

Organizational History

In 1908, a year before the creation of the National Board of Review of Motion Pictures, American Biograph offered one of its actors the chance to direct his first motion picture. The actor, D. W. Griffith, one of the towering artists of the silent film, dryly remarked to his wife: "In a way it's nice, but, you know we can't go on forever and not tell our friends and relatives how we are earning our living."¹ Thanks to the rapid technological improvements made since the 1890s when Thomas Edison developed the Kinetograph recorder and the Kinetoscope viewer, Griffith would soon have the means with which to make his great motion pictures.

The Kinetoscope, the formal name for the dearly loved and maligned "peep show, offered thirteen-second scraps of dances and prize fights in the essentially male environment of the penny arcades.² In the same year, 1894, the Lumière brothers demonstrated their Cinématograph, a combination camera-printer-projector. This was followed by George Eastman's introduction of the first motion picture film. Made from long strips of strong and flexible celluloid coated with a light-sensitive emulsion, the new film also had rows of sprocket holes on each side, expressly made to resist tearing in the film's high speed passage through the recording camera or projector. In 1896, film technology took another leap forward with the introduction of Thomas Armat's star-wheel, or Geneva Cross, an essential device which, by moving the images many times a second past the lens in a continuous succession of stops, rests, and starts at each frame, overcame the problem of wear and tear on film caused by a continuous spinning/pulling motion of the cog wheels. Despite the absence of an industry-wide standard projection speed, these improvements ushered in the age of projection where the moving frames were beamed onto a smooth wall or a rectangular screen in front of a seated mixed audience. This made it possible to extend the time-span and complexity of motion pictures, thus opening up new possibilities for the immature arts of screenwriting, cinematography, and editing.

By 1908, there had been many decisive advances in the fundamental technology of the motion pictures; but there were only a few signs of comparable progress in content. The pioneering years between Edwin Porter's, *The Great Train Robbery* of 1903, and Robert Wiene's influential *The Cabinet of Dr. Caligari* filmed in 1919, saw a meshing of technology and artistic ambition which established the foundations of the unique grammar and basic production values and techniques—the *means*—of the motion pictures. But the majority of motion pictures of the formative years, "tear-jerkers" or "two hanky shows" as they came to be known, were based on sentimental Victorian stage melodramas, pulp fiction, and the reports of crimes and court cases published daily in the yellow press.

Social workers active in the crowded immigrant and working-class neighborhoods of New York were more concerned with the improvised and transient theaters which could be easily set up in small rooms in crowded, dark, and badly ventilated tenement buildings. The middle classes looked upon them as illicit dens of prostitution, criminal activity, and rowdy, immoral behavior.

Public health officials feared that these unmanageable theaters would be breeding grounds for numerous communicable diseases. And then there was the constant fear of fire even though New York's Fire Department permitted the use of only the Edison and Powell projectors, which were considered safe when properly used and maintained. In a report prepared in 1908 by a joint committee of the People's Institute

¹ The Movies. Griffith and Mayer. Simon & Schuster, New York.

² The Kinetoscope could record but not project. In this mechanism the illusion of movement was created by turning a crank which ran the film between a light bulb and a magnifying glass located under an aperture through which the film was watched by a single viewer.

and the Women's Municipal League these popular movable theaters were condemned as hangouts for unemployed idlers and the homeless poor.³

On Christmas Eve, 1908, the opening round in the censorship contest which would shape the motion pictures of the next three decades, took place in New York, the capitol of the youthful motion picture industry. Pursued by reformers, Mayor George McClellan responded to the growing public outcry against the motion pictures by closing all the theaters. The shockwave that followed the mayor's action had barely finished rippling through the industry when the city's motion picture exhibitors closed ranks and secured a court injunction reopening the theaters. The motion picture exhibitors later attributed the mayor's actions to pressure from owners of "legitimate" or live, stage shows⁴, particularly burlesque and vaudeville, which were threatened with the loss of their working class audiences to the unless the drawing power of the motion pictures could be reversed by some means.

The exhibitors could not follow up this legal success by blocking the passage of the City Ordinance of January 9, 1909, which made it unlawful to admit into the motion picture theaters children under sixteen that were not accompanied by an adult. Eight days before the passage of the ordinance it was announced that the seven leading American motion picture production companies⁵ and two French companies, Pathé and Méliès, had merged to form the Motion Picture Patents Company. The company immediately announced that, under the patents laws of the United States, Great Britain, France, Germany, and Italy, only it had the right to photograph, develop, and print motion pictures, and that no one else would ever be granted a license to do so.⁶ In effect the Motion Picture Patents Company declared that it alone was the motion picture industry. This unmatched international monopoly set off epic legal battles which dragged on until 1917 when the Motion Picture Patents Company was ordered by the court to discontinue its unlawful acts, including the use of physical intimidation or "dirty tricks" against independent exhibitors. The victors were William Fox, Carl Laemmle and other independent producers, exhibitors and distributors.

Another outcome was the National Board of Review of Motion Pictures. Represented by Jeremiah Kennedy,⁷ the Motion Picture Patents Company in March 1909 prevailed on reformer Charles Sprague Smith of the People's Institute⁸ to establish an *ad hoc* committee comprised of fourteen social workers, educators, and clergymen, to watch over the motion pictures. This committee was understood by its members to be only a local response to what actually were nation-wide problems. The committee was later described as having been, "a crystallization of a thought and a movement".⁹ The affiliation of the National Board and the People's Institute continued until it was dissolved in 1922 by mutual agreement.¹⁰

³ National Board of Review of Motion Pictures Records (National Board). Subjects Papers, *Papers relating to the formation and subsequent history up to 1925 of the National Board of Review of Motion Pictures*. "Cheap Shows in Manhattan - Preliminary Report of Investigation, 1908".

⁴ National Board Records. Company Correspondence, *Moving Picture Exhibitors Association*.

⁵ Biograph, Essanay, Kalem, Kleine, Lubin, Selig, and Vitagraph.

⁶ The Motion Picture Patents Company gave the appearance of controlling all the aspects of the motion picture industry, i.e. production, distribution, and exhibition, but it could not really enforce its regulations.

⁷ Kennedy was an engineer and lawyer who had helped to create the western empire of the Harriman railroads and reorganized the Castota, New York plant of American Biograph and Mutoscope. He played a central role in the merger of the nine companies. While he was at Biograph he also headed an espionage network designed to track down rebel producers.

⁸ A social welfare and educational organization incorporated in New York in 1897. According to its Certificate of Incorporation, among the objectives of the People's Institute was the "interchange of thought upon topics of general interest between individuals of different occupations in order thereby to assist in the solution of important problems..." [See the **People's Institute Records**, Manuscripts & Archives Division, New York Public Library.]

⁹ National Board Records. Subjects Papers, *Papers relating to the formation and subsequent history up to 1925 of the National Board of Review of Motion Pictures*

¹⁰ National Board Records. Subjects Correspondence, *Everett Dean Martin to William McGuire, Dec. 19, 1922*.

Initially called The New York Board of Censorship of Motion Pictures, the committee prepared and submitted to Mayor McClellan's office a report on each film that it reviewed. Almost immediately the organization changed its name to the National Board of Censorship of Motion Pictures and proposed taking the place of the local boards in the big cities. By June of 1909 the National Board of Censorship of Motion Pictures had become administratively independent of the People's Institute, but continued to be financially reliant until 1914 by which time it was making recommendations on almost 90% of the motion pictures produced in the United States. Not long after 1914 it achieved complete independence by establishing a fee for reviewing the motion pictures submitted to it by the production companies.

In 1916 the National Board of Censorship of Motion Pictures changed its name to National Board of Review of Motion Pictures (National Board). In a letter written in 1948 to the President of the New York City Council, Richard Griffith, referring to this last change of name, states that the "Board's members had come to find the powers delegated to them repugnant to their conception of freedom of expression", and that they had decided that, "neither they nor anyone else had the right to dictate standards of morality..."¹¹ In effect, the change in name reflected a rejection by the National Board of its predecessors' past as a censor. After the change the National Board based its reviews on the established fundamental aesthetic principles of the theater and literature. Like its predecessors, the National Board never had power of enforcement. Prior to 1916 it had relied on the police and the courts for enforcement. But even before 1916 the National Board's predecessors had in the main depended on the cooperation of the industry.

The coming of sound in the late 1920s accelerated the National Board's final change from critic to independent arbiter of taste and educator of the public. The latter development is not surprising, given the National Board's roots in the Progressive Era social reform movement from which it emerged in 1909. Encouraged by the exhibitors, it had expanded its work to include sending reports on films to other communities in New York State, and later to cities and towns throughout the country. In order to deal with a variety of new responsibilities, the original committee of fourteen evolved into a large organization composed of numerous committees. The General Committee, or governing body, was made up of thirty members that were prominent in social welfare work and other professions in New York. A Review Committee was created which superseded the original Committee of Censorship, and was comprised of one hundred and fifty persons residing in or near New York. The members of this committee were divided into sections, one section meeting each morning or afternoon to review the films submitted to it and classify them by age groups. The Advisory Committee was composed of influential people across the country who responded to questionnaires sent to them regarding reaction in their communities to motion pictures.¹² The administrative work of the National Board was carried out by an Executive committee appointed from the membership of the General Committee. The Executive Committee also acted as a court of appeal whenever the decision of the Review Committee was disputed.

In addition to these committees there were also formed the National Committee for Better Films, which, in its periodical, *Photoplay Guide*, brought the more popular types of motion pictures to the attention of the exhibitors and public. The Committee on Exceptional Photoplays, comprised of students, teachers, and critics, issued the influential *Exceptional Photoplays*, a bulletin in which artistically ambitious films were sympathetically evaluated. These two important committees were staunchly opposed to censorship, which they viewed as a violation of first amendment rights and as a serious obstacle to the artistic development of the motion picture industry. The National Board believed that the quality of motion pictures would be improved by encouraging the participation of the public in the critical process. At the heart of the National Board's position was the conviction that the support and guidance of free and open public organizations like it, was a realistic and democratic alternative to political interference which tended to be harsh.

Over the years the functions and responsibilities of committees were changed, expanded, combined, or discontinued, and new concerns were met by forming new committees such as the National Committee on Films for Young People and the Schools' Motion Picture Committee. These committees published weekly

¹¹ National Board Records. Regional Correspondence, New York City. Richard Griffith to Vincent Imprellitteri, June 18, 1948

¹² National Board Records. Questionnaires, Attitudes of Mayors to Federal motion picture censorship, 1916.

bulletins of selected motion pictures, and also prepared lists of motion pictures chosen and classified according to the needs of different audiences and age groups. In many communities outside New York, however, *ad hoc* watchdog societies were being formed, usually in schools and churches, to exert pressure on local officials to ban motion pictures of which they disapproved. Underlying this action was the fear that as long as it was financed by the same industry whose product it judged the National Board could not be effective, and the Review Committee had to deny the charge that it was a cloak behind which immoral motion pictures were being made and that it lacked complete freedom of action.¹³

By 1917 many of these watchdog committees had been superseded, frequently by quasi-censorship in the form of regulatory supervision. Although they may not have been specifically authorized to do so, in some instances the police were empowered as “guardians of the public morals” to informally inspect motion pictures. In most communities, however, censorship came within the jurisdiction of the mayor’s office, or the office of the commissioner of public safety or public welfare. The actual duties of censorship of the motion pictures (and legitimate theaters, vaudeville, burlesque) and the related advertising—which often was merely sexually suggestive and having little to do with the actual motion picture—were normally entrusted to an appointed official. These officials were never called censors, but, licensers of amusements, or by some similar euphemistic title. Many of these officials were aware of the economic importance of the motion picture industry, receptive to its cultural potential, and sensitive to the problems and dangers of censorship. As regulation of motion pictures was only one of their responsibilities many licensing officials came to rely on the National Board for evaluation, guidance, and information. In turn, the National Board valued them as potential allies and important conduits of public opinion. Initially competitors, in time many local censors became supporters of the National Board and its policy of praising the motion pictures that conformed to its aesthetic standards, and simply ignoring those that did not. In time an informal coalition formed which managed for years to slow down the movement towards a nation-wide political censorship at the federal or state level.

Municipal ordinances were seldom clear about what was meant by key, and over-used, descriptive words such as obscene, indecent, and immoral. As a consequence, the who was responsible for enforcing the ordinance often had to interpret it as well. For advocates of censorship –and especially the industry itself– a knotty problem was compounded when disagreements arose at different political levels on what was actually taking place on the screen, and how this related to local regulations. The problem was not just one of choosing the right descriptive words. The pluralistic nature of American society made serious disagreement inevitable whenever ordinances defined what was objectionable in a motion picture, and often resulted in a motion picture being suppressed in one town and exhibited in another nearby town.

Despite increasing signs of public concern the industry continued to make motion pictures that were considered offensive enough to censor or ban outright. By 1921 support for political censorship had led to strong censorship bills being introduced in many states. The National Board worked to counteract these political measures, and in New York State was especially active in opposing the Lusk Bill. A principle objection to this bill was that it did not provide for the education of the industry. It was also the opinion of the National Board that the three censors created by the bill would be overwhelmed by the sheer number of motion pictures they would have to look at. The Board felt that this would leave little time or inclination for critical appraisal and rational judgment, and as a result, good pictures might be obscured by the bad. The National Board contrasted with this form of censorship its own reviewing committee now composed of over two hundred members. The National Board argued that it was fundamental to the democratic process that the people recognize their responsibilities and be active in their own behalf, and not to rely on government to do what they could and should do for themselves. In a letter of commiseration written by W. E. McGuire, Executive Secretary of the National Board, wrote that, “State Boards of Censorship are not representative bodies seeking to reflect public opinion but rather pseudo guardians of other people’s morals, expressing their own individual opinion...with a view to the publication of an annual report which will show how bad motion pictures are –in the opinion of the censors– thus asking for continuation of their jobs. A state censor

¹³ Public attitudes to the National Board can be found throughout the records, but material of special interest is in the Regional Correspondence, Regional Papers, Questionnaires, Company Correspondence, Azteca Films, Inc., and Subjects Correspondence, *Authors League of America*.

can not afford to say that pictures are good. If he did it would be an argument for the abolition of his position".¹⁴

In 1922 the former Postmaster-General, Will Hays, became the president of the Motion Picture Producers and Distributors of America, in fact the virtual czar of the motion picture industry. The National Board frequently protested that it acted in close cooperation with the Motion Picture Producers and Distributors of America; but their antithetical positions on film censorship were irreconcilable. When sound arrived in 1928 it brought with it a new problem: the question of spoken dialogue. Before sound it had been relatively easy and cheap to remove or alter offensive sub-titles—although changes often modified and falsified the intended meaning of the action—but to remove or change offensive spoken dialogue was could be even more destructive of the sense and continuity of the action. In addition, the cost of reshooting or reediting was a constant source of conflict between producers and censors. So, as it had to in an industry on the verge of artistic maturity, the question arose of the intent of the makers of the motion picture, and whether a freedom should be granted a Murnau, Pabst, Vidor, von Stroheim, Keaton, Chaplin, Ince, or Griffith that would not be allowed a less serious director? Which led inevitably to another question: What constitutes seriousness?

These were questions with which the National Board had begun concerning itself. It stressed that a discriminating public would be the best arbiter of what was good and what was bad in the motion pictures, and began to emphasize as its primary responsibility the education of the viewing public rather than the guidance of the industry. The monthly *National Board of Review Magazine* (which now combined, *Exceptional Photoplays*, *Film Progress*, and *Monthly Photoplay Guide*) became a more important medium of criticism and information than it had been. In it attention was given only to motion pictures which were considered by the grass-roots reviewers to have achieved distinction.

The economic calamity of 1929 brought a new awareness and perception of reality to the studios of Hollywood. It also caused changes in style and content in the motion pictures. The naiveté that marked the motion pictures of the twenties was shattered. Better able to express this new awareness were the unemployed New York actors, directors, and writers who flocked to Hollywood looking for work. They brought to the motion picture industry a caliber of dramatic training hitherto unknown to Hollywood. Many also brought with them a social consciousness that would radically inform the motion pictures of the thirties and set the stage for the anti-communist witch hunts of the forties and fifties.

In response to the formation of a Roman Catholic pressure group, the National Legion of Decency, Hays appointed Joseph Breen in 1934 to enforce the revised Motion Picture Production Code which had been written in 1930 but had been largely ignored. The Motion Picture Producers and Distributors of America agreed to bar any motion picture not passed by Breen. The National Board's opinion of the Code had been expressed in 1930 by Barrett in a letter to the Boston censor: "The code is absurd and ridiculous...it would reduce all pictures to pap and you may be sure the producers are not going to do this since they have to cater to an audience made more mature by the talking film."¹⁶ In a landmark decision in 1952 involving alleged blasphemy in Roberto Rossellini's *The Miracle*, the motion pictures were ruled by the U.S. Supreme Court to be a "significant medium for the communication of ideas." This decision reversed the 1915 Supreme Court ruling that motion pictures were, "business, pure and simple", and extended to the motion picture the protection of the First Amendment. In 1953 Otto Preminger's controversial film, *The Moon is Blue*, was released without the seal of approval of the Motion Picture Producers and Distributors of America. The Motion Picture Production Code was gradually liberalized and, in 1968, abandoned in favor of a voluntary system.

¹⁴ National Board Records. Company Correspondence, *Universal Pictures, McGuire to J.M. McAleer, Feb. 11, 1919.*

¹⁶ National Board Records. Regional Correspondence, *Massachusetts, Boston.*

Always in financial difficulty, during the 1940s and 1950s the National Board struggled against insolvency. The reviewing fees on which it depended had dwindled and it had little voluntary help from an industry now grown powerful and skeptical of the importance of the role played by the National Board. Its relationship to the industry shaken, the National Board also found that its image as an arbiter of taste had been eroded, and by the 1970s its activities had been reduced to publishing the internationally influential periodical, *Films in Review*, as the successor to the National Board of Review Magazine. *Films in Review* is still being published. The National Board's yearly awards for best picture, director, actor and actress, are care esteemed.