicion of "politics" was typical of Progressive thinking and could very well have been written to describe the formation of the Board of Censors.

Fosdick's 1911 work on moving pictures anticipated a great deal of his more famous investigations of police administration in Europe and the United States. In his first volume, *European Police Systems*, Fosdick outlined the history of the term "police," first citing Blackstone's definition. "The public police and economy must be considered as the due regulation and domestic order of the kingdom, whereby the individuals of the state, like members of a well-governed family, are bound to conform to the rules of propriety, good neighborhood, and good manners." Fosdick noted this was "a definition wide enough to include the entire domestic policy of a nation," but it narrowed so that by the end of the eighteenth century two administrative functions were left of security police and welfare police. "[T]he former [was] intended to preserve the individual from dangers threatening his person and property, the latter to further the public welfare by the promotion of interests beneficial to society." In modern times police has come to mean the former, yet in Europe this still put enormous power at the disposal of the police because responsibilities were reserved to them until mandated otherwise by statute. By contrast in Britain the opposite was the case; police powers had to be positively defined by statute.

For Fosdick the unique geographical and political development of the United States led to the worst of both possible worlds of vastly intrusive police power positively mandated by statute.

340 Blackstone Commentaries vol. IV [1765], cited in Fosdick, *European*, 3; cf. Foucault, "[W]hen a state is well run, the head of the family will know how to look after his family, his goods, and his patrimony, which means that individuals will, in turn, behave as they should. This downward line, which transmits to individual behavior and the running of the family the same principles as the good government of the state, is just at this time beginning to be called 'police....The art of government...is essentially concerned with answering the question of how to introduce economy...into the management of the state.'" Michel Foucault, "Governmentality" in *Power: Essential Works of Foucault 1954-1984*, ed. James D. Faubian, trans. Robert Hurley, Vol. 3 (New York: The New Press, 2000), 207.

The willingness with which we undertake to regulate by law the personal habits of private citizens is a source of perpetual astonishment to Europeans. ... Every year adds its accretion to our sumptuary laws. It suits the judgment of some and the temper of others to convert into crimes practices which they deem mischievous or unethical. They resort to law to supply the deficiencies of other agencies of social control. They attempt to govern by means of law things which in their nature do not admit of objective treatment and external coercion."

Not only does this run counter to Americans' "intolerance for authority and... emphasis upon individual rights," but "nowhere are the police so incapable of carrying out such regulation." The apparent hypocrisy went even deeper, and perhaps Fosdick had Canon Chase in mind when he wrote,

Our concern, moreover, is for externals, for results that are formal and apparent rather than essential. We are less anxious about preventing a man from doing wrong to others than in preventing him from doing what we consider harm to himself. We like to pass laws to compel the individual to do as we think he ought to do for his own good. We attack symptoms rather than causes and in doing so we create a species of moralistic despotism which overrides the private conscience and destroys liberty where liberty is most precious."

Fosdick explained the U.S. "anomaly" of blue laws and their persistence by pointing out the country's distinct history and political geography of "small homogeneous villages" and the Jacksonian "tidal wave of increased [political] participation of the people." The police powers and practices that emerged were ill-equipped for the urbanization of the country in the late nineteenth century, and so "[f]or years it has been the practice of state legislatures, largely representative of rural districts, to attempt the regulation by law of the customs, diversions, sports and appetites of city populations."

What made blue laws inappropriate and impossible to enforce was, not surprisingly, the heterogeneity of American cities.

The consequences of this mixture of race and color are far reaching, particularly in their effect on such functions as policing. Homogeneity simplifies the task of government. Long-established traditions of order and standards of public conduct, well-understood customs and practices which smooth the rough edges

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342 Fosdick, American, 47.
343 Ibid., 48.
344 Ibid., 74-75.
345 Ibid., 56.

of personal contact, a definite racial temperament and a fixed set of group habits by which conflicting interests are more readily comprehended and adjusted—in short, the social solidarity and cohesiveness which come only from a common language and a common heritage—all these factors...are utterly unknown in many of the towns and cities of the United States.\textsuperscript{346}

The police “must enforce the same laws among a score of races and maintain a standard of conduct in a population coming from radically different environments...[and] deal with people who have no knowledge of public health regulations or safety ordinances or of those sanitary laws which distinguish the modern city from the medieval town....They must constantly realize that the juxtaposition of separate racial groups is a factor of potential disorder.”\textsuperscript{347}

Fosdick was obsessed with “the presence in America of large numbers of foreign races, uprooted and often adrift”\textsuperscript{348} and “poorly assimilated.”\textsuperscript{349} He began both volumes with discussions of race and criminality, mentioning that in New York with its high crime rate “the native white population of native parentage amounts to less than one-fifth the total population”\textsuperscript{350} while “[i]n London and other cities of Great Britain the negro population is so negligible that the census statistics make no mention of it. Only rarely does one see negroes on the streets and a ‘color problem’ does not exist. In America, in consequence of the great numbers of negro inhabitants, this problem has assumed startling proportions.”\textsuperscript{351} Despite his explicit correlation of race and crime, he was agnostic about the ultimate reasons for it, cautioning, “It must not be supposed, however, that our foreign and colored population is the sole cause of our excessive crime rate. If the offenses of our foreign and colored races were stricken from the calculation, our crime record would still greatly exceed the record of Western Europe.”\textsuperscript{352} He continued, “With all its kindliness and good nature, the temper of our

\textsuperscript{346} Ibid., 7-8.
\textsuperscript{347} Ibid., 8-9.
\textsuperscript{348} Ibid., 20.
\textsuperscript{349} Ibid., 26-27.
\textsuperscript{350} Ibid., 6.
\textsuperscript{351} Ibid., 7.
\textsuperscript{352} Ibid., 26.
communities contains a strong strain of violence....We lack a sense of the dignity of obedience to restraint which is demanded for the common good. We lack a certain respect for our own security and the terms upon which civilized communities keep the peace." 353

Racial diversity was for Fosdick a fact to be managed, not mourned. Indeed he condemned popular racism affecting the enforcement of the law, but with a telling caveat which spoke to the unwillingness of northern reformers to address the problems of African Americans.

"We have three classes of homicide," I was told by the chief of detectives in a large southern city. "If a nigger kills a white man, that's murder. If a white man kills a nigger, that's justifiable homicide. If a nigger kills another nigger, that's one less nigger." While of course brutally exaggerated, the statement is none the less too nearly a correct portrayal of the actual condition of public opinion in many parts of the country to be altogether or even largely discounted. 354

Law was not a black-letter affair for Fosdick. "Its life is its enforcement. Victorious upon paper, it is powerless elsewhere. The test of its validity is the strength of the social reaction which supports it." 355

Despite his careful discussion of the structural factors involved in policing, his assumptions underlying its supporting "social reaction" were profoundly humanist. He accused those who advocated continual changes in the structure of the police of a "belief in the occult qualities of mechanical organization," which "leaves strangely out of consideration the character and ingenuity of men." 356 While organizational form was not to be completely discounted, "No automatic type of organization exists through which competency and effectiveness are assured. In our continued search for such self-regulating arrangement we have been chasing a will-o'-the-wisp. 357 He went on to write, "Another factor, perhaps more important, is responsible for the constant alteration in

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353 Ibid., 26-27.
354 Ibid., 45-46.
355 Ibid., 55.
356 Ibid., 114.
357 Ibid., 114-115.
our police machinery. It is summed up in the word *politics.*"358 Yet politics had many factors, including "apathetic and contented" city populations leading to administration in "unwise and dishonest hands,"359 arguments over whether accountability for policing sits with "the municipality which hires them...[or] the state whose laws they are sworn to execute"360 stemming from "the invidious inference...the people of a locality are unfit to govern themselves"361 and "certain confused analogies" between the federal government "organized primarily with a view to legislative efficiency" and local government which "is a matter of administrative efficiency."362 He continued,

The peculiar activities of a city, involving the guardianship, health and education of a population stratified by racial, economic and religious lines, while compressed within narrow geographical limits, present a unique governmental problem comparable only to a limited degree with the problem of national organization. The test of a form of government to be applied to such a situation is its serviceability and not its resemblance to forms adapted to other purposes. The question to be asked is not whether it adheres to an eighteenth century political ideal, but *does it work?*363

This was the question posed by American Pragmatism, the philosophical expression of the Progressive era which I will explore in more detail in the next chapter.364 It is enough for now to say that behind this apparently apolitical question, and behind the general desire among Progressives for self-regulating humanist subjects in the face of social change, lies an understanding that political projects and subjectivities do not arise *sui generis* but are instead socially produced and concretely situated. Fosdick

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358 Ibid., 115.
359 Ibid., 121.
360 Ibid., 120.
361 Ibid., 128.
362 Ibid., 152.
363 Ibid., 152.
364 Undoubtedly he was also alluding the 1905 *Lochner* decision (*Lochner v People of State of New York*, 198 US 45), in which the U.S. Supreme Court invalidated laws limiting the work week, citing the freedom of contract. While this decision is even now referred to by scholars of both the left and right when accusing courts of "lochnerism" (usurping the legislative function), at the time it was perceived as a major blow to Progressive policy-making. However there is currently a lively debate over the degree to which courts of the time in fact upheld laissez-faire principles and curtailed the police power of the state; for an overview, see Felice Batlan, "A Reevaluation of
understood this as he condemned the attempts by would-be censors of people’s tastes and moral habits to use the state’s police power for their ends.

The attempt to coerce men to render unto Caesar the things that are God’s must always end in failure. The law cannot take the place of the home, the school, the church and other influences by which moral ends are achieved. It cannot be made to assume the whole burden of social control. Permanent advance in human society will not be brought about by night-sticks and patrol wagons, but by the cultivation, in neighborliness and sympathy, of a public opinion which will reflect its soundness in the laws it enacts and in the approval it gives to their enforcement.365

It was public opinion the Board claimed to represent, and Fosdick endorsed its “constructive” notion of governance that confined use of the police power of the state to ensuring physical safety and suppressing what they considered self-evident obscenity. But not all Progressives drew the line in the same place, and already the Board was beginning to lose allies.

3.3.2 THE WOMAN’S MUNICIPAL LEAGUE

The spring of 1911 not only brought the Board an endorsement by Commissioner of Accounts Fosdick in City Hall; it brought a very public conflict over local film regulation with a former collaborator. The Woman’s Municipal League, which had cosponsored the 1908 study of cheap amusements with the People’s Institute and for two years had a representative on the Board, fell out over the issue of funding by the industry the Board was formed to regulate and the practice of paid secretaries serving on censoring committees to make quorum.366 Formed by the Civil War-generation reformer Josephine Shaw Lowell, the League had been a powerful force in cleaning up New York City electoral politics from 1894 to 1905 for the sake of “efficient administration,” using the separate spheres argument that middle- and upper-class

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365 Fosdick, American, 56-57.
366 "Exigency having arisen, it was voted to allow the Secretaries to act as substitutes at large (having power to cast one ballot) at the censoring of pictures when a quorum is not present." EC Minutes, 8 July 1909, NBRMP, 118:1.
women who did not work or participate in partisan politics had greater moral sensitivity. "The old 'dirty' business of politics remained no place for a lady. But the new, 'clean' arena of nonpartisan work on city problems was, they asserted, women's territory as well as that of progressively minded men." After Tammany Hall co-opted their "Fusion slate" agenda with McClellan's 1903 campaign, the League turned to working directly on specific issues while retaining its vision of politics and business as always potentially corrupt.

In 1911, the League accused members of the Board of receiving "illegitimate compensation" of up to $5000 each, allowing some manufacturers to release films without inspection, missing films previously turned down and reissued under the name of another manufacturer, and General Committee laxity in reviewing the work of the Censoring Committee. The two committees met with Gilbert H. Montague, lawyer for the Woman's Municipal League, to discuss the charges. He was also the husband of the League's member on the Board, who in turn was also the chair of the League's Motion Picture Committee. Collier gave a statement detailing his $50/month salary for the censorship as well as extra money he made writing literary articles, lectures and consulting. He concluded, "The secretaries are not proud of this showing, but regretful of it." The Board also provided detailed statements refuting the other accusations, conceding only that "special releases" financed by outside interests and not playing in regular movie houses were not reviewed, but also that the only films released thus far in this category were fight pictures and Roosevelt's trip to Africa.

Apparently the evidence provided was unsatisfactory to the League. A week later, the Evening Post called the Board offices detailing the same charges made by the

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368 The League did not support an independent mayoral candidate in 1905, instead concentrating its efforts on supporting independent candidate William Travers Jerome for District Attorney. Ibid., 120.
369 GC Minutes, 12 April 1911, NBRMP, 120:1.
370 Montague was a prominent business lawyer involved in anti-trust litigation.
League. The League also complained to the mayor and Commissioner Fosdick about appointing Collier and Warbasse to the Mayor's Motion Picture Committee, claiming that they were not "disinterested." They asked that they have a representative on the committee, but received no reply. They also circulated a confidential 1909 letter from Sprague Smith asking Board members not to reveal the name of a particular donor and instead simply name trade interests at the donor's request, citing this as evidence that the Board was hiding the fact that it was mainly supported by the industry. The author of a Board report wrote, "The joint act of thus circulating a confidential communication and of circulating it to bolster a totally erroneous impression, seemed to us to be quite indefensible." The League did not respond to a request by the Board to submit evidence for their allegations, and the report's author recommended asking for the resignation of the League's representative on the Board, which was tendered in October.

However the League went public again in November, sending copies of their "Report of Committee on Motion Pictures" to the newspapers. The report repeated the League's accusations and also detailed a survey of municipalities they conducted that suggested the Board was viewed unfavorably because it lacked legal authority. The two groups continued to issue dueling releases to the press. The New York Times editorialized that a statement by Collier had "a certain superficial plausibility," but, "Invariably control more or less nearly complete goes with payment, and the inspection becomes farcical or corrupt in exact proportion to the degree of dependence." It went on to question the need for the Board given that existing obscenity laws and police powers were at least theoretically sufficient, and that "those of us who have a dislike for the exercise of public functions by private societies, though not denying the seeming

373 Untitled report, [May 1911?], NBRMP, 120:1.
374 GC Minutes, 21 October 1911, NBRMP, 121:1.
376 "Payment Gives Control," NYT, 9 November 1911, 10.
necessity for this in some cases, would like to have the number of cases reduced as much as possible." In terms of standards of taste as opposed to morals, "we have no assurance that the board's Inspectors will not be either unduly severe or unduly lenient in their judgments. Possibly the public is pretty well able to take care of itself, and perhaps what the law does not forbid nobody should forbid."

Board secretary Walter Storey issued a statement that indicated a lack of consensus among its members over its policy against official censorship:

The board does not now and never has opposed a municipal censorship. Members of the board have diverse opinions on that subject. No municipal censorship could diminish or alter in any way the province of the National Board, but the board has for two years led in the agitation for improved laws governing they entire subject of motion pictures and cheap theatricals, and would welcome any practicable municipal interference in the local censorship question as a much-to-be-desired adjunct to its work as a National Board.377

### 3.3.3 THE FOLKS ORDINANCE

What had prompted the League to renew its fight was the first draft of an ordinance submitted by the Mayor's Committee on Motion Pictures. The committee proposed, based on Fosdick's recommendations, that motion picture theaters seating not more than 600 have their own classification and be licensed at $100 per year and have particular safety requirements that would be subject to inspection, and they also proposed restricted times for children attending without adults.378 However they did not propose a censorship. The Woman's Municipal League, besides publicly fighting the Board, submitted a report to the Mayor's committee detailing censorships set up by other cities "to protect their children from the influence of improper pictures."379 They also called on the committee to explain why a censorship was not needed should they continue to exclude it from the ordinance.

Film exhibitors weighed in by agreeing to give the Board "absolute discretion" in reviewing their pictures, a "new" attitude that the New York Times credited to the

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377 "Picture Film Board Attacks Its Critics," NYT, 9 November 1911, 8.
378 "New Motion-Picture Rules," NYT, 7 November 1911, 20.
League. However, their position constantly changed as new proposals came up. Two weeks later, exhibitors said at an Aldermanic hearing that they supported a police censorship, or by someone else "who will relieve them from the charge so frequently made that they are corrupting the morals of their neighbors' children." The hearings were lively; Alderman White, who had a stake in two vaudeville houses, proposed that all new moving picture houses be required to be built to the existing stringent regular theater specifications—thereby effectively shutting out any new picture shows—and punched another alderman in the jaw who protested his conflict of interest. His aldermanic committee, instead of keeping all control in the license department as recommended by the mayor’s committee, proposed pre-publicity censorship by the police commissioner, who was "charged with the administration of law and the observance of it," a mandate Police Chief Wallace went on record to oppose. White's committee also stated that while they found no fault with the Board's censorship per se, the lack of legal power made its coverage inconsistent, and also that "while not subject to the influence of the manufacturers, [the Board] is susceptible to such influence."

Folks introduced an ordinance closely based on the recommendation of the Mayor's Committee; it called for a distinct motion picture theater license and building specifications for a maximum capacity of 600 in which stages and vaudeville performances would be prohibited, and concentrated all responsibility in the license bureau. According to a broadside distributed by the People's Institute and other social service organizations in support of the ordinance, "The elimination of stage and vaudeville has two objects—moral betterment and reduction of fire-hazard and panic-hazard." This served to condense and displace the physical and moral dangers—

380 “Motion Pictures,” NYT, 16 November 1911, 8.
381 “Want a Censorship of Moving Pictures,” NYT, 2 December 1911, 5.
382 “Punch In the Jaw to Alderman Levine,” NYT, 29 November 1911, 5.
383 “Want a Censorship of Moving Pictures,” NYT, 2 December 1911, 5.
cinema as problem—back onto vaudeville from which cinema had so recently differentiated.

This of course left the question of the content of movies themselves. Where the Folks ordinance departed from the Mayor's Committee was the recommendation that theater inspectors report to the mayor on the moral character of films. It's important to understand what precisely was being proposed here, for this was not to be a censorship board directly constituted by statute. Instead, the inspectors' power would derive from the mayor's executive capacity to administer licenses. Indeed, "It is not certain that he could constitutionally be given this power [to censor films] through statute, but he has and can retain it through this autocratic license-revoking power." The principle of the Folks ordinance was "that administrative discretion should be minimized in matters physical, concrete or closely definable, but that administrative power should be at its maximum with the least possible court-review, in matters like the moral regulation of performances." While the Board and its allies conceded that pre-publicity censorship could possibly derive from this, they described the intent as a power "to be used by the administration when and as conditions or public opinion require."

John Collier, formally on behalf of the Mayor's Committee, attempted to clarify the confusion in a discussion paper. "The disputed point seems to be: Just what does the proposed ordinance do in the matter of censorship?" He pointed out the mayor already had discretion over common show licenses, and that courts would not review any questions of fact in an appeal of revocation or denial. Instead, "the reason which the Mayor assigns for refusing or revoking a license must not seem whimsical or tyrannical." This is because "[t]he license is construed by the courts to be not a property right but a privilege." But, "whenever an ordinance or statute is enacted requiring a

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385 Fosdick would condemn what he saw as the excesses of judicial review in American Police Systems.

motion picture theatre to be or not to be something in particular, the Mayor’s discretionary power is in that particular limited and the holder of the license is given the power to obtain court review on the question of fact [emphasis original].” Such statutory codification is appropriate for theaters regarding what is “physical, concrete or uniform in its character,” but the regulation of programs is “properly left as a discretionary matter with the administration” in order to avoid endless litigation. Collier likened the mayor’s power to revoke a license to capital punishment, and the mayor had in fact revoked licenses twice in the past year at the behest of the Board. He also again eschewed any legal recognition of the Board.

The most unsatisfactory feature of the motion picture art at this time is its uniformity through the country, and anything a given city can do to require a distinctive quality of films shown in that locality is intrinsically desirable, even apart from the elementary fact that no city should formally surrender to a body over which it has no control (like the National Board of Censorship) a police responsibility such as the regulation of motion picture programs.

The Board passed a resolution supporting the ordinance and opposing pre-publicity censorship as inappropriate, unnecessary and wasteful. Nonetheless, “The National Board...will cooperate to the extent of its ability with New York or any other locality in the enforcement of moral standards on the motion picture business.”

Thus the Board supported an expansion of the discretionary aspect of executive power over things they felt were not amenable to legislative codification. The moving image was one such thing—how could its limits be defined by statute? On the face of it, this could be seen as a profoundly antidemocratic move and showed a loss of faith in representative government, a view Fosdick would later describe as a “faulty analogy.” However, rather than a loss of faith it was more of a displacement. Board members took seriously the idea that the chief executive was the singular representative of “the

387 Ibid., 1-2.
388 Ibid., 4-5.
389 National Board of Review of Motion Pictures, “Resolutions Adopted by the Executive Committee National Board of Censorship of Motion Pictures, with reference to Official Censorship in General and to the proposed Folk Ordinances No. 89 in Particular,” 24 January 1912, NBRMP 151:1, p. 2.
people, and more specifically, the people’s judgment. However, the exigencies of being mayor did not allow for the time necessary to render judgment except in occasional exceptional circumstances. Thus the Board justified itself as the representative of the people’s judgment on a routine basis. It had the time, experience and expertise to deal with a moving target of regulation, and it would do so by constantly evolving judgment rather than the set criteria of definitive legislation.

The aldermanic Committee on Laws and Legislation reported favorably on the Folks Ordinance in May of 1912. The Woman’s Municipal League immediately responded by sending out 15,000 postcards to social service and religious organizations to mobilize opposition. In a bulletin released a day later, the Society for the Prevention of Crime urged the amendment of the Folks Ordinance with a pre-publicity censorship proposal by Alderman Courtlandt Nicoll. They further suggested that censors should be appointed by the Board of Education “to pass upon the morality and psychological effect of the pictures upon children, as nearly fifty per cent of the patrons are children.” They argued in familiar terms that gendered different forms of misbehavior, “Many children become fascinated, neglect their studies and their duties, steal money for admission fees, re-enact the scenes which they witness and start on a downward path. Boys become thieves and incipient desperados and their association with girls becomes colored by impure thought and action.”

In a point entitled “Official Censorship not Opposed to the American Spirit,” the Society argued, “it ought to be said that the Folks Ordinance creates a municipal censorship as to buildings seating less than 600 people to be used for moving pictures. In other words, the Folks Ordinance requires the building to be examined and approved by the Bureau of Licenses before picture can be displayed therein, while the Nicoll Ordinance requires the pictures to be examined and approved before they are exhibited.”

390 “Advance Picture Show Law,” NYT, 8 May 1912, 7.
391 “Oppose Folk Picture Plan,” NYT, 10 May 1912, 11.
393 Ibid., 3.
This construal of building codes as censorship underscored their contention that moral and physical health should be regulated the same way. In this they went beyond the League, which was resolutely non-sectarian, and advocated Sunday closure of movies, at least those exhibited for profit. “The moving picture shows...are particularly dangerous places to be open on Sunday, because they have none of the sanctity and moral restraints which should surround young people.”

The Board labeled mandatory pre-publicity censorship an “extravagant remedy.”394 “As motion pictures at present deal with news events and public controversies—as they attack vested evils and are used in political campaigns—it ought to be plain what might result from an ordinance charging the Mayor with such a duty of secret inquisition.” But there was also a more immediate conspiracy. “While the public opposition to the Folks Ordinance is being pushed by two civic organizations, the real private opposition, much more effective, is being carried on by cheap theatre and vaudeville interests which desire that motion pictures shall be kept on as low a plane as possible and which object to the competition that will ensue from the construction of enlarged, sanitary and attractive motion picture theatres.”395 The Board argued that “[t]he question here is not the efficacy of the National Board of Censorship, but the quality of motion pictures as seen in New York.”396 Commissioner Fosdick also spoke out in support of the Folks Ordinance,397 as did the Citizens’ Union, which wrote the Aldermen, “Your honorable body should not wait [for] some disaster like that which befell the Titanic.”398 Moving picture shows are a “new industry,” thus existing regulations are insufficient to safeguard the lives of the 300,000 patrons who attend, “mostly women and children.” Folks pleaded with his caucus to pass the ordinance over Tammany opposition, telling them, “If by any remote circumstances its passage should be delayed or defeated, the opposition will be responsible for any loss of life that

394 Thomas R. Slicer, untitled statement, 10 May 1912, NBRMP, 151:1, p. 2.
395 Ibid., 3.
396 Ibid., 2.
may occur.”399 He went so far as to state that the Nicoll Ordinance was complementary to his and that they “have been purposely so drawn,” most likely counting on a mayoral veto of the censorship proposal. The New York Times asked, “Why not pass them both?”400

But when the ordinance came up for another hearing, the paper complained that the provisions of the Folks Ordinance only applied to new licenses. “All the vicious features of the present theatres are untouched by this ordinance....Moreover, their immunity from the law and from rules framed to protect the public, mostly children, will give them all the advantages of a monopoly.”401 Maurice Wertheim, a member of the Mayor’s Committee and (of course) of the National Board, branded the editorial “unfortunate and unsound.”402 He pointed out that everything in the ordinance did apply to existing shows—with the apparently minor exceptions of fire escapes, galleries, wall construction and venue location, and that the matter of exits was left to the discretion of the License Bureau. He said that making the construction requirements retroactive would be “unjust to the small proprietors, who have invested their all in enterprises dully licensed by the city, summarily to throw them out of business.” Yet he also argued that with the doubling of seating capacity for new shows, “Instead of creating a monopoly for existing shows the effect of the ordinance will undoubtedly be to replace them with better and larger ones.”

The Citizens’ Union organized a meeting at Cooper Union (which was closely associated with the People’s Institute) for 17 June 1912 to support the Folks Ordinance. Speakers argued over whether it was the nickelodeon owners or the vaudeville interests influencing Tammany aldermen. According to a reporter, “All agreed, however, that the Aldermen had been subjected to some mysterious and malign influence, and they were characterized generally as ‘grafters.’”403 Henry Moskowitz of the Board labeled the

399 “Motion Picture Law May Pass To-Day,” NYT, 14 May 1912, 9.
400 “Motion Pictures,” NYT, 15 May 1912, 10.
401 “Moving Pictures,” NYT, 12 June 1912, 12.
402 Maurice Wertheim to NYT, “Motion Picture Shows,” NYT, 14 June 1912, 10.
403 “Denounce Film Law Fight,” NYT, 18 June 1912, 6.
Tammany Aldermen “traitors to the people,” shouting, “It is a joke to call the Aldermen the City Fathers...A father has a sense of responsibility, and the Aldermen obviously have none.” A Brooklyn Rabbi said he “felt ashamed of our democracy when a question involving the life and limb of the poor is considered debatable...The City Fathers are merely stepfathers...After election, they step so far away from us that they can’t recognize us any more.” A proposed resolution declared, “this proposed legislation, at once scientific and of urgent practical importance, has been for several months blocked in the Board of Aldermen by the opposition of special interests, notable the cheap theatres and cheap vaudeville interests.”

Shortly after, yet another ordinance was introduced mandating pre-publicity censorship and prohibiting Sunday shows except those by educational and religious institutions. Maud Rittenhouse Mayne wrote the New York Times to support the new Morrison ordinance. She told how in her Brooklyn neighborhood, children “swarm about the brightly lit entrances of these places” waiting for an older child or adult to let them in. “And, once inside, what do they see? Burglaries, train robberies, hold-ups! Realistic scenes in which criminals, gamblers, cowboys, and street toughs figure as the heroes. From this material the children form their ideals. After these shining examples they model their daily lives.” She went on, “By all means let us remove the impure air, but remove also the impure picture; let us protect against that which will burn the body, but also against that which will sear the soul.”

True to the middle-class temporality of the period, the issue died down for the summer. In fact it did not come to the fore again until a December investigation of the level of compliance with the fire law by nickelodeons and vaudeville theaters conducted by the Fire Commissioner, who cited “an unusual number of complaints about standee

404 It is unclear from the record whether the resolution was passed or not. “Draft of Resolutions for Mass Meeting Monday night June 17th 1912,” NBRMP, 151:1, p. 1.
406 Maude Rittenhouse Mayne to NYT, “Unclean Picture Shows,” NYT, 7 July 1912, 10.
conditions in theatres.” It is unclear from the record whether this “unusual number of complaints” was organized, but the very next day, a Lower East Side exhibitor was arrested and convicted for showing a film portraying a crime under the existing city ordinance. However these events were prompted, Canon Chase wrote a letter to the editor complaining about the lack of action by the Aldermen on the Morrison Ordinance. According to Chase, those who advocated passing the Folks version first and deferring the matter of censorship “artfully or innocently conceal the important fact that the Folks bill is not only a structural ordinance, but that it gives a very valuable franchise to the motion picture interests and gets for the real welfare of the children very little in return.” His real fear, however, was that if both the Folks and Morrison ordinances were passed, it would give the Mayor the opportunity to veto the Morrison ordinance with its censorship provision.

Folks retaliated, stating, “The opposition of the vaudeville interests, the theatrical trust and certain well-known Tammany politicians to this ordinance are great obstacles that must be overcome. The apparent and probably unintentional alliance of Canon Chase with these interests to discredit this ordinance is unexplainable and unpardonable.” According to the newspaper account, “He said that in case the ordinance was defeated it was not unlikely that some of the women and children in the city would lose their lives by fire and panic, and that if this happened part of the responsibility at least would fall upon Mr. Chase.” Chase’s riposte was printed the morning the ordinance was up for a vote. “Alderman Folks is mistaken if he said, as reported in The Sunday Times, that I ‘admitted that the structural provisions’ in the Folks motion picture ordinances ‘are a great step in advance and that this legislation is necessary.’ Quite the opposite is the truth. I believe that the provisions contained in his ordinance are of comparatively little importance, when compared with the need of an

408 “Fined for Crime Picture,” NYT, 10 December 1912, 1.
410 “Film Censorship Later, Says Folks,” NYT, 15 December 1912, 10.
effective official censorship and moral control of these shows."\textsuperscript{411} Picture shows "are the agencies which even more than the dance halls are supplying the inmates of disorderly houses."

At the hearing, Folks agreed to amend his ordinance to include censorship by the Board of Education when it was apparent that the Tammany Aldermen would not vote for the unmodified ordinance.\textsuperscript{412} This was not an about-face for either faction, but a gamble. The Republican and Fusion members were relying on Mayor Gaynor to veto the censorship as a line-item, an increase in mayoral discretion they felt the city charter allowed. For their part, the Tammany members were banking on the mayor vetoing the entire bill. Alderman White, who was in business with William Fox, deployed Chase’s argument, but against any ordinance. He claimed he had been asked by the Trust to support the ordinance and that Fox had been offered $90,000 by them to "betray the small picture men." He also alluded to efforts on the part of the Trust “to influence certain civic bodies in the city.” A number of Aldermen pointed out that the Board of Education would have the authority to refuse the censorship brief, and so they were "merely voting on a nullity." Folks “asked the Tammany members if they would show their good faith in case the Mayor vetoed the amendment by voting for the structural ordinance. The Tammany men only smiled.” The modified ordinance was passed unanimously less the vote of Alderman White.\textsuperscript{413}

The Board’s General Committee met a couple of days later to assess the situation. Collier pointed out that if the mayor approved the ordinance less the censorship amendment, or approved the entire ordinance, enforcement of the entire ordinance could be held up by litigation for years.\textsuperscript{414} Given the legal ambiguities the mayor faced...
in his decision, the committee voted not to declare itself on the amended ordinance and
instead simply let stand the Board’s earlier endorsement of the original Folks Ordinance.
They also agreed not to respond anymore to criticisms of the Board leveled by the
Woman’s Municipal League, which had continued through the copious letter-writing of
counselor Montague. Board Chair Frederic C. Howe sent out a letter to the entire
General Committee urging members as individuals or representatives of their respective
organizations to tell the mayor that they would favor any action that would bring the
original ordinance into effect, and that it was also important that “citizens generally take
a stand either for or against legal censorship of films and that they make this stand plain
to the public, to the Board of Aldermen and to the Mayor.”

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In advance of a hearing called by Gaynor on the ordinance, Canon Chase formed
an “Emergency Committee” to pressure the mayor to sign the amended ordinance.
They evoked Jane Addams as “our authority for saying that the Chicago ordinance
adopted in November, 1907, has worked well,” and they pointed out the Illinois
Supreme Court had held that pre-publicity censorship was not discriminatory against
movies in favor of plays because “the class of people who attend [are] children,” and
that “official censorship does not destroy property without due process of law for the
reason that censors only reject immoral films and such films have no legal right to exist
and, therefore, have no value in law.”

416 Gaynor expressed reservations at the hearing
about official censorship, citing the possible danger to the press.

417 In the end, he vetoed
the entire ordinance, citing in his letter to the aldermen his belief he had no authority for
a line-item veto.

418 He also cited the dubious constitutionality of censorship and
expressed his fear that once movies could be censored, newspapers and regular theaters
might be next. He added,

These moving picture shows are attended by the 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

418 Gaynor to Board of Aldermen, 27 December 1912, NBRMP, 151:1, p. 4.
subjects necessary to be protected by a censorship? Are they any more in need of protection by censorship than the rest of the community? That was once the view which prevailed in government, and there are some among us, ignorant of or untaught by past ages, who are of the view now. Are they better than the rest of us, or worse? Chase accused Gaynor of being confused regarding the applicability of the First Amendment to film, stating, “Mayor Gaynor ought not to give to the clause a meaning which it did not have when it was enacted.”

On 2 February 1913, everybody’s fears came true when two people were killed and twelve seriously injured in a panic following a false alarm at an East Side picture show. There had been 1000 people in a theater licensed for 200, and all the dead and injured were piled upon one another at the front entrance where the first would-be escapees had tripped on the steps, and firefighters had to pry the mass of people apart. Ralph Folks was quick to point his finger. “Canon Chase and such men were indirectly responsible for the loss of life Sunday night....Religious fanaticism such as burned men at the stake in the fifteenth century should not be tolerated to burn people to-day in moving picture shows.” Chase wrote Folks asking if he had been misquoted by the papers, and Folks reiterated the charge. He also wrote the editor, pointing out that the Hippodrome, a large Midtown auditorium (fig. 17), would have been unaffected by the Folks Ordinance since it had been operating under a theater license rather than a common show license. Also, “Mr. Folks knows that the Folks ordinance does not require any improvement against the danger of fire...in the existing motion picture shows.” He reiterated the accusation that the ordinance was “special legislation designed to increase the receipts and power of the Motion Picture Trust.”

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419 Ibid., 3.
421 “Two Dead, 20 Hurt in Theatre Panic,” NYT, 3 February 1913, 1.
422 “Blames Canon Chase for ‘Movie’ Horror,” NYT, 4 February 1912, 8.
423 “Replies to Canon Chase,” NYT, 6 February 1913, 10.
424 “Blame for Deaths,” NYT, 6 February 1913, 10.
Mayor Gaynor wrote the Board of Aldermen asking that the original Folks Ordinance be passed. He ended the letter with the admonition, “Of all things I do not think that the influence of other classes of theatres and shows should be permitted to obstruct or delay the passage of this ordinance.” This riled the Tammany aldermen, and according to the newspaper account, “Alderman White charged Alderman Folks with working for certain moving picture interests, and that he is on the National Board of Censorship which, said White, is in the pay of the film trust. Folks hotly resented this. ‘I have been a member of the National board of Censorship for three years,’ said he, ‘and it has done good work to improve the films both here and through the country. Alderman White represents the Fox theatrical interests, and he has good reasons for opposing the ordinance.’” The Tammany members declared that this was a “new” ordinance and thus needed to go through the regular process. They succeeded in laying over the ordinance for two weeks pending a public hearing.
After more maneuvering, in May the Aldermen passed an ordinance based on the Folks Ordinance, with the crucial change in that it prohibited balconies in moving-picture theaters and mandated that the width must be at least forty feet.\textsuperscript{426} The effect was to reduce the seating capacity for a theater of a given square footage, thus making newer, larger shows far less profitable and thereby protecting the “cheap theatres” from competition. Gaynor was incensed and threatened to indict any Alderman found voting for his own financial interests.

Why, it’s worse than taking a bribe. If a Judge acted in his own interest he would be impeached. A legislator would be expelled or indicted. That crowd of theatre-owning politicians has had its day in this city. Let them take down their own galleries. Perhaps an ordinance to that effect might be introduced. How would they like that? Why can there be any more immorality in the galleries of moving picture places than in the galleries of their own cheap theatres? In fact, there is none in either. A theatre gallery is as much exposed to view as any other part, more than under the galleries.”\textsuperscript{427}

He vetoed the ordinance and appealed to every “honorable man” among the Aldermen to pass the original ordinance regardless of their financial interest or party affiliation.\textsuperscript{428}

The Aldermen finally passed the ordinance on 1 July 1913. It adhered to Folks’ original proposal with the compromise amendment of prohibiting balconies in theaters under twenty feet in width.\textsuperscript{429} White played up his “support” of nickelodeon owners:

Don’t you see where this comes in? The majority of motion picture houses in this city are less than twenty feet in width, and all have galleries. If this bill is passed it will put out of business most of these small houses, so that the big fellows can step in and gobble up everything in sight. The bill is not introduced for the public good, but in the interest of these powerful men who are trying to gain a monopoly of the business.

The mayor responded in a fit of New York-centrism, “We now have in this city a moving picture ordinance that will serve as a model to all the cities of the country.”

While relieved that the ordinance was passed, he did regret that more theaters had been

\textsuperscript{425} “Tammany Holds Up Picture Ordinance,” \textit{NYT}, 15 February 1913, 5.
\textsuperscript{426} “Pass Picture Show Law,” \textit{NYT}, 21 May 1913, 10.
\textsuperscript{427} “Mayor Warns Aldermen,” \textit{NYT}, 29 May 1913, 7.
\textsuperscript{428} “‘Movie’ Ordinance Vetoed by Mayor,” \textit{NYT}, 4 June 1913, 7.
\textsuperscript{429} “Aldermen Approve Film Theatre Bill,” \textit{NYT}, 2 July 1913, 18.
built without safeguards in the three years that the ordinance had been fought. This was picked up in the *New York Times* editorial, which said that until the ordinance was amended to include existing theaters, “the measure is both useless and mischievous.” It went on, “It costs more now to build the right kind of theaters, and they will not be built. A monopoly is given to the wrong kind of theaters.”

This controversy over film censorship in New York City concerned the appropriate means and ends of police power. Canon Chase claimed the mantle of democracy when he said that “[t]he object of the law is to permit the majority to have their way.” For him the law could and should fully and positively represent the will of the majority and it was the role of the police to enforce that will, with no limits other than what a strict constructionist interpretation of the constitution would provide. Chase’s majority was the national majority that was still overwhelmingly Protestant and northwestern European in origin. Protestantism was a racial inheritance, one that was threatened by the new local majority of Catholics and Jews from eastern and southern Europe. These “whites of a different color” had to be assimilated to the standards and practices of morality of the former in order to gain full citizenship. The Women’s Municipal League was an ally of Chase’s only on the issue of official censorship. They were composed not only of white Protestants, but also Jews and Catholics who sought to maintain a particular class hegemony rather than a religious one. This they sought through a typically Progressive program of municipal reform for the sake of “efficiency” and “good government” to be actualized by “experts” rather than “politicians.” Business’ private interests should be kept out of governance as much as politics, which is where they parted company with the Board in supporting state-sponsored censorship.

The Board shared most of the same assumptions, but it sought a cooperative relationship with business, claiming its long-term private interest was in developing the productive potential of cinema. This it could do best through voluntary regulation by

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430 “The Motion Picture Ordinance,” NYT, 3 July 1913, 8.
expert representatives of public opinion free from political influence. Motion pictures had far too much potential as an educational force to subject it to something as potentially undemocratic and uninformed as an official pre-publicity censorship. But the socially situated production of free, white subjects involved more than the mobile image on the screen, and the static, unchanging aspects of the exhibition environment were perfectly amenable to statutory codification and enforcement by the police power of the state. These competing definitions of politics, governance and democracy were particularly volatile in the early twentieth century as new technologies, social relationships and cultural practices emerged through increased immigration and urbanization. Scholarship on the Progressive era has tended to emphasize the personal qualities advocated for the new-found mission of efficient administration, yet Progressives themselves also emphasized that the constitution of such an expert subject, free to exercise discretion in governing society, was relational. While such relations at the institutional level were the subject of this chapter, their psychic life will be the subject of the next.


THE NATIONAL BOARD never saw its mission as primarily negative and suppressive. Even as it readily publicized the number of feet of film it condemned and its cost to the industry,\textsuperscript{433} it also described its task as largely constructive. The Board's effort to regulate picture shows without pre-publicity censorship is not the whole story. As discussed earlier, the very reason the Board was formed was that a number of Progressive reformers saw the positive potential of film to better society. Its haptic visuality was not only entertaining; reformers saw it as powerfully and uniquely suited to educating and uplifting the immigrant and working masses, and the Board worked both to encourage the supply of educational and artistic films and stimulate the demand for them. While a film about tuberculosis prevention and an adaptation of King Lear may seem to have little to do with each other, reformers and other commentators would routinely mention both in the same breath during the first few years of the Board's operation. Actuality footage had dominated early cinema, but the nickelodeon boom roughly coincided with the emergence of narrative film. If the spatial separation of dedicated cinemas enabled its problematization, narrative films such as The Unwritten

\textsuperscript{433} For example, it publicized in its 1911 annual report that it had ordered destroyed 2,000,000 feet of "objectionable" film over its first two years, with a cost to the industry of $200,000. "Censors Destroyed Evil Picture Films," \textit{NYT}, 14 May 1911, 5.
Law sparked it. But that film was a dramatization of actual events that blurred the
distinction between genres.

This blurring persisted for some time in terms of how Progressive reformers understood how film worked on the spectator. The Board did make a practical distinction in that it did not review actuality films; there seemed to be a presumption that the filming of actual events involved little editorial discretion. In the case of such “concrete” matters as fire safety or prostitution, coercive statutory regulation such as obscenity laws was sufficient to deal with “inappropriate” actuality footage such as pornography. This regulatory division focused on the production process and echoed the French producer Georges Méliès’ 1906 claim that of his proposed film genres, Natural Views, Scientific Views, Composed Subjects, and “so-called” Transformation Views (trick shots), in the first two “the cameraman limits himself...to filming what is happening in front of him.”

Yet some Natural Views “involve[d] microscopic studies that require[d] special instruments and know-how,” and reformers on the other side of the Atlantic were interested in these less ephemeral and more directed “actuality” films produced for the educational market. While they did not formally regulate these films, they tried to encourage their production. It is worth considering how they understood these films to work for this and for how this understanding was applied to fictional film. For their regulatory distinction between educational films and fictional films was spatial. Both were seen as narrative films, but educational films were largely seen in schools and churches, while fictional films (“dramas”) were seen in nickelodeons, vaudeville theaters and other such spaces of danger. Though exhibition conditions made one potentially dangerous and the other not, as I suggested in chapter 2, both educational and dramatic films were seen to have the potential to harness the power of haptic vision and direct it toward a higher end, not through the symbolic medium of language, but through the action of narrative. The question was, how did this “mediation” work?

435 Ibid.
4.1 The Labor of Play

Even as Progressive reformers sought to elevate moving pictures, they also valued fun, albeit in their characteristically earnest way. Two months after the Board was formed, Henry Moskowitz gave a speech at the close of a model picture show. He told the assembled public school teachers,

I think some of us, especially our clerical brothers, are a little afraid of human nature. Some look upon the instinct for recreation as actually wrong. They desire to suppress such things as moving-picture shows because there is bad in them.

We aim to construct, not so suppress. We think the instinct for recreation is fine and wholesome, and we wish to make popular recreations wholesome so that they will have the truly rejuvenating quality that will help people to go on with their daily strain of work. We wish to take out of it what is bad, not to kill it all, and to give it an educational as well as an enjoyable quality.436

He continued, "This work in the field of moving pictures is only one phase of a great movement which we hope will soon result in the adoption by the city authorities of a constructive recreation policy, embracing all fields of amusement." This focus on improved recreational opportunities was an important part of the urban reform agenda of the early 20th century. For adults, recreation was literally that—the re-creation of labor power—while for children it was physical education in both senses of the phrase. Moving pictures with its "immediate" haptic qualities filled the recreational needs of many city-dwellers, and many reformers saw the opportunity for constructive entertainment where others saw only debasement. In short, cinema was a form of play.

This was made explicit at the Fourth Annual Play Congress in June 1910, where 250 delegates from all over the country met to discuss how "[p]lay has overflowed the playground." Instead of pooling play into playgrounds, the congress sought to discover how playgrounds and the play movement can extend and stimulate the right sort of recreation in countless channels for all the people."437 This brief included public

amusements. "Instead of trying to devise ways to lure children from the motion picture show, it sought to find out how motion pictures can best fit into a rational scheme of public recreation." The already-ubiquitous John Collier brought "ordinary" films to show, including "fairy tales, scenes from Shakespeare, poems like Hiawatha, Bible episodes and travel" to show that "the tendency is away from the sensational and toward the educational and artistic." 438

Collier told the congress, "The desire of the playground movement is that children shall have life in greater abundance: and the motion picture is a movement toward the enjoyment of larger life among the people." 439 But, "A great need of the playground, moreover, is to attract the whole family there, not merely the child; most of all, to attract the father of the child. The motion picture appeals to the whole family; in this way it will multiply the uses to which playgrounds can be put, and will strengthen the hold of the playgrounds upon the child by extending that hold over the entire family." 440 The play movement's concern with social reproduction was not only with the reproduction of a certain kind of heterosexuality and masculinity, but with the reproduction of labor. A recurrent theme of the conference was the "right to leisure" as an amelioration of the presumed inevitability of the "monotony of industrial specialization." 441 As always, the discourse of rights held a double-edged sword; while one "frankly socialistic" speaker advocated supporting workers' demands for more leisure time by better distributing the products of labor, another advocated the same as a means of "reviving interest in work." 442

Although these prescriptions from those who did not have to work were certainly meant to uphold the hetero-patriarchal control of children and the relations of production in industrial capitalism, they were not cynical. Reformers had a genuine concern about the perceived loss of community, control and creativity brought about by

438 Ibid., 563-564.
440 Ibid., 239.
441 "Rochester Play Congress," 562.
factory work. However mythological these goods were in fact, in theory they had at least been accessible to most. The rise of monopoly capital in particular broke the myth of Jeffersonian democracy's communal and creative self-sufficiency, and many reformers hoped that recreation such as cinema could help fill this need. They understood productivity to be at least in part creative: "play was the mother also of invention and not necessity," as one playground superintendent put it.443

Marx of course located this alienation of community, control and creativity in capitalist relations of production. "Compulsory work for the capitalist usurped the place, not only of the children's play, but also of independent labour at home, within customary limits, for the family itself."444 The specialization of labor pointed out by reformers "hangs on in the factory as a tradition handed down from manufacture, and is then systematically reproduced and fixed in a more hideous form by capital as a means of exploiting labour-power."445 "In handicrafts and manufacture, the worker makes use of a tool; in the factory, the machine makes use of him....Factory work exhausts the nervous system to the uttermost; at the same time, it does away with the many-sided play of the muscles, and confiscates every atom of freedom, both in bodily and in intellectual activity."446

Marx articulated this link between creativity and discipline which had been severed by capitalism as the essence of labor and the fulcrum of human action in the world. "Labour is, first of all, a process between man and nature, a process by which man, through his own actions, mediates, regulates and controls the metabolism between himself and nature. He confronts the materials of nature as a force of nature....He develops the potentialities slumbering within nature, and subjects the play of its forces

442 Ibid., 562-563.
443 George E. Johnson, "The Renaissance of Play," Playground 5, no. 3 (June 1911): 86.
445 Ibid., 547.
446 Ibid., 548.
to his own sovereign power." Sovereign power must by definition be creative, because if it was subject to necessity, it could not be sovereign. Marx used the language of sovereignty to highlight the exploitive nature of capitalism and the shift of sovereignty over the forces of production to capitalists. Progressive reformers on the other hand saw the coordinating function of capitalists as adding value, and so the cause of alienation for them was not capitalist relations of production per se, but what they saw as simply a disproportionate control—sovereignty—that capitalists had and the accompanying disproportionate distribution of surplus value. Exploitation was a matter of degree rather than of kind, and the property relation was only one form of the creative capacity to "broaden the world," a generic capacity that could be shared equitably by all even in a regime of monopoly capitalism. Thus possessive individualism did not fade away with proprietary capitalism, as some historians of the Progressive era have argued, but rather it was reconfigured to meet new social needs, a point which I will expand in chapter 5.

4.1.1 THE PLAY OF MIMESEIS

Technology such as cinema was a crucial means for this broadening of the world for reformers. Recreation or play was not only a rehearsal of labor discipline but also of creative sovereign subjectivity. Overcoming the mutual alienation of discipline and creativity seems an odd project for liberal reformers who upheld the right of property, but they shared with Marx the idea that creativity was the essence of humanity. As I discussed in chapter 2 creativity was seen as an evolutionary response, one that left

447 Ibid., 283.
448 James Livingston argues that the mass proletarianization of the Progressive era accompanied by the rise of a mass consumer culture undermined the subject-object relation (property relation) that underpinned "modern subjectivity" which stressed "the ontological priority of the unbound individual" and "the exercise of 'natural rights';" furthermore, "by the late nineteenth century, this reversal had gone far enough to allow all manner of intellectuals to treat the reconstruction of the subject-object relation as a pressing, practical problem rather than a metaphysical question." James Livingston, Pragmatism, Feminism, and Democracy: Rethinking the Politics of American History (New York: Routledge, 2001), 29.
humans in some ways still susceptible to nature. Walter Benjamin seized on this functional ambiguity, found both in Marx and in liberal humanist thought, about the human/nature distinction. In his essay “The Work of Art in the Age of Technological Reproducibility,” Benjamin specifically defined this as play, of producing a distancing from nature, “wholly provisional...operat[ing] by means of experiments and endlessly varied test procedures.” Yet he cautioned not to equate this distancing with mastery, “since this implies viewing technology from the standpoint of [magic].” That is to say, the partial control over nature achieved in modern art and science would only look like mastery to someone practicing magic. Magic “really sought to master nature, whereas the second aims rather at an interplay between nature and humanity.” He goes on:

The primary social function of art today is to rehearse that interplay. This applies especially to film. The function of film is to train human beings in the apperceptions and reactions needed to deal with a vast apparatus whose role in their lives is expanding almost daily. Dealing with this apparatus also teaches them that technology will release them from their enslavement to the powers of the apparatus only when humanity’s whole constitution has adapted itself to the new productive forces which the second technology has set free. While few Progressive reformers had any desire for a classless society, their vision of modernity grappled with similar paradoxes of technology’s ability to bring things into close contact while further objectifying them.

Cinema trained the masses through mimesis, which Benjamin defined in another essay as “the gift of producing similarities.” The concept of mimesis goes back to ancient Greece and has been used to bind the response of audiences to the representational capacity of art; as such it is inherently political. Plato was suspicious of its potential to lead people astray, and in The Republic Socrates asks, “For have you not noticed how dramatic and similar representations, if indulgence in them is prolonged into adult life, establish habits of physical poise, intonation and thought which become

450 Ibid., 107-108.
second nature?” Presaging Canon Chase and others who wished to suppress cinema, Socrates condemned stories of violence as “not fit...to be lightly repeated to the young and foolish” and went so far as to say “they shall not be repeated in our state.”

Aristotle in contrast emphasized that mimesis was a necessary capacity to creatively interact with others and the world. In Politics he wrote, “The habit of feeling pleasure or pain at mere representations is not far removed from the same feeling about realities; for example, if any one delights in the sight of a statue for its beauty only, it necessarily follows that the sight of the original will be pleasant to him.”

Stephen Halliwell points out that representational veracity was never the single criterion for aesthetic judgment, even for Plato. Rather, “the whole history of mimeticism manifests a dual concern with the status of artistic works or performances and with the experiences they invite or make available.” But the representational status of the artwork itself is based on more than representational “truth” in the sense of transparency. Artistic technique itself is a source of pleasure and understanding, a fact Halliwell underscores regarding Aristotle’s statement in Poetics that “we take delight in viewing the most accurate possible images of objects which in themselves cause distress when we see them.” Mimetic experience depends upon the “artist’s skilled accomplishment” and the “sensuous properties of the artifact.” Mimesis has long been translated into English as “imitation,” but as Halliwell points out, the definition of

453 Ibid., 378a-b.
455 Halliwell argues that Plato’s metaphor of the mirror which reduces mimetic art to “reflections, not real things” is a rhetorical provocation that has tended to obscure the much more complex relationship of art to sensible reality that Plato proposes. Plato, Republic, 596e; cited in Stephen Halliwell, The Aesthetics of Mimesis: Ancient Texts and Modern Problems (Princeton: Princeton University Press, 2002), 27.
456 Ibid., 16.
458 Halliwell, Aesthetics, 181.
imitation itself has greatly narrowed in use from its previous sense of creative appropriation.459

But while Progressive Era reformers did not explicitly use the term "mimesis," they clearly had a richer understanding of imitation and representation than our current senses of the words might allow.460 Film’s mimetic capacity was no passive resemblance. Rather than simply an object to be observed, the moving image operated in a continuum with the spectator to prosthetically enhance his or her perceptual capacities and to spur his or her own mimetic actions. This was a physical, embodied process that reformers sought to harness, and how the film was put together determined what relationships it brought to light and the voluntary actions it prompted that otherwise would have escaped the erstwhile passive camera/observer.461 That the action was voluntary was key to producing a white, governmental subject through cinematic mimesis, and to meet this educational and artistic potential to enable creative appropriation, reformers wished to intervene in the editorial process beyond the scope of blatant portrayals of sex and crime. Rather than simply suppress these sorts of images, they sought to improve film’s pedagogical capability. As I will show below, even when they were evaluating the depiction of something as straightforward as a causal physical relationship, such as the action of a vacuum pump, mere accuracy was nowhere near enough for a film to be effective.

459 Ibid., 13-14.
460 In a discussion of the political potential of cinematic mimesis, which at one point she describes as “imaginative incorporation,” Jane Gaines points out, “concepts such as ‘representation’ have had to assume too much of the burden of standing for all of the things that signs do;” likewise so has “identification” in describing the spectator’s relationship to the image. Jane Gaines, Fire & Desire: Mixed-Race Movies in the Silent Era (Chicago: University of Chicago Press, 2001), 255, 252.
461 Jane Gaines notes the utopian aspect to what she terms “political mimesis” in documentary film: “the idea of the audience that is collectively moved to get up out of their theater seats and take some kind of group action on behalf of a political cause is part of the mix of documentary lore and documentary reality.” Jane M. Gaines, “Political Mimesis” in Collecting Visible Evidence, ed. Jane M. Gaines (Minneapolis: University of Minnesota Press, 1999), 89.
4.2 Film as an Educational Force

"I see the uplifters are after the nickel theaters," said a Chicago representative for Biograph in 1907. "They say we run tough places and that we do harm to the young. I would like to say 'fudge.' Why, the biograph is doing more to educate the lower classes in art, travel and history than any other agency before the public." It wasn't just the trade that advertised the educational power of film. A New York social worker pointed out in 1908,

All the settlements and churches combined do not reach daily a tithe of the simple and impressionable folk that the nickelodeons reach and vitally impress every day. Here is a new social force, perhaps the beginning of a true theater of the people, and an instrument whose power can only be realized when social workers begin to use it.

The vogue of the nickelodeon shows the vast possibilities of educational and constructive work in the field of cheap amusements. Here is a most attractive opening for 'investment philanthropy.'

While some accused moving pictures of being "schools for degenerates and criminals," others called the cinema "social worker," "historian" or "educator," possibly "the greatest invention the world ever saw, or ever will see." The reason for this fear and excitement was obvious enough; it was the first medium outside of live performance to visually capture movement. Recall the rube from chapter 2, looking behind the screen to quell bodily sensations produced by what he knew to be a representation. The haptic force of cinema was unprecedented in its power to impress images upon the memory, and the sheer veracity of cinematic mimesis was undoubted even as its status as representation was enthusiastically embraced.

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462 Undocumented excerpt from Chicago Record-Herald, MPW 1, no. 10 (11 May 1907): 152.
464 I will explore some of the connections between public amusements and the value of labor power in chapter 6. "Pastor Says Five-Cent Shows Are Schools for Criminals," MPW 3, no. 6 (8 August 1908): 106.
Moving pictures seemed to be able to represent anything, and while travel films were a mainstay of educational films, the press was full of announcements of various firsts, whether elk herds migrating in Wyoming, the 1908 Democratic and Republican national conventions, courtroom evidence in a back-injury suit, or a glimpse of a long-lost relative in the cast. Its scientific applications were particularly interesting to commentators because, as I have just argued, film not only reproduced what the naked human eye would see live, but it extended the field of vision spatially and temporally to what the eye could not see and so extended the play of mimesis. Thus while travel films were perhaps the most common form of so-called educational films, manufacturers of various sorts were quick to explore all its possibilities.

4.2.1 BUILDING A MARKET

Reformers understood that they needed to work to increase both the demand for and the supply of educational films for cinema to begin to reach its potential as a social force. One way which social workers tried to stoke the demand was to conduct model moving picture shows. Jane Addams conducted what was probably the first at Hull House in 1907; she wrote three years later, “Although its success justified its existence, it was so obviously but one in the midst of hundreds that it seemed much more advisable to turn our attention to the improvement of all of them.” 466 By the time the National Board was formed in 1909, John Collier was actively working to promote the educational possibilities of motion pictures. As mentioned in the previous chapter, the Board’s first model show was given for public school teachers on 15 May 1909 in an uptown theater. Though the show was given in a theater, Collier changed the exhibition conditions by choosing an aluminum screen in place of the normal cloth so that the house lights could be kept on during the performance, and he changed the exhibition content by choosing “elevated films.” 467

466 Jane Addams, Twenty Years at Hull-House, ed. Victoria Bissell Brown (Boston: Bedford/St. Martin’s, 1999), 186.
In December 1909 Collier was appointed Education Secretary, and the following February he organized another model moving picture show, this time at the Board of Education building and paid for and supplied by Thomas Edison’s Motion Picture Patents Company.468 The Superintendent of Public Schools read a telegram from Edison predicting that “the time will soon come when the majority of our citizens will be educated, in part at least, by moving pictures.”469 Subjects shown included “Wild Beasts in Their Haunts,” “East Indian Temples,” Tobacco Culture in Java,” “A Lesson in Chemistry,” “The Fly as a Disease Agent,” “The Life of Washington,” “The American Fishing Industry” and “The Metamorphosis of the Caterpillar [sic].” The New York Times noted that the fly film, “though not particularly pretty,” was “highly educational” because “[n]othing is left to the imagination.”470 The paper devoted several column inches to describing the extension of human perception in several of the films, noting that in the chemistry film, “developments on the screen could be watched much more closely than the regulation class-room demonstration.” Collier told the school board that the best scientific films were being produced in Europe and largely unavailable in the U.S., and that “we will not get them until there is a demand.”

While the Superintendent stated that the new medium wouldn’t be used in New York City public schools in the near future, Collier was undeterred.471 He planned to stage the model show in other locations in New York as well as bring it to other cities “and make it a beginning of the campaign for systematic use of educational pictures.”472 Plans were put in place for Board member Josephine Redding of the Woman’s Municipal League to sponsor the traveling show, which was to include other material such as charts and maps in addition to the films.473 He reported to the Board that the greatest obstacle to educational films was conditions in the nickelodeons, “namely, the

469 “Model Moving Pictures,” NYT, 20 February 1910, 8.
471 “Model Moving Pictures,” NYT, 20 February 1910, 8.
473 GC Minutes, 12 April 1910, NBRMP, 120:1.
obtuseness of the theatre men and the short performance that has to be given for five cents which precludes anything except dramatic or vaudeville features."\textsuperscript{474} This frustration with the exhibitors was unsurprising given the collapse of their financial support for the Board a year earlier, and this desire to promote educational shows through improving exhibition conditions was one the driving forces behind Collier's central role in the battle over the Folks ordinance. However, he also reported to the Board the possible opening of a dedicated factory for educational films. Presumably this was to be through the Patents Company, but Collier stated in his report that the plan "cannot be made public at this time."\textsuperscript{475} He went on to explain that the establishment of a factory as well as an exchange would largely solve the problem of getting films into educational institutions, "for," he now claimed, "the demand for educational pictures exists already."\textsuperscript{476}

### 4.2.2 Producing the Films

Edison did not start to realize his project until 1913, and the Survey sent a group of educators to his laboratory in West Orange, New Jersey, to see firsthand what "the great inventor" was doing. In the introduction to the resulting symposium, Winthrop Lane wrote,

> There was another purpose, however. Mr. Edison, if reports were true, was setting up as an insurgent in a new and technical field. Education, so far as the world was aware, was not a familiar subject to him. How far had he safeguarded himself against mistakes? What caution had he taken to shun wrong principles and to escape the dangers of a false psychology of learning? The whole value of his plans hinged upon the answers to these questions.\textsuperscript{477}

\textsuperscript{474} Collier, "Report," 3 February 1910.
\textsuperscript{475} Ibid.
\textsuperscript{476} As Eileen Bowser points out, "Films, like vegetables, were a perishable product," and the rental system at the time favored a high turnover rate for films, making educational films an unattractive option for producers and their exchanges. Eileen Bowser, \textit{The Transformation of Cinema, 1907-1915}, Vol. 2 (New York: Charles Scribner's Sons, 1990), 21.
\textsuperscript{477} Winthrop D. Lane, et al., "Edison vs. Euclid: Has He Invented a Moving Stairway to Learning?" \textit{Survey} 30, no. 23 (6 September 1913): 682.
Edison had in fact turned over the subjects to experts in the field to write the scenarios and engineers to design whatever apparatus was needed, and the films went through extensive reviews, including focus groups of children.

Lane speculated, “Perhaps Mr. Edison thinks of himself as the efficiency engineer reaching into the mental processes—for, of course, time-saving and greater efficiency in education are of the very essence of his dreams.” Edison told the group that he was inspired by the thousands of men who had come to work at his laboratories over the years, “some of them quite unfit for the work they all wanted to do,” and that “the dominant and fundamental deficiency among them [was] an inability to think logically and consecutively.” Some were just lazy, but this Edison attributed to “never having formed the thinking habit.” “Mr. Edison believes that up to the age of fifteen or sixteen the formation or growth of cross fibers in the brain takes place. Before this growth is ended is the time, he declares, to teach habits of thinking. If not done then the lost ground can never be recovered.” Such learning starts in infancy, and infants learn first through vision.

Then, when it grows old enough to go to school, we teach it twenty-six arbitrary characters and afterwards show it how to group these characters into words. Later on we attempt to show the more mature child something of nature, literature, arithmetic, art, science, all through an agglomeration of words which, if well remember, appeal only to the ear and intellect. No wonder the processes of education are slow.

Lane underscored this deficiency of words by suggesting that the reader try the experiment of following a set of written instructions in the article. “[Draw] a small domestic animal twelve or fifteen inches long and nine inches high—four legs ending in sharp claws—body covered with long hair—rounded head—ears near top of head—whiskers—long tail.” A drawing on the next page by a Survey staffer following the instructions vividly showed the insufficiency of words (fig. 18). Lane and his colleagues viewed a number of films illustrating various subjects, including a pump, a miniature

478 Ibid., 684.
479 Ibid., 681.
Bessemer furnace, the growth of crystals, the development of the housefly and butterfly, and cell growth. R.R. Reeder, Superintendent of the New York Orphan Asylum, was enthusiastic about what s/he saw, exclaiming that the motion picture is “the closest thing to actual experience that has yet been discovered,”\textsuperscript{480} and decrying the “besetting sin” of education of “words, words, words.”\textsuperscript{481}

For Marietta Johnson, School of Organic Education in Fairhope, Alabama, Edison’s films became “real experience” for the child, “of more value than many word pictures, for conceptions are acquired only through experience.”\textsuperscript{482} Indeed, “the substitution of delightful experience for dreary detail study is of inestimable value. True development lies in the line of joyful experience. The nature of the child may not with impunity be thwarted. If we would have a better race, we must obey the law of development. Sincerity in study and work is the essential foundation for all moral growth.”\textsuperscript{483} In this concern for the “betterment of the race,” Johnson shared Reeder’s concern over neurasthenia and “the present condition of an overworked memory”:\textsuperscript{484}

“The progressive teacher longs to find a way in which children may acquire education without the stress and strain that endangers the nervous system.”\textsuperscript{485}

\textsuperscript{480} Ibid., 685.
\textsuperscript{481} Ibid., 686.
\textsuperscript{482} Ibid., 690.
\textsuperscript{483} It is unclear whether Ms. Johnson’s school was open to African-American children. Ibid., 689.
\textsuperscript{484} Ibid., 686.
\textsuperscript{485} Ibid., 689.
Henry Goddard of the Vineland Training School for the Feeble-Minded underscored that “information obtained through a picture, especially a motion picture, is much more accurate and less liable to be misunderstood than that obtained through the printed page....Indeed, our daily repetitions in school and our examination papers are overwhelming evidence of this if they are viewed in the right light and the mistakes attributed to the real cause.” The primary danger of educational pictures is “[t]he temptation to show motion pictures which will tell the whole story, even to the conclusion which should be reasoned out by the student, will be great and will surely be yielded to by the lazy teacher,” for “[t]hat education only is efficient which trains the student to think for himself and given certain facts, certain data from which to draw his own conclusions leads him to work out the problem himself.” However, “Fortunately, there are now a few facts known and there are a few people who appreciate those facts and are making every effort to apply them. They welcome gladly every new possibility in the way of making instruction efficient.” He criticized the pump film, saying that it was “calculated to give information rather than to stimulate thought.” Yet this was easily fixed, by someone “thoroughly conversant with scientific pedagogy [going] over his films and mak[ing] the necessary corrections to prepare them for proper pedagogical use.”

Leonard Ayres of the Russell Sage Foundation declared that through these instructional films, “places and processes that have always been invisible are made visible and available in a compellingly interesting form.” It was this extension of human perception that made films worthwhile in schools; if they were only used to convey information about things which students could directly and actively experience, they would amount to “a most convenient ladle for the pouring-in of information.” Furthermore, “Under this form of their misuse, the function of the pupils would be to sit

486 Ibid., 688.
487 Ibid., 689.
488 Ibid., 687
489 Ibid., 686.
in a darkened room while the elements of knowledge were passed before them on a screen. This would obviate the necessity of their giving voluntary attention to their lessons and relieve the teacher of the burden of teaching or assigning them.” Ayres also warned of the potential for students to become “passive and inert” or “individual and exclusive” before the screen, instead of “social and co-operative” when engaged in experiential learning.

Echoing Goddard and Ayres, Arthur Dean from the New York State Education Department wrote that students “are in school in order that they may be taught not only to see, but to think; not only to think, but to feel; not only to feel, but to act.” The housefly film, while informative, would be insufficient on its own. It would need a lesson before or after in order for the student “to have his feelings stirred enough to act upon these sensations and ‘swat the fly’ and remove the garbage.” John Dewey had also accompanied the group to the laboratory, and he brought up the danger that “seeing things behave is rather a vicarious form of activity.” However, “That Mr. Edison has a sound psychologic basis in relying upon the instinctive response of human beings to whatever moves and does something is unquestionable.”

John Dewey was a Pragmatist philosopher whose writings on psychology and pedagogy were highly influential among urban reformers. The influence was mutual; Dewey fleshed out his version of Pragmatism in the same time period he worked with Jane Addams at Hull House while a faculty member at the University of Chicago between 1894 and 1904. Dewey cited William James’ Psychology as the crucial text that turned him away from his earlier Hegelian idealism toward Pragmatism. Much like Bergson, he retained from Hegel a sense of the dynamism of life and history and a concern for the improvement of society, but he came to reject the dialectic and the ontological status of negativity. He was also, like most other Progressive reformers,

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490 Ibid., 690.
491 Ibid., 691.
492 Ibid.
religious, and as such, he rejected materialism, whether of Marx or the British Empiricists, and he wished to account for the presumed facticity of human freedom and creativity in the physical world.

Dewey shared this rejection of mechanistic psychology with James, and both found a specific target in the reflex-arc concept. This concept, otherwise known as stimulus-response theory, postulated that living organisms were akin to machines, and that a given external stimulus to the sensory organs had the causal effect of a specific motor response by the organism. James illustrated the arc with the example of a child touching a flame (fig. 19). Reflex arc 1 is the light of the flame causing the child to reach to touch it, while reflex arc 2 is the pain of the burning flame causing the baby to draw back its hand. James argued that if this were purely a mechanical response, no change in the baby’s behavior could ever occur. “The retinal image of the flame would always make the arm shoot forward, the burning of the finger would always send it back. But we know that ‘the burnt child dreads the fire...” Instead, sensory and motor impressions are retained in the baby’s mind and associated so that at the next sight of a
candle flame it will anticipate being burned and thus check its reflex to reach for the flame. James argued for the material plasticity of living organisms as opposed to inert objects which allowed for the formation of new behavioral pathways in the nervous system: in short, the formation of new habits.494

James did argue that humans were born with some determinate responses of instincts and emotions, but that these were the malleable products of evolution.495 Dewey took up James’ example of the child and the candle to criticize the reification of analytical distinctions between sensations, thoughts and acts that make the reflex arc “a patchwork of disjointed parts, a mechanical conjunction of unallied processes.”496 He elaborated on James’ argument that stimuli did not just come out of the blue but that the child had to already be receptive to the stimulus. According to Dewey, “Upon analysis, we find that we begin not with a sensory stimulus, but with a sensori-motor coordination, the optical-ocular, and that in a certain sense it is the movement which is primary, and the sensation which is secondary, the movement of body, head and eye muscles determining the quality of what is experience. In other words, the real beginning is with the act of seeing; it is looking, and not a sensation of light [emphasis added].”497 Furthermore, “the so-called response is not merely to the stimulus; it is into it....The fact is that the sole meaning of the intervening movement is to maintain, reinforce or transform (as the case may be) the original quale.”498 Yet again, “the movement is only for the sake of determining the stimulus, of fixing what kind of a stimulus it is, of interpreting it.”499 Ultimately, the distinction we make between

494 Ibid., 105.
495 Ibid., 76.
497 Ibid., 97.
498 Ibid., 98-99.
499 Ibid., 102.
stimulus and response is teleological, based on their respective functions. The distinction is useful so long as it doesn’t harden into an ontological assumption, because the separate terms help speak to action, what the organism is doing. This action is always changing in the mutual give-and-take of the organism and its environment, this “reflex loop,” and so Dewey is careful to stop short of functionalism—the same sensation or action may have a very different purpose in a different situation.

This leads to another crucial aspect of Pragmatic psychology as a basis for educational philosophy. While light and heat are sensations, sensations are organized into percepts when they coalesce into a discrete object. When the child organizes its actions and sensations such as to treat the flame as an individuated object to reach for, it is organizing and reacting to a percept. When the child burns itself with the flame and makes the association of flame and pain, it now understands what a flame does, and thus has a concept of “flame.” According to Dewey, “The concept is the power which a particular image has of standing for or conveying a certain meaning or intellectual value.” Moreover, “the concept arises from the percept through realizing the full meaning im-plied, but not explicit in the percept.”

But how does Dewey define “full meaning?” For him, the fullness of the concept’s meaning is an understanding of why an object does what it does, that is, the concept of an object is “the object taken with reference to its principle of construction,” whereas the percept “is knowledge of the object in a more or less accidental or limited way,” that is merely “knowledge of the object in its qualitative, spatial, and temporal limitations;” a percept is particular and limited, and so for Dewey, “abstract.” Despite its apparent concreteness, the abstract is taken as the inessential, the percept being a snapshot, as it were, that renders an object static. Interestingly, Marx’s contrasting

500 Ibid., 104.
502 Ibid., 143.
503 Ibid., 145.
notion of "concrete abstraction" would seem to resonate quite closely with Dewey's definition of the concept, which has two characteristics: "It is (1) 'ideal' not sensuous. That is, as a mode or way of mental action, it cannot be felt or seen or heard. It can be grasped only in and through the activity which constitutes it. The only way to know the concept triangle is to make it....The concept is (2) general, not particular. Its generality lies in the very fact that it is a mode of action, a way of putting elements together." Given the concept's "implicit" status in the sensuous world and its realization as strictly mental action, the concept is symbolic. James is explicit on this point; he points out that "[t]he only class of thoughts which can with any show of plausibility be said to resemble their objects are sensations," while "[t]he stuff of which all our other thoughts are composed is symbolic, and a thought attests its pertinency to a topic by simply terminating, sooner or later, in a sensation which resembles the latter." Dewey does not make the symbolic status of the concept explicit in his essay because he is taking pains to amplify the active, mimetic nature of the concept and its acquisition and to recommend, pedagogically speaking, that "there is but one genuine way to lead the mind of the pupil on from percept to concept: to present, from the first, the percept in its genesis, in its origin and growth, in its proper relations." Furthermore, "it is not necessary that the rationale of the process should be explicitly pointed out, or the child made to give reasons for everything. On the contrary, prematurely fixing conscious

504 See Marx's discussion of method in the Grundrisse, for example, where he describes the dialectical process of starting from a "chaotic conception of the whole" (e.g. population) which is an "imagined concrete," moving through "thinner abstractions" until arriving at "the simplest determinations," then "retrac[ing] until I had finally arrived at the population again, but this time not as the chaotic conception of a whole, but as a rich totality of many determinations and relations." Karl Marx, Grundrisse: Foundations of the Critique of Political Economy, trans. Martin Nicolaus (New York: Penguin Books, 2005), 100.
506 James, Principles of Psychology I, 471. Peirce wrote, "We only think in signs. These mental signs are of mixed nature; the symbol-parts of them are called concepts." But contra James, Peirce maintained that the other parts of signs, icons and indices, did respectively "resemble" and physically "connect to" objects. Charles S. Peirce, "Logic as Semiotic: The Theory of Signs" in Philosophical Writings of Peirce, ed. Justus Buchler (New York: Dover Publications, 1955), 115.
attention upon the relations may be the very means of preventing their being grasped.\textsuperscript{508}

Thus the distinction between percept and concept was in fact ambiguous, something Dewey tacitly admitted when he wrote, "It must, however, be added that the concept always returns into and enriches the percept, so that the distinction between them is not fixed but movable."\textsuperscript{509} Dewey’s suspicion of traditional philosophy and language that the field of perceptual psychology borrowed from was that they reified analytical distinctions, and those distinctions in turn posed the "artificial problem" of their reunification. Instead, he argued, reunification "needs to be replaced by consideration of the conditions under which they occur as distinctions, and of the special uses served by the distinctions."\textsuperscript{510} This was precisely what Dewey and his colleagues were doing at Edison’s laboratory as they hashed out the percepts and concepts produced without words by the films. Concepts were in one sense merely derivative of sensory data, but in another they were the basic understanding of cause and effect and how the world worked. Cinema was a revolutionary technology in that it extended the temporality of causation to broaden the limits of human perception just as it extended the spatiality of causation to broaden the limits of human mobility. Reformers wanted to ensure that educational films did not try to teach students the “god-trick” of manipulating objects through “abstract” concepts from afar. Instead they saw film’s mimetic capacity as a species of representation that enabled, to paraphrase Benjamin, a provisional distancing, a distancing that is not mastery but interplay. This sort of “scientific” representation was to enable one’s immersion in and adaptation to the world.\textsuperscript{511}

\textsuperscript{508} Ibid.
\textsuperscript{509} Ibid., 145.
4.3 Cinema and Moral Education

Cinema would not only immerse spectators in the causal relations of the material world, but also in the ethical relations of the social world. John Collier declared in the Survey, "the whole burden of drama is carried by motion-pictures at the present day," and he described drama as the "prober of social causes, revealer of social realities below personal illusions, subversive evangelist, bearer to the many of the significant experience of the few." While today we tend to think of documentary and fictional film having separate mimetic logics, the workings of this distinction were less clear-cut at first, at least to the regulators of film. While early films used single tableau shots to show continuous movement, Edwin Porter, working for Edison in 1902, directed Appointment by Telephone and Jack and the Beanstalk, two story films in which, Charles Musser writes, "the narrative was distributed among the various shots, a marked innovation over previous Edison fiction films" whereby Porter "further developed the possibilities of spatial and temporal relations between shots." I have already discussed such spatial and temporal restructuring in chapter 2 in terms of cinema’s haptic qualities, but as I have been showing here, reformers sought to order the spectators’ perceptions of both the physical and social worlds at the conceptual level. They wished for the continuity of narrative film to have a similar causal impetus for moral relationships as the proper filming of educational films was to have for physical relationships. My point is not to rehearse the historical development of narrative film, but to show how reformers understood it as an object of regulation as it was happening.

514 Charles Musser, The Emergence of Cinema: The American Screen to 1907 (New York: Charles Scribner’s Sons, 1990), 325.
515 The emergence of continuity editing has dominated histories of the transition from actuality to fictional film; for an overview see Thomas Elsaesser’s introduction to his edited volume, Early Cinema: Space, Frame, Narrative (London: BFI Publishing, 1990), 11-30. In addition to Tom Gunning’s aforementioned work, for a recent challenge to this emphasis, see Jonathan Auerbach,
By the time reformers had become interested in cinema, its extension of human vision, a process that was continuous with the conceptual ordering of perception, had already come to depend on editing as much as the mechanical apparatus. Leonard Ayres’ comment at Edison’s laboratory, quoted earlier, that instructional films made visible the changing world “in a compellingly interesting form” speaks to this editorial process. The account’s author made explicit this artistic aspect of documentary-style educational films by referring to the editorial production. “[T]he so-called ‘educational film,’” he commented, “will carry the spectator into nature’s laboratory, staging the laws of physics and giving line and form to the processes of chemistry.” The mixed metaphors of theater and painting underscore cinema’s particular ability to disaggregate and recompose processes, both natural and human.

Film spectators, used to taking for granted the mimetic veracity of travel and actuality footage, often applied the same criteria of realism to dramas. For instance the reporter attending the Board’s second 1909 model picture show offered a geography of production for The Life of Moses. “[The film] was constructed somewhere between Sheepshead Bay and Coney Island. The landscape, it is true, was tinctured with a few palms in place of the native rubber plant, and the aid of a back-drop was not despised. And, if the bulk of Pharaoh’s army was recruited from the Mill’s Hotel in Bleecker Street last summer, it looked very Oriental when properly garbed.” While The Life of Moses did rely in part on a well-known biblical intertext for its meaning to come across, plausible staging was still essential for its ethical lesson to come across. The apparent difficulty of moving beyond theatrical conventions and producing such plausibility appropriate for cinema—“canned drama” as it was frequently called in reference to its mechanical reproducibility—resulted in a great deal of experimentation in the first few years of fictional film, and even as late as 1908 the Moving Picture World went so far as to

Lane, “Edison vs. Euclid,” 687.
Ibid., 681.
recommend the production of more travel scenes over dramas or comedies. "Now, travel scenes are not so hard to produce as comedy and dramatic plots, neither are they so expensive, as the actors and scenery are supplied by nature. We are having a surfeit of comedy; drama is a failure, unless elaborately and correctly staged and acted."519 Scribner’s called for the improvement of dramatic pictures, pointing out that French films were already leading the way, and, “[a]fter all, why not can our drama, when all’s said and done? And if the canning’s to be done, it had best be well done. Caruso and the rest are not above singing into operatic cans that we open up in our flat houses. Canned drama is only the next step. This is the age of the machine.”520 But as the industry’s capitalization grew and production became more centralized, the production values of dramas improved and the critical focus turned to acting.

"From the proposition that the moving picture cannot rely upon dialogue," another commentator wrote, “it follows that it must develop the art of pantomime to the highest point.”521 And again, “The French seem natural adepts at pantomime.” For American film actors, “[t]he possibilities of pure gesture should be an interesting investigation. Moving picture actors should study their parts with reference to bringing out every possible point by legitimate pantomime. If this is done with artistic seriousness it will improve many films such as heretofore have been entirely lifeless and mechanical on one hand or have been orgies of gesticulation upon the other.” Gesture was necessary to carry the plot as well as make diegetical sense; according to the author, “This seems obvious enough, yet it is the attempt to introduce past events and relationships into a moving picture that frequently leaves an entire scene worse than obscure and meaningless. All necessary facts in a moving picture play must be visibly

518 “Model Moving Pictures,” NYT, 20 February 1910, 8.
519 “Desirable Film Subjects,” MPW 2, no. 22 (30 May 1908): 471.
presented. The heroine cannot tell the story of her life in a moving picture—yet this is exactly the sort of thing that some pictures attempt to do.”

“The motion picture is essentially a form of dramatic art,” declared John Collier in a child-welfare journal;

[Its method is that of pantomime, reinforced with well nigh unlimited scenic and decorative effect. Pantomime is the primordial type of drama; it has continued as a traditional and highly conventional method in the art of the legitimate theatre; and motion pictures have made pantomime realistic, preserving at the same time the rhythm of motion and the musical interpretation which make it emotionally complete as well as dramatically effective.]

Collier was arguing that cinema transformed the stage by extending it. When he described the staging effects in films as “unlimited,” he meant that literally. Not only could the location be anywhere, it could do anything. As shown in the previous section, agency was action, as true of humans as of the non-living, and it was a product of, even as it produced, causal relations. Silent cinema’s particular mimetic capacity underscored this commonality as it denied its human actors speech.

4.3.1 DRAMA, THE HIGHEST ART

Whatever the debates over the effect of moving pictures on the regular theater, the consensus among reformers was that cinema was emerging as a form of drama. At the 1910 Play Congress John Collier defined the agency of drama for his audience.

Now, in this short time, a word about the motion picture itself: the Motion picture is characteristically a form of the drama. The drama is of all forms of art the most potent form. The art of drama incorporates all forms of art. Drama deals with action, with problems, with moral problems, and it inevitably results

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522 Likewise the danger of scenic changes “is that of giving episodic or substantially unimportant facts a scene for themselves....For the presentation of events that actually carry forward the plot, however, there seems to be no technical limit on the number of scenes.” Ibid., 212.


524 By 1915, one theatrical manager argued, “The moving picture has meant not only an entire remapping of the theatrical world, but it has also meant a revival of a time-honored part of the art of acting. It has restored pantomime to the stage.” “The Old and the New in Theatrical Acting,” Outlook 109 (3 March 1915): 498.
in the formulation of ethical standards. Drama has a powerfully suggestive
tendency, and this is particularly true of the motion picture drama, both because
of its vividness and because it is a form of drama which reaches the
impressionable elements of our public.525

These were commonplace observations; another commentator, skeptical about "movin'
pitchers," summed up the power of drama this way: "Interest attached to the visualized
development of the acted story; a play shows the relation of means to end....When
young folks see a play which contains human dramatic situations, they experience thrills
of feeling; and when feelings are strong, they are likely to modify conduct."526 This
means/end relationship was understood in similar terms to the causal world of nature,
and the National Board's guidelines insisted that narratives of criminals, adulterers and
prostitutes be very clear about the "inevitability" of their downfall. This rule was
supplemented by endless discussion during the review process of how much was too
much in the actual depiction of criminal and sexual behavior.

Modification of conduct was the raison d'être of the NBRMP, but this policy of
allowing the portrayal of crime and sex under these conditions led to constant criticism
from advocates of pre-publicity censorship. The Board countered with arguments
comparing moving pictures to the stage. "The considerations which guide the
Censoring Committee are primarily that moving pictures are a form of dramatic art,
which therefore must deal with real life and its problems, and in some measure with
deeds which in real life would be crimes. The drama in all times has done this, and
moving pictures are essentially a form of Drama."527 In short, movies were not only
educational, but they were art—or at least should be. "[Moving pictures'] moral
delinquency was an outcome of their artistic inefficiency. Wherever art breaks down,
there the theatre begins to be sensational, vulgar, and morbid. Good art does not need

525 Collier, "Function and Proper Regulation," 234.
526 "When I lived in Paris, I was a regular attendant at a little theater in the Clichy quarter. The
gallery audience at this playhouse was composed mainly of street gamins, shop-girls, and clerks,
augmented by a sprinkling of women of the streets—somewhat similar to the audience which
now attends the 'movin' pitchers.'" Alice Minnie Herts, "The Power of Dramatic Instinct,"
morbidity in order to be interesting. Bad art falls back upon the vulgar and morbid, in the lack of any other resources."\textsuperscript{528}

This premium on "artistic efficiency" might suggest a Taylorist approach through the development of linear narrative. But it was from the monotony of such efficiency that cinema was to be a respite. For reformers, moral education through drama was continuous with scientific education, and scientific education involved not so much the subjection to or mastery over necessity, but instead the immersion of the viewer into the material relationships at hand through the camera's extension of human senses. In the same way, moral education would immerse the viewer in the world of human relationships, and according to the Board, "[T]he American public...being as it is a public of workers, [is] peculiarly subject to the appeal of dramatic art, which deals with problems, with action and with struggle."\textsuperscript{529}

Because Progressives saw psychic and social processes as emerging through the process of biological evolution, the qualitative differences between all these processes did not entail ontological differences. Because they did not inhabit different orders of being, their narrative reconstitution was frequently described in similar terms, yet the complexity of human relationships made them more difficult to portray "realistically" than natural processes, and so, as mentioned above, the editorial direction of drama was a frequent topic of observation. A critic for the \textit{New Republic} commented on "[t]he art form towards which moving pictures seemed to be struggling," suggesting that "it will be on the order of a frank, naturalistic spectacle."\textsuperscript{530} As mentioned earlier, such "naturalism" would be dependent on the editing, rather than the acting or the writing. "[T]he real power for [film's] development is not in the actor or author, it is in the

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\textsuperscript{527} Untitled manuscript, [1910?], NBRMP, 170:1, p. 5.  \\
\textsuperscript{528} [Orrin Cocks?], draft speech, [1911?], NBRMP, 170:1, p. 2.  \\
\textsuperscript{529} Ibid.  \\
\end{flushright}
director. The welding together of story, acting, scene, the selection of detail, the moulding and shaping of incident, are all essentially his."

This singling out of the film director as the agent responsible for welding, selecting, molding and shaping a narrative of physical or social processes brings to mind the contemporaneous figure of the expert. While some certainly understood their role in the distanced, positivist terms that characterizes so many recent accounts of the expert, Pragmatists such as Dewey, as well as many of the members of the National Board, saw their efficacy — "efficiency" — stemming from their participation in the processes in question. In this sense this characterization of the film director shaping a narrative echoed not only the Board members' self-understanding as experts immersed in the process of film review; it brings to mind other expert figures, such as the mayor discussed in the previous chapter, who exercises executive discretion to govern the public order of a city, in a sense editing its functions. The Progressive era figure of the expert came in many guises, but what they all did was immerse themselves in and order the changing world. And important for my purposes, they were always white. Given the expert's racialization, such efficiency went well beyond causal narrative, because the achievement of whiteness that enabled such simultaneous immersion in and governance of the world was the result of so much more than simple cause and effect. The cinematic development of such a governmental subjectivity, and the social conflicts it enrolled, will be the subject of the next chapter.

531 Ibid., 208.
"Social" Anxieties: Sex, Race & Mobility

Mayor McClellan's revocation of picture-show licenses in New York City on Christmas Eve, 1908, sparked the formation of the National Board of Review. Two days later and halfway around the world in Australia, a very different event would initiate a chain of events culminating in the U.S. Supreme Court upholding the legal censorship of motion pictures that the Board was formed to fight. Heavyweight Champion Tommy Burns faced challenger Jack Johnson in a Sydney boxing ring; Burns was Anglo-Canadian, Johnson was African American, and this was the first time a black boxer had been allowed to fight for the World Championship. Author Jack London wrote of the match, "[Johnson] cuffed and smiled and cuffed, and in the clinches whirlered his opponent around so as to be able to assume beatific and angelic facial expressions for the cinematograph machines." After fourteen rounds of taunting Burns for the crowd and the cameras, Johnson was declared the new World Heavyweight Champion, causing an uproar in the U.S. and provoking efforts to ban interracial fight films across the country.

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533 The police stopped the match after fourteen rounds, and the referee declared a TKO (technical knockout—when the loser has been repeatedly knocked down). The 1897 Corbett-Fitzsimmons fight spurred the first attempt to ban prizefight films, but the effort waned until Johnson won the
London's description of the fight was intended to goad former Heavyweight Champion Jim Jeffries out of retirement. Jeffries had already declined several years before to fight then Colored Heavyweight Champion Johnson, and with Johnson finally winning the world title, London wrote, "Jim Jeffries must now emerge from his alfalfa farm and remove that golden smile from Jack Johnson's face. Jeff, it's up to you. The White Man must be rescued." The plan backfired; on 4 July 1910, Jeffries struck a blow for white supremacy, but Johnson knocked him out and kept the title. Film historian Dan Streible describes the white reaction this way: "A wave of violent assaults, some fatal, broke out in many American communities when the results of the Reno fight were announced. Most of the attacks were interracial, usually conducted by vengeful white mobs. At least eighteen African Americans were killed."

The flip side of this violent reaction against African Americans was a huge audience for the film, and given that the film was banned in so many state and local jurisdictions (often by governors and mayors citing a repeat of racial violence should the film be shown), meeting the demand was often a challenge. Grieveson describes one solution attempted by exhibitors in Arkansas and Tennessee.

Entrepreneurs devised a clever plan—to show the film on a barge midstream of the Mississippi River, literally in between states and so on "territory" claimed to be outside the jurisdiction of the two state governments. In the event, police officers ignored the constitutionally correct claims that navigable streams were outside the jurisdiction of state authority and boarded the barge to stop the projection of the film and, specifically, of the shocking images of Johnson knocking down the previously undefeated Jeffries and winning the fight.

The Moving Picture World lampooned the furor over the pictures by accusing the press of "newspaper neurasthenia."

A black man and a white man recently stood up and hit each other in Nevada, whereupon State governors, mayors, clergymen, publishers and others,
including the inevitable Mr. Roosevelt, have screamed screams of horror. They have screamed so loudly that anybody would think Jeffries and Johnson were hurt. They were not. Or that anybody else, man, woman or child, in they Union was hurt. They were not. The world, and that part of it called the United States, goes on just the same as if nothing had happened at Reno.537

While the trade paper was financially justified in fearing a ban on the film, there was also an element of disingenuousness, as the “screams of horror” only increased the audiences for the film and profits for its distributor.

The National Board was even more blase. Shortly after its formation, it passed the Burns-Johnson prizefight “without condemnation but without recommendation,” and its policy thereafter was to treat fight pictures as “special releases” and therefore outside the Board’s purview.538 Why did the Board choose to ignore such an incendiary subject as interracial prizefights? While it was true that the Board had difficulty gaining the cooperation of small independents who made such special releases, and it was also true that the fight films were technically actuality footage which the Board did not review, the public the Board claimed to represent certainly did not see the films that way. This white public regarded them as narratives that violated the national imperative of white supremacy, and it pressured local, state and national governments to use their sovereign powers to ban these films. When Johnson was scheduled to fight with white boxer Jim Flynn on 4 July 1912, legislation was introduced into the U.S. Congress to prohibit the interstate distribution of the film.539 The Congressman who had introduced the bill described the fight as “the grossest instance of base fraud and bogus effort at a fair fight between a Caucasian brute and an African biped beast that has ever taken place…no man descended from the old Saxon race can look upon that kind of a contest without abhorrence and disgust.”540 While the bill did not pass until the film was already in circulation due to procedural matters, Congress set a crucial precedent in

538 GC Minutes, 15 April 1909, NBRMP, 120:1.
539 Streible, “History,” 247.
540 Congressional Record, 62nd Congress, 2nd Session, 19 July 1912, 9305; cited in ibid.
the legal regulation of film by asserting its authority to prohibit the distribution of a certain class of films under the interstate commerce clause of the U.S. Constitution.

The Sims Act excluded cinema from the protections of the First Amendment for freedom of speech and press, an exclusion that would be endorsed by the Supreme Court three years later. According to Grieveson, "If the fight films were adequately described as ‘commerce,’ and therefore as distinct from the press or ‘amusements,’ then they could be regulated by the federal government." But the racism that motivated the censorship of cinema involved much more than the image of a black boxer defeating a white boxer. In his life outside the ring, Johnson flaunted both social convention and the law by marrying three white wives and associating with dozens of other white mistresses and prostitutes. His photogenic appearance, dandy dress, braggadocio articulateness, and charismatic persona made him a favorite subject for the press. In months between title defenses the champ promoted himself through vaudeville tours, musical performances, and race car driving. All together, these qualities made Jack Johnson an imposing public figure who both fascinated and threatened a racist white American culture.

Jack Johnson was the embodiment of an assertive black masculinity that threatened the prerogatives of white masculinity and demonstrated the promise of equality to African Americans, and white supremacists sought to defeat these prerogatives and promises by any means necessary.

Soon after he defeated Flynn, the mother of a white woman who worked for Johnson accused him of abducting her daughter. The Bureau of Investigation pressed charges under the 1910 Mann Act, which prohibited the transportation of women across state lines for the purposes of prostitution. The act was passed during the ongoing white slavery scare, which also saw the passage of an international treaty on white slavery, the establishment of a national police force within the U.S. (the Bureau of Investigation) and multiple changes in immigration law. "Legislation focused on a policing of borders and national space, closely linked to the surveillance of ethnic and

541 Grieveson, Policing Cinema, 133.
543 Grieveson, Policing Cinema, 136-139.
racial ‘others’ and to the alleged importation of immorality.” The establishment of the Bureau and the subsequent passage of the Mann Act focused these efforts inward; as Grieveson quotes from the Congressional debate over the act, it required the support of “every man who has the purity of the women of the country, the sanctity of the family life of this country, at heart,” and even more to the point from the bill’s sponsor, “the white slave traffic, while not so extensive, is much more horrible than any black slave traffic ever was in the history of the world.”

Despite the woman’s refusal to cooperate (and her eventual marriage to Johnson), he was easily convicted and sentenced to a year and a day, a heavy sentence under the act. Grieveson writes,

So it came to pass that Johnson, the son of a former slave, had become a white slaver, with that term clearly functioning—as Mann’s rhetoric in the House had suggested—as a displacement of an entirely different configuration of slavery (and of the racial sexual abuse under that system). Johnson became a white slaver effectively because of his relationships with white women, as a framework of discipline and strategy of policing controlled and limited black male sexuality and mobility.

Black men, always already rapists, were pressed by sovereign power on every side—whether by malicious prosecutions, legally-mandated segregation, or extrajudicial lynch mobs, whether empowered by the state through negligence or active cooperation.

To return to my previous question, why did the Board choose to ignore blackness when it was subject to such intense legal regulation, suppression and abandonment across the U.S.? Why was it excluded from the constructive efforts of the Board in favor of other social issues? For as I will show, the Board put African Americans in its governmental ban, a state of exception that relegated African Americans to the status of objects, a status that, on the face of it, contradicted the Pragmatist intersubjective approach that underlay the Board’s epistemological stance toward the reception, regulation and agency of cinema discussed in previous chapters. This may be the case at an idealist level, but the concrete operation of Pragmatist epistemology did allow for

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544 Ibid., 137.
545 Congressional Record, 12 January 1910, 548; cited in ibid., 138.
objectification as a productive, as it were, effect. When considered as a practice (as Progressive era reformers did), Pragmatist epistemology's premium on material interaction and interconnectedness meant that knowledge was spatially produced. While this spatialization did not have any one mandatory configuration (how could it when space and knowledge were mutually imbricated?), knowledge of other human beings was particularly susceptible to proximity and distance. Furthermore, given that the world was constantly in process and spatiality was constantly in flux, knowledge was also susceptible to mobility.

African Americans were segregated from Progressive reformers and therefore were unknown to them. This was not a static relationship; an enormous amount of political and cultural work went into producing racial segregation in American society, and some of this was done by reformers themselves. Rather than objects of knowledge for reformers, African Americans were objects of ignorance, for if connection enabled knowledge and therefore mutual recognition as subjects through mutual influence, segregation enabled ignorance and objectification. If this is beginning to sound very liberal, it should, for Progressives shared liberal political ideals. Again, it was their assumption that individual agency was socially produced that distinguished them from the advocates of the sovereign subjectivity of *Homo economicus*. The self-styled experts on the Board were not Positivists exercising mastery over African American objects of knowledge; they were Pragmatists exercising disavowal over African American objects of ignorance, consigning them to an epistemological void, an invisibility, by which they regarded the "negro problem." This is certainly not to say that this was the only white stance toward African Americans. Of course blackness *was* often made hypervisible as well, and African Americans often found themselves objects of knowledge not of their own making; my point is to look at the distinctive epistemic practices of members of the National Board, who tended toward the former. It was precisely the conflict between their apparent willful ignorance and the way so much of the rest of U.S. society treated

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the so-called negro problem that led to problems for the Board, as will become clear later in the chapter.

The expressly political work of producing such an objectifying racialized geography need not be rehearsed here in detail. The indignities of anti-miscegenation laws, trials of legal of segregation and horrors of extralegal lynching in the South are well known; so too is the informal segregation of occupational and residential ghettos of the North, often enforced by contract rather than statute. Of interest here is the cultural work of segregation and how it worked in tandem with public policy. On the part of the Board there were two strands, one involving their positive expert knowledge on social issues, the other involving their treatment of racial representations in film. These two strands were closely intertwined, and in order to show how they wove an imaginative geography of race in cinema’s production of whiteness, I will turn to a series of controversial films produced between 1913 and 1915 whose public reception gradually forced the Board to take stands on issues it had managed to put aside with the Johnson fight films.

For it was whiteness that was the racial object of the Board’s constructive agenda. While the assimilation of immigrants—whites of a different color, to borrow Matthew Frye Jacobsen’s elegant phrase—547—and of the working class was the explicit goal of the National Board, whiteness itself also had to be produced, and this was done through the figure of the New Woman, who became the obsession of filmmakers at this time. As a white woman, she was still responsible for the reproduction of the white nation. As such she was also the absolute other of the black man, whose ability to sully the white nation made “social equality”—sexual relations between black men and white women—tantamount to rape, and so she embodied the heterosexual productivity of whiteness. Although the New Woman was contested, she was also known, and crucially, I will show through a reading of the films themselves and the Board’s responses, knowing.

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This is a necessary correlation within Pragmatist epistemic practice, a condition of whiteness that was also haunted by a decidedly territorialized black invisibility.\textsuperscript{548}

\subsection*{5.1 The White Slavery Films}

In late 1913, two films about prostitution were released, \textit{Traffic in Souls} (Independent Moving Picture Co./Universal) closely followed by \textit{The Inside of the White Slave Traffic} (Moral Feature Film Co.). Despite the fact that the moral panic over so-called white slavery had been ongoing for a number of years, film producers were apparently slow to pick up on its potential for profits. Prostitution had in fact been addressed in film before, but these two sensationalized the organized trafficking in white women that underlay the white slavery scare.\textsuperscript{549} The term “white slavery” made the racialization of prostitution explicit, and as mentioned previously, Jewish immigrants were frequently scapegoats for the alleged trade.\textsuperscript{550} While the controversy over the Johnson fight films

\begin{itemize}
\item \textsuperscript{548} The assimilation of the New Immigrants and the ambivalent acceptance of the New Woman combined with the epistemological exclusion of African Americans is a production of whiteness distinct to the U.S. at the turn of the last century, and so despite the world-wide mobility of the films I explore in this chapter, the applicability of my “critical geography of the racialization process” to other societies, to use Alastair Bonnett’s phrase, is necessarily limited. Whiteness thus not only needs to be marked, but it needs to be situated, a point that Mark McGuinness makes when he critiques Doreen Massey’s influential paper, “A Global Sense of Place;” despite her focus on the gendered experience of the unevenness of increased mobility of capital, goods, and labor in her discussion of the “relatively stable and homogenous community (at least in the popular imaginary)” of Killburn, North London, and its visually obvious inheritance from British imperialism, McGuinness asks, “but are we also to assume that she means white community, acting as the stable background against which she contrasts the ‘chaotic mix’ of the place of the other?” He effectively accuses her of succumbing to the “God-trick” I mention in chapter 1; but here God is white rather than male. Alastair Bonnett, “Geography, ‘Race’ and Whiteness: Invisible Traditions and Current Challenges,” \textit{Area} 29, no. 3 (1997), 193; Doreen Massey, “A Global Sense of Place,” \textit{Marxism Today}, no. June (1991), 24-29; Mark McGuinness, “Geography Matter? Whiteness and Contemporary Geography,” \textit{Area} 32, no. 2 (2000), 228.
\item \textsuperscript{549} The specific history of white slave films has been addressed by several scholars. For discussions, see Kevin Brownlow, \textit{Behind the Mask of Innocence} (New York: Alfred A. Knopf, 1990), 70-85; Lee Grievson, \textit{Policing Cinema}, 136-139; Janet Staiger, \textit{Bad Women: The Regulation of Female Sexuality in Early American Cinema} (Minneapolis: University of Minnesota Press, 1995), 119-128; Shelley Stamp, \textit{Movie-Struck Girls: Women and Motion Picture Culture After the Nickelodeon} (Princeton: Princeton University Press, 2000), 42-51.
\item \textsuperscript{550} Grievson, \textit{Policing Cinema}, 149-150, 161; Richard Maltby, “The Social Evil, the Moral Order and the Melodramatic Imagination, 1890-1915” in \textit{Melodrama: Stage, Picture, Screen}, ed. Christine
\end{itemize}
concerned the mobility of black men-cum-rapists, the furor over the white slave films concerned the mobility of white women and their increasingly public life, especially their sexuality, and their responsibility as mothers of the white, American nation. The National Board had shrugged off the prizefight pictures, but it could not do so with the slaver films, as much because of their ambiguity in terms of their categorization as either actuality or fiction films as because of their sensational subject matter. Universal marketed *Traffic* as based on the Bureau of Social Hygiene's report *Commercialized Prostitution in New York City* (the Rockefeller report) which I have already noted in chapter two in terms of prostitution and police power, and claimed it to be an "authentic expose...staged at the suggestion of a number of prominent social workers, who felt it was the best way to make public the lessons to be drawn from the vice investigations."551

*Inside* was hastily released to capitalize on the success of *Traffic*, and it was marketed as a documentary with location footage from New Orleans' red light district, and it too claimed endorsement from the reform community. *Inside* promised a voyeur's view of brothels and vice districts, and the Board demanded the elimination of any documentary footage not essential to the plot, which in turn was to culminate in the death of the prostitute and her burial in a potter's field thus establishing her individual, and inevitable, accountability.552 But concerned that the film's producer, Samuel London, might exploit the Board's approval, it decided to categorize it as a "special release," thus beyond its purview. London continued to press for a review of the film, and finally the Board condemned it. While the print of *The Inside of the White Slave Traffic* that was released apparently did show the straying woman's demise, its main focus was still the social factors that lead to prostitution and positioned the woman as a victim. While the Board attempted to treat the film as a fictional narrative, the public backlash was severe against this documentary focus on a vision of white womanhood that denied

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her self-possession and blamed her situation on social inequalities such as women’s economic dependency on men and the sexual double standard. Its exhibitors were frequently prosecuted, and at the time of the Board’s condemnation, the film had already been running for two months, rendering the decision largely irrelevant while fueling renewed state and local censorship efforts as well as the first federal censorship bill. Also, as Lee Grieveson argues, the furor over the film’s documentary style scared off producers, eventually hampering the Board’s efforts to encourage the production of educational films and instead nudging cinema further toward the so-called Classical Hollywood style of narrative pictures.553

5.1.1 TRAFFIC IN SOULS

Traffic in Souls, although subject to controversy as well, was the better-received film. It was a landmark in American cinema both for its formal qualities and, along with Inside, for its role in changing the direction of cinema’s regulation. According to Ben Brewster, it was the first U.S.-produced feature-length narrative film to show on Broadway that was not a literary adaptation.554 As such, it was an important moment in cinema’s gentrification as the film’s success prompted not only an increasing conversion of Broadway theaters to show moving pictures, but also an increasing output of features from producers. Rather than follow the example of European feature films, which had literary origins, Traffic was an original story in a contemporary setting that relied far less on intertitles to move the narrative, and the narrative itself was largely unstructured by reel-length.555 Its success on Broadway no doubt amplified the controversy over its

552 Stamp, Movie-Struck Girls, 63-64.
553 Grieveson, Policing Cinema, 191.
555 Neither was it simply an extension of the narrative structure of the one-reelers that met the demand for fast audience turnover that defined the nickelodeon market (whether one-reelers proper or serials whose narrative was structured according to reel-length).
content and its approval by the Board, which would be exacerbated soon after by its handling of *The Inside of the White Slave Traffic*.

In response to Universal’s marketing, Rockefeller adamantly denied that he endorsed the film, but many reformers were positive toward it, believing that exposing prostitution would help prevent it so long as it was properly framed by a narrative that showed the “inevitable” consequences of the trade for the women involved. This was a central concern when the National Board arranged a special screening of the film for its own Executive and General Committee members as well as for representatives from a number of social service organizations ranging from the Camp Fire Girls to the Sanitary and Moral Prophylaxis Society.\footnote{My discussion of the Board’s handling of *Traffic* comes from Grieveson, *Policing Cinema*, 176-180; and Stamp, *Movie-Struck Girls*, 60-65.} The Board proposed two questions, the “broader question of the propriety of the treatment of these darker social problems through the medium of the stage or motion pictures...and also the question as to whether it is rightly within the province of the National Board of Censorship to interfere with such public discussions through moving pictures.”\footnote{National Board of Censorship to Members of the Advisory Committee, 21 October 1913, NBRMP 107, quoted in Grieveson, *Policing Cinema*, 177.} That this had become a question of “interference” showed how much pressure they were under to respond to touchy social issues.

Two years before a similar issue was raised by an anti-Mormon film, *A Victim of the Mormons* (Great Northern, 1911), that portrayed Mormons still practicing polygamy and encouraging the conversion and immigration of young European women to fulfill the demand for wives. It drew fire from the Mormon Church and Governor William Spry of Utah, who sent a telegram to Board secretary Walter Storey protesting the coming release of the film, with its “false stories...whose rehearsal slanders a state and a people.”\footnote{Quoted in Brian Q. Cannon and Jacob W. Olmstead, “‘Scandalous Film’: The Campaign to Suppress Anti-Mormon Motion Pictures, 1911-12” *Journal of Mormon History* 29, no. 2 (2003), 43; EC minutes, 24 January 1912, NBRMP, 118:1; GC special meeting minutes, 31 January 1912, NBRMP, 121:1. Also see Jacob W. Olmstead, *A Victim of the Mormons and the Danites: Images
been a “serious mistake” after viewing the film with the Executive Committee. The U.S. distributor had already ordered prints, and both committees took up this “new and unforeseen situation” of revoking an approval. The Board passed a resolution affirming its right to rescind an approval “to preserve the reputation and usefulness of the Board of Censorship” when “a grave error has been inadvertently committed and only by a three-fourths vote,” and it reaffirmed the position of the General Committee as a “court of appeal” at which members of the original censoring committee as well as manufacturers could present their arguments regarding the film in question.

Collier drafted a statement about the Board’s decision to pass *Victim* subject to certain cuts:

> It is beyond the Board of Censorship to decide whether the practise of polygamy is still being carried on in Utah or whether the Mormon missionaries are making converts in Europe to increase the ranks of polygamy. Two European nations have laws excluding Mormons and these laws are based on the belief that Mormons are still practising polygamy. The Board has no knowledge of the truth or falsity of the charge, but it has been made and contradicted in several large magazines during the present year and in large public meetings, and the Board believes that the whole question falls within the field of legitimate discussion.

> In view of this fact the Board would not be entitled to forbid the film in question either on grounds of offense to local sentiment or offense to a religious sect. If the film were condemned it would have to be on the grounds of brutality or immoral suggestiveness. The Board has brought about the elimination of parts of the film which appeared to be excessively brutal and beyond this the Board does not feel that it is entitled to go.

Collier argued that the offending portrayal of “adherents of [this] religious creed” was not “gratuitous,” in which case the film would have been condemned. Instead, he

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559 The governor also protested the upcoming release of *The Mormons* (American Film Manufacturing Co., 1912), but the film was still in the approval process and Slicer concurred with the censoring committee’s recommendation to cut one subtitle and approve its release. GC special meeting minutes, 31 January 1912, NBRMP, 121:1.
560 EC minutes, 24 January 1912, NBRMP, 118:1.
561 GC special meeting minutes, 31 January 1912, NBRMP, 121:1.
562 General Secretary to Members of the Censoring Committee, 21 February 1912, NBRMP, 121:1.
563 EC minutes, 24 January 1912, NBRMP, 118:1. Needless to say Mormons were disillusioned by the Board’s equivocation. See Cannon and Olmstead, “Scandalous Film,” 69-73.
wrote, "Any moving picture dealing realistically with human nature or dealing with social problems is likely to be objectionable to some person or group." This casual imputation of realism and documentary status let the Board off the hook in terms of "interfering in public discussions." Mormons were an unpopular minority geographically concentrated in the remote West, and as with portrayals of African Americans, the National Board regarded their concerns as "sectional protests" (as Collier put it)\(^{564}\) against portrayals that may or may not be true—in short, these minorities were unknowns to the Board's "public."

Two years later, when white slavery on film became an issue, the need for epistemological certainty in the portrayal of white women became paramount. At the special review of Traffic, a number of reviewers seemed to find the film's melodramatic narrative of young Lorna Barton's kidnapping by white slavers and her eventual rescue to be unrealistic. One commented, "[T]he ending is wrong in that it seems to show that justice is always meted out to offenders," while another opined, "[T]here is an overemphasis on the rescue side...and this overemphasis militated against the moral effect the picture should have." A third argued, "If the story was carried out in more detail as to how girls are influenced and brought under the control of men, the picture would have greater value."\(^{565}\) An Assistant District Attorney invited to the screening summed up this take on the film when he said the ending should "be modified in the end to make it less hysterical and more real." This was not a unanimous sentiment, and one reviewer feared that greater realism would also show "the alluring side involving luxuries, entertainments, clothes and so forth." Board members themselves debated the film, but their final vote was six to two to pass the film subject to a few minor cuts, including eliminations of most depictions of the brothels. As Shelley Stamp puts it, in approving Traffic in Souls with little alteration, the Board "effectively endors[ed] its ersatz kidnapping and rescue plot," with its appeal to individual agency rather than structural

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564 Cannon and Olmstead, "Scandalous Film," 61.
565 Quoted in Grieveson, Policing Cinema, 178.
factors accounting for prostitution, as the appropriate means of showing controversial subject matter.\textsuperscript{566}

While the Board did not produce the film, its approval was an important step in cementing its criterion that immorality must have negative consequences and that there were moral relations in the social world that were homologous to the causal relations of the physical world. The Board’s General Committee passed a policy in response to the controversy stating that “the only justification for the portrayal of the Social Evil by motion pictures is that they shall be educational.”\textsuperscript{567} Furthermore, “Since those who have worked most widely and skillfully on this problem have come to the conclusion that the most fruitful line of procedure is in the region of prevention, the Board will give its support to those subjects and films which present facts in a sincere, dramatic way, leading to the repression or to the removal of the causes of commercial or sub-rosa prostitution.” It continued,

There is a place on the screen of the motion picture theatre for presentations which unquestionably indicate the causes, the dangers, and the effects of sexual misconduct. Those subjects dealing with the Social Evil will, therefore, be supported by the National Board of Censorship which arouse fear in the minds of both sexes, which develop a hatred on the part of the audience of this ancient evil, which stimulate efforts to rescue the prostitute, and which indicate sensible and workable methods of repression or suppression.

Collier wrote his own policy draft that stated, “[T]he Board will try to insist that any presentation of the moral problems of sex shall be a \textit{useful} presentation.”\textsuperscript{568} His definition of usefulness included depictions of the “causes of sexual irregularities” that “[lay] within the field of possible action,” those that advocated the “repression of commercialized vice,” those showing the “need of sex education,” those that presented the “causes of any form of the social evil, whether they be moral, institutional or economic,” and even those that showed “wholesome opportunities for the expression of sex and emotional interests.” He noted that such portrayals required “a great deal of

\textsuperscript{566} Stamp, \textit{Movie-Struck Girls}, 61.
\textsuperscript{567} “The action of the General Committee of the National Board of Censorship on films dealing with the Social Evil,” [1914?], NBRMP, 171:3.
\textsuperscript{568} John Collier, Untitled memo, [1914?], NBRMP, 171:3.
caution and successful art,” a point echoed by the General Committee in the statement, “the motion picture by reasons of the lack of dialogue, and the necessity of emphasis on the dramatic, is a difficult medium for this form of education.” The committee also conceded that it “recognizes that moving picture houses and the vaudeville theatres are primarily places of amusement, and not of serious discussion and education,” thereby marking a diminution in the Board’s hopes for cinema as more “exploitation films” were produced.

Traffic was an important moment in the development of narrative film, and it is worth considering the film itself because its plot was so contested within the reform community. The National Board’s new policy on the “Social Evil” insisted on the inevitability of moral consequences, a narrative some of the other reformers invited to the special review of the film thought to be decidedly unrealistic. It is a moment in the development of cinema that underscores its contingency, for if the Board had either been swayed or staffed by those reformers, its guidelines may have developed differently. But the significance of the National Board’s support for this film is not confined to its “unrealistic” plot of the rescue of the would-be victim of the slavers; the rescuer—elder sister and New Woman Mary Barton—was in fact the main character of the film, and she appears to have come through the review process with little comment. That in itself is significant, for it suggests that the New Woman was already well-accepted, at least in Progressive circles. Mary was not the endangered passive object in need of rescue as her sister was; she actively negotiated the urban landscape and effectively dealt with its risks and dangers. While it may be tempting to attribute some of the unreality certain reformers found in the film to Mary’s heroism, and there were some technological aspects that were pure fantasy, I suspect the unrealism may have focused on Lorna Barton’s melodramatic passivity and the probity of the police, which were exaggerated.

569 “The action of the General Committee of the National Board of Censorship on films dealing with the Social Evil.”
Fig. 20. The “country girl” is cased out by a white slaver after she arrives to the city by train in Traffic in Souls. As she tries to find her way a kindly-looking gentleman offers assistance but is in reality an accomplice of the other procurer and brings her to a brothel.

Figure 21. The “Swedish sisters” arriving by boat are met by their brother, who is set up in a scuffle by the white slavers. He is arrested, and a man offers to show the sisters to a “Swedish Employment Agency” (whose sign is strangely misspelled), which turns out to be the same brothel in which the country girl has been held captive. Traffic in Souls.

by their contrast with Mary’s unquestioned assertiveness. Thus it is worth asking, how was she an “appropriate” model of American white femininity for the Progressive era?

The film focuses on the duping of naïve young white women whose individual bad decisions lead them into sexual danger in the city. A country girl arrives by train and two Swedish immigrant sisters arrive at Ellis Island, and they are all tricked by procurers for an organized prostitution ring (figs. 20 & 21). However the narrative centers on the recruitment of a third type, the innocent working girl who is at home in, yet also lured by, the city. Lorna Barton, or “Little Sister,” as she is called in the intertitles, is a “feather-brained” clerk at Smyrner’s Candy Store who is first shown yawning in her bedroom, reluctant to start her day. “Head of the family” Mary, not only her elder sister but also her coworker at the candy shop, calls her to get ready
as she is cleaning up after breakfast and helping their invalid father, an inventor (fig. 22). Mary arrives at work on time, and Lorna is late but ignores the scolding she receives, just as she ignores her sister’s warning when a strange man—the cadet whom we’ve already seen—tries to make her acquaintance (fig. 23). The cadet is working for William Trubus, a wealthy and respected man and a white slaver who, interestingly given the National Board’s sensitivities toward the depiction of reformers, is operating under the guise of a purity society. She accepts the date, eludes her sister, and at the dance hall the cadet drugs her drink and abducts her to a brothel (fig. 24). It is up to Mary to rescue Little Sister, but with the assistance of her fiancé, Officer Burke, and an invention of her father’s that allows her to record Trubus’ incriminating conversations.570

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570 Janet Staiger makes the observation that Trubus’ International Purity and Reform League could be read as a sly critique of the Rockefeller Report, thus, “it might be said that an international conspiracy to enslave women does exist and that the gigantic, vertically integrated economic system run by Trubus-Rockefeller is what is behind that enslavement. Thus, the conspiracy exists in a social structure—monopoly capitalism.” Yet she concedes, “Such a convoluted and conservatively radical reading of the film is likely stretching what would be a
Many scholars have read the film as symptomatic of anxieties over the rise of the New Woman and her claim to participate in the public sphere of both wage-work and commercialized leisure. While Lorna’s flightiness and barely-averted fate is clearly a cautionary tale, one that some reformers argued should be recommended viewing for high school students (but “with suitable interpretation”), Mary’s role is far more complex. When the story of Little Sister’s abduction hits the newspapers, the candy shop owner fires Mary because her sister’s actions have led the paper to implicate candy stores as recruiting stations. As it happened, Trubus’ wife, who is ignorant of her husband’s true activities, was in the candy store at the time and witnessed the circumstances of Mary’s sacking. She herself had just convinced her husband to fire his female

more probable interpretation by any specific audience member in 1913, although something of that possibility does fit quite comfortably within the dynamics of the discourses by some women’s movement leaders.” Staiger, Bad Women, 137.

Figure 26. Mary discovers Trubus' secret and the fate of her sister. *Traffic in Souls.*

secretary whom she caught kissing the "Go Between" in his office (fig. 25), but in a reference to the double standard Mr. Trubus successfully resists firing the male cadet, and she offers Mary, one of her favorite clerks, the job. Meanwhile Trubus, "The Man Higher Up," is in his private office at the International Purity and Reform League listening in on the conduct of his real business downstairs through a pair of headphones. He spills a bottle of ink on his desk and calls Mary in to clean it up while he goes to the outer office for a meeting with purity reformers. She recognizes the voice of the man who picked up her sister coming in over the headphones, and she traces the wire outside and down the fire escape to the office below, where she sees him (fig. 26). She now knows Trubus is in league with the slavers, and she sets out to prove it and rescue her sister.

She remains calm and collected, even as Trubus comes back into the office. She meets Burke at lunch to give him the information and they later take her father's invention, a Dictaphone that can amplify sound, to hide it in the office to record Trubus'
activities (fig. 27). The next day she risks discovery as she waits for the Go-Between to arrive to discuss the day's business in Trubus' office, at which point she slips the phonograph cylinder into the machine and begins the recording. At the same time Burke has found where Little Sister is being held. They rush to the brothel and rescue her just as she is literally going to be beaten into submission (fig. 28). But not only is Lorna rescued; Trubus is arrested based on the evidence Mary has collected. He returns home on bail to have his wife die of shame, perhaps by suicide, and to have his daughter disown him "for killing her mother" (fig. 29). Not only has he lost his family because of his activities; so too has his daughter, for her fiancé, the "society catch of the season," breaks off their engagement. Mary, on the other hand, has her sister, her father and Officer Burke, whom she is to marry after a conventional courtship that has eschewed the particular type of public dating culture that endangered Little Sister (fig. 30).
So is Mary the New Woman, as Janet Staiger would have it, "the pious, pure, submissive, and domestic woman...in a new guise as a self-reliant, natural, caring, and public woman" who "has the right, from her behavior, to be given the title of 'head of the family'?" Or is she "associated above all with a respect for patriarchy and chaste adherence to the law," as Shelley Stamp sees her? Stamp argues, "Far from presenting viewers with a portrait of liberated modern womanhood, Traffic in Souls reinforces outdated polarities between vice and virtue." Both Staiger and Stamp offer accounts of female spectatorship in early cinema, and they rely on discourses of femininity represented in films and their intertexts, ranging from stage plays to vice reports to magazine articles, that describe and conscribe femininity. Following from the melodramatic divide between good and evil so characteristic of fictional cinema at the time, both follow the divide between "good women" and "bad women" as it shifted during the early twentieth century to show how female spectators were positioned in contradictory ways. Stamp points out, "[A]lthough their presence was thought to lend 'refinement' to theater audiences, women themselves risked endangerment there." According to Staiger, while the New Women should still be

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572 Staiger, Bad Women, 140.
573 Stamp, Movie-Struck Girls, 77.
574 Ibid., 48.
modest and submit to patriarchal authority, *Traffic* "does not chastise women for entering the public streets or working in heterosocial situations. It *does* suggest that they must keep their wits about them. This position is quite within the norms being advocated for the New Woman in modern America: good women are *thinking* women."575

The New Woman was indeed a thinking woman—a knowing woman—yet however much the divide between "good and bad" shifted or how ambivalently spectators were positioned because of this, the divide remains to structure their accounts of the white slave films. This is due in part to their reliance on Lauren Rabinovitz's argument in her work on public amusements in Chicago that women were "sexualized spectacles," both solicited by public amusements such as cinema to be full consumer-subjects in the public sphere, and positioned at the same time as visual objects of display to be consumed.576 These rich studies offer a concrete sense of the dispositive of gender at work as they show how different forms of femininity as subject- and object-effects were produced in part through both spatial and perceptual practices. Yet their limitation is a tendency to reify this subject-object distinction through an assumption that contemporary commentators and regulators gave this divide a moral and ontological status. Such an assumption ultimately leads to the aporia of contradiction. Was it bad for women to be subjects because this was a usurpation of masculine prerogatives of public agency, or was it bad for them to be objects by which they—and their sexual virtue with which they were identified—could be bought and sold as white slaves on the market? Such a notion of contradiction may be helpful in framing a debate in terms of specific participants’ intentions, but to really account for the sheer productivity of the processes of subjectification and objectification, so long as there is a dialectic between subject and object or the moral and political guarantees of good and bad, or better yet between the two oppositional pairs, it would seem necessary to move

beyond the contradiction through some sort of a synthesis. Yet such a resolution is clearly impossible, if for no other reason than the empirical fact such a resolution has never been achieved.577

As I have shown in previous chapters, Progressive reformers resisted this subject-object dichotomy as an operating assumption. Many regulators of cinema, as good Pragmatists, explicitly denied such a relationship, and they did so in part based on their understanding of the cinematic apparatus. Recall, the indexical character of film positioned the spectator not so much as a detached observer but as a direct participant in whatever reality was projected on the screen—even a fictional reality, for even if it was a virtual product of the imagination, such imagination was a product of very real social relations. Whether fictional or documentary, cinema increased the mobility of its spectators by bringing the world to them across time and space. Certainly reformers desired for their charges the ability to think about and modify their responses to a film, capacities usually associated with the detached observer, and these abilities were in fact the entire point of the whole regulatory exercise. But this perceptual practice was a historically contingent outcome of the apparatus rather than inherent to it. It was a precarious gendered, classed but also racialized perceptual achievement to be cultivated.

What is interesting about Traffic for my purposes is the specific mobility, thus knowledge, it enables for its spectators. Stamp underscores how the urban mobility suggested by the film was highly gendered, and she evokes discussions of the nineteenth-century figure of the flâneur, the man of leisure who wandered the city as a

577 In addition to my previous arguments in chapter 2, I am also drawing upon Gilles Deleuze’s critique of the ontological status of negation upon which contradiction depends in dialectical thought. Jane Gaines notes some of the affinities of Marx’s theory of contradiction with the melodramatic mode being discussed here, citing melodrama’s “inevitable outcome of moral choices” and “the notion of irreconcilability [that] supplies the germ of a narrative” in Capital. Here the positivity of good and evil and the working and capitalist classes are apparent, as is the contingent outcome of their struggle. Gilles Deleuze, Difference and Repetition, trans. Paul Patton (New York: Columbia University Press, 1994); Jane Gaines, “The Melos in Marxist Theory” in The Hidden Foundation: Cinema and the Question of Class, ed. David E. James and Rick Berg (Minneapolis: University of Minnesota Press, 1996), 64, 68.
detached observer. “Yet this was a role surely open only to men. As Susan Buck-Morss insists, the flâneur’s female counterpart was not the “flâneuse” but the whore or streetwalker—a word that aptly conveys the different terms under which men and women traverse urban thoroughfares.”578 “Film viewing,” she continues, “offered at least the possibility of comparable mastery to female citizens as well. Thus, although technology is associated with a resurgence of patriarchal authority in Traffic in Souls, and women are presented as perpetually endangered in the urban sphere, the very structure of the film itself promised female patrons commanding views of city streets and the urban underworld.” Here she is referring to the parallel editing that crosscuts between different urban spaces and its technological supplements of the camera and projector enabling the spectator’s surveillance of the contemporary city and its activities, both legal and illegal, and the invitation to identify with Mary as she puts the pieces together.

Again, Stamp argues that despite Mary’s pluck, her reliance on men objectifies her so that she “represents traditional female life centered on the family home where women’s sexuality and activities are contained within marriage and domesticity.”579 Even the technological assistance rendered by the Dictaphone comes under this category, for Stamp see the device as Mr. Barton’s “prosthetic” which “resurrects the weak patriarchal body” and thereby reduces his daughter to an object with no final agency of her own.580 She is skeptical of liberatory claims made for Mary’s mobility and her apparent ability to see into the city’s underworld, citing the impossibility of the flâneuse and questioning Tom Gunning’s use of the figure in his reading of the film. Gunning takes his argument for female mobility from Anne Friedberg, who critiques Baudelaire’s reading of the flâneur as the urban subject whose perceptual practice of “just looking” prefigured the consumerist gaze.581 She writes in language that resonates with Pragmatist thought, “But Baudelaire did not consider the power of the woman’s

579 Ibid., 76.
580 Ibid., 81.
gaze to the shop window—a gaze imbued with the power of choice and incorporation through purchase. It was as a consumer that the flâneuse was born.”582 Yet Gunning is well aware of the limitations placed on women in the early twentieth-century city, and part of his point is to explore the limitations of the typology of the flâneur and flâneuse. He looks instead to other modes of urban spectatorship which Walter Benjamin argued had superceded the flâneur, the badaud (the gawker losing himself in the sensation of the moment) and the detective. He points out, “The desire of the flâneuse as shopper to incorporate what she sees seems more closely related to the badaud who merges with what he observes than the detached flâneur.”583

But he also points out how Traffic shows a city that is “a site of constant surveillance, especially for women.”584 For the victims in the film, “the city becomes a network of glances, this visual surveillance interacting with a strategy of disguise and deceptive appearances. Dazzled by the kaleidoscopic display of urban sights, these women lack the savoir faire of the flâneur or the detective’s penetrating x-ray-like gaze needed to alert them to their growing entrapment.” But Mary does possess this savoir faire as she immerses herself in the city’s surveillance network. “As a powerful image of female agency, it is interesting to note that Mary conceals her powers of observation under the cover of work, rather than idleness, and that she gains access to the male world of the city as one of the new class of female clerical workers, rather than as a middle-class shopper.”585 Mary’s mobility through immersion is hardly that of a woman “confined to domesticity.” Instead she is a subject of knowledge, constituted through urban technologies and practices of perception and mobility.586

582 Anne Friedburg, Window Shopping: Cinema and the Postmodern (Berkeley: University of California Press, 1993), 34.
583 Gunning, “Kaleidoscope,” 43.
584 Ibid., 45-46.
585 Ibid., 50.
586 Such circulatory geographies have emerged at a number of moments and places of accelerated change to define new subject-positions, as it were. For a discussion of early 20th-century Berliners, see Alexander Vasudevan, “Writing the Asphalt Jungle: Berlin and the Performance of Classical Modernity 1900-1933,” Environment and Planning D: Society and Space 21 (2003), 169-194; for a discussion of business managers in the present, see Nigel Thrift, “Performing Cultures in
Figure 31. The characters in Traffic in Souls are constantly moving around the city in mechanized transportation.

This is underscored by Kristen Whissel when she writes, “The film is based on the simple premise that to participate in modern life is to be absorbed into traffic” (fig. 31). Yet “In Traffic in Souls, the female body itself risks becoming a commodity once absorbed into the traffic of goods crisscrossing the city and the nation and perhaps delivered to the wrong destination—the bordello rather than the family home.” To explain this risk she echoes Gunning’s claim that the film produces an urban spectator “unable to trust or evaluate all she sees” by noting, “Traffic in Souls suggests that if there is a danger linked to the subject position manufactured by traffic, it is the danger of simultaneously being the subject and object of a movement over which one has only illusory control.” It is precisely this danger of objectification reformers discussed at the review of the film, and they debated what narrative strategy would counteract it. Traffic raises questions about white women’s mobility, their control over this “new” mobility, and the spaces this mobility opened up for them in the city. Scholars have asked the question of Mary’s “liberation,” but the answer is inherently ambiguous when

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588 Ibid., 9.
590 Whissel, “Regulating Mobility,” 4.
posed in terms of good and bad. Analyses such as Whissel’s instead show the productivity of this complex and changing relationship between space and subjectivity.

Even Stamp, when asserting Mary’s confinement, is careful to write “domesticity” rather than “domestic space,” for Mary’s activity, however patriarchally mandated, is manifestly not confined to domestic space. But I would argue, despite her modesty, neither is her sexuality, and of course as a movie about prostitution, sexuality is the focus of the film. Recall Mary is engaged to Officer Burke, and that in itself gives her sexuality publicity. But in a frequently noted scene, Mary meets Burke at a callbox on the street. He tries to kiss her but she demurs, pointing to a window washer. Burke calls to him and he “good-naturedly turns his head, as the pair kiss,” as Gunning describes it, going on to note, “this incident sets up on axiom of the film: in the city all actions are exposed to possible observers situated somewhere off-screen.” Stamp makes a similar point that this act “seems not only to mark her modesty but to underscore the network of gazes to which all women are subject in urban space,”591 while Staiger describes both the diegetic and editorial solutions to Mary’s dilemma: “Through cutting to a shot of the man turning his head and then cutting back just at the end of the action, the film discreetly conveys the event while maintaining the couple’s privacy.”592

What interests me beyond the way this scene marks the surveillance to which Mary is subjected is the fact that she is able to side-step it and engage in sexual behavior, paradoxically enough, in full public view. True, her sexuality is a legitimate, “traditional” one that requires male validation, but legitimation is by definition a public activity, and one she does consent to, whatever the other constraints. As legitimated, it is by definition known. And by being a subject of knowledge, it is privileged. And Mary has the heterosexual privilege of a mobile zone of privacy which she can conjure at will. She has a right to be sexual in material public space while being left alone, a right that the nineteenth-century streetwalker did not have. This was the defining characteristic of the New Woman, this right to a publicly assertive heterosexuality, yet this is easy to miss in

591 Stamp, Movie-Struck Girls, 79.
592 Staiger, Bad Women, 132.
Traffic because of its explicit comparison between Mary and her “flighty” sister that seemingly trades on the Victorian Madonna/whore discourse in the service of melodrama. Despite the resulting questions over who is a subject and who is an object, it is all too easy to simply read Mary as the good woman who confines her sexuality to the domestic sphere and Lorna as the bad woman, or more precisely for this film, the stupid girl, who lives out her sexuality in public spaces of commercialized leisure.

But this melodramatic aspect of the film is not the only reason it is susceptible to this reading. Tom Gunning is the only writer to note in a description of the scene that the window washer is African American. Officer Burke and the window washer enter into an agreement to give Mary her desired privacy, and the window washer makes a conspicuously comic display of not looking (fig. 32). Despite the smiles all around, this “agreement” is carried out by a black man at the “request” of a white policeman; as bell hooks notes, “An effective strategy of white supremacist terror and dehumanization during slavery centered around white control of the black gaze. Black slaves, and later manumitted servants, could be brutally punished for looking, for appearing to observe the whites they were serving as only a subject can observe, or see.” This enforced agreement is made at the instigation of a white woman, and here Mary’s heterosexual privilege is racialized, for if the window washer were white, would she and Officer

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593 Earlier in the film, the power differential of class meant that the white female secretary and her white male coworker kissing in the workplace were unable to conjure virtual private space—not only was their relationship inappropriate, it was happening in actual private space owned by somebody else.

Burke have been so assertive in creating this virtual privacy in public space for themselves? Or, conversely, would they have felt it to be necessary? After all, by turning away, the window washer created a virtual distance, a state of "unknowing" in both senses of the word. For the African American man's gaze upon the white woman, especially one engaged in sexual behavior, would be a violation of her.

Heterosexual privilege as a function of whiteness has a long history in the United States. The lack of sexual legitimation and privacy was one of the hallmarks of the institution of slavery, and the related lack of respect for the bodily boundaries of African Americans, particularly women, is still a manifestation of racism today. As I will address in the next chapter, the black middle class historically defined its "respectability" by putting a high premium on marriage and the proper comportment of women (which of course is no different from the white middle class, except whites' respectability was further defined by money). While the assumption that women are more responsible for sexuality than men—the double standard—is sexist, responsibility, which is predicated on knowledge, is nonetheless a symptom of agency. One of the primary symptoms of racism, then, is the failure of the heterosexual privilege of both legitimacy and agency. Mary has it and uses it because she's white. There are additional scenes which highlight this failure. In Trubus' brothels, two of the maids are black, and they are shown stereotypically as somewhat comic characters with Aunt Jemima padding, aprons and scarves. One is introduced in a scene with several other of Trubus' employees by an intertitle reading, "They who Traffic in Souls." The other maid is arrested in the first raid in which the Swedish sisters and the country girl are rescued, but during Lorna's rescue, both, including the first maid who was not arrested, have disappeared for no diegetical reason (the white characters are back in business), and they are absent from the tracking shot of the traffickers in their jail cells, which are segregated by gender and class (fig. 33). Given the remarkable continuity in the film, this oversight is not entirely arbitrary. The African American maids are not accountable for sexuality to which they materially contribute, not even the deviant sexuality of the brothel; Trubus' white underlings are, and this racial double standard serves as a
refiguration of the gendered double standard of the white female secretary's dismissal earlier in the film.

This strange reversal of black criminalization highlights the accountability of white women constructed by the film. The African-American maids escape punishment for no clear diegetical reason, but their comic appearance leaves the suspicion that they simply do not know any better. "Knowing better" here is a racialized process of mobilized perception and self-possession for New Women that Mary clearly exemplifies, and part of this white privilege of self-possession entails the heterosexual privilege of mobilized privacy. This is also where Little Sister failed, for she did not
exercise the privilege of respectability and instead pursued her sexuality by soliciting the objectifying gaze of strangers, that is, those who did not know her, thereby giving up her capacity for self-possessed mobility in exchanging it for sex. That her abduction happened in a dance hall is certainly important in that such spaces were seen as dangerous, but this was often as much a metonymic danger as it was an intrinsic danger, for the fear in Traffic is over the commodification of leisure reaching over to sexuality. After all, Lorna first met her procurer in the respectable space of the candy shop, and Mary conducted her romance with Officer Burke in public.

This mobile virtual zone of privacy that Mary conjured leads to the question of the window washer’s accountability. After all, if he were in fact an unperceiving agent unaccountable for what he saw, there would be no need for him to avert his eyes. How does this square with the maids beyond the obvious gender difference, a difference that by contrast is minimized when embodied through whiteness? The African-American characters in the film do not operate by a consistent rationality of race, and they don’t have to. The production of white womanhood is the point of the film, and blackness falls into an epistemological void, appearing positively as objectifying stereotype only when needed to serve as whiteness’ counterpoint. The presence of this void is remarkable in that this film was marketed as a reformist effort. It is even more so in that the film’s racist epistemological move mirrored the real-world efforts of Progressive reformers in regulating cinema as they sought to produce whiteness through containing blackness. The National Board was quite concerned over the portrayal of the brothel in Traffic in Souls because it was a white space—both in terms of who was in control and who was being exploited. As with The Inside of the White Slave Traffic whiteness could not be a victim of larger forces to which white spaces might allude, for that would violate the logic of its governmental subjectivity. Instead the downfall of white characters could only come through moral deficiencies for which only individuals could be responsible, and it was this individual responsibility the Board wanted to make visible, over the objections of some of their fellow reformers. This type of responsibility, however, was rendered impossible for the black characters in the film. As hooks
continues in her above-quoted discussion of the visual economy of race, “To be fully an object then was to lack the capacity to see or recognize reality. These looking relations were reinforced as whites cultivated the practice of denying the subjectivity of blacks (the better to dehumanize and oppress), of relegating them to the realm of the invisible.”

5.2 The Birth of a Nation

Blackness inhabits no such realm of invisibility in The Birth of a Nation, the most controversial film in U.S. history upon its release in March of 1915. Or rather, blackness appears as stereotype as it does in Traffic, but here its systematic and coherent deployment perversely gives the black characters in Birth a presence denied them in Traffic, a presence that African Americans found not only slanderous, but also dangerous to their own safety. The film was an artistic watershed whose technique intensified its virulent racism as it portrayed the Civil War and Reconstruction from “a Southern point of view” and celebrated the birth of the Ku Klux Klan. Traffic had its place in the visual extension and intensification of narrative, but Griffith was also a major force in this development. In Birth Griffith’s understanding that “the shot is the basic unit of film rather than the scene” is put to powerful use, flashing back and forth across space to weave together multiple, simultaneous narratives. This watershed in U.S. film has been celebrated by generations of critics, but as Clyde Taylor points out, “If Griffith gave a new birth to the aesthetic in cinema, it was necessarily as the apotheosis of Caucasian perfection.” Birth’s potent combination of artistry and bigotry was both a record box-office draw and a target of protests and censorship.


The development of narrative film was the subject of contemporary commentary. In the months between the releases of Traffic and of Birth, Columbus Bragg, the Chicago Defender’s drama critic, wrote, “The successful film producer is a past master in the art of condensation.” Anna Everett points out how Bragg’s characterization anticipates many later commentators’ theorizations of cinema, and it neatly sums up much of how The Birth of a Nation’s narrative operates. While Traffic’s condensation operated at the urban scale, connecting the home, workplace, street, dance hall and brothel, Birth condensed two nations, North and South, into one United States predicated on white supremacy. The film does so by following the tragic separation by the Civil War of two families, the Camerons from the South and the Stonemans from the North, and their eventual unification through marriage. The narrative condenses two plays by Thomas Dixon, albeit into a three-hour epic, that in turn condense race and sexuality by stoking white fears of black political and “social” equality. This condensation was pursued at the political level too, by focusing individually on the Radical Republican Thaddeus Stevens and the Reconstruction Act rather than Abraham Lincoln and the Emancipation Proclamation; Lincoln himself is characterized as “The Great Heart” who would have let the South be once brought back into the union, rather than “grinding the white South under the heel of the black South” as Stevens—whom, the intertitle reads, “We shall call Austin Stoneman”—was able to do upon Lincoln’s assassination. However, Birth’s condensation of sex, race and nation does not establish an exact equivalence between


them. Rather they exist as supplements to one another, and in this "sex education as nationalism and nationalism as sex education," as Jane Gaines characterizes the film's narrative, it is important to "theoris[e] the relation as somewhat more of a disjuncture than an equation...to allow for the historical opportunism of racism."\footnote{Gaines, Birthing Nations, 298-316, 298, 300. Here Gaines is drawing upon Étienne Balibar's arguments concerning the relationship between racism and nationalism; see Étienne Balibar, "Racism and Nationalism," in Race, Nation, Class: Ambiguous Identities, ed. Étienne Balibar and Immanuel Wallerstein (New York: Verso, 1991), 37-67.}

One of the most critically dissected plot turns in the film is the chase by the "renegade negro," Gus, of young Flora Cameron, a white, southern, golden-haired girl, who throws herself off a cliff rather than be raped by a black man (fig. 34). Even if we were to accept Gus' disclaimer that he just wants to "marry" Flora, any sex between black men and white women is tantamount to rape in the film. This is borne out in a later scene when young Elsie Stoneman, white, but northern, fends off a marriage proposal by the mulatto Silas Lynch. He is the protégé of her father, the elder Stoneman, who, as was rumored of Stevens, has a mulatto...
housekeeper-mistress, a relationship which Griffith refers to as "The great leader's weakness that is to blight a nation." Lydia Brown fantasizes being a lady in Washington society, and Stoneman's rhetoric and policies toward racial equality encourage her ambition (fig. 35). The film made explicit the supposed outcome of such equality—the untrustworthy mulatto—by relocating the scandal of *droit du seigneur* relations between masters and female slaves to the North, in Stoneman's Washington house.600

After the war, *Birth* shows white men being kept from the polls at gunpoint while black men, unfit to form an electorate, do so anyway at the encouragement of Stoneman and Lynch. They have moved south with their associated African American carpetbaggers to oversee Reconstruction, specifically to the Cameron's hometown of Piedmont, South Carolina, at the behest of Stoneman's daughter, Elsie, who wishes to be close to Ben Cameron. This migration of educated African American men from the North threatens the racial status quo of the South, and the newly (and perhaps prematurely) freed slaves agitate for equality, defined as "equal rights, equal politics, equal marriage." They nearly sweep the state legislature and pass a bill "providing for the intermarriage of blacks and whites" while drinking whiskey and putting their bare feet up on their desks in the chamber (fig. 36). Griffith's and Dixon's horror of miscegenation operates in tandem with a heterosexuality, that, oddly for Griffith given his career-long penchant for damsels in distress, often

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600 The historical Lydia Smith was Stevens' widowed housekeeper, but she lived in a separate house on Stevens' property in Lancaster, PA. They had no children together, and there is no definitive "proof" one way or another as to their relationship. Stevens brought Smith to official receptions, and his Congressional colleagues would snidely refer to her as "Mrs. Stevens." Stevens referred to her only as "Mrs. Smith," and though he was fond of filing libel lawsuits over other matters, he never acknowledged the rumors and innuendo in the press surrounding their relationship. 

Figure 36. The new South Carolina legislature under the heel of the North. *Birth of a Nation.*
seems to endorse the discourse of the New Woman. While the Southern Belle is deified in the person of Flora Cameron as she is martyred to the “stern lesson of honor,” she is also so silly and helpless that when her brother introduces her to Elsie, his love, she looks upon Flora “as if to ask,” Richard Dyer writes, “who this demented creature is.”

Elsie has much in common with Mary Barton in Traffic in Souls; she is morally upright, but also assertive, resourceful and helpful to her father. Dyer writes, “She represents—both in the character but also in the fact that she is a North-associated star [Lillian Gish]—the vigour as well as the purity of northern womanhood” (fig. 37).

Dyer argues that it is in fact northern white womanhood that will save the purity of the race in Birth. While Elsie is rescued from Lynch by the Ku Klux Klan, in their

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602 Ibid.
603 Thereby solving the problem of “the fantasy of racial contamination” identified by Michael Rogin when he writes, “The society that developed materially from establishing rigid boundaries between the white and dark races developed culturally from transgressing those boundaries.”
triumphal march, she is foregrounded in the shot while the elder Cameron sister, Margaret, recedes, as she has done throughout the film. Margaret, the southern white woman, is purely a vessel of reproduction, while Elsie, the northern white woman—despite Griffith's quip, "Man is a moving animal. It isn't so with woman. Their natures are different"—is an agent in her own right who "confidently embod[ies] this whiteness." The white men of the Klan, including both southerners and the northerners who have discovered the error of their ways, are the helpmeets of white women. They are stern yet gentle; before Flora's death when Ben Cameron thinks up the Klan as a way to avenge the insults he has suffered under the regime of black domination, he is inspired by Flora and a playmate posing together under a sheet as a ghost to scare off a group of black children. His idea is to "terrorize" the rebellious blacks, and the Klan sets out on its first mission to scare some troublemakers (fig. 38).

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605 Dyer, "Into the Light," 172.
Indeed it is Silas Lynch’s henchmen who fire the first shots, felling a Klan member. The Klan resorts to actual violence only when meting out “justice” to Gus in a “good lynching”\(^605\) and when confronting black mobs to rescue Elsie and Margaret and their enfeebled fathers (for even Stoneman sees his error once Lynch asks him for his daughter’s hand).

The Klan are also helpmeets for freed slaves who know their place. This place is firmly immobilized in the private space of the plantation household, the site of both economic production and social reproduction. In Griffith’s idealized South, African Americans are only productive in private, and only instrumentally for their masters. The Klan rescues “faithful souls” such as the Cameron’s servants, who fight their uppity counterparts from the North. Their maid repeatedly upbraids Lynch’s black associates who have come to usurp the public productivity of whiteness; in one instance she directs a man to the servants’ quarters instead of the guest room he demands with her riposte, “Yo’ northern low down black trash, don’t try no airs on me.” In the Camerons’ rescue scene, the entire remaining Cameron family (less the son who is out riding with the Klan) is holed up in the cabin of two union veterans and a young girl. There is no doubt here that the Cameron family includes the servants, and they participate in defending white womanhood from the marauding black horde as Margaret huddles in the corner with her mother and the veteran’s daughter until the Klan arrives to the rescue. This interracial, nonconsanguine family becomes national when the veterans from the North refuse the elder Cameron’s plea that he be allowed to give himself up in exchange for the lives of his family, choosing instead to fight the ex-slaves they originally went to war to free.

Given the contemporary backdrop of the European War in which white nation was fighting white nation, Griffith sought to turn his advocacy of white supremacy to

\(^605\) Michele Wallace uses the description to highlight the contrast between actual lynchings and Griffith’s portrayal; “Gus’s execution occurs at night in an orderly and ritualized manner and is performed by white men dressed in full Klan regalia.” Michele Faith Wallace, “The Good Lynching and the Birth of a Nation: Discourses and Aesthetics of Jim Crow,” Cinema Journal 43, no. 1 (2003), 94.
the service of anti-war propaganda. This was not limited to the intertitles which make the explicit case against war; it also helps structure the anti-miscegenation narrative. While Griffith pays lip service to the preservation of the union, he focuses on the waste of the Civil War. This too is sexualized as the younger Cameron and Stoneman brothers, play-fighting best friends in the lead-up to the war, meet on the real battlefield in death. Cameron is shot by a union regiment, and as he lies dying, a soldier runs up to bayonet him; the soldier is Stoneman, who in turn freezes in horrified recognition with the bayonet ready to plunge, and he too is shot (fig. 39). He falls next to Cameron, caresses the dying man, then dies himself. Their relationship before the war and at their moment of death is both very physical and very tender, much more so than the heterosexual and intergenerational relationships which are staged and mimed according to melodramatic convention. To forestall the powerful affective threat to white heterosexuality presented by the young men's obvious love for one another, Birth sets a precedent for confronting the specter of homosexuality. It situates it as unproductive and ultimately fatal, and gay characters would indeed be required to die in later narrative film. 

In Birth this relationship between two white men produces only death and waste. It serves as a synecdoche for the North and South at war, a war between two parties who are the same. They are the same because they share the "Aryan birthright." But rather than protect whiteness, the two men—and the North and South in their masculine

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607 In an early work on the subject Parker Tyler notes that homosexuality has often been treated as a "fatal kink," while Richard Dyer proposes the "sad young man" as a category in a typology of gay characters; see Tyler Parker, Screening the Sexes; Homosexuality in the Movies (New York:
iterations—tear it apart despite their honor and best intentions. For whiteness to be productive, it must be heterosexual. It needs the hierarchical difference of gender, and, somewhat paradoxically given Griffith's message, race, for it is the role of white men and degendered African Americans to protect it and white women to reproduce it. In Birth the term "homosexual relationship" is a contradiction in terms, for it—along with the North and South—apes an essential difference that does not exist between them in order to maintain itself as a relation, and so this relationship that merely imitates difference can only lead to chaos and death. The two Union soldiers living together in the cabin with a child might seem to contradict this reading. But however proleptic it may be to read her as "their" child, she nonetheless obscures the non-productivity of such a pairing, and they ultimately rejoin national white heterosexuality by renouncing their difference as northerners with the South and protecting the Camerons from the black mob. The Birth of a Nation produces a performative contradiction in terms of Griffith's message that the South was right. While the South morally reforms the North by showing that racial equality only leads to disorder and chaos, the South also needs the North to reproduce an unsullied whiteness. Dyer notes that the film "betrays a feeling that the South is, after all, not quite white enough to give birth to the new white nation." However, I would add, neither is the North quite heterosexual enough.

5.2.1 THE NATIONAL BOARD AND THE BIRTH OF A NATION

The original censoring committee for the National Board unanimously passed the film without change on 20 January 1915. The NAACP in New York protested to the Board, and the chair of the organization, Joel Spingarn, personally contacted a

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608 For a reading in terms of the "national family" of the vicissitudes of "skin-color racism" made ambiguous in the U.S. by the one-drop rule, see Walter Benn Michaels, "The Souls of White Folk" in Literature and the Body: Essays on Populations and Persons, ed. Elaine Scarry (Baltimore: Johns Hopkins University Press, 1987), 185-209.

609 Dyer, "Into the Light," 175.

610 McGuire to members of the National Board, 17 March 1915, NBRMP, 103:10.
number of Board members, and the approval was rescinded pending another review.\footnote{611} Prior to the film’s March release, the General Committee voted to pass the first part of the film set before and during the war with minor changes, and “[t]o condemn in the second part certain incidents which it was felt might create race hatred and prejudice, and which constituted a reflection on ten million citizens” \footnote{612} (in particular, a shot of Gus foaming at the mouth as he chased Flora). After the film was modified, and General Committee viewed it again, they passed the film subject to changes in several intertitles. First, they recommended a disclaimer that read, “This is an historical presentation of the Civil War and Reconstruction period and is not meant to reflect in any way upon any race or people of today.” Having discharged their duty to prevent race prejudice by dislocating knowledge of African Americans in time, the committee members, all New York-based reformers, turned their attention to what seemed to be a more pressing matter than the concerns of their black fellow New Yorkers.\footnote{613}

One original intertitle regarding the importation of slaves read, “Having profited by the trade and having no use for slaves themselves, the traders of the 17th century became the Abolitionists of the 19th century.”\footnote{614} The anachronistic hypocrisy Griffith attributed to abolitionists must have hit home despite his substantial financial support of the Board, for the reviewers recommended substituting for the offending intertitle, “The Nineteenth Century Abolitionists demanding the freeing of the slaves.” It is unclear whether the content of the new intertitles was negotiated with Griffith or if the committee members had sole authorship, but if Board members did not personally know any surviving abolitionists, they would have had living memories of them, and many reformers of the Progressive era saw them as their social, religious and political

\footnote{612} McGuire to members of the National Board, 17 March 1915. 
\footnote{613} Thomas Cripps’ work remains the standard account of black reception of the film and the NAACP’s efforts in New York, then Boston, in which city so-called riots occurred with the screening of the film. See Thomas Cripps, \textit{Slow Fade to Black: The Negro in American Film, 1900-1942} (New York: Oxford University Press, 1977), 41-69. 
\footnote{614} Ibid.; Review Secretary to Mrs. H.W. Lung, 13 July 1921, NBRMP, 79:6.
forebears. Many southerners resented northern reformers and accused them of meddling in places they knew nothing of and in which they did not belong, and perhaps this included Griffith despite his dependence on them. Yet the Board was in theory a national organization and it had to constantly fend off attacks that its members were unrepresentative of the country as a whole, and they were particularly sensitive to anything that impugned their motives as social reformers.

While reformers sought to nationalize their own moral geography, they also sought to restrict that of African Americans. Another intertitle originally read, “Pious Puritans blessed the traffic,” for which the Board substituted, “The bringing of the African to America planted the first seed of disunion. The negro was imported in New England ships and sold by the traders to the south.” 615 Richard Dyer sums up the productive ambiguity of the intertitle as “a phrasing that, consciously or otherwise, suggests at once a means of production, the spectre of miscegenation and the inadvertent tragedy of national discord.” 616 However much Griffith assented to this new intertitle, its brazen displacement of blame for racial conflict onto the mere presence of African Americans brought to the fore the Board members’ attitude toward the growing black communities of the North. Because African Americans were intrinsically a source of discord, they could not be full citizens of the republic. 1915 was the fiftieth anniversary of the end of the Civil War, and the agenda of its commemoration was sectional reconciliation. This reconciliation was purely on white terms, yet the Board did remove a final scene in the film showing freed slaves boarding ships for Africa. It effectively chose to retain the “negro problem,” yet it was able to turn Griffith’s claim for southern knowledge of the proper place of African Americans to its own purposes and spatialize the negro problem as a southern problem. Thus Griffith and the Board undercut in their own ways Thomas Dixon’s Lincoln in The Clansman, who says, “We must assimilate or expel.” 617 With blackness as discord confined to the South, the

615 Review Secretary to Mrs. H.W. Lung.
confusion wrought by this discord was similarly contained. While Griffith made African Americans themselves objects of knowledge, the Board marked the South with their putative invisibility.

Progressive reformers nonetheless did take a cue from their southern counterparts when necessitated by those African Americans who strayed north. At best their presence was to be tolerated, and their interests represented by whites. The Board actualized this practice when the possibility of having an African American Board member was discussed during the NAACP protests against the film. According to the Executive Committee minutes, “Mr. Cocks said that he thought it would be a very unwise thing to have a negro just because he is one. He said he would suggest that we have someone who understands them and can see deeper into the problems of the race.” This implication that a white person would be able to better represent African Americans would seem to have contradicted the Board’s desire for expertise, but it materially enabled it by denying African Americans actual presence and treating them as objects of ignorance, even as it readily assisted the New Immigrant and acquiesced to the New Woman.

5.3 The Racialized Geography of Self-Possession

Like the Johnson fight pictures, Birth of a Nation sparked race riots in northern cities, including Boston and Philadelphia, but riots meant to reinforce white supremacy rather than reinstate it. Like the white-slave pictures, it prompted condemnation of the Board’s decisions as too little, too late, but out of a concern over the agency of a historical lie rather than that of a current truth. The few extant records of the Board’s activities surrounding Birth of a Nation suggest that its members really did not understand what the fuss was all about. They saw racial conflict as less of a general issue than controversies over freedom of speech and the press, and by seeing race as a sectional issue, by characterizing the Negro problem as a Southern problem, they attempted a

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618 EC Minutes, 19 April 1915, NBRMP, 118:1.
distant geographical fix for blackness that relegated African Americans to objects of ignorance, even when portrayed on film. But a great deal of the rest of the country did not see race that way, as much as they may have wanted to. African American mobility in the Great Migration was threatening to white supremacy as black communities in the North swelled in numbers, and the hypermobility of the cinematic image only exacerbated the situation.

The newfound mobility of white women was also threatening to many, but it did not spark riots. The new heterosocial public amusements that had emerged with the industrial city were seen by some to be spaces of danger for immigrant and working-class women, but their middle-class counterparts who were also claiming public space eschewed such danger. Of the New Woman, Maria Brandt writes, "Armed with higher education, increased professional visibility, and non-traditional ideas about marriage and maternity, this white, middle-class figure challenged assumptions essential to patriarchal stability." Instead there were efforts to recuperate this newly individualized public agency of women for the reproduction of the white nation—in short, to make her a governmental subject. This individualization was key, for the maternal feminism by which women entered the public sphere in the nineteenth century was predicated upon an extension of women's responsibility for social reproduction from the family to the community and nation. But rather than extend the logic of the patriarchal private sphere to the public, the New Woman sought to retain white, middle-class respectability while participating in the public sphere as such, whether economically or politically, as a bearer of individual rights. While suffrage was an important political project, this was accompanied by the beginning of an increasing acceptability of economic self-sufficiency, whereby the women's consumer culture of the nineteenth century underpinned by, well, pin money, came to be characterized both by more financial responsibility on the part of women—and, alarmingly for those worried about the fate of white masculinity at the time, more participation by men. The

619 Maria Brandt, "Reading Anxiety: The New Woman and Narrative Strategy in American Literature, 1899-1909" (PhD, Boston College, Department of English), 9.
members of the National Board, many of whom fit the profile of the New Woman, acquiesced to her self-possession in film at the same time they tacitly condoned the continuing subordination of African Americans.

The Progressive era saw a transition—however partial—of mobilized self-possession from a quality limited to white men to a quality of whiteness per se, but gender difference did not go away. Instead whiteness became more resolutely heterosexual even as it became less tied with ownership of the means of production. Film regulation, intimately tied to film content, was central to this refiguration of self-possession occurring at multiple levels of society. This project had a complex racialized geography helping to enable this gendered and classed refiguration and reaffirm the whiteness of self-possession. The reformers of the National Board saw cinema as a means to produce this responsible subject of knowledge, and in line with their Pragmatic outlook, advocated a governmental rationality to achieve this end of whiteness, all the while leaving African Americans to the vagaries of coercive forms of power. While New York City was the geographical center of this network of activity in this chapter, the topology of film regulation and the production of whiteness in fact varied across the country, and it is other sites with their different responses to films such as Birth of a Nation that will be the subject of chapter 6.
CHAPTER 6

Minneapolis & Atlanta

Controversies over films such as Traffic in Souls and The Birth of a Nation erupted across the country, but they were always situated according to the cultural politics and legal framework of the particular place. Local censorship reflected this varying cultural and legal geography, whether it was the official pre-publicity censorship first passed in Chicago or the unofficial volunteer National Board in New York. Other cities and states followed Chicago’s lead, and each passage of legal censorship eroded the Board’s credibility with the manufacturers and the public. Lobbying against such bills became a major focus of the Board, and as part of such “educational” activities its representatives would cite examples of “political” or “arbitrary” cuts mandated by official boards. Along with the Chicago board of censorship, the Pennsylvania and Ohio censorship boards came under frequent attack. When John Collier was preparing for one such speaking engagement, William McGuire suggested he cite the example of Ohio’s condemnation of The Strike at Coaldale (Eclair, 1914):

It was rumored among the film men that the Industrial Commission, of which the [Ohio] Board is a part, were not enthusiastic over having pictures shown in which strikes were apparently successful. That’s why such action was taken. Of course, there is no way of proving that this was the motive influencing the Ohio
Board to condemn the picture, but the story itself certainly does not warrant condemnation on the ground of immorality.\footnote{620}

Despite the National Board's best efforts to review films in New York City according the standards of "the people" as a whole, the politics of cinema regulation varied across the country because they were intimately bound to the class, racial and sexual politics of a given place. This made dissatisfaction with the Board's decisions a common occurrence, and local reformers interested in regulating film sometimes clashed with the Board over the content of films as well as the basis and effectiveness of the Board's authority. Responses ranged along a continuum between voluntary boards at the municipal level that actively cooperated with the National Board in monitoring local compliance with its decisions, and official state censorships such as Ohio's that were actively hostile to the reformers in New York. I will focus on municipal censorships here, for they were not only far more common than state censorships; they were directly embedded in local community politics in a way that censorship boards at the state level could never be. While the National Board vigorously fought censorship legislation at the state level, perceiving it to be far more of a direct threat to its authority, Board members also understood that these state-wide efforts originated at the local level. They expended a great deal of time and effort in cultivating relationships with local reformers and municipal officials across the country in order to woo them to the Board's way of thinking about the regulation of cinema.

The National Board was not the only entity to oppose statutory censorship. Film producers and exhibitors frequently litigated decisions made by both municipal and state regulators. While many legal issues were at stake given the newness of cinema, its status under the First Amendment of the U.S. Constitution loomed largest.\footnote{621} Was cinema a venue for political speech that should enjoy the same protections as the print press? The case that made it up to the U.S. Supreme Court first and settled the question

\footnote{620} McGuire to Collier, [1914?], NBRMP, 163:1.
\footnote{621} The other major areas of litigation were interstate commerce at the federal level, which I addressed in chapter 5, and municipal licensing at the local level, which I will discuss later in this chapter.
of film censorship from a constitutional standpoint was *Mutual Film Corporation v Industrial Commission of Ohio* (1915), and the film in question was *The Birth of a Nation.*

The *Mutual* opinion began with the question of interstate commerce, stating, "The censorship by a state board of censors, conformably to 103 Ohio Laws, 399, of motion picture films which are 'to be publicly exhibited and displayed in the state of Ohio,' is not an unlawful burden on interstate commerce, even as applied to films which are brought in from another state, but which are in the hands of film exchanges, ready for rental to exhibitors, or have passed into the possession of the latter." But then the Court compared the legal regulation of cinema to that of "the theatre, the circus, and all other shows and spectacles," and citing their judicial precedents it noted,

> It seems not to have occurred to anybody in the cited cases that freedom of opinion was repressed in the exertion of the power which was illustrated. The rights of property were only considered as involved. It cannot be put out of view that the exhibition of moving pictures is a business pure and simple, originated and conducted for profit, like other spectacles, not to be regarded, nor intended to be regarded by the Ohio constitution, we think, as part of the press of the country or as organs of public opinion. They are mere representations of events, of ideas and sentiments published and known, vivid, useful and entertaining no doubt, but, as we have said, capable of evil, having power for it, the greater because of their attractiveness and manner of exhibition. It was this capability and power, and it may be in experience of them, that induced the State of Ohio, in addition to prescribing penalties for immoral exhibitions, as it does in its Criminal Code, to require censorship before exhibition, as it does by the act under review. We cannot regard this as beyond the power of government.

It was precisely cinema's particular social agency that led the court to the opposite conclusion from the National Board's as to its appropriate regulation. The court cited its potentially "insidious" power whereby "a prurient interest may be excited and appealed to" in justifying its subjection to the police power of the state.

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The Ohio Censorship Board had banned *Birth* as a threat to public order. But as the contemporary debate over the film’s “truth” suggests, it was the mobile image of African Americans as much as that of the violent enforcement of white supremacy that was at stake. It was Griffith’s portrayal of both the right (subservient) and wrong (assertive) ways for African Americans to be objects of knowledge that was threatening to public order. As Griffith showed the imagined perils of northern black men putting on airs of subjecthood and migrating to the South, the State of Ohio sought to head off the migration of racial conflict, particularly lynching, back to the North. In this it sought to remedy by the force of law what the Board sought to fix by non-state, productive means. The Board’s actions in *Birth of a Nation*, not to mention *Traffic in Souls* and *The Inside of the White Slave Traffic*, were insufficient for its critics, hence the perceived need for state intervention.

The Mutual decision left the door wide open for official censorship by declaring moving pictures “business, pure and simple.” The press was of course a business as well, but not “pure and simple,” for it was given a necessary place in the functioning of democracy that was denied film. But in a practical sense the court was simply ratifying a widespread, if contested, assumption. While there were attempts to introduce federal censorship, most in Congress felt that the regulation of moving pictures fell under the police power reserved to the states, with the notable exception of the Johnson fight pictures. State regulation was not seen as overstepping Congress’ authority to regulate interstate commerce because the business of cinema was conceptualized around the moment of exhibition rather than production and distribution, and it was the states and municipalities that had the power to regulate the concrete spaces, conduct and content of picture shows. This underscores the threat perceived in the image of a black man defeating a white man in the boxing ring, for Congress saw fit in this one instance to intervene in film distribution. This meant that censorship in general was an intensely local affair that, again, varied significantly across the country, yet could have national import as in the case of Ohio’s banning of *The Birth of a Nation*. The National Board was
but one among many entities concerned with regulating film, albeit the one that was
-crucially placed at the point of production.

More complex were the Board’s relations with censorship boards that enforced
the National Board’s decisions yet also made occasional extra cuts or condemnations in
light of “local sentiment.” These local boards had cooperative rather than adversarial
relations with the National Board, but they were not founded at the National Board’s
behest. Instead, like the National Board, these local boards emerged out of local
political, economic, social and cultural conditions and usually involved controversies
that far exceeded the regulation of cinema, but these were often quite different from
New York’s. There were commonalities of course; given the profound changes
occurring across the country at the time, issues of race, class and gender were universal
in a categorical sense, but at the concrete level they were articulated through different
practices in different places.

I turn now to two places that had very different politics of social difference.
Minneapolis, a booming regional center in the Midwest, had similar rates of foreign
immigration as the industrial cities to the east. Yet as the flour-milling capital of the
country, it was the center of a vast agricultural hinterland in the northern plains, and
one of the largest groups of migrants to the city—and perhaps the primary target of
urban reformers—was young women who had few opportunities in rural areas. While
cinema was problematized in terms of these women, it was the small African American
community that bore the brunt of the regulatory reform of cinema. Atlanta, a southern
rail hub and regional center that attracted few immigrants, had a larger African
American community as many rural black agricultural workers were migrating to
southern cities following the collapse of cotton farming. But rather than being
opportunistically used by city leaders then ignored and left to the individual prejudices
of fellow white citizens as happened in Minneapolis, Atlanta’s black community faced
active legal exclusion under Jim Crow laws. This extended to cinema, and from the start
moving pictures were a white, middle-class recreation in Atlanta, and the task of
regulating movies fell to the public library, a public facility from which African
Americans were completely barred. A look at these two cities shows that the cultural geography of governance during the Progressive era varied across the country according to local, concrete conditions.

6.1 Minneapolis

Like many other Americans, Minneapolitans saw their first moving pictures projected on a screen in 1896. On May 10, Paul Strong turned the crank of an “animatograph” imported from England at a rented hall at 314 Nicollet Avenue in downtown just off the industrial riverfront. 30 people paid ten cents to see Persimmon Winning the Derby, as well as travel scenes such as Crossing the English Channel, Crossing the Blackfriars’ Bridge and Arrival of the Paris Train at Calais. The capacity of the room was 200 persons and Strong recalled that the audience was less than enthusiastic, so he took the show on the road to see how rural audiences would respond. “That animatograph was a regular jack-o-lantern. Sometimes it worked and sometimes it didn’t and its operation was so erratic that the country people didn’t take kindly to it.” As with the rest of the nation, it would be nine years before the first dedicated movie theater opened in Minneapolis. In spring of 1905, the Wonderland opened two blocks from the site of Strong’s first show in the transition zone between the central business district and the riverfront (fig. 40).

Minneapolis was a new city, and it was booming in the first decade of the 20th century. The city’s population increased by 50% from 200,000 to 300,000, and roughly 30% of the population was foreign-born, similar in magnitude to Chicago’s 35% and

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624 Leigh Ann Wheeler writes, “The motion picture made its Minneapolis debut in 1894, when a local department store, owned by Norwegian immigrant Seaver Olson, hosted the city’s first Edison Kinetoscope exhibit;” however, the Kinetoscope was a peepshow rather than a projected image. Leigh Ann Wheeler, Against Obscenity: Reform and the Politics of Womanhood in America, 1873-1935 (Baltimore: The Johns Hopkins University Press, 2004), 14.


626 “Millions,” 1.
New York's 40%.\textsuperscript{627} The city's black population was another story. In 1900, there were 1548 African Americans living in Minneapolis, or 0.8% of the population, a number that rose to 2592 in 1910, or 0.9% of the population.\textsuperscript{628} Another distinctive pattern of population growth in Minneapolis was that a large proportion of newcomers were young women. Historian Leigh Ann Wheeler, in a study of women's anti-obscenity activism in Minneapolis, discusses how earlier immigration to the Midwest had largely been to take up farmland, and that as farms passed into the hands of male heirs, young women had few opportunities in rural areas and frequently migrated to the Twin Cities for employment in the textile industry or in retail and clerical work (fig. 41).\textsuperscript{629} Wages were below subsistence level. According to one prostitute, “I tried for three years to support life on the wages I was paid as a cashier in a big store...I gave up the struggle at last...They call me unworthy of any decent person's notice now, but I don't starve and freeze since I quit being respectable.”\textsuperscript{630}

\textsuperscript{629} Wheeler, \textit{Against Obscenity}, 27.
\textsuperscript{630} Lynn Weiner, “Our Sister's Keepers: The Minneapolis Women's Christian Association and Housing for Working Women,” \textit{Minnesota History} 46 (1978-1979), 192, quoted in ibid.
Photograph of the Northwestern Knitting Company. Minnesota Historical Society. Location no. MH5.MP3.1M.

Image removed due to copyright restrictions.

Figure 41. Northwestern Knitting Company, 269-277 Lyndale Avenue, Minneapolis, ca. 1915. Not only single rural women worked at the textile factories; my Finnish-born great-grandmother, Annie Toivonen Niemi, went to work in this plant after marrying at age 19. Photographer: Charles P. Gibson. Minnesota Historical Society Photograph Collection (hereafter cited as MHS).

As in other U.S. cities, nickelodeons in Minneapolis were claimed to be recruiting stations for prostitutes, and Wheeler shows how the city's distinctive demographic situation led club women to become involved in efforts to direct young working women away from the trade, in part through efforts to regulate moving-picture and vaudeville theaters. Her study is focused on women's anti-obscenity activism and its relation to suffrage as well as to men's activism, and she argues that the "paternalism" that characterized nineteenth-century anti-vice efforts "began to crack slightly [in the 1890s]—especially in response to organized women's efforts on behalf of the anti-
obscenity movement—but it survived well into the twentieth, emerging with a vengeance in municipal efforts to regulate the new motion picture theaters." While Wheeler's stark divide between maternalist and paternalist strategies of regulation may or may not explain anti-obscenity work in general—an assessment which is beyond the scope of this study—it needs considerable complication when applied to the regulation of cinema. In particular, while she acknowledges the whiteness of women reformers, the racialization of prostitution itself and the relation of this racialization to cinema and other public amusements in Minneapolis receive little attention. While it is certainly true that white middle-class women worked to save Midwestern farm girls from "ruin," this project was also situated alongside the political manipulation of the small African-American community by male city leaders. Even in such an overwhelmingly white city, race was a crucial determinant in the regulation of cinema, and the release of *The Birth of a Nation* coincided with the mayor's tug-of-war with the city council over the power to license hotels and public amusements, and banning the film proved a perfect opportunity for him to increase his executive power.

6.1.1 THE FIRST CITY ORDINANCES

The first ordinance in Minneapolis to regulate movie theaters was unanimously passed by the City Council on 29 December 1911 during the administration of Mayor James C. Haynes. The city's government and police force had been notoriously corrupt in the late 19th century and into the 20th, so much so that it was the subject of "The Shame of Minneapolis," Lincoln Steffens' famous lead article in the January 1903 issue of *McClure's* magazine focusing on political corruption that has often been credited with starting the muckraking movement in American journalism. Steffens described the city as

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632 Minneapolis City Council, *Proceedings of the City Council of the City of Minneapolis Minnesota from January 1, 1911 to January 1, 1912*, vol. 37 (Minneapolis: 1911), 1364 (hereafter cited as MPLS City Council Proceedings).
a Yankee with a round Puritan head, an open prairie heart, and a great, big Scandinavian body. The ‘Roundhead’ takes the ‘Squarehead’ out into the woods, and they cut lumber by forests, or they go out on the prairies and raise wheat and mill it into fleet-cargoes of flour. They work hard, they make money, they are sober, satisfied, busy with their own affairs. There isn’t much time for public business....The people who were left to govern the city hated above all things strict laws. They were the loafers, saloon keepers, gamblers, criminals, and the thriftless poor of all nationalities. Resenting the sobriety of a staid, industrious community, and having no Irish to boss them, they delighted to follow the jovial pioneer doctor, Albert Alonzo Ames.\textsuperscript{633}

Mayor Ames turned the entire government and police apparatus of the city into a graft machine. He was run out of town when a grand jury in the summer of 1902 indicted a number of his associates, and Alderman Percy Jones was drafted to become mayor.

A great deal of Ames’ profits came from “fining” prostitutes and brothel keepers all over the city. Jones discontinued the official extortion and confined prostitution to a segregated patrol district downtown. When Haynes came into office, he gradually restricted the size of the segregated area, until residents of the Sixth Ward in which the remaining trade was tolerated organized to eliminate it completely as a local nuisance. In a vice report issued two years later, the author described conditions in the segregated area. “It was difficult for the most respectable women to appear even in the street-cars near this district at night, without being subject to insult by rowdies and men half intoxicated.”\textsuperscript{634} Not only were women subject to abuse; the report argued children were endangered, and it detailed how the most notorious house was located next to a large apartment block and vacant lot where over one hundred children played.

By November of 1910 Haynes had ordered an all out abolition of the segregated districts and the strict enforcement of all laws against prostitution everywhere in the city, and he appointed the vice commission to investigate the best ways of dealing with “the social evil.” While the commission recommended the continued suppression of prostitution in its July 1911 report, it did not refrain from diagnosing wider social problems.

(1) an intrenched [sic] spirit of materialism, marking our present-day civilization, which sets possessions above the noble life; (2) congestion of population, which throws thousands upon thousands of people into close living contact for which they may not be fitted; (3) overwork and exploitation of women toilers, in particular, which devitalize and weaken the physical defenses of chastity; (4) demoralizing and extravagant display on the part of many of the newly and suddenly rich, creating in the minds of the daughters of the poor such a sharp sense of contrast with their own condition as to lead them on to an “easy way” to remove the contrast; (5) poverty in the family, which cannot either maintain a proper American standard of living under which vital forces are kept ever fit, or provide a home whose attractiveness will not drive the tired young working people outside into dangerous places for that excitement needed to restore physical and mental balance; (6) the commercialization of recreation provisions in a city, pandering to the lower instead of the normal and right side of human beings; (7) the faulty bringing up of children by parents who have done woefully less than their part in developing strength of body, will and character.635

While the commission was formed specifically to investigate prostitution, moving picture theaters were part of its brief, for they, along with dance halls and other public amusements, were thought to be frequent recruiting places for prostitution, especially in a city with a large, mobile, young female labor force. Of picture shows, the commission wrote,

In Minneapolis there are at present thirty-two moving picture theatres with a combined seating capacity of something over 10,000. Their number has more than doubled in the last year. It is conservatively estimated that at least 30,000 persons per day attend these shows. Here is an index of the craving of people for the kind of recreation that appeals to the imagination. It is said that 90 per cent of the films shown around the country are censored by the National Censorship Board in New York. As to the other 10 per cent, some watchfulness is needed in every city, to protect patrons from that which appeals merely to the lower instincts. Another thing of importance in this connection is the matter of proper lighting of moving-picture theatres. Darkness is a dangerous condition. Experiments have shown that lighting facilities of certain types are available so that pictures may be clearly seen. It may be well for the school board and park board to consider whether they could not with propriety enter this field and offer

634 Marion D. Shutter, Report of the Vice Commission of Minneapolis to His Honor, James C. Haynes, Mayor (Minneapolis: Henry M. Hall,[1911]), 26.
635 Ibid., 104.
Photograph of Shubert Theatre. Minnesota Historical Society. Location no. MH5.9.MP3.1S.

Image removed due to copyright restrictions.

Figure 42. The “Absolutely Fire Proof” Shubert Theatre, Seventh between Hennepin and First Avenue North, Minneapolis, ca. 1912, was one of the major “first class”, i.e. well-capitalized, downtown theaters. MHS.

a class of pictures, of the very highest education and dramatic value, with not a trace of vulgarity or sensuality.636

Three months later an ordinance was introduced “regulating licenses for theaters, moving picture shows and circuses.”637 Wheeler gives a broad sense of the discussion surrounding the proposed ordinance in 1911. She argues that theater owners came from a wide variety of occupations, but that most were native-born rather than immigrants.638 As such the debates over the proposed ordinance were inflected by class rather than ethnicity; owners of nickelodeons could afford neither the building upgrades to improve fire safety nor the daylight picture technology to improve moral safety (fig. 42). But as in the fight over the Folks ordinance in New York, “As small motion picture

636 Ibid., 129-130.
637 MPLS City Council Proceedings, 995, 1133.
638 Wheeler, Against Obscenity, 15.
theater owners suspected, some of their more established rivals—proprietors of the so-called ‘first-class theaters’ that featured plays as well as motion pictures—supported the safety crusade, hoping that new regulations would drive marginal competitors out of business.” Attempts to monopolize and drive out small proprietors were not restricted to moving pictures, however; dance halls, saloons and even dry cleaners were targeted with proposed ordinances that would have required expensive fire-protection upgrades such as full sprinkler systems. As in New York City, then, the fear of fire in both its physical and moral manifestations was a major impetus for the regulation of cinema; nickelodeons were seen as spaces of physical and moral danger. But Sabbatarian concerns did not appear to play a prominent role in Minneapolis’ regulatory efforts, and neither did the overt anti-Semitism that accompanied agitation in New York.

On the balance the focus of responsibility regarding the moral dangers of picture shows was on the people who went to the shows rather than on the owners. While in New York the link between nickelodeons and prostitution was made in part through Jewish theater owners, in Minneapolis the link was strictly through the prostitutes themselves, and ethnicity comes up only twice in any specific way in the Minneapolis vice report. In decrying the “contagious love of diversion and excitement” to which young wage-earning women were so susceptible, the report blamed the new immigrants and their lax home life. In a reference to the New Immigrants, the report claimed, “The influx of a new type of foreign element in our cities, of late years, undoubtedly has something to do with creating this situation. This element has, without question, tended

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639 Ibid., 16.
641 There was a Christian men’s group, the Men and Religion Forward Movement, agitating in partnership with the Northwest Society for the Prevention of Vice for Sunday closure laws for all “secular” amusements, but their only success was with dance halls (the sale of liquor on Sunday was already prohibited). Otherwise there was little concern for blue laws in Minneapolis evident in the archive, whether on the part of women’s clubs, male-dominated civic organizations or city officials. See “Follow Up Reform Work,” MJ, 15 October 1911, 10; Northwest Society for the Prevention of Vice, An Act to Prevent the Opening of Theatres, Moving Picture Shows and Dance Halls
to lower the social and moral standards of the community.”\textsuperscript{642} To remedy the situation, the Commission’s Committee on Education recommended that at the age of puberty, “a course on citizenship should be inaugurated and an attempt should be made to develop an acute sense of the social and race consciousness, with the idea of preparing the child for an understanding of the sociological significance of sex.”\textsuperscript{643} While the regulation of nickelodeons to reduce moral danger was important, what was really needed was for immigrant girls to be educated early on in the sexuality of whiteness in order to become responsible citizens.

This focus on young white women was not only the concern of the vice commission. As early as 1909-1910 the Woman’s Club of Minneapolis investigated the alleged white slave traffic in Minneapolis “to see what the Club could do to work against this,” and it also “cooperated with the National Board of Censorship of Motion Pictures and the Social Service Club in endeavoring to improve the character of films and the physical conditions of motion picture theatres.”\textsuperscript{644} There are no specifics in the minutes as to what they did, but in 1910-11 the club formed a Committee on Public Morality to work against any possible reinstitution of a segregated district for prostitution, a position with which the 1911 vice report would concur.\textsuperscript{645} While the proposed movie-theater ordinance was on the table in November 1911, the Fifth District Auxiliary of the Minnesota Federation of Women’s Clubs invited Samuel Rothapfel, owner of the downtown Lyric Theater (fig. 43), to tell them “of the effort he was making to put on educational films at the Lyric.” Rothapfel had already sought the good will of

\textsuperscript{642} Minneapolis Vice Report, 77.
\textsuperscript{643} Ibid., 125.
\textsuperscript{644} Jeannette Ludcke, \textit{You’ve Come a Long Way, Lady! The Seventy-Five Year History of the Woman’s Club of Minneapolis} (Minneapolis: The Woman’s Club of Minneapolis, 1979), 21-22.
\textsuperscript{645} Ibid., 23. Interestingly the club women’s concern for young working women resulted in pressure for an earlier start to the Christmas shopping season. “During the week preceding Christmas, [the committee on Working Conditions of Women] secured the observance of the fifty-eight hour week law for women in mercantile establishments, quite a contrast with the forty-hour week today.”
women's clubs by advertising a "Tag Day" fundraiser for a visiting nurse program. In offering to show lantern slides advertising the event and donate fifty percent of receipts from a Wednesday matinee, he wrote he was making the offer "in the spirit of the noble cause...and for no other motive." He continued, "We will not advertise the fact nor make any mention of it whatever, but if you wish you can give it such publicity as you may desire...to help swell the fund through the aid of this theater..." At the November meeting with the Fifth District Auxiliary, he asked their support in his uplift efforts, and in response they asked the city council to investigate conditions in picture shows, presumably with Rothapfel's competitors in mind.

The previous month Rothapfel had demonstrated his fire safety plans for the Lyric by staging a fire drill for visiting aldermen, an incident which Wheeler discusses in terms of the embourgeoisement of moving pictures as he sought to bolster middle-class respectability for his business. The council had in fact already been conducting a broader investigation of theaters. But their primary concern was fire safety, and fire regulations for theaters in Minneapolis were already stringent. During the tour, an alderman asked the city building inspector, "Do not the present regulations afford very reasonable safeguards?" ... 'I haven't said otherwise, have I?' said the building inspector.

646 "Motion Picture Houses Aid Tag Day," MJ, 30 October 1911, 2.
647 J.P. Coan, Detailed History of the Fifth District Activities, Minneapolis Public Library Special Collections, Fifth District Minnesota Federation of Women's Clubs papers, 1:2, p. 24.
648 Wheeler, Against Obscenity, 16.
They are in such condition as to make a fire disaster almost impossible." Theater owners put a full-page advertisement in the following Sunday paper carrying an endorsement of the safety and sanitary conditions of theaters signed by the fire marshal, the city building inspector and the city electrician. While the city council did discuss investigating "the moral tone of playhouses of every class," the ordinance they eventually passed only mandated a 9:00 p.m. curfew for children under sixteen. Largely focused on explicitly bringing picture shows under the 1904 fire code passed after the Iroquois Theater fire in Chicago, the ordinance required theaters to pass monthly inspections by the fire department.

Despite sporadic calls by various groups to regulate nickelodeons for morals, and even some successful campaigns to deny licenses to specific theaters, particularly near schools, most of the political pressure coming after the vice report was for the regulation of dance halls (figs. 44 & 45). Shortly after the council took up the issue of dance halls, Minneapolis policewoman Emile Glorieux arrested the proprietor of the Dreamland dance hall for admitting women under the age of twenty-one. She testified that she had talked to girls who claimed that girls as young as fourteen were frequenting the place and that she was conducting an investigation into the allegations. The Journal criticized the police department for putting a low priority on enforcing dance hall regulations, citing an instance of a crowd protecting a minor girl from questioning by Officer Glorieux. "A policewoman is just as much a representative of the dignity of the law as a policeman, and if the department allows her to be made an object of ridicule it shares in her confusion."

Yet perhaps the more telling testimony in support of stricter regulation had nothing to do with the majesty of the law. At a public hearing on the issue, "Miss Gratia

650 MJ, 22 October 1911, 11.
651 Audley Mitchell Grossman Jr., "The Professional Legitimate Theater in Minneapolis from 1890 to 1910 (PhD, University of Minnesota, 1957), 98-103.
Exterior view of Dreamland Dancing Pavilion. Minnesota Historical Society location no. MH5.9.MP3.1A r45.

Image removed due to copyright restriction.

Figure 44. Dreamland Dancing Pavilion, 315 Fifth Street South, Minneapolis, postcard ca. 1911. MHS.

Figures 45. Dreamland Dancing Pavilion, 315 Fifth Street South, Minneapolis, postcard ca. 1915. MHS.
Countryman said the efficiency of girls in all kinds of employment was hampered by late hours and Sunday dancing; that it lowered the earning capacity and the effect made it more difficult to solve the great economical problem the class presents. This blame-the-victim approach to poverty by the middle class was nothing new, but in

654 “Dance Halls Are Blamed for Evils,” MJ, 12 November 1911, 11. In a very different time and place, Melissa Wright argues that female labor in Mexican maquiladoras of the present is a very specific type of variable capital whose value “dissipates over time,” ensuring a flexible regime of labor in which “[v]alue appreciates in what is not her.” Hundreds of such women have been murdered in recent years in Ciudad Juárez, to little official or public concern. Most of the murders have happened outside at night, and “[c]irculating through the media and by word of mouth...is the question: ‘Was she a good girl?’” The parallels with Minneapolitan attitudes a century earlier toward young women workers representing cultural decline and therefore a decline in the value of their labor power is striking, even if the levels of violence directed them was in no way comparable. The difference was that the whiteness of Minneapolis women was at stake as much as their femininity; this offered a potentially higher value for their labor power (but of course not as high as for white men) if only they would not physically dissipate it through their immoral behavior at public amusements, and their value was not seen to be used up on the factory floor as in the case of the maquilas. Melissa W. Wright, “The Dialectics of Still Life: Murder, Women, and Maquiladoras,” Public Culture 11 (1999), 455-456.
Minneapolis, an open-shop city at the time, blaming young women who were already working for still being poor had special resonance. Instead of blaming collective labor relations controlled by their husbands, these women individualized the young working women as sexually precocious, thus exhausting their ability to produce value and thereby earn correspondingly higher wages. The middle-class women embraced the economic productivity of white femininity the "New Woman" had recently made accessible to capital, while they critiqued her self-assured sexuality as wasted energy (fig. 46). This connection between sex and labor was underscored in a different way by the effort of the Woman's Club and the Fifth District the following year to enforce child labor laws in the entertainment industry.

Employment of children under ten was forbidden by law, and children ten to sixteen could be employed only by special permission granted by the mayor. The Child Labor Committee [of the Woman's Club] visited more than thirty vaudeville houses, moving picture theatres and other theatres. Mrs. [James S.] Thurston was instrumental in cooperating with other organizations, in securing a clear legal interpretation of the somewhat ambiguous child labor laws. Thus, more prompt enforcement was possible.655

As a result, Mayor Haynes appointed twelve women to a commission "to act as censors and to investigate cases of children who were permitted to appear in public performances on the stage."656 By tying the enforcement of child labor laws to censorship, they effectively sexualized child labor. While there were undoubtedly other sectors of the economy that exploited under-age labor, the Woman’s Club chose to focus on theaters, which they regarded as spaces of sexual danger, and perhaps they feared the early sexualization of children would interfere with the upbringing and education of future labor.

While the Fifth District Federation extended this activism to women’s labor conditions as well as increasing women’s age of consent from 18 to 21,657 plans were already underway to convert a church to a "woman’s building," which would “combine

656 Coan, Detailed History, 26.
657 Ibid., 26
a dormitory for girls whose homes are out of the city." The council passed a dance-hall ordinance, and it sidestepped the implied double standard by barring all “persons” under age twenty-one from dance halls, but it did accede to demands for Sunday closure—a condition never seriously mooted for picture shows. The motion-picture ordinance passed soon after established a 9:00 p.m. curfew for children under sixteen except for those accompanied by parent or guardian, and it mandated monthly inspections for fire safety. No mention was made of lighting, and it did nothing to protect the most “vulnerable” group, girls aged 16-18. Given that there is no record of the discussion of the ordinance, any explanation is speculative, but beyond the possible difference in political influence between theater and dance-hall owners, it would seem the city council did not see picture shows as much of a threat to the productivity of labor as dance halls. They may not have been as convinced of cinema’s haptic power over women and children as the women’s clubs were, given its comparison to dancing at the time—an expressly physical and sexual activity. Also, they were more closely linked to alcohol consumption, another major issue at the time, and as such they also involved the productivity of men. While the vulnerability of young white women was certainly at issue, the debate over cinema regulation would become more explicitly racialized three years later. For now, I will turn to similar efforts in Atlanta, a city with a very different history and culture.

6.2 Atlanta

Amusement seekers saw the world’s first commercial movie screening at the 1895 Cotton States and International Exposition in Atlanta (fig. 47). Thomas Armat’s and C. Francis Jenkins’ picture show attracted little attention, and they soon stopped charging the 25-cent admission and simply asked for donations. The show ended when the

660 MPLS City Council Proceedings, 995, 1164.
theater itself burned down, and the investors lost thousands and sold the patent to Thomas Edison, who in turn marketed it as his famous Vitascope. Movies would return to Atlanta as part of vaudeville, but in April of 1906 Atlanta's first nickelodeon, the Peachtree Theatorium, opened in a downtown hotel. Randy Gue argues that Atlanta followed a pattern quite different from that of its northern counterparts. Most of Atlanta's nickelodeons opened in middle-class shopping and business districts (fig. 48), and from the start cinema was a white, middle-class recreation. Yet the national discourse establishing the nickelodeons' disrepute was powerful, and by the 1920s one local account would describe them as "cheap, gaudy, ill-ventilated, insanitary houses" from which "[g]reat, glaring, luridly sensational posters waved their appeals from in front to the lovers of garish melodrama." Still later another history claimed, "City council frowned upon the early moving-picture shows, pointing out that the necessity for absolute darkness created a dangerous atmosphere for young ladies. Many patrons held fast to their pocketbooks, believing that the movies were only a trap to promote the

663 Ibid. Gregory Waller, in his study of amusements in Lexington during this period, also points out that picture shows there were sited in central business districts and did not seem to have the disrepute that they initially did in the North, saying, "I could find no indication that middle-class families and children shunned local motion picture theaters." Gregory A. Waller, *Main Street Amusements: Movies and Commercial Entertainment in a Southern City, 1896-1930* (Washington: Smithsonian Institution Press, 1995), 70.

Image removed due to copyright restrictions.

Figure 48. Photograph of street view, Atlanta, Fulton County, Georgia, 1907. GDAH.

activities of pickpockets.\textsuperscript{665} Despite their cheapness as well as complaints from downtown businessmen about their noise, many of the picture shows were in fact backed by well-known financiers, again in contrast to the northern nickelodeon boom.

Like many U.S. cities, Atlanta responded to the 1903 Iroquois Theatre fire in Chicago by passing an ordinance strengthening fire safety requirements for theaters and other public amusements. Atlanta's ordinance applied to existing theaters, "especially regulating entrances and exits therefrom," as well as new construction, and it left upgrading to the discretion of the fire inspector.\textsuperscript{666} A year later the council prohibited

\textsuperscript{664} Lamar Trotti, "The Marvelous Product of Twenty Years," \textit{The City Builder}, (Atlanta: The Extension Bureau of the Atlanta Chamber of Commerce, Nov. 1924), 11.


\textsuperscript{666} Atlanta City Council, \textit{Ordinance Book, no. 6}, 1 February 1904, 32, Kenan Research Center, Atlanta History Center Archives (hereafter cited as AHCA).
theaters above the first story, and in 1906 it passed a detailed building code that regulated everything down to the size of exit signs. As the nickelodeon boom peaked in 1907, the council passed an ordinance specific to "electric theatres," but rather than focus on moral safety, the ordinance, which anticipated both Minneapolis’ and New York’s by several years, was confined like its predecessors to fire safety.

1909 saw a new wave of theaters being built, larger and better appointed to appeal to middle-class tastes, but as Randy Gue argues, "down South the changes were a belated nod to the tastes of their already-existing audiences." That year, the council followed suit by requiring projectionists to be licensed. The development of feature films also affected safety requirements; in 1911 the code was amended at the request of the City Electrician so that picture shows "be allowed to keep on hand five (5) reels of film as this number is required in running a first class show. These reels to be kept in metal boxes with tight fitting covers." Enforcement occurred through the licensing process, which required the fire chief, building inspector and electrical inspector to pass on permits applied for through the city clerk. In 1916, an ordinance passed that required licensing of film exchanges and prohibited them from storing more that 5000 feet of film in certain areas of the city.

While the city focused on fire safety, an 1897 ordinance that required "ladies who attend performances in such theatre or opera house[s] to remove their hats before the performance begins and to keep them off during the performance" languished without update until 1910, when moving picture shows were added to the list of applicable venues. However this policing of gender would take a more substantive turn in 1912. While Minneapolis had just established a curfew for children under sixteen, the Atlanta

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667 Ibid., 5 June 1905, 84.
668 Ibid., 6 July 1906, 134.
669 Ibid., 6 May 1907, 191; Gue, “Nickel Madness,” 34.
671 Ordinance Book no. 6, 19 July 1909, p. 312.
672 Atlanta City Council, Ordinance Book no. 11, 18 December 1911, 134, AHCA.
673 Ibid., 3 January 1916, 377.
674 Ordinance Book no. 6, 10 February 1910, 373.
City Council prohibited girls under sixteen years of age from working as ushers or performers in moving picture or vaudeville theaters, although this was amended to allow a waiver with the permission of the police chief and probation officer.675 Managers faced a stiff fine of $500 (as opposed to $200 for safety code violations) or thirty days in the workhouse. As in Minneapolis, this was part of Atlanta’s response to the white slavery scare, during which the Atlanta Constitution editorialized, “Atlanta is growing so large that unless the streets and cheap theaters are scrupulously guarded, they may degenerate into recruiting places for vice.”676 Atlanta’s motion-picture ordinances had a trajectory similar to that of its northern counterpart in that fire safety was the primary concern, and given that the owners of the larger “regular” theaters who could afford the mandated upgrades were politically connected, they could forestall any more aggressive efforts at curfews or other limits on audiences inspired by the white slavery scare, and therefore maintain the volume of spectatorship needed to maintain profit levels.

The first regulation of picture-show content in Atlanta concerned the Jeffries-Johnson fight film of 1910. Two days after the fight, the council banned the exhibition of the film “in order to preserve peace and order” because “publication of this fight has tended to cause race prejudice and has caused several racial conflicts,” and “continued display may cause a continuance of disorder and possibly riots.”677 This was a serious concern as four years earlier the city experienced a four-day race riot in which ten blacks and two whites were killed.678 The September 1906 riot was set against the background of the primary campaign for the Democratic nomination for governor, during which candidate Hoke Smith, former Atlanta Journal editor with a reputation as a moderate, was goaded into endorsing black disenfranchisement in exchange for the support of

675 Ordinance Book no. 11, 13 June 1912, 129; 8 September 1914, 309.
676 Atlanta Constitution, 24 September 1912, 4; cited in Steve Goodson, “This Mighty Influence,” 33.
677 Ordinance Book no. 11, 6 July 1910, 18.
former Populist leader Tom Watson. The race baiting of the campaign was abetted not only by the *Journal*, but also by the *Atlanta Constitution* of which Smith’s opponent was the editor. The papers embarked on the sensationalistic manufacture of a “negro crime wave,” and they went so far as to print extra editions whenever a new allegation of “attempted assault” or even the “insult of familiarity” was made. An investigation by the city’s chamber of commerce blamed whites for the riot, and four years later, the city council was unwilling to risk a repeat performance by allowing something as sensational as a black man defeating a white man in the boxing ring to be shown in the city.

Up until the 1906 riot, Atlanta had a reputation for better race relations than other southern cities, and in 1900 it was home to some 36,000 African Americans, or nearly 40% of the population. Businesses thrived in the large black community, as did higher educational institutions. But the city was growing quickly, from approximately 90,000 in 1900 to 150,000 in 1910, and as in the North, with rapid growth came social conflict. Black population growth did not quite keep pace with white, with its share declining to 33.5% of the population by the 1910 census. Nonetheless in absolute numbers the black community grew to some 52,000 people, and whites took notice. Hoke Smith won the 1906 election and quickly achieved his aim of disenfranchising black men and thus eliminated any political threat they may have posed. Political participation was the first target of Georgia’s Jim Crow laws, and it would take four years for other forms of legal segregation to come into effect in the city.

As it happened, the 1910 ban on the Jeffries-Johnson film was passed the very same day that the city council passed an ordinance requiring black and white diners to be served in separate restaurants under separate licenses. The preamble stated, “more of the restaurants of the City, especially those which serve cheap lunches, serve white and black people in the same room or at different portions of a long table in the same room,

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or at different tables therein, and this indiscriminate service of meals tends to confusion and disorder and renders it difficult to police the City and preserve the peace. These ordinances were passed two weeks after the council instituted similar segregation at establishments selling near beer. Thus interracial consumption was the first target of legal spatial segregation by the City of Atlanta; it would not be until 1913 that the council passed “An Ordinance for preserving peace, preventing conflict and ill feeling between the white and colored races and promoting the general welfare of the City by providing for the use of separate blocks by white and colored people for residences and for other purposes.”

Despite the Jeffries-Johnson ban, during this period the overall content of films did not seem to be overly problematic. The same year as the fight-film ban the Constitution commissioned members of the Georgia and Atlanta Federations of Women’s Clubs to investigate conditions in picture shows; there were some shows they disapproved of, including one which they “were glad to escape into the fresh air without having been hurt or soiled by the crashing of old furniture, [by] the falling of ashes, [or by the] soiled clothes and more objectionable things upon some very unpleasant looking Negroes.” But “[i]n the main…the pictures presented in Atlanta [are] of a good class.” This was the period of time during which the National Board was widely credited with improving cinema, and in Atlanta cinema was a respectable white, middle-class recreation from the start due to both its audience and its location. Given the city’s miniscule level of foreign immigration and its active exclusion of African Americans from public concern, it took several years for film content to become moralized as it had in northern cities such as Chicago and New York with their enormous immigrant populations.

680 Ordinance Book no. 11, 6 July 1910, 17.
681 Ibid., 20 June 1910, 15.
683 Ibid., 16 June 1913, 250.
684 Atlanta Constitution, 13 November 1910, 1C; cited in Goodson, “This Mighty Influence,” 34.
communities, and, however haltingly, Minneapolis with its large influx of young, rural white women.

Concern over cinema's sexual morality emerged in Atlanta in 1913 as "sex problem" photoplays were becoming prominent in the lead-up to the release of Traffic in Souls. A new ordinance prohibited the exhibition of films that were "obscene, vulgar, indecent or immoral," or "contrary to the public morals."685 While the ordinance also targeted stage productions, enforcement was clearly directed at moving pictures: "No person, firm or corporation, shall exhibit, or cause to be exhibited, in any such electric or motion picture theatre, any moving picture, unless it shall have been first approved by the Board of Trustees of [Carnegie] Library or the Committee on Censorship appointed by said Board."686 It was "especially made the duty" of the library's Board of Trustees to secure the prosecution of violators. This was a significant enough departure that the state legislature amended the city charter to allow for the censorship board, although the legislators lowered the fine for violations from $500 to $200.687 The censors were drawn from Atlanta's business elite, and board chairman W.L. Percy claimed, "as far as we can we stand in the place of the people. We don't represent one class or one sex. We don't express our own prejudices or those of any group of people."688

This "universal" board devised its rules in its first month,689 and it paid particular attention to sex and crime, but also to "pieces in which women drink or smoke."690 Not only did the censors review films according to its local criteria; they also enforced the decisions of the National Board, which they received through weekly bulletins.

685 Ordinance Book no. 11, 5 May 1913, 225; 2 September 1913, 260.
686 The ordinance excepted films "given for purely educational, charitable, fraternal or religious purposes by any religious association, fraternal society, library, museum, public or private school or any institution of learning, where no admission fee is charged."
687 Georgia State Legislature, City of Atlanta 1874 Charter Amended (15 August 1 914), 421.
689 I could find no official document listing the censors' rules. Minutes of the Carnegie Library of Atlanta 1912-1917 vol. 4, 10 June 1913, Georgia Local and Family History Department, Atlanta-Fulton Public Library.
690 Atlanta Journal Sunday Magazine, 31 May 1914, 3; 31 October 1915, I; 13 August 1916, I; cited in Goodman, "This Mighty Influence," 35.
However the Atlanta censors estimated that approximately ¼ of the films shown in the city were not reviewed by the National Board, and so the formation of the Atlanta board with its cooperative relationship with the National Board, which was not mandated by statute, appears to have arisen as a supplement rather than a replacement for the National Board. Historian Steve Goodman argues that relations between the censors and the theater owners and managers were also generally cordial and cooperative. Yet in 1916 the city council required exhibitors to submit lists with descriptions of films a minimum of three days before the run date, and to exhibit films to the censorship board upon demand, and also to allow the board access to any exhibition space on demand.\footnote{Ordinance Book no. 11, 7 August 1916, 424.}

This ordinance followed an incident with the Fox Film Company, which failed to make eliminations mandated by the National Board. According to a letter J.W. Peacock wrote the National Board, “The Atlanta Board demanded that they be made and caused them to be made which resulted in a heated Controversy with the Fox office.”\footnote{Peacock to National Board, 28 January 1916, NBRMP, 53:1.} He added, “We were told that the film taken out would be replaced and sent to Birmingham Ala for exhibition.” Executive Secretary McGuire responded with the suggestion that the local board keep the eliminated film, “mak[ing] the reinsertion of such parts by the branch managers impossible” as well as saving “considerable correspondence.”\footnote{McGuire to Peacock, 1 February 1916, NBRMP, 53:1.} This did not go over well with Atlanta distributors; McGuire offered to send a letter to the exchange managers, and Peacock wrote, “Since we understand that the Producers have agreed to make such eliminations as asked by your office, we believe that your request should be made in as strong form as is consistent with the agreement. Because we know the feeling of some of the managers in our City is opposed to making Cuts and refuse to give up the film, when Cuts are made. We regret the seeming indifference of the producers in carrying out the agreement.”\footnote{Peacock to McGuire, 23 March 1916, NBRMP, 53:1.}

Little survives of the records of the censorship board itself from this time, but a report to the Board of Trustees by Head Librarian Delia Foreacre Sneed suggests a sense
of general approval for something as “progressive” as a censorship board. She enthused, “[T]he idea is beginning to spread that such a censorship is possible in the south, from Atlanta’s having blazed the way.” The inquiries she was receiving from other municipalities were “clear indications of an awakened conscience on this matter which so closely affects the community life, and it is a satisfaction to feel that by the step in this direction Atlanta has shown herself willing to spend the necessary sum to safeguard as well as she may her young people from the subtle but instant effect of unsuitable pictures.” She also related a meeting of the women’s literary club during which she was surprised that they had not heard of the censors. As her talk provoked a lively discussion over the board’s approval of a film shown the week before, this ignorance of the censorship board was not for a lack of movie attendance on the part of the women, and it was simply taken for granted that white southern ladies went to the movies in Atlanta. Film regulation in the self-styled capital of the New South was a public service, and effectively like most public services in the city, it was provided exclusively for the benefit of its white citizens.

6.3 Executive Empowerment

As Delia Sneed was reporting on Atlanta’s progressive reputation to the city’s Board of Censors in 1915, a renewed interest in the regulation of movies was emerging in Minneapolis. Nationally, the increase in white-slave films led to more intrusive censorship by official boards such as the Chicago’s and Ohio’s, and film exhibitors and manufacturers retaliated with a series of lawsuits which were also meant to fend off the threat of federal censorship. Locally, the issue of prostitution and its ties to public amusements had waned slightly just to come to the fore again, partly at the behest of local women’s clubs. Then mayor Wallace Nye, a Republican, was locked in a battle with his political opponents to wrest control of licensing from the city council under the guise of preventing vice. Such attempts to increase executive power and remove

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695 Librarian’s Report, Carnegie Library Minutes vol. 4, 13 April 1915.
“politics” from licensing and other municipal regulatory actions was characteristic of the shift in local governance during the Progressive era, and opportunistic mayors were enabled to gain control over licensing under the guise of “efficiency.” While the racial politics of this process had been relatively submerged in the 1911 episode, despite the city’s stark ethnic divisions, race came to the fore in 1915 as the tiny African-American community came under fire.696

According to the records of the Minneapolis Woman’s Club, “The first Bill to be ‘mothered’ by the Club in the State Legislature was the Red Light Injunction and Abatement Law. Mrs. C.H. Chalmers and Mrs. C.S. Cairns shepherded this Bill to passage. It was reported that this was believed to be the most successful step ever taken to insure practical control of the ‘Red Light District.’”697 The Wallace-Fosseen Abatement Act, as it was generally known, allowed any citizen to apply to district court for an injunction restraining an owner from using his or her property for a year if the petitioner could prove that the property had been “conducted as a resort,” at which time the property would be sealed, the furniture confiscated and sold at public auction, and a $300 lien place against the property.698 In practice this meant that because Wallace-Fosseen was a state law, the county attorney would wait for a conviction in municipal court before proceeding under the abatement law in district court, because such a conviction served as prima facie evidence that prostitution was occurring on the premises.

The law was cumbersome and subject to procedural delay and political interference, and rather than it being “the most successful step ever taken,” the first

696 Although Scandinavians had come to dominate the city in terms of numbers, the original Anglo-Saxon Protestants who colonized the area remained firmly in control of political and economic life. While German-Jewish immigrants who arrived in the mid-nineteenth century were tolerated to some extent, more recent Eastern European Jews were not, and by the 1940s Minneapolis was called by some “the capital of anti-Semitism in the U.S.” For an overview, see John S. Adams and Barbara J. VanDrasek, Minneapolis-St. Paul: People, Place, and Public Life (Minneapolis: University of Minnesota Press, 1993), 42-43, 56-75.


698 “County Attorney Plans to Speed Abatement Suit,” MJ, 28 March 1915, City 5.
successful prosecution took two years.\textsuperscript{699} The \textit{Minneapolis Journal}, a political foe of Mayor Nye, ran a number of stories pinning the blame on him for the ineffectiveness of the abatement law. In a political tactic similar to that followed by the Atlanta papers nearly a decade earlier, the \textit{Journal} heavily racialized an alleged increase in prostitution during Nye's two years in office. In January of 1915, the paper ran a story which quoted at length from the trial of "Lena Smith, a negress," who was convicted in municipal court of running a vice resort.\textsuperscript{700} As "one of the most notorious places in the city," the judge declared from the bench, "a blind man could find it without trouble." He opined, "I believe that during the administration of former Mayor J.C. Haynes an honest effort was made to stamp out this terrible evil, and I am very much surprised to see how openly these houses of ill fame are being operated at the present time in the city of Minneapolis." The \textit{Journal} salivated over the prospect of "Lena Smith, colored" going on to be prosecuted under both the state Wallace-Fosseen Act and the federal Mann Act,\textsuperscript{701} and it went on to intimate that the ineffectiveness of the abatement law thus far was Nye's fault. The paper quoted County Attorney John M. Rees, who relied on municipal court convictions for evidence, as he discussed his plans to expedite an abatement suit against another resort owner, John Manning of the Reo Hotel. "Recently I wrote a letter to the chief of police [a mayoral appointee], asking him to notify this office when there was an arrest in any case that might come under the abatement law. I received no notice from the police of the raid of the Reo Hotel."\textsuperscript{702}

Nye responded to this pressure from his opponents with his own plan. On 3 March 1915, he proposed an ordinance to the city council which required hotels and lodging houses to be licensed through the city's Commissioner of Health. While health and safety criteria were given the most verbiage, section 4 of the proposal addressed the real reason for the ordinance: "The conduct of any such hotel or lodging house in a disorderly manner, or permitting any immoral conduct or practices therein shall be

\textsuperscript{699} "Sheriff Goes to Seal First Resort Under Vice Law;" \textit{MJ}, 30 March 1915, 8.
\textsuperscript{700} "Court 'Surprised at Operation of Resorts' in City;" \textit{MJ}, 3 January 1915, 8.
\textsuperscript{701} "Triple Woe for Resort Keeper;" \textit{MJ}, 6 January 1915, 1.
\textsuperscript{702} "County Attorney Plans to Speed Abatement Suit;" \textit{MJ}, 28 March 1915, City 5.
sufficient cause for the refusal of a license to the keeper thereof, or for the revocation of any license already granted.”

According to Nye, “we can close such ‘hotels’ up for violations of the law, without obtaining convictions in court. It no longer will be necessary for a man to commit crime himself to obtain sufficient evidence against the place.” The mayor’s political opponents accused him of trying to undermine the Wallace-Fosseen law for his own benefit, and the mayor indicated that he would accept an ordinance that merely empowered him to suspend a license pending a hearing before the council.

The Minneapolis Journal questioned “whether it is wise to clothe the Mayor with powers so autocratic.” The paper went on to argue that the ordinance would be effective under a mayor of “judgment and conscience,” but should the mayor “happen to be... weak, pliable or corrupt, the opportunities for graft opened by such a law would obviously be numerous and inviting.” To Nye’s claim that he was simply asking for the same power that he already held in licensing saloons, the paper answered, “The history of the mayoral authority over saloon licenses...has not been such as to encourage the council to put hotels under the same authority.” Fearing outright defeat, Nye’s allies on the council referred the ordinance to committee, but the support of the police chief and the mayor’s proposed qualification were not enough and the full council defeated it by a 2-to-1 margin.

In the meantime, a grand jury investigating prostitution ordered the county sheriff’s office to raid four suspected gambling houses and brothels without the knowledge of the city police department. The establishments were chosen as “typical” resorts in the city, and of the 89 people arraigned in municipal court following the raids,

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703 Mayor to City Council, 5 March 1915, Office of the City Clerk, Minneapolis Municipal Information Library ordinances and legislation petition no. 3029 (hereafter MIL).
705 Mayor to City Council, 7 April 1915, MIL ordinances and legislation petition no. 3271.
707 “Mayor’s Ordinance on Hotels Is Sent Back to Committee,” MJ, 10 April 1915, 7.
78 were African American. Nye, a member of the party of Lincoln, was quick to question the raids, particularly of The Porters’ and Waiters’ Club, and asked, “what good can be accomplished by a night raid upon a club of colored citizens who are barred from other places open to white men, especially when similar conditions might have been found at some of the clubs which members of the grand jury frequent.”710 He accused the raid of being politically motivated by two members of the grand jury who had worked against his election, and he also denied that concurrent raids on other resorts coordinated through his office were done so in response to the grand jury investigation. Indeed the raids he authorized proved embarrassing to Nye because the resulting prosecutions founndered for lack of evidence. Women were arrested going into “suspicious” establishments, but police were not given direct orders to investigate the establishments themselves. “‘Didn’t it occur to you to go up into the hotel and look around the place?’ Judge E.A. Montgomery asked. ‘I didn’t have any orders,’ [plainclothes officer] Bott replied. ‘Captain J.A. Weare said to arrest the women, but he didn’t say anything about the houses.’”711

The Minneapolis Federation of Men’s Church Clubs also questioned police practices and the necessity of handing over licensing power over to the mayor.

“Suggestions were made that the mayor has only to detail a policeman to stand at the entrance of any questionable places and thus gain the ends for which he said the first measure was intended.”712 But Nye persisted and wrote the city council, accusing his opponents of ignorance of the situation and claiming executive expertise for himself. “Upon no other theory can the opposition to so meritorious a measure of those who profess deep concern for the public welfare be explained.”713 He went on to argue, “It is an undisputed fact that the breaking up of vice districts led to the opening of resorts in many parts of the city, but chiefly over saloons and stores, where under the name of ‘hotel’ and the protection of a ‘register,’ the proprietors are reasonably free from

710 “Politics Motive Behind Four Raids, Mayor Intimates,” MJ, 20 April 1915, 1.
713 Mayor to City Council, 7 May 1915, MIL ordinances and legislation petition no. 3609.

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prosecution under the present law considering the evidence required to convict.” He pointed fingers at his political opponents, “who have apparently not yet recovered from their disappointment and chagrin over the fact that the voters, by a considerable majority, were not misled by their advice,” and advised that should the council not give him a means of regulating the hotels, “I fear that you will have to share the responsibility for their continued existence.”

As a delaying tactic the council requested a list of suspect hotels from the mayor, to which he replied, “[W]ere the hotels of the city licensed under a regulatory ordinance, as suggested by me, I would have no hesitation in advising you...In the absence of such regulatory ordinance, I must decline to comply in full measure with your request, because of the liability which might result from the question of the character of any hotel, in view of the fact that it is very difficult indeed to secure evidence justifying such a charge.” He continued, “It will be remembered that within a year a local newspaper, claiming wonderful facilities for securing the most accurate information, the Journal, published an article questioning the character of one of the hotels of the city and later was obliged to pay a round sum in settlement of libel cases which resulted. Surely, no member of the City Council could desire that the mayor should assume any such risk.” Unsurprisingly, the Journal neglected to report on the mayor’s refusal to comply with the council’s request.

Other political opponents of the mayor were still at work, and on 29 April 1915, the grand jury delivered its “moral survey” of Minneapolis to district court judge Charles S. Jelley. The report described the results of the raids on “four types of lawbreakers,” specifically, “a gambling and unlicensed drinking place for white men, a gambling and unlicensed drinking place for colored men, a house of assignation, and a house of ill fame of the old segregated district type.” It answered the charge of racial harassment by co-opting the mayor’s line with the recommendation “that some public spirited citizen of means, or some organization, could render a valuable service to the

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714 Mayor to City Council, 11 June 1915, MIL ordinances and legislation petition no. 3823.
community and to the colored population, by co-operating with them to the end that a suitable colored men’s club, or head quarters, may be established where they may openly enjoy wholesome recreations, dining facilities and reading rooms, without the gaming tables and the intoxicating liquors.”

The 1915 grand jury report echoed the 1911 Vice Commission report in identifying picture shows as sites of procurement for prostitutes, but it was more emphatic on placing actual blame upon parental neglect. “[T]he great majority of this class of shows are being operated with a reasonable regard for decency and good order. In a very few of them only have we found the moral tone and conditions bad and vicious.” Nonetheless the grand jury proposed major regulatory controls for the theaters:

We wish, however, to recommend that the location of moving picture shows should be more carefully restricted, and that they should be confined within the business district or zone, where they will be under a more thorough police surveillance, and that they should be absolutely prohibited from locating in the residence districts of the city or in close proximity of the public schools.

We also think some provision should be made for a censorship over the films displayed at the various moving picture houses in order that the large class of lewd, low and suggestive pictures which carry poison to the minds of youth may be abolished and prohibited, and also that there should be some control over the character of the houses themselves, the people who run them, attend them, and that the attention of the city authorities be called to the need on this particular.

In effect the grand jury was recommending a segregated district for moving pictures such had been abandoned for prostitution. Such geographical concentration would help the city manage the haptic capacity of cinema with its potentially excessive sexuality, and the spaces in which the resulting misbehavior might occur. Such a bounded, managed space modeled on the former red light district would protect youth from film’s inducement of precocious sexuality.

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A year before the grand jury issued its report, the Fifth District Auxiliary requested the Metropolitan Theater to raise the age of admission from sixteen to eighteen for its run of *The Inside of the White Slave Traffic*, and they expressed their displeasure to the Saxe Theater for showing *Threads of Destiny* (Lubin, 1914), in which Evelyn Nesbit, the original subject of *The Unwritten Law*, was cast "as a heroine." This focus on film was accompanied by an effort to pressure vaudeville houses to tone down lyrics "in the interest of decency and purity." In February of 1915 the Minnesota Federation of Women's Clubs hosted Mary Gray Peck, whom the National Board of Review had sent on a lecture tour to oppose a federal censorship bill pending in Congress. She told the assembled women, "When you have a federal censorship you bring matters into politics. We have never had and why should we have censorship of the picture drama or of the press? The moment you set up a censorship you have a machine for political oppression and also a system for lobbying and bribery in place of a general education of healthy public sentiment to censor the moving drama." She suggested instead that the clubwomen form a local censorship committee to work with the National Board. While they were apparently receptive to Peck's message, for the clubwomen the question was not so much about the appropriate means of governance as it was about severing the alleged link between public amusements and prostitution by spatially bounding sexuality, excluding it from the sphere of entertainment altogether. These differing priorities would be a challenge for the Board across the country.

The 1915 federal censorship bill about which Peck spoke to the women was in fact short-lived, but the local controversy over the presumed increase in prostitution led the clubwomen of Minneapolis to conduct their own moral survey at the same time as the grand jury. Whether this was because they were skeptical of the political

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716 Coan, *Detailed History*, 34.
718 "The lack of interest in this proposed legislation arises from the fact that the national lawmakers believe the states and municipalities in which motion pictures are shown are well able.
posturing involved in the grand jury’s investigation is unclear, but they did feel the need to step up their efforts, partly in response to a highly publicized case of three young women sent to a reformatory.\footnote{Moral Aspects of Picture Shows to Be Investigated, MJ, 28 March 1915, 14.} Their brief included the following questions:

- Number of lights.
- How many ushers, if any.
- Character of manager.
- Instances of undue intimacy, picking up of acquaintances.
- Ventilation.
- Age of children attending after 9 p.m. without parents.
- Protection against fire.
- Whether a permanent local vigilance committee for the theater is necessary.\footnote{Members of 57 Clubs to Watch Picture Houses, MJ, 11 April 1915, 14.}

Their goal was not to “interfere” with the work of another group, the Drama League, which was investigating the content of films, but to “pay more attention to what is going on before and after performances.”\footnote{Unfortunately I can find no records for the Drama League.}

The initial report of 25 theaters (out of a total of 75) declared that only six of the shows were at all “unsavory” and that only three of those warranted vigilance committees.\footnote{Members of 57 Clubs to Watch Picture Houses, MJ, 11 April 1915, 14.} In the six theaters,

The show crowds...were said to be composed mostly of men, and of a class of men who always lived in downtown districts. Children under 16 years were at these shows after 9 p.m. and unattended by parents, the investigators found. The films in these places were not improper, but the atmosphere and surroundings were, the reports set forth. One house was reported as frequented by women of undesirable character. Ventilation was inadequate, and though the places were equipped with electric fans, they were not used, and reports stated. The manager of one theater was described “as not being a very intellectual being.”

The report also noted, “Where the theater seemed to be a ‘family’ one, attended by parents in large numbers with their younger children, the youths from 15 to 20 years seemed not to be present.” They noted that the managers were sympathetic and cooperative, and that “[n]o instances of undue intimacy among audiences were noticed.”

The report was strikingly similar to the reports from Atlanta and New York discussed to handle the subject under the police power granted them under the constitution.” “Censorship Bills Believed Doomed,” MJ, 23 February 1915, 3.
earlier, with complaints over threatening men, unaccompanied children and "undesirable" women being confined to theaters in marginalized areas of the city.

Cinema was not so much an actual problem as a virtual one, as the moving image threatened the carefully demarcated social boundaries of the city.

After the report was issued, the Woman's Club met with the Woman's Welfare League, the Drama Club and other groups to discuss the possibility of a local censorship board.723 They proposed a body of 200 volunteers to censor films not reviewed by the National Board, and to bring to the attention of the Board films that they had passed that the Minneapolis censors might find objectionable. According to a grand jury member present at the meeting, "It's the cheap love affair and not the so-called blood and thunder film that does the most harm....We must censor the pictures, but it is equally important that we censor the conduct of 'movie' patrons between films." The latter was a charge taken up by the Juvenile Protective League of Hennepin County. At the same time that the censorship committee was being proposed, the League planned to hire a "children's friend" to keep watch over public amusements in the city, with particular attention not only to movies, but to dance halls and also to the "poolroom evil."724 Their goal was to protect youth from "the evil influences of urban life" and in particular to keep girls off the street at night. Their goal was not to suppress motion pictures and other amusements, but to ensure that those environments did not lead to "improprieties." Shortly after these plans were announced, a U.S. circuit court upheld a lower court decision that the city of Chicago had the right to censor moving pictures, a decision which anticipated the Mutual case by several months.725 The Minneapolis Journal opined that this was a good decision in that it allowed for a "rational" system of censorship, but warned against creating a Chicago-style police censorship in Minneapolis: "The police are seldom good judges of morals, somehow."726

723 "200 May Censor Films Shown Here," MJ, 8 May 1915, 5.
724 "Campaign to Protect Youth of City Begun," MJ, 9 May 1915, 1.
6.4 “A Damnable Photo-Play”

The Birth of a Nation came to Minneapolis in October 1915—or at least that was the plan of A.G. Bainbridge, manager of the Shubert Theatre. The small but active African American community protested the booking, and Mayor Nye took notice.\textsuperscript{727} Citing fears of racial violence, he banned the exhibition of the film in the city by threatening license revocation.\textsuperscript{728} Bainbridge sued in Hennepin County District Court and lost; he then appealed and lost, so he took it to the state supreme court, and lost. In court Nye cited a number of reasons he concluded the film should be banned. First, he argued, “the production contained views and pictures which tended to bring reproach upon the negro race, and for that reason would incite race hatred and race riots, would stir up race prejudice and tend to disturb the public peace.”\textsuperscript{729} Second, he pointed out the historical inaccuracy of the film which would “prejudice the public mind” as well as “inculcate in the public mind a distrust of public officials and law,” and he alluded to instances of vigilantism the film had inspired. Third, he argued, “the production pictured scenes which were vicious in themselves, tending to stimulate the vicious passions of mankind and to give a false report of the real conditions as they existed in the reconstruction period.”

For Nye, the combination of bigotry, falsehood and passion made the film dangerous to public order and subject to police power, a power which the court had previously defined. “The purpose of such regulation is to secure and safeguard the health and comfort of the community.”\textsuperscript{730} Furthermore, it was subject to his discretion, a claim he bolstered by citing the precedents of Ohio, Denver, Pittsburgh and Chicago all banning the film. Pointing out the city charter provided for license revocation by the

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\textsuperscript{727} “A Damnable Photo-Play,” \textit{Twin City Star}, 27 November 1915, 4 (hereafter cited as TCS).
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\textsuperscript{728} The film was shown in neighboring Saint Paul with some scenes deleted. “The Birth of a Nation,” \textit{Appeal (St. Paul)}, 30 October 1915, 3.
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\textsuperscript{729} A.G. Bainbridge, \textit{Jr. v City of Minneapolis and Others}, 131 Minn 195, 154 NW 964 (1915).
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\textsuperscript{730} Frank Hunstiger \textit{v Henry Kilian and Others}, 130 Minn 474, 153 NW 869 (1915).
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mayor, the court noted, "The question is whether the court can enjoin the mayor from exercising this power which the law expressly gives him." Bainbridge's suit provided the opportunity to judicially affirm the mayor's power and give him the political leverage he sought against city council in the still-ongoing fight over his ability to regulate hotels and close vice resorts. Minneapolis' black community was caught in the middle as prostitution was racialized in the Minneapolis Journal and rape was racialized in The Birth of a Nation.

After the decision was issued, he informed a visiting delegation of leaders from the black community that he was handing over the matter of the film to a committee of various organizations that had offered to censor films for the city.

Editor Smith [of the Twin City Star] asked the mayor why he left the administration of the affairs of his office to the committees, and the mayor replied that "he was being criticized as a judge, or Czar, and he wanted a public decision on the picture." Notwithstanding the fact that he had revoked the license after a private exhibition on Oct. 27, where the consensus of opinion was against the film. Editor Smith said that it was unfair to leave it to public opinion now that the courts had declared the mayor had the right to stop the play. Also that he should recognize "the great majority of one," which was his official power, and that his action, if in the right, would always be with the majority. The mayor refused the group's request for a black organization to be represented on the censorship committee, and he refused their request to meet with the committee to air their concerns. Showing an attitude similar to Orrin Cocks of the National Board who had argued against seeking a representative from the black community, Nye told the group he would talk about their concerns to Karl DeLaittre, recently city council president, who was heading up the new censorship board. The group took matters into their own hands and visited DeLaittre without the mayor's introduction. They were "cordially received," but the mayor's erstwhile rival confessed that although the mayor had in fact mentioned the possibility of "colored representation," the committee had not considered the matter. He also implied that the committee had not accepted any of the mayor's recommendations regarding the composition of the group, and that although

731 "The Interview with the Mayor," TCS, 1 January 1916, 4.
the censoring committee had not considered *The Birth of a Nation*, he “saw no harm in
the picture.”

The community leaders sent one more request to the mayor’s office for
representation, but Nye “completely ignored the communication.” After the incident,
the *Twin City Star* ran a bitter editorial. “The mayor used his Negro FRIENDS and ‘The
Birth of a Nation’ as a means to an end, by securing a legal decision as to his power to
revoke licenses, and this power was an end to their appeals and protests.”

Perhaps fearing the betrayal on its own might not be convincing to readers either unconcerned
about films or unconcerned about African Americans, the paper cited the cost of the
court cases to the taxpayers and even the “expense to Mr. Bainbridge.” But that the real
target was Wallace Nye himself was clear. The paper declared his behavior was
“political suicide,” because “[h]e has not measured up to that standard of dignity
becoming of a public official....There are some things within the bounds of charity,
loyalty and public sentiment, and others within the pale of selfishness, lawlessness and
invisible interests. May God direct Mayor Nye so that in the future he will use his
discretionary power to differentiate, so that we shall have a cleaner city government and
a better citizenship.”

The film ran, and the *Star* played down its consequences while playing up its
own role in fighting the film, claiming it “was forced to go almost single handed into a
fight to defend the race, without even the support of those loyal hearted Negro rights
agitators (?)” Whether or not there was in fact widespread indifference within
Minneapolis is difficult to judge, but in neighboring St. Paul, the tone of coverage was
much different. The larger black community there failed to get the film banned, but cuts
were made following a private showing of the film to which African American
representatives were invited for their input. The *Appeal* characterized the reaction to
the film by saying, “The colored people of St. Paul have been more highly wrought up
over the showing of the pictures of ‘The Birth of a Nation’ than anything that has

733 Untitled, TCS, 26 February 1916, 4.
happened in St. Paul before.” It praised their “gallant effort” to stop the film and made special mention of people who had never been active before, as well as whites who supported the cause “and were not afraid or ashamed to say so.”

Nationwide, another response on the part of the black community to The Birth of a Nation was to make films by and for African Americans. Much has been written recently about the prominent producer-director Oscar Micheaux and his oeuvre, but there were other black filmmakers at the time. The Twin City Star ran an article about a New Jersey minister who was the author of a film produced by the Douglass Film Company called The Colored American Winning His Suit. Rev. W.S. Smith had come under heavy criticism from his fellow ministers for participating in the film industry, but he argued that his film was “an agency through which one may ‘go about doing good’” because “it is a God given agency, the greatest yet known to man for the transmission of truth and knowledge along all educational lines...It brings all the world to the door of the poor, enabling them to see and know things heretofore hidden from their view.” Film could reach millions and “plead the Negroes’ cause to the world at large as in no other way,” because “pictures speak a universal language that is understood and read by all.” It could show “Negro progress” over the previous fifty years “from the depths of poverty and ignorance to the heights he has climbed...along all lines in religion, education, business and wealth.” Film could also “enter places and get a hearing where doors are closed against ministers and those who wish to plead our cause.” Cinema’s superhuman mobility could be put in the service of blackness as much as whiteness, yet

735 “The Birth of a Nation,” Appeal, 30 October 1915, 3.
this too was a cause to be pleaded, but here with the "respectable classes" within the African American community.

What the local sentiment was among middle-class (or any other) African Americans toward picture shows in general is difficult to know given the paucity of the archive. But it is clear that there was an audience in the community for other theatrical entertainments, and it is also clear that segregation was practiced, if not necessarily universally. In December of 1916 Dr. W. Ellis Burton and Lena Olive Smith sued the Pantages Theatre (fig. 49) for refusing them admission to the main floor, and Smith also

737 "Author of Film Answers Critics," TCS, 30 September 1916, 1.
sought damages for assault.\textsuperscript{738} The \textit{Star} reported that discrimination was widespread in the theater chain despite civil rights protection enacted by the state legislature.\textsuperscript{739} The theater did stop the practice once the suits were filed, but the plaintiffs continued their cases to set an example.\textsuperscript{740} Ultimately they lost the legal case but succeeded in their original goal.\textsuperscript{741}

\subsection*{6.4.1 "Jim Crow Negroes"}

Jim Crow was the law of the land in Atlanta, and downtown theaters either barred African Americans or only allowed seating in the balcony. There were some theaters on Decatur Street serving the black community, mostly white-owned vaudeville houses. Dedicated picture shows don't seem to have been a major part of the Atlanta black community's life until the 1920s, as suggested by the relative lack of reaction to \textit{The Birth of a Nation}. By contrast, the white community was electrified by the film. The \textit{Constitution} reported, "Never before, perhaps, has an Atlanta audience so freely given vent to its emotions and appreciation."\textsuperscript{742} For white Atlantans, the film fed into fears of "negro domination" that had sparked the 1906 riot, and on Thanksgiving night in anticipation of the film's local premiere, a group of men reestablished the Ku Klux Klan on top of Stone Mountain outside the city in the presence of two original members. The Klan was recognized by a charter from the State of Georgia and would gain millions of members across the country in the name of white supremacy.

For black Atlantans, \textit{Birth} was apparently more of the same, and cinema in general seemed marginal. Other amusements, particularly dancing, seemed to have drawn the ire of the community's middle class. Here too archival materials are scarce; the \textit{Atlanta Independent} was the only black paper in town at the time, and the editor,

\textsuperscript{738} "Pantages Bars Negroes," \textit{TCS}, 23 December 1916, 4.
\textsuperscript{739} "Suit against Pantages," \textit{TCS}, 30 December 1916, 4.
\textsuperscript{742} "'Birth of a Nation' Thrills Tremendous Atlanta Audience," \textit{AC}, 5 December 1915; cited in Bauerlein, \textit{Negrophobia}, 284.
Benjamin Davis Sr., was a supporter of Booker T. Washington. Coincidentally it was at the 1895 Cotton States and International Exposition where Atlantan's saw the first projected movies that Washington delivered his famous “Atlanta Compromise speech,” in which he declared, “In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress.” He told African Americans to “cast down your buckets where you are” and stay in the South, and he told the same to white southerners, because in doing so, helping and encouraging them as you are doing on these grounds [the Exposition], and to education of head, hand, and heart, you will find that they will buy your surplus land, make blossom the waste places in your fields, and run your factories. While doing this, you can be sure in the future, as in the past, that you and your families will be surrounded by the most patient, faithful, law-abiding, and unresentful people that the world has seen.

Davis largely covered “all things essential to mutual progress”—business—in his paper, and he consistently hectored his readers over the “laziness of the negro.” Hence it is difficult to get a sense of the broader concerns within the African American community, but there are some hints.

While dancing was a major target of criticism, so too were gambling and drinking. The one mention of picture shows concerned the Sabbath, and it was an editorial in response to the nickelodeon managers’ 1913 decision to open on Sundays for charitable donations.744 “A moving picture show at its best is bad, and ought not to have any place in the economy of our social welfare....They are not calculated in their character or in the influence they

744 Goodson outlines this effort. “This Mighty Influence,” 37.
convey to help society, and it is ridiculous for the class of men behind the ‘movies’ to pretend that their one interest is not money, is not graft, but an innocent enjoyment and pleasure for the working men.”

If it were true that the purpose of the Sunday “movies” was benevolent and charitable, that their promoters were moved by a high sense of humanity, and a desire to relieve tired, industrious people, they must not forget that the other people who are not working men and women, who do not work in the shops, on the street cars, in the stores and at various other industries in our community, have some interest and some respect that the “movies” and the working people must take cognizance of. These people have a right to demand that their Sundays be kept sacred, that the working people and “movies” not insult their religion and their God in desecrating the Sabbath. In truth, moving pictures are immoral. They show nothing but questionable plots, tragedies, murders and burglaries.

Steve Goodson argues that blacks were barred from nickelodeons because their small size made segregation impractical.

Whether this is true or not about nickelodeons, the larger movie theaters built in 1909 onward appeared to have admitted black patrons to segregated seating.

When theaters were opened by and for African Americans, patronage was often poor, at least according to the Independent.

The Southern Amusement Company has been operating in the Odd Fellows Auditorium [fig. 51] a first class, clean, up-to-date vaudeville show by fine artists from New York and Chicago, and the show has almost been a failure from the standpoint of attendance.


Figure 51. Odd Fellows Building, 250 Auburn Avenue, Atlanta, South Elevation, 1979. LOC.

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745 “Keep the Sabbath Holy,” Atlanta Independent, 22 February 1913, 4 (hereafter cited as AI).
746 Goodson, “This Mighty Influence,” 36.
Racial uplift meant economic development for these entrepreneurs, and Sunday shows by white proprietors put them at a competitive disadvantage. Davis may have supported Washington's accommodationist stance over the northerner Du Bois' more radical approach, but when it came to supporting white businesses over black, "Jim Crow" was his insult of choice (fig. 52)."748 Echoing white Minneapolitan concerns over

747 "Jim Crow Negroes," AI, 16 May 1914, 1.
748 For a discussion of similar concerns voiced in the North by Lester A. Walton, arts critic for The New York Age, see Alison Griffiths and James Latham, “Film and Ethnic Identity in Harlem, 1896-1915” in American Movie Audiences: From the Turn of the Century to the Early Sound Era, ed. Melvyn Stokes and Richard Maltby (London: British Film Institute, 1999), 46-63.
the labor power of young women arriving from the rural Midwest, Davis and other leaders in Atlanta’s black community, to the extent that they concerned themselves with cinema at all, worried over its influence on the lower-class members of their community.749

6.4.2 The Minneapolis Board of Censors

Atlanta had established its own official censorship board by and for whites in 1913 in response to the white slavery scare. The volunteer Minneapolis Board of Censorship headed by DeLaittre did not formally begin to operate until the summer of 1916, several months after black Minneapolitans had protested *The Birth of a Nation* to no effect following the mayor’s court victory. The board was an advisory group which reported its findings to the mayor, but it had no legal power of its own. As in Atlanta it subscribed to the National Board’s bulletin as well as to the trade papers, but in Minneapolis the censors viewed questionable films and recommended changes to the mayor for action. Ruth Gage Thompson, a well-known reformer, was the board’s secretary, and she corresponded with the National Board offering updates on their recommendations. The local board had a particular problem with *The Evil Thereof* (Famous Players, 1916) and its story of a rich man and his manicurist mistress.

Thompson wrote McGuire, “The purpose shown in the old man’s face after he has gotten the girl into his clutches, the leering understanding of the chauffeur and waiter are all suggestive and revolting in the extreme.”750 She also complained that the manicurist’s downfall was “attributed to the wicked rich man, - to wealth itself,” and that a burglary scene was “a very bad light in which to present the police to the public.” Furthermore, “There was no conflict of right and wrong in the bank cashier’s fall; he was simply a weak yielder to temptation,” while “The girl had no legitimate excuse for

749 Gregory Waller makes similar (and more detailed) observations about black movie-going in Lexington, focusing on segregation, the frequency of theaters offering vaudeville and illustrated songs rather than solely movies, as well as the class conflict and approaches to “improvement” within the community. Waller, *Main Street Amusements: Movies and Commercial Entertainment in a Southern City, 1896-1930*, 161-179.
succumbing to the wiles of the old roué, for she had a good home...[and] was not faced with the horrors of poverty.” Finally, “The jolly party, with its increasing drunkenness and licentiousness was an evil thing for young or old to see. Such revolting scenes are demoralizing to us; how much more to those to whom they seem jolly high life. The whole play, featuring vile passions, weakness and baseness, leaves a nasty impression as if one had been breathing foul air or had been trailed in the mire.”

Thompson reported the mayor banned the film upon their recommendation, but the exhibitors complained as the advertisements had been out for some time. “It was two days before the primaries and our Mayor was up for renomination; it was too big a problem for him to settle and he let it run two days and then took it off. You are left to draw your own conclusions. He lost at the polls.” McGuire replied that Orrin Cocks (one of the more conservative members of the National Board) chaired the review meeting for the film. “Mr. Cocks...told me that while the picture was not up to the usual standard of Famous Players productions, nevertheless, he did not think that it involved any moral question.” He added, “Of course, however, this is merely a matter of opinion again.” Despite her implied criticism of the Board, McGuire invited further feedback. Such correspondence was a crucial means of assessing reaction to the National Board’s decisions, and it was also a way of dispelling rumors. Thompson had noted that Evil had been pulled from the Strand in New York, and McGuire replied, “You are apparently under a misapprehension,” and he explained that the manager sometimes sought the opinion of reviewers invited to private screenings before booking the film, and he invited fifteen to view Evil. “[N]ine express the belief that while the film raised no moral question, nevertheless, they felt that it was not up to the standard of the productions which the Strand Theatre was attempting to exploit. Accordingly, the Manager did not book the picture.”

The advisory nature of the local board in Minneapolis was unsatisfactory to some, and when McGuire received newspaper clippings in August with the story that

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751 McGuire to Thompson, 28 June 1916, NBRMP, 149:4.
Minneapolis was considering a statutory censorship, he asked Thompson for more information and also voiced his concerns to the mayor, writing, "It has been our experience that while much may be gained by appointing local groups to act in an advisory capacity to city departments, yet, when such groups are clothed with arbitrary power, sometimes unfortunate complications are liable to arise. I would be interested to learn why an ordinance is considered necessary when for the past year your office has administered its power to properly regulate motion picture exhibitions." Thompson responded that DeLaittre had requested the attorney for the Minneapolis Civic and Commerce Association to look into the current legal situation of the board in terms of the relative power of the mayor and the council. She suggested, "I do not think that the board would stand for an ordinance—because of many reasons."

No ordinance was passed. Instead the mayor met with representatives from the film exchanges and from the civic groups participating in the censorship board. The agreement reached set up a system whereby every film to be shown in the city would be registered at the mayor's office, and staffers would look the films up in the trades and in the National Board bulletins for any that might be questionable. Such films would be submitted to the censorship board for review, and exhibitors would have the opportunity for rebuttal, and based on the censors' feedback, the mayor would have final say over the film. Motography gushed, "In view of the fact that the censorial condition could not be avoided, it perhaps developed into one of the broadest and sanest situations that has arisen in the motion picture industry at any of its vital stations in this country." The industry was relieved that mandatory pre-publicity censorship had been avoided in addressing the problem of community standards. Yet some wanted

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752 McGuire to Nye, 2 August 1916, NBRMP, 149:4.
753 Between Thompson’s telegraphic prose and unclear handwriting, the details are difficult to follow. Thompson to McGuire, 3 August 1916, NBRMP, 149:4.
no controls at all beyond public opinion. The Trades and Labor Assembly of Minneapolis and Hennepin County passed a resolution requesting any member organization that might have a representative on the board of censors to withdraw immediately. They further resolved,

That this body believes that the motion picture interests are keen and fair enough to censor their own productions with the aid of their own audiences—the people—and that the so-called busy-bodies, composed generally of paid hirelings of so-called organized charities, are simply creating chaos and havoc by agitating a censorship on anything which tends to take away from any American citizen the right of free speech, free press or free screen.755

As Minneapolis was an open-shop town (fig. 53), organized labor was very skeptical of the involvement of business involvement in anything that might restrict their freedom of speech.
The National Board approved of the plan and even advertised it as an example for other localities to follow where there was pressure for official censorship. While it also supported the Atlanta Board in practice, its legal status contradicted Board policy and so its support was more muted. The Board published a broadsheet on "The Minneapolis Plan," which specified five criteria for judgment for "good taste," specifically, "indecency," "drunkenness," "cruelty," "lawlessness" and "race prejudice," and explained, "Constructive criticism is the aim." The draft emphasizes that the board "was empowered to examine the few motion pictures in which were found decided eliminations by the National Board, as noted on its official weekly bulletin." Films with questionable advertisements might also come under review, as would films that received public complaint. Rather than a "Municipal Board of Motion Pictures Censorship" that would be "complicated, cumbersome and unnecessary," such a voluntary board could "concentrate their attention on the few pictures which might arouse public criticism...[and] local questions of policy." It also provided "the freedom of the Mayor and other city officials from irritation of decisions on questions involving controversy."

Both versions trumpet the success of the Minneapolis Plan in terms of harmony between the mayor and the volunteers, but the published broadsheet states, "Encouraged by these relations with the mayor, the board has in consideration now the attainment of its ultimate aim—that every film shall be viewed by the board, before being shown in any theatre in the city. Realization of this, it is believed, will permanently establish in Minneapolis a successful local censorship, applicable to local conditions and needs." This drastic change between the draft and the final version suggests that the National Board was struggling with the realities of local censorship agitation. Should the Board try to make a minimal scope of review palatable to people

755 "Representatives from Ninety Organizations Condemn Proposition of Film Censorship," Amusements (Minneapolis), 23 September 1916, clipping from NBRMP, 149:4.
who advocated full legal censorship? Or should it appeal to these same people by presenting a board with a full scope of review, and use that to make its unofficial status palatable? The Minneapolis Board of Censorship never had the opportunity to attain its ultimate aim and review every film coming into the city. When the new Mayor of Minneapolis, Socialist Thomas Van Lear, took office in January 1917, he immediately discontinued the board, citing the sufficiency of his own police power to regulate film.759

His concern was not so much the content of film per se, but misleading advertising that promised risqué films coupled with other marketing strategies such as raising admission prices and barring children under 16. "This class of advertising which seeks to give the impression of a "spicy" picture is a form of petty graft," said Mr. Van Lear. 'If an exhibitor proposes to advertise a picture of this type, he should make good to his patrons, and if he did I could not permit the film to be shown.'"760

If National Board Executive Secretary William McGuire was disappointed in losing his own marketing tool with the demise of the Minneapolis Board of Censorship, he gave no indication in his letter to the new Mayor. Instead he wrote, "We have read with gratification of the steps which you have taken to suppress objectionable motion picture advertising."761 That summer, Van Lear hired a theater inspector, Thomas Gleason, through the police department.762 Gleason had been associated with the former local censorship board, and for policing picture shows, he chose simply to enforce the National Board’s rulings, ensuring that mandated cuts were made and that condemned films were not shown. This was the Board’s favored relationship with local officials, and the corresponding secretary wrote, “The writer is acquainted with you by reputation and can say for the Board that we are much pleased the inspection of films will be in the hands of so experienced a person.”763 She requested that he report his inspection results

758 “Minneapolis Plan.”
759 “Van Lear Will Act as His Own Picture Censor,” undocumented clipping in NBRMP, 149:4.
760 “Mayor Will Be His Own Movie Censor,” Minneapolis Tribune, 11 January 1917, clipping in NBRMP 149:4.
761 McGuire to Van Lear, 2 February 1917, NBRMP, 149:4.
762 Gleason to NBRMP, 31 July 1917, NBRMP, 149:4.
763 Corresponding Secretary [Alice Evans] to Gleason, 7 August 1917, NBRMP, 149:4.
to the Board, because, "The National Board relies upon its correspondents to enable it to check up the companies and run down any of their employees who may be careless about making the changes." She also asked that he write down whatever inspection system he devised "for the benefit of our other correspondents who seek information as to successful methods." McGuire was practical enough to take what he could get, and he formed countless correspondence relationships such as this across the nation in order to facilitate the Board's influence, however indirectly.

Local regulation was a reality the National Board had to face. The social conflicts that enrolled cinema in their causes varied too much across the country for one organization in New York City to sufficiently regulate film content. At least that's what many local activists and officials thought, contrary to the wishes of the Board itself. Race and sex were two of the most contested social relations at the time, and their mobility led cinema to be crucial to their negotiation. The same held for class, which was in turn thoroughly racialized and sexualized. It was the conservation of the labor power of young white women arriving in Minneapolis that drove the local women's clubs to press for municipal censorship. Cinema with its haptic moving image was of a piece with the dance halls in which the young women wasted their energies. There were similar concerns in Atlanta, but here it was African American labor power and its value within the black community that was at issue. However, moving pictures were not particularly differentiated from other public amusements at the time, and elite members of Atlanta's African American community paid far more attention to dancing, drinking and gambling in their reform efforts.

This was because cinema was a white, middle-class activity from its start in Atlanta, and the city's Board of Censors was constituted by statute through a legally segregated municipal institution as a "progressive" service for and by whites. Given the supposed threat the city's large black population presented, the coercive power of the state was used in managing race relations far more frequently in Atlanta than was thought necessary in Minneapolis, and it was from this rationality that the Atlanta
censorship sprang, even though there was no explicit mention of race in its brief. In Minneapolis, by contrast, the tiny black community became a convenient lightning rod in the political battle over the mayor's executive power to regulate prostitution. African Americans became the spectral others of white women workers as they were first held responsible for the prostitution that wasted white female labor power, then held victims of *The Birth of a Nation*, then discarded when they had served their purpose, a fact driven home to black leaders as they attempted to be heard by the city's emerging volunteer censorship board. In Atlanta there was no pretense of black access to so-called public services, and the large African American community, some one-third of Atlanta's citizens, had other priorities in managing their own economic and moral uplift. In both cities, the haptic power of cinema, to whatever degree it was accepted relative to other public amusements, was regulated in the service of whiteness, but in very different ways. This intensely local character of regulation was a difficulty the Board never mastered despite its location at cinema's main point of production. How the Board unsuccessfully negotiated these issues is the subject of the next and final chapter.
J ohn Collier wrote to Orrin Cocks in January of 1914, "I, who am general secretary, am in doubt as to the kind of relation I should continue to bear to the Board, and am in doubt chiefly because of the uncertainty about the Board's future work." This uncertainty he saw was over how to encourage the demand for and production of educational films. Collier pointed out the difficulty of this project given the structure of the film industry, particularly distribution. Film exchanges were controlled by the producers, and by contract exhibitors usually had no say in the selection of films in exchange for a guaranteed rapid turnover to meet their patrons' demand for novelty. This arrangement "relieves the exhibitor of work, relieves the exchange of the need of enterprise, and—most important—relieves the exchange and the manufacturer of risk, providing a sort of guaranteed market." This system of producing "dramatic films" produced "high returns with limited risk," something hardly guaranteed by a would-be educational film market. This, combined with the threat of competition to commercial exhibitors posed by churches and schools should they equip themselves to show films,
created a “vicious circle” that stalled efforts toward increasing the use of educational films.\textsuperscript{766}

Collier asked, “Does this not explain why the General Film’s educational department was abortive?”\textsuperscript{767} It had become clear that Thomas Edison’s New Jersey studio visited by educators on behalf of the Survey only a few months before would be a small specialty concern providing films for a miniature projector developed for schools and churches on a monopoly basis. Collier complained of the trade, “They will be willing to do a small educational business, on the side, but educational business cannot be done in this way.”\textsuperscript{768} Schools and churches needed to be able to select films “from the whole output of films over the past twelve years,” something the existing distribution could not accommodate, given the rapid turnover of titles it required.\textsuperscript{769} Only outside intervention by a new, well-capitalized organization, either commercial or state-sponsored, that produced and distributed films could supply the market. Collier predicted profound changes in the industry should this be established. “I am quite sure that an educational enterprise of this kind would both result in an enormous use of films by public institutions and, almost as rapidly, would disintegrate the present system by which the exhibitor has no freedom of choice, and would revolutionize the film business and the film art.”\textsuperscript{770}

Collier argued that the Board was not in a position to pursue this effort because of its relationship with existing trade interests which would “regard as inimical” any such project.

The Board’s strength lies in the acknowledged fact that it has power over the present trade interests. That is why the Board is strong with the public, and that is actually the Board’s peculiar strength, but the opening up of an educational market involves a work of bringing new interests into the field, and the Board has no better approach to these new interests than some other reliable agency

\textsuperscript{766} Ibid., 5.  
\textsuperscript{767} Ibid.  
\textsuperscript{768} Ibid., 6.  
\textsuperscript{769} Ibid.  
\textsuperscript{770} Ibid., 7-8.
would have. In other words, there is not, in the Board’s present make-up and influence, any special reason why it should undertake this work, beyond the fact that it sees the need of undertaking it.\textsuperscript{771}

He recommended no consultation with the trade in order to avoid the appearance of “disloyalty” and quietly spinning off the work to another agency.\textsuperscript{772}

Orrin Cocks, the Board’s extension secretary, responded that he felt the Board could do some work toward promoting educational films, but that it should be secondary. He thought bringing producers of special features in line with the Board and also sorting out the Board’s relationship to municipalities were the most pressing matters. A number of the so-called independents, many of which were removing themselves to Hollywood at this time both for the climate and for its distance from Thomas Edison’s penchant for legal harassment on behalf of his Trust, were not cooperating with the Board, and their films were frequently held up as examples of the Board’s inadequacy. Regarding local sentiment toward film content, Cocks commented, “It is impossible from New York to ascertain the standards of the country although criticism comes from these other communities and states. These must be found out by going there and reporting to the Board, or by correspondence.”\textsuperscript{773} He also pointed out the Board needed to “anticipate changes of standards rather than be forced in heat of controversy to formulate them.”\textsuperscript{774} While Collier was becoming cynical about the manufacturers’ motivations, Cocks was still optimistic about the position of the Board, which, he said, “cannot disappear unless it kills itself by misrepresenting the public or engages in work which dissipates its influence.”\textsuperscript{775} Yet finances were tight, and part of Cocks’ motivation in pursuing special feature producers was not only to increase the Board’s scope of review but also to increase its budget, and so he also advocated renegotiating the fee charged to companies already cooperating with the Board.

\textsuperscript{771} Ibid., 8-9.
\textsuperscript{772} Ibid., 9.
\textsuperscript{773} Cocks to Collier, 5 January 1914, p. 4, NBRMP, 171:1.
\textsuperscript{774} Ibid., 4.
\textsuperscript{775} Ibid., 1.
This debate over the future priorities of the Board occurred at the height of the controversy over its response to white slavery pictures with their condensation of social anxieties over the fate of white womanhood in the industrial city. This sense of crisis would continue largely unabated through the 1915 release of *The Birth of a Nation* and on through the following year. During this time the Board sought to improve its financial backing, restructure internally and try to more clearly articulate its standards of review in the face of ever-increasing pressure for official censorship of racially and sexually provocative films. The war effort temporarily put censorship activism on hold, but eventually the Board would lose the confidence of its industry sponsors. In 1922 the industry set up the Hays Office as a vehicle for self-censorship, and the Board lost its regulatory authority and shifted focus to encouraging the artistic improvement of film. That it was in a position to do this and continue its existence at all when the Hays Office took over enforcing moral standards was due to the fact that it had embarked on a project to involve local groups, particularly women’s clubs, in working with local exhibitors in the promotion of children’s films and thereby dissuade them—or distract them, as many felt—from pursuing official censorship at the state level. Thus the loss of confidence in the Board itself was accompanied by the development of a new purpose for it. Both external and internal pressures were such that the National Board ultimately could not sustain regulatory authority that was purely constructive, and this emerging division between regulation and constructive action was as racialized and gendered as the initial project from which it emerged.

### 7.1 The Board Loses Confidence

By April 1914, Collier had left the Board’s staff to pursue other projects. He wrote in his autobiography, “The National Board of Censorship of Motion Pictures, amply financed,  

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had done what could be done, short of changing the *ethos*—the fatal ethos—of Hollywood,” yet he continued to help the Board on a consultative basis. That year the Board debated a so-called City Plan, which was model legislation requiring exhibitors to submit lists of films prior to exhibition to municipal advisory boards charged with enforcing the National Board’s rulings and inspecting unreviewed films. Collier vehemently protested the plan, arguing that it creates a statutory, pre-publicity censorship, and gives the National Board of Censorship statutory recognition; requires that pictures must run the gauntlet either of the National Board or the local board before being exhibited, and if widely enough adopted, would make of the National Board not a cooperative, voluntary arrangement, but a compulsory one, forced upon the motion picture art by statutes existing in cities more or less numerous and important. Support for such ordinances would hobble the Board’s fight against legal censorship except in specific cases “on grounds of detail,—of dishonesty or impracticability.” He wrote, “It would be unfortunate if [motion pictures] were deprived of the essential liberty which has always been held to belong to the vehicles of public discussion, and especially if this were done in a euphemistic, disguised manner which would disarm the thinking people of America.”

The plan was prompted by the city of Boston, which effectively censored films prior to exhibition by sending an inspector to other cities to review films with an “off-color” reputation before they came to Boston. The inspector would warn the exhibitor of an unacceptable film that “we do not intend to give this kind of performance there,” and while the exhibitor had the legal right to exhibit the film in Boston before action could be taken, the deterrent was usually enough to prevent it. At a debate over the City Plan, Dr. Albert Shiels argued, “We have to consider what is the most successful

779 Ibid., 4.
780 Ibid., 4.
781 Office of the Mayor [Boston], undocumented speech, NBRMP, 164:4, p. 2.
method of keeping the Board of Censorship going. I shouldn’t object to that plan or to any plan that would fulfill the need.” And he implicitly rebuked Collier, saying, “We are not going to get very far by talking about fundamental principles or philosophy.” Orrin Cocks was even more adamant that the Board take a more utilitarian approach, declaring, “Somewhere down the line, if we really want to carry out this question of the regulation of pictures for the country, there has got to be what we call ‘punch.’ There has got to be some place where a picture can actually be stopped; otherwise, we have no hold on the more or less unprincipled manufacturer.”

This debate over means and ends signaled a turn toward a more instrumental approach to regulation by many on the Board. These discussions suggested a different geography of the Board’s authority that was determined less by the production and distribution networks of films it did review and more by the exhibition spaces of films it missed. Board member Orlando Lewis territorialized the Board’s authority as if it were an agent of the U.S. government policing the frontier when he responded to Cocks, “Unless there is a change of sentiment in the western cities, any legal body that is doing things in New York will have very little influence out West. They will have no use for [it] because it means the height of civilization.” Cocks, about to leave for a speaking tour of the Midwest and the West Coast, responded by elaborating upon this metropolitan status of New York and its “colonies” in the nation’s benighted hinterland; he pressed the Board members to discuss “the question of carrying the ideals and aims of the National board to these rampant people in the West who have never been in close touch with the National board and to whom the National Board is an impersonal group….I am going to meet this thing in practically every city and I want to know what

782 Ibid., 3.
784 Ibid., 1.
785 Ibid., 8.
to say to them. It is a real question in those cities who don’t care about New York City.”

This marginalization of the problematic “five percent” of pictures not submitted to the Board worked at the local scale as well as the national. Cocks cited the large percentage of picture houses across the country that ran regular programs of films reviewed by the Board:

In all those houses they show only those pictures that are known to the [local] censor group. There are a fringe of houses around the edge of town they concentrate their attention on. Very soon they find out those persons who insist in running the disreputable pictures. In Detroit, less than one-tenth of the houses run those pictures. In some of the other towns they make it one-twentieth. They concentrate their attention on that group and find out films that are shown there.

The problem as they saw it was not the Board’s decisions about the films it did review, but the exhibitors of films it didn’t. If all exhibitors would cooperate by showing only approved films, then the producers would be forced to submit all films for review. Locally the Board was facing criticism from New York’s license commissioner, George H. Bell, who was of the decided opinion that the Board’s standards were in fact the problem; Cocks mentioned a problem theater on Fourteenth Street showing “a low class of pictures” and complained, “If Bell wanted to concentrate his attention on the [few] like houses, here, he would catch all of the pictures in New York City.”

Cocks was disingenuously missing the point of the license commissioner’s criticisms. While he advocated statutory recognition to extend the Board’s governmental power to these disreputable places in the city—claiming that such a law would not materially affect the reputable theaters booking approved films and thereby preserve the Board’s reputation as a voluntary form of regulation—he along with everyone else present opposed “pre-publicity censorship,” but no consensus emerged over what that meant. Lee Hanmer of the Russell Sage Foundation moved that the

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786 Ibid., 9.
787 Ibid., 9
788 Ibid., 10.
Board recommend that cities require advance lists of films to be exhibited and then inspect those not approved by the Board on their first showing rather than prior to it (as would soon be the case in Atlanta and Minneapolis); William D. McGuire, Jr., Collier's replacement as Executive Secretary, objected, "What are we to recommend when we get the answer back that this scheme will not prevent the exhibition of the five per cent of harmful pictures that supposedly come to this town made up of fugitive pictures, that may be booked a day or two and are exhibited for a limited time? What are we then to do?"  

McGuire was responsible for the Board’s day-to-day operations and was therefore himself a center of controversy. His impatience with the Board’s regulatory experiment was personally directed at Collier, whose Pragmatism was anything but in McGuire’s estimation, and apparently Collier was not very impressed by his successor's grasp of the “principles” involved. In one exchange of letters, McGuire wrote,

I recall that you once felt that the writer was lacking in “vision” but in this connection I think there is a possibility of a person having such a clear vision of Mars that like in Colorado they might think that the mountain was two miles away and pack up their grips to get there only to find that it was about 200 miles distant and would fall by the wayside and expire, whereas if they had stayed at home in the first place with a true vision of what could be done they might have accomplished very desirable results. I am perfectly willing to “hitch my chariot to a star” but not to the nebulae hypothesis.  

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This debate over the Board’s future took a new turn as it began to reconsider its organizational structure in the following months, and by October 1915 the Board was also running out of money. The executive committee appealed to manufacturers for more and consistent funding, specifically $30,000 just to maintain its censorship, and an additional $20,000 for a publicity campaign against official censorship. Their statement argued that in consideration of the official censorship successfully forestalled

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789 Ibid., 10.
790 McGuire to Collier, 23 March 1917, NBRMP, 171:1.
791 Undated draft statement, NBRMP, 118:1.
by the Board, “In all probability, [the Board] saved the trade at least $1,000,000 a year.”792 It gave the producers an ultimatum to pay up or lose the Board and get a multitude of official censorships. The executive committee also considered to threaten “to make its position known through the press” should the Board fold.793 The minutes are ambiguous about the final decision on the clause, but whatever the precise threat the Board ultimately made to the manufacturers, results were slow. In December McGuire paid follow-up visits to the film producers to explain the situation, and he reported that “he found that nothing had been done about it.”794

This wasn’t entirely true; the Board did receive one response, outlining a board of trade the manufacturers were contemplating which would “undertak[e] to do a type of work which [the Board] had formerly done as the educational phase of the work.”795 This came shortly after anti-trust litigation in which federal courts had ordered the disbanding of the Patents Company, but a number of former members of the trust refused to participate in the new organization. The proposal for what would become the National Association of the Motion Picture Industry (NAMPI) caused some consternation, as one member of the general committee cited “the danger of having a trade organization go forward to the women’s federations and other social bodies or go before the legislature and use the National Board of Censorship as a trade representation and that was what they intended doing.” Another asked if educational work was essential to the work of the National Board, and one response was, “The more we do along educational lines, the more valuable we become to the country and the greater the disaster will be for the motion picture interest when they force us out of business. Our salvation depends upon our tying their hands.” The general committee voted to schedule a meeting with the manufacturers; McGuire pressed for the ultimatum, and “Dr. Lewis agreed with Mr. McGuire that it would be well to frighten them.” The Board

792 Ibid.
793 EC Minutes, 10 November 1915, NBRMP, 118:1.
794 GC Minutes, 18 December 1915, NBRMP, 120:1.
795 Ibid.
lowered its sights to the $30,000 budget funding the executive expenses of the censorship (which included $10,000 publicity for the Board, but excluded active lobbying on legislation) raised by a $3.25 per reel charge,\textsuperscript{796} and the manufacturers finally agreed to the new plan.\textsuperscript{797}

\subsection{Debating Standards}

The loss of confidence the Board’s financial crisis signaled was not confined to the manufacturers. A member of the Board’s own censoring committee, Adele Woodard, complained to Commissioner Bell about two films passed by the General Committee, ”stating that they were unfit for public exhibition and soliciting his cooperation in prohibiting them.”\textsuperscript{798} She was called to meet with the Executive Committee, at which she was told that should she be dissatisfied with a decision of the Board, “It would be more consistent to loyalty to appeal to the Board again rather than to Commissioner Bell.”\textsuperscript{799} She explained she had visited the commissioner on an unrelated matter, and it was he who had brought up the films in question and asked for further information.

\begin{quote}
Mr. B[renton] – Why did you send this data to him?

Mrs. W. – Because I hoped that he might suppress the picture. I thought that he might take up the thread and carry on the work where you had to leave it.

Mr. McGuire – You understand that we did not have to leave the thread there but could have condemned the picture?

Mr. B. – In the judgment of the court of appeals of The National Board that picture was permissible.

Mrs. W. – You said you were handicapped in not having a standard on which to base your condemnation.

Mrs. Price – It was our majority opinion that the picture was not harmful enough to the public in general, altho individually we disliked the picture personally.
\end{quote}

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\textsuperscript{796} Finance Committee Minutes, stenographer’s report, 23 December 1915, NBRMP, 118:1.

\textsuperscript{797} EC Minutes, 31 December 1915 NBRMP, 118:1.

\textsuperscript{798} McGuire to Executive Committee, 4 January 1916, NBRMP, 118:2.

\textsuperscript{799} Steno report EC Minutes 6 January 1916, NBRMP, 118:2.
\end{flushright}
Mr. B. – We would ask that in the future, should you be dissatisfied with a picture, you try to work thru us rather than against the Board.

Mrs. W. – Have you made that request of all members? Because a number are carrying complaints to Commissioner Bell. Commissioner Bell had called large committees together to view these pictures. Perhaps this was why he consulted me. It was no feeling of disloyalty to the Board....We brought it to the General Committee and you could not suppress it. (General Exclamation: We didn’t want to!)....

George Bell was determined to use his full executive discretion to suppress what he saw as immoral films in New York City, a power that was partially the Board’s making. The 1913 ordinance drafted by Alderman and Board member Ralph Folks delegated mayoral authority to the license bureau to inspect picture shows for “any offense against morality, decency or public welfare in such exhibitions,” something McGuire himself reminded Bell eighteen months before their relationship began to deteriorate and Woodard made her complaint. In his letter McGuire suggested greater cooperation and offered a standardized form for the bureau to use in notifying theaters that showing films condemned by the Board might result in license revocation. Bell took up the offer, and two months later, McGuire expressed his appreciation and made a further offer: “It is our understanding that if, at any time, your office sees fit to condemn a picture which has been passed by the National Board, this organization will furnish your office with notices worded in any way that you see fit and assume the responsibility for having passed the pictures which, nevertheless, meets your disapproval.”

Despite the arrangement, relations started to sour in December 1915, prompted only in part by Woodard’s complaint. Deputy license commissioner Ephraim Kaufman questioned the Board’s approval of two Lasky productions, including Cecil B. DeMille’s infamous The Cheat (1915). According to McGuire, The Cheat was a “moral sermon” about the wife’s “extravagance, selfishness, and thoughtlessness of her husband’s...
Still image of Hayakawa looking at Ward in *The Cheat*.
Image removed due to copyright restrictions.

Figure 54. Sessue Hayakawa and Fannie Ward, *The Cheat* (Lasky, 1915).

happiness.”\textsuperscript{802} The story involved a woman who invested charitable donations in the hope of returns with which to buy herself new gowns. She lost the money on the market and borrowed from a wealthy Japanese man, who, when she attempted to pay him back, refused it and branded her with a sign of ownership.\textsuperscript{803} Protests from the Japanese community over *The Cheat* met with even less response than African American protests over *The Birth of a Nation*, for, again, it was the white woman’s sexuality that was at issue for Kaufman as well as the Board. And as with the white-slave films two years earlier, the question concerned the advisability of depicting such narratives, and how. The Board’s stance was still that such films could be valuable moral lessons so long as the woman paid the price. As McGuire noted to Kaufman, “The picture is artistically done,

\textsuperscript{801} McGuire to Bell, 27 August 1914, NBRMP, 32:1.
\textsuperscript{802} McGuire to Kaufman, 14 December 1915, NBRMP, 32:1.
\textsuperscript{803} For discussions of *The Cheat* and of other roles played by Sessue Hayakawa, see Sumiko Higashi’s and Donald Kirihara’s contributions to Daniel Bernardi, ed., *The Birth of Whiteness: Race and the Emergence of U.S. Cinema* (New Brunswick: Rutgers University Press, 1996).
was quite above the ordinary, and was notable for its careful handling in the intense scenes.” The stereotyping of Japanese people did not enter into the discussion.

He later wrote, “You know, Mr. Kaufman, it is impossible to please everyone....they doubtless did not give the matter more than cursory consideration, while our committee of ten reviewed the pictures in private and discussed them at length.” He argued it was unwise to “ask for minor eliminations which, of necessity, irritate the film companies and make it impossible for you to get their cooperation at some future time when you may need it on matters of importance,” as evidenced by telephone call from a representative of the Lasky Company, who “seem[ed] to feel quite thoroughly that, when the pictures had been submitted to a committee of The National Board and had been carefully considered, and that when other cities had shown themselves as amply satisfied with the decisions of the Board, certainly so large a metropolitan centre as New York should not take an ultra-conservative attitude.” McGuire was apparently pessimistic about Kaufman’s response, for the same day he wrote Ralph Folks to relate the Lasky Company’s “violent protest” against Kaufman’s threat and ask Folks to call Kaufman about the matter.

A week later Commissioner Bell pronounced Thomas Ince’s war drama, *The Despoiler* (Triangle, 1915), “rotten.” The mayor originally intended to overrule the license commissioner, but changed his mind due to Catholic objections to “an abbey being represented as being anything but inviolate and at nuns [represented] as permitting a young girl to sacrifice herself in such a manner to save them and the other women who are threatened by the soldiers.” Bell invited Board member Frank Persons to a meeting of “a small number of representative persons,” including Woodard and some other censoring committee members, and Mrs. Henry Stimson, the president of the

804 McGuire to Kaufman, 22 December 1915, NBRMP, 32:1.
805 McGuire to Folks, 22 December 1915, NBRMP, 32:1.
806 EC Minutes, 31 December 1915, NBRMP, 118:1.
807 Bell to Persons, 4 February 1916, NBRMP, 32:1.
Woman's Municipal League. He claimed, “I have tried very hard to co-operate with the National Board of Censorship,” but, “It has seemed to me and to those connected with this Department however, that of late the National Board of Censorship has not been doing what the public expects from them. It appears that a very large number of members of the Advisory Committee of the National Board of Censorship know little about the real conditions at this time relative to motion pictures.”

Lester Scott attended in Persons' stead as the Board’s representative and reported that “[t]he general tone of the meeting was sharp criticism of the standards of judgment of the National Board and a specific criticism of the Executive Secretary.” Bell brought up several films in addition to The Despoiler, including Damaged Goods (American Film Mfg., 1914), a drama about syphilis, even though “a committee of thirty people selected by himself of social workers, physicians, and others in the city had unanimously passed the picture as being a splendid presentation.” Most of the objectionable films featured nude women, or “semi-nude women appear[ing] either as

808 Scott to EC, 11 February 1916, NBRMP, 32:1 and 118:2.
809 Bell to Persons, 4 February 1916.
dancers or in brawls in which men and women mingle and in which their clothing is torn,” and Theda Bara’s entire corpus came in for condemnation (fig. 55). Scott noted, “It seemed to be the consensus of opinion of those present that the nude figures in motion pictures was a bad feature, no matter whether they were artistically presented or not; that any artistic value of the feature was very slight compared with the danger attached to it in the minds of the ordinary motion picture audience.”

It was suggested that the Board’s standards “were too complex for the understanding of the ordinary censoring committee,” and Scott “explained the difficulty faced by any organization starting to enumerate definite standards.” While the attendees understood the issue, “they felt that something should be done.” Scott added, “There is evidently a great deal of feeling among several of the censoring committees that the standards are not rigid enough, not definite enough, or that they were receiving scant courtesy at the hands of the General Committee, for they seemed to have approached people outside of the Board with their grievances.” At the meeting Commissioner Bell equivocated, dismissing any suggestion Scott made, yet also voicing the necessity of the National Board, and he continued to send mixed signals. When McGuire questioned the commissioner’s motives after another such meeting, Edwin Hall told the committee that he happened to agree with Bell about The Despoiler, arguing it was “[b]eautifully, artistically produced, but it treats the subject so directly that to a mixed audience, in my opinion, it would have a very bad effect.” Even McGuire agreed with Bell’s assessment of the film, saying, “I could not imagine how an experienced secretary could permit such a picture to pass without bringing the matter to the attention of the General Committee,” and he suggested a private review for a “representative group.”

810 Scott to EC, 11 February 1916.
811 EC Minutes, 17 February 1916, NBRMP, 118:2.
At the same meeting, Bell had a particularly nasty surprise for the Board’s representatives. Earlier he had complained about a film named *Race Suicide* (Lubin, 1916), but at this meeting

[he] said “Race Suicide” was written by a friend of his who frankly said he wrote as bad a thing as he could, expecting that The National Board would cut out chunks of it, but hoped enough would get by to serve the purpose of an improper film. They disguised the purpose at the beginning by some pretty natural history stories; then developed into a series of immoral orgies throughout the ages of gross and vulgar nature. Mr. Bell read subtitles which are certainly shocking. A deliberate attempt to do The National Board [underlined in the original].

There was widespread agreement among the executive that matters had gotten out of hand, with Redding stating, “The censoring committees do not notice what I consider objectionable scenes,” while Board Chair Cranston Brenton told the committee, “For some months I have been feeling that we have been growing increasingly lax in what we have passed.” The committee voted to inform producers that the Board would “stiffen up and won’t pass any more questionable films.” Although Board members were resolved to tighten standards, Bell continued to criticize films passed by the Board and go so far as to demand further cuts for local exhibition, a tactic that McGuire warned was bringing the Board “into discredit with the film companies.”

7.1.2 PUBLICIZING STANDARDS

The running dispute between Bell and the Board was over the portrayal of white women’s sexual commodification on film, and pushed to the side was any consideration of the portrayal of other racialized groups even though they were sometimes present in the films in question. And despite claims to be representing “the public” in a broad sense, it was this local fight in New York City that prompted the Board to “tighten” its standards more than the nation-wide controversy. But rather than issue stricter standards more than the nation-wide controversy. But rather than issue stricter

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812 McGuire to EC, 29 March 1916, NBRMP, 118:2. “He explained that there is more trouble in New York than anywhere else because the sample prints go into the New York exchanges, and these sometimes are uncut.” EC Minutes (Stenographer’s notes), 20 April 1916, NBRMP, 118:2.
standards, the Board changed the way they were publicized by making more explicit the
review criteria already used in practice, particularly those surrounding race, sex and
violence. The way it presented its standards to the public changed most markedly
between 1915 and 1916. The Board’s 1915 pamphlet describing its activities is
philosophical in tone and emphasizes the constructive aspect of their work. It notes,
"[T]he power of the Board of Censorship rests today, as it did in the beginning,
exclusively on a basis of confidence and co-operation. This is probably the only basis on
which a National censorship could rest in view of the American form of government."813
Because the Board “sits at the gateway through which all motion pictures must pass
before they reach the American public,” it is truly a national organization, one that
“establishes its fundamental standards on the basis of public opinion.”814 The pamphlet
expands this conception of its authority as a network by describing its cooperation with
local groups, which “express and enforce the public opinion of their own locality”
through “local licensing powers.” Its standards, “the outgrowth of long experience,”
form the basis of its “constructive criticism” that “embodies not only repression of
whatever immoralities the pictures may have, but also recognition of their unparalleled
value as an art medium for instructing the masses and consequent effort to keep them
free from what is false and what tends to stunt their growth.”815

The 1915 standards themselves were not very specific. Instead, a section entitled
“What the National Board Cannot Do” gave a sense of the rationale underlying the
standards rather than any positive content. It said, “The Board cannot censor for any
particular audience,” thus “[t]he Board cannot...judge films exclusively from the
standpoint of children, or delicate women, or the emotionally morbid or neurasthenic, or
of any one class of audience.”816 It does not even judge for itself; instead “[i]t tries to
eliminate its own personal equation completely. It tries to judge as to the real effect of

813 NBRMP, The National Board of Censorship: What it is—How it works—What it can and cannot do—
814 Ibid., 7.
815 Ibid., 11.
each film on the composite audience which will witness it.” It is not “a censor of taste, unless it is clear that the question of taste is an essentially moral one,” nor is it “a censor of accuracy, unless the inaccuracy in question is of a libelous kind, or will result in some concrete disaster to the person whom it misleads.” Nor does it concern itself with “alienat[ing] some powerful element in the community.” Finally, the pamphlet offered an argument against official censorship. “The action taken in the sovereign states has been almost negative. It has been found to be unwise to entrust intricate and complicated problems of morals and society to small boards of political appointees. The states are composed of too many diversified groups to make the work effective. The city which is homogeneous and possessed of a well-defined public conscience is better able to cope with the amusement problem.” This claim that cities are “homogeneous” is bizarre in the face of the Board’s experiences in New York, but it enabled the pamphlet to make the scalar argument that cities, unlike states, should be likened to expert administrators governing through their executive discretion.

A year later, after it had become apparent that members of the review committees were dissatisfied with the clarity of the Board’s standards, as were local officials such as Commissioner Bell whom Board members dealt with on a personal basis, the Board issued a far more explicit summary of its standards. The 1916 pamphlet stated the need for “a policy which is both practical and impersonal” as well as “well-defined” and “consistent.” “Film regulation, however, cannot be reduced to unchangeable rules. Experiments must be made to discover the point of view of the public before the National board can estimate whether they are dealing with a principle or a prejudice.” Although experimental, “its decisions have the effect of legal verdicts,” indicating the governmental sensibility I outlined in chapter 1, and “[i]t speaks for the great mass of mankind which is not greatly affected by ‘isms’ of any sort.” Many of the

816 Ibid., 12.
817 Ibid., 13.
818 Ibid., 15-16.
standards concerned the limits to explicit representations of violence and crime: "It is well to show that evil brings its own reward. The catastrophe should follow necessarily, logically and in a convincing manner and not merely as accidental or providential." Yet neither “is it satisfactory to terminate a series for crime episodes by excessive moralizing at the end of a story. This is recognized as poor morals and poor art.” The explicit representation of sex was of course a major theme, but this depended on whose body and/or sexuality was being represented. Regarding white women, “No logical and satisfying reasons can be given against [the nude’s] use under natural conditions and surroundings. Such is the traditional and emotional opposition, nevertheless, that its use in motion pictures must be restricted to the minimum. Few scenes cause more widespread offence and opposition than the use of the undraped female figure in motion.”

However, “Savages unclothed or in their native dress are suggestive to nobody. The harmful effects [only] occur when the ethical sense of the spectator is startled.”

While the Board reiterated that it could not review films for any particular audience, the 1916 pamphlet did state, “It is clear that when the treatment of a race is unduly libelous the question of regulation is raised.” This pamphlet was published after the release of The Birth of a Nation, and racially motivated “ridicule” was mentioned several times in the standards, as is that of religious sects, the mentally ill and “sexual degenerates.” Yet ridicule was not defined, and unlike depictions of crime, violence and more conventional sexualities, the Board left plenty of room for “public discussion” of other controversial categories, especially race.

New themes appear constantly in the motion picture. Unless they are recognizable as fundamentally immoral, they are always open to serious discussion or to a submission to the public for their reaction. The people are the

820 Ibid., 9.
821 Ibid., 16.
822 Ibid., 15.
823 Ibid., 6.
court, the National Board their representatives. Until there is well-defined public expression it is impossible for the National Board to speak with authority. Among those which have received critical consideration are birth control, abortion, peace and preparedness propaganda, race antagonism and prenatal influence. Where problems are complex the advice of skilled persons is always sought. In each case decisions have been rendered in favor of the theme when it is presented with sincerity, skill, freedom from suggestive or immoral detail and from sordid sensationalism.824

This shift in standards was more a matter of publicity than practice, a point underscored by the Board’s ban on the female nude issued to much fanfare a few months later. Such a categorical ban blatantly contradicted the Board’s experimental and productive approach to film regulation, and it suggests that it saw the depiction of nudity to be a minor point to be sacrificed in the effort to placate censorship advocates.

7.2 Gendering a Constructive Agenda

This dissent over standards was not confined to the Board or the New York Bureau of Licenses, of course, and the need for additional censorship was argued in numerous places. Given the increasing agitation for state censorship, a number of Board members felt that the name “National Board of Censorship” misled the public about what they did. After some discussion, the General Committee voted to change the name to the “National Board of Review” in March of 1916. This was also an outgrowth of a reorganization of the Board’s structure that included giving the Executive Secretary more power after McGuire went so far as to threaten to quit if he wasn’t given the authority “to do his job.”825 Redding, never one of his biggest fans, pointed out, “Mr. McGuire was regarded both inside the office and out, as ‘running things.’” Nonetheless she supported formally giving him more authority on the theory it would also make him more accountable. Their personality conflict signaled a deeper rift that occasionally surfaced, dating all the way back to the falling out between the Woman’s Municipal League and the Board.

824 Ibid., 18.
Gender relations on the Board were usually cordial, and several women were key members of the General and Executive Committees. However, with the exception of Corresponding Secretary Alice Evans, the senior staff were all men, and it did not help that McGuire was often perceived as overbearing; also, the volunteer censors were mostly women, and it did not help that they were often perceived as unreliable. As with Adele Woodard, or Mrs. Gilbert H. Montague of the Woman’s Municipal League discussed in chapter 3, problems with individual women were recorded with a tone of exasperation in the minutes that is largely missing in discussions of difficult men such as McGuire. While McGuire-as-problem was always referred to by his position as “The Executive Secretary,” problematic women were referred to by name, such as “In re: Mrs. Woodard.”

Woodard’s complaint to Commissioner Bell was only part of her problematic relationship with the Board. In 1915 a Committee on Children’s Pictures and Programs was formed as part of the Board’s reorganization to select films during the review process that were especially suitable for children under sixteen and publicize them to parties such as educators, parent groups and women’s magazines. They recommended that a Juvenile Motion Picture Federation operate separately, whether as an affiliate or constituent part of the Board, to actively encourage children’s programming across the country. Not only was Woodard a member of both committees, she had started a third organization on her own that was independent of the National Board. As McGuire reported to the executive, “Mrs. Woodard...is now selecting films herself and with the assistance of friends on The National Board, and is conducting what she calls a national work in recommending programs of films for use in

825 GC Minutes, 23 March 1916, NBRMP, 120:2.
826 Evans appears to have taken on some of McGuire’s responsibilities as a public face for the organization toward the end of the Board’s regulatory project as he began to take leaves of absence due to illness. He died only a few months after the Hays Office took over film regulation.
827 Committee on Children’s Pictures and Programs Report to EC, November 1915, NBRMP, 118:1.
828 Approved in November. GC Minutes, 19 November 1915, NBRMP, 120:1.
various communities, thru the juvenile motion picture organization of which she is chairman.\textsuperscript{829} This violated bylaws against using connections with the Board for outside activities not approved by the Executive. At the same meeting that addressed her complaints to Commissioner Bell, Executive Committee members expressed sympathy toward her aims, but they suggested she meet with Miriam Sutro-Price and Orrin Cocks to avoid “duplication of effort” between the three groups.\textsuperscript{830} She was also admonished, “In the future...should Mrs. Woodard wish to use the machinery of the National Board, she should wait until she has the reports which are regularly issued by this office.”

The Board’s committee eventually formalized as the National Committee on Films for Young People. They submitted a questionnaire to “experts” on children in order to gain input on standards. The point of the committee was in part “to creat[e] sentiment [so] films will be entirely segregated by the manufacturers for special children’s performances.”\textsuperscript{831} Its relation to the Board took some time to work out. For instance on the issue of its publications, Redding was adamant that they be vetted by the Committee on Education and Publicity and then the Executive Committee, per Board policy, particularly since they would often be going to women’s clubs, whose members were frequently at the forefront of agitation for legal censorship.\textsuperscript{832} This became an urgent issue in March of 1916 when a faction of the General Federation of Women’s Clubs in New York started pressing for legal censorship, and the committee wished to respond with a pamphlet as soon as possible. It read, “Producers are in the business to give the public what it wants. Some of them have lost a great deal of money trying to provide special pictures for children. They now feel that there must be a special demand before they try again. If they feel the pressure of such a demand, they will provide for it. It is your responsibility to create that demand and make it felt.”\textsuperscript{833} Nonetheless the

\textsuperscript{829} McGuire to EC, 4 January 1916, NBRMP, 118:2.
\textsuperscript{830} EC Steno Minutes, 6 January 1916, NBRMP, 118:2.
\textsuperscript{831} Untitled memo, 3 March 1916, NBRMP, 118:2.
\textsuperscript{832} EC Minutes, stenographer’s notes, 3 March 1916, NBRMP, 118:2.
\textsuperscript{833} Committee on Children’s Pictures and Programs, Motion Pictures for Young People [draft], March 1916, NBRMP, 118:2.
Board was already doing its part in selecting films, as the Board “has seen a very definite tendency to discriminate between pictures suited to adults and pictures suited to children.” The committee advised women’s clubs to work with theater managers on a constructive basis to stimulate demand, including special programs for children. “Work to develop public opinion, and be patient while it changes. Understand the problem and discuss it with the fathers and mothers of the city.” And rather than legal censorship establishing different standards for children and adults, “The best and fairest way to control this great industry is through the influence of mothers, fathers, civic workers, and other people who are interested solely in the wholesome effect of pictures. This Volunteer Service is the work of the National Board.”

A greatly expanded pamphlet was published in April 1916 entitled, Principles Governing the Selection of Motion Pictures for Young People Under Sixteen. In it the National Committee on Films for Young People offered a discussion of children’s lack of determinations for their perceptions and actions that condenses many of the themes raised in chapter 2. Of “the mental attitude of children,” they wrote,

This is fundamental in the consideration of all pictures. Their minds are selective as well as intensely active. They are quick to note details and later consider them. They ponder over many diverse questions without much selection. They are open to emotional appeals, both uplifting and degrading. They are continually building the bulwarks of life without much comprehension of their significance. Their imaginations are at work night and day. These function in somewhat different directions for both boys and girls. Both are peculiarly open to ideas and to appeals arousing sex instincts and thoughts. They dwell on incidents which may be inspiring, emotional, gruesome, revolting and shocking, often to the exclusion of larger ideas which command the attention of adults. Striking scenes and personalities, either noble or degraded, arrest them. They are hero worshipers. They set aside situations hinted at and dwell upon them during their leisure moments. Indeed, for periods of time, they abandon themselves to dreams of joy, pain, historic endeavor or mysterious hidden things. Since ideas throng upon them, without selection, and since the trivial, the secondary and the implied possess them to the exclusion of the main theme or story, it is essential to analyze motion pictures in detail as well as a whole. While
the amount of imagination varies with different children, it is a quality to be considered.\textsuperscript{834}

Given this plasticity of children’s minds, the Board’s standards were sharpened in regard to children’s films, but they were not substantively changed. They instead highlighted the affective responses of mimesis, but here in pursuit of a negative pedagogy of sex rather than a positive one of science as the reformers in Edison’s laboratory were proposing three years earlier.

Many ideas which are harmful to young people are suggested by contortions of the body and expressions of the face, head or hands. Such actions are often more impressive than words. It is, therefore, recommended that all wanton and suggestive contortions of actors and actresses be excluded. All expressions of the face, head or hands, such as leers, winks, glances and motions, should be excluded. This principle applies to both comedy and drama.\textsuperscript{835}

Sex was not the committee’s only affective concern. “It is not desirable to arouse unthinking fear in motion pictures as a motive to check evil.”\textsuperscript{836} Scenes of “[c]riminals, hanging, drug fiends, perverts, sensualists, drunkards, brutes, the insane, the diseased, those ruined by dishonesty, or sensuality and the ostracizing of evil persons” should be avoided “unless there is some rational explanation of their exhibition.” They dryly noted, “Thinking children often say that they are personal exceptions to the rule and may avoid consequences. Often, they fail to make the personal application.”

Despite the similarities to earlier discussions of film’s educational potential, their treatment of affect now seemed to signal the beginning of a retreat from the environmental “determination of freedom” outlined in chapters 2 and 4. “The character of the dances rather than the surroundings should afford the basis for judgment.”\textsuperscript{837} Their focus was now on existing individual intentions rather than the conditions for the formation of intentions more generally, and so “social dancing, when close and vulgar,

\textsuperscript{834} National Committee on Films for Young People, \textit{Principles Governing the Selection of Motion Pictures for Young People Under Sixteen} (New York: National Board of Review of Motion Pictures, 1916), 4-5.
\textsuperscript{835} Ibid., 9.
\textsuperscript{836} Ibid., 6.
\textsuperscript{837} Ibid., 9.
shall be excluded whether in homes, halls, low resorts or on the stage." Nonetheless, "Pictures showing the sordidness and shallowness of this life, with its inhabitants and resorts, may sometimes be valuable," as might other similarly controversial fare provided it was also done with the appropriate geographical displacements to marginal spaces. As in the National Board's 1916 pamphlet on general standards, "pictures, both serious and comic, which play upon the weaknesses of any class or race, should not be shown" to children. The existence of such race- or class-based "weaknesses" went uncontested, and the authors of the pamphlet undoubtedly did not expect the white middle class as such being mocked, and instead a certain noblesse oblige was called for. "Those scenes which foster uncharitableness, lack of sympathy, hatred and prejudice, or which contain a sting, belong to this class. All pictures belittling, detrimental to or holding up to ridicule such groups should be excluded." Yet, "Good-natured fun or pictures which are constructive in their criticism as well as those which are individual and are not vindictive may be shown." But as the African American and Japanese American protestors of Birth of a Nation and The Cheat found out, Board members had rather different ideas from their own about what constituted vindictiveness, and when it applied to groups rather than individuals.

Members of the Executive Committee debated how to set up the new committee and finance it. One proposal was to sound out the General Federation of Women's Clubs about financing. The Federation would cover Orrin Cocks' salary as secretary and his traveling expenses to the tune of $4000, while the Board would cover all other expenses of approximately $2000. Without the committee being unambiguously part of the Board, Price was concerned that the Federation would want to "control the work,"

838 Ibid., 10.
839 Ibid., 11.
840 Ibid., 15.
841 But at the other end of the social spectrum, the depiction of "constituted authority," both secular and religious, should be "inspiring and dignified," and that of the police should not "encourage lawlessness or discredit authority." Ibid., 10, 14.
and Redding "warned that there would undoubtedly be differences as to methods of propaganda." Likewise Ackerman moved that the Board and the new children's committee always be explicit about whose behalf they were acting upon, particularly since it was decided to have an eleven-member executive committee for it which would include five members from other organizations. The General Federation did not take up the "opportunity" to fund the National Committee on Films for Young People and have official representation on a committee which could be overruled by another organization, and the Board elected to fund it on its own and simply mandate that six of the eleven on the executive come from the Board's General Committee. While the National Committee would be funded by and abide by Board policy, it would maintain independence in its operations.

The National Committee quickly realized that there was a need for positive efforts to encourage agitation for better films for audiences of all ages at the local level, and it proposed a Federation for Better Films that would serve as a clearing house that would "bind together and assist local movements," but that "a large degree of local initiative and autonomy should be preserved." Confusion grew about the proliferation of committees, and the situation was not helped by Woodard's National Juvenile Motion Picture Board. McGuire accused her of representing herself to manufacturers as representing either organization depending on expediency as well as reviewing films on the Board's censoring committee using the criteria of her own organization. The Board's executive voted to ask for her resignation, and it also instituted a policy that anyone belonging to an organization whose policies were "at odds" with the Board's should resign.

Several months later, the question of the relationship of the Federation for Better Films to the Board came up. While Orrin Cocks reported on the Federation's numerous

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843 EC Minutes, 20 April 1916, NBRMP, 118:2.
844 EC Minutes, 9 June 1916, NBRMP, 118:2.
activities across the country, including sending speakers.\textsuperscript{848} McGuire complained that the committee was not doing "efficient work" and various reorganization plans were proposed.\textsuperscript{849} Should the committee be fully independent, including financially, so that it would be immune to criticisms directed at the Board? Or should it be fully subordinate to the Board, including its day-to-day operations? Or something in between? A number of Executive Committee members pointed out the irony of the Board responding to its critics by sponsoring a committee that organized pressure groups around the country for higher standards. As Louise Connolly put it to Ackerman, "it was anomalous to conduct one department of work as an antidote to another department." Again, McGuire's abrasiveness appeared to be a factor despite assurances to the contrary, and there was a clear desire at least not to be "under control of the Executive Secretary of the National Board of Review." It was eventually realized that a separation was financially impractical, and the executive voted to make the National Committee with its spin-off Federation for Better Films fully a committee of the Board.\textsuperscript{850} Nonetheless the National Board was effectively split in two—the Board, whose senior staff were mostly men, concerned with the "minimum standards" to pass films, and the Committee, whose leadership were mostly women, dedicated to encouraging children's films and raising all films "to a standard satisfactory to the more critical people."\textsuperscript{851}

7.2.1 CIRCULATING SPEAKERS

Louise Connolly was one of a number of professional speakers the Board regularly hired on contract to conduct lecture tours against legal censorship. Its Speakers Bureau was particularly active in 1916, but with the United States' entry into the war, volunteers on both sides of the censorship movement were diverted to the war effort. President Wilson's Committee on Public Information asked the Board to review

\textsuperscript{847} EC Minutes, stenographer's report, 27 February 1917, NBRMP, 118:3.
\textsuperscript{848} See Cocks to EC, 23 January 1917, NBRMP, 118:3.
\textsuperscript{849} EC Minutes, stenographer's notes, 26 April 1917, NBRMP, 118:3.
\textsuperscript{850} EC Minutes, 3 May 1917, NBRMP, 118:3.
weekly newsreels, a job McGuire took on personally as it was “impossible to appoint the Board officially” given its policy against state censorship.852 The Board was also asked to help develop “wholesome amusements” for the War Camp Community Services. Orrin Cocks headed this effort and traveled the country to assist groups such as the YMCA and other social-service organizations. Cocks reported back regularly to the Board, and race and sex were important determinants of the geography of war camps; he enthusiastically described in one such report an Ohio town, where “club houses are being provided for both the white and colored soldiers. Within the past five months conditions have changed most radically in this community.853 Choosing films was an important part of his work, as “[t]here exist...a few classes of pictures suitable for general exhibition which may be unsatisfactory for exhibition before large groups of men off duty and living under artificial conditions.”854

But the reverse was also true, and censorship came to the fore again even before the armistice as venereal disease prevention films began to circulate outside the military as pornography.855 The End of the Road, financed by the YWCA and recommended by the U.S. Public Health Service, attracted numerous complaints, and the Board issued an approval only on condition that it be shown to nobody under 16, have audiences separated by gender and was accompanied by a lecturer.856 It soon reversed itself and issued a bulletin withdrawing support for venereal disease films except at the discretion of local health officials, citing a “wide and often irreconcilable divergence of thought” among the public.857 It quoted the Convention of the New York State Sanitary Officers statement, “It was the opinion of several of the speakers that the great burden of the

851 EC Minutes, stenographer’s notes, 26 April 1917, NBRMP, 118:3.
852 Report to EC, 23 October 1917, NBRMP, 118:3.
853 Cocks, Report of War Camp Motion Picture Activities, 26 March 1918, NBRMP, 118:3.
854 Cocks to training camp recreation workers, 10 September 1917, NBRMP, 118:3.
856 EC Minutes, 29 April 1919, NBRMP 118:4.
white race today is war on tuberculosis and venereal disease.”858 It continued, “The importance of this campaign has been recognized by every progressive organization, institution and enlightened public official throughout the Country.” The General Federation of Women’s Clubs had already unanimously passed a resolution at their May, 1918, convention calling for the state censorship of films “and in general to make and strengthen public opinion so that there may be authority at hand to cope with an evil which so seriously threatens the proper foundations of society.”859 In response to the 1919 controversy, a writer for the General Federation Magazine declared,

The camouflage of the National Board of Review, of the National Committee on Films for Young People, of the Affiliated Committees for Better Films has become so nauseating that a person of average intelligence must protest at such attempts to dupe and delay. Their stream of literature and bulletins pouring into every corner of the land, at enormous expense, is the Motion Picture Industry’s attempt to furnish well-intentioned, reform-bent ladies with harmless “busy-work.”860 Pressure continued to mount after the war, and the period of 1919 to 1922 saw countless bills introduced at the state and local levels seeking to institute legal censorship.

While the Board’s speakers occasionally testified at legislative hearings against censorship bills, their target audiences were mainly women’s clubs themselves, for these groups were seen to be responsible for most of the agitation against moving pictures, and this perception was shared by the Board and the manufacturers. D.W. Griffith complained about “the long-haired angels of reform, walking through their misguided and God-forsaken alleys of gloom,”861 but despite the General Federation’s resolution, women’s clubs were not unanimous by any means on the issue of censorship; some clubs allied themselves with the Board, and others even saw cinema as a fund-raising opportunity. A district manager for Famous Players-Lasky wrote his company’s New York office of a call by the president of the Federation of Women’s Clubs in Salt Lake

858 Ibid.
859 Florence Butler Blanchard, ed. Censorship of Motion Pictures (New York: General Federation of Women’s Clubs, 1919), 1.
860 Bessie Leach Priddy; “The Civics Department and Motion Pictures,” reprinted in ibid., 8.
861 Censorship, p. 4.
City who wished to preview films and put their seal of approval on one per month for placement in a theater of their choice in exchange for a percentage of the profits. "Please do not misunderstand me; I do not mean that they intended using this money personally. They intended to extend their activities and the activities of the ladies' clubs in the state by the use of this money. In other words, we would be building up a Frankenstein." He continued, "I tried to show this to these ladies and used every bit of diplomacy and tact that I possibly could until finally I got very much peeved with the nerve of these people on any such proposition, who practically threatened us with censorship in the state unless we would agree to some such arrangement."

Thus the Board felt it imperative to have women such as Connolly in their speakers bureau, and when the war ended, she resumed traveling and speaking against legal censorship. She had headed the Newark Public Library and joined the lecture circuit to promote visual education, and McGuire was quick to recommend her in the spring of 1921 when H. Turner Jones, a manager at an Atlanta film distributor, was organizing a campaign against an anticipated censorship bill in Georgia. The campaign was to be under the auspices of the Federation for Better Films rather than the National Board and address the state's women's clubs and other groups rather than directly lobby the state legislature. In asking for the recommendation, Jones wrote, "My personal opinion is that this speaker should be a woman and one intimately acquainted with the south if possible." Connolly had already made an impression in the South during a previous trip to Florida, and when Jones received McGuire's suggestion he responded, "The report on Miss Connolly made by our representatives in Florida has decidedly prejudiced the home office. They feel that despite her sincerity and earnest desire to help us, that she showed a lack of tact, was sarcastic and failed to sense the situation which she had to meet." He requested information on two other women who had in the past spoken on behalf of the Board in the South. McGuire responded about one,

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862 Marcus to Kent, 29 March 1920, NBRMP, 118:4.
863 Jones to Evans, 26 April 1921, NBRMP, 53:2.
864 Jones to McGuire, 14 May 1921, NBRMP, 53:2.
“You naturally will consider confidential my statement that Miss Duey, while a capable young woman, is very strong for Miss Duey. She is a personal publicity seeker;” furthermore, “She is a very expensive young woman and to my way of thinking does not deliver the goods in proportion to the cost.” He was more favorable to Jones’ other suggestion, Mary Mason Speed, because “[s]he has of course the advantage of being a Southern woman” as well as being “capable and gracious,” yet he had reservations about her wartime work for the YMCA with which the National Board had a falling out—“How much she was influenced by the narrowness of their work I have no idea.” He followed up with a telegram stating that Speed was “not a deep thinker or remarkably logical.”

McGuire continued, “I think it is unfortunate to judge Miss Connolly exclusively by her appearance before the legislature in Florida,” and he included a letter of “unqualified praise” from a group of clubwomen in Indiana who had signed onto the Better Films movement, “just what we hope to have the clubwomen accomplish throughout Georgia.” Jones gave in, citing McGuire’s endorsements and a letter of explanation for the Florida debacle from Connolly herself (which unfortunately is not in the archive). However he wrote,

I feel that a polite warning to Miss Connolly, on the dislike of the South (more than other sections) for any form of criticism or sarcasm would be helpful in avoiding a possible, though improbable repetition of Florida. She must understand that we are trying to reconcile people who are already committed to censorship—trying to lead them blindfolded from the path they are following and want to follow. For that reason the emphasis must be on the community plan rather than against censorship—though this latter has its place. We can not outline her speech for her—the attempt would prove a fiasco—but general principles can be laid down.

865 McGuire to Jones, 16 May 1921, NBRMP, 53:2. 
866 McGuire to Jones, 17 May 1921, NBRMP, 53:2. 
867 McGuire to Jones, 16 May 1921, NBRMP, 53:2. 
McGuire responded, "We know Miss Connolly well enough not only to discuss the Southern matter with her in terms of a polite warning but to lay considerable emphasis upon the necessity of the utmost tact and diplomacy."869

This negotiation of white femininity between northern and southern men centered not on the suitability of women in general for public life, but on their style of engagement. Here the New Woman was effectively accepted in North and South; while Jones' acceptance had more particular parameters that traded on older norms of self-effacement, for him, as for McGuire, the public woman was someone who knew how to negotiate her way in public space, a subject of knowledge who exercised the public prerogative of whiteness.870 For her part, Connolly took the lead in strategizing her talks. She said that using her expertise in visual education to hook teachers' associations had been particularly effective in the past.

869 McGuire to Jones, 20 May 1921, NBRMP, 53:2.
870 Valeria Gennaro Lerda notes of southern women participating in politics, "It is ironic that the 'new woman' of the New South came to embody the highest values of Southern culture as a defender of family, domesticity, and purity, but, at the same time, she still was considered 'no class' or, at least, a class without civil rights." She underscores that the New Woman was a small minority of the white middle class in the South, but in my case study, at least, she was an important one. Valeria Gennaro Lerda, "‘We were no Class at all’: Southern Women as Social Reformers" in Race and Class in the American South since 1890, eds. Melvyn Stokes and Rick Halpern (Oxford: Berg, 1994), 136. A classic work on southern white women and politics remains Anne Firor Scott, The Southern Lady: From Pedestal to Politics, 1830-1930 (Chicago: University of Chicago Press, 1970). Another work focusing on gender and race in the South during the Progressive/Jim Crow era include Glenda Elizabeth Gilmore, Gender & Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920 (Chapel Hill: University of North Carolina Press, 1996). African American women were, of course, active in reform movements as well, both in the South and the North; see Mary Jo Deegan, ed., The New Woman of Color: The Collected Writings of Fannie Barrier Williams, 1893-1918 (DeKalb: Northern Illinois University Press, 2002); Anne Meis Knupfer, Toward a Tenderer Humanity and a Nobler Womanhood: African American Women’s Clubs in Turn-of-the-Century Chicago (New York: New York University Press, 1996); Jacqueline A. Rouse, “Atlanta’s African-American Women’s Attack on Segregation” in Gender, Class, Race, and Reform in the Progressive Era, eds. Noralee Frankel and Nancy S. Dye (Lexington: University Press of Kentucky, 1991), 10-23; Patricia A. Schechter, Ida B. Wells-Barnett and American Reform, 1880-1930 (Chapel Hill: University of North Carolina Press, 2001); Deborah Gray White, “The Cost of Club Work, the Price of Black Feminism” in Visible Women: New Essays on American Activism, eds. Nancy A. Hewitt and Suzanne Lebsock (Urbana: University of Illinois Press, 1993), 247-269.
These side shows on related subjects take away any impression of my being a spell-binder in the interests of the wicked producers, and give me professional power. If Florida had only had me talk to the Women's College in Tallahassee and incidentally caught me to speak to the legislative committee, they would have approached me with open not antagonistic minds. The Legislators and the motion picture people themselves, thought of me as representing the producers.\footnote{Cocks to Jones, 24 May 1921, NBRMP, 53:2.}

Cocks, who was Connolly's New York liaison during the tour, relayed her note with his own comment, "You see Miss Connolly is perfectly willing to use all the energy and time at her disposal. She also is thinking a great deal about bringing herself and her addresses in the kind of way which will cause the women of Georgia to be sympathetic."

Jones was quickly won over once she was on the road; he wrote Cocks, "The more we see of Miss Connolly the more we like her. She has a most charming personality, a keen sense of humor, tact and genuine ability. Her willingness to work is unlimited."\footnote{Jones to Cocks, 7 June 1921, NBRMP, 53:2.}

Connolly's report of her five-week tour bears out at least the last comment. She visited ten different cities by train, Atlanta twice, and gave a total of thirty-eight talks to individual groups in addition to an unspecified number of private conferences with clergy and educators.\footnote{Louise Connolly, Report, July 1921, NBRMP, 148:3.} She estimated she was heard by 1500 women and 450 men, including "motion picture men, club women, school people, business and professional women, religious workers, welfare workers."\footnote{Ibid., 2, 3.} "I consider that the courage and zeal with which the women of the Women's Clubs got out their communities to hear me even to this slight extent after all the year's activities were finished, when most of their members had gone or were going, and during so intensely hot and dry a month, was remarkable. How I ever was listened to by so many men I do not know, for the average male citizen thinks this a women's job."\footnote{Ibid., 2, 3.} She complained that "[t]he exhibitors seem to be unconscious of their social relations and of what menaces them. They throw the blame on the distributors when they are locally criticized which leads good men to think
state censorship the only way to the control of the screen.”

She added, “Things are best where the local exhibitor is a member of a respectable local family. I think as a whole, the southern exhibitors seem to me superior in refinement to those of the middle states. That may be because everybody in Georgia is gentle-mannered.” However, “It is almost impossible to get the southern clergy man to open his mind to any message, either educational or social. Some of them came to hear me in order to get ammunition to use against the films some day. All those who heard my religious education lesson were pleased. But most of them simply refused to listen at all.”

More generally, “There is no such thing as using the arguments of personal liberty and freedom of the press in this campaign. Only radicals without influence and a few intellectuals care anything about principles in this matter. The argument that tells is that the censors will be a center of graft.” She characterized the main proponents of censorship:

1. Those who think them an incitement to vice;
2. Those who want to dump their children on them and yet who don’t want their children to see sexual vulgarity;
3. Those who feel that rich motion picture trusts are dominating their communities, and being insolent about it, to boot.

She reported that this feeling of exploitation by a large, outside industry was crucial to support for censorship, a fact she discovered when she showed films provided her by the manufacturers that outlined the film production process and advertised the movie palaces that had recently become the prime downtown film venues. While these films attracted a great deal of interest,

All the advertising which brags about big buildings devoted to the work and the $25,000,000 invested are injurious rather than beneficial. I never failed to hear adverse comments when those puffing advertisements were shown. “They’ve grown rich teaching vice;” “That’s where the big price of admission comes in;” “Make their money off of us and show us what they please.” Every kind of

875 Ibid., 2-3.
876 Ibid., 3.
877 Ibid., 4.
knocker thinks he is being slyly influenced for or against some belief by unscrupulous rich men who own and manipulate the films. They inspire hatred of the Jew; they teach Roman Catholicism; they are used to “inflame the nigger;” but chiefly they increase sexual vice.  

These propaganda films she was required to show for the industry caused more problems than just their reception.

I had such bad luck with getting these reels handled by exhibitors that I soon took charge of them myself. And they cost me much money. I traveled with an ordinary grip, containing my modest wardrobe, with a ridiculous looking box containing my squirrel and mole and minerals and pictures and literature, all necessary and useful, and with a queerly shaped metal box containing my reels, which were three in number, and heavy. Consequently, I had everywhere to use taxis and to pay double fees to porters. Ice and ice water and luggage combined, increased my expenses almost a dollar a day.

Her vivid descriptions of the materiality of the tour extended to giving the talks:

As a rule, the talks in theatres to miscellaneous audiences were the least profitable, chiefly because of the physical conditions and of the lack of proper introductions. Audiences scattered thru three floors, one in the roof, and “all over,” literally, with a gap of one-third the way from the front empty seats, fans going, lights on me, so audience invisible and heterogeneous, often acoustic properties poor anyway, and audience generally of the opinion that they were losing time when they weren’t seeing, the conditions were poor. And my message was not for movie fans, anyway; it was for movie critics, of a more or less adverse kind. But all listened courteously except twice, when the small boys grew restless.

Connolly gave a further sense of the micropolitics of the Better Films movement as she described the sway various individuals had in their communities. She gave a list of a handful of clergy who were open to her message, starring one from Macon with the note, “This Rabbi is important. He wants to know what about when the National Board makes a mistake,” followed by another note, “I will get from Mrs. Boykin the name of a clergyman who is, I think, inimical, and who did not give his name. He too wants to

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878 Ibid., 4.
879 Ibid., 4-5.
880 Ibid., 2.
know what the Macon Rabbi asked.”\textsuperscript{881} This extended to the clubwomen she met: “In Brunswick much depends upon whether a certain Mrs. Klotz from Morristown, N.J., makes her way socially.”\textsuperscript{882} And in another town, “If Mrs. Yeatman returns to Fitzgerald, Ga., there will be such an informed center there.” She summed up her report with the pronouncement, “Georgia is not prepared for definite advice as to a constructive campaign...The follow-up work should, however, be prompt—and definite. It is, of course, impossible in a state where everybody is so exquisitely polite, to gauge the effect of one’s worlds.”\textsuperscript{883}

Her words had the desired effect in at least some of her audience. The Georgia Federation of Women’s Clubs went on record against the state censorship bill in the face of the national federation’s support. Mrs. Alonzo Richardson, chair of the federation’s Department of Citizenship, issued a memo to the state legislators, stating, “[T]he vast majority of women of Georgia do not want censorship, but desire to follow a community program of education, leadership and selection based upon the democratic principle of cooperation.”\textsuperscript{884} She described the establishment of Better Films Committees, stating, “Georgia clubwomen are busy working out the ‘live and let live’ plan and I earnestly beg of you to help us, rather than hinder by voting for the passage of a state censorship bill, which, in the minds of the women actually doing the work, would prove a tragedy.” Turner Jones’ distribution company, Southern Enterprises, underwrote the Better Films movement in the South for “the education of the public as to how to secure the best pictures” and “to educate the less progressive exhibitors up to that point where they will recognized the best pictures as the best business policy” so that pictures would “contribute a wholesome influence to...community life, not only thru the actual theatres,

\textsuperscript{881} Ibid., 3.
\textsuperscript{882} Ibid., 4.
\textsuperscript{883} Ibid., 5.
\textsuperscript{884} “Georgia Women Arise Against Censorship Proposal,” undocumented clipping in NBRMP, 148:3.
but thru schools, women's clubs and civic organizations.” The Federation for Better Films, spread across the country, was to help cinema achieve its potential for social betterment first proposed by Jane Addams in 1907 and John Collier in 1908, and it would have to, for the National Board itself was about to lose its mandate.

### 7.3 NAMPI, the MPPDA & the End

During the Board’s troubles of 1916 the National Association of the Motion Picture Industry (NAMPI) was formed in response to censorship pressures. The trade group proposed self-censorship, claiming the film industry could police itself by first reviewing their own output and then sending the films to the National Board for final review. While they at first promised to be more specific than the Board, ultimately they simply adopted the Board’s standards as their own. Following the postwar renewal of censorship agitation, NAMPI again publicized plans to self-censor. This put the credibility of the Board on the line as the industry was its sponsor, and its relationship with the producers participating in the association deteriorated. An incensed Albert Shiels told his colleagues on the Board, “I do not see that we can trust anything they do or anything they say. The relationship is exceedingly embarrassing.” But the others present at the meeting argued that this would save the Board some effort, and that the Board could support industry self-censorship so long as the Board had the final review.

During the 1919 controversy over venereal-disease films NAMPI passed a resolution to expel any member company that distributed films condemned by the trade association and to embargo any exhibitor who did the same. The NAMPI resolution said nothing about the National Board of Review, and the Board called a conference

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885 Resume of a Plan for the Betterment of Motion Pictures in the South, undocumented clipping in NBRMP, 148:3.
886 “Griffith Committee Adopts Board’s Standards,” Motion Picture News, undated clipping, NBRMP 9:1.
887 Untitled, [1919?], NBRMP 9:1.
with NAMPI member companies.\textsuperscript{889} Despite film company representatives’ assurances that they saw the Board to be “indispensable” and several meetings to iron out an understanding, Board members’ opposition to NAMPI’s self-censorship plan increased.\textsuperscript{890} McGuire wrote Gabriel Hess of Goldwyn Pictures, “We know that you recognize that the public confidence in the Board has its foundation in its independent position.” With a threat to stop reviewing films, he asked Hess to take the matter up with NAMPI as a whole of alternative resolutions supporting the Board that were drawn up in the joint conferences. “In so doing we will appreciate it if you will point out to them that The National Board is opposed to any plan other than that of aroused public opinion which would tend to restrain exhibitors from showing pictures not submitted to The National Board for review.” While the Board had flirted with legal recognition at the municipal level with its City Plan several years earlier, it had renewed its conviction that “the Board is opposed to all legislation designed specifically to protect the Board or enforce its action, as tending in the direction of legalized censorship, to which it is opposed.”\textsuperscript{891}

After some delay and negotiation NAMPI passed a resolution in August 1919 mandating review by the National Board and the attachment of the Board’s seal to every picture.\textsuperscript{892} The refusal, whether deliberate or simply by neglect, of distributors to put the Board’s seal on each passed film had been a perennial problem, and McGuire pressed NAMPI to enforce the resolution so that the public knew the reach of the Board. “I am afraid that even while the resolutions themselves speak emphatically, nevertheless what is everybody’s business will prove nobody’s business, and the individual companies will not take definite action along lines of the resolution.”\textsuperscript{893}

\textsuperscript{889} Conference minutes, 30 April 1919, NBRMP 9:1.
\textsuperscript{890} McGuire to Hess, 14 May 1919, NBRMP 8:3.
\textsuperscript{891} In response to the President of the Wisconsin League of Municipalities pressing for legislation which would “give the Board an official standing and the recognition it deserves.” EC Minutes, 21 January 1919, NBRMP 118:4.
\textsuperscript{892} Report to EC, June 1919, NBRMP 118:4; Elliott to McGuire, 13 January 1920, NBRMP 8:3.
\textsuperscript{893} McGuire to Elliott, 20 January 1920, NBRMP 8:3.
After a year of intense censorship agitation, the Board quietly conducted a survey of public reactions to films, and it was ready to issue supplemental standards based on the results. 168 theater owners and managers responded and cited “sex pictures” as attracting by far the most complaints, and in answer to the question as to whether they themselves thought there was too much sex, one answered, “Not too much for our patrons but perhaps too much for the so-called reformers.” Sensational titles were also problematic, such as *Passion, Forbidden Fruit, Passion Fruit, Male & Female,* and *Sex.* McGuire wrote NAMPI’s executive secretary, Frederick Elliott, requesting a conference to discuss more thorough cooperation with the Board’s standards. Elliott replied, “In view of the fact that the executive heads of the most important producing and distributing companies have recently agreed upon a new quota of standards and which is to be released for publication in next Monday morning’s papers, perhaps you will agree that upon reviewing of the same, it will be unnecessary to follow your suggestion in this respect.”

He enclosed NAMPI’s new “13 Points” set of standards for self-censorship; the problem was, the thirteen points directly paraphrased the National Board’s standards with neither consultation nor credit. McGuire sent a scathing reply, blasting NAMPI not only for not crediting the Board, but for going back on its agreement with the Board not to institute self-censorship.

That the National Association must have realized that its announcement as a new position of its producing members, of its plan to apply to their own product the very standards which the National Board of Review has long since adopted in accordance with public opinion, is tantamount to asserting that the public can have more faith in the motion picture industry’s interpretation of these standards than in their being enforced by the National Board. This is obviously absurd, the National Board being composed of the public, the National Association of the producers.

896 McGuire to Elliott, 28 February 1921, NBRMP 9:1.
897 Elliott to McGuire, 3 March 1921, NBRMP 9:1
898 McGuire to NAMPI, 7 March 1921, NBRMP 9:1.
He pointed out that not every producer was a member of NAMPI and nonmembers could not be bound by its resolutions, and also that internal censorship would be beset by "the internal influences and conflicts which inevitably arise in a highly competitive industry, where personal interests, jealousies and antagonisms frequently exist." But the manufacturers insisted that the new arrangement was "merely for its own members and not for the public," and that the Board would have final say as before. Nonetheless some major producers, including Universal and Pathé, withheld their support for the association. The Thirteen Points failed to persuade a significant portion of the public, and a month following their publication the industry as well as the Board faced a major embarrassment as New York passed a state censorship law. Later that year, the Fatty Arbuckle scandal broke when a starlet died after a party in his room, and he was prosecuted for rape (but acquitted). His films were banned in jurisdictions across the country, and the scandal, despite having nothing to do with film content, reinforced calls for censorship.

By 1922 NAMPI's reputation was so compromised that film manufacturers established a new trade organization, the Motion Picture Producers and Distributors of America (MPPDA). They hired Will Hays, former Postmaster General and Chairman of the Republican Party, to head the new office at the astonishing salary of $100,000 per year. Soon after, Turner Jones, the public relations manager for the Atlanta distributor that had organized Connolly's tour, wrote Hays a lengthy letter on his activities. He explained "public relations has to do with contact between the company and the public outside of routine business channels," a public "too willing to believe that [the] purpose of the industry is exploitation rather than entertainment service." The four primary objectives of his office were, "(1) To secure and maintain public goodwill; (2) To better

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899 Hammons to McGuire, 12 March 1921, NBRMP 9:1; see also Johnson to McGuire, 9 March 1921, NBRMP 9:1.
900 Laemmle to NAMPI, 7 March 1921, NBRMP 9:1; Pathé to NBRMP, 24 June 1921, NBRMP 9:1.
901 Jones to Hays, 7 April 1922, NBRMP 6:3.
the public's conception of the industry; (3) To change our stand from a defensive to an
offensive position; (4) To personalize this company to the public." He went on to
explain how he was "seeking to organize our old opposition into Better Films
Committees" and detailed their activities. He noted, "The psychology of increasing
prevalency within the industry of taking the public frankly, candidly, and avowedly into
confidence in making it conversant with the facts is the most hopeful presage for the
future progress of the industry." He also described their method of tracking censorship
legislation in the South and organizing opposition. "Despite whatever success has been
met with, some such program must be continued, not fitfully nor in isolated cases, but
upon a broad scale day in and day out. The prejudices of the people are assiduously
cultivated and kept alive by the self-seeking politician, the demagogue, and the
irresponsible agitator. They are a small and militant minority, but powerful in their
influence in the absence of refutation."

Hays established a Committee on Public Relations in June composed of
representatives of nearly sixty national reform organizations. "The Committee acts as a
channel of communication between the public and the industry, submitting comments,
criticisms, and suggestions to the industry, and telling the public of the problems and
developments of the industry and about commendable pictures."902 This put the
National Board in even more of an awkward situation than it had faced with NAMPI.
While there had been some brief meetings, in June McGuire asked for a more
substantive meeting to explain the Board's position and practices and to come to an
agreement regarding the relationship between the two organizations.903 The MPPDA
avoided making any commitments, and after one particular exchange, an exasperated
McGuire wrote, "Thank you for your letter of July 10th which appears to be sufficiently
non-committal to avoid answering the question raised by my former communication."904

902 Jason Joy, Brief Resume of Facts Pertaining to Affairs of the Committee to Date," 22 March
1923, NBRMP 6:3.
903 McGuire to Hayes, 26 June 1922, NBRMP 6:3.
904 McGuire to Hayes, 11 July 1922, NBRMP 6:3.
In September, McGuire once again pressed for a definitive understanding, for “the question which I had presented Mr. Hays at our conference [the previous spring] was a little more definite than for an expression of his moral support.”

Whatever the substance of any discussions with Hays, they were not retained in the Board’s records. Hays instituted the MPPDA’s promised self-censorship, and by January of 1923, the Board severed its ties to the People’s Institute and incorporated as an independent organization, and by March it passed a new statement of purpose that focused solely on improving the artistic quality of films and supporting the Better Films Committee. The National Board’s regulatory authority could never master and was finally undermined by those most mobile of signifiers—race and sex. The Board was no longer “the gateway through which all motion pictures must pass before they reach the American public,” and the industry had become self-regulating and took over the fight against official censorship. Both organizations still exist; the MPPDA (now the Motion Picture Association of America) administers the voluntary rating system currently in use and monitors legislation, and the National Board of Review gives awards for artistic merit, runs educational film programs and awards grants and scholarships to film students and directors; according to its website, it “celebrates the distinctive voice of the individual artist, honoring excellence and supporting freedom of expression in film.”

7.4 Conclusion: Whiteness & Cultural Geographies of Governance

The National Board’s regulation of film during the Progressive era was a cultural project that was intimately connected with state and economic rationalities. Their mutually constitutive relationship meant that the contemporary anxieties over race and sexuality condensed by the moving image on the screen could never be contained by any one of

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905 McGuire to Hayes, 15 September 1922, NBRMP 6:3.
906 EC Minutes, 23 January 1923, NBRMP 119:1.
907 NBRMP, Aims and Purposes of the National Board of Review of Motion Pictures, 26 March 1923, NBRMP 119:1.
them. The moving image was seen to alter the very process and scope of human perception by expanding the spectator's world. With such virtual geographies came knowledge upon which Progressive reformers put such a premium, and they saw cinema as a teacher and social worker to mold the immigrants and workers of industrial cities to their vision of the American citizen, the white self-governing subject. Cinema's haptic visuality was a particularly powerful agent for producing the paradoxical psychic determination of freedom sought by reformers, and this achievement that enabled the "successful" negotiation of early twentieth-century urban life was implicitly a defining feature of whiteness. For these reformers, while whites were self-governing subjects of knowledge, African Americans were objects of ignorance who might best be handled by coercive power. Not only were they seen to be unfree through their own deficiencies, they were largely unknown to the reformers. This disavowal had its geographical coordinates as reformers banished the ignorant, and therefore ignorable, to marginalized spaces, whether to the ghetto next door or to the South more distant still.

It isn't so surprising, then, that the only instance I have found of a member of the National Board seeking to remedy ignorance of black/white relations involved going to the South to do so—but this knowledge would come from a Southern white man. Shortly before Louise Connolly left New York for her 1921 speaking tour of the South, Orrin Cocks wrote Turner Jones that upon her arrival in Atlanta, Connolly "especially would like to have you elaborate your point about inter-racial problems."909 There is little in the Board's records about this other than a sense that it was such a sensitive issue it should not be put in writing but only discussed in person. But according to the Atlanta Constitution, Rev. Marvin Williams, a Methodist Minister from Atlanta, explained this "problem" to the Georgia legislature as it debated the state censorship bill. "He declared that the negroes were impassioned by being shown pictures on their own colored theaters in which white women were displayed in clothing 'as flimsy as the

909 Cocks to Jones, 24 May 1921, NBRMP, 53:2.

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arguments of those who opposed the bill.” 910 But one such opponent turned the minister’s argument against censorship, citing efforts “to suppress ‘The Birth of a Nation,’ which portrayed with tremendous power the rise of the clan that saved civilization in the south.” 911 Connolly was advised that she should tell her audiences that the pictures in question could be “[h]andle[d] by present obscene and riot laws.” 912 Coercive measures for African Americans indeed.

This incident captured a number of other issues at stake in the effort to regulate cinema during the Progressive era. Cinema’s mobile image of white women was finding its way to places it shouldn’t, according to those who advocated legal censorship, thereby enabling white women to be positioned as objects of consumption for black men. This contradicted the status of subject of knowledge acquired by the New Woman in U.S. society at the time. While mobility and knowledge were her perquisites, they were in the service of knowing better. She was to participate in public life without falling prey to the market logic that commodified her sexuality with which she was still identified, a fate that nearly befall the hapless Lorna Barton in Traffic in Souls. The industrial city harbored spaces of danger which the New Woman was equipped to handle or avoid as the situation warranted, and the knowledge enabling such judgment was the result of her interaction with the world around her rather than a passive acquisition. It was this privilege of whiteness, this physical and epistemological mobility that enabled the governmental subject, that reformers initially sought to induce in their white-but-not-quite immigrant charges in northern cities.

The mobile image of white femininity that produced such anxiety in the Georgia legislature also produced contradictory positions for black men by situating them as subjects of desire. Although the rapacious black man was a figure of anxiety across white America, this was complicated by the cultural geography of the U.S. In the South

912 General Suggestions for Speeches in Georgia, NBRMP 148:3.
he was an object of knowledge who was to be put in his place, as Griffith so viciously asserted in *The Birth of a Nation*. Here African Americans belonged in the South, where they would properly be put to work reproducing the white, southern nation in the homes and fields of their masters. Many northerners were happy to acquiesce, but the Progressive reformers on the National Board of Review resisted Griffith’s attempt spread the blame for the “Negro problem” on their abolitionist forebears. They preferred to regard the figure of the black man, and African Americans in general, as objects of ignorance by containing the Negro problem in the South, both historically and contemporaneously, despite the Great Migration. This they did in two senses; African Americans were objects of ignorance in that they, and their neighborhoods, were willfully unknown by white reformers—yet at the same time the same reformers regarded African Americans as incapable of representing themselves. Whether objects of ignorance or objects of knowledge, they were still objects, subject to the sovereign power of the state when need be, as implied by the Board’s washing of its hands of the Johnson fight films and allowing their federal ban to pass without comment.913 Similarly, the advice to Louise Connolly that she should recommend the handling of black male audiences through the existing judicial apparatus of the southern states condensed these two moments of ignorance and sovereignty. Thus film regulation, despite the increasing standardization of mass culture after the war, entailed a cultural geography of governance that relied upon the uneven racialization of the U.S. from

913 That invisibility is a strategy of sovereign power, and that it disproportionately affects subordinated groups, is implicit in recent work on the horrific level of violence tolerated by the police and justice system against aboriginal women in Canada. Aboriginal women in public urban space are routinely assumed to be prostitutes by the police (and much of the public), and as such, expendable. This is a tripartite configuration of race, gender and assumed sexuality that is similar to the toleration of lynching of African American men, another example of invisibility as the state toleration of violence. This invisibility is quite different from privacy as a strategy of governmentality I outlined earlier. See Jennifer England, “Disciplining Subjectivity and Space: Representation, Film and its Material Effects,” *Antipode* 36, no. 2 (2004), 308; Geraldine Pratt, “Abandoned Women and Spaces of Exception” (Denver, Association of American Geographers, 7 April 2005); Sherene Razack, “Gendered Racial Violence and Spatiaлизed Justice: The Murder of Pamela George,” *Canadian Journal of Law and Society* 15, no. 2 (2000), 91-130.
which emerged a differential pattern of both voluntary and state forms of regulation. In a general sense this hasn’t changed, and the historical debates surrounding governance resonate, often closely, with current ones. This boundary between state and non-state governance was as highly contested then as now, and its production and geography were as thoroughly intertwined with the racial, sexual and class conflicts that shaped the U.S. of the Progressive era as they are with those that shape our present.

7.4.1 Coda: Axiomatic

The disavowal of blackness by whites that has helped to structure American life and governance has, of course, operated in tension with an equally colonizing will to knowledge. But it is in some ways easier to think about the will to knowledge given its positive presence than it is to think about its more fugitive counterpart, especially for white commentators attempting to mark their whiteness. This disavowal I wish to foreground in this study has been territorialized in shifting ways throughout U.S. history. Today it operates in public awareness in no small part through the so-called underclass thesis that spatializes a presumed African American pathology in northern inner-city neighborhoods. Although it is precisely the will to knowledge that produced this thesis, it disavows the very structural inequalities it proposes by attributing final causation to a failed heterosexuality in the black community that is perpetuated through its spatial concentration and segregation.914 A century ago, W.E.B. Du Bois described the marginalization and disavowal of African Americans in another space. He described the so-called Black Belt in Georgia as “that strange land of shadows...whence come now only faint and half-intelligible murmurs to the world beyond.”915 This geographical pursuit of ignorance referred to by Du Bois and practiced by his white Progressive reformer colleagues brings to mind Eve Sedgwick’s pithy coinage, “epistemology of the closet.” In her landmark work of that title, she argues that homosexuality was the open

914 I will elaborate on this paradoxical heterosexuality that fails yet is still able to reproduce itself shortly.

secret that helped define heterosexuality in modern literature, and by extension the
discourse of sexuality in modern Western culture. Willful ignorance lay at its
foundation, enabled by the simultaneous spatial production and containment of a
subordinate sexuality. Sedgwick writes, “Such ignorance effects can be harnessed,
licensed, and regulated on a mass scale for striking enforcements.”916 Difference is both
produced and productive, as she explains following the first axiom by which she
introduces her study, “people are different from each other.”917 The leap she makes
from the literary works she reads to the larger discourses of sexuality is more by way of
suggestion than demonstration, and I will end this study with a similarly speculative
theory of whiteness. Racialization, like sexualization, is a process at the heart of
biopolitical production. Both forms of social differentiation are fundamental to the
organization, governance and reproduction of Western society, and they, and their
geographies, are indissolubly linked with one another. In short, race is always
sexualized and sexuality is always racialized. And so I will suggest some axioms of my
own, but by way of speculative conclusions on the production of whiteness.

**AXIOM 1: Whiteness is different from itself; whiteness is heterosexual.**

The strengthening of white women’s white privilege during the Progressive era, or put
another way, the shift of white masculine prerogatives of mobility, knowledge and
individuality to markers of whiteness per se, occurred while women remained
subordinate to men. Whiteness as the visual practices and perceptual achievements of
governmental subjectivity, enabled by cinema, was available to all who were white, and
this tautology helped to begin de-essentializing whiteness by pointing to its historicity,
however anxiously this point may also have been disavowed. But women remained
unequal to men despite their acquisition of these marks of white privilege, as Louise
Connolly caustically observed when speaking in North Carolina in the fall of 1921. “I

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916 Eve Kosofsky Sedwick, *Epistemology of the Closet* (Berkeley: University of California Press,
1990), 5.
next went to the D.A.R. meeting at Gastonia—a state meeting. There I was in a hot bed of 'Maw had slaves independent of Paw, and Paw had slaves independent of Maw.'"918

Whiteness was internally differentiated; white women were still to be mothers of the white nation, and their new forms of independence were pressed to this purpose. This reassertion of the essence of gender and sexuality preserved the heterosexual productivity, the stability and self-regeneration, of whiteness.

This was in marked contrast to blackness as an object of would-be regulation. Blackness marked both people and spaces marginalized by white Progressive reformers, consigning both to become objects of ignorance. With this undifferentiation came a degendering of black "subjects," something Birth of a Nation nods to despite its insistence that southern whites, at least, do know African Americans and their proper place. The Cameron servants, albeit assigned a gendered division of labor, have personal characteristics opposite of their putative genders. The women are as strong and assertive as the white men in the film, while the men can be as comic and hapless as young Flora Cameron. This degendering of blackness long predates the Progressive era, and Hortense Spillers offers an arresting account of its material, geographical production through the Middle Passage. She writes, "[T]he socio-political order of the New World...with its human sequence written in blood, represents for its African and indigenous peoples a scene of actual mutilation, dismemberment and exile. First of all, their New-World, diasporic plight marked the theft of the body—a willful and violent (and unimaginable from this distance) severing of the captive body from its motive will, its active desire."919 Her psychoanalytic account of U.S. discourses of black families focuses on both socio-political work such as Daniel Patrick Moynihan's infamous The Negro Family: The Case for National Action as well as more recent modes of cultural production. In these texts, slavery severs patrilineal descent and enforces a matrilineal

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917 Ibid., 22.
918 Louise Connolly, Report for North Carolina, 1921, NBRMP. 151:2.
heritage in its place, a heritage that is unintelligible in our heterosexist social order because it replaces the phallic signifier with the “name-of-the-Mother.” It is this heritage in contrast with the heterosexuality of whiteness that makes “black subject” oxymoronic.

**Axiom 2: Whiteness is mobile.**

This may seem an odd assertion after discussing the consequences of the slave trade, but the mobility I have in mind is self-directed. While mobility is imposed upon blackness, whether by something as deadly as a gun, or by something as mundane as the spatial mismatch between available jobs and housing, mobility is a property of whiteness itself. It is one of the primary markers of white privilege, something white women acquired more readily in the Progressive era thanks in part to cinema’s haptic vision. But this mobility is not quite the “choice” of the classical liberal free agent, because the white subject is thoroughly embedded in and co-constituted with the world, a world that can limit and constrain as much as it can free and open up. However mobility does enable greater connections to and knowledge of the world, as reformers ranging from John Dewey to Louise Connolly argued for cinema, and this Pragmatist insight was put in the service of white privilege for both the New Woman and the New Middle Class.

Orrin Cocks referred to this capacity of mobility to enable connections between more rooted differences when he wrote,

*Criticism of motion pictures is based in part upon certain differences which exist in various parts of the country. It is impossible for a national institution to prohibit films because they clash with such sectional feeling. This applies equally to business and banking customs, to feelings which are acute in the South, the West, the southern frontier or the Pacific Coast, to industrial differences, political principles and civic problems. The motion picture must be kept free to discuss one or both sides of the problems involved.*

While mobility bridges differences, it is also generative. If, as axiom 1 stipulates, whiteness is different from itself, it needs to find itself. Mary Barton’s mobile zone of privacy that defines her heterosexual privilege in *Traffic in Souls* exemplifies this

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function as she conducts her courtship in preparation for her presumed role in reproducing the white American nation. As Lauren Berlant and Michael Warner quip on the matter of national heterosexuality (which they also point out is fully racialized as white), "There is nothing more public than privacy."921 I would add, there is nothing more mobile, and the endless circulation that heterosexual privilege enables and perhaps requires, like capital, is the secret to whiteness' productivity.

**AXIOM 3: Whiteness is exchangeable.**

The circulation of whiteness is stabilized by an essentialized heterosexuality. But as in the case of capital, what circulation itself underpins is exchange. Richard Dyer points toward an analytic of whiteness along these lines when he describes "the sense that being white is coterminous with the endless plenitude of human diversity" and declares, "This property of whiteness, to be everything and nothing, is the source of its representational power."922 As with mobility this exchangeability is self-directed; this property of being "everything and nothing" is not the property, as it were, of an object as usually understood. It is the result of the increasing connections enabled by mobility as capacities and attributes are exchanged through the mutual constitution of the white subject and the world.923 The corollary to this self-exchange is self-possession. Whiteness as the power of self-governance has a long history in liberal thought; indeed it has been racialized in this way from the beginning. But the self-possession implied by this attribute of whiteness underwent a profound shift in the Progressive era U.S. In the nineteenth century, a sense of stable identity based on "character" was the prerogative of white, middle-class men, and self-possession gave a sense of proprietorship over oneself. But the rise of corporate capitalism severed the link between ownership and

923 While this resonates with Actor-Network Theory, this simplified offspring of Deleuze and Guattari's philosophy largely, if inadvertently, dispenses with an account of power relations.
control of production, and self-possession found new life in the sphere of mass consumption—of exchange. Mass consumption enabled the “experience” of the “endless plenitude of human diversity,” an experience that required the capacity for play, as both Walter Benjamin and the Pragmatists called it, that was the governmental subject’s ability to negotiate, rather than control, a wider world.

**AXIOM 4:** The commodification of whiteness is its privilege; it is a form of power.

Rather than alienating a white person from a prior authentic subjectivity, the power of self-exchange is mutually constitutive of white subjectivity itself. It does not lend itself to sovereign power, for as I have already argued, what is missing from this peculiar form of commodification is objectification in the ontological sense. Objectification for whiteness is not a state of being but a production of agency that is immersed and active in the world. The horror of the Middle Passage was in its brutal objectification of Africans as slaves to be sold on the market, which Spillers described as, to repeat an earlier quote, the “willful and violent (and unimaginable from this distance) severing of the captive body from its motive will, its active desire.” Her qualification that this is “unimaginable from this distance” is of enormous political importance. The nostalgic ascription of alienation to white, middle-class mass culture, which has occurred under many guises up to the present, initiates a chain of equivalences ending with slavery that is simply grotesque.

It is indeed a failure of the imagination, one that not only trivializes the legacy of slavery by pitying the privileged; it refuses the political

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924 In this whiteness is as much a product of the “reflexive rationality” of the “other modernity,” as Scott Lash describes it, as it is of the cartesian subject of “high modernity.” For governmental subjects, Mariana Valverde argues, “Illiberal practices of moral government...end up re-colonizing the white male adult’s relation to himself.” Scott Lash, *Another Modernity: A Different Rationality* (Oxford: Blackwell, 1999), 400; Mariana Valverde, “Despotism’ and Ethical Liberal Governance,” *Economy and Society* 25, no. 3 (1996), 359.

resources offered by capitalism, heterosexism, racism and a myriad other isms, some of which we know nothing of at this point, to undermine themselves.

The commodification of whiteness is a form of power. It is *not* the product of sovereign choice, and it does *not* enable freedom from all constraints. It most certainly is not innocent, but no political position is. It *does* offer the opportunity of interaction and agency in the world that is frequently denied those objectified by the legacy of slavery under the sign of blackness. This is not a hosanna to capitalism or a denial of its relations of exploitation. As Marx himself points out, though commodification is characteristic of capitalism it is not unique to it. Instead my point is to take commodification seriously for what it is for *some* people, and to point toward an understanding of a much-maligned Pragmatist strand of political practice in U.S. culture that offers resources that are indeed fraught with dangers of appropriation and exploitation. These reformers were sincere in their desire for greater freedom and participatory citizenship for those they thought had the potential, and these are worthwhile democratic goals when we try to universalize them from their racialized and sexualized histories, for they open up possibilities for collective political action for a better world.
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