

MOTION PICTURE COMMISSION

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MOTION PICTURE COMMISSION

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ASPECTS OF FILM

Advisory Editor
Garth S. Jowett

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MOTION PICTURE COMMISSION

HEARINGS

BEFORE THE

COMMITTEE ON EDUCATION

HOUSE OF REPRESENTATIVES

SIXTY-THIRD CONGRESS

SECOND SESSION

ON

BILLS TO ESTABLISH A FEDERAL MOTION
PICTURE COMMISSION



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COMMITTEE ON EDUCATION.

HOUSE OF REPRESENTATIVES, SIXTY-THIRD CONGRESS.

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MOTION PICTURE COMMISSION.

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVES,
Friday, March 20, 1914.

The committee met at 10.30 o'clock a. m., Hon. Dudley M. Hughes (chairman) presiding.

Present also: Mr. Doughton, Mr. Abercrombie, Mr. Baker, Mr. Clancy, Mr. Platt, Mr. Treadway, Mr. Fess, and Mr. Rupley.

The CHAIRMAN. Gentlemen, the committee will come to order. I wish to say that this is a bill "To create a new division of the Bureau of Education to be known as the Federal Motion Picture Commission, and defining its powers and duties." We will be pleased to hear from Mr. Crafts.

STATEMENT OF REV. WILBUR F. CRAFTS, SUPERINTENDENT AND TREASURER OF THE INTERNATIONAL REFORM BUREAU.

MR. CRAFTS. Mr. Chairman and gentlemen, I think I will read the bill, as some of the members of the committee may not have read it, although it will go into your record.

The CHAIRMAN. All of the members have the bill before them.

[H. R. 14805, Sixty-third Congress, second session.]

A BILL To create a new division of the Bureau of Education to be known as the Federal motion picture commission, and defining its powers and duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Federal motion picture commission be, and the same is hereby, created, to be composed of five commissioners appointed by the President, not more than three of whom shall be of the same political party. The commission shall be a division of the Bureau of Education.

SEC. 2. That each commissioner shall hold office for six years, except that when the commission is first constituted two commissioners shall be appointed for two years, two for four years, and one for six years. Each commissioner shall thereafter be appointed for a full term of six years. Vacancies shall be filled in same manner as the original appointment. The salary of the chairman shall be \$3,500 a year, and of each other commissioner, \$3,000 a year.

SEC. 3. That the commission shall elect a secretary, whose salary shall be \$1,500 per annum. The commission may appoint inspectors and fix the compensation of each, provided that in no case the compensation of an inspector shall be more than \$5 per day exclusive of traveling expenses. Actual and necessary traveling expenses shall be allowed to those who travel on the business of the commission.

SEC. 4. That the commission shall license every film submitted to it and intended for entrance into interstate commerce, unless it finds that such film is obscene, indecent, immoral, or depicts a bull fight or a prize fight, or is of such a character that its exhibition would tend to corrupt the morals of children or adults or incite to crime. The commission may license any film, subject to such

excisions, amplifications, or alterations as the commission may direct and require to be made. The commission may, by unanimous vote, withdraw any license at any time for cause shown.

SEC. 5. That the commission shall adopt an appropriate seal, which shall be affixed, in such manner as the commission may direct, to every film approved by it.

SEC. 6. That when any film has been approved the commission shall issue a certificate in the form adopted by the commission. These certificates shall describe the film and shall bear a serial number, and shall state its title, the day upon which it was approved by the commission, and the number of linear feet contained therein.

SEC. 7. That the commission may if it has licensed a film issue a seal and certificate for each duplicate thereof without an examination of such duplicate.

SEC. 8. That no copyright shall be issued for any film which has not previously received the certificate and seal of this commission.

SEC. 9. That no person, firm, or corporation shall carry or transport any film from one State into another State of the United States, or from any foreign country into any State of the United States, unless such film has been licensed by the commission and a true copy of the certificate accompanies it.

SEC. 10. That no moving-picture film that has not been licensed by the commission and which does not bear its stamp shall be exhibited in the District of Columbia or any place under the jurisdiction of the United States or in any of the Territories of the United States.

SEC. 11. That a fee of \$3 shall be charged for the examination by the commission of each film of one thousand feet or less. Any change or alteration in any picture on the film after it has been licensed, except the elimination of a part, shall be a violation of this act and shall also void the certificate and seal of such film.

SEC. 12. That the commission shall annually, on or before the first day of January in each year, submit a written report to the United States Commissioner of Education. In this report, and by other means, the commission shall make recommendations to importers and producers of films and to the public regarding the educational and recreational use of motion pictures.

SEC. 13. That the penalty for violation of this act shall be a fine of not more than \$500, or imprisonment not more than one year, or both, in the discretion of the court, and the films unlawfully changed, exhibited, or transported shall be confiscated.

SEC. 14. That this act shall take effect immediately, except sections eight, nine, and ten, which sections shall take effect nine months after date of the approval of this act.

MR. CRAFTS. We, will, perhaps, want to read it for amendment at the end of my remarks.

I have here the greatest expert on the matter of motion-picture investigations in the country, Mr. William Sheafe Chase. I shall speak on the matter in a preliminary way, relying on him and Mr. Pringle for the details that the committee will want. The first thing that I want to bring before the committee is that there is a distinct precedent for the passage of this bill in the action of the last Congress, when Mr. Roddenbery, of Georgia, had a bill passed to prohibit films representing prize fights. That bill went through Congress without any serious opposition because of States' rights or other objections. That is now the law of the land. We have begun the national censorship—which we prefer to call national licensing in this bill—of moving pictures. Then, in the tariff bill, passed in this Congress, power is given to the Secretary of the Treasury to exclude immoral films from abroad. There are two fragments of this bill already in existence, and to bring those together and to complete the framework is the purpose of this bill.

The demand for such a bill is shown from the fact that there are four States that have censorships already at large expense. Each

one of them is as expensive as if the whole country was being taken care of. Ohio, Kansas, Pennsylvania, and California have official censorships. Then there are many cities, including San Francisco and, I think, Chicago and Cleveland, that have boards of censorship. The number is multiplying in the various States and cities, and on account of this the moving-picture men themselves are coming to feel that while they are not in favor of what they call censorships, they would rather have one censorship than the inevitable multiplicity of State and local censorships.

A film is an article which is essentially an article of interstate commerce. I do not know of anything in the United States that is more essentially and exclusively an article of interstate commerce than a motion picture film. Of course, some of them are only used in a single State, but the greater proportion of them are made to go from town to town across the whole country. It is preeminently a question of interstate commerce, and here at Washington is the normal and natural point for handling the question of censorship.

Furthermore, the films have to come here for a copyright. I have been consulting with the Librarian of Congress, and he tells me that all films are sent here for copyrighting, and it would put no additional transportation expense upon the men who manufacture them to first send them to the motion-picture commission of the Bureau of Education, after which they could be copyrighted unless prevented by being refused a license.

There is an unofficial board of censors in New York, but they have no authority to compel film manufacturers to submit any pictures unless they choose to do so. Therefore, the worst pictures are not sent there, and, furthermore, they have no adequate funds to do the work, and the State and local boards have turned down a great many of the pictures which they have passed. The country in general is not satisfied with this unofficial nominal board.

What I want especially to emphasize here is that this is distinctly and preeminently an interstate-commerce business. A picture is made at great cost, sometimes as high as \$50,000 being spent on one picture. Men are sent far off, to Burma, to the polar regions, or to the battlefields of Greece to make pictures, and they necessarily must have a wide constituency, and are as well adapted to one State as to another. They must come to Washington to start with, and then go out on their national journey. It is the most logical and normal thing to have them sent here for the purpose of being licensed or refused a license.

Another very interesting precedent—for I am talking more particularly about precedents at the beginning of this hearing—is in regard to the copyrights. I think the most valuable feature in this whole matter is that the films will get no copyright unless they have passed this board and have received a license. And that is in accordance with the precedent which Mr. Putnam, of the Library, gave me, that while they do not ordinarily exercise any judgment in granting a copyright to anything, whether good, bad, or indifferent, there was this one exception, that when a book has been declared obscene by the courts it can not get a copyright in the United States. So that anything that has been rejected by this board can be refused a copyright on the same grounds.

There is a great abundance of argument for such a board. The pictures are visited, we are told, by fully 5,000,000 of people, and 25 per cent of them are young persons, children, boys, and girls in their adolescent years. It is a vast interstate business affecting a larger number of our people than any other thing before us to-day, and there is a crying need for censorship in order to avoid the presentation of pictures that are not suitable in character.

I will read you a statement by Judge Edward Swan in the New York World of March 15, 1914: "I have had many young people of both sexes tell me that they got their first suggestion to commit crime from scenes portrayed in motion pictures." This is simply representative of the many statements that could be supplied showing the effect of a criminal scene upon a lot of boys when it is represented in an improper way. The natural tendency under such circumstances is for them to want to get a pistol and shoot somebody in order to make life interesting. When an indecent dance or an indecent scene is represented, it is very natural for adolescent boys and girls to go out and imitate it. And so, just as the board of education looks after education and sees that it is carried on in the right way, so this board would deal with this question of securing the presentation of proper pictures. I think it would add great dignity to the motion-picture business to have the pictures supervised by a division of the Bureau of Education.

The public would recognize the fact that the pictures to be presented would be of real educational force, and it would incline, in my opinion, a great many more of the thoughtful mothers to take their children to moving-picture shows. They would feel, if the business was under the supervision of the board of education, that it was a safe place for them and their children to attend, and the moving-picture men themselves would gain dignity in the business. They would gain patronage from among the solid class of citizens which would more than offset any loss there might be from the riffraff who might have attended a salacious picture that had been cut out. At any rate, they recognize that censorship of some sort, or licensing of pictures, which is the preferable way to do it, is a coming event.

Now, as to the money features of the bill. Of course, we want to emphasize to Members of Congress that this bill is going to cost Congress nothing. The moving-picture men have said to me that they are entirely willing to pay the bills. The president of the New York Moving Picture Co. told me that they were willing to pay \$3 a film, so that I can not be said to have invented that. It came from him. But it has been suggested that \$1 is enough, and that even that may be cut down after the work is well under way, especially if the manufacturers and exhibitors came heartily into the scheme and reduced the difficulty of enforcement. But the men are willing to pay the bills. The moving-picture men desire one censorship that will take the place of the vexatious State and local censorships, the feeling being that after a while this board will make it unnecessary to have a board of censorship in every city and town, and that if that condition takes place they will not have to pay for 50 vexatious examinations, but for one. Therefore they say they are willing to pay the actual cost of the reasonable enforcement of this provision.

The CHAIRMAN. This national supervision would not in any way conflict with the several States?

MR. CRAFTS. No. The national supervision will leave everything to the States that they choose to take. For instance, the State and local boards would have entire control of how the building should be erected, all about the fire escapes, healthfulness of the building, seating, and so on, and they would still have the right, if they choose, and the national board did not make it unnecessary, to have State censorships. While the duties of boards of censorship would be light, on account of the work done by this board, they would still have the right in any State to have a censorship board.

THE CHAIRMAN. In other words, this would not infringe in any way upon the prerogatives of the States?

MR. CRAFTS. Not in the least, because it relates entirely to interstate business, and because it still leaves the States entirely free to do what they please with pictures that they find are not sufficiently provided for in this way. If this proved satisfactory, and the States choose to accept its work, those having boards would be likely to economize if they found this would do the work. An enormous amount of time and money would be saved by having it done once.

I might use this illustration, that the moving-picture men are very much in the position of traders on the Rhine in the days of the robber barons, when they were liable to be stopped in front of any castle and taxed for permission to pass. Without national supervision every State must protect itself, and every town must protect itself if the State is not doing it, so that there is a great multiplicity of effort and of expense. All of these matters will be brought out more fully by those to follow me. While the fee of \$1 is much lower than was named by these men, it is deemed that a fee of \$1 would be sufficient, and that the amendment which Mr. Chase will suggest might be made, and that the fee should be lowered after three months, if it be found possible to get a revenue of \$25,000 without charging that much.

The only amendment I wish to suggest is at the end of section 3, where provision is made for inspectors without limit at \$5 a day. I am sure Congress would not allow it to remain in that way, and I would suggest an amendment as follows:

And other expenses not exceeding a total of \$25,000, including salaries.

THE CHAIRMAN. Where does that appear?

MR. CRAFTS. At the end of section 3.

THE CHAIRMAN. In line 14, after the word "commission"?

MR. CRAFTS. Yes. You will at once see that that limits the discretion as to inspectors. They are allowed to appoint as many inspectors as they can within that limit and to divide the expenditures, as I think that ought to be, between clerical and other parts of the work with reference to efficiency. In a new business like this they must have some liberty, and then after a year's work different provisions might be made if Congress found them to be necessary.

I want to have inserted in the record, which I will not take time to read in full, perhaps, a very elaborate examination of 21 moving picture places in Schenectady, N. Y., by the Journal Club—21 different moving picture places in the city of Schenectady. This Journal Club went into it more thoroughly than I have ever known anybody to do it. That club is made up of principals and teachers of the public schools, a committee being appointed to investigate.

MARCH 9, 1914.

Hon. J. T. SCHOOLCRAFT,
Mayor, Schenectady, N. Y.

DEAR SIR: On January 20, 1914, the Journal Club of Schenectady, a body consisting of all men principals and teachers in the city public schools, appointed a committee to investigate the moving-picture situation. This committee desires to bring its findings to your attention and invites your careful consideration of the facts.

1. Moving pictures may be used to great advantage both for educational purposes and for amusement if proper pictures are shown. Educational pictures, we believe, would include such as these: (1) Pictures illustrating the geography of travel, commerce, the industrial arts, etc. (2) Pictures illustrating historical subjects, dramas, monuments, pageants, current events, etc. (3) Pictures illustrating the natural sciences, fisheries, birds, animals, their habits and habitats, etc. (4) Pictures illustrating literary subjects—Pied Piper of Hamelin, Lady of the Lake, Shakespearean dramas, etc.

Pictures for amusement should include such as are funny without being disrespectful, vulgar, or suggestive of the immoral. We recognize the difficulty here, but believe the following rules can be observed:

(1) Harmless fun will not show old age to disadvantage; it will not ridicule the crippled or demented; it will not make light of conjugal infidelity; it will not lower respect for women. (2) Harmless fun will be based upon innocent situations, such as mistaken identity, surprises, antics of clowns, etc.

2. Every moving-picture theater in the city has been visited, and the following facts have been discovered:

(1) The theaters are badly lighted and poorly ventilated.

(2) Great numbers of children are admitted contrary to the law, which states that children under 16 years of age are not to be allowed to moving-picture performances unless accompanied by parents or guardians.

(3) Thirty-one children, unaccompanied by parents or guardians, under 16 years of age, whose names, addresses, and ages are known, were seen in seven theaters by principals or teachers during a single visit. Many children, apparently unaccompanied, were present, but we confine ourselves to those whose names and ages we definitely know and specify here: Art, 4; Happy Hour, 2; Park, 1; Cozy Corner, 7; Orpheum, 5; Bijou, 4; Majestic, 8.

(4) Passes are being given to children under 16 years of age for services rendered, and these children are admitted unaccompanied by parents or guardians. This is contrary to law.

(5) A large percentage of pictures seen during our investigation were valueless, vulgar, unmoral or immoral, representing such scenes as silly love affairs; highly sensational scenes—fights, drinking scenes, robberies, hairbreadth escapes from fires, etc., accidents, scenes of violence, western hold-up, etc.; incidents making light of crime—ridiculing the officers of the law, sympathizing with the culprit, etc.; conjugal infidelity; and social impurity.

The committee therefore offered the following resolutions, which were unanimously adopted by the Journal Club:

Whereas we believe that moving pictures of the right sort are of great benefit to the public in general and to children especially; and

Whereas upon careful investigation it is found that theater managers are violating the law in regard to the admission of unaccompanied minors; and

Whereas many of the pictures shown are valueless, vulgar, unmoral, or immoral; and

Whereas, in the interests of 18,000 children of school age in the city of Schenectady, we believe that these conditions should not be allowed longer to exist; and

Whereas many picture theaters as at present conducted are detrimental to the well-being and morals of our youth: Be it

Resolved, (1) That the Journal Club present these findings to Mayor Schoolcraft, through the hand of Dr. A. R. Brubacher, superintendent of schools;

(2) That we urge Mayor Schoolcraft to see that the law concerning minors is enforced, and that he forbid the exhibition of any pictures in Schenectady that have not the approval of the national board of censors;

(3) That the Journal Club appoint a committee of five to attend a meeting on Wednesday, March 11, at 12.15 p. m. in the Young Men's Christian Association rooms, to meet other committees representing the Ministerial Association, the Young Men's Christian Association, the Humane Society, the welfare department of the General Electric Co., and endeavor jointly to secure legislation

that would clothe the national board of censors with power, and also to consider such other ways and means as would make the moving pictures exhibited of the greatest possible value to our city.

JAMES BAIRD,
C. E. WILLIAMS,
C. P. DALTON,
E. R. WHITNEY,
Committee.

The above resolutions were unanimously adopted at a special meeting of the Journal Club held March 4, 1914.

This morning I received a petition from Schenectady, where they made this thorough examination, which will be handed to the New York Member representing that district.

Now, I think that is about all I care to say, as there are two others here who have an intimate knowledge of this matter. The demand for censorship is certainly nation-wide. The business is an enormous business, and it is an interstate business. It seems to me, as far as our information goes, that the better class of exhibitors and manufacturers are with the moralists in feeling that the best way to accomplish the protection of morals and the protection of the business at the same time is by a national board of commissioners connected with the Bureau of Education. I thank you.

MR. RUPLEY. I can understand some reasons for connecting this particular bureau with the Bureau of Education, but you must recollect that that bureau is in the Department of the Interior. It seems to me you should not connect it with that bureau, but should connect it with the Department of the Interior. Do you think your act is properly worded?

MR. CRAFTS. You think it would be better to make it the Department of the Interior?

MR. RUPLEY. Yes.

MR. CRAFTS. Technical amendments of that kind can easily be inserted in the bill.

MR. RUPLEY. Because the Commissioner of Education is simply the head of a bureau of that department.

MR. CRAFTS. I suggest that that change be made.

MR. ABERCROMBIE. But this is a division of the Bureau of Education.

MR. RUPLEY. But it is within the Department of the Interior.

MR. CRAFTS. If that will make it clearer that change can be made. Of course, that is what a hearing like this brings out.

MR. TREADWAY. Of course, this is an interstate matter, but in addition I should consider it was a moral and police matter. What is your opinion as to the rights of the Federal Government in relation to the police control of local conditions? Frequently films are censored locally, and what might pass in one community, be acceptable to the authorities of one community, might not be acceptable in another community. What is your idea of our Federal authority under those circumstances?

MR. CRAFTS. You can look at that from two points of view. One point of view would be that of the motion-picture men themselves, and it seems to me it would be much better for them not to be under the necessity of having a valuable piece of property go out with any uncertainty about it; that is, that it would be accepted in some communities and not accepted in other communities, but to have it de-

terminated at one place for all time. As I have said before, these films are mostly made for use in interstate commerce, and they could well be censored by a national board of this kind.

Mr. TREADWAY. Suppose a film concern in New York were prepared, as I suppose they are, to supply thousands of moving pictures throughout New York State. Would this board have jurisdiction?

Mr. CRAFTS. This bill would not affect such a concern at all. If they stayed within the State they would not be affected, but if they wanted the privilege of traveling over the country then they would be affected. In matters entirely within the State, the State and cities must look after everything together. But the pictures I have in mind, and the only ones which would come here for a license, would be those designed for interstate business. And you see we have a precedent right here in the matter of copyrighting books; we have a precedent in the matter of patents; we have a precedent in the matter of laws which have already passed and to which I have already referred, laws preventing the exhibition of pictures showing prize fights. Under the law as it now stands, we do not allow the exhibition of pictures of prize fights or bull fights when those pictures are in interstate commerce.

The CHAIRMAN. And we stop the sending of obscene books through the mails.

Mr. CRAFTS. Yes; and that is a very strong analogy. The law prohibits the transportation of obscene books by express and the transportation of lottery tickets, on the ground that they are essentially interstate matters.

Mr. TREADWAY. Then there is another feature along that line. The reason why such legislation as this would come before this committee. I suppose, is because of its moral features, connecting educational matters with the moral condition of the theater, and that sort of thing, but what is your idea as to whether this is legislation with which we should deal or legislation with which the Committee on Interstate and Foreign Commerce should deal?

Mr. CRAFTS. That was fought out for several hours yesterday, as to whether it should come to this committee or not, and it was finally decided that it belonged here.

Mr. TREADWAY. Who made that decision?

Mr. CRAFTS. Well, I do not know that it was fought out, but it was considered by the committee, by the clerk——

Mr. TREADWAY (interposing). By the proposer of the bill?

The CHAIRMAN. This bill was referred by the Speaker to this committee.

Mr. CRAFTS. It was several hours after it went in and they thought of all those matters, I judge. The dominating thing in this bill is that it is making a new division in the Bureau of Education.

Mr. TREADWAY. That is an arbitrary power placed in the board of education rather than somewhere else. That is what the bill is doing, but I am looking at it from the standpoint of the subject matter itself.

Mr. CRAFTS. I think the dominating thought is that these moving-picture films are of great educational force. Mr. Edison is planning to have a complete system of education in connection with these films.

Everybody appreciates the fact that these films have great possibilities along the line of upward or downward education, and so it seems that the most suitable place for it, in recognition of its moral and its national scope, is in connection with the bureau of education.

Mr. RUPLEY. I do not think you have answered the inquiry of Congressman Treadway. One inquiry was relative to the conflict between national authorities and local authorities. Now, that does not arise relative to the act of Congress prohibiting the presentation of pictures of prize fights; the conflict will arise relative to the violation of the provisions of this act of Congress or the violation of certain acts of assembly of particular States. The State board of censorship would decide in reference to any violations of the acts of assembly and the national board could not pass upon such violations, and in order to avoid the interstate-commerce proposition they might say, "We have the right to use this film within the State, and as long as"—

Mr. CRAFTS (interposing). Is it your point that perhaps it may be unconstitutional to provide a penalty?

However, we do not provide any penalty, mark you, except for the transportation of films in interstate commerce. There is a penalty now, as I understand, for the transportation of obscene books, and that has passed the Supreme Court, and in the transportation also of lottery tickets. We do not punish for a violation except in the Territories and the District of Columbia, and we also punish when films that are not passed are transported in interstate commerce—that is, films that have not a certificate, which is the same idea as that in connection with tobacco. If tobacco is not properly stamped, as I understand it, there is a violation of the internal-revenue laws, either in shipping it from State to State or selling it anywhere without a stamp. In this case the penalty is never for any act in the State. So far as that exception is concerned I have made that very clear. We have two distinct parts in the bill—in the District of Columbia, the Territories and the Canal Zone, or any district controlled by the Government. And I may say that the Canal Zone will need this supervision very much when it gets well under way. In all of those cases the Government controls and punishes the violation of any act contrary to this bill. But when it comes to a State, they can exhibit anything without a license, and they are only under the control of the State or local boards. They do not have to come here if they manufacture films for use in a State alone; they do not have to come here for those films that are manufactured for local exhibition.

Mr. RUPLEY. We could not reach them under this act or any other act of Congress?

Mr. CRAFTS. No. We have taken into account the matter of the infringement of State rights. Although I am not a lawyer, I have familiarity with these features of State and National regulation.

Now Rev. William Sheafe Chase will speak to you. He is the rector of a church; he is at the head of the Social Service Commission of the Diocese of Long Island; he is also vice president of the New York Society for the Prevention of Crime. He very often goes to Albany, and there he is a very welcome figure among the legislators.

because they know he always brings them the facts. I am sure he will illuminate this subject and be able to answer almost any question. He has just been writing on the subject in the Motion Picture Magazine, and has given it very large study.

The CHAIRMAN. Mr. Chase, the committee will be very glad to hear from you.

STATEMENT OF REV. WILLIAM SHEAFE CHASE, RECTOR OF CHRIST CHURCH, BEDFORD AVENUE, BROOKLYN, N. Y.

MR. CHASE. I would like to submit three numbers of the Motion Picture Story Magazine, which contain the debate conducted between the president of the General Film Co. (Inc.) and myself upon the question of censorship. These magazines show what he has said and what I have said. These will give his views in opposition to mine, month by month, and you get an idea of both sides of the situation. He has since been superseded by somebody else, but when those articles began he was the president of that company.

(The articles referred to by Mr. Chase follow:)

[February, 1914, of Motion Picture Story Magazine.]

THE GREAT DEBATE: SHALL THE PLAYS BE CENSORED?

DOES CENSORSHIP ASSURE BETTER PLAYS, OR IS IT BESET WITH DANGERS?—PROMISE OR MENACE?

Affirmative, Rev. William Sheafe Chase, D. D., Rector of Christ Church, Bedford Avenue, Brooklyn. Negative, Frank L. Dyer, President of General Film Co. (Inc.).

EDITORIAL NOTE.—There is, perhaps, no question before the public so important and perplexing as the censorship question. In every country, in every State in the Union, and in almost every city and hamlet, the subject is pressing for solution. Debating societies everywhere have discussed it, churches and civic societies have demanded it, newspapers and magazines have expressed opinions for and against it, the police authorities have been urged to adopt it, while the film manufacturers, exhibitors, and the amusement world are apparently divided on the subject. What is the solution? Is the present national board of censors inadequate? Shall there be official censorship? Shall the police, or the church, or the State, or city authorities be given the right to censor all plays? Or shall all censorship be abolished, and shall the public themselves be the sole judges of what plays shall be exhibited and of what shall not? Is it right that a few persons shall determine what you and I shall have for our amusements, and if so, who are those persons and whence their right? And, on the other hand, shall the theaters be permitted to exhibit indecent plays, if they wish, to corrupt the morals of the public? And will they, in the absence of censorship? These are some of the many questions that must be answered, and we have secured the services of two of the ablest and most representative men in America to discuss the subject—Canon Chase and President Dyer. Canon Chase has long been before the public as an advocate of various civic improvements and moral uprightness, and has had wide experience. Mr. Dyer was for years the attorney for and president of the allied Thomas A. Edison interests. Perhaps nothing more need be said of his ability and experience, but when it is noted that he is an author of recognized merit and is now president of the General Film Co., it is apparent that he is well equipped to conduct his side of this debate. Thus we are able to introduce to our readers two experts and authorities on the subject of censorship, and we may confidently expect them to give us the "last word" pro and con. In this issue Canon Chase opens the debate with many convincing arguments in favor of a more complete and rigid censorship, and Mr. Dyer sets forth his side of the controversy in a manner that must cause even those who differ with him to pause and reconsider. In the March number of this magazine Canon Chase will reply to Mr. Dyer, adding

still other arguments to fortify him in his position, and in the same number Mr. Dyer will reply to Canon Chase and fire another broadside from his battery of arguments. Then there will come rebuttals and sur rebuttals, and, when the debaters have done, we are confident that the whole subject of censorship will have been covered in a masterly manner.

FIRST ARTICLE FOR THE AFFIRMATIVE. BY CANON CHASE.

This debate upon the advisability of censorship of motion pictures is begun with confidence in the uprightness of my opponent's motives, with a wish to benefit the business interests involved, and with a very strong desire to secure freedom for the children of our land to grow to maturity in a normally uplifting, moral atmosphere.

"I shall never go there again; it was horrible," said the boy, who had come from a motion-picture show all of a tremble.

"What was horrible?" said Canon Rawnsley, of England, to the horrified lad. "I saw a man cut his throat," was the reply of the boy, whose liberty had been infringed by an unscrupulous motion-picture manufacturer, or by one who was ignorant or careless of the rights of childhood.

"There was no harm in it at all," said an exhibitor, in England, who had gone to Canon Rawnsley to get him to protect him from the unreasonable criticism of the proprietor of the building where he was giving his show. "It was the finest natural history study of lions that children could ever see," said the exhibitor. In reality it represented a terrible tragedy of a lion tamer being torn to pieces in the den.

Was it ignorance or unscrupulous greed that made it impossible for this exhibitor or the manufacturer of these films to respect the rights of childhood?

It is a crime too hideous for consideration to seize the idle, playful moments of a child in his most impressionable age and show him scenes of safe cracking, drunken debauches, marital infidelity, sensuous lovemaking, abduction, and arson. Such pictures will give his nervous, mental, or moral nature a shock, twist or bent which will brutalize or otherwise degrade his whole life.

The Bishop of Mexico recently said that there are many who think that one reason why Spain and Mexico have not progressed like other nations is because bull fighting has been the national sport for centuries, due to the brutalizing of human nature which the cruel sport has entailed.

In July, 1912, Congress used its power over interstate commerce to protect the childhood of the Nation, to a certain degree, from the brutalizing effects of evil motion pictures. It made it a crime for anyone to carry a motion-picture film of a prize fight from one State to another. But Congress should do more than this in order to establish the freedom of children, and should guarantee their right to effective protection from brutalizing and other immoral influences.

Think of the money and governmental machinery which Congress and the States are using to conserve forests, to enrich the land, to improve rivers and channels, protect harbors, and promote the welfare of cattle.

Congress has found it necessary to control freight rates and restrain trusts in order to protect the small businesses of the country.

Is not the mental and moral welfare of the children worth more than all the property, lands, and animals of our Republic? The children are the lifeblood of the Nation.

It is foolishness for New York City to spend thirty-eight millions a year to educate her children and then allow a false, inhuman, and criminal code of morals to be taught to them in her motion-picture shows. It is a hideous neglect to let moral blood poisoning thus afflict our Nation.

Congress should effectively censor or license motion pictures, either through the Commissioner of Education, or the copyright office, or the Department of the Interior, or through the Children's Bureau of the Department of Labor, or in some other way.

By the new tariff law Congress has provided that all motion-picture films that are imported from foreign countries shall first be censored under the direction of the Secretary of the Treasury. Will Congress be less conscientious in the exercise of its interstate power than of its power over the importations from foreign lands?

The Federal law should forbid any unlicensed film to be carried between the States. The statutes of the United States forbid immoral pictures in the Territories and the sending of any obscene, lewd, or lascivious pictures or other matter of an indecent character through the United States mails. It is clearly

improper for the copyright office to grant a copyright to any immoral picture, for an illegal article can have no property value nor existence in law. Congress ought to act effectively to prevent interstate traffic in illegal articles.

Some States, such as Ohio, California, and Kansas, have already inaugurated State boards of censorship. These and other States should cooperate with the Federal censorship, when inaugurated, in such a way as properly to safeguard the development of the life of their children.

Pictures which make robbery attractive and show clever ways of eluding detectives, which ridicule teachers and policemen, which convey the impression that married people are seldom faithful to their marriage vows, that sexual sins are universal and harmless, which depict cruelty and make the details of crime attractive, should be declared by the law of the State to be unlawful to be shown in any licensed place of amusement—at least during hours when young children attend.

It is claimed, however, that many pictures which are harmless for adults are dangerous for children, and that it is unreasonable to refuse to let pictures be shown merely because they are bad for children, and thus rob adults of their rightful amusement.

The truth is that it is better that adults should be restrained in their amusements rather than that the children of the Nation should be demoralized and corrupted. But this difficulty can be remedied in each State by arranging that films suitable for adults but not for children may only be shown after 8 o'clock in the evening, when children should be forbidden to attend, except with the parents or guardian.

But when I speak of censorship I do not use the word censor in the Roman sense, as inaugurated in the Roman Republic in the fifth century before Christ and restored in the most degenerate days of the empire in a vain attempt to stop a flood of vice. In the Roman sense, the two censors, acting together, had an arbitrary power from which there was no appeal.

I use the word "censoring" in the English sense of "licensing." The censor is the licenser.

The licensing power of the Government is exercised where ordinary persons are liable to be deceived and misled in the purchase or use of articles of merchandise, especially where there is danger to life and morals in the use of the illegal articles. After an official inspection, those articles, places, or persons which are found to conform to a legally fixed standard are granted a license. But the refusal to grant a license can not be arbitrary, for there is always a right to appeal from the decision of the inspector or licenser.

The growth of the license system has been a very noticeable feature of recent years to meet the new social conditions and to take the place of special legislation. As society becomes more complex and expert knowledge upon a vast number of intricate subjects becomes more difficult, there is an increasing need that the public shall be protected from counterfeits, quacks, charlatans, and impostors, and this can not be effectively accomplished in any other way than by the wise exercise of honest governmental power.

Physicians, dentists, engineers, lawyers, teachers, and chauffeurs need to be examined and licensed by the proper authority. The selling of drugs, of intoxicating liquor, and explosives, the selling or carrying of arms, can only be done by persons duly licensed.

Along with such new legislation as the forbidding of spitting in public places and the use of public drinking cups it has been necessary to enact pure-food laws and those requiring the inspection of the slaughtering of animals and their preparation for sale as canned goods for food.

New occasions teach new duties,
Time makes ancient good uncouth.

The coming of the telephone, the automobile, and wireless telegraphy has made new laws necessary for the protection of property rights. Yet there are those who object to any new legislation to deal with the largest factor concerning child welfare which has arisen for centuries.

It is claimed that we do not license newspapers or books, but allow a bad publication to be circulated, and then punish the author after it has been proved in the courts to be immoral.

The answer is that I am advocating that the very same procedure shall hold concerning motion pictures as books, except in the case of those films which want the privilege of being carried from State to State or of being shown for pay in licensed places of amusement.

The Supreme Court of the United States has decided that the Post Office is not compelled to wait until a court has declared a book to be immoral before it can exclude a doubtful book from the mails. If the office condemns the morality of a paper which the publisher wants to send through the mails, the public welfare requires that he shall prove its good character in the courts by an appeal from the decision of the Post Office authorities.

The censorship of the stage, which has existed in England since 1727, does not forbid the printing of plays nor their performance, except for pay in licensed places of amusement.

Four times in the last 60 years, in 1853, 1866, 1892, and 1909, the English Parliament has investigated the censorship of stage plays. Each time the report has advocated its retention. The report of 1909 showed that the theatrical managers and actors are in favor of retaining the censorship of plays, though the investigation was made at the request of 40 leading persons, many of whom were writers of plays, who wished it abolished or modified.

The agitation did not weaken the censorship, but strengthened it. It extended it to sketches in vaudeville performances, which had previously been allowed without censoring. Then certain motion-picture interests, being ignorant of how much real official censorship would benefit their business, announced that they had united in engaging Mr. A. G. Redford, who has been the official censor of stage plays for 14 years, to censor all their films. But because he is not an official censor no satisfactory result has come from a pretended censorship. Liverpool, Middleboro, and Carlisle have instituted local forms of censorship of motion pictures, because the British board of film censors can no more control the character of the pictures than can our own so-called National Board of Censorship, which has no official power, and is, therefore, neither national nor has any opportunity to censor.

There is much more reason for censoring motion pictures than there is for censoring either plays or vaudeville performances.

A play or dramatic sketch varies with each actor or performance, but a motion picture which is right morally at the beginning continues always the same.

The daily newspapers print criticisms concerning the character of plays which consume a whole evening and run for a week or more in the larger cities. But four or five picture plays are given in one evening. No parent, however wise or careful, can decide which motion picture shows are safe for his children.

He can not judge by the character of the exhibitor, for no exhibitor can select the pictures he is to show. He has to take from the exchange what comes to him in the circuit or deprive his patrons of seeing as many pictures as his rivals show.

I must reserve for my next article a statement of the reasons for official censorship, and my reply to the objections urged against it by my opponent.

FIRST ARTICLE FOR THE NEGATIVE, BY PRESIDENT DYER.

In discussing the question of censorship, I wish to say, in the first place, that no one has a higher or more sincere regard for the ability and sense of fairness of Canon Chase than I have. Although I am opposed unalterably to censorship as repugnant to American ideals, yet I believe that many of its opponents would be willing to forego their objections if it were certain that the censorship would be permanently in the hands of Canon Chase or men of his type. It must be remembered that we have to determine our course of action in all matters by the experiences of the past, and those experiences have taught us that in dealing with any rule or regulation it never must be accepted under the belief that it is always to be administered fairly and that its evil possibilities will not be disclosed.

The only safe course to adopt is to assume the worst. If any rule or regulation is capable of degenerating into an instrument of oppression, or of some other evil consequence, it may be said safely that in time that degeneration almost surely will take place. I start with the proposition, therefore, that any censorship of motion pictures, if adopted as a principle, might pass into the hands of unscrupulous politicians and come, in consequence, to be administered unfairly, dishonestly, and oppressively.

For the past five years most of the motion pictures in the United States have been censored by the so-called National Board of Censorship. That censorship has done much good.

It has resulted in the raising of the tone of the American pictures; its criticisms have been helpful; its sense of fairness and honesty have been beyond question, yet such a censorship is not objected to, because it is a purely voluntary censorship. So long as its judgments and decrees commend themselves as fair, sensible, honest, and reasonably intelligent they will be adopted cheerfully. But if any attempt were made to convert such a board into a purely political organization, with all the evils liable to flow therefrom, its decisions would command the support neither of the public nor of the film producers.

The proposition of the advocates of censorship is to constitute a single censoring body with power to enforce its decrees and judgments and extending in its operation over the entire country. In other words, such a body would have the power, first, to require that no picture should be shown anywhere in the United States until first submitted to the censors; second, then to review each picture, approving it when it meets the personal views of the censors and rejecting it when it does not; third, to call upon the authorities to enforce these judgments and prevent the showing of a condemned or unlicensed picture; and, fourth, to require the payment of a tax for the censoring of each picture and every copy thereof.

It is not inevitable that the moment the American people accept the principle of censorship and admit that it is proper and right, such a single, central censorship board will be followed by other bodies of censors in the various States and municipalities? While we might start out with the one board of censors, we probably should find ourselves, in the course of a few years, confronted by two or three hundred little boards of censors all over the country, each with its own opinions, each enforcing its own decrees, and each imposing a tax on the business, which the public must pay eventually.

Do the advocates of censorship realize the tremendous significance, in a reactionary sense, of their suggestion? They forget that the great fundamental rights for which mankind contended for many centuries were: First, the right to follow the dictates of conscience or religious freedom; second, the right of free speech; and, third, the right of a free press.

We should remember that it was only a few centuries ago that men were not allowed to worship God in their own way, but only in the way laid down to them by certain autocratic authority. If they worshiped God according to their own conscience, they generally were burned at the stake, buried alive, tortured, or banished. After religious freedom was won, the right of free speech still was denied. No one dared, for a moment, to express his opinions on any matters that did not meet with the approval of the same autocratic authority. If a government was known to be corrupt, the citizen or subject was afraid to say so, under fear of imprisonment or of having his ears cut off or his nose slit or of actual death. After the great moral victories of the people against the governing class in securing freedom of religion and of speech, the freedom of the press was the last great concession that was won. The people at last won the right to print freely, in books and newspapers, their opinions and views on any subject, being held, of course, accountable to the law for libel, gross immorality, etc.

Now, these struggles were all against censorship. Censors were known from the days of ancient Rome—men who set themselves up to guide their fellows in what they should or should not do. In mediæval times the church, and sovereigns who acted in cooperation with the church, were censors who laid down rules for the guidance of the multitude on the subject of religion and morals. With the invention of printing, first the church and then the State became the censor, and required the licensing of every book and paper before it could be issued. Then, with the development of the stage, that, too, became the object of censorship, so that plays, before they could be performed, had first to receive the license of the censor.

When our Government was formed, the struggle against these inquisitions, in this country at least, had been won. Censorship was to have no foothold on American soil, and, therefore, the first amendment to the Constitution provides that—

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.”

Probably every State in the Union has some similar provision in its State constitution. In New York and in Ohio, for example, we find it embodied in substantially the following language:

"Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press."

Now, I ask my readers to ponder that provision of our constitutions. It represents, or is supposed to represent, the American ideal. It is the concrete statement of what man had fought for during many centuries. It is an epitome of human rights. It is the principal article of the treaty of peace between the common man and the tyrants who sought to think, speak, and write for him. It recalls as banished the sorrow of ages, the death of martyrs, and the Spanish inquisition. Is the idea repugnant to us that the State decree a national religion with forms and ceremonies that we must adopt? Is the idea repugnant to us that the State insist that no criticism of its constitution or officers should be uttered? Is the idea repugnant to us that the State see to it that no newspaper or book is issued without first receiving the approval of a licensing authority? Merely to suggest such things in this age of freedom is like a proposition to arm our soldiers with bows and arrows. We would resist, as a most serious impairment of our personal liberty, any attempt to take away these great fundamental rights. Why can not it be seen that the suggestion of censorship is a denial of personal liberty, a denial of free speech and a free press—because the motion picture tells its story just as effectively as the spoken or written word?

The advocates of censorship say, in effect, to the American people: "These motion pictures are a source of danger to you and your children; they depict crime, scandal, immorality; some of them are in shocking bad taste. If you should look at these pictures, or if your children should see them, you and they would become contaminated. We believe that the effect of these pictures would be to suggest to you and your children that you and they should become murderers, burglars, and immoralists. We believe that the tendency of these pictures would be to make you and your children defy the laws and become law-breakers. We believe that they will make you and them cruel and bloodthirsty. We believe that they will have a tendency to make you and your children commit suicide. Now, entertaining these beliefs, and with the earnest desire to protect you and your children so that we may elevate the moral tone of the entire community and reduce crime and vice, we reserve the right to look over these pictures before you see them, and if there are any pictures that, in our opinion, you and your children ought not to be allowed to see, then we shall condemn them and not permit them to be shown anywhere."

What do American citizens, inheriting the great constitutional rights of religious freedom and freedom of speech and of the press, think of such a proposition as this? Here is a body of persons claiming the superior right to do the thinking for the multitude on the subject of what they shall or shall not see. They object to a picture. Out it goes, never to be seen by the common man. Should not the common man have the right of deciding for himself whether he approves? Censors are only men, with all the frailties and weaknesses and prejudices of their fellow men. Will they never make mistakes? Remember that recent English censorship condemned the Mikado, and that one liberal-minded censor refused to license any drama in which the words "heaven" or "angel" appeared.

The fact must not be lost sight of that these opinions of the all-powerful censor are not to be confined to a single body, but, if the principle is adopted, in time will be extended to every State, city, and township of the country. Furthermore, we must not forget that no censor or body of censors can take away from the State its police power, so that even if a picture is approved by all the censors of the country, the owner of a theater still might be arrested and prosecuted for exhibiting it, because of its alleged violation of some law. The advocates of censorship must not delude themselves into the belief that their approval of a picture is going to grant to it the slightest immunity from attack by the police authorities.

Now, as opposed to the above views, the opponents of censorship maintain the following position: "We believe that it is not within the power of any man or body of men to tell us or our children what we shall or shall not see. We reserve that right to ourselves. We refuse to allow anyone to lay down to us what shall be our code of morals or taste. We insist that we shall decide those questions ourselves. If our children go to theaters where improper pictures are shown, that is our lookout, and not the lookout of the State. If an improper or grossly immoral or licentious film be exhibited by any chance, the proprietor

of the theater and the producers of the film should be punished with the greatest severity. We say the situation is precisely the same as when a newspaper prints a libel. We can not prevent the paper from printing the libel, but we can hold the paper strictly accountable for doing so. We can not prevent a man from uttering scandal, but he can be arrested and prosecuted for doing so. We believe the American people are the proper censors of pictures. We do not believe that a theater can exist at all unless it represent a respectable public sentiment. A theater showing improper films will not be patronized except by those persons who always are seeking evil, and in that event the theater owner will be punished and his theater closed by the police power."

Our opponents probably will say that our position will not be effective in practice, because it will be difficult by legislation to determine what is or is not an improper, immoral, or objectionable picture. Is not this objection an admission that the censorship is essentially an un-American institution? Ours is a country of law, but the advocates of censorship place the opinion of censors above the law. In other words, first they imagine an evil, then they conclude that the law will not reach that evil to correct it, and insist that the only way the evil can be dealt with is to place the power of control in their own hands. Truly, a dangerous doctrine.

We believe that if the law is ineffective in reaching the pictures that really are objectionable (not to a small body of perhaps supersensitive censors, but to the American people), the proper course to follow is to change the law and make it effective. That is the American way to handle this question. It is distinctly an un-American way for any man or body of men to insist that their opinions on the subject of morals or taste shall be accepted as the opinion of the entire people.

As a matter of fact, it is doubtful whether any immoral or indecent pictures, in violation of the law, are being shown to-day. The late Mayor Gaynor, of New York City, who had the matter investigated, wrote as follows:

"When I became mayor, the denunciation of these moving-picture shows by a few people was at its highest. They declared them schools of immorality. They said indecent and immoral pictures were being shown there. I personally knew that was not so. But I had an official examination made, of all the moving-picture shows in this city. The result was actual proof and an official report that there were no obscene or immoral pictures shown in these places. And that is the truth now. Wherefore, then, is all this zeal for censorship over these places? * * * I have asked the people who are crying out against the moving-picture shows to give me an instance of an obscene or immoral picture being shown in them, so that the exhibitor may be prosecuted, but they have been unable to do so. What they insist on is to have the pictures examined in advance, and allowed or prohibited."—(Letter to board of aldermen, Dec. 27, 1912.)

I say without hesitation that if the advocates of censorship were seeking to destroy the motion picture, they could not adopt a more effective course. Not that any honest producer is desirous of putting out pictures that should be condemned. They all recognize that permanent success comes only by an appeal to the great body of honest and moral common people, the bone and sinew of our country. They do not oppose censorship because they fear honest censorship, but because they fear it will develop into dishonest censorship and graft. If you subject the industry to such burdens in every State, city, and town, each one seeking its "fees," each enforcing its opinions, each providing its special license, it is difficult to foretell what the results will be. Assuredly, the motion-picture business will be badly handicapped—whether fatally time alone would show.

It does seem most unfortunate that the motion picture, with its great possibilities for good, should be the object of attack by those who, in their zeal, are willing to turn back the hands of time 300 years. Whatever evil may exist can be overcome by perfectly lawful methods, in keeping with American ideals—not by the establishment of a weapon having such possibilities of inquisition, oppression, and dishonesty as compulsory censorship.

[March, 1914, of Motion Picture Magazine.]

Second article for the affirmative, by Canon Chase.

Before this debate is closed I hope to win President Dyer to support the kind of official censorship which I am advocating, for in his first article he opposed something very different from what I have ever advocated.

Let me state various reasons why he ought to support my plan:

1. Such a censorship as I advocated in my first article will not, as President Dyer fears, injure the business which he represents, but will enormously increase its receipts. It would change the attitude of a vast number of people who look with suspicion and distrust upon the influence of motion-picture shows upon their children, into one of confidence and admiration for an institution which not only would protect their children from evil in their amusements, but would really give them valuable information for life, and help them to develop their moral and spiritual natures.

Mr. George Edwardes, a prominent theatrical manager in England, told the parliamentary committee in 1909 that the practical abolishment of censorship in France had killed the big audiences. He said that he had lived in Germany, France, and Austria. He claimed that in those countries the great bulk of the middle class will not go to the theaters because they regard it as wrong to do so. The managers, because the theater-going public is so limited in number by its bad reputation, are driven, therefore, to get audiences by giving sensational and indecent plays, which appeal to the worst elements in the community.

Mr. Edwardes claimed that England has the cleanest stage in the world, and that it is due to the fact that every play before it is produced in any licensed place of amusement must have the approval of the censor. He claimed that the fact that the theatrical business in England was better than that in France, Germany, and Austria was because the efficient censorship in England kept the stage clean and gave the public a confidence in its morality.

Such a censorship as I advocate would elevate the whole motion-picture business by protecting it from the degrading influence of those unscrupulous men who bring a bad name to the trade through the atrocious pictures which they are causing to be displayed in many parts of our country.

It would raise the standard of pictures very quickly. All manufacturers would doubtless send the scenarios of any doubtful plots to the board of censors before manufacturing the films.

Before a year had elapsed very few pictures would be condemned by the censors, because everybody would soon learn the standard of morals demanded and gladly conform to it.

Censorship works indirectly by preventing the making of bad pictures. In the last 60 years only 97 plays have been rejected in England by the censor of stage plays. These figures do not indicate the number of bad plays which would have appeared if there had been no censor.

2. I hope I can diminish President Dyer's credulity in accepting, without modification, Mayor Gaynor's statement that no obscene or immoral pictures were being shown in New York City. When Mayor Gaynor vetoed the censorship by the board of education of New York City, enacted by the board of aldermen by a vote of 70 to 1, he did so in spite of the desire of Cardinal Farley and the practically united body of the ministers of all religions and of the public-school teachers, who best understand the dangers to the youth from an unrestrained motion-picture trade.

The States of California, Ohio, Kansas, and Pennsylvania have enacted State censorships. They would not have done so unless they had found that many pictures were having a bad influence, and had they not despaired of remedying the situation by the local police and courts.

Chicago, since 1907, has by ordinance constituted its police department a board of censorship, and no motion picture can be shown in places of amusement for pay unless it has a certificate of approval by the police department. The police have rejected about 3 per cent of the films submitted to them.

San Francisco, Boston, Cincinnati, Memphis, Portland (Oreg.), St. Paul, Milwaukee, Pittsburgh, and many other cities have shown their conviction that some form of censorship is necessary.

Robert O. Bartholomew, the motion-picture censor of Cleveland, reported in April, 1913, that out of 914 reels examined 86 were in part or wholly eliminated by him, and that a great many of them bore the stamp "Passed by the National Board of Censorship." Since then 15 per cent of those examined have been forbidden by the censor.

The condition of films in the States and cities where there is no censorship is much worse than the percentage of bad films censored in Cleveland or Chicago would indicate, for the worst films were not sent to those cities for fear of the censorship, but to places where there was no effective elimination of bad pictures.

3. A system of licensing those motion pictures which ask for the special privilege of being shown in licensed places of amusement, such as I advocated in my

first article, is no foe to freedom of conscience of the press, or speech or of personal liberty.

In his first article President Dyer says that an official body of censors would have the power "to require that no picture should be shown anywhere in the United States until first submitted to the censors." President Dyer seems to think that I am advocating something as impracticable as Plato did when he advised, in the laws of his Republic, that no poet should so much as read to any private man what he had written until the judges and lawkeepers had seen it and allowed it.

It would clearly be absurd to advocate giving any such power to a Federal board of censorship, even if our form of government allowed the National officials to exercise such a power in the sovereign States. It would also be unwise to grant such a power to a State board of censorship, although the State of Ohio has done so. Nothing that I have said would favor forbidding any citizen the privilege of taking a motion-picture film of his family of children playing tag or romping with the house dog, and exhibiting that or any other in his house or upon the public common, without even going to the board of censors at all.

If he wants the privilege of interstate commerce, he should secure a license for his motion picture from a Federal board of censors. But if he wants to show it only in his own State in licensed places of amusement, he should obtain a license from a State board of censors, unless the State has authorized that any motion picture can be shown in such places which bears a seal of the approval by the Federal board of censors.

4. Upon reflection, I hope that President Dyer will realize that a Federal law, such as I advocate, will not increase, but rather greatly diminish the number of censor boards. For I am persuaded that as soon as there is an effective State and Federal censorship all village and city censorships will disappear. It is likely that many of the State censor boards will accept the licensing of the Federal board.

5. I hope also he will come to realize in spite of what he has said to the contrary, that while a picture, which has been licensed by the censor board, will be still subject to the police power of the State, yet it will be practically impossible to get any court or jury to convict a maker or exhibitor for showing a licensed film. This is true of censored plays in England.

6. Is President Dyer speaking from theory or actual knowledge when he says that experience teaches us that we must assume the worst, and expect that official censorship would be administered unfairly? Is he convinced that graft has to be paid in Chicago, in San Francisco, and other places, in order to get good pictures approved? Is there not an effective remedy, which is in the hands of the motion-picture makers, if they want real justice done? My conviction is that the local police are more likely to be influenced by graft than are censor boards. Furthermore, Federal and State censorship will largely eliminate village and city censorships, and thus vastly reduce the number of persons who can demand graft. My plan would reduce graft to a minimum.

7. When President Dyer speaks of censorship as being contrary to American ideals he argues as if we were living in the days when power resided in kings, emperors, bishops, and popes, who acted arbitrarily, and as if I were proposing that we return to what the people have won from them by hard struggle. But it is not so. Power in America now resides in the whole people. I am asking merely that the will of the whole people shall be effectively executed, and that criminals, who are breaking the laws and making money by corrupting children, shall be effectively prevented from so doing.

Such criminal motion-picture manufacturers are like the arbitrary kings or bishops of old, who claimed a divine right to make money by robbing the people of their rights. The people who exert tyrannical power to-day are no longer kings, police, or clergy, but unscrupulous business men who use their vast financial resources to corrupt officials and demoralize the people. These are the autocratic powers which claim that they ought to be free from all law to defeat the will of the people, in order that they may be free to make money without restraint.

President Dyer is representing the reactionary tendency when he says: "It is not properly within the power of any man to tell us or our children what we shall or shall not see." For he is denying the citizens the right to pass laws which will be for the people's welfare in order that his own business may make money without proper restraint. If the people decide it is unwise for the children to see bullfights, cockfights, naked men or women, the electrocution or

hanging of criminals, or the picturing any crime in such detail as to suggest or teach crime, no body of men has any divine right to exhibit them.

If we see a man is about to commit murder or theft, we do not let him do it and then punish him. We stop him. If a picture will excite children to theft and lust, we ought to take the most effective way to prevent the picture doing harm.

President Dyer ought not to object to official censorship on the ground that a few persons thereby determine what the people may see. For a few film manufacturers are deciding that to-day. The censors represent the welfare of the people. The film makers represent the business interests involved. The will of the people should prevail. If the State can more effectively prevent such sights from the public gaze by preliminary inspection of motion pictures than by punishment after the crime has been committed, the State has an absolute right to do the most effective thing, nay, it is its duty to do so. The people have the right to enact laws of prevention as well as of cure. The individual has no divine right to see what he pleases, and thus compel the State to punish crime after it occurs, instead of taking effective methods to prevent it.

The effect of the censor law which I am advocating, does not apply to nor restrain the ordinary citizen from showing any picture he desires in any place without previous inspection. It applies only to the business man who makes a living from motion pictures. Because of the great temptation, which assails the motion-picture man, to make money by demoralizing children, I maintain that it is the duty of the Nation to prevent this demoralization by demanding a preliminary inspection of his pictures.

8. When President Dyer says that "the suggestion of censorship is a denial of personal liberty, of free speech, and of the free press," he clearly indicates that he, lawyer-like, is referring to censorship, government, and liberty as defined in the laws of ancient Rome, and not as used in free America of to-day.

Censorship to-day means licensing of what comes up to the moral standard, by persons from whose decision there is a legal appeal. It does not mean, as in Rome, the exercise of any absolutely arbitrary power.

When the Government emanates from one man, like an emperor or czar, from whom there is no appeal, the exercise of any governmental power is a denial of personal liberty. But when the sovereign power resides in the people, then any law enacted for the welfare of the whole people is to establish personal liberty. It can not be considered a denial of personal liberty, no matter how effectively it may restrain men from carrying out their wicked purposes.

The personal liberty of the whole community makes it necessary to restrain in some respects the personal liberty of certain individuals. This is why a minister is not free to hold a religious service in the streets of New York City without a permit from the mayor or an alderman.

The Supreme Court of the United States decided that such an ordinance in Boston was not a denial for the constitutional right of free speech.

Daniel Webster said:

"It is a legal and refined idea, the offspring of high civilization, which the savage never understood and never can understand. Liberty exists in proportion to wholesome restraint; the more restraint on others to keep them off from us the more liberty we have. It is a mistake to think that liberty consists in paucity of laws. If one wants that kind of liberty let him go to Turkey. The Turk enjoys that blessing. That man is free who is protected from injury."

True freedom will be more effectively established in our land if the children are effectively protected from moral injury rather than if the motion-picture manufactures are free from censorship.

Many crimes are justified under the mistaken conception that liberty is a selfish right to do what one pleases, no matter how it injures the community. Liberty is not selfishness. No one has any right to be selfish. Liberty is the power to do what is for the best welfare of the whole community, and to work out God's will in the world.

A bad motion picture does ten times as much harm among children as a bad book. An evil book injures only those that can read and have some power of imagination. But the evil motion picture carries its influence to the youngest and the most ignorant.

The Speaker of the House of Commons, who said he favored censorship of plays before they were acted in licensed places of amusement, made a clear distinction between books and stage plays in the presence of the parliamentary committee:

"I think a play of an immoral tendency can do very much harm, much more harm, I think, than the press. These things are said in public, and laughed at by a great number of people night after night, and I think it is calculated to do more harm than an article which is read privately."

One of the reasons why motion pictures need to be censored is because of their unusual attractiveness for children and for those who never attend the more expensive theaters or other forms of entertainment. Fully 25 per cent, and perhaps 50 per cent, of the audience at motion pictures are children. This form of amusement makes no demand of punctuality, of patience, or of intelligence. Those who can not understand the English language and those who can not read at all are attracted. It affords a cheap and comfortable lounging place. This is one of the reasons why it has injured the saloon business.

"How did you like the show to-night?" asked an exhibitor of one of the boys. "Fine; I would rather see how to build a bridge and a railroad than to see how to rob a bank."

Fifteen hundred children in Cleveland wrote essays telling about motion pictures, and what kind of pictures they liked best. Only 26 said they preferred pictures of crime; 421 preferred scenes of western life; 292 scientific and educational; 283 the drama; 241 comedy; and 224 war.

The Supreme Court of Illinois, the highest court in that State, twice unanimously decided that municipal official censorship of motion pictures in Chicago, similar to the one proposed for New York City, violates no constitutional provision. It was done in April, 1909, in the case of *Block et al. v. City of Chicago* (239 Ill., 251).

The claim that the Chicago censorship of motion pictures violated the freedom of the press was so absurd that the lawyers of the motion-picture manufacturers did not think it worth while to present to the attention of the court.

In none of the many cases of appeal, which have been made in the various States against censorship on account of unconstitutionality, has the contention been sustained by the courts, so far as I have been able to learn. If the case now pending concerning the Ohio censorship law should result in declaring the Ohio law to be unconstitutional, it will not affect my contention, for the Ohio law is more sweeping in its provisions than any moderate and reasonable restriction, such as I have ever advocated, and is much more open to the charge of improperly restraining the freedom of the press.

SECOND ARTICLE FOR THE NEGATIVE, BY PRESIDENT DYER.

The argument of Canon Chase, supporting censorship, is based largely on the assumption that unless pictures are made to conform to the moral views of the censors, their exhibition will demoralize children. In several places he refers to the "rights of childhood," by which apparently he means the right of a child to be protected from seeing an uncensored motion picture. Of course, neither in law, nor ethics, nor morals, does any such right exist. It is not the duty of the State to protect the children in the way proposed by Canon Chase. It is the duty of parents, the natural guardians of children, to protect them from contamination. This is the gravest responsibility of parenthood, and it must not be shirked, nor must its burdens be tossed upon the insecure shoulders of the State. If the State is to assume this burden, then I ask what will the State do in enforcing the "rights of childhood" in connection with other forms of entertainment and amusement? What about the regular theater? Are children to be allowed to attend dramatic performances, or are they to be entirely excluded, or is the drama to be censored, as in England? What about the newspapers? A child on the lookout for evil, or a supersensitive one, can find much that is suggestive in probably every paper published in the United States. Are books to be censored? Canon Chase must realize that to a supersensitive child literature contains much that is suggestive, and, from his viewpoint, probably immoral. If there be such a thing as the "rights of childhood" that can be infringed by the exhibition of uncensored motion pictures, then I submit in all seriousness that those rights are just as effectively infringed by the ordinary drama, by newspapers, and by literature, and I insist that the same arguments in support of a censorship of motion pictures apply with equal force to the censorship of the stage, of newspapers, and of books. When I speak of censorship I do not mean the elimination of perfectly plain instances of indecency and immorality, because no one questions for a moment the effectiveness of our laws to protect the public mind from such

sewage in whatever form it may be offered. My point is that censorship is unnecessary with respect to all subjects regarding which there may be honest differences of opinion. As to pictures, concerning which there can be no honest difference of opinion, the law will prevent their exhibition. Canon Chase may believe with absolute sincerity that a picture illustrating, for instance, Hogarth's "Rake's Progress" should not be exhibited because of its sordid immorality, while other men, fully as sincere and earnest as Canon Chase, may believe with equal conviction that such a subject depicts a high moral lesson. It all depends upon the point of view.

My opponent, in his second article attempts to distinguish between censorship and licensing. I fail to see any difference between the two terms. If I am a censor and refuse to pass a picture, then I practically refuse to license it; if I pass the picture, then I do license it. On the other hand, to use Canon Chase's terms, if I am the official licensor, then if I refuse to license a picture I certainly am censoring it. He appears to make a distinction between the two terms by assuming that in the case of censorship there can be no review by the courts, while in the case of licensing such a review will be allowed. I fail to see any distinction here, as I can not imagine any censorship to be so utterly unlawful and arbitrary as not to be the subject of judicial correction in case of gross abuse. No matter how adroitly my worthy friend may argue, the fact remains that he is advocating the proposition that a small number of men and women shall be given the right to decide for the American people what films they shall or shall not see—the right to exclude not only grossly immoral films, but also subjects to which the censors may object merely because of personal idiosyncrasy. Any film that the censors believe merely is undesirable, or objectionable, or contrary to their notions of morality, would be excluded. That is where the injustice comes in, not merely eliminating subjects that are unlawful, but withholding from the American people pictures that may be perfectly lawful—pictures that might be approved by an overwhelming majority if submitted to a vote. Of course there are undoubtedly supersensitive children as well as supersensitive adults, both of whom are strongly influenced by suggestion, but such individuals should keep away from the picture shows; and they also should not be allowed to read books, or magazines, or newspapers, which are all suggestive factors.

Leaving out of consideration those pictures which are of such a character that if shown the law should and will suppress them with a ruthless hand, what are the pictures that are now being exhibited in the thousands of theaters in this country? They are precisely what the people demand to see, just exactly as literature and the stage will be found to reflect public taste and morals. The motion-picture producers are making the subjects that they believe will appeal to the largest audiences, subjects that will be entertaining and instructive to the greatest number of moral, honorable American people. The motion-picture producer is not bent on shocking the moral taste nor the sensibilities of the millions of spectators to whom he appeals; he is trying to make pictures that measure up to the tastes and desires of his audiences. American people are not demanding pictures that are morally unclean, nor will they be satisfied, on the other hand, with wishy-washy, goody-goody stories. The situation is precisely the same as when an author writes a book, or a playwright constructs a drama—each is making an appeal to the greatest possible number of readers or auditors. And while there are always in every business human jackals, who seek to profit by pandering to the lower passions and weaknesses of men and women, yet I am certain that the American producers to a man are joined in the condemnation of these creatures. But merely because such vultures are flying around the outskirts, shall the entire industry be subjected to the unjust and unnecessary suspicion that every picture must first prove its innocence? Let them go out—let the producers make what they see fit—let them gauge the public taste as well as they can—let them uplift the people if they can do so—let them instruct, amuse, edify, or moralize—BUT (and I hope that the printer will see that this word is made as big as possible) if they overstep the bounds, if they put out a picture that transgresses the law, that offends public decency, if they shock the reasonable and proper morals of the community, if they deprave or lower public conscience, then let the punishment be swift and certain, both to the producer and to the theater attempting to show the picture. Punish the guilty, make the penalty a heavy one, enforce the law rigidly, but do not subject the entire industry to the burden and expense and the injustice of censorship.

In his second article Canon Chase divides his argument under eight heads, to which I shall briefly reply:

1. He argues that by having censorship the public confidence in motion pictures will be increased. More people would therefore go to moving-picture shows, and in consequence the business will develop and expand. My objection to censorship is based on principle, as being reactionary and un-American, not on mere temporary commercial success. Even if censorship did indirectly result in a benefit in a purely material sense, as a lawyer I would still oppose it as wrong in principle. However, I do not agree with Canon Chase as to his conclusions. I don't think American people are afraid to go to motion-picture shows. Certainly I have yet to find anyone refusing to patronize a picture theater because of any real or supposed objection to the morals of the pictures. On the other hand, should censorship be carried to its greatest possible extent, should all portrayal of life and human experience as actually exists be suppressed and the motion picture reduced to a mere mental pap, I am convinced that the interest in pictures, and their many benefits to the poor man and his family, would be enormously lessened. My opponent refers a number of times to the English stage censorship. Does he approve of it? In England the lord chamberlain has the unqualified right to refuse to license a play. Almost to a man the theatrical managers approve of the censorship; with the same unanimity the authors and playwrights oppose it. Why is this? Simply because the licensing of a play in England confers immunity on the theater forestalling any possible action. In a sense it is an insurance against prosecution. They care not to what extent the poor author or playwright may be harassed by the censor; they refuse to put on a play that has not withstood the fire of the censorial criticism. Such a thing is impossible in this country, since we are dealing with more than 40 separate, sovereign Commonwealths, and not with practically a single homogeneous country with one set of laws. Should censorship be accepted as a desirable thing, it is safe to say that each State will have its own censorship board. Undoubtedly these censorship boards, when once started, will not be satisfied merely with a supervision of motion pictures, but will extend their activities in other and equally fertile fields.

2. If, by his argument, Canon Chase means that obscene or immoral pictures are now being shown in New York City or elsewhere, then I state without qualification that if such is the case, the law is not being enforced. There is not a single community in the United States in which an obscene or immoral picture can be shown without violating the law, and if such pictures are shown it simply means that the law is not being enforced. I do not think that Canon Chase can fairly charge any community with the failure to enforce its laws. The mere fact, as stated by him, that certain local censorships have partly or wholly eliminated films that have been passed by the National Board of Censorship, is not important. One of my arguments is that small local boards will be inclined to be overzealous, merely to convince the people that there is a justification for their existence and for the continuance of their salaries. The mere fact that a film may have been rejected by a local board is not by any means conclusive that it should have been rejected at all, or that it contains any features that can be fairly objected to.

3. The next argument is quite unintelligible to me. Does my opponent mean to censor only pictures that are to be shown in theaters where an admission is charged? Is the uncensored picture to be shown on the "public common," and, if so, what becomes of the argument that the purpose of censorship is to preserve the "rights of childhood"? Parenthetically I will inquire if Canon Chase, in referring to the picture showing "the children playing tag or romping with the house dog," has in mind the character of films that will safely pass the censorship?

4. So far as the next argument of Canon Chase is concerned, he and I simply do not agree. I say that if the idea of censorship is accepted by the American people, the number of censor boards will be legion. He says that if there is a single Federal censor board the States and municipalities will not bother with censorship. We are both speculating as to the future, but when the fact is borne in mind that Americans are natural-born office seekers, I submit that the temptation to create a lot of political offices would be too great to be resisted.

5. He is plainly wrong in his fifth argument. As a matter of fact, at the present time films are being censored by the National Board of Censorship, and yet the police authorities of Chicago and other cities insist upon having their own censorship.

6. In laying down the proposition that, in considering the administration of any rule or regulation, its evil possibilities must be always assumed, I did so as a matter of ordinary experience. I did not necessarily mean that the censorship boards would be venal or dishonest, yet I believe that in time such would be the tendency. I had particularly in mind the danger of the development of petty, narrow-minded, hair-splitting definitions, that would at first handicap and later strangle the business.

7. Canon Chase states that he is "merely asking that the will of the whole people shall be effectively executed." With due respect to my reverend friend, this is not so. He is asking that the will of a very small body of censors be executed. The will of the majority is reflected in our laws, and in advocating control of any evil by lawful, legitimate methods I assert that I, and not Canon Chase, am asking that the will of the whole people shall be executed. It seems to me that the worthy Canon is a little extreme in his denunciation of "criminal motion-picture manufacturers" and "unscrupulous business men who use their vast financial resources to corrupt officials and demoralize the people." No one can be convinced, no matter with what heat the charge may be made, that the American people as a whole are being contaminated by motion pictures, or that the manufacturers are deliberately putting out objectional and immoral pictures. Pictures are not exhibited secretly; they are shown always in such a public way that any violation of law can be immediately reached. The laws of our country prevent the showing of indecent, immoral, suggestive, and obscene pictures. Merely because the laws do not prevent the showing of pictures that Canon Chase may object to, but which other equally good men may not object to, is surely not a valid argument for censorship.

8. Canon Chase denies that censorship is an invasion of personal liberty, because the law creating the censors would be the will of the people. He knows very well that any question of voting does not represent the will of the majority at all. For instance, roughly speaking, we have a population of 100,000,000 people, and the electoral vote is not far from 15,000,000, or about 1 in 7. If a bare majority, therefore, should advocate censorship, it means that 1 person in every 14, having weakly forfeited his liberty, insists that 13 others shall be considered to have done likewise.

The good Canon says: "Censorship to-day means licensing of what comes up to the moral standard of persons from whose decision there is a legal appeal." If he is prepared to admit that any decision of the censors that might be contrary to law would in fact be remedied by appeal, or, in other words, if the censors in their decisions before the exhibition of a picture would go no further than the courts might go in their decisions after the exhibition of a picture, then I submit that this is an admission that censorship is not necessary. If the laws are rigidly and properly enforced, as of course they should be, then all that my opponent contends for would be accomplished, and the accomplishment would be brought about in an orderly, lawful, and proper way. Theater owners are intelligent enough to know whether a picture is or is not wrong, and if they have any doubts they can either refuse to run the picture or bring it to the attention of the police authorities. Is it not one of the fundamental ideas of American liberty that every man shall be presumed to be innocent until the contrary is established? Surely no one will dispute this contention. Now, a motion picture does not create itself. It does not form itself out of thin air. It is the creature of a human mind. If, therefore, a picture is adjudged immoral, indecent, or obscene, it follows that the producers of such a picture are guilty of a violation at least of the moral law, and such violations always carry the penalty of failure and disgrace. Are not the producers of motion pictures entitled to a presumption of innocence? Must they first establish the fact that they are not guilty of immorality and of obscenity before they are allowed to put their pictures on the market? It seems almost ridiculous to ask this question, yet Canon Chase asserts with painstaking confidence that the motion-picture producer is not entitled to the presumption of innocence that should be accorded to the humblest citizen. Thus he says: "I am not advocating the suppression of destruction of unlicensed motion pictures, but only that they shall not be shown in places of public amusement until it has been proved that they meet the moral standard of the public statutes. I am asking that no doubtful motion picture shall be granted any special privileges by the Government until it has proved its right in the courts to enjoy the confidence of the fathers and mothers of our land."

[April, 1914, Motion Picture Magazine.]

THIRD ARTICLE FOR THE NEGATIVE. BY PRESIDENT DYER.

Out of the smoke and confusion, what is the accomplishment? It is not so difficult to state as may be thought, because on both sides simple propositions have been often reiterated and clothed in superfluous trappings. I am sure that Canon Chase will agree that my object, in a broad sense, is the same as his. We both want to keep the standard of morals as high as possible. Moral miasma is the evil we are both fighting. He has a dream that the work can go beyond this, that it may extend to the elimination of pictures that he considers merely undesirable, as contrary to his ideas of taste or propriety, or as unnecessarily cruel or sordid or unduly suggestive of evil. But I confidently hope, upon careful reflection, that he will see that this is a mere chimera. No reform can be effective unless it commands public support, unless if submitted to a vote it would be approved by a majority of the voters. Matters of taste and propriety are the subject of too much dissension, too much difference of opinion, too much bickering and doubt, to be placidly submitted to the immutable judgment of a censor or censorship board. As a practical matter we can go no further than subjects which an overwhelming majority would condemn, whether they appear in motion pictures or books or on the stage or in photographs or other pictorial representations. Those subjects on the border line, occupying the vague and undefined area between the good and the bad, must each be handled on its merits. A subject apparently may be of questionable propriety, yet it may be shown in such a way and to a special audience and be quite unobjectionable. On the other hand, a subject in which the element of doubt is most remote may be so exhibited—it may be advertised luridly and suggestively with questionable posters, all designed to create a false and suggestive atmosphere—that it should be forthwith suppressed.

The authorities, civic associations, parents, ministers, and all from whom the cleansing of moral conditions is expected should keep everlastingly on the lookout for such exhibitions and see that they are prevented. It will not be difficult to locate those exhibitors by whom questionable exhibitions are of frequent occurrence. They should be kept under surveillance exactly like the man whose habitual practice is the circulation or printing of indecent literature. They should be subjected to the same suspicion and distrust as other moral criminals. Under rigid prosecution the makers of unlawful films and the exhibitors thereof will soon find that they are engaging in a business as undesirable and unhealthy as counterfeiting or the misbranding of food products and that the consequences of detection will be as relatively severe.

How shall the moral standard be kept high?

Canon Chase says: "Let me (or what amounts to the same thing, men and women who think as I do) let me decide what shall be put out. If I think a film is fit and proper I will let it be shown. If I think it is objectionable it must be forever suppressed. And in order that there may be no doubt about the matter, in order that even the most supersensitive child shall not be offended, in order that everything may be absolutely and completely mild and sweet and pure and wholesome I will take particular pains to exclude everything that is suggestive of violence or pain or sin or cruelty. I do not want pictures to show the world as it is, a world of stress and toil, a world in which the weak are crushed and the strong exalted, of blood and sweat and groans and pains, of justice and injustice, of sorrow and suffering, of sin and retribution; no, I want to paint the world of the poet, of fields of daisies, of prattling children and cooing doves, of dreams, of song and music." AL. Canon Chase. God grant that your dream might come true. But not until men and women change, not until human nature itself changes, will it be realized; and until then, as practical men, we must solve our problems along practical lines.

Now, as opposed to the worthy canon, and with precisely the same general objective in view, I say:

Let the film producers put out such subjects as they think are worthy of their art. Leave it to them to tell the story, to draw the moral, to uplift or edify or instruct. Their natural aim is to appeal to the largest possible audience. Unless Canon Chase asserts that the Americans as a people are immoral and perverted, he must admit that the natural inclination of the film producer, from purely selfish reasons, is to make his films decent and elevating. Immoral and objectionable films—that is, really immoral and objectionable films—are therefore not to be ordinarily expected; they must be the exception

and not the rule. Treat these immoral and objectionable films when they do appear as criminal subjects and their producers and exhibitors as moral lepers, and punish them severely, preferably by imprisonment. Follow this course rigidly, let the few criminals know that there is no place in the business for them, and I predict that in a short time no possible ground for complaint will arise from even the most austere.

Now, which of the two courses will the people choose? The one in which they delegate the control of their morals and preferences to others, or elect to decide such questions for themselves? The one in which, to detect a small percentage of evil, the entire industry is subjected to a burdensome inquisition, or the one in which the evil is detected and punished without involving anything else? The one in which the film manufacturer must first prove that he is not guilty, or the one in which he is presumed to be innocent until the contrary is proved? Or to speak more briefly, the Russo-Turkish, medieval way proposed by Canon Chase, or the American, modern way advocated by me? Which of the two do you choose?

And in passing judgment, do not fail to take the following into consideration. A single censorship board would be bad enough, but it is impossible to believe that, if the principle of censorship is adopted, other boards would not spring up all over the country. Censorship already exists in Boston, Chicago, Detroit, and other cities, and is State wide in Ohio, Kansas, and other States. Soon it will probably grow to such proportions as to challenge serious attention, the lines will be drawn, and the struggle for "censorship or no censorship" will be on. And if censorship wins, with its national board, its many State boards, and its myriads of municipal boards, what then? Every cent that censorship costs must be imposed on the exhibitor, and, in turn, forced upon the public, if possible. The pecuniary burden is not going to be assumed by the film producer, any more than he will pay out of his pocket the added cost due to increase in raw material or labor. Let the theaters remember that they pay the cost of censorship, leaving it to them to shift the burden to the public, if they can do so.

Furthermore, with a multitudinous censorship there will be constant delays, waiting for boards to meet and pass on films, making corrections suggested by the censors, resubmitting subjects after correction, waiting for court appeals, and from many other causes that are inevitable. And who suffers? The manufacturer? Not at all; he has turned the subject over to the distributor. Who then? Why, the theater, of course, and, incidentally, the public. They are the ones who suffer from the delays. When a film does not reach the theater on the day promised, what will be the excuse? "Held up and being examined by the Squeedunk Board of Censors." "But," the theater says, "that particular subject was passed by the national censors in Washington and by our own State board." "Very true," says the exchange handling the film, "but the authorities in Squeedunk are getting very careful of late, now that election day is coming, and are holding up everything going into the county. Sorry, but as soon as the chairman finishes painting his barn, the film will be censored."

But the most important consideration is this: Censorship will admittedly cut down the drawing power—the strength, the virility—of films. Censorship will make them weak and uninteresting. With a hundred censorship boards to pass, will not the film producer make his subjects solely for the censors and not for the public? Will not the question be uppermost in his mind: "Will the censors approve?" with such a mental attitude, deterioration will surely come; and, with it, the end of the business, from an amusement standpoint. Perhaps motion pictures may, in the future, be used for educational purposes in colleges and schools and as an auxiliary to lectures, but if censorship is adopted as a principle, the inevitable deterioration in drawing power will, in the end, work a total destruction of the exhibition business. So let us prove our cause to the short-sighted, let the theaters be on the alert, let all who may be enthusiastic in their support of motion pictures be on the sharp lookout, let all of our friends and allies stand firmly together, each with a good, big stick in his hand, and whenever a censorship head (and it is a myriad-headed dragon) makes it appearance, give it a good, hard crack!

THIRD ARTICLE FOR THE AFFIRMATIVE, BY CANON CHASE.

My opponent, in his second article, says: "It is not the duty of the State to protect the children, but of the parents and guardians." In reality, the first duty of the State is to protect all her citizens, especially those who most need

her help. A mad dog is running down the street. Children are playing on the pavement. The policeman has a duty in the case as well as the parents.

My claim is that every child has a right to be protected by the State, in the most effective way possible, from immoral pictures, precisely as he has a right to be protected from smallpox or from criminal assault.

My reason for not desiring any pictures to be censored, except those shown for pay, is that the greed for gain is the motive for showing pictures full of evil suggestions to the young. No one else will corrupt police for the privilege of degrading children.

My opponent errs when he says that I am arguing that "a small number of men and women shall be given the right to decide for the American people what films they shall or shall not see, the right to exclude not only grossly immoral films, but also subjects to which the censors may object merely because of personal idiosyncrasy," or that I want power to be given to the censors to reject whatever offends their taste or sense of propriety. I am asking that the board of licensers be given no other power than to reject films which, to trained minds, are clearly immoral. If the board exceeds these powers or makes a mistaken judgment, its decision can be reversed by the courts. It is more American to have a few official censors, under legal control, supervise what is shown in motion picture shows than a few film makers without effective legal restraint.

Mr. Dyer says: "If the censors, in their decisions before the exhibition of the picture would go no further than the courts might go in their decision after the exhibition of the picture," then censorship is not necessary.

I say it is necessary, because of the inefficiency, inexperience, and ignorance of the police, juries, and judges concerning the moral and psychological effect of bad pictures upon children. By Mr. Dyer's method many bad pictures are being shown, but very few are being brought to the attention of the court. By my method very few bad pictures could reach the public, unless the censors were inefficient or bribed. In that case, there is a legal remedy of the removal of the censors.

In replying to my second article, Mr. Dyer claims that demoralizing pictures can be eliminated by the police, whose duty it is to arrest exhibitors who show immoral pictures. He then says that he does not think I can fairly charge any community with the failure to enforce its laws.

I certainly do claim the very general nonenforcement of law as my principal reason for urging censorship. A conspicuous instance is the failure of New York City to enforce the law which forbids, on Sunday, the sale of liquor as a beverage except in hotels with meals. Policemen arrest certain saloon keepers ostensibly for breaking the Sunday law, but really because they do not pay the weekly or monthly contribution to their liquor organization.

Magistrates convict, but the grand juries, before whom these cases are illegally transferred, know such cases to be instances of persecution, and refuse to be a party to such rank injustice. They will not indict a man who has refused to pay graft for a violation which the mayor and police department are openly permitting all the other saloon keepers to commit.

Motion-picture shows for pay are also open on Sunday, contrary to law, in many parts of New York State.

The growth of serious crime and lawlessness in the United States is alarming.

In every other great Christian country, except the United States, even in Japan, there is decrease in serious crime. Most authorities declare the United States leads the civilized nations of the world in at least two serious forms of crime, civic corruption and crimes of violence and murder.

There were 26 murders for every 1,000,000 of the population in the United States in 1886, and 88 murders for every 1,000,000 in 1911.

London's 7,000,000 averaged 20 homicides each year from 1908 to 1910, but New York City's 5,000,000 averaged annually 117 homicides. In London in 1911 there were 23 murders, but in New York City in the same year there were 148 murders.

This spirit of lawlessness and of civic corruption makes it unwise to depend upon the local police to detect bad pictures or to secure the punishment of the exhibitor through the lower courts. If effective work could be done by the police, the result of their work would be to punish an exhibitor who was not responsible for the choice of the picture. For it had been sent by the exchange to him, as to all the other exhibitors in the same circuit. Censorship brings the punishment for bad pictures where it belongs—upon the manufacturers.

But even if the local police were absolutely honest and free from temptation to graft upon motion-picture exhibitors, they are not by education or training

qualified to pass upon such intricate, psychological questions as are necessary to determine what would be the moral effect of certain pictures upon the minds of children.

The author of the "Inside of the White Slave Traffic," which the local police and courts of New York City have condemned as tending to corrupt the morals of youth, is said to be in favor of official censorship, because he believes that such a board would be better qualified intellectually and artistically to determine the moral purpose which he claims has inspired his production.

Mr. Dyer's reply to my contention that a United States Federal censorship will decrease the number of local censorship boards is amazing.

He says: "As a matter of fact, at the present time films are being censored by the National Board of Censorship, and yet the police authorities of Chicago and other cities insist upon having their own censorship."

The reason why Chicago and the States of California, Kansas, Ohio, and other places have official boards of censorship is because they know that the so-called National Board of Censorship is neither national nor a board of censorship. It has no official power from the Nation or anywhere else. It is composed of some very high-minded people, who are giving their valuable services without remuneration. Nevertheless it is fooling the public. After certain pictures the audience sees on the screen these words: "Approved by the National Board of Censorship." The gullible public believe that these pictures have really been censored. Here are the reasons which show why the work of this volunteer board is inefficient; Because all the manufacturers do not always obey the orders of the board, because as their expenses and the salaries of their secretaries are paid by the film manufacturers, the board is not free in their decisions. They work not for the public entirely, but unconsciously for their friends, the film makers. Because the volunteer "censors" are not regular in their attendance, and in their absence the paid secretaries do the "censoring"; because the law does not forbid any pictures to be shown in the theaters without the approval of the board.

The Cleveland board of censors has recently rejected 15 per cent of the pictures presented to it, and most of them bore the inscription "Approved by the National Board of Censorship."

My opponent has a curiously interesting argument to show why he approves of a fake censorship which the film makers control, but opposes a real one which the duly elected representatives of the Government control.

He says that the Government does not represent the people, because there are only 15,000,000 who vote out of 100,000,000 men, women, and children who are citizens.

The public can not be beguiled by this argument that the film makers better represent the will of the people and should therefore have exclusive power to say what pictures the American people shall see in the licensed places of amusement. His claim that the film makers desire large audiences and make pictures which will bring them fails to prove that the film makers know what is the moral standard of the whole people or have any desire to satisfy it.

Even if it were admitted that the film makers know the moral standard of the theater-going public, which is only a part of the whole people, these manufacturers are always tempted to make pictures which will sell at once, rather than those which would meet the moral standard even of their patrons, and thus would increase their future receipts. They are like the merchant who for a large immediate return puts an adulterated article in the market, regardless of the fact that he will demoralize his business and decrease his receipts in the future.

But the morality of the motion-picture show should be as high as that of the whole people, and not merely of the theater goers. The whole people should not allow a small band of business men to make money by manufacturing pictures which, though not bad enough to arouse the indignation of the theater goers and lead them to become accusing witnesses in the court, are yet far below the moral standards of the people. My opponent's charge that I am a dreamer, longing for the impossible, and his rejection of my claim that censorship such as I would advocate would increase the confidence in and the patronage of motion-picture shows, is not ratified by the results of censorship in Cleveland. Mr. R. O. Bartholomew, the head of the censor board there, says that the attendance has increased since the censorship law there went into operation.

Motion pictures, with proper reasonable official censorship, do not teach young children the morals of the underworld nor give them the impression that what

they thus see is real life. Censored motion pictures are an uplifting educational influence, and at the same time more amusing and interesting.

Instead of scenes of degeneration, they show scenes of growth. For a growing flower is more interesting to normal people than a cesspool.

REBUTTAL FOR THE NEGATIVE, BY PRESIDENT DYER.

Your argument, Canon Chase, regarding the mad dog, is against you. The policeman kills the dog after the madness develops. To be consistent, you should provide for censoring all dogs, examine into their pedigree, decide if it is probable that they will develop rabies, and if so, then destroy them. You advocate killing the dog, not because he is surely mad, but because you consider him mad or have reason to believe he may become mad.

In your last article, like the honest man you are, you tell us in a few words why you believe in censorship. The "ignorance of the police, juries, and judges concerning the moral and psychological effect of bad pictures upon children," the fact that censors (as distinguished from ordinary mortals) possess "trained minds" on the subject of morals, and "the very general nonenforcement of law," are the real reasons why you advocate such an extraordinary and unprecedented departure from general practice.

My dear Canon, if I were as hopeless of our institutions as you are, if I had so little confidence in the uprightness and honor of our people, I would stand shoulder to shoulder with you. But I believe in law, believe in our institutions. And even if I were pessimistic enough to think that "police, judges, and juries" were incapable of dealing rightly with this subject, I would try to remedy the evil along the lines of lawful procedure, and not by advocating—apparently as a despairing alternative to anarchy—a return to the inquisition of the Middle Ages. And so, my good friend—I may call you such, may I not?—I leave the subject to the judgment of our readers, expressing to you the sentiments of my most distinguished consideration.

REBUTTAL FOR THE AFFIRMATIVE, BY CANON CHASE.

Mr. Dyer calls my method of eliminating immoral pictures a Russo-Turkish, medieval way. In my first article I pointed out that the growth of the license system of protecting the public from impure food and various evils through the work of inspectors is one of the most modern ways of effective governmental action. So long as there is a legal appeal from any improper decisions, there can be no ground for calling it a tyrannical, arbitrary, anarchistic, or medieval method.

My opponent thinks me lacking in faith in our American institutions because I do not think policemen and the courts are the best judges of the moral effect of pictures upon children. He fails to understand that as we have specialized judges on many subjects, such as in children's courts, and courts of domestic relations, so it is best, and a perfectly legal and American method, to place the first decision as to the good or evil psychological effect of certain motion pictures upon children, not in the hands of policemen or judges who are continually passing upon matters concerning motives and deeds of adults, but into the hands of a motion-picture board, who have been selected because of their knowledge of dramatic art, of morals, and of child nature.

The highest court in Illinois has twice unanimously declared (*Block v. Chicago*, 239 Ill., 257) that such a censorship as I advocate is legal.

A law such as I advocate has been introduced in the New York Legislature. I hope that some Member of Congress will introduce a bill at Washington using the interstate commerce power of Congress to forbid the transportation of motion pictures unless they are licensed by the Copyright Bureau, or by some Federal motion-picture commission.

Mr. Dyer raises the objection that the expenses of censorship will have to be borne by the exhibitors, who will shift it upon the people. Yet Mr. Dyer is advocating not only the most inefficient, but the most expensive method of eliminating bad pictures. Instead of a few people in one place, at Washington, inspecting all films, Mr. Dyer's method requires police to attend all shows everywhere, to hunt for bad pictures, and then requires the expenses of a district attorney and a court in the various parts of the country in order to eliminate each bad picture. The method advocated by me saves the public almost all of this expense.

My opponent's attempt to turn the mad-dog argument against me fails, because I do not advocate that all motion pictures shall be inspected, but only those which are to be shown in licensed places of amusement for pay.

It is the same as is done if a dog is admitted in a prize show contest. He can not be entered nor receive the prize until he has been examined and found not only free from disease, but also otherwise fit to enter the show.

In saying the closing words of this debate, I thank the editor of this magazine and my opponent for their courtesy to me. I am glad to recognize the sincerity of my opponent's convictions and to count him as my friend.

I leave the matter now to the public and to the legislation of our country.

I would like to say that in 1907 there was a great protest against the immoral motion pictures which were shown in the city of New York, and as a result of one of the largest hearings ever held in the city hall there the motion-picture interests got together and arranged for what is called now the National Board of Censorship. They claim that they examine to-day 85 per cent of the films which are shown throughout the country. That is an unofficial board of censorship and it is not a board of censorship; it is a deception upon the public, but the public, when they go into a show and see, as they do, "Approved by the National Board of Censorship," have the impression that there is such a thing going on in the country. The expenses of this National Board of Censorship are paid by the motion-picture interests themselves, but they have no power to enforce their provisions, and the result is seen in that Chicago, which has a local censorship board, has rejected 3 per cent of the films which are brought there to show. Cleveland, which has a local censorship board, cast out 15 per cent of the pictures brought there.

MR. CRAFTS. That is, having this indorsement?

MR. CHASE. Yes; 15 per cent, most of which have the indorsement of this National Board of Censorship. And it is to be noticed that they would not bring the worst pictures there because they know of this censorship provision. So the worst pictures naturally dodge Cleveland and Cleveland is protected. But of those that are actually brought there 15 per cent, most of which are inspected by this National Board of Censorship, are rejected as being immoral. The fact that four States have State boards of censorship indicates that there is a widespred conviction that the exhibition of pictures which are shown to-day in this country is not satisfactory. Now, as a sort of encouragement, and as an illustration of the situation, I want to call your attention to this fact, that after the fullest discussion in the city of New York the board of aldermen there passed a local board of censorship law and ordinance by a vote of 70 to 1, and when Mayor Gaynor held a hearing as to whether he should sign it or not Judge Philbin appeared there with a letter from Cardinal Farley urging that the mayor sign the bill.

The representatives of the teachers' association, of the federation of churches, and of the various interests of the city of New York made a great request that Mayor Gaynor sign the bill, but he vetoed it on the ground that it was opposed to the constitutional provision for the freedom of the press. Ohio is now having a case conducted before the courts. It is a United States district court of three, and the question is as to whether censorship is contrary to the freedom of the press, and so those lawyers of you will be interested in that contention. Now, the Ohio law provides that no picture shall be shown in the State of Ohio unless it is properly licensed or has passed

the board of censorship. Now, such a law as that may be open to the charge which Mayor Gaynor brought against it. But in this bill you leave out one of the things that protects against that. The Senate bill is all right, but in this bill you have left out the little thing which guards against that. The bill, as I would advocate it, does not prevent the exhibition here in the District of Columbia or in the Territories of uncensored motion pictures, except in licensed places.

If you want to take a motion picture of your family, and you want to take it out and show it to your friends, and do not want to come to Washington and get it censored or do not want to go to your State board of censorship, there is nothing in this bill that would prevent that. That would be an infringement upon the freedom of the press. This simply says that if, after you have made your motion picture in your own home and you want to show it in a licensed place of amusement for pay, then you must get the approval of the board of censorship. That point is made clear in this bill. There is a provision in this bill that a picture shall not be carried from State to State unless it is censored, which comes under the power to regulate interstate commerce. But if you are a motion-picture manufacturer and want to manufacture in the State of New York and show your pictures all over that State, according to this bill you would not have to come to this bureau at all. But if you want to carry it over into New Jersey, then it must be licensed. But it does say that in the District of Columbia and in the Territories, if it is shown in places—

Mr. RUPLEY (interposing). I have just been wondering about this proposition: The matter of conflict between the national board and State boards relative to a film. A State board may pass a film which will be shown all over, we will say, New York State, and then when they desire to place it in interstate commerce the national board may turn it down, although the State board has passed upon it and decided that it was entirely proper. Under such circumstances there would be a censorship of that particular film and a conflict between the State board and the national board. Then, again, that same film might pass the board of censorship in another State, and that would add to the conflict.

Mr. CHASE. You mean to say that New Jersey and New York might approve of a film?

Mr. RUPLEY. Yes.

Mr. CHASE. And the national board object to it?

Mr. RUPLEY. Yes.

Mr. CHASE. Well, it could not go over the line: the United States would go after them if it went over the line. However, if it was manufactured in New York it could be shown all over New York, and if somebody went to New Jersey and manufactured something of the same sort it could be shown in New Jersey. But the film could not be carried from one State to the other.

Mr. RUPLEY. It is your opinion that it could not be carried into another State?

Mr. CHASE. No; that is what this act would be forbidding.

Mr. CRAFTS. Mr. Pringle suggests this with reference to prize fights, that one State may have a different standard from another,

and one State may permit such exhibitions, but such pictures can not go from one State to another. They may be lawful in both States, but they could not cross the line, because of this law prohibiting the exhibition of pictures of prize fights in interstate commerce.

Mr. RUPLEY. However, that is a matter that is entirely settled, that films showing prize fights may not be transported from one State to another.

Mr. CHASE. But New Jersey might show pictures of prize fights and New York might show pictures of prize fights. It might be legal in New Jersey to have prize fight exhibitions and it might be legal in New York.

Mr. PLATT. Would it not be absolutely impossible to get a jury to convict in such cases?

Mr. CHASE. Yes; I think you will find that where there is any board that approves of a picture it would be pretty difficult to get another board to disapprove of it.

Mr. PLATT. Suppose New York and New Jersey approved a certain film and the Federal Government tried to convict somebody for carrying it across the line; would any jury in New York or New Jersey convict anybody?

Mr. CHASE. If it was the Federal authority that attempted it it would not be in a State court.

Mr. PLATT. But I suppose they would have to get a local jury?

Mr. CHASE. Yes.

Mr. PLATT. And I do not believe any jury would ever convict.

Mr. CHASE. I do not think so.

Mr. RUPLEY. The court would instruct the jury in that case that it was in violation of a Federal statute.

Mr. PLATT. But juries have been known to take the law into their own hands in those matters.

Mr. BAKER. Are there boards of censorship in all the States now?

Mr. CHASE. There are village and city censorships, but there are boards in only four States, so far as I know. California, Kansas, Ohio, and Pennsylvania have State censorship. But that is what is coming. You can well say that before long we will have 45 or 46 censorships and all the expense placed upon motion-picture manufacturers. But when this law is passed I think the effect will be to stop States having any State boards and will stop cities and towns having local boards. They will say, "The United States Board is satisfactory to us and we will accept it." They will probably pass a law saying that any film that has not the approval of the United States Federal Board of Commissioners will be contrary to the law. They will no doubt locally pass some such regulation as that. Of course, if they at any time do not like what is done here in Washington they can make any substitute provision which will make things satisfactory to them.

Mr. TREADWAY. Of how many members do the boards consist that are already in existence?

Mr. CHASE. The number varies. There is a request now pending in New York for three. I do not remember how many there are on all of these boards.

Mr. TREADWAY. Do you approve of this number here—five at salaries of \$3,000, a chairman at \$3,500, and a secretary at \$1,500?

Mr. CHASE. Well, I was going to speak about that. Personally I would favor larger salaries.

Mr. TREADWAY. And a smaller board?

Mr. CHASE. And I should be in favor of a smaller board and have larger salaries, because of the graft proposition in connection with this. The dangers of that are tremendous. The money that is made from motion pictures is a tremendous amount. They spend \$100,000 in the production of one film. Of course, college professors get no more than \$3,500, and from that educational standpoint, perhaps, to pay \$6,000 or \$7,000 would seem a large sum. But I would like to have men of a caliber whose judgment and poise in these matters, judgment of art and literature, and of general education should be sufficiently high to command the respect at least of the motion-picture business. Therefore I wish it could be arranged to have salaries such as would command men of the right caliber, and then make them feel that they could live properly upon them and resist the temptation of, perhaps, a \$50,000 bribe to pass an objectionable film like the *Inside of the White-Slave Traffic*.

Mr. DOUGHTON. Would not that discredit their work?

Mr. CHASE. Yes.

Mr. DOUGHTON. They would destroy themselves at the first step. They could not stand up under anything like that, it would destroy them.

Mr. CHASE. You have better judgment with reference to that. I do not like to enter an objection to it, but I do feel that \$25,000 is small for traveling expenses and everything else. One of the questions will be whether this board will sit in Washington or New York City. You see, we have five commissioners at \$3,000.

Mr. CRAFTS. \$3,500 for the chairman.

Mr. CHASE. Yes; and there is \$15,500 in salaries, and there will be expenses—

Mr. ABERCROMBIE (interposing). And a secretary at \$1,500, making \$17,000.

Mr. CHASE. Yes. And then you have office expenses, traveling expenses, and various things, so that seems to be a small sum. It seems to me it would be better to make it \$50,000.

I suppose it is better to get right down to the details of it rather than the general principles, but I want to call your attention to this fact, which I think will be helpful to the committee, with reference to the general question of censorship. England, you know—or perhaps you may not know—censors every play that is produced in a theater. You may print a play, but the moment you want it produced it must go before one man, and his one say-so is vital.

You can not go behind him. He is the final authority. Now, that has been so ever since the beginning of the stage in England, and four times within the last half century Parliament has appointed a committee to investigate. So recently as 1909 the objections were so strong that they appointed a committee and investigated, and this was what they found: That the artists—that is, the literary men who wrote the dramas—were almost united against censorship, but that the owners of the theaters and the theater managers, and such men as the speaker of the House of Parliament, were very strongly in favor of retaining censorship. And the motion-picture film people in England have appointed a censorship like our national board of

censorship in order to meet the public sentiment of England. It is not an official board, but they have one because the public cry for something of the sort is so strong. And that answers the question as to whether it is constitutional as against the freedom of the press. We get our constitutional provisions of freedom of the press from England. Milton was the one who started the ball rolling for the freedom of the press, and it is the English constitutional provision which we have inherited in this country, and whatever it means here it must have meant over there, and they have had this done through centuries. So this does not, in my opinion, and I believe in the opinion of our best lawyers, interfere at all in that way.

Now, there are several amendments which I want to suggest. Each film that goes out will have to have attached to it a motion-picture film seal which will say, "Approved by the Federal board of censors," will be numbered so and so, and will give the title. Now, the board of censors will first have to have that printed on a piece of paper; then they will take a motion-picture machine and run it off, and in order to have it exposed five seconds they will have to have about 8 feet of film. Now, I can not find the actual expense of a foot of film, but so far as I can get at it it will be about 5 cents a foot, and 8 feet would be 40 cents. Now, we do not know exactly what that expense will be and I have suggested this provision.

The CHAIRMAN. What section is that?

Mr. CHASE. It is section 11.

The board shall have power to charge in addition to the fee for each film such a sum as is necessary to pay the expense of furnishing the motion-picture film for the seal.

As I understand it, there are 300,000 of these films, and if it costs 40 cents for 8 feet of film, 40 times 300,000 would amount to a pretty big sum, and you do not want to hamper the commission by that. It would frighten the public to put that sum of money in there; that is, that that would be the expense of the commission. Yet these men are willing to pay whatever the actual cost is. So that is one of the amendments that I suggest. Then, I suggest that:

The fees received by the commission shall be paid monthly into the Treasury of the United States. But the commission shall have authority to receive and expend the money collected for the furnishing of the film for the seal.

Mr. CRAFTS. What section is that?

Mr. CHASE. Section 11. All of these amendments apply to section 11 except the last one. That is, the money from the fees is to go into the Treasury, but the money received for the seals they can take and expend without going through the Treasury. Then the next provision is:

Three months after the commissioners have begun to license motion pictures, and at any time thereafter, the board shall have power to reduce the fee to such a sum as will produce no larger income than is necessary to pay the total expenses of the board.

Now, we figure that \$1, which is the fee that we have now decided upon, is enough, although the man I talked to said \$3 would be about the right sum. However, in Ohio the State board of censorship charges \$1, and it has been found in Ohio that that is too much. I have had some information from there that the \$1 fee is too much. We would almost be willing to say 50 cents, but it seems wiser to say \$1.

Mr. TREADWAY. Too much in what way?

Mr. CHASE. It would be more than the expenses of this commission. If there are 300,000 pictures shown and they are licensed, that would be \$300,000.

Mr. TREADWAY. But would not the license run over more than the period of a year?

Mr. CHASE. Yes, sir; the license is forever.

Mr. ABERCROMBIE. Did you say there were 300,000 pictures a year?

Mr. CHASE. Yes, counting duplicates. They have one picture originally, and then there will be 50, 60, or 75 duplicates, and we charge for each one. It will save, and I should be in favor of saying \$1 for the original and 50 cents for all duplicates, because you really only see the original picture and the duplicates you do not care anything about, except to know that they are true copies of the original. This law, unless it has been changed under Dr. Crafts's direction, provides that they may grant a certificate and seal for a duplicate without inspection, that is, if they have a thoroughly reliable manufacturing house that they are dealing with and in which they thoroughly believe. But if they found anybody going back on them or if their faith was violated then they could demand the inspection of everything.

Mr. ABERCROMBIE. Do all of the 300,000 produced actually go into interstate commerce?

Mr. CHASE. In saying 300,000 I am taking Mr. Pringle's statement. I have never made any very great attempt to find out the exact number.

Mr. ABERCROMBIE. But it is your opinion that practically all of them go into interstate commerce?

Mr. CHASE. Yes; that is my idea. Now, then, there is one other provision. This would make a new section, a section just before the end. It would be section 14 and section 14 would be section 15, and it reads as follows:

The refusal of the board to grant a license shall be subject to a review by a court of three justices of the Supreme Court of the District of Columbia.

The censorship of the stage in England, as I told you, is final, but it would seem to me best to have some court of review, but it is not wise to have a manufacturer able to pick out any one court or any one justice and secure an injunction. It seemed to me far better to have a court composed of at least three judges of a court of record to pass upon any questions that may be brought up because of any action taken by the board.

There is one possible change in section 4. The word "censorship" is not used in this bill; the word "license" is used. It is really the same word, but more nearly answers the purpose of this bill. A censorship is an arbitrary thing without any appeal, but a license is something that is granted by a licensing power, and the person applying for it, if he is wrongfully used, has the right to appeal to some other person.

Now, this bill is offered for this reason: That it is the most effective way of seeing that the United States laws are enforced. My opponents have always claimed that there was the police power in any locality, and that if the locality did not like the enforcement of the law that they were the ones that should come forward and view it.

THE CHAIRMAN. That is, the State or local jurisdiction?

MR. CHASE. Yes. For instance, they say in New York City that we ought to allow the policemen to come forward. Now, as a curious illustration of how that works, the man who wrote the "The inside of the white-slave traffic," which recently a jury in New York City pronounced to be bad and immoral—the author of that play said that he did not think the police, the judges, and the jury were the best qualified people to pass on the purpose and the intent of that picture; that he would much prefer to have a trained body of people, like a board of censors, that had been studying that particular thing for a long time, pass upon it. It was his idea to have it passed upon by experts, trained men who had given thought to it, rather than to have it passed upon by some one who had not given particular consideration to that particular matter. Now, we are coming to a time, you know, when we have children's courts. Why? Because we think a judge who is dealing with children all the time is better than a man who is dealing with a half dozen things and has a children's case come to him occasionally.

So we are having domestic-relations courts, because we think that a man who has made a study of the family conditions is better able to deal with quarreling husbands and wives than one who is dealing with commercial and criminal matters and matters of another sort. Then also we are having pure-food laws, whereby we are inspecting, and the whole licensing system is of such a nature now that it effectively accomplishes what we would like to have. The quickest way of seeing that the United States laws against immoral pictures shall be enforced is by compelling every picture to be brought before one board and have that board pass on it. It is very much better than to allow pictures to go broadcast and then have policemen and courts follow up and find the bad pictures and then prove before the courts that they are bad. I think you will find this the cheapest way for the Government to secure the enforcement of this law and that it is the most effective way you will find. Instead of its injuring the motion-picture business it will be of great benefit to it. A motion-picture exhibitor said to me, "I was showing a few nights ago pictures of the building of a railroad bridge and of a railroad, and I saw a boy afterwards. I said, 'Sonny, what did you think of the pictures to-night?' He said, 'Fine. Do you know that I would rather see how to build a bridge than how to rob a bank?'" The trouble in the past has been that our motion-picture manufacturers have not quite realized that how to build a bridge is very interesting and that the children generally prefer something of that kind rather than something that depicts crime in such detail as excites children to crime.

I thank you very much for your patient hearing.

MR. DOUGHTON. I would like to ask, in connection with the number of commissioners whether it is your judgment that five would be any better than three?

MR. CHASE. My own idea would be to have three men who would be of the highest class; men who would not do the actual inspection work to any great extent; men who would have general oversight of the work and constitute a sort of court of appeals; to have the general inspection work done by assistants, and have them so trained as to do the work in a way satisfactory to them. Then if they found

something that was a little suspicious it could be looked into by the commission. However, I think the general public would feel that a board of five would give a fairer interpretation of public sentiment than a board of three. If only three decided in a critical case there would be 2 to 1, and the public might not quite like such a decision. But for efficiency and economy three highly paid men would seem to me very satisfactory.

STATEMENT OF REV. H. N. PRINGLE, ASSISTANT SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU.

Mr. PRINGLE. There are in the United States at minimum estimate 18,000 motion-picture shows, as I have learned by correspondence and conversation with men connected with different film companies and film exchanges in New York, Pittsburgh, Boston, and other towns. The attendance at the picture theaters in the United States aggregates daily about 16,000,000 persons; a large proportion children. In reference to the educational aspect of the subject under discussion I may state that in the United States there are approximately 20,000,000 children in the public schools; so that the attendance at the picture shows represents four-fifths of the daily school attendance and far exceeds that of churches, libraries, and other institutions of human betterment.

Now, what do those picture shows present? A part of the program may be of such quality as would be appropriate to present in any church on Sunday evening; another part may be mediocre, of small educational value, but that is not an objection, as the theater is not an educational institution, but recreational, and should be judged from that standpoint; a third part of the program is objectionable, because it presents murders, robberies, holdups, assaults, burglaries, and nearly the whole catalogue of crimes. Such combinations of good and evil are presented daily in Washington, Pittsburgh, New York, and throughout our country in the picture theaters.

Every few days you may see in the newspapers allusions by criminal court judges to the connection between juvenile crime and the demoralizing presentations just mentioned. Another class of films present indecencies, in which improper sexual relations are made the subject of merriment. The treatment of these films often lacks the high purpose of such writers as Hawthorne, Eliot, and Kipling, who emphasize the consequences of immorality rather than the acts. The chief object of many sex films is to furnish some thrills or to get laughter and amusement from the embarrassment of the parties who were caught by the disclosures.

Competent inspection and effective censorship is needed. The Federal Government for years has stationed inspectors at all the meat-packing houses in the United States to see that tainted and diseased meat does not go out for consumption. That work could be done by the States, but it would not be so efficient and economical. This bill proposes the examination and censorship of picture films so that tainted and diseased amusement may not be sent out from about 50 film manufacturing and importing firms to 18,000 motion picture theaters to injure millions of immature persons who daily see these productions.

There are about 50 persons and firms in the United States which manufacture or import films. The number of films manufactured is about 100 per week and about 50 more are imported.

The CHAIRMAN. A total of 150?

Mr. PRINGLE. Yes; a total of 150. Of some of these no more than 20 or 25 copies are made; of others more than 100. The General Film Co. makes of each of their films 51 copies, but most of their exchanges want 2 copies, so they actually make about 100. Theater men receive high salaries, and it seems to me that on such a board should be at least one practical man, who knows this business in all its particulars, and that we should avoid a narrow, technical, and unreasonable censorship. It is probable that an efficient Federal censorship would be accepted by about every State and municipality, and would greatly simplify the matter of local restriction and relieve the picture show interests of regulations from which they are now beginning to suffer.

Mr. CRAFTS. We are very much obliged to you for your very courteous hearing and for such a good representation of the committee.

Thereupon the committee adjourned.

COMMITTEE ON EDUCATION.

HOUSE OF REPRESENTATIVES,

Tuesday, May 5, 1914.

The committee this day met, Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will please come to order. We have before us to-day the bill creating a new division in the Bureau of Education, to be known as the Federal Motion Picture Commission, and defining its powers and duties. There are several gentlemen here, pro and con. who wish to be heard this morning, and as we have heard from one or two gentlemen who favor the bill I presume it is in order to hear Mr. Bush. I do not know whether he is opposed to it or not, but he is in the film business, as I understand, and we shall be pleased to hear from him.

STATEMENT OF MR. W. STEPHEN BUSH, MOVING PICTURE WORLD, NEW YORK CITY.

Mr. BUSH. I want to make it very clear at the outset that I am not in any way actively or commercially engaged in the manufacture or distribution or exhibition of motion pictures, and never have been. I do not represent any producer, any exchange, any exhibitor; nor am I in any way, directly or indirectly, officially or unofficially, associated with a body known as the National Board of Censorship which is located in New York, and composed of delegates representing a large number of civic societies interested in the public welfare. I come here simply as a plain American citizen interested in motion pictures, familiar with them, a close student of their values and their possibilities, and most anxious to see that all rights consistent with public safety should be accorded to the motion picture. I think it may be said that one well settled axiom of our law and traditions is that every medium of expression ought to be as free

and as unrestrained as possible. That, at least, has been the policy of the traditions in our own country. Take the medium of expression that is afforded by the stage.

We do not deny that the State has the right to deal with any abuse of liberty of expression of which the stage may be guilty, but I do not think that we will ever contend that the playwright before he is permitted to put his play on the boards must submit it to a committee composed of policemen or censors. Now, take the other medium of expression, the newspaper. We surely do not contend that the editor must send proof sheets of his editorials to police headquarters before they can be given to the compositor. Now, there is no question at all in the minds of those who have given any time or attention to the study of this subject that the motion picture is a very valuable, a very powerful medium of expression, and I can not see any reason why the motion picture, as a medium of expression, should not enjoy the same franchise, the same immunities and privileges, together with the same responsibilities, which we impose upon the stage or upon the press. We do not want to place the motion picture above the law, not at all; just as little as we intend to place the press or the stage above the law. Our courts are filled with suits for libel. Every year some men are haled before the courts and punished because they have abused the liberty of the press, because they have published obscene articles, but surely we would not draw the conclusion from such a state of facts that you ought to resurrect censorship. Censorship is a thing of the past. It is from the mediaeval chamber of horrors, if I may say so. It has and it can not have any root in the country of civilization.

The CHAIRMAN. Do you mean to say that there should not be any censorship at all?

Mr. BUSIL. That is precisely what I mean to say. I wish to add that we ought to bear in mind the definition of censorship. It is the imposition of a previous legal restraint upon the pictures, not the suppression of the pictures, for if a picture constitutes a common nuisance or indecent exhibition, then, of course, it ought to be suppressed. Indeed, the laws on the statute books to-day are ample to deal with any such abuse of the liberty of the press or the liberty of the motion picture. Only a short time ago two men attempted to exhibit films not calculated to commend themselves to the sense of the community—indeed, to offend public decency. The two men, on Broadway, New York, were arrested, charged with having committed a misdemeanor in giving those indecent exhibitions. They asked for a trial by jury. The district attorney was glad to agree to it. He said that was what he wanted, to have 12 men, the peers of the accused, to pass upon the question of whether they were guilty of committing a misdemeanor in operating this exhibition. The men were tried by the jury and found guilty. Now, under those circumstances, what good will be accomplished by attempting to impose a previous restraint upon the pictures? I have been for the last six or seven years—and that practically means the history of motion pictures—in innumerable studios, both here and abroad, and I have been very close to exhibitors all through the length and breadth of this country. I know just exactly how these men feel. They are in all essentials very much like other human beings, anxious for profit, anxious to have return on their investment, and they know that it will not pay

to defy public sentiment. The man who runs a theater, the man who runs a newspaper, is not as much exposed to the anger and wrath of those whom he offends as the exhibitor would be. The exhibitor faces his patrons by day and by night, and if a man brings his family there and there is anything on the screen which gives offense to the little children or to the women, why, that man would be spiting his own bread and butter if he exhibited any such offensive pictures. Scores and hundreds of exhibitors have told me that they carefully examine every picture before it is put on the screen. They do not want to offend their patrons, and if there is any doubt in their minds as to whether the exhibition of a certain picture or a certain part of the picture might or might not be offensive, why, they are inclined to resolve that doubt rather against themselves than in their favor and omit the showing of that picture.

That same spirit of great respect for the ordinary decencies of life, for those ordinary decencies that enter into the make-up of every normal human being, characterizes the producers of moving pictures. They are anxious to please, not to offend. It is a fact that the American producers to-day supply not less than 75 per cent of the world's market of motion pictures. No matter where you go in Europe, whether you are in Rome, in Naples, London, or in Berlin, you will find a very strong percentage of each program is made up of pictures made in this country. Why? Because the American pictures, with negligible exceptions, are clean. They are made by men who have their eyes, who have their ears attuned to public taste and to public sentiment, and who do not want to cater to any morbid or depraved taste, which is always abnormal and the possessors of which are mostly in the minority. Now, censorship has been responsible in the countries of Europe for a great decrease in the number of pictures made, and a great injury to the industry generally and absolutely no good accomplished by censorship such as exists in Russia, in Germany, and other countries. France has no censorship.

Mr. FESS. Mr. Bush, would you object to an interruption there?

Mr. BUSH. Why, certainly not.

Mr. FESS. This committee, of course, is wanting information.

Mr. BUSH. Exactly.

Mr. FESS. Not prejudiced one way or the other. You are opposing the censorship, first, because it is un-American, as I understand it?

Mr. BUSH. Precisely so.

Mr. FESS. Secondly, because it is unnecessary?

Mr. BUSH. Precisely.

Mr. FESS. And thirdly, because it is unprofitable by reducing the production of the films.

Mr. BUSH. That is one of the reasons.

Mr. FESS. I think I have gotten those things from what you have said.

Mr. BUSH. Yes, sir. Well, there is just one more thing that I would like to call your attention to and that is very vital in the consideration of this bill. Granting that the personnel and the motives of the gentlemen who compose the commission to be created under this bill are far above reproach or suspicion, is it fair to intrust to the judgment of one, two, or three individuals to say what shall and what shall not be moral or proper? Why, the man who has the

right to say what pictures shall and what pictures shall not be shown in this country is more powerful, within the limits of the industry, than any other component part of it. He can make and he can break a manufacturer. Of course, as I say, that is granting that the personnel and the motives of the commission are entirely above suspicion. Now, of course, administrations change and politics change, and I do not have to point out to you where great avenues are opened to people whose motives, perhaps, are not entirely above suspicion. It would be a tremendous injustice to the manufacturer who had millions and millions of dollars invested in this industry to have one, two, or three men to determine absolutely what in his pictures is right and what is not right.

The CHAIRMAN. Now, who would determine that?

Mr. BUSH. Who would determine that?

The CHAIRMAN. Would it be the public after they had been presented to the public?

Mr. BUSH. Why, it would be for the public, for public sentiment to control the whole situation. If there are any pictures, the exhibition of which constitutes a violation of the law, the law now on the statute books is ample to deal with them.

Mr. POWERS. Just a question at this point. You say administrations change and politics change? Do you mean to indicate by that statement that one political party is more likely to appoint a commission which would do wrong than another?

Mr. BUSH. Oh, no; not at all. Nothing was further from my mind. I meant to intimate no such thing. I only meant to convey this idea: I should have said the personnel; I should not have mentioned the word politics. The personnel is liable to change, and it may be that abuses will creep in. I do not know of any instance in human history, and I doubt whether any of the gentlemen now within the reach of my voice know of any instance in human history where the possession of absolute arbitrary power over others has not been wittingly or unwittingly abused to the injury of those over whom it was exercised. Our struggle from time immemorial, in English speaking nations, has been against arbitrary power.

Mr. POWERS. Now, I have been away and I have not read this bill, as a matter of fact, and I would like to know what are the provisions contained therein, the things that this bill proposes to do.

Mr. BUSH. Well, as I understand it, Mr. Chairman, the bill proposes to appoint three commissioners—am I right in assuming that?

Mr. FESS. Five.

Mr. BUSH. And these commissioners are to pass upon the character of the pictures that are to be submitted to them. In fact, the language of the bill, and that is one of my objections to it, is extremely sweeping and indefinite and would make a cover for the exercise of irresponsible and arbitrary power.

Mr. POWERS. Now, are all the motion pictures produced in this country to be submitted to this commission of five people for censorship before they are put before the public? Is that the idea of this bill?

Mr. BUSH. That, I understand, is the purpose of this bill; that is, before they can be put into interstate commerce.

Mr. POWERS. But, of course, it could not interfere with them if they remained in the State?

Mr. BUSH. No; it would not, but you might as well remember that there is not one picture made in this country—

Mr. POWERS (interposing). That is not interstate commerce.

Mr. BUSH. That is not in interstate commerce.

Mr. POWERS. One other question on that point, if I may?

Mr. BUSH. Certainly.

Mr. POWERS. You say that the laws are ample now to deal with every obscene or objectionable motion picture which may be displayed to the public?

Mr. BUSH. Yes, sir.

Mr. POWERS. Now, just what laws do we have? I mean the gist of the Federal laws on that question, if you know?

Mr. BUSH. I can not say that I am sufficiently familiar with the Federal laws to answer that question as fully and as intelligently as it ought to be answered, but, as far as the various State statutes are concerned, at common law in every State an indecent exhibition is a misdemeanor.

Mr. POWERS. Yes; I know.

Mr. BUSH. And I know that the Federal authorities exercise close scrutiny over the publication of obscene and immoral pictures.

Mr. FESS. I see your point of view there. Censorship looks to prevention.

Mr. BUSH. Precisely.

Mr. FESS. And absence of censorship would look to a remedy after the thing is done?

Mr. BUSH. Exactly.

Mr. FESS. To remedy the error?

Mr. BUSH. Exactly.

Mr. FESS. And while it is a question with me how far we should go on censoring anything, yet I am wondering whether there would not be less harm to come, all things being considered, from the exercise of a censoring agency rather than to wait until after the thing is done and hope for a remedy. For example, take the newspapers. In the freedom of the press we go upon this basis: Print what you want to, but you will be responsible for a suit. Now, I can see both sides there, and it seems to me that it is an open field, but I am not quite sure that censoring would do more harm than the other.

Mr. BUSH. Well, it is just as you point out. The punishment of the overt act is now within the power of the law. We have the jurisdiction to do that now, and that is ample. All law, after all, is nothing but a crystallization of public sentiment.

Mr. FESS. You are not in doubt at all as to whether or not that is ample?

Mr. BUSH. My doubts have been entirely dissipated since the conviction of the men in New York, whose example I have just cited, who showed pictures purporting to portray the horrors of the so-called white-slave traffic. I was present when the question of an injunction against the place, after they had decided to interfere, came up before Justice Gavegan in the supreme court, and Justice Gavegan in the opinion that he wrote, said that there was not any doubt at all that at common law the portrayal of scenes in the interior of a house of prostitution constituted an indecent exhibition within the meaning of the statute, and he not only denied the petition to make the temporary injunction permanent—the injunction had only been alive

24 hours—but he dictated to his stenographer the order denying the petition, making the injunction permanent. Now, the two men were then arraigned before the special sessions. In New York County a charge of misdemeanor does not carry with it the right of jury trial. That is optional with the supreme court, and these men moved for a jury trial, thinking that 12 men might be found, who, by having a lot of reformers appear in favor of such exhibitions, might be swayed and might be induced to say, "Well, the thing has an educational value; it has a deterrent value." But 12 men were selected, and the jury found these men guilty, after seeing the pictures. I think that is the American way of doing things. In Russia it would have been different. In Prussia it would have been different. There the police would have said, "We want to look at every picture before you dare to put it on the screen."

MR. POWERS. I have no doubt but that the common law in all the States of the Union, aside from any statutory enactments, is amply sufficient to take care of the situation. The only point is this: That the public goes to see these things and they see them exhibited and sometimes they are obnoxious to the better taste of patrons, and they go away and they say, "Oh, well, I will not take the time or trouble to look into it and bring the parties to justice." It looks to me as if that is the greatest loophole, as the matter now stands.

MR. BUSH. Of course, you will appreciate that there is a sharp line of demarcation in such matters between taste and ethics.

MR. POWERS. Oh, yes; but I mean those pictures which are sufficiently obnoxious to compel people to say away from them.

MR. BUSH. Exactly. You take the average audience that goes to motion pictures, and I do not care whether you go to the fashionable West Side or whether you go away over on the Lower East Side, but I think that in every aggregation of normal human beings there is a point where we all feel that certain things offend that instinct which has been bred in us through centuries of civilization, and that is offensive; that is bad, and we do not want that. That was the very question at issue before the court of general sessions at the trial of these men who were charged with an indecent exhibition in displaying these white-slave films. That was the very question.

MR. THACHER. You refer to the pictures displaying the white-slave trade and the fact that they were brought into court afterward, and, very properly, were covered by the State law. Of course, I understand that the State laws throughout the several States would cover cases of that sort.

MR. BUSH. Yes, sir.

MR. THACHER. If the pictures are indecent or objectionable?

MR. BUSH. Exactly.

MR. THACHER. But dangerous films are not covered by the law. For example, could not a film be dangerous without being indecent; and that would not be covered by the law, would it?

MR. BUSH. I do not think so.

MR. THACHER. Did you see a statement made by a judge a few weeks ago that he thought the tendency to crime among children had been increased by the fact that films showing burglars and other criminals as heroes had had a bad effect upon them? Do you remember that statement by a New York judge?

MR. BUSH. Yes; I have seen that statement.

Mr. THACHER. That would not be covered by the present law. I know the present law would not stop those things if there was any complaint made.

Mr. BUSH. Well, if it was anything offensive or anything indecent—

Mr. THACHER (interposing). I do not mean indecent; I mean dangerous.

Mr. BUSH. But even now public sentiment—not any law, but public sentiment—rejects that sort of thing.

Mr. THACHER. That is your view?

Mr. BUSH. Yes, sir. I am not like the New York judge, whose opportunities of observation, I fear, are somewhat limited. I have been in every studio in this country and abroad. I know just exactly what the producers want and what they are trying to do. They are thoroughly alive to their responsibilities, and I doubt very much whether at this time you will see pictures in which the details of a crime are displayed with too much circumstance. I do not believe you will see such a picture to-day anywhere. I would like you to bear this in mind: it is a remarkable thing and well worthy of your attention: We are now turning out 150,000 feet of film subjects every week for the consumption of the American market alone. Now, if the pictures were really as horrible as some of our friends, zealous and well meaning but not always guided by information and by cool, calm judgment, if these pictures were really bad and depraved, is it conceivable that they would have risen to their present prosperity and popularity? Even at this time they are in every city of the United States building at tremendous expense new theaters exclusively devoted to the exhibition of motion pictures. Bear in mind that the motion picture has grown away from its early standards, with the larger theaters, with the very best classes of our population going there. Your chairman has been telling me that he enjoys nothing better than motion pictures, and that he has been to various motion pictures in this city and that he has never seen anything that seemed offensive to him; and I challenge the experience of every man on this committee to mention now specifically the title of a picture which could be classed as horrible or offensive or indecent or immoral.

The CHAIRMAN. I want to ask you this question: In the city of New York there is what we call the national board of censorship, is there not?

Mr. BUSH. I believe there is; yes, sir.

The CHAIRMAN. Now, what power has that censorship board of New York?

Mr. BUSH. Whatever powers they have are derived from the support of public opinion. They have no legal power at all.

The CHAIRMAN. Still it is called a national board of censorship?

Mr. BUSH. It is called that, but that is a misnomer if there ever was one.

Dr. CARTER. Mr. Chairman, may I call the attention of the committee to the fact that I am a member of that national board, and later I shall be glad to have a word to say to the committee concerning that national board?

Mr. TOWNER. You said a short time ago that the censorship in Germany and other places did no good. Will you tell the committee, if you can, just what you mean by saying that it did no good?

Mr. BUSH. I do not know that I used just that language, but I will be glad to tell you what I mean. The ideals of the German Government go against absolute freedom of expression. Even the most harmless comics that perhaps infringe upon the dignity of a constable or policeman are viewed with displeasure by the German censor and are suppressed. Now, that is one instance, and on the other hand the German censorship is not at all strict in such matters where we in this country would be very strict. In "painting out," if I am using the word properly, certain situations the German censors are allowed practically to go as far as they like, and the Russian too, and also the French. But when it comes to what they call ridiculing human authority, down comes the club of censorship.

Mr. TOWNER. You spoke of the German censor at one time and at another time of the Prussian censor. What is the fact with regard to it? Is it national or is it the German Empire that exercises the power or is it the individual States of the German Empire?

Mr. BUSH. I think they exercise concurrent jurisdiction. I think there is a censorship which is recognized in every part of the German Empire, but that does not supersede extra censorship that may be imposed by the political subdivisions of the empire.

Mr. TOWNER. Then there hardly can be a concurrent censorship, because if the national power exercises it then there would be no right in the subordinate subdivisions of the empire to exercise it, so that there could not be a concurrent censorship. There might be concurrent jurisdiction in the matter of punishment, but not concurrent censorship.

Mr. BUSH. Well, I will tell you, my source of knowledge has been travel through the countries and conversations with producers of motion pictures. One of these producers, I recall very distinctly, is the Continental Film Co., of Berlin, and the gentleman who has charge of that corporation told me that the Berlin censorship was accepted in almost every part of the Empire.

Mr. TOWNER. Well, it might be accepted voluntarily, but it is not imposed by law. The committee, I am quite sure, would rather know what the laws are, if you could find out—that is, to what extent nations have gone in the exercise of the power of censorship. You could not tell us definitely now, could you?

Mr. BUSH. Yes; I could tell you that Russia has gone very far.

Mr. TOWNER. Well, leave Russia out of consideration.

Mr. BUSH. Well, then, I will be glad to tell you that France has no censorship at all. The only thing that the French law prohibits is the displaying of details of executions upon the screen, but otherwise there is no previous restraint imposed upon pictures made in France.

Mr. THACHER. How about England?

Mr. BUSH. In England they have a very unique condition. Mr. Redford, who for years had been censoring plays on the English stage, was requested by certain importers of motion pictures in England to see what he could do in order to have some national jurisdiction over motion pictures. Every little community in England saw fit to exercise its own notions of censorship, and that led to a good deal of confusion and harm and injury to the producers and importers. This I have from Mr. Redford himself. I was in England last year and interviewed him and he told me that he went with

this request, made by the producers and importers of motion pictures in England, to the home secretary and the home secretary told him that officially neither he nor his office could have anything to do with the censorship of motion pictures, but he would be glad to let it become known that he, in an unofficial and informal manner, and his office likewise, looked with favor upon the decisions of Mr. Redford. Mr. Redford then conferred with the producers and importers and exhibitors and a *modus operandi* was agreed upon to this effect: No exhibitor in the British Kingdom will display upon his screen any picture which does not bear the stamp of approval of Mr. Redford's board. Now, on rare occasions—Mr. Redford is authority for this—a local magistrate will not accept his censorship, but, he said, rare as these instances were within two or three years ago, they have now almost disappeared.

Mr. THACHER. Has that censorship done any injustice to the moving-picture industry and to the public generally?

Mr. BUSH. In England?

Mr. THACHER. Yes.

Mr. BUSH. No; not at all. On the contrary, Mr. Redford proceeds in this way: He himself only views pictures that have been seen by his assistants, where his assistants do not feel competent to give a definite decision. In such cases they turn to him and say, "We have doubt about this picture." Then he looks at the picture and if it looks to him that this picture ought to be suppressed or some alterations ought to be made he calls upon the producer or importer of the picture and talks the matter over with him and suggests to him, "Now, don't you think without spoiling the dramatic value of this picture you might eliminate this or that?"

Mr. THACHER. Does that censorship embrace all of Great Britain?

Mr. BUSH. Yes, sir; all of Great Britain.

Mr. THACHER. In other words, no film is exhibited in any moving-picture hall in Great Britain unless it bears the approval of this board?

Mr. BUSH. Exactly; but there is no legal restraint. If you want to go to England to-day and exhibit your pictures, and you can get an exhibitor to show them for you, you are not breaking any law.

Mr. POWERS. There is just one other thing I want to say in line with Judge Towner's suggestion: Would you mind collaborating the laws of the principal nations of the world that have these censorships, and submit them as a part of your remarks?

Mr. BUSH. I should be pleased to do so, within the limits of my ability. I would be very glad indeed to compile all the data in my possession. I would be glad to do that if this committee desires me to do it.

Mr. POWERS. For one, I would like to have you do it.

Mr. TOWNER. I want to ask you whether or not you are familiar with the somewhat long extended discussion that has taken place in Great Britain about the censorship of the plays there. You referred to that, I believe?

Mr. BUSH. Yes, sir.

Mr. TOWNER. And you will recall that George Bernard Shaw and his assistants have been continually fighting against it for many years.

Mr. BUSH. Very true.

Mr. TOWNER. And is it not also a fact that the more strenuous the contest has become on the part of the protestants, the more strongly have the people of Great Britain adhered to and supported the censorship of the plays?

Mr. BUSH. Well, censorship is a British institution rather than an American institution. I will admit that.

Mr. TOWNER. Very well. It appeals, then, at least to the British people, you will admit?

Mr. BUSH. Well, you will hardly blame the British people, which really means the British middle class, for not being in love with Mr. Shaw, because Mr. Shaw has certainly scourged all their little foibles pretty hard. I would not draw any conclusions from the attitude of the British public toward Mr. Shaw.

Mr. TOWNER. Now, I want to ask you, coming down to our own country, this question: The fundamental objection, as I understand it, that you make to censorship is that it is un-American and tyrannical in its nature?

Mr. BUSH. Yes.

Mr. TOWNER. Now, are you not of the opinion that censorship in some form is bound to come in this country?

Mr. BUSH. Well, errors are likely to occur at any time, but I do not believe that censorship will ever strike root in American soil.

Mr. TOWNER. Well, but it is coming now. Every day there is a censorship established in a town or city or State. Every day there is action being taken that establishes censorship in localities. Of course, you must be aware of that—you or the people that you represent. It is a matter of common notoriety. We see every day that censorship has been established in a certain city.

Mr. BUSH. You mean censorship over motion pictures?

Mr. TOWNER. Yes; certainly.

Mr. BUSH. I understand that that has been one of the great indoor sports among reformers.

Mr. TOWNER. Now, it will not do to sneer at the reformer, because you have got to deal with them.

Mr. BUSH. I am not sneering at them.

Mr. TOWNER. They are a growing power in this country, as you will find. But if censorship now appears to appeal to the moral sense of the people as being necessary, and if, as a matter of fact, it is being established day by day in localities, in municipalities, and in States—that is, as a subject of discussion, at least—then we are going to have censorship in some kind of form. Would it not be better for those whom you represent, as a mere matter of policy, leaving the legal question aside entirely—would it not be better for you and for everybody if a national censorship could be established rather than a miscellaneous conflicting censorship in every possible way and diverse jurisdiction that you would be subject to when you came inside the jurisdiction of one of these little municipalities with a local censorship? From your standpoint, would it not be better for you and your people to have a reasonably fair national censorship that would be uniform all over the country than to have that class of censorship?

Mr. BUSH. Now, there is just one thing I want to emphasize again, and that is this: That I do not represent any film interest. Not at all. I am not interested a dollar's worth in any film concern what-

ever, and never have been. I am looking at it merely as an American citizen, as one of the millions of American citizens in this country.

Mr. TOWNER. You come here in the interest of the film makers?

Mr. BUSH. I have come here in support of my convictions before this committee; that is true.

Mr. TOWNER. Well, it does not make any difference how you come or whom you represent. What do you think of the proposition that I have put before you?

Mr. BUSH. I think this, in a few words: In the first place, I do not believe that Congress under its delegated powers would have the right to assume control of the subject matter in this bill at all.

Mr. TOWNER. That is another question. I left that out of consideration.

Mr. BUSH. Well, I waive that for the moment. But I do say this, that admitting for the sake of the argument that the Federal authorities have jurisdiction, why, I am sure a very tyro in political history knows that the States do not lose their control over the matter of censorship because Congress enacts a law dealing with the same question. The State and the Nation exercise concurrent jurisdiction if this bill becomes a law. That is not subject to doubt.

Mr. TOWNER. Are you sure about that? You say it is not subject to doubt.

Mr. POWERS. I was going to suggest, Judge, that this national censorship will not prevent any of these States, communities, or cities from having their own censorships, and it might be in one locality one way and in another another way. We would simply have a double censorship if we had a national censorship.

Mr. TOWNER. I think that is by no mean true.

Mr. POWERS. I think there is no doubt about that proposition.

Mr. TOWNER. Have you considered it thoroughly?

Mr. POWERS. I certainly have, about the jurisdiction of the States—

Mr. FESS. Now, the State of Ohio has an insolvency act. Do you mean that because they have an insolvency law the National Government can not make a bankruptcy law?

Mr. POWERS. The National Government can only go so far as to control things moving from one State to another. So far as censorship in the individual States and in the individual localities is concerned they have a right to pass any law they want, so far as they do not interfere with the interstate features of the Federal law.

Mr. BUSH. Exactly, and at this moment there are two States that have enacted censorship laws, and they are enforcing those laws every day.

Mr. POWERS. There is no doubt about that.

Mr. BUSH. Now, is it to be conceived that by the passage of this bill all those individual State laws would be abrogated?

Mr. THACHER. What are the names of those two States that you mentioned?

Mr. BUSH. Pennsylvania and Ohio.

Mr. THACHER. And California?

Mr. BUSH. Not a State censorship. It has, I believe, various municipal censorships, but these are State censorships. In these cases it has been distinctly held that the State censorship does not do away

with any censorship that may be exercised by the minor subdivisions of the State.

Mr. TOWNER. You appear to be so absolutely satisfied, and my friend of Kentucky does, too, that I would like to call your attention to this fact: The Supreme Court of the United States held in the liquor case that the Federal Government not only had the right to exercise jurisdiction over importation of liquor from one State to another, but it also had the right to exercise jurisdiction over the sale of liquor after it had been imported, applying the doctrine of Chief Justice Marshall in *McCullough v. Maryland*, in which they had not only the right, when Congress had exercised its supervision over the matter, to import the liquor, but also to sell it. It would not be at all far from an analogous situation to say that if the Government said that a motion picture could be imported from one State to another, when the only object of importation would be exhibition, that the Government had the right to allow the person there to exhibit it.

Mr. FESS. You would not mean to say that because Ohio has a censorship law that if we passed this bill, it will nullify the Ohio law?

Mr. TOWNER. I am not so sure about that.

Mr. FESS. Oh, well.

Mr. TOWNER. Now, I speak very frankly about that because—

The CHAIRMAN (interposing). Would not that interfere with the autonomy of your State?

Mr. TOWNER. But it did not affect the autonomy of the State in the liquor cases. It was never until the Wilson bill passed that it was said that the sale of liquor followed its importation. It was never until the Kenyon-Webb law was passed that—

Mr. FESS (interposing). We have an insolvency law in Ohio. We have a Federal bankruptcy law. The two aim to reach the same conclusion. The Federal law has not nullified the insolvency law of Ohio.

Mr. TOWNER. That is very true, but the decision of the Supreme Court in such cases as that would bear out the question in this case.

Mr. ABERCROMBIE. Since it is conceded that all films are made for interstate business—

Mr. BUSH (interposing). Yes, sir.

Mr. ABERCROMBIE. A law of this kind by Congress would be effective in all the States?

Mr. BUSH. I think that is a nice question. It is effective now in one respect. They have passed a law forbidding the transportation from one State into another of a picture exhibiting prize fights, a prize-fight film. Now, that is not really censorship. If it is censorship at all, it is an indirect or reflective censorship. Censorship and prohibition are entirely different things. Prohibition provides for the punishment of an overt act while censorship is the imposition of a previous legal restraint.

The CHAIRMAN. Well, you have censorship in three or four States and a great many cities and towns.

Mr. BUSH. Yes, sir.

Mr. TOWNER. I want to call your attention to this matter: If we pass a censorship law which is national in its scope and it becomes effective in so far as prohibition is concerned, because no matter how

liberal the laws may be in any given State if the national law says that a film shall not go in interstate commerce that prohibits it, and the only question with regard to interstate jurisdiction would be this: If, after the national board had declared that the film was unobjectionable, then some State might declare it to be objectionable and hold it up. In other words, it would only be operative in a negative sense. You say that the censorship of a nation is tyrannical? Is it any more tyrannical than the power which is exercised by the Nation now in excluding objectionable matter from the mails?

Mr. BUSH. So far as I recollect, I have not characterized the censorship as tyrannical.

Mr. TOWNER. Well, I think that term was my own.

Mr. BUSH. But I do know, on the authority of one of the greatest statesmen that ever lived and one of the greatest lights in the history of the English race, John Milton, that ever since we have had censorship, ever since it has become known to mankind in all ages, that it has invariably been and it must needs be the engine of suppression and tyranny.

Mr. TOWNER. Well, we have a great many engines of suppression and tyranny, according to that general definition. Let me call your attention to another exercise of this arbitrary power on the part of the General Government, that is, as to the determination in advance, by the exercise of this absolute power of censorship, as to what form of advertisement regarding questionable enterprises, fraud enterprises, might or might not be sent through the mails, many of them involving hundreds of thousands of dollars of invested capital. Enterprises in which millions of dollars have been invested have been thrown out of business and ruined because the United States would not allow their advertisements to go through the mails. Is not that an exercise of arbitrary power, and has it not been for the inestimable benefit of the people?

Mr. BUSH. No; I think that is one of the functions of Government from time immemorial; I think there is absolutely no analogy, at least I am unable to perceive any, between that line of reasoning and the principles applicable to censorship.

Mr. FESS. Your contention is that the public furnishes its own censorship?

Mr. BUSH. That is summing it up in so many words.

Mr. FESS. And further, that the newspaper can publish anything it may see fit to publish and suffer the consequences?

Mr. BUSH. Exactly.

Mr. FESS. And that the motion-picture people can put out anything they see fit to exhibit and take the consequences?

Mr. BUSH. That is precisely my opinion, and that was the opinion written by William J. Gaynor, a great Democrat and a great jurist, when he vetoed the ordinance passed by the board of aldermen attempting to place the power of censorship in the New York board of education. He said, "You can not do it," and turning to those who appeared before him, he said, "Your ancestors, at one time, were under censorship. You could not print a thing until you had the permission of the Government, but those days have passed and it is too late to resurrect them." That was his stand, and I think that is about the only American stand that can be taken.

Now, gentlemen, I fear that I have more than exhausted my time, but I would be glad to answer any questions which any of you gentlemen may see fit to ask me.

Mr. ABERCROMBIE. Is it your opinion that the so-called National Board of Censorship, misnamed, as you have stated, has not resulted in good?

Mr. BUSH. No; I will not say that. I will say this: Here is a body of men and women, so far as I know, and I think I know pretty well, serving without pay, merely for the sake of promoting the public welfare, and they examine these pictures and they act rather in an advisory than in a censorial capacity. The manufacturers accept their verdict in 99 cases out of 100. There is no question that this board has done good; no question at all. In fact, I believe that much of the uplift, much of the progress along clean moral lines of the motion picture is to some degree attributable to that board. But this board always has disavowed, and its chairman again and again has emphatically disavowed any intention to impose any legal restraint. It is voluntary.

Mr. ABERCROMBIE. Now, if a moving-picture house throws on the screen the usual statement that, "This picture has been passed upon by the National Board of Censorship," in the absence of any law establishing such a board and giving it authority, could the manager of such a business be punished?

Mr. BUSH. I do not know that I quite catch your meaning?

Mr. ABERCROMBIE. That is, of course, if it is untrue. I mean when the statement is untrue.

Mr. BUSH. I should think so.

Mr. ABERCROMBIE. I always feel safe when I see that on the board. Now, suppose it is not true. There is no way to punish the manager in the absence of a law.

Mr. BUSH. I should think that the laws now on the statute books would cover that situation. I can not now work out the legal details, but it seems to me that it would not take the law very long to get at the offense involved. It is certainly a misrepresentation. Perhaps it is a forgery; I do not know.

Mr. ABERCROMBIE. You are a student of moving-picture affairs. Do you know whether that statement is made falsely in many instances?

Mr. BUSH. To my knowledge—well, I have no knowledge of a single case where it was used wrongfully.

The CHAIRMAN. Do you not believe, Mr. Bush, that if a just and equitable law as to censorship could be established that it would be a protection both to the public and also to you gentlemen financially and to the public morally?

Mr. BUSH. Well, I can only repeat what I have said before, that the present condition is satisfactory. I do not see why it is necessary to impose censorship. When the moving pictures first became known as toys, introduced to the public with all sorts of clownish incidents, then, perhaps, a somewhat stricter supervision might have been imposed.

The CHAIRMAN. Now, this censorship is imposed in a great many States, cities, and towns?

Mr. BUSH. Yes, sir.

The CHAIRMAN. Is not that more expensive to you gentlemen than picture censorship?

Mr. BUSH. Oh, there is no question that it is expensive, both to the men who produce, the men who distribute, and lastly to the man who exhibits.

The CHAIRMAN. But that exists and it is going to exist?

Mr. BUSH. Yes, sir.

The CHAIRMAN. Now, if we could have a general censorship, would it not be a greater protection to the public morally and to you gentlemen financially?

Mr. BUSH. Mr. Chairman, I quite agree with you to that extent. Viewing censorship as a lesser evil, and that is the most favorable view that I can ever take of it, but, viewing it as a lesser evil, I say this: If the censorship which it is intended to establish by this bill would supersede and exclude every other form of censorship in this country, probably it would be a lesser evil.

Mr. FESS. Mr. Chairman, I can see, I think, your point of view, and I think I sympathize in a degree with it, although I am rather inclined to think that there is more good to come out of the censorship than evil. I fear that we do not distinguish between a matter of taste and a matter of equity. For example, I will go down and see something and take a friend with me, and I will see something on the stage I do not like. My friend will say, "Well, Mr. Fess, you are too narrow on this matter. Now, that has done good." But to save my life I can not see the good. It seems to me that it has the other effect, and I would be a poor censor. My teachings would make me pretty puritanical, yet others will say, "Fess, you are too narrow; you have allowed the whole State to be stirred up as to what kind of statuary shall be placed on the statehouse front, for example, whether a certain style of statuary would be allowable at all. Others say it would; half of the people say that it would not, and the whole State is in an uproar over it." Now, I am unfit to be a censor, since I have allowed my personal taste to control rather than be controlled by a sense of equity. Now, the question is, Where shall we draw rein?

Mr. BUSH. You have struck the very heart of this question. No man or woman—and women, I think, less than men—can wholly detach themselves from their own feelings, personal feelings, and opinions.

Mr. FESS. If you will permit another interruption, I will say that I was at a show this week, and the most disgusting feature of the thing was the most popular thing, judging from the applause of the house. Now, I do not know whether the joke was on me or not.

Mr. THACHER. We have all been there.

Mr. BUSH. It is merely a question of taste. Now, take, for instance, these so-called western pictures. For years and years they have been made. And why? Not because there was a demand in this country. The demand for them in this country has died out. But the people in Europe are crazy about them, and they send them from this country to Europe. Now, that is purely a matter of taste. I do not admire those pictures; you do not admire them; and I do not think there is anyone else here who admires them, but there are a large number of people who take amusement out of them. There is one point that I want to urge upon you which I can not urge too

strongly, and that is this: Think of what the motion pictures have done—the good they have done. Do not fasten your vision on the few negligible instances. It is human nature, perhaps, to do it; but also remember the motion picture, like the magic key, has unlocked the treasure house of the world's literature.

Mr. FESS. Now, this committee, if it acted favorably on this bill, would act purely because it would think it would increase the good you have done rather than decrease it.

Mr. BUSH. I do not see how it could.

Mr. POWERS. Your position is that no five members of this commission can regulate the taste and the desire of the entire American public?

Mr. BUSH. Exactly. That is summing it up. In other words, if five gentlemen are censoring us, who will censor the five gentlemen?

Mr. TOWNER. You spoke a few moments ago about the condition with regard to the moving pictures being satisfactory to you. Now, do you mean to the film manufacturers?

Mr. BUSH. No; I mean to myself, as a plain, average American citizen.

Mr. TOWNER. Now, while that might be true, what do you say of this movement, which is nation-wide for censorship?

Mr. BUSH. I can say a good deal about it.

Mr. TOWNER. Now, if there is no foundation for it, if there are no films that are exercising a deleterious influence, how do you account for the strong feeling in this movement for legislation?

Mr. BUSH. I will tell you, in the first place, you are assuming a state of affairs which does not exist. You say that there is a nation-wide movement. Now, I deny that. I will tell you why I deny it. There are 48 States in this Union. We have had moving pictures for the last six or seven years, as a common and popular amusement. If there were a nation-wide demand, more than 2 out of 48 States would have censorships, and I could unfold a tale as to censorship in Ohio that would make it very evident to you that the censorship there did not come in response to a public demand, but merely as a political growth.

Mr. TOWNER. Now, if you have a tale that you can unfold, I think the committee ought to know it. If these evidences that I spoke of all over the country are not well founded, if they are manufactured by some extraneous influences, if they are selfishly political in their origin, then this committee ought to know it. Now, if you have any facts, give them to the committee.

Mr. BUSH. If the committee desires to be possessed of the facts, and if the chairman requests me, I will impart them to the committee.

The CHAIRMAN. I think the committee would like to hear them.

Mr. FESS. As they say, over in the House, reserving the right to object, what about the others? There are other gentlemen to be heard, and we will have to leave here pretty soon.

The CHAIRMAN. Well, sir; we are very much obliged to you.

Mr. POWERS. I would like to have this gentleman submit a compilation of the laws of censorship of some of the principal countries of Europe as a part of his remarks, and, if he wants to do it, let him enter into this Ohio situation.

The CHAIRMAN. I think we would like to have that.

Mr. BUSH. You would like to have what I know about the Ohio situation?

Mr. POWERS. And about the other matter, too, these laws of other countries.

Brief summary of censorship laws affecting the principal countries of Europe. Submitted by Mr. W. Stephen Bush:

ENGLAND.

There is no legal censorship of motion pictures in England. There does, however, exist a self-imposed censorship. This censorship had its origin in the following manner: Mr. Redford, who for many years had been a censor of plays in England and whose work had been generally commented upon for its fairness, was approached by the producers and importers of motion pictures in England and asked to censor their pictures for them. It was suggested to him that he might be able to get an official sanction for his censorship from the office of the home secretary. Mr. Redford went to the office of the home secretary, who told him that the home office could not take official cognizance of his work as a censor of motion pictures, but that in an informal way the secretary would commend his work. Upon this basis is built censorship of motion pictures in England. No exchange will buy and no exhibitor will display a film which does not bear the approval of Mr. Redford. Mr. Redford has a large number of assistants who perform the routine work of the office. Whenever they feel in doubt as to whether a film ought to be passed or not, they call upon Mr. Redford. Mr. Redford looks at the film and if it seems to him that certain eliminations ought to be made, he communicates with the producer or importer and some arrangement is made which is mutually satisfactory. Only in very rare instances did the local magistrates attempt to interfere with the censorship of Mr. Redford. There is no legal force behind the decisions of Mr. Redford, but the industry and the public are satisfied to accept them.

FRANCE.

There is no legal censorship in France. There is no special prohibition except a law which forbids the presentation upon the screen of the details attending an execution. Aside from this the producer, distributor, and exhibitor of motion pictures is left free to find his own way. There are laws against indecent exhibitions, but these laws have been interpreted very liberally by the French courts. As a matter of fact, the films in France are as free as the newspapers and books.

ITALY.

There is, properly speaking, no censorship in Italy. The police do not interfere except upon a specific complaint. As far as I know, films do not have to be submitted to the police authorities before they are exhibited on the screen.

GERMANY.

The police in Germany exercise strict and complete censorship over all pictures. No picture can be shown in any part of the Empire unless it has been examined and approved by the police authorities of the proper jurisdiction. The decisions of the police department of Berlin are accepted by the police departments of other parts of the Empire, but this is merely a comity, and each political subdivision of the Empire retains the right of censoring pictures. The police in Germany are very indulgent as to sex problems, amorous adventures, etc., but they are rigorous in dealing with pictures supposed to lack in respect for the authorities. An American comedy making fun of policemen will not be passed by any police censors of Germany. The German law allows an appeal from the decisions of the police authorities to the court of civil and criminal jurisdiction in the district and the further appeal to the imperial court at Leipzig.

AUSTRIA.

The censorship in Austria is exercised by the police, but it seems that each Province of the Empire is independent of the other and there is no Federal

jurisdiction, although an appeal to the Federal jurisdiction will be entertained in certain cases. I stayed for some days in Innsbruck and studied the situation there, and I know that, for instance, in the Tyrol the censors act independently of any other Province in the Austrian Empire.

DENMARK.

In Denmark all pictures must be submitted before they are put on the market to a special commission, which is separate and distinct from the police, and which consists of men in high standing. A member of the present commission is a noted actor. The decisions of this commission are said to be most fair and liberal.

SWEDEN.

I know nothing about Sweden.

RUSSIA.

In Russia no picture can be shown unless examined and approved by the imperial police. Russian censorship greatly resembles that of Germany, but there is no appeal from the decisions of the police. The fact that many Russian films imported to this country can not be shown here until radical eliminations are made is sufficient commentary on one of the aspects of Russian censorship. A picture made in Russia, "Should a Woman Tell?" is now being shown on Broadway in New York City. It contains scenes of terrible and shocking realism, and practically showing the crime of rape. The Russian censors passed this. It has been entirely eliminated by the importers.

CANADA.

Canada has official censorship, established in the early part of 1912. Each Province has its own censors appointed by the government. All films must be submitted to them before being allowed on the screen. At the time the first Canadian board of censors was formed promoters of the scheme of censorship came to New York and consulted with the so-called National Board of Censorship of New York, adopting many of their rules.

The CHAIRMAN. Now, Dr. Chase, you represent the other side?

Dr. CHASE. We would like to hear from Dr. Carter, but I do not know which side he is on. However, I presume he is on the other side.

The CHAIRMAN. He is a member of the National Board of Censorship of New York.

STATEMENT OF REV. WILLIAM CARTER, D. D., NEW YORK CITY.

Dr. CARTER. Gentlemen, I appreciate Canon Chase's introduction in this way, because he does not know which side I am on. I want to say, first of all, that I do not come especially representing the national board of censorship, although I am a member of that body. I believe that in coming before a committee like this it is much better for one to come representing their own personal ideas that have been borne out of a deep experience than to come representing any body of interested men, though certainly there would be no one less commercially interested in the business of motion pictures than the National Board of Censorship of New York. So I trust you will realize that in speaking, I am speaking merely as a minister of New York City who has been connected with the national board of censorship, and therefore has evidence as to what that national body is doing. Mr. Howe, our chairman, is to try to come before your committee and present the matter in an official way; therefore I am speaking only personally as a pastor and also as a member of that national body.

It may be of interest to the committee, however, to have the history of that national body. Notwithstanding what the gentleman has just said regarding its powers, I want to say that it has very definite mandatory powers, but not legal, and you will realize the distinction. The body was formed in March, 1909, at the request of local exhibitors of New York City, a request that was presented to the People's Institute of New York City, and they immediately took up what eventually became the board of censors, at the request of the exhibitors, perhaps not all of them, but many of them. The work that was done from March to June, 1909, was of such a high character that in the month of June the licensed manufacturers asked the People's Institute to undertake a national censorship, offering to place all of their films under their inspection, and voluntarily banding themselves together to abide the mandatory decisions of that body.

So you will remember in all of this discussion that there is definitely a national board of censors to-day with mandatory powers. We pass upon 98 per cent of all the films that are shown in this country. The 2 per cent of the films only being those that are called feature films, and those few that are brought in, as it is generally called by the board, for private use, and also the independents, a very small number, who have not gone into this arrangement. The manufacturers, in other words, who have entered into this arrangement are the 10 great producing companies such as the Edison, Vitagraph, Pathé Freres, and those that are very well known. It is unnecessary to mention all of them. There are now, indeed, more than 10, and these licensed companies, as they are known in the trade, are members of this arrangement.

Mr. FESS. The statement that you censor 98 per cent and yet have no legal authority to do it indicates that the producers look upon it with favor.

Dr. CARTER. Yes, sir; that is the thing that I want to mark. I want you to notice, gentlemen, that I am trying to be politic in my address. I do not believe any of you know on which side of the question I am as yet. I want to present my personal unbiased view of this whole situation before I state my personal convictions. It is very apparent from the statement of the gentleman who preceded me that there is no definite idea as to the constitution or powers of this board.

Mr. TOWNER. You say that you censor 98 per cent of all the films in the United States?

Dr. CARTER. Yes.

Mr. TOWNER. Would that mean, then, that 98 per cent of all the films that are exhibited here in the city of Washington are censored by you?

Dr. CARTER. Yes, sir; in absolutely every town and village in the United States. You do not realize, gentlemen, that of course there must be a great distributing center. There is a great film exchange in New York City, and of course there are branch exchanges. The men who are in the business know how many there are on the Pacific coast and elsewhere. In our national board in New York City we have 135 people divided up into 8 sections of that national board to pass upon all of these matters. It is a voluntary, and, of course, unpaid committee, without salaries, save for the office force of 4 secretaries.

Mr. TOWNER. How are they supported?

Dr. CARTER. I am glad this question is asked me. They are supported by the manufacturing companies, and I want to say that the manufacturing companies realize that it is for their best interest to have a censorship, and I have statistics to prove it. They pay only part of the salaries and the rest is paid by voluntary subscription sent in by the board and the People's Institute.

Mr. FESS. It is understood that in our questions we are only seeking information. Would there be any ground for stating that the censorship might not be adverse to the producers because they employ the censors?

Dr. CARTER. No. I would be very glad to give you some statement in that regard, although it will take me out of the regular current of my remarks. I have no prepared statement here, but I am discussing the matter extemporaneously. I have here our report for 1914, which shows you the operation of this board in detail. It is a typewritten report; the report has not yet been printed. Last year we condemned in toto 53,000 feet of film. There were 53 subjects condemned. The average number of feet for each film, according to the estimate of the board, was 1,200 feet, but it is really supposed to be about 1,000 feet.

Mr. POWERS. What per cent of the entire production did you destroy?

Dr. CARTER. Now, it might be a good place to bring this thing out, although I did not intend to bring it out at this time. This is from an advance copy of the printed report that will be issued soon, covering the period from January 1, 1913, to January 1, 1914. The total number of reels first inspected was 7,066. The total number of reels, including reinspection, was 7,576. The total number of film subjects inspected was 5,740. Of course, you realize that the difference in these numbers is accounted for by the fact that the subject may go over 1,000 feet. It is supposed to be 1,000 feet for each subject, but the average is 1,231 feet for the reels set before us. The total number of feet of sample copies inspected was 8,698,246. The average copy contained 1,231 feet. Then the number of subjects condemned in toto was 53. The number of sample copies from which eliminations were made was 401. The number of feet eliminated from sample copies afterwards approved was 12,030. The average number of feet eliminated in each sample copy was 30 feet. The cost to the manufacturers of negatives destroyed was \$115,909.50. They voluntarily submitted themselves to us, and there is no appeal from our decision, save when they want to get out of the arrangement.

I would be glad to answer the question asked by the gentleman here whether the sign, "Approved by the National Board of Censors," has been put on a film if it has not been approved. I will say that it has not, because if that was done the manager would be thrown out of the arrangement, and he would not be able to have that imprimatur upon which he counts for his business.

Now, the total number of feet eliminated from sample copies, including films condemned in toto, was 77,273. The cost to manufacturers of negatives destroyed was \$115,909.50. The cost to manufacturers of sample films destroyed was \$3,090.92. The sample film

is valued at 4 cents per foot. The sale value to manufacturers of film kept off the American market by reason of destruction was \$463,638. They consented that we should absolutely destroy that amount, because they were willing to put themselves under our censorship.

The CHAIRMAN. Now, that censorship is an agreement between you and the manufacturers?

Dr. CARTER. And also the local exhibitors, and it has not been broken since the thing was started five years ago.

Mr. POWERS. I believe you said there are 135 members on the board, did you not?

Dr. CARTER. Yes, sir.

Mr. POWERS. Divided into 8 subdivisions?

Dr. CARTER. Yes, sir.

Mr. POWERS. Now, who appoints all these people; how long do they serve; and where do they get their authority?

Dr. CARTER. Here is the list of officers. First of all there is a governing board, a general committee. Remember, they first get their authority from the People's Institute. Mr. Frederic C. Howe is the chairman of the committee which appoints the subdivisions, which serve only three months each, unless they are reappointed. I go down once a week as an individual member to attend the various sub-committees of which I may happen to be a member. The other sub-committees are meeting at the same time, holding morning and afternoon sessions every day in the week.

We have 135 members, and we are a great deal more careful than it would be possible for 5 people, selected here by any Federal action, to be.

Mr. FESS. I was going to ask you, Rev. Carter, if your work is so effective as it seems to be what is the need of this national movement here?

Dr. CARTER. The Federal movement?

Mr. FESS. Yes.

Dr. CARTER. That is just the question. I am glad you are drawing my fire. I do not believe it is necessary, because the work is being done in New York better than any five political appointees could possibly do it; and, brethren—or gentlemen; you see my ministerial bias—I think I can show it by this very list which I will read to you, in which, however, my name does not appear. It is better also by reason of the fact that there is individual responsibility and there is no financial emolument. That is not intended to cast any aspersions on an officer drawing a salary, but it is saying that if a man's bread and butter is concerned in this thing, if he can get what the world calls a rake-off, even though he may be a man of integrity, he will be approached and tempted in a thousand different ways, and it is barely possible that his integrity might be shaken.

Mr. POWERS. Now, the 135 members of this board act purely from philanthropic and moral uplift motives?

Dr. CARTER. Absolutely.

Mr. POWERS. And they receive no compensation?

Dr. CARTER. Save for the four secretaries. The following compose the general committee, the members at large, and the staff.

GENERAL COMMITTEE.

Frederick C. Howe, chairman.

Association for Improving Condition of Poor, Wm. P. Capes.

Charity Organization Society, W. Frank Persons.

Children's Aid Society, Matthew P. Adams.

City Club of New York, Joseph M. Price.

City Vigilance League, Matthew Beattie.

Federation for Child Study, Mrs. Howard S. Gans.

International committee Young Men's Christian Association, Raymond P. Kaighn.

Laity League of the Federation of Churches, Orrin G. Cocks.

League for Political Education, Robert E. Ely.

National Board Young Women's Christian Association, Mrs. G. K. Swinburne.

New York City Federation of Women's Clubs, Mrs. Wm. Grant Brown.

Public Education Association, Mrs. Miriam Sutro Price.

People's Institute, Lester F. Scott.

St. Bartholomew's Parish House, Rev. Charles B. Ackley.

Members at large: Miss Martha Draper, Ralph Folks, Lee F. Hanmer, Dr. Henry Moskowitz, Dr. Henry S. Oppenheimer, J. K. Paulding, Mrs. Josephine Redding, Albert Shield, Mrs. W. Lesesne Tait, Dr. J. P. Warbasse, Maurice Wertheim.

Staff: W. D. McGuire, jr., executive secretary; H. C. Mason, assistant secretary; W. A. Barrett, assistant secretary; Orrin G. Cocks, advisory secretary.

Mr. FESS. Is Dr. Moskowitz the head of the civil-service division over there?

Dr. CARTER. I do not know him. Canon, do you know him?

Dr. CHASE. In this last campaign he was the adviser of Mr. Mitchel?

Mr. POWERS. What per cent of any of these men are interested either directly or indirectly in the manufacture or the sale of these motion pictures?

Dr. CARTER. No single one; not a single member can serve who has any interest whatsoever in any moving-picture business. I mean any financial or commercial interest. Now, perhaps it would be well to read to you our statement of standards of judgment, in order that you may see upon what we base our decisions. I have shown by this that the moving-picture business has grown up marvelously since the business started some six or seven years ago. In the past year there was almost half a million dollars worth of reels sent to the scrap heap by our board, so that shows the need for this body.

Mr. FESS. If we had a Federal board the condemnation would put them out of use by law?

Dr. CARTER. Yes; but we absolutely put them out in the same way. They have never tried to use a single reel that we have thrown out, because, according to our by-laws, any manufacturer who transcends them goes out of the arrangement. Remember, he has a right of appeal. For instance, if he is not satisfied with the decision of the subcommittee he appeals to the general committee, and if he is not satisfied with that decision then he goes to the executive committee, which is the supreme court.

The CHAIRMAN. Your censorship is moral without authority save the approval of the board?

Dr. CARTER. No: it is moral with the authority of the manufacturers who say that they will definitely abide by our decisions, and they have done so for the last five or six years. Now, if that is true, what is the need of a Federal board which will immediately plunge the whole thing into politics?

Mr. TOWNER. Is there anything in the nature of a trust, such as the public commonly denominates it, in these motion pictures?

Dr. CARTER. Well, I think you may call the patents company the motion-picture trust, but I do not know exactly what you mean.

Mr. TOWNER. That is only a preliminary question.

Dr. CARTER. Well, there is such a combination.

Mr. TOWNER. Now, for instance, there is an interior city in my State of 10,000 inhabitants. To whom does the owner of one of those moving-picture theaters apply for his films?

Dr. CARTER. To the film exchange.

Mr. TOWNER. And where is the film exchange?

Dr. CARTER. It is a local film exchange which may be a city exchange or a district or State exchange. Then, of course, if he wants special-feature films he will go to the national film exchange.

Mr. TOWNER. Now, the film exchanges have certain plays, as we call them, listed?

Dr. CARTER. Yes.

Mr. TOWNER. And he selects what he wants from those listed for exhibition?

Dr. CARTER. Yes, sir.

Mr. TOWNER. And they are sent to him?

Dr. CARTER. Yes, sir.

Mr. TOWNER. Now, these film exchanges will take only those that have been approved by your committee; is that correct?

Dr. CARTER. Well, the General Film Exchange will take them, because it is controlled by this combination that I spoke of, but there are independent film companies which will take the other stuff—that is, the 2 per cent.

Mr. TOWNER. You mean they will take both kinds?

Dr. CARTER. Well, the General Film Exchange does not want to allow it, and they try to make them take all of their product or none.

Mr. TOWNER. We have a certain indefinite and perhaps not defined knowledge of a Theater Trust. That is, we understand that certain theaters must make arrangements that a certain line of plays that are controlled by a certain class of people will be run by them exclusively. Now, then, is there anything analogous to that situation in the motion-picture business?

Dr. CARTER. Not that I know it. Some of the film exchanges insist that all of their material must be taken or none at all, but it really does not work out. So that practically there is a condition of freedom, and they can buy whatever they please and wherever they please, and they are not controlled.

Mr. TOWNER. Now, upon that fact or basis of facts do you say that 98 per cent of all the films that are used in the country are censored by your body?

Dr. CARTER. Well, we have four office secretaries, and they give all their time to this work. All the manufacturing concerns who are in this arrangement must send their reports to them, and necessarily in the course of our business we learn how many there are outside of our arrangement from their own reports of independents.

Mr. POWERS. Do these independents send their stuff to you, too?

Dr. CARTER. No, sir.

The CHAIRMAN. That is the 2 per cent?

Dr. CARTER. No, sir.

Mr. FESS. How do you get at the amount produced in this country you say constitutes the 2 per cent? That is, how do you know how many producers there are in the country that do not send their stuff to you?

Dr. CARTER. Well, you know how figures will vary one way or the other; and you know how careful we have to be. In the first place, we are in the business and we get the facts. We get reports from the great companies, and they being rivals of the smaller companies are able to tell us how many there are in the independent business.

Mr. FESS. And it is about 2 per cent?

Dr. CARTER. Yes, sir; perhaps 2 per cent or perhaps 5 per cent; in the neighborhood of 2 per cent.

Mr. A. BRYLAWSKI. The independents are being censored just as much as the others.

Dr. CARTER. Not by our board.

Mr. BRYLAWSKI. Well, the Universals and the Mutuals are being censored at the present time?

Dr. CARTER. Well, yes; they are in part, but nevertheless they are not under this same obligation.

The CHAIRMAN. Doctor, we have arranged for another hearing on next Friday evening at 8 o'clock, and we would be glad to have you finish your remarks at that time.

(Thereupon the committee adjourned until Friday, May 8, 1914, at 8 o'clock p. m.)

MOTION PICTURE COMMISSION

HEARINGS

BEFORE THE

COMMITTEE ON EDUCATION

HOUSE OF REPRESENTATIVES

SIXTY-THIRD CONGRESS

SECOND SESSION

ON

BILLS TO ESTABLISH A FEDERAL MOTION PICTURE COMMISSION

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HOUSE OF REPRESENTATIVES, SIXTY-THIRD CONGRESS.

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MOTION PICTURE COMMISSION.

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVES,
Washington, Friday, May 8, 1914.

The committee met at 8 o'clock p. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will come to order. The committee will be glad to hear from Mr. Seligsberg.

Mr. SELIGSBURG. Mr. Chairman and gentlemen of the committee, the argument which we propose to make this evening will be in three parts, by Dr. Howe, of the People's Institute; by Mr. Schechter, who is attorney for the Universal Film Manufacturing Co., and by myself, as attorney for the Mutual Film Corporation. I think, in view of his great knowledge of the subject and his absolute disinterestedness, as far as any financial interest in the industry is concerned, that we had better commence our argument by presenting to the committee Dr. Howe.

The CHAIRMAN. The committee will be glad to hear from Dr. Howe.

STATEMENT OF DR. FREDERIC C. HOWE, DIRECTOR OF THE PEOPLE'S INSTITUTE.

Dr. HOWE. Mr. Chairman and gentlemen, I am the director of the People's Institute of New York, which is a voluntary organization which conducts work in Cooper Union, and which maintains a people's church on Sunday evenings. I presume it is the largest congregation in New York on Sunday evening before which leading ministers of this country and from abroad appear. In addition to that we conduct weeknight meetings. The People's Institute is in the nature of a people's university in the sense that its original object was to promote the universalization of higher education. It latterly became very much interested in recreation—the leisure time of a great city. About five years ago, Mr. Charles Sprague Smith, professor at Columbia College, became interested in the motion-picture show, and after considerable study of that subject, along with Mr. John Collier, who is one of the leading recreational experts in this country, the National Board of Censorship was formulated. I would like to describe in some little detail, if that has not already been done, just what the National Board of Censorship is and how it functionates.

Before doing that, I think I should say that I am the chairman of the National Board of Censorship—chairman of its general committee. I presume I occupy that office ex officio as director of the People's Institute, for my predecessor was the Rev. Dr. Thomas Slicer,

of the Unitarian Church, and prior to him was Dr. Knox, of the General Theological Seminary. I receive no salary. I have no financial interest of any kind in the board. It is a source of work, worry, and concern rather than anything else. The People's Institute has no financial interest, profit, or gain of any kind in the National Board of Censorship; rather for several years it aided very substantially in maintaining its activities.

As at present organized the national board consists of a group of censoring committees numbering 135, which are divided up into smaller groups of 5, 7, or 10, who meet daily in the various studios in New York and pass upon master films as they are presented by the companies. Those censoring committees are made up of persons of more or less prominence and social activity in New York. There are some doctors, some ministers, some lawyers, and a great many women. They have voluntarily assumed to do this work without remuneration of any kind, and they do it very conscientiously and well. They go to a studio and see possibly one, two, three, or four reels as presented. They criticize them, make eliminations, or they condemn the film in toto and refuse to permit it to be passed. Now, that is the work of the lower court, the court of *nisi prius*, the original work done upon a film. These persons have the greatest variety of points of view. They were chosen really with that end in view, and that brings me to one of the principles which Prof. Smith had in mind in organizing the board.

He said that any group of people who tried to pass upon as great an industry as this, and which affected as many people as this, ought to represent just as wide and diversified points of view as possible; that it ought to be a cross section of all America rather than a small group which might reflect almost any one of a dozen different morals or static viewpoints. So this group of 135 people differ by race, differ by profession, and differ by points of view, with the idea of getting just as many people's minds playing on this question as possible.

After the original censoring group has passed upon a film there is an appeal. It may be taken by the committee, the minority members of the committee, or it may be taken by the producers. That appeal goes up to what is known as the general committee, which general committee is composed of 24 members chosen—16 or 18—from the following societies, and 8, I believe, at large in the city. That general committee consists of representatives of the Association for Improving Condition of the Poor—these representatives being chosen by the associations themselves, so that they come up to the general committee chosen by the organizations, so that they are democratic in that sense and represent a pretty large variety of points of view. The next organization is the Charity Organization Society; the Childrens' Aid Society; the City Club of New York; the City Vigilance League; the Federation for Child Study; the International Committee, Y. M. C. A.; Laity League of the Federation of Churches; League for Political Education; National Board, Y. W. C. A.; New York City Federation of Women's Clubs; Public Education Association; People's Institute and St. Bartholomew's Parish House.

Then there are a large number at large. One is Dr. Henry S. Oppenheimer, an eminent physician in New York; Ralph Folks, who is

now secretary to the borough president of Manhattan; Dr. J. P. Warbasse, who is at the head of a large hospital in Brooklyn and who is consulting physician of the New York Civil Service Commission; Dr. Henry Moskowitz, who is the head of the New York Civil Service Commission; J. K. Pauling; Albert Shiels, who is at the head of the bureau of research and education in New York; and three or four women. So that the general committee, the court of appeals, represents religious organizations, educational organizations, and pretty largely the medical profession. When a film comes before that general committee on appeal the film is viewed again and the action of that committee is final. It takes the same sort of action that the censoring committee does; it condemns the film in toto, it passes it, or it makes eliminations. That is, it says to the manufacturer, "We will pass this film provided certain things are cut out or certain things are put in." For instance, a film may be an ordinary dramatic film which will result in, let us say, vice triumphing rather than virtue triumphing. Now, the committee has on many occasions said, "We think the general effect of that film in making vice triumphant or, at least, not having vice punished, is bad, and we want you to change the end of that." A variety of changes of that sort, which affect the film in a thousand different ways, are made under the elimination clauses or amendment clauses.

Now, in addition to that the board has what might be called an educational agency, and through the establishment of standards and the insistence upon standards and talking with the various producers, it tries to change and modify and improve all lines of the motion-picture business. In connection with the national board there is an educational department, for the board very clearly recognized that here was an industry whose bigness, whose possibilities, were just beginning. It realized that here was an agency second only to the press in its magnitude, and when it was known that from seven to nine million people every day view motion pictures, that a twelfth or fifteenth of our population goes to the motion picture shows every day, that the cities are filled with them, and that it is an agency of great possibilities for educational purposes, the board said, "It is necessary for us to do something, if we can, to promote the use of the motion pictures in the schools, churches, and other organizations." So it took the matter up with Mr. Edison and other promoters, and organized an educational department for the promotion of the educational motion picture.

Now, as indicative of the work of the board last year, the year that closed January 1, 1914, the board inspected 7,000 reels; that represented 5,700 stories or film subjects; it inspected 8,500,000 feet of films; out of 7,000 inspected, 53 subjects were condemned in toto. The board said, "We will not pass those, no matter what changes you make in them." Then in addition to the 53 that were condemned in toto the board said that there were 400 films that could be saved with certain changes made, and the board provided for the elimination or changing of something like 77,000 feet. Assuming that negatives cost \$1.50 per foot, the manufacturers or board destroyed \$116,000 worth of negatives. That was the net and absolute loss on films destroyed; they were scrapped, thrown away. Sample films to the value of \$3,000 were also destroyed. The sales value to manufacturers of films kept off the market was \$460,000, and the

total cost to the manufacturers in negatives and reproductions was \$582,000. During that year there were 988 meetings of the censoring committees; the aggregate hours of attendance of the volunteer members was 9,880.

That brings me to what happens after action has been taken by the board. As soon as action is taken it is recorded, and at the end of the week a circular is gotten up, of which that is a sample [indicating], which is sent broadcast all over the country. That is in addition to the orders which are delivered to the producers. A producer is ordered to change a film and then the order, as made by the board, is sent broadcast over the country to the mayors, chiefs of police, and groups of people who are interested in the subject, to the number of 366. There are 366 organizations or individuals who are in weekly communication with the board.

That is in the nature of a back-fire: it is the coercion which is applied when it is necessary to coerce a man into conforming to the orders of the board. If a man tries once or twice to get away from the eliminations ordered or get away from a condemnation, he finds that his films are thrown back on him from cities, States, and exchanges. The object in sending out these circulars is to familiarize mayors, censoring committees, chiefs of police, and other agencies as to just what the action of the board has been. Then with that particular description before them they view the picture, and if they find it does not correspond with the action taken by the board they act upon it.

Here is something which indicates the growth of the business, too. In 1911 there were an average of 231 reels inspected monthly and the next year there were 371, while the average monthly films in 1913, for the year just passed, was 588, or a growth in two years' time of more than 100 per cent and an increase over the year before of 63 per cent.

Now, if there are any questions that anybody wants to ask me about the procedure of the board before I go on with other matters I shall be glad to answer them.

The CHAIRMAN. Why was that board established? Was it established from the fact that you thought it was a necessity?

Dr. HOWE. I can not go back into the minds of Mr. Smith and Mr. Collier, but from the records of the board and the history which has been written it would seem that Mr. Smith felt that there was a need of some sort of agency that would act in cooperation with the producers on the one hand and the exhibitors on the other. Now, it is quite possible that he thought, as I feel, that possibly that national board ought not to be called a board of censorship at all. It is a coercive agency, an educative agency, and I think he organized it very largely for the purpose of bringing up the tone of the motion-picture business through the universal cooperation on the one hand of the producers, aided and enforced by the national board, and enforced again by coercive power on the local producer. He no doubt had in mind a board which would have the right to reject films if they did not come up to the standard. I do not know what his psychological motive may have been, but no doubt the object was to coerce the twentieth man.

I remember that years ago we used to hear a good deal about nineteen men wanting to close barber shops on Sunday, but that the

twentieth man wanted to keep open, and because he kept open the other nineteen had to keep open. I have heard that analogy made as to the original work of the national board, that there were nineteen men who had good films, but the twentieth man discredited the whole trade.

The CHAIRMAN. You think it was a necessity, do you; the censorship?

Dr. HOWE. Do I think that censorship is necessary?

The CHAIRMAN. Yes. If not, why did you adopt it?

Dr. HOWE. I should hesitate to say that I believe it is right for any coercive governmental agency to establish a censorship over any activities which relate to the morals, education, or personal life of the people.

Mr. TOWNER. But that was not the question. The chairman's question now is clearly directed to the question of censorship. Is censorship of any kind necessary?

Dr. HOWE. Will you let me distinguish between voluntary censorship and official censorship?

Mr. TOWNER. I should think you could answer that question, whether censorship of any kind was necessary.

Dr. HOWE. Well, of course, if I did not believe that there was some kind of action necessary I would not be chairman of this board; I would not be giving the amount of time I do to it, but I have a very clear and a very honest point of view relative to the Government entering into certain realms of activity. And while I believe the Government ought to stay out of certain things, such as religion, such as the press, such as the drama, and such as motion-picture shows, I do think it is perfectly permissible for voluntary organizations to enter that field, and by any means which they can use, which are not static and official, bring about a desired result.

The CHAIRMAN. Right there; you think your censorship has accomplished good, do you?

Dr. HOWE. I have not the faintest doubt but what it has done good.

The CHAIRMAN. Therefore it has removed objectionable films or pictures.

Dr. HOWE. Well, I would like to enlarge on that if I can. I think it has done good. Now, I was over in Germany last year and I found in Bavaria, the land of beer, that the consumption of beer had gone off 50 per cent in 10 years' time. There is no prohibition there, no high license, no tax, no restraint. The people themselves have educated themselves through self-restraint, through higher standards of education, through a great many influences——

The CHAIRMAN (interposing). Through moral influences?

Dr. HOWE. Yes; into a better standard of living. Now, I have not the least doubt in my mind but what the motion-picture business has improved largely through the same influences. In the first place, the demands throughout the country insist upon better and better and better pictures. The exhibitors, on their own motion, throw back films, and just as the whole character of America is demanding better things all the time, so I think that influence has tended to improve the motion-picture business tremendously. I think the producers have helped in the same way. So I can not tell specifically as to what 1 or 50 possible influences have improved the motion-picture business, but I think the national board has improved it.

The CHAIRMAN. The manufacturers have not objected to your censorship, have they?

Dr. HOWE. Ninety-five, ninety-seven or ninety-eight per cent; nobody knows exactly; but all of the organized manufacturers do approve of the censorship; yes. There is a small percentage——

The CHAIRMAN (interposing). About 2 per cent, I believe.

Dr. HOWE. Yes; that come in sometimes and sometimes they do not.

The CHAIRMAN. Is there any expense attached to this?

Dr. HOWE. There is an expense of about \$15,000 a year.

The CHAIRMAN. How is that expense met?

Dr. HOWE. That expense at this time is met by the producing companies.

The CHAIRMAN. That would indicate their approval of censorship?

Dr. HOWE. Yes, sir.

Mr. THACHER. What proportion of the total expense do they pay?

Dr. HOWE. This year they pay it all. Last year the People's Institute paid part of it; it goes for the salaries of four men—stenographic and clerical hire. Now, those secretaries are not censors; the censorship is done by voluntary groups, and the voluntary groups are very jealous and very irritated if the secretaries attempt to butt into their work. Nobody who passes upon films receives any kind of emolument.

The CHAIRMAN. The manufacturers do not object to that censorship?

Dr. HOWE. They do not; no. I will not say they do not object; they probably would prefer to be free, to have no censorship, but they acquiesce in this as possibly the lesser of two evils.

The CHAIRMAN. You say that national censorship is unofficial?

Dr. HOWE. Yes; it is wholly voluntary.

The CHAIRMAN. What good does a manufacturer derive from that censorship from the different States in which he finds censorship—the different States, cities, and towns.

Dr. HOWE. There is State censorship in Ohio and, I believe, in Pennsylvania; then there are in the various cities local boards. In Chicago there is an official censorship, a police censorship. Then in cities like Cleveland, and other municipalities, there are censorships. Sometimes the mayor of a city will delegate the chief of police to be the censor and sometimes he delegates that power to some other group. Those groups are sometimes official and sometimes non-official.

The manufacturers, of course, do not like to have a film thrown back on them by anybody, but the national board has organized those local groups, as far as it could, as checks on the efficiency of its work and for the purpose of having the cooperation of just as many people throughout the country as possible, thus making its work effective.

The CHAIRMAN. Your censorship does not reduce the cost of censorship throughout the different States?

Dr. HOWE. I think it does reduce it quite materially. I think we have established a standard which is well known by all of the producers.

The CHAIRMAN. You think you have improved the moral effect?

Dr. HOWE. There is the fear that after they have produced a negative it will be rejected. That has made the companies read, study, and familiarize themselves with these standards, so that I think they

knew them pretty well by this time. I understand that Dr. Carter is going to present these standards to the committee, so I will not take the time to do so.

Mr. TOWNER. I want to call your attention to a matter. This is the Government consular trade report for April 15, 1914. This report contains the official reports regarding moving pictures in the countries of Europe, and this is what the consul at Sheffield says:

The time was when 70 to 80 per cent of the films shown in Sheffield were of American manufacture, but that day is past, due partly to the successful efforts of film producers in other countries and partly to the decline in popularity of the erstwhile film hero—the American cowboy. Certainly no characters lend themselves better to stirring dramatic situations put on in the open, with wide scope for scenic effect and rapid action, than do the cow-puncher and the Indian fighter of western America. Despite it all, however, the public is getting overfed with them. Too often have they seen the same old cowboy ride madly down the same old trail. Too often has the selfsame settler defended to the last shell the same old cabin from the same old band of Indians, until the public is growing weary of him and would welcome with some relief a successful Indian massacre.

I notice that in the report of the consul at Dundee, Scotland, he says:

A marked change is taking place in the style of film demanded. All classes of films are growing appreciably more restrained. American Wild West scenes, and the peculiarly continental domestic scenes, which have heretofore been so popular, are gradually being superseded by films setting forth the story of some well-known novel or play.

I call your attention to those reports from our consular agents because they indicate that the films which come from America are now losing their popularity in Europe because of the fact that they are of the cow puncher and Indian fighter type. Is that still characteristic of the films that your board censors and approves?

Dr. HOWE. I will give you my opinion about that.

Mr. TOWNER. Personally it seems to me that it is a reflection upon American films when they are abandoned because of the character of being too dramatic for the tastes of the European communities where they are exhibited.

Dr. HOWE. No matter what objections might be raised against such films, I doubt very much whether any censoring committee or any censoring board would reject films on the ground that there had been too many of that particular kind. I do not think it would fall within the jurisdiction of any censoring board to condemn a thing because there was too much of it. They would probably let the law of supply and demand take care of it; let the public take care of it. There are some people who object to Wild West films and say there are too many of them, and frequently on our board we hear the expression that we have had enough of that; but the board always comes back to the fact that it does not think it is its business to decide as to whether we have had enough of that particular sort of thing or not. However, I think that will be taken care of in time; and almost all of what I should call secondary criticisms of the motion-picture shows have been taken care of just as styles change, hats change, and everything else changes.

Mr. SCHECHTER. May I answer in part that question—that is, the question as to the films being used in some of the foreign countries? Speaking for the Universal Film Co., I will say that in the past year

the foreign business has increased twice, and perhaps thrice; that we are still manufacturing some of those Wild West scenes, Wild West pictures, and the foreign demand is still very great for just that kind of pictures. It may be that in one particular locality they are not anxious for them, but the pictures in general are having an increasing demand in foreign countries—that is, American-made pictures.

Mr. TOWNER. Can you say to the committee that the character of the films that you are now sending to Europe is different from those described by these consular agents?

Mr. SCHECHTER. No particular difference.

Mr. TOWNER. Are you still sending them Wild West scenes?

Mr. SCHECHTER. Some Wild West scenes. I think the Universal manufactures about 15 or 20 per cent of Wild West scenes, the remainder being those representing the drama and other subjects.

Mr. SELIGSBERG. Wild West films are in demand in England and on the Continent, and what these consuls say must represent their own views because the demand is increasing.

Mr. TOWNER. There are several other consular reports here and I think they all say the demand is decreasing.

Mr. SELIGSBERG. That particular report has become a byword in the trade papers, because the exports are increasing, I think, at the rate of about 100 per cent a year.

Mr. TOWNER. What would be good news to us would be that because the films are being improved, the exports are increasing. Is that the reason? Of course, we are not concerned with what you manufacture and send to Europe except as it reflects upon the country itself, but to have it generally understood that the characteristic American film, approved and desired by our people, is the film that is described by these consular agents, is not very much to the honor and glory of our country.

Mr. SELIGSBERG. May I say that about one-sixth of the films in this country might be termed Wild West films, not necessarily depicting the Wild West, but the films may represent scenes in Canada or in gold mines; but it is melodrama. That proportion is gradually decreasing, but it is melodrama, strange to say—and despite the reports of these consuls—that is most popular in Europe, particularly in the southern countries of Europe. But in England there is still a great demand and an increasing demand for American pictures and cowboy pictures, despite those reports. There is also an increasing demand for the more artistic and better produced pictures. I may say that the American films have always been popular on the other side of the water because they have always been better artistically and dramatically. But if your question is directed to the point as to whether the proportion of Wild West films is increasing or decreasing I can safely say it is decreasing.

Mr. TOWNER. The board of censorship is not incorporated, is it?

Dr. HOWE. No; it is not a corporation.

Mr. TOWNER. It is purely a voluntary organization?

Dr. HOWE. Yes, sir.

Mr. THACHER. In what year was it founded?

Dr. HOWE. It was founded five years ago.

Mr. TOWNER. The management is in the hands of four directors or secretaries, as I understood you to say.

Dr. HOWE. The management of the national board of censorship is in the hands of the general committee composed of representatives of these various organizations that I read.

Mr. TOWNER. The 24 that you named?

Dr. HOWE. The 24; it has been enlarged to 30, I think. Now the secretarial work is done by four men.

Mr. TOWNER. Of course, I do not suppose you mean by that that the 24 have the practical management day by day?

Dr. HOWE. No; the day-by-day business is done by the secretaries.

Mr. TOWNER. That is what I supposed.

The CHAIRMAN. There are four secretaries?

Dr. HOWE. Yes, sir.

The CHAIRMAN. Who are they?

Dr. HOWE. Mr. Orrin G. Cocks, who was, up to the time he came with the national board, secretary of the Federation of Churches in New York, an organization which included a large number of the churches which were organized into a federation for the purpose of doing social work; he is one of the secretaries. Another secretary is Mr. McGuire, who, up to the time he came with the national board, was connected with the Charity Organization Society; Mr. Barrett, who is a graduate of the University of Pennsylvania; and a Mr. Mason, a graduate of Tufts College. Mr. John Collier was one of the secretaries of the national board of censorship, and I am the chairman.

Mr. TOWNER. I would not want you to understand that I or any member of the committee desire to discredit or be unduly inquisitive about it.

Dr. HOWE. That is what we are here for.

Mr. TOWNER. But here is the situation: There are very many of us who believe some form of censorship is necessary. If this national board of censorship is doing everything that is required, then, of course, it would be unnecessary for the Government to do it. However, it will be necessary for us to understand, as thoroughly as we can, just what this board is and how it operates. Will you be kind enough to tell us the salaries of these secretaries?

Dr. HOWE. I think I can tell you. Mr. Cocks gets \$2,500 a year; Mr. McGuire gets \$2,500; and the two other men get approximately \$1,500 a year; and Mr. John Collier got \$111 a month, about \$1,200 a year.

Mr. TOWNER. You say this amount is paid by the manufacturers of films?

Dr. HOWE. Yes.

Mr. TOWNER. Who are they?

Dr. HOWE. The General Film Co., the Universal Film Co., and the Mutual Film Co.

Mr. TOWNER. Three?

Dr. HOWE. Yes; I think there is one other contributor, the Warner Feature Co.; I think they have contributed to some extent. We do not make that a condition precedent for viewing the films: that is, that they contribute to the board. As a matter of fact we see a great many pictures and do everything we can.

Mr. TOWNER. As I understand it, anyone can offer pictures to be censored?

Dr. HOWE. Yes; and we make every effort to have them fall under censorship, too.

The CHAIRMAN. But you have no authority.

Dr. HOWE. We have no legal authority; no.

Mr. TOWNER. You can compel them by refusing to approve them?

Dr. HOWE. Yes; we can in that way. We have a considerable number of people who go around New York all the time visiting motion-picture shows and reporting upon the individual productions. That is done in order to see that the instructions are carried out, to see that the eliminations have been made. They report back to us immediately a play is produced. Now, there comes an obdurate independent, and he puts on a Wild West show or some other kind of a show, and that is immediately announced in the trade papers; it is a matter of common knowledge and is known instantly. As a matter of fact it is known before it is released. The national board then sends one of its members to see if it is bad; it is viewed in the playhouse, and if it is a picture that we think is bad, then immediately telegrams, letters, and so on, are set in motion throughout the country to bring about the cooperation of people everywhere in the large cities and communities.

Mr. TOWNER. Just about what proportion of the films submitted to the board are manufactured by these three companies?

Dr. HOWE. I should suppose somewhere between 90 and 95 per cent.

Mr. SCHECHTER. About 80 or 90 per cent of the business?

Mr. TOWNER. Then the business is practically in the control of these three companies?

Dr. HOWE. I think it is in the control of these three companies—the Universal, the Mutual, and the General—with some growing, strong firms outside.

Mr. TOWNER. And these three companies are not very antagonistic to each other, because they operate together in this business.

Dr. HOWE. My impression is—I am speaking without knowledge—that there is pretty keen and vigorous warfare among them; but I do not know that.

The CHAIRMAN. You say 2 per cent is not censored?

Dr. HOWE. I think that is a fact about which nobody can speak with absolute accuracy.

The CHAIRMAN. But you think that is approximately about correct?

Dr. HOWE. I think about 2 per cent, but it may be 5 per cent; I do not know.

The CHAIRMAN. That 2 per cent can exhibit any picture they may see fit?

Dr. HOWE. Except as they are bounded by the national board, yes.

Mr. TOWNER. I do not understand this manufacturing business, and I am going to ask one of these gentlemen later about that more particularly; but suppose an independent is manufacturing films and putting them on the market or having them exhibited without the approval of your national board, how do you deal with that kind of a case? You have spoken about it constantly, but I would like to know how you deal with such a case.

Dr. HOWE. You mean an individual film that is rejected?

Mr. TOWNER. No; not rejected; not submitted at all.

Dr. HOWE. As soon as it is announced in the trade papers and becomes a matter of common knowledge that it is going to be produced at some place, we send somebody to view it in the local theater, and in some way we try to bring them under our jurisdiction. A number have come under our jurisdiction in the last six months because they have found it better than to be harassed.

Mr. TOWNER. Suppose it is in San Francisco?

Dr. HOWE. Now, that is another trade matter. My impression is that substantially all of the films proceed out of New York.

Mr. LUCAS. They are released simultaneously.

Dr. CARTER. We have an advisory board in San Francisco, one in Cleveland, and one in Chicago. We report to them and they report to us.

Mr. TOWNER. Dr. Carter, you are going to make a statement later on?

Dr. CARTER. Yes.

Mr. TOWNER. Then I will not ask further questions along this line.

The CHAIRMAN. Did you wish to speak further?

Dr. HOWE. Yes. This is a matter which to me is of very much more than casual importance. A year ago, in New York, a measure was adopted by the board of aldermen providing for official censorship of motion pictures in New York, and Mayor Gaynor vetoed the ordinance. In vetoing the ordinance he said, in effect, to the gentlemen who were present:

If you will look back in history you will find that your church was censored by another church; that the Presbyterian Church was subject to censorship by the Episcopal Church; that the Episcopal Church was subject to censorship by the Catholic Church; and that each one of you gentlemen at some time or another was subject to intrusion by the Government into the field of freedom of conscience.

Mayor Gaynor said, in effect:

I think this is just as important a matter as the freedom of religion, for the film, as I understand it, is a great many things. It is the people's drama; it is democracy's expression of the drama; it is seen by 10 times as many people as see plays in the regular theaters; it is democracy's newspaper; films can be produced for \$1,500. For us to permit censorship prior to production of what is, in effect, one of the greatest press agencies of the times, would be like sanctioning a bill to censor the newspapers of New York.

The CHAIRMAN. The Secretary of the Treasury has power to exclude immoral films?

Dr. HOWE. That are imported; yes.

The CHAIRMAN. That is censorship, is it not?

Dr. HOWE. Yes; that is.

Mr. TOWNER. I would like to ask you, in connection with Mayor Gaynor's statement—I remember the controversy in the newspapers—whether the board of aldermen did not pass an ordinance which he vetoed?

Dr. HOWE. Yes.

Mr. TOWNER. And they then passed it over his veto?

Dr. HOWE. In the original ordinance there was a combination of things, censorship on the one hand and provisions for the buildings, regulations as to interior decorations, and other regulations regarding motion-picture shows; they were merged together, and he vetoed the ordinance. The board of aldermen then passed a new ordinance, which was drawn by the national board of censorship, providing

for the buildings, the interior construction of buildings, the physical side of a motion-picture show house.

Mr. TOWNER. There was some controversy with regard to some of the issues and some of the associations withdrew from the national board, did they not?

Dr. HOWE. Not during my time; I do not know what associations they were, because I never heard of it.

Mr. TOWNER. None of the associations withdrew that have been connected with the National Board of Censorship?

Dr. HOWE. I do not think so. I want to qualify that to the extent of saying that there is constantly a difference of opinion in the board; men get irritated and women get irritated.

Mr. TOWNER. There ought to be a difference of opinion, of course.

Dr. HOWE. And that is one of the leading virtues of the board. For instance, I want to take an example—

Mr. BRYŁOWSKI (interposing). I might say that the National Motion Picture Exhibitors of America did withdraw, I believe.

Mr. TOWNER. What was the cause of that, if you know?

Dr. HOWE. That is something with which we had nothing to do.

The CHAIRMAN. We will hear the gentleman about that later on.

Dr. HOWE. I am not sure but that the Women's Municipal League did withdraw; I am not clear about that, but there are some representatives here who can speak about that, I presume. However, Mr. Chairman, in that general committee there is the greatest variety of opinion and I want to cite two or three examples which indicate the difficulty which anyone has in censoring pictures, and that very difficulty is what raises criticism. Last winter there were two plays put on in New York, one called "The Lure" and one called "The Fight." Both of those pictures were censored by Magistrate McAdoo; he said they were immoral because they showed houses of prostitution. The next evening after that action the leaders of the woman's suffrage movement, Mrs. Catt—and I do not know how many more—went to see the picture and they all said, "That is the strongest moral dramatic agency that we have ever seen put on the stage." I took Mrs. Howe, who was formerly a minister, to see "The Fight," which was suppressed. She said, "The influence of that production on the people of America will be better than an untold number of books." A few years ago Mr. Rockefeller and his associates spent large sums of money to distribute a book written by Reginald Wright Kaufman called "The House of Bondage." That was sent broadcast over the United States because it was thought it would have a great moral influence upon the people and educate them on this great social question. That book was dramatized by a man named London and submitted to the National Board of Censorship.

Now, our board split wide open on that. Dr. Warbasse, who is a leading physician and immensely interested in and one of the leaders in social prophylaxis and interested in all sorts of agencies for the suppression of immorality, was almost ready to resign from the national board because the committee refused to pass that film. He said, "That film, going to great numbers of people, will teach children, will teach boys and girls, men and women, about the horror of this thing and will do more good than anything else I can think of."

That is the impression that film made upon me and was the impression it made upon quite a number of prominent men. One of those films was taken to San Francisco. Dr. Aked, one of the leading ministers, formerly of New York, but now of San Francisco, felt so strongly that that production should be shown in San Francisco that he carried it to the supreme court of the State, and the supreme court of the State said, "That film, in our opinion, is a highly moral film," and permitted it to pass. As I say, our organization was more or less divided about those things. All were honest; all wanted to do the right thing and do anything possible to promote the morality of the country.

MR. TOWNER. I would like to ask you whether any of those gentlemen, who desire to show the inside of a house of prostitution and the effect of a life of shame, took into consideration the fact that those films were exhibited chiefly to children from the age of 6 up to 15 and 16 years? Did they urge upon your board that that kind of an exhibition was proper to put before children of that age?

DR. HOWE. Well, now, I must correct your statement of fact. The majority of those who go to motion-picture shows are not children. The best information obtainable upon that subject, carefully gathered in different cities, is that from 12 to 20 per cent of those who go to motion-picture shows are children.

MR. THACHER. What age do you define as the age of children?

DR. HOWE. That is as far as we know, that they call them children.

MR. THACHER. Where do you draw the line?

DR. HOWE. I suppose they drew it at 16, 17, or 18 years. Undoubtedly these men did have that in mind when they urged it. There is a very large group of people who feel that prostitution can only be cured by knowledge, the widest possible knowledge; there is another school that feels it can be cured by esoteric treatment, by letting a few people know about it and by letting carefully selected men or women teach the people about it.

MR. TOWNER. But is not the chief object, the chief value, and the chief necessity of censorship of any kind the fact that these things are put before children; that children go to see them continuously? You say that is the proportion, but my observation is that a much larger proportion than that attends. I think I have never been to a moving-picture show in my life in which the majority of the audience was not at least under 20 years of age, and I think a very large proportion of them, fully one-third of them, would be under 15 years of age. It is before that class of people that these films are going.

DR. HOWE. I am quite sure that your observations are inaccurate; the percentage is very much below that, according to the careful investigations which have been made in a great many places. I might add to that that these special pictures, like *The House of Bondage*, are for theaters.

MR. TOWNER. But even if it is true that it is only before 10 or 20 children out of 100 before whom these pictures are exhibited, what of them?

DR. HOWE. That is a perfectly fair question.

MR. TOWNER. Are they not to be taken into consideration?

DR. HOWE. Certainly. And the justification for censorship of any kind is the children. The 135 members of the National Board of

Censorship are, for the most part, mothers and fathers; a large preponderance of them are religious people, connected with churches or identified with organizations that might be classed as uplift organizations. Undoubtedly there is not a member of that board who does not think in the terms of the children all the time, and those persons who thought that these films ought to be presented to the children honestly felt that it was the best way of helping the children; that it would enable them to see what would happen to them, to see that they would end their days in the gutter. Now, on the other hand, many of the members of the board did not take that view of them; they said these pictures ought not to be presented.

Mr. THACHER. If a majority of the board felt that these films, such as *The Lure* and similar productions, presenting scenes of vice and houses of prostitution, were good things to present to the children, it seems to me it is high time for the Government to have censorship.

Dr. HOWE. *The Lure* and *The Fight* were presented in theaters.

Mr. THACHER. I mean any picture in which vice is exhibited with the idea of presenting them as educational features.

Dr. HOWE. I think I had better read the standards adopted by the board on that subject.

Mr. THACHER. I wish you would.

The CHAIRMAN. Doctor, you have taken—

Dr. HOWE (interposing). I know that I have trespassed upon my time, but I would like to read these standards.

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The action of the general committee of the National Board of Censorship on films dealing with the social evil—

I think I ought to interpolate that in discussing the white-slave pictures I was endeavoring to show the variety of opinion upon the board and the fact that there is a difference of opinion, and that all of these questions are awakening a difference of opinion among all classes of people. But here is the standard finally adopted by the board, and after this was adopted I think there were no pictures dealing with the white-slave traffic approved by the board unless *Smashing the Vice Trust* might be considered as such, and I doubt if it could:

The members of the board recognize that moving-picture houses and the vaudeville theaters are primarily places of amusement and not of serious discussion and education. They agree that the only justification for the portrayal of the social evil by motion pictures is that they shall be educational. They further appreciate that the motion picture, by reason of the lack of dialogue and the necessity of emphasis on the dramatic, is a difficult medium for this form of education. And they hold that education in the normal and abnormal facts of sex is fraught with difficulty and must be handled with tact and delicacy and given under the right surroundings to be effective.

These considerations have led the board to agree as follows:

The board will critically examine all films presenting various forms of sex lapses, for those effects on audiences which arouse rather than minimize passion, which tend to perpetuate the double standard of morality, which reveal easy ways of gratifying desire and of making money in the "trade," or which simply indicate the weaknesses of humanity or recite the dreary detail of the lives of those unfortunate members of society called prostitutes.

Since those who 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 repression or to the removal of the causes of commercial or subrosa prostitution.

There is a place on the screen of the motion-picture theater 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 stimulate efforts to rescue the prostitute, and which indicate sensible and workable methods of repression.

The board further states that in every instance the psychological and moral effects of the motion picture on the audience must be studied. It is difficult to indicate in advance what these will be, since so much depends on the personality, sincerity, and actions both of the players and the producers.

MR. TOWNER. Are those rules set out in any publication of the organization?

DR. HOWE. Yes, sir; our standards are printed, and I have copies of this, which was adopted subsequently. These are this year's rules, which came up on account of those white-slave pictures.

MR. TOWNER. Will you give the rules and amendments to the reporter, so that they may be inserted in the record?

DR. HOWE. Yes; I will do so. I merely want to close by saying that I know of no industry and no art in which the improvement has been as remarkable, as wonderful, or as important as the improvement in the motion-picture business during the last 10 years. I doubt if there is as much improvement in education, certainly not as much improvement in the press. I do not know of any realm of activity in which there has been as much betterment in refinement and in its educational influence as has taken place in the motion-picture business during the last 10 years, and I think that improvement is bound to continue.

MR. TOWNER. Do you not think that the trend of the films that they say are now attracting more attention in Europe ought to be the trend of the films that are now being prepared? In that connection I just want to show you what this Sheffield man says:

The best sellers of the future will be dramas woven about historic events. There one may have all the thrills of the purely imaginative and as well the attraction of real characters. Educational and industrial films are rapidly gaining in popularity. Street scenes, life pictures, and the industries of distant lands never fail to hold the interest and stimulate the thought of the motion-picture theater goer. Another form of picture at present enjoying popularity is that of a mild narrative enacted to a large extent in the more beautiful streets and characteristic thoroughfares of great cities. These especially lend themselves to the export trade, for then the setting is that of a foreign city and the play doubly attractive.

Do you not think it would be best to have censorship applied so that in the audience where children are allowed to go these terrible sex problems, these highly sensational shooting scenes, and these scenes of vice and crime in all of its forms—do you not think that those ought to be entirely taken away from the places where children can go?

DR. HOWE. Well, I can speak for the board; I can only say that the board has adopted a ruling against sex pictures. My own feeling is—that is, my own personal opinion—

MR. TOWNER (interposing). You say the board has done that. What you read there would not seem to indicate that. The board says that these pictures which exhibit sexual relations should be approved if they are educational in their nature?

DR. HOWE. Yes, sir.

Mr. TOWNER. And the board, of course, will determine whether or not they are educational in their nature. The very fact that they consider that that character of film may be presented to children shows that they must consider it educational in its nature to a child, which I am disposed to absolutely deny.

Dr. HOWE. Well, it is impossible to lay down a hard and fast rule. What did happen subsequent to the passage of that rule was that the board refused to pass any films which fell in the category of the white-slave traffic.

Mr. TOWNER. I am very glad to hear that.

Dr. HOWE. If you eliminate the love motive from the drama you eliminate the drama. Referring to your question whether we should not begin to reproduce the old dramatic stories, I might say that a good many of those stories have been put on the stage; Camille, for instance, has been put on the stage for 50 years.

Mr. TOWNER. Not for children.

Dr. HOWE. And the Merchant of Venice. However, that has been censored in Chicago, I understand, because it was a reflection upon the Jew. Now, there are a great variety of stories which have been put upon the stage in theaters which some people would stop if used in a motion-picture show.

Mr. THACHER. Are you not wandering away from the subject? You were talking about the white-slave traffic and now you have gone to the matter of the Merchant of Venice, and you say it has been censored in Chicago because it is a reflection upon the Jew. The questions that have been asked were directed toward the use of films in depicting the white-slave traffic.

Dr. HOWE. The gentleman asked me if I did not think the national board should direct the production of plays along the lines of street scenes and dramas, and I said that the dramas themselves contain all these motives of love, hate, and sex, and probably always will.

Mr. TOWNER. I was very much interested to know what the views of your organization were in regard to white slavery and similar subjects, and I am very glad to know you are going to put that in the record.

Dr. HOWE. The board says that is a very delicate subject, and that they can not lay down in advance any hard and fast rule, but that "the board will give its support to those subjects and films which present facts in a sincere, dramatic way, leading to repression or to the removal of the causes of commercial or subrosa prostitution."

The CHAIRMAN. Dr. Carter, who had not concluded when we adjourned last Tuesday was promised to be heard first this evening. He was not here when we began this evening, but we will hear him now, and he says he will be able to conclude in 15 minutes.

ADDITIONAL STATEMENT OF REV. WILLIAM CARTER.

Dr. CARTER. Mr. Chairman and gentlemen of the committee, at the time of adjournment last Tuesday I had gotten as far as the standards of our national board of censors.

I wish to read you the standards of the board, which will, to a great extent, I think, clear up a great deal of what Dr. Howe has

been explaining to you to-night, and put it in definite form before you. There are eight of those standards, as follows:

1. The board prohibits obscenity in all forms.
2. The board prohibits vulgarity when it offends or when it verges toward indecency, unless an adequate moral purpose is served.
3. The board prohibits the representation of crime in such a detailed way as may teach the methods of committing crime except as in the judgment of the board the representation serves as a warning to the whole public.
4. The board prohibits morbid scenes of crime, where the only value of the scene is its morbidity or criminal appeal.
5. The board prohibits the unnecessary elaboration or prolongation of scenes of suffering, brutality, vulgarity, violence, or crime.
6. The board prohibits blasphemy, by which is understood the careless or wanton or unnecessary offense against religious susceptibilities of any large number of people in the country.
7. The board prohibits anything obviously or wantonly libelous in films, anything calculated to cause injury to persons or interests from an obviously malicious or libelous motive, and films dealing with questions of fact, which relate to criminal cases pending in the courts.

The board does not, in judging films, allow itself to be influenced by the moral character of persons who may be concerned in the production or acting of the films; but the board does retain the right to forbid, at its discretion, the exploitation of unworthy reputations, such as the morbid representation of persons who may have been associated with famous criminal cases.

8. In addition to the above specifications, the board feels in general that it is right in forbidding scenes or films which, because of elements frequently very subtle, which they contain, have a deteriorating tendency on the basic moralities or necessary social standards.

Now, Mr. Chairman, having presented those standards of the board to you, I want to summarize what I have said under three heads:

I feel that this proposed Federal board of censors is unnecessary, because of this national board of censorship which is already established; and I think, as you examine and study these standards which I have just read to you, you will find that they are wholesome standards of criticism. I present them in order that you may know exactly what the standards of the board are.

I claim it is unnecessary to have a Federal board of censorship if this national board is doing the work under such standards; that it has proved that it is doing the work well by the fact which I mentioned last Tuesday, and which Dr. Howe referred to this evening, viz, that last year they found 77,000 feet of film which they felt were not fit to go before the public, which film had a value of \$438,000; in fact, the total value of the films rejected, including the sample films, would amount to over half a million dollars. I claim, because of that fact, we are doing the work well; and if we are doing the work well under a voluntary organization, it is therefore utterly unnecessary to have a Federal board which would not be operating under that same voluntary method.

Mr. THACHER. How can a man tell, if he wants to take his children to a moving-picture show, whether or not the films have been approved by your board?

Dr. CARTER. It is on every film approved by the national board.

Mr. THACHER. But the man who wants to go to the show does not see the films beforehand. How can he tell they have been approved by your board?

Dr. CARTER. Of course, he can not tell before he has seen them, although some of the picture houses advertise the fact that the films they show have been approved by the board.

I want to make one correction, which is self-explanatory. I said there were 98 per cent of all the films passed by our board.

In this record or report, which was not in print at the time I made that statement, the record shows that for the present year we are passing 96 per cent instead of 98 per cent. That record has been very carefully compiled, and I think it is approximately correct. In the year before the report showed definitely the figures as I gave them, 98 per cent. This last year there has been such a large increase of films that are usually produced by the independents that there is a decrease in this percentage from 98 to 96 per cent. That is an answer to your question.

In other words, the people of this country, by this censorship which we have established, are assured that 96 per cent of the pictures that they see in any motion picture house in any town, city, or village in the land have been censored. In other words, of the pictures that all these people all over the country may see in motion picture houses, only 4 per cent of them have not been passed and approved by our board.

Mr. THACHER. In other words, they might see some films that your board has not approved?

Dr. CARTER. Four per cent of the pictures they may see have not been approved.

Mr. THACHER. The moving picture house does not advertise on their program that the pictures they are showing have been approved by your board?

Dr. CARTER. In a good many houses they do. It raises the tone of the pictures to a higher standard. That is the reason the managers were written to to go into the combination. It was for their commercial interests. They realized that if they had the approval of the board, on which were represented so many and various interests, it would be to their commercial advantage. There are 20 civic bodies represented on the board, representing religious, educational, and philanthropic interests and social service organizations, and the moving picture people realized if they had the approval of such a board for the films they show, it would really advance their business, and it has.

Mr. TOWNER. A gentleman was telling me not long ago that he had noticed advertisements in some of the theater programs in which they were advertising everything censored by your board, and I suppose that is likely the case in a number of houses?

Dr. CARTER. Oh, yes. But there are some who will not accept those that are not censored.

Mr. TOWNER. And openly advertise that they will not exhibit any not approved by your board?

Dr. CARTER. In summarizing what I have already said. I just want to put the summary under three heads:

First. I want to say that Federal censorship is unnecessary, because the printed facts in the pamphlet before you, with the eight carefully drawn standards which I have already quoted, show that by these methods we are doing the work well enough ourselves and it is proved also by the statistical report I gave to you the other day.

Of course I am a member of the board, but I am speaking from the standpoint of a person engaged in religious education, who is in constant touch with the churches, and I claim that this board is doing the work and is doing it so well that it is censoring 96 per cent of the motion pictures in this country and that therefore it is unnecessary to have a Federal board.

In the second place, I claim that this proposed Federal board will not accomplish what has been claimed for it by some of the members of this committee and by some of the other advocates of a Federal board. It was suggested in the hearing last Tuesday that if this Federal board was formed, then that would do away with the State and local boards of censors. Mr. Chairman, that can be disproved by the statistics of our own work. The fact that we are a national board has not eliminated the State or local boards. They have them in Ohio and other States. They have them in Chicago and other places, their local censors, notwithstanding the fact that there is a national board of censorship.

If that is true under our régime where we are passing upon these films in the most careful way, it certainly stands to logical reason that since States have State rights they will insist upon those rights, and no Federal board will eliminate the State and local board.

Then, third, I claim that the Federal board—

Mr. TOWNER (interposing). That is true only in two instances, is it not? If your national board simply does not allow a film to go into interstate traffic, that is the end of it. It would not go out. The State board can not act upon it at all. The only instance in which a State board could act would be after the national board has passed upon the film, and then the question would come up as to whether or not it would pass upon it.

Dr. CARTER. Yes; that is exactly the same now. They can not act locally upon any of our films, naturally, if we throw them out. But after we have approved, and after a Federal board has approved, then every State and local board has a chance to come in.

Mr. TOWNER. That applies to all films that are submitted, but, of course, if the films are not submitted that would have no value.

Dr. CARTER. Practically all the time you have the 4 per cent, I referred to, and I submit to you that this is down to such a small number that it is practically a vanishing point. I say it ought to redound to our credit.

Mr. TOWNER. That is very true, and it is a very significant fact, and I think it is a great accomplishment, so far as the board is concerned. But I would like to know, and the committee would like to know, what is the basis for your statement and the statement made by the national board that 96 per cent of all the films that are used have been censored by your board. How do you arrive at those figures?

Dr. CARTER. As I explained on Tuesday, that is gotten at by means of definite statistics. All the producing companies report to us.

Mr. TOWNER. The three producing companies?

Dr. CARTER. All the larger producing companies, and then these producing companies know just how many independents there are in the field. We as a national board are in the business. We have an office established, in which, according to our report, there is a

staff of people who are doing nothing else, so that it is a very important thing to them.

Mr. TOWNER. These three companies are producing 95 per cent of the films, and you say you are censoring 96 per cent. Therefore your board is censoring only that part of the production of the three-company combination?

Dr. CARTER. Oh, yes; but with some of the independent's films that brings it up to 96 per cent.

Mr. THACHER. Why do not the other companies come in and have their films censored?

Dr. CARTER. I suppose it is because that small percentage are the ones who are trying to put in the wrong kind of films. It may not be so, but at any rate—

Mr. THACHER (interposing). It is the other fellows who cause the trouble?

Dr. CARTER. I suppose they do not come in for the reason I just stated. That might be. I do not know precisely why it is that they do not do that. But there are just 4 per cent of that kind. The fact that this censoring is being done so well is another significant thing I want to bring before you—the fact that we are doing this as carefully as possible. That is proven by the fact that here I have some standards in my hand which the Pennsylvania State board have already adopted. They are exactly in the language of our own standards, as given in what are called the larger standards of the national board of censors.

Most of the State boards realize that we have been getting at the root of the matter and they are copying our very methods.

In the third place, then, I claim that the establishment of a Federal board would throw the thing into what is called politics. It would throw all this work upon five individuals, according to the terms of the bill which is now bending before this committee. We have 135 people. No five people could possibly pass upon all the films. As I told you on Tuesday, we have to divide out 135 people into small sections. This proposed Federal board of five members would have to be divided into five sections of one each, and even then it would be impossible for five people to pass upon all the films in that way.

Then, too, in addition to that, notwithstanding the honor of the men composing that board, they would be continuously thrown open to all manner of approach and to all manner of temptation in the matter of bribery and graft, no matter what might be their primal honor and integrity.

I claim that this work is being done in such a way by the 135 people voluntarily, without any moneyed consideration whatsoever, that it is being done so well by the very working out of our standards which are being copied by State boards, that you ought to be willing to submit to the feasibility of carrying out the work as we have been carrying it on for the last five years.

I do not want to take any more of your time now, Mr. Chairman, but desire to give way to these other gentlemen who represent the motion-picture interests.

The CHAIRMAN. Before you take your seat, Dr. Carter. I want to ask whether you are in favor of unofficial censorship?

Dr. CARTER. I certainly am.

The CHAIRMAN. And you are not in favor of official censorship?

Dr. CARTER. No. May I call attention to just one thing here in order that it may be answered before I sit down.

An objection has been made by Canon Chase, in which he says that this national board of censorship does not censor properly because the voluntary censors are not regular in their attendance, and in their absence the paid secretaries are the censors.

That is absolutely contrary to the facts, as you will find in our book of standards and in our report. It says that no salaried officer shall vote in any of the subcommittees; none of the paid secretaries has any vote whatsoever.

I want also to call your attention to last month's report, to show that what he says in regard to the attendance is not true. We had an average in attendance at each of the meetings during the month of April, 1914, of 4.3. There were four people at least present at every one of the censorship board meetings. I mention that because it has been stated here that the voluntary members of the board are not regular in their attendance, and I wish to say that these people are serving in a voluntary capacity, and there is no compensation, absolutely no compensation whatever.

The CHAIRMAN. We will now hear from Mr. Seligsberg.

STATEMENT OF WALTER SELIGSBURG, OF NEW YORK, N. Y., REPRESENTING THE MUTUAL FILM CORPORATION, THE MAJESTIC MOTION PICTURE CO., AND THE RELIANCE MOTION PICTURE CORPORATION.

Mr. SELIGSBURG. Mr. Chairman, I am very sorry that the representatives of the owners of the oxen which are to be gored if this bill becomes a law have to start their remarks at such a very late hour.

The record before you is replete with errors of fact in regard to the motion-picture business. I want to correct some of those errors and answer fully the statements that have been made in a brief which I desire to file with you later. Some of the people who have spoken here and made these errors have innocently misinformed you as to the facts of the business.

For instance, the gentleman who has just spoken has referred persistently this evening to the three producing companies. There are no such things as three producing companies.

Mr. TOWNER. Before you go any further, will you not kindly give to the reporter your official position, stating whom you represent?

Mr. SELIGSBURG. I am the general attorney for the Mutual Film Corporation, for the Majestic Motion Picture Co., and the Reliance Motion Picture Corporation. I am one of the general attorneys for four companies in New York—the New York Motion Picture Corporation, the Broncho Motion Picture Co., the Keystone Film Co., and the Domino Motion Picture Corporation.

Mr. TOWNER. And in your statement before this committee you represent those companies?

Mr. SELIGSBURG. Principally the Mutual Film Corporation, which is a clearing house for all the other companies.

Mr. TOWNER. Will you explain that?

Mr. SELIGSBERG. Yes, sir. Dr. Carter refers to the three producing companies. There is no such thing as three producing companies.

Dr. CARTER. I really never referred to three producing companies. I think Dr. Howe spoke of or suggested that there were three producing companies.

Mr. SELIGSBERG. I refer to the record. In order to understand this business, the effect of the statute on it, and the effect of the censorship on it, and the interplay between the companies, and the fact that, as some members of the committee seem to think, there is only one combination here. I want to say there are three very bitterly contesting factions, of which my friend, Mr. Schechter is of counsel for one faction, and I for another, and of which the third, the largest and the oldest in the business, is so bitterly against the two factions which we represent that, although they oppose this measure, they will not appear against it at the same time we appear against it.

The relationship between the two factions which I and my friend, Mr. Schechter, represent is so bitter that it is only because we have become personally friendly that we are able to appear together before you this evening. It was at first somewhat against the desires of our principals that we do it.

We have prepared one argument to present to you, of which Mr. Schechter will deliver the first part and I the second part. I ask you, in the name of the people who are in this industry, and who are all decent and good people, and who do not produce indecent films, and who, strange to say, do not produce white-slave films, and who have never produced the House of Bondage films, which you have heard criticized; I ask you in their name to give us your attention, even though we may proceed at great length, because we want you to understand the facts of the situation and the facts which this great industry is based, the size, extent, and nature of the industry, and the effect which this proposed bill would have on the industry.

The CHAIRMAN. I wish to say right there, Mr. Seligsberg, that the only purpose of the committee is to get at the facts and the truth in regard to this matter.

Mr. SELIGSBERG. We are going to try to give you the facts and the truth in regard to this matter. We want you to have them correctly. With your permission, in view of the errors of fact which appear in the record, we are going to ask you for permission to submit a brief, because there are a good many errors of fact in the statements which have already been made before you and which appear in the record.

Mr. TOWNER. You must remember that every individual man who has any knowledge on these matters must have some view of the question; the various individual members of the committee may entertain different individual views. We have all had so much experience in these matters that we know that our judgments may perhaps be based upon entirely erroneous statements of fact, and therefore we are anxious to get at all the facts and all the truth on this particular matter.

Mr. SELIGSBERG. With the permission of the committee, Mr. Schechter will now address you.

STATEMENT OF JACOB SCHECHTER, ESQ., OF NEW YORK, REPRESENTING THE UNIVERSAL FILM MANUFACTURING CO.

Mr. SCHECHTER. Mr. Chairman and gentlemen of the committee, I represent the Universal Film Manufacturing Co., which is a corporation organized and existing under the laws of the State of New York, and which began doing business during the month of May, 1912. Prior to the organization of the Universal Film Manufacturing Co. there were several manufacturing concerns putting out various brands of film, as follows: Imp Films Co., releasing the "Imp" brand; Powers Motion Picture Co., releasing the "Powers" brand; Rex Motion Picture Co., releasing the "Rex" brand; Nestor Film Co., releasing the "Nestor" brand; Champion Film Co., releasing the "Champion" brand; New York Motion Picture Co., releasing the "Bison" brand.

All of these companies consolidated and formed what is now called the Universal Film Manufacturing Co.

The CHAIRMAN. They were all manufacturers?

Mr. SCHECHTER. Yes, sir; they were all manufacturers.

The Universal Film Manufacturing Co. also arranged to have released through it the film manufactured by the Eclair Motion Picture Co., the Crystal Film Co., Victor Motion Picture Manufacturing Co., the St. Louis Motion Picture Co., and others. Some of these manufacturers produce more than one brand of film. The brands of film that are now being released by the Universal Film Manufacturing Co. are as follows: Imp, Rex, Bison, Gem, Victor, Eclair, Crystal, Gold Seal, Nestor, Powers, Animated Weekly, Frontier, Joker, Sterling.

In order that this committee may have a clear understanding of the nature of the moving picture business in all of its branches, I desire at the outset to explain how it is transacted. There are three branches of the business—manufacturing, distributing, and exhibiting. First in regard to the manufacturer—

Mr. TOWNER. Suppose a man thinks he has a good thing for a moving picture exhibition and wants to have it presented or at least considered; how is that done?

Mr. SCHECHTER. It would not be possible for a man to enter into all the branches of the moving picture business by himself.

Mr. TOWNER. I am not asking about the business. I am asking about the man who has the idea, what the procedure is when he desires to have it presented by moving pictures?

Mr. SCHECHTER. Under such circumstances the author of a particular book or scenario would bring or send the same to the people who manufacture or produce the films, for them to examine and pass upon the availability of the books, or scenario for moving picture purposes. The manufacturer produces the moving picture.

Mr. TOWNER. What does the manufacturer do? You say he produces it; what does he do in producing it?

Mr. SCHECHTER. I was about to explain that.

The manufacturer employs actors to pose and act before a camera, which makes a series of instantaneous photographs. The film may be the reproduction of an original story or theatrical production conceived by a writer or author; it may be a composition depicting

human life and conduct on a stage; it may be a sketch of a plot or several incidents of a play; or a reproduction of objects, of picturesque views, of scientific research, and is descriptive, educational, instructive, and amusing.

The pictures or impressions are taken on a certain sensitized celluloid film, with the aid of specially prepared lenses so arranged that the impressions may be taken in rapid succession, which is called the "negative" or "original"; from this negative copies are produced and printed, which is the product that is exhibited or displayed with the aid of electrical apparatus or mechanical appliances capable of projection, and at the same time producing on the screen or curtain an enlarged facsimile of such print or film in such a manner as to cause the illusion of the original to appear to be animated to the eye. This negative is retained by the manufacturer or producer. The printed copies are distributed to various distributing agencies called "exchanges," located in principal cities throughout the country, who in turn rent them to the theater owners or exhibitors for display or exhibition purposes.

Mr. TOWNER. After it is manufactured you submit it to the board of censorship, and if it has to be changed you change it?

Mr. SCHECHTER. Yes, sir.

Mr. TOWNER. And if it is approved then, after it is approved it is sent out to the various distributing centers?

Mr. SCHECHTER. Yes, sir.

The three so-called producing companies or groups of manufacturers mentioned before this committee, I believe, control about 75 per cent of all the business in this country; that is, the General Film Co., the Mutual Film Corporation, and the Universal Film Manufacturing Co.

I think a word of explanation in regard to these three companies at this time is proper.

The General Film Co. is an exchange corporation; that is, a distributing corporation. I understand it is under contract with various manufacturing concerns who constitute the Motion Picture Patents Co. Among these concerns are the following: The Biograph Co., Edison Co., Kalem Co., Pathé Freres Co., Selig Polyscope Co., Vitagraph Co., Cines-Klein Co., Lubin Co., Melies Co., Essanay Co. Perhaps there are some others which I can not recall at the present time.

Mr. TOWNER. Take a familiar instance. Take the moving-picture exhibition of *Quo Vadis*; how did that originate?

Mr. SCHECHTER. That picture, I understand, was produced in Europe. George Klein, of the Cines-Klein Co., one of the companies allied with the Motion Picture Patents Co., and releasing its product through the medium of the General Film Co., was, as I understand, the general agent of the European company which manufactured that film in Europe; and he, as such general agent, arranged for the exhibition of the picture *Quo Vadis* throughout this country.

Mr. TOWNER. Which company produced the film that they had so much controversy about, called, "The Wages of Sin"?

Mr. SCHECHTER. I do not recall.

Mr. TOWNER. That picture, I believe, depicted the scene of a murder of a notorious gambler.

Mr. SCHECHTER. I think the company that produced that picture just organized for that particular purpose. In the trade they are termed "fly-by-night" concerns.

Mr. TOWNER. It was not any of those companies which you spoke of?

Mr. SCHECHTER. No, sir.

Mr. TOWNER. That was passed by the board of censorship, was it not?

Mr. SCHECHTER. I do not think so. That particular film, as I understand, was subsequently suppressed.

Now, referring to the Mutual Film Corporation, which was mentioned here as one of the groups, that is also a distributing or exchange corporation. It has contracts with various manufacturing concerns, who produce the film and release it through the medium of the Mutual Film Corporation. The following companies, I believe, release through that medium:

The Keystone, Kaybee, American, Reliance, Thanhouser, Bronco, Domino, Majestic, and Princess, and others that I do not think of at the present time.

I think I have already mentioned the brands of film released by the Universal Film Manufacturing Co.

Thus you will note that there are a great many manufacturing concerns that are allied with these three groups; and I will explain further that the peculiar nature of the moving-picture business makes it necessary to have such an arrangement, as it is not possible nor feasible for the manufacturer to distribute its product directly to the theater exhibitors. The manufacturer sells his product.

Mr. TOWNER. Take this Majestic Co., which you have mentioned.

Mr. SCHECHTER. Yes, sir; that is affiliated with the Mutual group.

Mr. TOWNER. There is a Majestic line of moving-picture theaters all over the United States; that is, a line of theaters called the "Majestic." Do they represent or are they controlled by the Majestic Moving Picture Co.?

Mr. SCHECHTER. The theaters, as I understand, have no connection with the manufacturers at all. The theater owners have seen fit to name the theater "Majestic," but that does not in any way connect them with any producing companies.

Mr. TOWNER. Does each of these companies you have mentioned have a certain circuit?

Mr. SCHECHTER. Yes, sir. I will now explain that.

The CHAIRMAN. How many manufacturing companies are there in all?

Mr. SCHECHTER. I judge there are about 25 manufacturing corporations identified with the three groups mentioned. There are of course a good many other manufacturing companies, although I can not name them all at the present time. I will attempt to name some of them from recollection:

Gaumont Co., Itala Co., Ambrosio Co., Great Northern Film Co., Italian-American Co., the Kennedy Co., Klaw & Erlanger Film Co., Warner's Feature Film Co., Famous Players, All-Star Feature Film Co., Union Features Film Co., World's Best Film Co., Solax Film Co., Jesse Laskie Film Co., Milano Film Co., and many others which I can not now recall. Some of these companies last named do not

themselves produce or manufacture the film. They have contracts with various manufacturers and producers, and purchase the negative or several copies and then arrange with exhibitors throughout the country for the exhibition of the same.

The CHAIRMAN. Are the independent corporations under the control of the censorship of this New York National Board?

Mr. SCHECHTER. The Universal Film Manufacturing Co. and the Mutual Co. are called in the trade "independent" companies. They submit their pictures to the New York National Board of Censors. I believe, too, that most of the other companies which I have mentioned likewise submit their films to the New York board for examination. It is only the very small concerns who are organized for the purpose of manufacturing a special feature and then go out of business after the production and exhibition of the same that do not submit their pictures to the national board for examination.

The CHAIRMAN. But those pictures go out to the public and are exhibited?

Mr. SCHECHTER. Yes; I think so, but that does not say that they are of a questionable nature. The greatest portion of them are beyond question. Only in rare instances is a film produced which is likely to be questioned, and these are generally suppressed after they have been exhibited for a short time.

The CHAIRMAN. After they have been shown?

Mr. SCHECHTER. Yes, sir; but the law is adequate to punish the violators who purchase and exhibit obscene or immoral pictures, if the officials who have charge of the enforcement of the law will put into force and effect the laws now on the statute books.

As I explained, the manufacturer simply makes the pictures. He does not distribute his product directly to the theater exhibitors, but sells his product to the film exchanges which I mentioned. The film exchanges buy the duplicate prints of the original film and rent them out day by day to the different exhibitors, the film exchange being a clearing house or so-called circulating library for the exhibitors.

I will now endeavor to explain the need for these distributing agencies; that is, why the pictures can not go directly from the manufacturer or producer to the exhibitor.

The first moving-picture exhibitions consisted of very short films, which were exhibited as a curiosity by traveling exhibitors who went from city to city. The success of these traveling shows brought about stationary shows, and this continued to grow in popularity. As its popularity increased variety was needed, because people would not go to see the same show over and over again. With the demand for variety became a necessity for improving the character of the pictures, requiring greater expense in the production. The manufacturing end of the business developed. Enterprising exhibitors then began showing more than one picture. Up to this time all pictures had been bought outright from the manufacturers by the exhibitors, but as soon as competition between exhibitors required the showing of more than one picture, the expense of running the shows began to increase beyond the possibility of earning. Some of the exhibitors owning more than one theater would be able to purchase more than one picture and would run all of the pictures so purchased through all of their shows, and then rent them out to other exhibitors. That was the beginning of the film exchange which now allows each

theater to show several pictures each day without having to pay for the cost thereof.

Each reel of film is approximately 1,000 feet in length. Its cost is about 10 cents a foot, or \$100 per reel. The large exhibitors generally have five reels a day. At that rate it would cost the exhibitor, if this agency or exchange did not exist, at least \$500 a day for the films alone.

Furthermore, the exchange enables the exhibitor to show pictures which his competitor has not shown, as it has been found impractical to run the same show by two exhibitors in the same locality, as the public would not patronize either.

In order to assure this exclusive and noninterfering service to exhibitors the film exchanges are compelled to procure exclusive agencies from the manufacturers, otherwise a manufacturer selling to two film exchanges in the same territory would enable either to destroy the exclusive service to the customers of the other. This particular kind of competition with the same pictures has been found to be ruinous to both of the competitors, because of the public insistence upon novelty and upon seeing something that it had not seen before.

In addition to the demand for novelty, the public's demand for variety and the exhibitor's insistence that he be able constantly and continuously to exhibit good pictures have led to the transaction of the business through the medium of groups of manufacturers and the consequent growth of the three groups of manufacturers heretofore mentioned, to wit: The General Film Co., the Mutual Film Corporation, and the Universal Film Manufacturing Co., and several of the other groups consisting of manufacturers and distributors who operate in the United States.

The exchanges so purchasing films from the manufacturers are located in the most central cities of the United States, so that they can supply films as conveniently as possible to all exhibitors. There are about 40 cities throughout the country where these exchanges or distributors are located.

Mr. FESS. The distributing companies do not manufacture films?

Mr. SCHECHTER. They do not.

Mr. FESS. Do the manufacturing companies which supply one distributing agency also supply other distributing agencies?

Mr. SCHECHTER. No, sir. These are exclusive agencies. It would be impossible to supply the agent representing one group with the same films supplied to another, because it would interfere with the rental of the film to the exhibitor and destroy his exclusive exhibitions.

Mr. FESS. Do the distributors take all the films manufactured by these groups?

Mr. SCHECHTER. They do not take all; they order the films according to their needs. Generally they take the full program put out by the particular group of manufacturers, but they are not compelled to. In the case of a particularly fine picture, such as *Ivanhoe*, which was manufactured by the Universal Film Manufacturing Co., each exchange will want to take more than one copy of the film. On the other hand, a film may be produced by a manufacturer which does not meet the taste of a particular community where one of the exchanges is located and they will not order that one at all.

One exchange might want more of one kind or brand of film than of another, particularly communities catering to certain popular actors.

Mr. TOWNER. Let me ask you a question right there. I live in the State of Iowa. Is there a central distributing agency in Iowa?

Mr. SCHECHTER. Yes; in the city of Des Moines. There is a routing office at Dubuque.

Mr. TOWNER. Does that distributing agency at Des Moines buy the films from all these manufacturing companies, or just from one of them?

Mr. SCHECHTER. There are three exchanges in that locality, each representing one of the groups mentioned by me, to wit: The Mutual, the General Film Co., and the Universal Co. The distributor under contract with the Mutual Co. buys exclusively that program; the distributor under contract with the General Film Co. buys and produces exclusively its program; and, likewise, the distributor under contract with the Universal Film Manufacturing Co. buys and produces exclusively the program of the latter. There are distributors of other manufacturers located in these principal or central cities or in neighboring places and——

Mr. TOWNER (interposing). Suppose there is a Majestic Theater in my town, can they rent only of one of the agencies?

Mr. SCHECHTER. No, sir. Generally the exhibitors try to have a regular program from one agency, but sometimes they find that does not suit the taste of their patrons, and so we find that a number of exhibitors rent the film from various exchanges, for with the exhibitor the same exclusiveness does not exist, and they take, say, two reels of the Mutual, two reels of the General, and two reels of the Universal programs. The exhibitor is likely also to take the feature films manufactured and produced by any of the other manufacturers named. It is all according to the program put out.

Mr. TOWNER. Is the price uniform?

Mr. SCHECHTER. Yes; nearly so.

Mr. TOWNER. You said awhile ago *Ivanhoe* was a particularly attractive film. Did they sell that at a higher price than the usual or regular price?

Mr. SCHECHTER. I think there was a slight increase in price.

Mr. TOWNER. Was there an increase by the manufacturers to the distributors and by the distributors to the exhibitors?

Mr. SCHECHTER. A slight increase; not very much; although if *Ivanhoe* was put out by the exchange on its regular program, no increase in the rental price to the exhibitor would be made.

The number of pictures exhibited at each theater varies from three to six at a performance. The nature of the business demands a change of program at each theater, and such changes are made daily at some theaters, semiweekly in others, and three times a week in others. The amount of rental paid by an exhibitor to the film exchange depends upon three factors: First, the quantity of film rented; second, the age dating from the release date of the reel rented; third, the frequency of changes of program in each week.

Now, concerning the extent or amount of business done.

The Universal Film Manufacturing Co. sells about 800 reels of film each week. This does not include European sales. The Mutual Co. purchases from the manufacturers with whom it has contracts

about the same number of reels of film. The General Film Co., I am informed, purchases from the manufacturers under contract with it upwards of 1,500 reels of film each week. Each reel of film being approximately 1,000 feet in length and the price being at least 10 cents per foot, and figuring that all out in dollars and cents, it will be found that the amount of business done by those three groups or factors alone is upwards of \$15,000,000 yearly, that is by the manufacturers. I think that figure is very conservative. The amount of business done by the exchanges or distributors I should say would be about twice as much as that done by the manufacturers; and the exhibitors would naturally have to do at least twice as much as the exchanges in order to reap a return from their investments.

In addition, the other manufacturers and exchanges distributing and exhibiting film throughout the United States do a great deal of business.

Under the circumstances the representatives of the manufacturers who are vitally interested in this proposed bill think the hurried action on the part of this committee in regard to this legislation is rather inadvisable, and we bespeak the committee's careful consideration of the matter. Our information is to the effect that on March 19 a bill was introduced; on March 20 a hearing was held on such bill; on March 21 an amendment to the bill was introduced. At no time were the manufacturers or any of the moving-picture interests informed of this proposed legislation or of the hearings that were had until sometime subsequent. However, it was pleasing to receive the assurance from this honorable committee to-day that the real people in interest—the manufacturers and other dealers in moving-picture films—will be given time so they may present the proposition carefully and adequately to this committee.

The CHAIRMAN. I will say to you that one thing this committee will always try to do and that is to be fair to those who are interested in measures pending before it.

Mr. FESS. I would like to ask the gentleman what he fears from censorship?

Mr. SCHECHTER. If you will excuse me I prefer not to touch upon that subject at this moment; I will come to it presently.

Now, gentlemen of the committee, who are the principal movers of this bill and what are they endeavoring to accomplish?

They make claim that the pictures produced to-day are highly immoral. Out of nearly 5,000,000 feet of film which is produced in the United States each week throughout the year, the proponents of the bill can only point to two or three isolated instances of film which in their own judgment might be considered immoral or indecent, or such that could not be presented to every child and every adult in the nation. And there are differing opinions as to those isolated instances. As to all the rest of the film—hundreds of millions of feet of film—produced each year, no question is raised, so that it may be admitted that they are of a character proper to be presented.

Let us for a moment consider the kind of film that is being produced to-day for the benefit of the American people. There are certain weekly publications which are put out by the manufacturers. The Universal Co. put out the Universal or Animated Weekly; the Mutual Co. produces a Mutual Weekly; there is also a Pathé Weekly,

a Selig Weekly, and others. These weeklies show or depict current events—the everyday occurrences throughout the world, of general interest and importance to the public. For instance, they depicted the recent floods, showed scenes connected with the inaugural of President Wilson, meetings of the suffragettes; scenes connected with the Becker case, scenes showing the St. Patrick's Day celebration, scenes connected with medical investigations, the question of vivisection, and the like; scenes showing the passing out of the American fleet, and in part the battle of Vera Cruz, and a thousand other subjects of particular moment.

Now, some censors may be prejudiced on the question of suffrage, and some on the question vivisection. These censors will say that it will have a bad effect to exhibit such pictures. You will find millions of people who will disagree with them, and yet, because of their censorious opinions, they will not allow the exhibition of such pictures. If such questions are openly and clearly discussed in newspapers, which are not subject to censorship, why, then, should the moving picture be subject to censorship? And that, Mr. Fess, answers in part the question which you asked me what we have to fear from censorship. It would amount to having a body of persons do the thinking for the multitude on those subjects and on every subject.

What are shown in the regular releases? They are usually dramatizations of standard dramas, novels, or short stories. The following among others have been produced:

The Merchant of Venice; Romeo and Juliet; Julius Cæsar; The Lion and the Mouse; Oliver Twist; Nicholas Nickleby; David Copperfield; the novels of Charlotte Braeme; the novels of Walter Scott, and of other eminent writers.

There are some people who object to these dramas. For instance, the official police censor of the city of Chicago refused to permit the showing of the pictures of The Merchant of Venice on the ground that it unduly ridiculed the Jews.

MR. TOWNER. Would you not really leave a wrong impression by that statement?

Of course, the Merchant of Venice has been produced as a play in Chicago hundreds of times, and there has been no objection to it. I presume the basis of the censorship was upon the fact that in the delineation of the Jew's character as that particular film delineated it, and, of course, you can very easily imagine how it can be presented so that they would say it was objectionable, as they did. I have never heard of a film of that character being censored, and I suppose that particular one in Chicago must have been censored on the grounds I have suggested.

MR. SCHECHTER. That is the very point I make. Plays have never been censored in this country, and no attempt has ever been made in that direction in Chicago. A moving picture of a particular play, however, is subject to censorship there. It is merely a case of the local official police censor, who is inclined to be overzealous. To show you that the delineation of the character was not such as could be questioned, a great many of the most educated Jews of that city subsequently demanded that the picture be exhibited, which was done. Mr. Seligsberg, who is fully informed concerning that particular matter, will give you the facts in regard to it later.

Even the film *Quo Vadis* has been attacked by some people. Critics, newspaper editors, magazine editors, educators, everyone who saw *Quo Vadis* was unanimous in the opinion that it was a wonderful film in every respect—educationally and morally; but some attacked it because of the scene showing the wine drinking, claiming that such a scene would have a bad effect on children who might see an exhibition of the film.

Taking up the subject from another standpoint. Let us for a moment consider moving pictures as analogous to book publishing. Who would be heard to say that there should be censorship of books; that is, a book should first be presented to a board of censors before it could be published? That is not done. There are laws that provide in the case of a publication of a book that is highly immoral, the author and publisher are liable to punishment under the law.

MR. TOWNER. The National Government has a censorship of that kind now?

MR. SCHECHTER. They do not censor first—before the book is published.

MR. TOWNER. Recently, in a very notable instance in New York, in the case of a certain magazine which was about to be published, containing a certain type of picture on the outside, did they not prohibit sending it through the mails? Did they not make them, before they would let the book go out, make them take off the covers?

MR. SCHECHTER. But the books are first published and—

MR. TOWNER (interposing). Of course they were first published, but they did not allow them to go through the mails.

MR. SCHECHTER. As to the Government mails—that is an entirely different thing. The Government controls the mails—

MR. TOWNER (interposing). My question was directed to the inquiry as to whether or not that was censorship.

MR. SCHECHTER. I do not consider that to be a form of censorship.

MR. TOWNER. You would not consider that as a form of censorship?

MR. SCHECHTER. No, sir; because the Government has the absolute power to say that one shall or shall not transfer a certain article through the mails. The Government has the absolute power to say what it will or will not transfer through that medium.

You gentlemen, of course, are familiar with the law that the privilege of the mails may be withdrawn from anybody who does not carry out the instructions of the officials of the Post Office Department, and that I believe was the fact in the case which you mentioned, although I am not fully conversant with it.

Now, Mr. Chairman and gentlemen, I want to say just a word as to the persons interested in the moving-picture business, and whether these men who are financially interested in it would, with knowledge or intention, produce immoral pictures. There is Mr. Kennedy, of the General Film Co., who was an engineer by profession before he became interested in the moving-picture business. Then, there is Thomas A. Edison, who is known as a moralist of the highest degree. Then, there is Mr. Carl Laemmle, president of the Universal Film Manufacturing Co., a successful merchant before his entry into the film business. There is Mr. Cochrane, a very successful advertising man, who ran the Cochrane Advertising Agency in Chicago before he engaged in the motion-picture business. There is Mr. Patrick A.

Powers, Mr. Zukor, Mr. Frohman, who has long been interested in the production of the highest-class dramas; likewise Mr. Belasco, Klaw & Erlanger, and a great many other gentlemen.

Mr. TOWNER. Is Mr. Edison at the head—

Mr. SCHECHTER (interposing). Of the Edison Co., yes.

Mr. TOWNER (continuing). Of a film manufacturing company?

Mr. SCHECHTER. Yes; of the Edison Moving Picture Co.

Mr. TOWNER. What do they do?

Mr. SCHECHTER. They produce the negative and sell prints of moving pictures, which they manufacture, to the exchange.

Mr. TOWNER. What I meant was, does this particular company have a particular line of subjects? Do they take up the scientific end, for instance?

Mr. SCHECHTER. They do not limit themselves; they produce films on various subjects.

Mr. TOWNER. They do not confine themselves to any one subject?

Mr. SCHECHTER. No, sir; I do not know of any company that does that.

Mr. FESS. You said you were opposed to the censorship of the pictures, and you gave certain reasons, and you said some people might think certain films were not in order, while others might think they were. All of your films are censored, are they not?

Mr. SCHECHTER. Yes, sir; by the National Board of Censors, which is not an official board, and not arbitrary in nature.

Mr. FESS (interposing). Well, then, why do you have it done? There is no law about it; you are not really bound to have it done?

Mr. SCHECHTER. Absolutely not.

Mr. FESS. Why do you do it?

Mr. SCHECHTER. Simply because it has resulted in raising the tone of the pictures; its criticisms have been helpful; its sense of fairness and honesty have been beyond question. Such a censorship is not objected to because it is a purely voluntary censorship.

The CHAIRMAN. After they have been censored by this national board of censorship do you not find that there is less objection on the part of the different States after they know that they have been censored?

Mr. SCHECHTER. It is only within the past few months that censors have sprung up in several States. There is only one State censorship actually in operation, and that is in Ohio. In Kansas it has been enjoined by order of the court. In Pennsylvania, I think, it has not become operative. An appeal has been taken from the decision in the Ohio case to the Supreme Court of the United States, which appeal is now pending and will be heard shortly.

Mr. THACHER. There is one in California?

Mr. SCHECHTER. I have no knowledge of that fact.

Mr. FESS. Do you not think there is a better character of films by virtue of having a board of censors?

Mr. SCHECHTER. Not because there is a board of censors but because the public demand better and better pictures every day, and the manufacturer in order to be successful must meet the demand of the public.

Mr. FESS. Do you not think there is greater assurance on the part of the going public? Do you not think that the attendance upon moving pictures is increased by virtue of the censorship?

Mr. SCHECHTER. Perhaps in some cases the people who know of the eminent educators that are part of the organization of the national board of censors, and that it is a purely voluntary organization, are influenced by it, but that would not be so if there was official censorship.

Mr. FESS. If I take a group of people to see moving pictures I do not have the manufacturer in mind at all; I do not know who these people are. But I do know if there is a group of men and women whose duty it is to see that there is nothing shady or unfit shown upon the screen I do not hesitate at all to see the pictures. It seems to me that such a thing would be to your advantage.

Mr. SCHECHTER. As I said, those persons who are familiar with the excellent membership of the national board of censors might be influenced, and of course you will readily appreciate the high order of intelligence of that board.

Mr. FESS. I am speaking from my own standpoint.

Mr. SCHECHTER. I will now discuss some of the sections of the bill, which appear to me to be ill-advised and ineffectual.

Mr. TOWNER. You know the bill has not been technically considered; it has only been considered in a general way. The committee has not gone into any technical examination of the bill.

Mr. SCHECHTER. Then I understand that the committee is not now ready to discuss the bill and its provisions, and I will reserve my argument on those points and discuss them fully in a brief which we desire to file, and I hope this committee will grant me privilege to file such brief.

The CHAIRMAN. Yes; such privilege will be granted, and I think it will be better for you to discuss those questions in a brief.

Mr. SCHECHTER. We will present printed briefs so that each member may have a copy, and discuss the provisions of the bill and other matters which this committee may desire to have discussed.

The time is short, and I want Mr. Seligsberg, who has considerable matter to present to this committee, to be fully heard, and so I will conclude my remarks, but before doing so I want to emphatically state to this committee that I do not believe a Federal board of censorship in any way stop the introduction of bills by State legislatures for the establishment of State censorship. On the other hand it seems to me that should censorship be accepted by the Federal Government as a desirable thing, it is safe to say that each State will soon have its own censorship board.

The States, as you gentlemen know, look zealously upon and guard jealously their rights and powers, and that is as it should be. So that we would not be subject to one censorship only, but 48 censorships, and hundreds of local or municipal censorships. Such a thing would practically ruin the business as we are not dealing with practically a single homogeneous country with one set of laws, but are dealing with more than 48 separate sovereign Commonwealths. Our laws to-day are sufficient to protect the public from the exhibition of indecent and immoral pictures. Censorship is unnecessary with respect to all subjects regarding which there may be honest differences of opinion. As to pictures concerning which there can be no honest differences of opinion, the law will protect their exhibition. It all depends upon the point of view.

The CHAIRMAN. But you are subject to censorship now?

Mr. SCHECHTER. Not to official censorship, with all that that word means. The censorship to-day is voluntary, and is acquiesced in because of the highly respectable membership of that board.

The CHAIRMAN. But every step of the way you have been improving and increasing your business.

Mr. SCHECHTER. Not because of the censorship, but because the business itself has grown so rapidly. The public has become accustomed to it. It is a subject which everyone can enjoy. The poor people, who never had an opportunity to have any form of amusement, are now afforded such opportunity, and that is why the business has increased so rapidly.

The CHAIRMAN. Not because of censorship?

Mr. SCHECHTER. No, sir; not because of censorship, but because of the public demand for the pictures, and the demand for better and better photoplays by the public every day, and the progressive manufacturer feels the pulse of the public—

The CHAIRMAN (interposing). Is it not fair to conclude that the approval of the public has been largely because of the censorship that has been exercised and the high character of the productions you have been compelled to produce?

Mr. SCHECHTER. The high character of the productions produced by the companies was not because of censorship, but, as I said before, because of the public demand. The motion-picture producers are making the subjects that they believe will appeal to the largest audience, subjects that will be entertaining and instructive to the greatest number of moral, honorable American people.

It seems most unfortunate that the motion picture with its great possibilities for good should be the object of attack by those who in their zeal are willing to turn back the hands of time hundreds of years, for censorship is a subject of medieval times. Whatever evil may exist can be overcome by perfectly lawful methods in keeping with American ideas.

I thank you for your kind attention, gentlemen, and I will now give way to Mr. Seligsberg.

FURTHER STATEMENT OF WALTER N. SELIGSBURG, ESQ.

Mr. SELIGSBURG. Mr. Chairman, two matters were referred to me during the course of Mr. Schechter's argument, and one of them is that very humorous incident in regard to the refusal of the authorities in Chicago to allow the Merchant of Venice pictures to be shown in that city.

I am a Hebrew myself, and I think that I am reasonably sensitive to any reflections upon my race, or to any evidence of anti-Semitism, and I have never understood the Merchant of Venice as being an anti-Semitic production. Funkhauser, in the name of the mayor of Chicago, refused to permit an exhibition of Merchant of Venice pictures on the ground that they were anti-Semitic in character. But I think that action can be attributed to political ambitions, and I think he shot a political gun for the purpose of currying favor with the Hebrews in Chicago by refusing to permit the pictures of the Merchant of Venice to be shown in that city.

Then I believe a number of prominent Jews, among them several prominent judges, talked with the mayor in regard to the matter

and persuaded him that he had better reverse the major's orders, and I think the major's order was reversed. That was simply on a par with other orders which he has given in the past and that we find is the ultimate result of all official censorship.

Now, in regard to the case of the Metropolitan Magazine, which was referred to, I may say that the local postmaster, entirely without warrant of law, did seize the copies of that magazine on the day they were to be sent through the mails, although there was nothing to justify him in doing so. The publishers immediately appealed, by telephone, to the Post Office Department at Washington and the magazines were released. In regard to the question of the present status, as to whether they are censoring now in the Post Office Department, I shall speak a little later.

There is one peculiar thing that runs through the entire discussion of censorship, and that is that but one justification, and only one, is advanced for it, and that is the children. Nobody ventures to say that censoring of pictures to be shown to the adults is necessary; nobody has the temerity to say that the American public will be corrupted by motion pictures or that they will for a moment stand for licentious motion pictures.

The discussion this evening with respect to particular films was a discussion as to whether the film is the proper medium for the promulgation of certain doctrines. The film that is indecent per se, or inherently indecent, is nonexistent in this country, and the theory of those who desire censorship is that it is the only means of protecting the children from seeing what we think are nonexistent—that is to say, films that will corrupt them.

I shall endeavor to show, first, that censorship is not a proper means of accomplishing this result, which is a proper result; in the second place, even if it were the remedy, it is by far more dangerous than the disease.

It is a peculiar thing that the protection of children is sought in a Federal enactment. That is peculiarly a function of the State, and that is a function which, no matter what the Federal Government may do, and no matter what statutes may be put on the books by Congress, the States will never surrender. I think it speaks for itself that the States will never permit the opinions of Congress and the decisions of Congress to govern them with respect to what they shall do for the children within their borders. Nor is it any reason for saying that although some States have censorship of motion-picture films, that their views as to such censorship shall be enforced on the States which have refused to have censorship. The State of New Jersey was offered censorship and rejected it. The bill which was proposed for that State never got out of the committee, never got to the legislature, although it was much discussed.

The State of Massachusetts was offered censorship. The committee of the legislature which at first was unanimously in favor of the bill, eventually reported unanimously against it. In New York State there have been several such attempts.

Why should the ideas of some States relative to the proper methods for protecting children be the basis of congressional action any more than the States which desire censorship should agree to accept a brand of censorship which Congress may provide?

Mr. TOWNER. You say the States will not accept a censorship of Congress? How can they help it?

Mr. SELIGSBERG. They can help it in the same way that they have refused to accept the action of Congress on many other questions, as, for instance, in the case of the pure-food laws.

Mr. TOWNER. This is what I mean: If we have a national censorship then before any film can be sent from one State to another it must be passed by the national board of censorship?

Mr. SELIGSBERG. Yes.

Mr. TOWNER. If it is not approved it can not go, and the protection which the National Government gives takes those things into view.

Mr. SELIGSBERG. That is true.

Mr. TOWNER. If the national board of censorship should pass a film, then it might be subject both to State and municipal censorship?

Mr. SELIGSBERG. It will be.

Mr. TOWNER. I know; but you must remember that the exclusionary power is absolute, first, in the General Government.

Mr. SELIGSBERG. That is true.

Mr. TOWNER. If the object of censorship is protection to the children it could absolutely give national protection to every child in the land.

Mr. SELIGSBERG. Yes; but if your censors are of one opinion in regard to a film and the local people are of a different opinion, it is not only readily conceivable, but it is absolutely certain that where ever there may be a local censorship some of the film which is passed by the national board will be rejected by the local board.

Mr. TOWNER. That is very true, but there can be no consideration whatever in any State of a film that has been excluded by or passed unfavorably upon by the national board.

Mr. SELIGSBERG. Unless by some device the positive copies can be printed within each State, it is quite probable that this act could be enforced. I think they would endeavor to make each positive print a subject of intrastate commerce. I know it would be done if it could be done.

Mr. FESS. I do not know whether I understood you correctly or not. I understood you to say when you asked the question why the Federal Government should attempt the protection of children that that is purely a State matter.

Mr. SELIGSBERG. It seems so to me.

Mr. FESS. Do you think we will never have a child-labor law enacted by the National Government?

Mr. SELIGSBERG. I do not know.

Mr. FESS. It would not be unconstitutional, would it?

Mr. SELIGSBERG. I will say again I do not know.

Mr. FESS. I was trying to get at the meat of your statement.

Mr. SELIGSBERG. I do not know whether it would be constitutional. I would not dare to give an off-hand opinion on that question. I will say, however, speaking only for myself in a personal way, that I should think a national child-labor law could be made constitutional.

Mr. FESS. That would be largely for the protection of the child?

Mr. SELIGSBERG. No; it would be, strange to say, largely for the protection of the manufacturer.

Mr. TOWNER. Would not a national law in the case we are discussing be for your benefit?

Mr. SELIGSBERG. It would not, sir, unless you conceive that the lesser of the evils is for our benefit.

If censorship is constitutional anywhere in this country, which I stoutly deny, then we shall have to take the best we can get. We contend that Federal censorship is not constitutional.

Now, we maintain, and we think rightly, that any censorship law with respect to books or newspapers or motion-picture films is unconstitutional because of the provision in the amendment to the Constitution that Congress shall make no law abridging the freedom of speech or the press. The term "press" is a broad and all-inclusive term. We have a decision in the Ben Hur case in regard to that, in which Harper Bros. had a copyright on the book called "Ben Hur," and a motion-picture company published the photo play of Ben Hur without the permission of Harper Bros. In that case, which was very stoutly contested, our Supreme Court held that the motion-picture film in that instance was no more and no less than a dramatization of the book and that the copyright law protected the owner in that regard, and therefore the motion-picture company was enjoined.

Mr. FESS. What you quoted a while ago was the first amendment to the constitution, adopted in 1791, but in 1798 we had the alien and sedition law, and that was declared unconstitutional.

Mr. SELIGSBERG. That was acquiesced in as a war measure.

Mr. FESS. There was not any trouble at that time.

Mr. SELIGSBERG. I mean the trouble with France.

Mr. FESS. The dispute that might have been a war?

Mr. SELIGSBERG. Undoubtedly the sedition law, if it attempted a prior adjudication—prior to the other—without the interpretation of a jury as to whether the publication was seditious or not, violated the constitutional provision. I do not believe it was ever tested.

Mr. TOWNER. Will you file a brief on that?

Mr. SELIGSBERG. I will. In a case which approaches this subject very nearly, a California case, *Daley v. The Superior Court*, a murder trial was in progress and an enterprising owner of a theater company got up a stock company to depict the action of the crime, although the man was being tried for his life in a neighboring courthouse, and the owner of the theater was cited for contempt in that case, and the Supreme Court of California held that he could not be inhibited in advance from giving the performance; that if it were contemptuous after he gave it, he might be cited for contempt, but that no prior restraint on publication by such means would be permissible. We have raised this question in a case in Kansas, and in a case in Ohio it has been decided adversely to us. That case is in the Supreme Court of the United States at this time.

Mr. TOWNER. Those cases will all be cited?

Mr. SELIGSBERG. They will all be cited.

The most interesting document on the question of the constitutionality of a motion-picture censorship law is the veto opinion of Mayor Gaynor. If it were not so late I would read it all.

Mr. TOWNER. It would be very useful for the committee, and I hope you will print it all in the record.

Mr. TOWNER. Of course the question will arise, and I am wondering whether it did arise in that case, as to whether it was within the municipal power under the authority given to the municipality under the State constitution.

Mr. SELIGSBURG. That did not arise.

Mr. TOWNER. It was assumed that the legislature of the corporation had the same power that the State legislature would have under the constitution?

Mr. SELIGSBURG. I think so; assuredly under the city charter. They tried to make the censoring a phase of the licensing.

Mr. TOWNER. Does the municipality of Greater New York have a constitution?

Mr. SELIGSBURG. No; it has a charter subject to amendment by the legislature.

As I remember the ordinance, it was an ordinance providing for the licensing of buildings of a certain class, and providing for the revocation of the license if they exhibited films which had not been passed by the censors.

Mr. TOWNER. The reason I asked my question was that the implication that he seemed to raise might be applicable to an argument against the exercise of municipal power, while it might not be urged against the application of the power conferred by the National Government or by the State legislature.

Mr. SELIGSBURG. I have not so understood the message of Mayor Gaynor.

I do not think I need cite to you from the authorities at very great length in regard to the value of the liberty of the press, but I find a statement in an old textbook on the subject which is very interesting to me. It says:

Gentlemen of the committee, you may think that has very little application to the United States of America in the year 1914, and yet in the city of Chicago, which is no mean city, our friend, the censor, has been permitted to reject a farce comedy in which a policeman was thrown into the lake by some practical jokers, and the intelligent reason he gave for it in Chicago was that it brought the constituted authorities of that city into disrepute, and that indicates to you what a censor will do.

Now, let me take up this measure and go to the question, which is a very vital question, as to the practicability of a national censorship here. This is one of the vital questions in this argument to me. We are to have five censors, and while it may be that the committee, if it approves this bill, will see to it that the salaries will be at least sufficient to enable the Federal Government to get men to give their time to it who are fitted to pass judgment on matters requiring intellectual and moral judgment, I want to ask who are to be the five censors?

There are a great many religions in this country. Are the Hebrews to have a censor? Are the Catholics to have a censor? Are the Presbyterians to have a censor? Are the atheists to have a censor. And then we must not forget the women. They will want a censor, and if the woman censor is a suffragist the antisuffragists will want a censor, then the labor people and the Socialists will want censors, and what will the labor censor do to a picture which endeavors to express the ideas of either socialism or syndicalism? We may not

agree with socialism or syndicalism, but we must agree that these people are each entitled to their own convictions.

The CHAIRMAN. The picture people show a little of everything, do they not? The members of the board do not seem to come in very serious conflict with each other over the pictures to be shown, do they?

Mr. SELIGSBERG. Yes; they do. There are very serious conflicts between them.

The CHAIRMAN. But, anyhow, they come to a decision.

Mr. SELIGSBERG. Yes; they do by a majority vote, and then the minority appeals. The reason we do not hear there is much of a conflict is that most of the pictures, I should say 95 per cent of the pictures in question, are beyond the realm of controversy. They are perfectly ordinary, everyday pictures of everyday life or pictures of adventures which no one can criticise at all.

The CHAIRMAN. On the whole, you do not criticise the judgment or action of the board, do you?

Mr. SELIGSBERG. On the whole, no; I do not, because I think they are under the restraining influence of Dr. Carter and Dr. Howe and the other gentlemen whose breadth of view is wide.

The CHAIRMAN. You have come in contact with these gentlemen on the national board?

Mr. SELIGSBERG. I never met the gentlemen before this evening, except Dr. Howe.

Mr. TOWNER. Do you not believe that a desire for a nation-wide censorship is growing in favor throughout this country?

Mr. SELIGSBERG. I do not.

Mr. TOWNER. Here is Pennsylvania, Ohio, Kansas, and California, I believe. They have official State censors, have they not?

Mr. SELIGSBERG. The Kansas law is suspended by injunction.

The CHAIRMAN. If you will pardon me, I think it is important that I should read to you a letter I have just received. The writer says:

DEAR SIR: I take pleasure in advising you that the resolved copy inclosed herewith referring your bill for censorship of moving pictures has passed the Massachusetts Senate and is now pending before the House. We will advise you as the matter progresses further.

That is signed, "Charles M. Cox, Boston."

Mr. SELIGSBERG. He was the gentleman who introduced the censorship bill in the Massachusetts Senate.

Mr. TOWNER. Do you not think the demand for censorship is going to bring about some form of lawful censorship?

Mr. SELIGSBERG. I do not believe there is such a demand—either State or National. I do not believe there is such a demand on the part of well intentioned people.

Mr. TOWNER. You ought to know more about it than the rest of us. We have the impression that this demand for censorship is increasing all the time.

Mr. SELIGSBERG. I must confess I get around a little and I have not observed it.

Mr. TOWNER. And you are reasonably alert.

Mr. SELIGSBERG. I think so.

Mr. TOWNER. In regard to the interests of those you represent.

Mr. SELIGSBERG. I want to be very frank, and I assure you I would not hesitate to say so if I thought there was a demand, because I

think it is wrong, and I do not find the demand except from the man who is president of an exhibitors' organization whose organization is not in sympathy with his views.

Mr. TOWNER. Let me ask you this further question: Should not the effect of a national board of censorship be in some way, or at least to a considerable extent, an answer, or rather a preventive of State municipal censorship? Would it not be said it is unnecessary for the reason that we have a national censorship? Would it not be urged in every State legislature, and would it not be said in every municipal body: "What is the use of our organizing for a State or municipal board when the National Government does this?" Would that not likely be the effect?

Mr. SELIGSBERG. I think the opposite would be the effect, if I may differ with you, because it would attract attention to that subject, and each community would feel it is the guardian of its own morals. We find, for instance, that the national pure-food law has only stimulated action among the States, and that a manufacturer in Indiana has to comply with the national law, and also has to comply with the State law which requires him to label each package with the ingredients of its contents.

Mr. TOWNER. Are you entirely justified in saying that? You see, in such a case as that the national law can not apply at all to the manufacturers of the State. It can only apply to the goods that are shipped into the States; and unless they have laws upon their own statute books to protect the citizens against the manufacturers of her own State, of course every manufacturer of deleterious article of food would be able to manufacture what goods he pleases.

Mr. SELIGSBERG. Nevertheless, the State laws affect objects of interstate commerce which are sold within the State. I will refer you in my brief to the case of *Crossman v. Larman*, in which the importation of coffee is subject to a national law and also subject to a State statute.

Mr. TOWNER. That is not the proposition. The proposition is this: To protect the people against food you must have both National and State legislation—National legislation to keep out the articles of food from the State that are other than what the State considers pure, and State legislation within the borders of the State regarding the character of the food manufactured in the State.

Mr. SELIGSBERG. But the State laws also affect those articles which come from without the State, and so our commerce, which is entirely interstate commerce, in films at the present time, unless we entirely change the nature of the business, will undoubtedly be subjected not only to national censorship, but to State censorship, and the way the censorship will work, the way it has worked, is beyond the reckoning of human understanding, and what it will be in the case of a national censorship is hard to understand. The company that I represent may show a picture that might be passed by the censors in New York or Massachusetts. It may be all right there, but what might happen to it if it were shown in Alabama or Georgia or South Carolina we do not know, because the people there might feel differently about it. If there is an Alabama man on your board of censors and he feels he is against it, is the rest of the United States to be bound by his judgment? That is the problem. Is censorship not going to establish a uniformity in matters of opinion, which, of all things,

should be free throughout the States? It is not like food or cattle inspection or even the inspection of immigrants

Where positive standards are established a physical article can be physically judged. The qualities of food or cattle, the ability of immigrants to fend for themselves are determinable. It is possible to say positively are eggs rotten or are they not rotten; are cattle diseased or are they not diseased; has a man a hundred dollars or has he not. Those are things that can be established by inspection; but you can not inspect a moral question. What may seem moral to me may be immoral to another, and what may seem moral to another may be immoral to me, and what may seem right as coming from me may seem wrong in coming from others. The question of personality is involved. The Germans have a little story they tell of a family where the father comes home in the evening, tired and out of humor, and reads to the family at the dinner table a telegram that he has received from his son, saying, "Father, send me money, I am sick," and the father casts the telegram aside in disgust, because of the brusqueness of its tone. Then the mother takes the telegram and in pleading tones reads the same words, and it produces an entirely different effect, and the father sees that he did not read it correctly at all. What comes from one may seem right and what comes from another may seem wrong, and the censors are human beings, and they can not get away from the personal effect.

The CHAIRMAN. I understood you to say awhile ago that you thought the New York censorship did good. You did not object to it?

Mr. SELIGSBERG. I do not object to it seriously, because it is voluntary, because we can control the abuse of it. We are free to criticize it, although in our relationship to it we are strangers.

Mr. TOWNER. You would not cooperate with them unless you thought it would be beneficial to your business?

Mr. SELIGSBERG. It is not beneficial directly, but it does tend to create a higher standard among our competitors and it has brought the business from disrepute to repute. It has reduced the numbers of those who produce films which have been subject to criticism.

The CHAIRMAN. Excuse me for asking this, but we want to get at the facts. Now, you not only cooperate with them, but you furnish all the money to pay the expenses of that board of censors.

Mr. SELIGSBERG. I confess I do not know how much we pay. Dr. Howe said the manufacturers now contribute enough to pay all the expenses.

The CHAIRMAN. I think \$15,000 or more.

Mr. SELIGSBERG. \$15,000. I think the companies I represent contribute \$2,500, but I do not know what the others contribute.

The CHAIRMAN. To meet the requirements of this bill, I think it is estimated about \$40,000 would pay all the expenses of the National Censorship Board.

Mr. SELIGSBERG. I could not say as to that.

Mr. TOWNER. I move that the committee adjourn until 10 o'clock next Tuesday morning.

Mr. SELIGSBERG. What I have said already is mostly what I desired to say, but I will be out West next week.

The CHAIRMAN. Can not you incorporate what you wish to add in the hearing?

Mr. SELIGSBERG. I will incorporate it in my brief. I wanted to be here principally so that I could answer questions, but in reading the record I will be able to get the trend of your questions and answer them in my brief. If the committee would care to go on I will stay here until to-morrow morning.

The CHAIRMAN. I will say to you this, that this committee is a very hard-worked committee, and some of us are members of a commission that works from 10 o'clock in the morning until 6 o'clock in the evening, and then frequently until 11 and 12 o'clock at night. But I am perfectly willing, if it meets with the approval of the committee, to meet here to-morrow morning at 10 o'clock.

Mr. SELIGSBERG. I think perhaps we can serve you and ourselves just as well as if we present the remainder of our argument in writing, unless there are questions.

The CHAIRMAN. I think it would be better for you to be present at every hearing if you can, and we are willing to do everything we can to accommodate you gentlemen. We will therefore adjourn until to-morrow morning at 10 o'clock.

(Thereupon, at 11.15 o'clock p. m., the committee adjourned to meet to-morrow, Saturday, May 9, 1914, at 10 o'clock a. m.)

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVES,
Washington, Saturday, May 9, 1914.

The committee was called to order at 10 o'clock a. m., Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. Mr. Seligsberg, we will be glad to have you proceed with your remarks.

STATEMENT OF MR. WALTER N. SELIGSBERG—Continued.

Mr. SELIGSBERG. Mr. Chairman and gentlemen of the committee, it is my purpose this morning briefly to consider the history and development of the moving-picture industry, and perhaps to make a little clearer to you some of the arrangements which have been discussed here and some of the results of the method of manufacturing and distributing and exhibiting of the films. I suppose the first moving-picture exhibition was given in New York, and that consisted of a very short film. At first the moving-picture film was nothing but a curiosity.

When it became more known some enterprising men thought it could be made a commercial commodity, and they began to travel around the country with little scenic pictures. They attracted people wherever they went. A man would go into a town and hire a vacant store, and in that vacant store he would instal a projecting machine and give a moving-picture show. It took like wildfire and became popular.

The CHAIRMAN. How long ago was that?

Mr. SELIGSBERG. About 10 years ago, before I had anything to do with the business. In 10 years' time there has been an entire development of this business. As soon as there was competition between two shows it became impossible for an exhibitor to show the pictures

that his competitors showed, and as soon as the competition grew a little stronger and the form of amusement became very popular, competition would force the theater owner not only to give a better class of pictures, but forced him to show more than one picture, with the result that as the number of shows increased the number of pictures shown in each show increased.

Mr. TOWNER. I want to ask you one question in that connection. Suppose there are half a dozen moving-picture shows in the city, I think it is true that they do not show the same pictures in the same week?

Mr. SELIGSBURG. Not in the same neighborhood. That is exactly the point I am coming to. The exhibitor would find that he would buy a picture in New York, and his competitor in New York would buy the same thing in Chicago, and that not only killed the one show, but killed them both, because instead of attracting patronage it discouraged it, for people who had been in the one show would not go into the other. It therefore became necessary for something to be done so that a show would have novelty for its patrons, and that is really how the motion-picture film exchange came into existence. An exhibitor would own three or four theaters and he would buy a picture and run it through his three or four theaters, and then he began to let it out to other show men, and in that way he acquired rental customers for his films, and they insisted on variety. The result is that there developed a tremendous mechanism which takes care of its customers and sees they are kept supplied in the trade. If a man on the west side of the street gets a different show from the man on the east side of the street and the film exchange can not supply both, it simply takes the first customer and lets the other go to one of its competitors. It is because, then, of the desire for exclusiveness and the desire for novelty and the cost of the film that the theater can not afford to pay for the film and must rent the film.

A weighty reason for this existence of the film exchange is the demand for exclusiveness, which speaks for itself—the demand for a picture which has never been in the town, which, of course, is more valuable than one that has been shown once, and so on down the line. If the manufacturer has two agencies in any territory, it is impossible to give exclusiveness on any of his product in any one theater, and the result is that the exchanges steadily refused to purchase the films from those manufacturers who would not protect them. It is purely a question of price. The man who wants the earlier film pays more, and if he does pay he is entitled to the first show of the picture. The man who pays less perhaps has a smaller theater and perhaps caters to different audiences and is perfectly willing to have a restricted public, people who, out of consideration of the low price he charges, are willing to see a picture the second time. It is a question of competition between the exhibitors. The result is the manufacturers not only deal through the film exchanges, but give exclusive agencies in territory to particular film exchanges, and that is why we have in this country large groups of manufacturers, all of them disassociated, but all of them publishing and selling their films exclusively through distributing companies.

Now, the large distributing companies are the General Film Co. and the Mutual Film Corporation, which I represent. The manufacturers in the Universal Film Co.'s group are all merged into one

company. That company represents all of the manufacturers, but it in turn controls the distributors and has exclusive contracts in particular territory with particular exchanges. It is just a slightly different method in operation, but the result is the same.

In the early history of the business there was tremendous competition between the manufacturers, but the conditions demanding exclusiveness and the demand of the exhibitor for pictures of merit and the demand of the public to see more than one subject and the increased patronage of the public, by which people went day after day to shows, warranted a change of the shows daily, and the more important manufacturers seven or eight years ago grouped themselves together in a group known as the Motion Picture Patents Co. It was partly the result of the development of the business and partly as a result of the adjustment of some patent litigation between the Edison interests and the Biograph interests that they formed this Motion Picture Patents Co., to which they assigned all their patents, and then formed the General Film Co., through which they distributed all of their product.

It is very important to a manufacturer to be associated in some way with other manufacturers, so that his product is part of a program, because one company can not possibly finish the variety of topics the public demands. If one company attempted to get out 20 or 30 films, which is about the minimum for the average theater now, there would be the stamp of sameness about them. The handiwork of the same craftsman would be recognized.

Mr. THACHER. What is the average number of films used each day by the moving-picture people?

Mr. SELIGSBURG. It varies from 3 to 7.

Mr. THACHER. An average of about 4?

Mr. SELIGSBURG. I think an average of 4 or 5.

Mr. THACHER. And that means a thousand-foot film?

Mr. SELIGSBURG. Yes. It takes about 15 minutes to run one reel of film. The first manufacturers got together and really sought to control the entire business by controlling the patents and by requiring the licensing of theaters which showed films, etc. That very combination is the subject now of a suit under the Sherman law.

However, as the business grew they were not able, either by patent, suits, or intimidation, or anything else, to keep the so-called independents out, and the result of a great many futile attempts at organization among the independents was finally the organization some two years ago of the Mutual Film Corporation, which took exclusive contracts of one group of so-called manufacturers, and Universal Film Manufacturing Co., which amalgamated other manufacturers and marketed their product.

Mr. THACHER. What group handles the Edison talking pictures?

Mr. SELIGSBURG. I believe a separate company, if I am not mistaken.

Mr. THACHER. It is not managed by either one of these groups?

Mr. SELIGSBURG. Not that I know of.

Well, as a result of the increased business and despite the efforts of the so-called Motion Picture Patents Co. aggregation, which are really immaterial here, these two independent groups have arisen, each of which controls approximately 20 per cent of the business. The General Film Co., with its affiliations with the so-called Patents

Co. manufacturers, I should say, has 40 per cent of the business; the Mutual and Universal interests each about 20 per cent; and the remaining 20 per cent is divided among the smaller groups of independent manufacturers and distributors—Warner's Features and World's Special Feature companies; films like Quo Vadis—which are run entirely regardless of the people who turn out a weekly program, and such things—and films like The House of Bondage, which has nothing to do with the established manufacturers.

As to the competition that actually exists, that has been one of the most fortunate things for the business. It is necessary that the business be transacted by comparatively large groups, because of the demands for variety of program, etc., but the competition between them is, in my opinion, the main factor in the improvement of the quality of the pictures. Here is a public demand, constantly increasing. Companies, whose returns are largely increasing, each of them are trying to build up a business.

This company I represent, which is a little over two years old, has in two years succeeded in getting 20 per cent of the business, not through any trick or through any influence, but through the fact that its pictures attracted the public. These three groups and the smaller independent groups are all trying to get the things the public wants. The public itself is becoming more discriminating by seeing more pictures. They recognize old films, and the theater owners are entirely free. They are not bound up, as the regular theater owners are, with contracts and booking agreements, etc. The owner of a motion-picture theater is entirely free to-day to take his pick of all programs, and, as my associate told you last evening, it is not an unusual thing, and it is becoming a very usual thing, for a man to come in our office and say I want the brand published on such a date and the Keystone published on such a date on my program; I am going to exhibit some of your competitors' pictures. We give him what he wants, and it makes very little difference to us. We try to sell him as much as we can. The result is there is very free play in the exhibiting end of the business which comes in touch with the public and that free play leads to discriminating selections and requires the manufacturer to furnish a satisfactory article. And that goes to this question, which I want to take up now, and that is the relationship between the manufacturers and the National Board of Censorship and particularly the effect of the national board on the improvement of the business.

I confess I had nothing to do with the motion-picture business when the National Board of Censorship was started some five years ago. Since my connection with the business in the last three years I have not seen much necessity for it. What they do to our pictures amounts to very little. I think Dr. Carter said they rejected 70,000 feet of film which cost \$117,000—\$7,000 is nearer the truth. Well, it seems to me that the product of the two independent groups is about 800 reels of film a week. That is about 1,600,000 feet a week. That is something like 80,000,000 feet in a year, and the rejection of even 100,000 feet would be very small proportionately, and it is something we do not feel. In two years I have never heard in the office of the Mutual Film Corporation—and I am there nearly every day for a short while—of any film being eliminated or cut. I have no doubt it has been done, but it is a matter of so small consequence financially

that it is no burden, and the national board is not thought of as a censoring body at all. It is thought of by our manufacturers, however, as an agency which they themselves helped to create and which is endeavoring to raise the tone of the business. I know that wherever the National Board of Censorship hears of some improper film (and when I say improper I do not mean indecent, because I do not think they put out any indecent films in this country—but let us say a film which shows a prize fight, or a bull fight, or a picture which shows life in the slums in an unattractive or unpleasant way), it gets in touch with the local authorities wherever that film is being shown or intended to be shown and tries to get such action as the law permits, and, as a matter of fact, it does not take very much more than a short note to the newspapers to kill such a film. People do not like to go to see it.

The national board is really an agency, so far as the manufacturers that I represent are concerned, to keep up the tone of the business and for keeping out those people who are trying to prostitute a very powerful and very worthy agency for good. That is about the way we feel toward the national board. We know perfectly well it is not the national board which has enabled us to improve or which has required the improvement or development in the character of the pictures. It is the public demand that has done that. As the people became used to seeing the moving pictures, the same old ideas did not appeal to them any more. People would not go to see a horse walked up and down. I remember the first picture I saw—a horse being led to and fro on the race track—and you saw him move on the pictures. It was very wonderful then. Of course, the people would not go to see that any more now, and so as the popularity of the pictures and their general use has become greater and has increased, people demand more complicated and complex and well-developed themes, and that has been one of the causes of development.

The CHAIRMAN. The people are well aware of this censorship by the board in New York.

Mr. SELIGSBERG. My private opinion is that 80 per cent of the patrons of moving-picture houses have not the slightest idea what the board of censorship does, and that 80 per cent of them pay no attention at all to it.

The CHAIRMAN. Are you not of the opinion that the general public knows that there is this censorship, and therefore they know that what has been presented has been censored by this New York board?

Mr. SELIGSBERG. I am not of that opinion.

The CHAIRMAN. You are not of that opinion?

Mr. SELIGSBERG. No. Perhaps there are some better read people in the cities who know about the National Board, but the bulwark of the motion-picture business is not in the cities. In the cities there are always new attractions—vaudeville shows and theaters and public parks and free amusement places. It is in the country. The farther away you get from New York the better the business of the motion-picture exhibit. It is almost impossible to run a large motion-picture show successfully in New York, because the people from out of town do not want to go to motion-picture shows. They can do that at home. But when you get away from New York and away into the land of one-night stands in the theatrical business, that is where the motion-picture show is the sole form of amusement,

and I really believe, from my experience, that people are not disturbed at all by the National Board of Censorship. The people have had no experience with indecent or obscene films. I do not think they take the more dramatic themes even too seriously. They think only lightly of the problems presented, and they go to see the pictures for amusement, and not with the expectation of seeing indecent or obscene films. I do not think they want that at all.

The country has been fortunate in this, that, so far as I know, no one has shown indecent or obscene films to the public. They have existed; they do exist abroad. They can not be imported here, and there never has been any class of people here who would indulge in the manufacture of that product, and so there never has been a condition in the moving-picture business here where the people have had to examine carefully what theaters they are going into, and for that reason I do not believe that the people are at all impressed with the board of censorship. It was because of a few outlaws in the business that Charles Sprague Smith thought of the advisability of having the national board, but I have never felt, and I do not feel now, that, so far as 95 per cent of the product goes, the activities of the national board are either necessary or advisable. Redis is like the telephone. When that first came into existence it went very slowly, and then all of a sudden the people began to use it, and it began to be improved, and there sprang up the central stations and the switchboards and other improvements. Look how the telegraph service has improved the last two years, with the night letter and the day letter and the deferred cable. As the public use of an instrumentality becomes greater, improvements are possible.

Now, we have here a business that has grown from nothing 10 years ago to millions and tens of millions to-day and is still growing. The man who put his money in this business three years ago is seeing a fine return on it to-day, and in view of the competition and the increased demand, he is trying to make more money, and he puts more money and more thought, more of his mind and more of his art, into the pictures he is making, and the result is we see better pictures to-day in an artistic way, pictures that are the development of better thought and intellect and better dramatically than ever before.

I do not believe that the National Board of Censorship is a real live factor in the improvement of the business. I think it is a live factor in avoiding deterioration, a live factor in following up those people who are attempting, and always will attempt in a profitable business, to ruin it.

Now, you may say, why do the manufacturers support the National Board of Censorship if it is not necessary? Perhaps the difference between voluntary censorship and legal censorship is well illustrated by the difference between the man who does not drink because the bars are closed and the man who does not drink because it is against his conscience. These manufacturers have a certain pride in this instrumentality which they have supported themselves and which they are now supporting entirely. They have nothing to do with its workings. They have no part in its government or in the selection of the censors, either directly or indirectly, but they feel that here is an institution that is doing something for their

business, which is raising the tone, and as they become more prosperous, they insist on keeping up the tone—that is human nature—and they feel rather proud—like patting themselves on the back—for maintaining an institution which is keeping up the tone of their business. But if you go to them and say, we are going to impose censorship on you, and you are not going to have anything to do with it, and it is going to be a board whose aye or nay means aye or nay finally and forever, you will come up against the same sort of difficulty as did the man who, because he can not get liquor on account of the fact that the bars are closed, goes to the blind tiger. It seems to me it is human nature to observe conscience more than legal restraint. People will restrain themselves with much better result than they will submit to a restraint imposed upon them. For instance, when I came down here yesterday I felt there was blood in my eye, that I was going to make a tremendous argument before this committee, and I thought everybody was against me, and when we got here last evening the reception we got was such that it changed my entire tone, and, consequently, my argument, and I am talking in a different way than I would have talked if that reception had not been accorded me. We feel that we are not having opposition held over us like a bludgeon, that we are listened to, and that makes a tremendous difference in the attitude in which a man approaches a thing.

We have had bitter experiences with censors. Canada is very insistent with its censors, and there is no appeal there as there would not be here under this act and the business has absolutely run down there. The manufacturers will not sell their films there any more, because they do not know they will be exhibited. I remember one of the censors rejected a comedy that we had there. It looked perfectly innocent to us, but he rejected it, but he delayed three weeks in giving us a reason; he always gave some trivial reason for the delay. Finally he said to our local representative, "That was supposed to be a comedy, was it not?" "Yes;" our representative replied. "Well," he said, "I did not see a laugh in it, so I turned it down." It just did not appeal to his censorious sense of humor, and so he refused.

MR. BAKER. Do you have a local censor in Canada, or a Government censor?

MR. SELIGSBERG. It is municipal and provincial both. In Montreal, I think, the censor is the sheriff who passes upon the films, and then the posters are passed upon by some other official, the chief of police, I believe. In some of the western Provinces they have three censors.

MR. TOWNER. Is it really expected by your American board that an Englishman could appreciate an American joke?

MR. SELIGSBERG. Canadians are not altogether Englishmen, Judge. The Canadians are very human. But our censorship troubles are not limited strictly to Canada. The Chicago situation is outrageous.

MR. TOWNER. If there is a Government censorship in Canada would it not relieve you from the burdens imposed by the police and such censors as they have there?

MR. SELIGSBERG. So far as our men up there have been able to discover, there is no way to have a Dominion censorship. There is no bill of rights in their governing act—the Dominion of Canada act, I believe it is called. We went into that very carefully, and there is

no constitutional provision against censorship, so it is a legal matter there, but legal only as part of the local governments, and not as part of the National Government. I will say very frankly, as I think I said to this committee yesterday, that if we have to have censorship, if any censorship were valid, which we do not believe, national censorship would be preferable to State censorship, provided it is exclusive. But you gentlemen can not write into this bill, so far as I can see, anything that would make it exclusive.

I was unwilling to declare myself as in favor of or as opposed to this bill until I could, as your chairman knows, devote considerable time to studying whether something could be done to make it exclusive; whether something could be done so as to say that the license of this Federal Board of Censorship would be a passport against local interference; but we can not find anything that will impose on the local communities the requirement to accept its judgment, and so we feel we will have an additional burden, and that is why we are opposing this bill; not that if it were exclusive and not that if you could write into this measure something that would make it exclusive we would oppose it, but we feel you can not do it. The practical side of the matter—the very essence of censoring—is not to take anybody else's opinion.

Mr. TOWNER. I think the question was asked last evening, but if there was a national censorship do you not believe that this national censorship's ruling would have such an effect upon the States that there would be little need or necessity for State censorships?

Mr. SELIGSBURG. I do not; because we have had the best example of it with this national board.

Mr. TOWNER. But it is unofficial.

Mr. SELIGSBURG. But the censor in Cleveland—and Dr. Howe knows him—and the board in Chicago know perfectly well the impartial and representative character of the National Board of Censorship, and yet they set their individual judgment up against the judgment of seven or eight or ten people, and that is the essence of censoring—that I, the censor, know what is good for you, the censored. The censor knows what is good for the people. He says, "I am going to be the man who gives the hand-out, and I am going to tell what you can see and what you can not see;" and that is the attitude the censors take. Those fellows in New York do not know anything. What is all right for New York may not be good for Cleveland or Chicago. Yet Mr. Censor knows what is best, but the national board does not, and that is the attitude we say the States would take.

I think the creation of a Federal board would be the commencement of the injection of politics into this business, and politics will be the ruination of it, if it ever can be ruined. That will come about as soon as they let contending factions use competing houses for different purposes. There the audiences are constantly changing. They get the voters. The motion-picture place is now a better place than the saloon to get the floating vote, because we are told all over the land that the saloons are going out of business because of the motion-picture places.

Mr. THACHER. It is true, is it not, that there are more States that have censorship now than there were two years ago?

Mr. SELIGSBURG. I think censorship only started. The first act that I heard of was to have gone into effect the 1st of May, last year,

in Kansas; and that act we have suspended—and it is still suspended—by injunction: and then there is Ohio. That is the first State that is actually working with censorship, because our injunction is dissolved there. In Pennsylvania the law there is about to go into effect.

Mr. THACHER. There are many more that have censors this year than last?

Mr. SELIGSBERG. They are all only quasi official. That is, the mayor will say, as he has in some places the right to say, that he will not license places unless they agree to accept the opinion of his official or unofficial committee as to films. The Chicago censorship is under an ordinance. I do not think there is a censorship ordinance in other States—none that has been called to my attention. In Boston there is a police regulation. I do not just know what his department is, but Gen. Hamlin supervises Sunday shows, but not week-day shows.

Mr. TOWNER. Among the larger cities, they have a recognized censorship in Detroit, Grand Rapids, Jersey City, Memphis, Milwaukee, Albany, Boston, Buffalo, Cambridge, Chicago, Cincinnati, Dayton, Newark, New Haven, Paterson, Pittsburgh, Portland (Oreg.), Providence (R. I.), Rochester, San Francisco, Spokane, Springfield (Mass.), St. Paul, and Worcester (Mass.). That list was furnished some time ago; and I presume there are more than that now.

Mr. SELIGSBERG. Who published it, may I ask?

Mr. TOWNER. That is issued by the Society for the Prevention of Crime in New York City.

Mr. SELIGSBERG. The Milwaukee censorship is not legal; it is unofficial censorship.

Mr. TOWNER. I was not asking about it for that reason. This is the thought I had in mind: This matter has been taken up and discussed. Pressure is certainly getting stronger every year. You can argue against censorship, but it is a growing demand in the minds of the people. You are bound to have censorship. In my judgment, there is bound to be censorship in this country, and there is bound to be both National censorship and State and municipal censorship. I do not think there is any possibility of avoiding that, and it seems to me if you representatives of this business do not recognize that, you are not taking into consideration the tendency of the times with regard to it. Would it not be the best thing to secure that which would be the most reasonable, the most likely to be fair, even if it does not seem so from your standpoint?

But, even from your standpoint, would it not be the better policy for you than to oppose all censorship?

Mr. SELIGSBERG. I will say to you frankly that if the courts do not sustain our view of censorship we may very well be compelled to come here and ask for a national censorship and ask for relief, but I feel, as strongly as I can feel, that the courts will sustain our view of the unconstitutionality of censorship, and this measure is the first measure of this kind that has ever been presented to Congress, except a bill for local censorship here in the District of Columbia, which President Taft vetoed. I took occasion this morning to go into the question of the sedition and alien laws, and the sedition law, which is the law which would have been analogous, was not a censorship

law. It said that anybody who published anything defamatory against the President or the Government should be punished. It did not say he should submit to anything before he published. It simply provided for the punishment afterwards before a court and on the verdict of a jury.

Mr. TOWNER. Then, your opposition against censorship is not that the power does not lie as a police regulation, but you claim that no one is entitled, or can be entitled, without an invasion of individual rights, to determine in advance as to whether or not a thing is or is not injurious to the morals and in violation of the public policy of the State?

Mr. SELIGSBERG. That surely is our main point.

Mr. TOWNER. And those are the principal grounds on which you rest your legal contention?

Mr. SELIGSBERG. That is the ground on which we base our practical argument.

Mr. TOWNER. I recognize fully the legal strength of your position, but, of course, that question as to the advisability of passing the law is a thing separate and apart from the question of whether or not it is legal.

Mr. SELIGSBERG. As soon as the cases from Ohio are reached on the calendar they will be decided. They were docketed about a month ago. At least, we hope to have a final word from the United States Supreme Court on the question of the constitutionality of such legislation.

Mr. TOWNER. Have you the record in that case—the transcript of the evidence?

Mr. SELIGSBERG. It has not been printed yet, but I will be glad to submit a copy of the record to the committee when it is printed.

Mr. TOWNER. I would like to know whether the point was thoroughly presented.

Mr. FESS. Upon what basis are you making your fight in the courts in Ohio? Would it be on the same basis that would be reached here?

Mr. SELIGSBERG. Substantially so, because the Ohio State constitution contains a similar provision to the one in the amendments, and we get into the United States courts on the jurisdictional ground of nonresidence and rest our cases on the Federal and State constitutions.

Mr. FESS. So that the decision in that case would be applicable to the Federal law?

Mr. SELIGSBERG. I think so, without question, and there are some decisions, as the decision in Patterson against Colorado, to which I will refer in a memorandum I will submit which sustains our opinion so far.

Mr. TOWNER. When do you expect a decision?

Mr. SELIGSBERG. I think, in the normal course, the case will be reached in a year.

Mr. TOWNER. It ought to be decided at the next October term.

Mr. SELIGSBERG. Yes. I think we shall make a motion to advance it. We are very seriously considering that, and I think it will be made. Of course, I can not say whether it will be granted, but I believe it is of sufficient interest—and perhaps the pendency of this measure will be an additional reason—to advance it so as to get an authoritative word on the subject.

The CHAIRMAN. As to the bill passed in the last Congress, introduced by the late Mr. Roddenbery, of Georgia, barring prize fights from picture shows, do you mean that is unconstitutional?

Mr. SELIGSBERG. That is like the sedition laws. It says a specific thing is prohibited. It is like the laws on the statute books now prohibiting the transportation through the mails of obscene matter. It does not say that everybody in the business must submit a film to see whether it is a prize fight. It is an absolute thing.

Mr. FESS. In other words, you must wait until the act is performed before you can get an injunction.

Mr. SELIGSBERG. I would not say that.

Mr. FESS. Mr. Roddenbery's bill provides that because you can not get out an injunction to prevent a prize fight, you can make it illegal after it is done.

Mr. SELIGSBERG. That is right. You can say a prize-fight film shall not go through the channels of interstate commerce. Well and good. You can say an obscene film shall not, because, after all, obscenity depends on the feeling of the community. That is something a jury can determine. But when you come to what is moral or immoral, what is human or inhuman, what is harmful or what is harmless, what is good or bad, then you are coming to something for which there is no standard and the censor has no standard but his own mind.

Mr. TOWNER. That is the argument they presented against the right of the Interstate Commerce Commission to fix rates in advance.

Mr. SELIGSBERG. That was a question of mathematics and not of morals.

Mr. TOWNER. The question was to determine whether or not the rate was reasonable or not, and the line of argument was against both the power of the State commission and the power of the national commission to establish in advance a rate which they thought would be reasonable. I do not want to go into the discussion. I am simply calling attention to the matter. The trend and tendency of the times is toward the prevention of disease, the prevention of immorality, and harmful and deleterious influences, rather than the care of them after the evil has been done. I think the courts are giving that tendency a very strong support in their decisions.

Mr. FESS. I was going to say that the Supreme Court of the State of Pennsylvania pronounced the 2-cent fare law unconstitutional on the ground that it is confiscatory, and yet it had not gone into effect, and how it could pronounce that confiscatory before it was tried is a question.

Mr. SELIGSBERG. We recognize the tendency to which Judge Towner refers, but we say there are two answers to that, and the first is that the remedy must apply to an actual condition of evil, not to a theoretical one, and we think the condition of the trade is such that it really does not require the remedy; and we say, in the second place, that even granted that the remedy was at the moment necessary, if you use that remedy you sacrifice something much more valuable than you gain by your censorship, because you sacrifice one of the fundamentals of liberty and gain that which you can cure otherwise, and it is just because of the difference between railroad-rate regulation, food inspection, and censorship that we oppose this bill. You can say, as was said before, whether food is good or bad; you

can say, a reasonable man can determine whether by running a railroad at certain rates the stockholders and bondholders can get their return. It is something which can be tested out. But you can not say what effect a picture is going to have on the mind of the censor or on the mind of the public.

A censor may come from a place where a park has a bad reputation, let us say, and every picture shown of people going into that park may have some unpleasant influence on his mind. Then he is going to be very censorious about that. Or the censor may have had a very unpleasant experience with a German or a Frenchman and everything a German or a Frenchman may do in a picture may seem altogether different to him than that same thing if done by an American or Englishman.

The CHAIRMAN. Would there not be enough discretion among the members of the board to overcome that man's idiosyncrasies?

Mr. SELIGSBERG. This is the way it would work out: On this board there would, perhaps, be an educator, and, perhaps, a representative of some of the churches, and a labor man, and a Republican and a Democrat, and each of them would have ideas as to what pictures he was going to censure, and they will just logroll among themselves, and the censorship would sink to the lowest rather than rise to the highest level.

The CHAIRMAN. Do you believe that to be the case with the New York board?

Mr. SELIGSBERG. No; because they have no salaries to draw and they have not that little brief authority that censors have, and their aye or nay is not, after all, aye or nay with them. They may be mistaken. It is the official censor, the officialism of it—to say thou shalt or thou shalt not—the power to say these things are wrong simply because I do not approve of them—that we oppose.

Mr. FESS. You evidently look with a good deal of fear upon Government censorship.

Mr. SELIGSBERG. We surely do.

Mr. FESS. The inference I would get from what you now say is that your objection to Federal censorship is very strong, but I draw the conclusion from what you say that the New York censorship is not a censorship at all.

Mr. SELIGSBERG. I explained at the outset of this hearing that we do not regard them as censors. That is, what they do affects such an infinitesimal part of our project—about one-fifth of one per cent—that it is not worthy of mention.

Mr. FESS. Then, if this committee would come to the conclusion that that board is no censorship, it would not think of referring any decision to that board?

Mr. SELIGSBERG. Well, the reason it is so infinitesimal is that the subjects that are published do not demand rejection, not because they pass things they ought not to pass, but because, as I contend very strongly, there is no condition of evil in the business which requires remedy. It was said The House of Bondage was something children ought not to see. Children were not admitted to such performances. It was given as a feature performance in large theaters and children were not admitted. It was not given in the little 5 and 10 cent places. They could not give it because they could not afford it. It is a very expensive thing to put on.

Mr. TOWNER. Was not the action of the board of censors voluntary and more in the nature of a court than in the nature of an inquisitorial body?

Mr. SELIGSBURG. The action of the present national board?

Mr. TOWNER. Yes. Or was not the board constituted in a general way such as is contemplated in this bill?

Mr. SELIGSBURG. May I say this, that I believe the first board, if the bill should become a law, appointed would be probably as fine a board as could be got together, but that as the thing becomes less unusual it would suffer the fate of all boards and deteriorate.

Mr. TOWNER. That was what was said specially regarding the Interstate Commerce Commission, and that was likely to be subject, ten thousand times more, to political influences and subject to corrupt influences than any moving-picture board could possibly be, and yet I think you would hardly say to us that that has deteriorated in the estimation of the people.

Mr. SELIGSBURG. Surely not.

Mr. TOWNER. And it certainly has not become the football of parties.

Mr. SELIGSBURG. Surely not.

Mr. TOWNER. Then why do you think this would?

Mr. SELIGSBURG. Because the Interstate Commerce Board has on one side the railroads, which are becoming dependent for their livelihood upon it, and on the other side the large chambers of commerce and the merchants and the interests of the cities, which are competing with each other, and there is a very jealous play and interplay there which keeps the matter before the public, and they make it their business to look into the personnel of that commission. Here we would have a board, a rather indifferent board, which could do a great deal of injury through censorship, and there would be no organizations of the public to watch it. Anything the moving-picture people said against a candidate for the censorship board would more or less be deemed to be in his favor. There would be no interplay there as there is in the Interstate Commerce Board. We organize a hospital commission in New York every four years, and the board at first is fine, composed of the best doctors and lawyers. Then some one wants to appoint a friend and an assistant is slipped in, and after a while the board deteriorates. Why? Because the people in the hospitals are not protecting themselves and there is no one there to represent their interests.

Mr. TOWNER. Is there not a great deal more difference between the board contemplated in this bill and the hospital board you speak of as compared with the Interstate Commerce Commission?

Mr. SELIGSBURG. I think not, so far as the personnel goes, for the reason that the Interstate Commerce Board is maintained in such a way that its personnel is deemed important, and the reason it is deemed important is that practically every city, through its chambers of commerce and merchants associations, is always coming in contact with the Interstate Commerce Board and watching what they do, and there are large public interests represented on the one side and large private interests represented on the other side, each of them jealous to see that only just and impartial men are appointed.

Mr. TOWNER. You say ten millions of people attend these shows.

Mr. SELIGSBURG. But they are unorganized.

Mr. TOWNER. The people of the United States are unorganized that ride on the railroads.

Mr. SELIGSBERG. But it is not the passengers of the railroads whose business is dependent on the railroads.

Mr. TOWNER. But analogous to your commercial bodies we have these bodies for the prevention of crime and vice and similar organizations. I think you would find a very close analogy all along the line between the work of the censor board and the work of the Interstate Commerce Commission. But that is a matter of argument. We are suggesting these to you as objections that we want you to consider. When gentlemen come before us, we like to give them some of our views that they may consider them.

Mr. SELIGSBERG. We are procuring copies of the record, and we will go over it very carefully and try to formulate, as well as we can, our comments on it. I am going to conclude in just a moment.

Mr. FESS. Before you conclude I would like to say this: I have listened pretty carefully to your argument, and I am convinced—and I think this committee is—that you probably are making as strong an argument against censorship as can be made, first, because of your interest in it, and secondly, because of the ability of the men who are here speaking.

Now, the first conclusion I gather from your remarks is, that you say censorship will be unconstitutional, and, therefore, that this committee ought to be careful about that from that standpoint. I am still in doubt as to whether it would be unconstitutional. I am rather of the opinion that it would not be. And another position you have taken is that it is rather un-American, and if that is true of course there is no use to discuss the question. And another position, that it is entirely unnecessary, because the trade will cure the defect rather than depend upon the law.

Mr. SELIGSBERG. Not so much that.

Mr. FESS. That is what I gathered from what you said.

Mr. SELIGSBERG. And that fundamentally the defect is imaginary and not real.

Mr. FESS. That is the feature I am afraid of, that wherever there is a conflict the element of profit becomes a danger in matters of morality.

Mr. SELIGSBERG. As in book publishing.

Mr. FESS. Well, anything that can be displayed easily without much expense; and in reference to what you said a moment ago, that this excludes everything, and that therefore you do not believe in it, but look upon it as a dangerous thing, I would say that my experience is that if you surround anything with mystery or any mysticism, you create a good deal more interest in it than if there is nothing of that sort. You close the doors to a certain thing. Because you say you are not going to display this, we will not let children in, there is a certain element in it that human nature takes advantage of, and I doubt very much whether the trade will cure this—the defects we are wanting to avoid. If you did not mean that, I misunderstood you.

Then, another thing that I understood you to convey is that it will throw the thing into politics. I am in doubt about that. Now, from the standpoint of men who are here to represent the opposition

to the censorship, we naturally, while entirely open minded, will see you from that standpoint, and that is not offensive to you, of course, and we as a committee, representing the interests, as best we know how, of the whole country—not of any particular industry, but of the people at large—want to be clear in all these things you have stated, and I am not entirely clear yet.

Mr. SELIGSBERG. Well, I can repeat what I have said to this extent: That I am opposed to all censorship; even private censorship.

Mr. FESS. Would you, if you were not the representative of the business that may be censored?

Mr. SELIGSBERG. So far as I can disassociate myself from my very vital interests, I think I can conscientiously say I would.

Mr. FESS. I will accept that statement.

Mr. TOWNER. There is one thing I would like to ask you about: Do these various firms, when they manufacture a film, send out a prospectus which is descriptive of it?

Mr. SELIGSBERG. They do.

Mr. TOWNER. To the various moving-picture places?

Mr. SELIGSBERG. Through the trade papers.

Mr. TOWNER. Or in a circular?

Mr. SELIGSBERG. Through the trade papers and through advertising mediums. My friend tells me that his organization—and I know several of the large organizations do—gets out a weekly advertising sheet which goes to all the exhibitors he can get, and which contains matter of interest, including the plots and some selected photographs of the pictures. It contains 40 or 50 pages every week. It is called the Universal Weekly.

Mr. SCHECHTER. Ours is called Real Life.

Mr. TOWNER. Will you kindly send me copies for a couple months back, the serial numbers, and probably if you will it would be well if you would send them also to each member of the committee.

Mr. SELIGSBERG. Yes; we will be very glad to do so.

The CHAIRMAN. Perhaps you have given this information, but if you did it has slipped me. How many films are published each week, and how many copies are made?

Mr. SELIGSBERG. May I figure it out as I am speaking to you? The Mutual Film Corporation produces an average of 35 different subjects—let us say, 30 different subjects—which consist, some of them, of more than one reel; so we will say about 40 reels. The Universal about the same; the General about 70 reels.

The CHAIRMAN. How many copies?

Mr. SELIGSBERG. One moment. Let us say, the independents altogether about 30 reels. That would make 180 reels a week. Each of those would pay a tax of \$1. Then, I think, of the duplicate prints there would be 750 for each of these two companies and 500 for the independents. Say 4,000 would cover everything. That is very rough figuring, but it is within the limits of reason.

The CHAIRMAN. We wish you would incorporate in the hearings here such information as you deem best.

Mr. SELIGSBERG. Now, then, may I just answer Mr. Fess before I conclude my argument. I have one point to make in conclusion. The gentleman thinks that because there is profit in this business there will be a tendency to portray obscene or lewd scenes. I can

not see the logic of that, because a motion picture costs about \$1,000 or \$1,500 to produce to get the negative, and that can only be produced at that price. If you have an organization that is doing it thoroughly, a thorough equipment to do it daily or weekly, then you would have a minimum cost of \$1,000 to \$1,500. That is a good deal more than it costs to print a book. Then, in order to get it out, you must have a thorough organization to put it on the market and so place it as to comply with the local rules, and that is a big item of expense. You must have a projecting machine, which costs a couple hundred dollars, and the proper screen, proper facilities for exhibiting. In other words, the man who is going to put out a nasty picture must lay out a great deal more money than the man who is going to get out a nasty book. So, if the tendency to produce nasty books is not very evident in our literature I should say that even the profit which may be made out of such pictures would not be an inducement and it would be a very hazardous investment.

The CHAIRMAN. There is one detail of the bill that I would like a little information upon. I think it is estimated it would require about \$50,000 perhaps to pay the expenses, the necessary legal expenses, of the national board of censorship. What should the bill be to cover the amount—\$50,000?

Mr. SELIGSBERG. Will you tell me how you figure \$50,000? We tried to figure it and came nearer \$150,000 or \$200,000 for the expense of the commission.

The CHAIRMAN. We estimated it would not cost the Government over \$50,000.

Mr. SELIGSBERG. May we submit some figures on that?

The CHAIRMAN. Very well.

Mr. SELIGSBERG. The way we figure it now, we did not want to burden you with the details, but in order to make the bill feasible at all we will call your attention to certain changes you will have to make. You must allow longer than 90 days to do the work on hand now, because there is about two years' work to be done, and probably there is some provision to be made in the bill for that. I would prefer to give you better figures than I can give you on my feet here.

There is another thing I want to call attention to and which does not seem to have been made clear, and that is that those so-called white-slave films are not shown in places where we can get to them or would get to them. They are not shown in the 5 or 10 cent houses, but in the \$1 and \$2 houses. They are exactly on a par, so far as the public is concerned, with the general drama. I know a man who does not send his children to a theater without investigating, even if it is an ordinary drama. It is not like *The House of Bondage*, which is put in the 10-cent houses, with a big sign up over it "No children allowed." There is nothing of that kind. It is put in a house where the patronage of children is not sought, because the price is prohibitive. So that is not a practical question with respect to these particular films. It is only something that would be slipped through. The 10-cent shows are much better, but it is only something that would slip in; something that would not be detected in time, that could possibly be shown, and I must confess I can not conceive of a motion-picture exhibitor so blind to his own interest as to permit, after one accidental projection, any impropriety in his screen, because it is a

place where men come with their wives, a place to come for amusement and not for nastiness, and it is an element in uplift rather than downfall, and the exhibitor has the sense to know it.

As for our attitude toward unofficial censorship and official censorship, I tried to explain that, that we do not feel the unofficial censorship is really censor, because it does not play any material part in our business, but the censorship is regarded, in the institution we maintain, as a matter for our own consciences, to keep up the standard of the business and avoid the misdeeds of any interlopers who try to bring about its downfall.

My conclusion is just this: A censorship law is not analogous to any law forbidding the transportation through the mails of fraudulent matter or indecent matter, because the courts have held you can not keep things out of the mails which you can not ordinarily keep out of interstate commerce. It is not analogous to the laws which forbid the transportation in interstate commerce of obscene matter. They cover motion pictures as well as everything else. They do not provide that everything shall be submitted to censors beforehand. It is the judgment of the jury and not the judgment of the censor which determines the propriety or impropriety of the shipment.

They are not analogous in any way even to the prize-fight laws. In the law which says that no prize fight shall be shown there is a specific thing pointed out which you may not show, and no one will go to the trouble of making an investment in a prize-fight film simply for the purpose of testing the law.

It is not analogous to the inspection law, because those laws establish fixed standards and not standards that depend on education and training and personal bias. And we come right back to the point with which I began my argument and which has been manifest through this discussion and which is really the basis of this desire for censorship—a desire to protect the people. We have no indecent pictures in New York, and we have a law which forbids the admission of minors under 16 to motion-picture theaters unless accompanied by their guardians, and that law is enforced. I have figures showing there were 35 convictions in 1911, about 43 in 1912, and about 46 in 1913. They enforced it so rigorously when they first put the section into the penal code that the motion-picture exhibitors are very careful to obey it. They first fined them \$10, and then \$25; then they began to fine \$50, and then a dozen men got \$100, and when they caught a second or third offender they fined him \$200 or \$300, which put him out of business. Those are the figures for 1911. I have not been able to get the figures for later years. That is the way the law looks after the motion-picture places in New York. That happens to be the way the State of New York deems it best to protect its youth. As to whether the age limit is too low or too high is clearly a question of local jurisdiction. The law can be enforced and it is enforced.

A large number of organizations in the interest of children are perpetually on the lookout to see it is enforced, and it seems to me that is the way to keep any possibilities of harm away from the children and at the same time accomplish your result without contravening the constitutional provisions and without contravening what seems to us to be a fundamental theory on which our Government is based.

There is a mistaken idea about the moving-picture business. We are not violators of the law. We do not indulge in indecencies or indulge in producing indecent pictures, and despite what one gentleman said, we do not cater to the riffraff.

The CHAIRMAN. You are referring to your own company?

Mr. SELIGSBERG. I am referring to all of them. One gentleman who supported the bill said the people who go to the moving pictures are the riffraff and most of them are poor and that they are a little below him. But the people who go to the motion-picture theaters are the majority of the voters in the district. They are the ordinary, average, common run of the American people who work on farms and in shops and offices, who have, perhaps, unpleasant work, work that does not appeal to them, and who like to spend their spare time at a place where they can procure some appeal to the imagination and some amusement. They like a laugh, a cowboy picture, because it is a little exciting; a love story, because it appeals to everybody with a heart. That is what they go for. They do not go there to see smutty pictures, and they are not the riffraff.

If you were dealing with something that appeals to the lowest elements; if you were dealing with low dives your standard would have to be different. But you are dealing with something always under the broad light of publicity, something that is patronized by people in all walks of life, and they are people whose judgment is keen, who know what they want, and whose very demand is causing the change in the character of the pictures that are shown.

I want to urge upon this committee the necessity for dealing with this problem very carefully, and as I know they will consider very carefully what they do, I am sure we will have no reason to fear there will be injected any politics or narrowmindedness or bigotry into this industry and amusement which is patronized by such a vast majority of the American people—the people upon whom we are all dependent for the future of our country.

STATEMENT OF MR. FULTON BRYLAWSKI.

Mr. BRYLAWSKI. Mr. Chairman and gentlemen of the committee, I appear before this committee in rather a different capacity than any person who has yet appeared before it, in that I appear for the motion-picture exhibitors. I am secretary of the Motion Picture Exhibitors' League of the District of Columbia and national vice president of the Motion Picture Exhibitors' League of America, an organization which includes among its membership practically about 80 per cent of all moving-picture theaters in the United States. It has a membership now of between 12,000 and 13,000 moving-picture theaters scattered throughout all the States and Territories of the United States out of a total of about 16,000, the approximate number in the United States. As I say, I am the national vice president of that organization and the secretary of our local organization, and I appear before this committee in that capacity.

I want to present—and this was my sole object in coming here—a resolution which our local organization, composed of nearly all the moving-picture houses in Washington, and, indeed, in the District

of Columbia, adopted at a meeting held on May 7, which I will read into the record, as follows:

MOTION PICTURE EXHIBITORS' LEAGUE
OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

At a meeting of the Motion Picture Exhibitors' League of the District of Columbia, held on Thursday, May 7, the following preamble and resolution was unanimously adopted:

Whereas the Motion Picture Exhibitors' League of the District of Columbia, a body corporate, affiliated with the Motion Picture Exhibitors' League of America, states it as one of the objects of its being "To use its influence to induce manufacturers not to produce any motion pictures that might be objectionable"; and

Whereas on May 1, 1913, this organization publicly went on record as being opposed to the exhibition of any motion pictures which have not been previously approved by the National Board of Censorship; and

Whereas the Committee on Education in the House of Representatives has before it for consideration a bill (H. R. 14835) "To create a new division of the Bureau of Education to be known as the Federal Motion Picture Commission and defining its powers and duties," among which is the licensing and censoring of all motion-picture films intended for entrance in interstate commerce, and also the prohibition of any film not previously so licensed and censored being exhibited in the District of Columbia. Now, therefore, be it

Resolved, That it is the sense of the Motion Picture Exhibitors' League of the District of Columbia that the creation of such a commission is not only unnecessary, but would be injurious and prejudicial to the interests of the motion-picture industry of the United States.

Resolved further, That a copy of this resolution be transmitted to the Committee on Education of the United States House of Representatives.

[SEAL.]

WILLIAM P. HERBST, *President*.

Attest:

FULTON BRYLAWSKI, *Secretary*.

Mr. BRYLAWSKI. As I said, it was for the purpose of presenting this resolution before the committee that I came here, but having been present during this discussion there are several matters which have occurred to me and which have not been very well brought out or touched upon by the previous speakers.

I want to answer Judge Towner as to the percentage of children who attend moving-picture shows. This knowledge is peculiar to the exhibitor.

The CHAIRMAN. What age do you mean when you speak of children?

Mr. BRYLAWSKI. When we speak of children we speak of children between the ages of 12 to 18 years of age. Very few theaters permit children under 12 years unaccompanied by adults to go to their theaters, and children are generally, as we conceive it, between the ages of 12 and 18. We believe that a younger child would not understand what was harmful, and that a child between the ages of 12 to 18 is one upon whom the moving picture makes the greatest impression—the growing boy or the growing girl.

In answering that question, however, you must take into consideration the different theaters; that is, the down-town theaters and the residential theaters. Among the down-town theaters in this District—and I can only speak for the city of Washington—I would state the percentage of children who attend in the daytime is less than 2 per cent, and that the percentage of children who attend at night unaccompanied is nothing. In fact, all the moving-picture houses in Washington prohibit children from attending at night unless accom-

panied by an adult. So that the average percentage of the attendance of children in the down-town theaters is about 1 per cent.

In the residential neighborhoods it is considerably larger. From figures I prepared some time ago it appears the average per cent at the matinees in the residential neighborhood of children under the age of 18 years is about 30 per cent; that is, prior to the hour of 8 o'clock at night, and after the hour of 8 o'clock the average per cent of children who attend unaccompanied by parents is 20 per cent.

Mr. TOWNER. Is it a fact that some of the theaters become attractive to children, and they commence going there and find their associates there and make it a practice of going there?

Mr. BRYLAWSKI. I do not think so. The children usually attend the theater in the neighborhood in which they live. They do not go down town. I have found in my experience that the children generally go to the theaters selected by their parents.

Mr. FESS. Do you think that the conditions in Boston are a good indication of what exists in other cities?

Mr. BRYLAWSKI. The figures are about right for the whole United States. In my connection with the national association I have heard these things discussed by exhibitors from Alabama to Maine to California, and the figures are about the average and bear themselves out with a fair degree of accuracy.

I want to say, so far as we are concerned here in Washington, that we are in a somewhat different position than any other city, with the exception of the Territories, in the United States, for the reason that the National Board of Censorship would be a local board of censorship, at least so far as the District of Columbia and the various Territories are concerned, and I have heard the argument made that if this national board would automatically do away with the various local censorships, it might be a good thing. Therefore, under the same analogy of reasoning, as this national board of censorship would automatically do away with all other censorship in Washington, it might be a good thing, but the exhibitors of the District of Columbia oppose all kinds of censorship as such, because we know from our own observation—and our powers of observation are far more closely related to the subject than those of any outsider—that the audience themselves and the exhibitors themselves are, when the last word is said, the best censors of moving pictures.

In other words, an exhibitor has his money invested, and his business success is dependent upon pleasing his public. He knows that his income is derived from the attendance of men and women, their families and children, and that if he puts a picture on his screen, obscene or lewd or objectionable, he is going to lose the patronage of a considerable portion of his audience, not only for that performance but for every other performance. They will not only stay away and prohibit their children from attending, but they will use their influence with their friends and their friends' children to stay away, and that loss to the exhibitor at the end of the year would be enormous. Therefore the exhibitors in the District of Columbia make it a personal point to themselves to see their films before their theaters are opened and before they are shown, so that they can see for themselves whether there might be anything objectionable in the films; and, I say, in the last three or four years, with one or two ex-

ceptions, there has not been any film rejected here by the exhibitors because of any immorality that it contained.

Mr. TOWNER. You do not have a local board that passes on the film?

Mr. BRYLAWSKI. We have the worst kind of a local board. We have the police censorship, not an officially constituted censorship, but nevertheless a censorship. Our chief of police has time and again issued instructions to his various captains and subordinates to personally see every moving picture exhibited in Washington, and these police feel it a duty incumbent upon them that if any moving picture does not come up to their rather esthetic sense of morality, the matter is reported to the captain. I remember one or two amusing cases when the white-slave films were shown here, which will give you an idea of the police censorship. The police said they had to come off. They reported the matter to the captain and he agreed with the police, and the chief of police also agreed. The manager of the theater refused to take them off, however, and they sent for the corporation counsel and the assistant corporation counsel, and they did not know whether the films should come off or not; and finally the Commissioners of the District of Columbia went to see it, and they were unable to say whether or not they were objectionable, so they got a body of 12 business men to decide whether or not those pictures might be objectionable, with the final result that these men decided it was a moral picture and that it had a good moral lesson and allowed it to stay.

The CHAIRMAN. Do you find such censorship you have here very annoying?

Mr. BRYLAWSKI. We do not find it annoying, because we do not find the films that are being produced have contained anything, so far as immorality is concerned, that could be termed "objectionable."

The CHAIRMAN. Therefore, you do not object to the police censorship?

Mr. BRYLAWSKI. On the contrary, we object to any censorship.

The CHAIRMAN. Let me say this: In the event that this bill is passed, and you had a national censorship, all of that would be avoided here in the District.

Mr. BRYLAWSKI. The police censorship?

The CHAIRMAN. Yes.

Mr. BRYLAWSKI. Yes, I think it would; but we oppose the police censorship. We have a regulation that bars prize fights being shown. It is a specific regulation. We have another regulation barring bull-fights and cockfights being shown. That is also specific. Another regulation prohibits anything obscene, immoral, or suggestive being shown. Now, upon that regulation some policeman might think that a certain film is suggestive, and it might suggest something to his mind that the film does not intend to suggest, and so it is reported to the captain and it finally goes the rounds as to whether it should be taken off or not, and I want to say where a film might contain anything suggestive and the policeman points it out, as a rule, rather than to have any argument about it, the exhibitor eliminates that part of it.

Mr. TOWNER. You say your association is opposed to all censorship, yet in this resolution you seem to commend very highly the censorship of this national board and you even go so far and say

you do not believe in producing any film that is not approved by the national board.

Mr. BRYLAWSKI. Because we feel that the National Board of Censorship, in line with what you heard here, is a voluntary organization and does not really censor films in the strict sense of the word, but approves them.

Mr. TOWNER. Then it is not censor, but the character of the censorship?

Mr. BRYLAWSKI. We exhibit films that the National Board of Censorship has approved, because we know their approval has placed them on a higher standard. In other words, they set a certain standard, and we know the film will not be objectionable, as a rule.

Mr. TOWNER. Would you say that that results because of the character of the men who compose the board? Your statement would indicate to the committee that you are afraid a national board would not be of the same high character as the national board that is now a voluntary association.

Mr. BRYLAWSKI. We are afraid of a national board because we know no national board of 5, 10, or 20 members can properly censor moving pictures and that their best efforts would be injurious to the moving picture industry of the country.

Mr. TOWNER. You think so; you do not know it.

Mr. BRYLAWSKI. We think so, and we believe it. I want to say, so far as the National Board of Censorship is concerned, that the national board will approve a moving picture otherwise unobjectionable which contains a bull fight or a cockfight or even a prizefight, but our regulations here say no, we can not show them, and so, although the national board does approve, we must nevertheless eliminate those features. But that does not affect the matter. We recognize the standards, not the hard and fast standards of any local board, but the moral standards, which would be for the benefit and uplift of the moving picture business.

Mr. TOWNER. Are you afraid of the action of the national board because you think it would be too strict?

Mr. BRYLAWSKI. No. Because we feel they would not be able to do justice to the matter.

Mr. TOWNER. How about not doing justice? If you are not afraid they would establish a too puritanical state, what are you afraid of?

Mr. BRYLAWSKI. As I say, we have not the same fear that other organizations might have, in that the national board would be the only board, so far as we are concerned. The national association, as well as our local organization, is opposed to all forms of official censorship.

Mr. TOWNER. Yes; I know you are. I would like you to state your grounds as to why you are afraid of censorship. What are the elements in it? Are you afraid you would not have the same high character of men to pass upon the pictures as you have now?

Mr. BRYLAWSKI. Possibly.

Mr. TOWNER. Are you afraid the standard would be too strict?

Mr. BRYLAWSKI. Possibly. We do not fear so much as we object as a matter of principle. In other words, we believe that all official censorship is unnecessary; that it is distinctly un-American and entirely unwarranted, and that any official compulsory censorship

could not but do harm to the moving picture business generally. I do not think I can make it plainer than that. We believe that any local board of censorship is a long step backward in the moving picture business.

Mr. TOWNER. Therefore, you think the plan of the New York censorship board would be the best means?

Mr. BRYLAWSKI. As the lesser of two evils, yes.

STATEMENT OF REV. WILLIAM SHEAFE CHASE, D. D., PRESIDENT OF THE NEW YORK CIVIC LEAGUE AND VICE PRESIDENT OF THE NEW YORK SOCIETY FOR THE PREVENTION OF CRIME.

Dr. CHASE. Mr. Chairman and gentlemen of the committee, the spirit that possesses this committee seems to be the proper one, namely, that you are the ministers of government, and that it is not only your right, but your duty, to protect the children of our land. If 10 per cent of the audiences are children and 9,000,000 people see pictures every day, 900,000 children are seeing these pictures every day, and if one child is ruined it is a matter of concern to this Government.

I intended to speak of the principle involved here first, the constitutionality of this matter, and to call the attention of the committee to the fact that in Ohio the question is a different question, and, though the point which my opponents are making should be carried by them, that would not settle the question of this bill.

In Ohio the law forbids the sale and the exhibition of all pictures unless they are censored by their State board of censorship. This law does not propose that. It does not forbid the sale and does not forbid the exhibition. It forbids the exhibition for pay in the Territories, but that is a very different thing than forbidding the exhibition, whether for pay or without pay.

In the one case you prevent a picture being shown at all. In the other case you only prevent it being shown in certain licensed places of amusement. And so without taking the time to go into that part of it I want to call your attention to the fact that no matter how this case may be decided it is not the same case that is involved in the bill that is before us.

I also want to call your attention to the fact that it can not be unconstitutional. Our constitutional provision with reference to free speech and the freedom of the press are inherited from Great Britain. In our own State constitutions we took it from Great Britain. Now, in Great Britain there has been for centuries, since the adoption of the freedom of the press and freedom of speech, enactments by Parliament which have authorized the censorship of the stage. Four different committees of Parliament have examined that question, and each time they have reaffirmed that it does not prevent the freedom of the press or the freedom of speech, and, therefore, it can not be contrary to the constitutional provision of the United States.

Mr. TOWNER. In Great Britain they have no constitutional restraints, and we have. They have no written constitution. An act of Parliament there is the fundamental law.

Dr. CHASE. But they have a parliamentary provision which covers this matter, which was adopted somewhere in the seventeenth cen-

tury, and since then they have had the censorship of the State. Would that not rule in this matter?

MR. TOWNER. No; for this reason: An act of Parliament in Great Britain can take away the liberty of the press or could blot out the press and abolish every human right. Of course they will not do it, but, so far as the power is concerned, they have the right and power to do it. They have no constitutional restraints whatever, because they have no written constitution. An act of Parliament is their fundamental law. An act of Congress is not our fundamental law; the Constitution is the fundamental law. Every act of Congress must pass in accordance with our written Constitution, which is the case also in the State as well as in the Nation. Every act of the State legislature must be in accordance with the State constitution or it is unconstitutional and void. They can not say in England that any act of Parliament is unconstitutional, because it never is.

DR. CHASE. But they could say that the censorship is contrary to the principle of the freedom of the press.

MR. TOWNER. Oh, yes.

DR. CHASE. Initiated by their parliamentary act?

MR. TOWNER. Yes.

DR. CHASE. That is what I mean.

MR. TOWNER. That is according to their generally acknowledged constitutional ideas, but they have no restraints such as we have.

DR. CHASE. Our law comes from them and their parliamentary acts. The common law in England is the common law in America.

MR. TOWNER. Yes; and still further than that. Our Bill of Rights is based upon the acts of Parliament of Great Britain, most of them; the Magna Charta and those rights.

DR. CHASE. Following up that idea, I want to call your attention to the fact that what Judge Gaynor vetoed was an act similar to the one in Chicago, which forbids the showing of pictures that are not censored in places of amusement. It does not prevent my taking a moving picture of my family and friends and showing it to my neighbors. It does not prevent the taking of a picture of President Wilson and showing it to a local club without charging an admission fee. It only prevents it in licensed places of amusement. It is analogous to enacting a law that only books which have been examined and approved by a commission shall be shown in the public libraries. It is in certain places where it is forbidden and that because it is for the public welfare. The question as to constitutionality of the Chicago censorship law has been considered by the highest court in Illinois twice, and that law in Chicago has been twice unanimously reaffirmed.

Just within a few weeks in Chicago this man who has been described by one of the opponents of this bill as an objectionable censor, was summoned before Judge Tuttle by some who objected to the censor's decisions. One of the results was that the rigid censorship of the moving pictures was declared imperative by the judges of the municipal court for the welfare of the children. This was within a couple of weeks in Chicago. Judge Gaynor cites no legal decisions in his veto of the censorship ordinance which the aldermen adopted by a vote of 70 and which cardinal asked him to sign.

He argues as if power of government resides to-day not in the people but in one man—a King or a Czar. He speaks as if it were

contrary to the spirit of liberty for a few officers in the name of the people to protect all the children.

Mr. TOWNER. I will ask you a question, and to my mind it constitutes one of the chief objections that might be raised, although it was not raised here by counsel representing these companies against national censorship, and that is this: Censorship, and especially national censorship, must be in the general nature of things. In other words, they must cut out; they can not discriminate. I suppose there is none of us so unliberal in our views but what we recognize the fact that there are some defections or scenes that might not only be objectionable, but objectionable to the mature man or woman and at the same time be objectionable to the children. I do not want to go into details, but certainly we must admit that. Now, national censorship would almost necessarily be with a view of presenting that which could be presented to everybody, and therefore, a very strict standard would have to be established for the national censorship.

Now, would that not relieve a serious objection to the national censorship? Would it not in reality be a matter that ought to be governed by the localities in which they might say that certain films could be exhibited only to mature people, or that certain theaters should only allow the children to go at which only certain films might be exhibited? In other words, is there not, after all, an absolute necessity for a local censorship and government of these matters? I will not ask you to answer that now, but I would like to have you give it careful consideration and present your views fully to the committee.

Dr. CHASE. Pardon me for just a moment. I have thought about it and appreciate the importance of what you say. But I do not think that the difficulty will be remedied but hindered by local censorship, unless the local censorship is assisted by a Federal censorship.

My answer to the question is twofold. In the first place, I would suggest that your committee make a provision in the bill so that certain pictures will have to be approved by the committee as morally fit for children and adults and others as approved for adults only. I think the whole country would be benefited by such an arrangement. It might possibly complicate the situation and hinder the passage of the bill if the people of the Nation were not ready to understand the importance of such a provision. That is the reason why in the past I have not favored putting such a provision in the bill.

But, in my opinion, there would be great advantages if the bill could be enacted into law with a requirement that the Federal commission must divide the motion pictures licensed by them into two classes. One class to consist of the very best pictures from the moral, educational, amusement, and artistic point of view, concerning which no one could have any doubt but that they would have a healthful, moral, intellectual, and social influence upon both children and adults. This class when it dealt with the sex question or with love scenes would do so in such a pure, sane, and truthful way that they would purify and sanctify the sex life of our children. The second class would consist of pictures which, for some reason, it might not be thought wise to show to young children. It would not contain any picture which would clearly have an immoral influence upon adults,

but into this class would naturally come such pictures as the commission might feel could not go into the first class, and yet which they would not be authorized to refuse to license.

Unless I am mistaken, the so-called National Board of Censorship has found it necessary to do what amounts to what I am recommending. Pictures which come up to the standards fixed by them they allow to show the sign of approved or passed by the National Board of Censorship. Other pictures which fall below those standards, yet are not bad enough to be rejected, they permit to be shown but without any mark of approval by the board.

If the Federal commission should divide the licensed pictures into these two classes, no State, city, or village would be legally compelled to pay any attention to the differences between the films, and some cities and States would be able to enact into law the requirement that on holidays and in the afternoons after school hours, only such films could be shown as were approved by the Federal commission as being morally fit for children and adults. Where there was no law certain managers would probably decide to rent and exhibit only pictures of this first class. The tendency in the trade would be that more and more pictures of the first class would be manufactured, because of the increasing demand for them.

In the second place, if my first suggestion is not adopted, I desire to emphasize this point, that if the motion pictures of the country are made morally clean for adults the children will be tremendously benefited and the amusement features will be improved.

I know that what is moral for the adult might in some cases be immoral for the children. But that would rarely be true. But what is immoral for adults is generally much more injurious for children.

So that what the Federal commission would do would be to try to eliminate only what was immoral for the adult. But in so doing they would protect the children. If the Federal commission should become careless and license many films which were injurious to children, local censorships would undoubtedly spring up all over the country, as they are doing now, because of the failure of the so-called National Board of Censorship to protect the children morally. My prediction is that the Federal commission will do such broad, sane, thorough, and effective work in eliminating all immorality that the various local censors will gradually disappear, and that the patronage of motion pictures will immensely increase, when parents feel that they are safe for the children. I will attempt to answer Judge Towner's question more fully later. But the reason why each locality can not do such censoring as is necessary without assistance from the Nation is that no small locality can supply either the funds or the talented and experienced men and women needed. If they could, it would be much more expensive, both for the people and for the motion-picture trade. Its best work would be less effective than that of the Federal commissioners. Even at its best a locality could be successful only in keeping bad pictures from the children. It could do little to elevate the general tone of the pictures or bring continuously the best pictures to the locality.

One reason why the States which have enacted censorship laws are not content at the present time with the work of the national board is that they do not believe it is a censorship.

They think it is a censorship controlled by the manufacturers. A few people must, in the nature of the case, decide what pictures are to be exhibited for the children of America. Shall the few people who do the deciding be manufacturers who are making a profit out of it, or the Federal commissioners, who decide it for the benefit of the whole people? Our contention is that it is not safe to let it be decided by the people who are going to make money out of it, because the commercial spirit is too shortsighted. It would rather see 50 cents to-day than \$5 next week. It has not the vision long enough to see what is its own best advantage. The commercial interests would like alone to control this whole situation, if they could, for their own advantage and profit. They feel that it will be an intrusion and interference if the Nation should compel the manufacturers to make only moral pictures.

Now, I gave my word to the chairman that I would not talk more than 15 minutes, and I have only 5 minutes left. I hope you will find that I keep my word.

I wanted to call attention to the misstatement that was made in reference to the film, "The wages of sin." "The wages of sin" was approved by the National Board of Censorship. I have at home in my office, which I would like to send to the committee, the statement of Dr. Howe why they approved it. The editor of the Moving Picture News said it was disgusting. He protested against it to the board. This film exhibited the pictures of Jack Rose, Harry Vallon, and Sam Schepps. It was simply exploiting notorious gamblers. There was not a particle of good influence in the picture. It advertised gambling. No sin was punished in it. A fellow was caught at murder and the corpse of the murdered man was thrust upon him in the process of the third degree. He was frightened into confessing his guilt of the murder. There was no merit in the picture, and yet after rejection by the censoring committee, and after reconsideration by the general committee, this National Board of Censorship approved it.

"The Traffic in Souls," which was rejected here in Washington and by the Chicago Board of Censorship, was approved by this National Board of Censorship. I saw that picture. There were disgusting scenes of dancing—immoral dancing—in it, and if I had more than three minutes left I would try to show you what the effect of that picture was. If you knew me better you would not accuse me of speaking of this matter from a narrow standpoint. I believe in bringing sex matters before the public, but the effect of that "Traffic in Souls" was simply to stimulate boys into becoming cadets, in making easy money, and especially to the girls, showing them how easily they could make money by the sale of their virtue. The effect of that picture, I believe, was simply to demoralize the community. Some very good people approved that film. Two editors of the Outlook went to see the film and came back and recommended it, and an article appeared in the Outlook to that effect, but within three weeks the Outlook had to publish letters from men like a Y. M. C. A. secretary in Iowa, and one of the women in charge of the Florence Crittenton Mission in New York City, in which they described the demoralizing effects of this film.

Mr. THACHER. Was that picture, "The Traffic in Souls," confined to the one and two dollar theaters?

Dr. CHASE. No, sir. I did not pay more than 25 cents to see it on Broadway in New York City, and it was given within a stone's throw of my parish in Brooklyn, but I think the regular price of that place was 10 and 5 cents.

Mr. THACHER. Were there any children at the performances?

Dr. CHASE. I went to see "The Traffic in Souls" about 11 o'clock in the morning or about 2 p. m., after school hours. Nine-tenths of the audience were men, and the character of men who went to see that picture convinced me that it was going to educate that crowd into making easy money by running houses of prostitution. That was the effect of the play.

I have only one minute more, and I want to speak of "The Inside of the White Slave Traffic." "The Inside of the White Slave Traffic" was presented to the National Board of Censorship two or three times, but they refused to give their approval of that film. Yet the film was shown just the same. Now, under what conditions did the National Board of Censorship view that picture? The picture people went on to show it without their approval.

Mr. SELIGSBERG. Were not the producers convicted?

Dr. CHASE. Yes.

Mr. SELIGSBERG. And did it not stop before they even completed the first performance?

Dr. CHASE. They first went to a judge and asked for an injunction restraining it, and he refused it. Then the producers were arrested, and it was taken before the grand jury, and the grand jury convicted the men. But my point is that the National Board of Censorship did not control that situation.

Mr. SELIGSBERG. It stopped the show.

Dr. CHASE. The National Board of Censorship did not.

Mr. SELIGSBERG. It got the police to stop it before it was put on the boards and before they started to run the film off.

Dr. CHASE. The National Board of Censorship had nothing to do with it.

Mr. SELIGSBERG. I think you are in error.

Dr. CHASE. I think not. However that may be, the manufacturers either made no agreement to obey the censorship board or they broke it.

The CHAIRMAN. I will say to the gentlemen present that this hearing will be continued next Tuesday at 10 o'clock, and we will be glad to hear from anyone who wishes to appear then.

(Thereupon the committee adjourned.)

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVES,
Tuesday, May 12, 1914.

The committee this day met. Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. Dr. Chase, you have the floor this morning, according to the agreement made at our adjournment.

STATEMENT OF REV. WILLIAM SHEAFE CHASE, D. D.—Continued.

Dr. CHASE. Mr. Chairman and gentlemen of the committee, I appear as the vice president of the Society for the Prevention of Crime

of the City of New York and also as president of the New York Civic League. I am rector of a church in Brooklyn. My residence is at 481 Bedford Avenue, Brooklyn, N. Y.

I submitted for the record at the first hearing a copy of the arguments on both sides of the debate published by the Motion Picture Magazine upon the question of whether motion-picture plays shall be censored or not. The Motion Picture Magazine furnished me with the necessary copies, and our side has sent a copy to each Member of Congress. This contains the statements of both sides of the debate and evinces our desire to have the matter fully presented to Congress.

The negative side of this question was defended by Mr. Dyer, who at the time of the debate was president of the General Film Co., the largest commercial enterprise in the trade. The General Film Co. has not yet appeared at any of the hearings before this committee, which is a very significant fact.

This morning I desire to reply to the various arguments, fears, and misapprehensions expressed by the opponents of the bill at the last three hearings, when all the time, except 15 minutes at one of the sessions, was taken by them in stating their reasons for opposing the bill.

In the first place, the word "censorship" does not properly describe the operation of this bill. The word "censorship" implies something arbitrary beyond which there is no appeal. The word "censorship" implies a tyrannical power which may be used arbitrarily. The word used in this bill is "licensing." The licensing power of the Government is something which has come more largely in use in recent years to meet new social conditions.

As society becomes more complex and frauds, cheats, and various kinds of injurious deceits appear, which the ordinary citizen can not detect, it becomes necessary for the Government to appoint specially trained and specially qualified representatives to protect the interests of the whole people. So we find that different uses of the licensing power have been found necessary in order to protect the public. The lawyer is licensed, the doctor is licensed, the man who sells gunpowder is licensed, the man who sells firearms is licensed, and the man who sells drugs is licensed. The place which is safe for the people in which to see plays is licensed. We have our foods inspected. These are some of the various ways in which the license power is used to protect the people.

The next point is that this bill attempts to do what seems to be the sensible thing—that is, to prevent crime rather than to allow it to be committed and then to punish the guilty one. Prevention is one of the indications of the increased efficiency which we expect in the Government to-day. If we find a threat of murder or theft, we do not allow the man to commit murder or theft and then punish him; we take effective means to prevent the crime. If we find a motion picture that seems very clearly about to incite adults and children to crime, it is not necessary, in our opinion, to let the picture first do its work and at the end of, perhaps, a year or two years finally convict the man who himself was not responsible for the picture, for, in the course of his ordinary business, the exhibitor had to present the picture or else deprive his patrons of the privilege of seeing as much in the way of amusement as his competitor across the street.

The manufacturer of the bad film is the one who should be punished. The proposed bill brings the punishment where it belongs. If the film is denied a license by the commission, the manufacturer meets with a financial loss, which is just.

In the past the exhibitor has not been allowed to select the pictures which he is to exhibit. He has taken pictures which have been sent to him by an exchange. He is not responsible for the picture. He has entered into a business arrangement by which pictures are to be furnished to him. He has four or five films come to him each day. Now, is it the right thing to summon him before a court and convict him of exposing an immoral picture? Is it not better to require that the picture, after it is published, be submitted for inspection if it is to be used for interstate commerce or for commercial purposes and then, if it is according to the law, if it has nothing in it that is contrary to the law, have it licensed by the Federal motion-picture commission?

I said that the word "censorship" was not a proper word to use in this connection, because the authority granted by this bill is not an arbitrary power. There is always the power of appeal for court review. This has just occurred in Chicago. Mayor Funkhouser gave a decision with reference to a film entitled "Madame X." The owners or exhibitors objected to his decision and the matter was taken to court and a certain judge has granted the injunction and said that in his opinion "Madame X" ought to be shown in Chicago.

The decisions and actions of this Federal commission would always be subject to review by the judges of the courts.

MR. POWERS. What is there in the bill that would give the Federal courts the power to review or reverse or affirm any decision of this commission?

DR. CHASE. There is nothing in the bill. Originally it was put in the bill, but was found to be surplusage, I think I am right in saying, and that the legal usage makes it absolutely unnecessary to put it in the bill.

MR. POWERS. Have you anything directly on that point?

DR. CHASE. No, sir; that point is not there.

MR. POWERS. Have you any decisions of the courts or any legal authority to sustain your statement that the courts will have the power to review the findings of this commission?

DR. CHASE. I think I could do that very quickly and report, if it is desired.

MR. POWERS. I am asking for information.

DR. CHASE. I have not, because I thought it was so undisputed. I would like to ask Judge Towner if I am right about that.

MR. TOWNER. I think you are.

MR. POWERS. Unless there is something in this bill which gives some higher court the power to review the findings of the commission, that is not so clear in my mind.

DR. CHASE. I put it in the bill originally, and we had quite a discussion between members of the committee. Mr. Hughes and Mr. Fort, and we finally thought that it was unnecessary.

MR. TOWNER. I would like to remind you not to forget the suggestion I made the other day. I would like to have you discuss that at some time when it suits your convenience.

Dr. CHASE. I desire to, because I think that is very vital to the whole situation. Perhaps, if it is considered just as well, I will wait until there is a larger number of the members of the committee present.

The word "censor" refers to the old Roman usage, and many lawyers are apt to use the Roman meaning of the word, because in old Roman times there were two men who were called censors and their unanimous verdict allowed a man to be taken off the voting list and there was no appeal. It allowed practically his office as senator to be taken away from any senator by the unanimous opinion of these two, and in times of great immorality in Rome the attempt was made to correct public corruption by granting this arbitrary power to the two censors.

I want at this time to call your attention to a section of the bill which ought to remove the fear that my opponents have that this Federal board will have any arbitrary power to refuse to grant a license to a film because the picture is contrary to their taste or contrary to what they think is artistic. My opponents have a fear that somehow the trade will be injured because the power of this commission will be absolute, far reaching, and arbitrary. I want to call your attention to the fact that on the third page, in section 5, the bill distinctly says:

That the commission shall license every film submitted to it and intended for entrance into interstate commerce, unless it finds that such film is obscene, indecent, immoral, inhuman, or depicts a bull fight or a prize fight, or is of such a character that its exhibition would tend to impair the health or corrupt the morals of children or adults or incite to crime.

Clearly, the bill makes it the duty of the commission to license every film submitted to it, unless a film has in it something that is expressly forbidden here in this bill. The things forbidden can be summarized as those which tend to corrupt the morals or the health of children and adults. My opponents say that that is so vague that though a commission can tell what a freight rate ought to be, nevertheless a commission can not tell what is moral and what is immoral.

I want to call your attention to the fact that there are two standards of morality, one the standard of morality of the playgoing people, and the other the standard of morality of the whole people. The argument has been presented to this committee that because the motion-picture manufacturer wants to make money that he will not produce an obscene or indecent or immoral picture, because such a picture will not attract large audiences. Therefore, my opponents argue that the commercial interest will control itself, and effectively suppress immorality in pictures, without any help from the Government. My reply to that is that the morality of the playgoing people is much lower than the morality of the whole community.

The playgoing population become somewhat tired of the ordinary run of pictures and would like to see something with more sensation. In order to induce this playgoing population to patronize him at once, or in large numbers, the unscrupulous manufacturer or exhibitor is constantly under the temptation to furnish a picture beyond the border line of morality. When he does so, especially if he can fool some reputably good people into thinking the picture is educational or is aimed to destroy some great evil, he is rewarded

for his crime by notoriety, large audiences, and large financial returns.

But the effect is to shock the moral sense of the whole community and to strengthen any prejudices which they may have against motion pictures. A few unscrupulous motion-picture manufacturers thus injure the whole trade; because no policemen nor private citizens are able to overcome all the obstacles in securing evidence, the expense and delays in the courts, and various forms of civic corruption, the manufacturer goes unpunished, the motion-picture trade is permanently injured, as by the "Inside of the white slave traffic" and by the "Traffic in souls," and the children of the whole community are much demoralized.

This makes it evident that the morality of the playgoing public is not high enough to compel all the manufacturers, in order to make money, to raise the standard of their pictures to conform to the moral standards of the whole people. On the contrary, there is great danger that the morality of the playgoing people will become the morality of the whole people. This bill provides that there shall be nothing in motion pictures which will be contrary to the morality of the whole people, the law of the whole people. In order to do that you will see that it is necessary to have somebody to represent the whole people, not to represent merely the playgoing people or the people who are interested in the manufacture of films.

Mr. POWERS. What do you say as to the children who at that early age do not know what does and what does not affect their welfare and morality?

Dr. CHASE. Of course that would involve the argument that I was going to make. That brings up Judge Towner's question.

Mr. TOWNER. There are some matters that I would like to take up. First, I would like to ask Mr. Schechter a question. Have you a copy of the bill?

Mr. SCHECHTER. Yes, sir.

Mr. TOWNER. Will you be kind enough to turn to section 12, where you will notice that the bill provides "That a fee of \$1 shall be charged for the examination by the commission of each film of 1,000 feet or less." What, in your judgment, would that amount to?

Mr. SCHECHTER. If you will allow me a moment, I will figure it up.

On the originals it would not amount to more than \$12,500. On the 50 cents charge it would amount to about \$125,000.

Mr. TOWNER. What would be the justification for the 50 cents charge?

Mr. SCHECHTER. I see no justification. You have a provision in section 15 which provides—

That the commission shall have power to charge, in addition to the fee for each film, such a sum as is necessary to pay the expense of manufacturing the seals.

The copies they will never see. All they will do will be to get the seals for the purpose of putting them on the copies. Why 50 cents should be charged for the additional copies that are never seen, I can not say.

Mr. TOWNER. What was in my mind and what I was about to ask is what would be a necessary charge to produce an annual revenue of about \$60,000 a year?

Mr. SCHECHTER. Probably \$5 for the original reel.

Mr. TOWNER. Would that be an exorbitant charge?

Mr. SCHECHTER. It would come down to this, if my contention is at all tenable, that even though there is a Federal censorship there will still be a State censorship. The State will always be jealous of its own rights, and if the Federal Government should charge \$5 there is no reason why the State should not charge an equal amount or half that amount, and if the Federal Government should charge \$5 and each State \$2, it would be more than \$10,000, which would have to be paid, and not by the manufacturers.

Mr. TOWNER. I just asked for the approximation. I am trying to ascertain what the result would be.

Mr. SCHECHTER. As to the amount of money, I think that \$5 a reel would give about \$50,000 or \$60,000.

Dr. CHASE. Did you not say that there would be about \$2,000 received from 4,000 copies each month?

Mr. SCHECHTER. Two thousand original reels?

Dr. CHASE. Four thousand duplicate copies each month?

Mr. SCHECHTER. Copies?

Dr. CHASE. Yes, sir.

Mr. SCHECHTER. There would be 4,000 copies a week.

Dr. CHASE. I misunderstood the statement. I understood you to say that there were about 4,000 duplicates issued each month instead of each week.

Mr. SCHECHTER. The Universal puts out 800, the Mutual the same: that is 1,600; the General Film about double that number, 3,200, and then the others 800, which gives 4,000 a week.

Mr. TOWNER. I was going to ask you what justification you could give for charging 50 cents for each duplicate film?

Dr. CHASE. You will notice that the bill does not require that the copies shall be shown to the commission.

Mr. TOWNER. I know that. That is the reason why there would not be very much justification for charging for it.

Dr. CHASE. That would still leave the power with the commission to require it of certain manufacturers if they found that they could not trust them.

Mr. TOWNER. Could not trust them how?

Dr. CHASE. Could not trust them to make absolute copies of the film which had been licensed. That would depend on their good faith.

Mr. TOWNER. That would not be, of course, if they are absolute copies. If they are spurious copies then they would be subject to the penalties and punishment of the law. It would not be the licensed film; it would be something different entirely?

Dr. CHASE. That is the way the bill is drawn, with the thought that possibly there might be so many spurious copies appearing that the commission should be given the power, if necessary, to demand that the duplicate films shall be submitted to it and they would then attach the seals which would prove that they were duplicates of the original.

Mr. TOWNER. But you see we have to meet this contention: The film has been licensed and you have a right to make any charge for licensing you choose, but that is all you have the right to do in this

bill. I can not see any possible justification for charging for a duplicate of the film?

Dr. CHASE. It would not be so if it were not necessary for the duplicate to be brought to the office and be sealed in order for it to be shown. Each time the film is shown, the seal is shown as a part of it. If we leave the attachment of the seal to the film to be made by the manufacturing company and trust them to do that, why, of course, there would be no right in charging them for it; but if the commission has to manufacture the seal themselves and attach it to the copy, there will be a certain amount of clerical work and expense.

Mr. TOWNER. Yes, sir; that is very true. Is that required now by the association in New York City?

Dr. CHASE. No; there is where the looseness of the present situation becomes apparent. I have seen a film saying "Approved by the national board of censorship" shown before it was approved.

Mr. TOWNER. That might be all true and it might be requisite there; but how could we say it is requisite when to modify a film would be an absolute violation of the law, subject to punishment?

Dr. CHASE. If you do not think it is necessary in order to efficiently enforce the law, why—

Mr. TOWNER (interposing). I am trying to find out.

Dr. CHASE. I thought it was necessary in order to efficiently enforce the law.

Mr. TOWNER. Would it not be an extraordinary amount of work to examine and put the approval upon every one of the duplicate films?

Dr. CHASE. Yes, sir. The bill does not require that.

Mr. SCHECHTER. They would have to employ 20,000 men to do it. I am not exaggerating the figures when you realize that there are 4,000 copies a week.

Mr. TOWNER. It seems to me there is hardly any justification for that.

Dr. CHASE. The bill does not require it to be done; it simply provides that it may be done in case the commission thinks it wise.

Mr. TOWNER. I do not know about that. It says:

That a fee of \$1 shall be charged for the examination by the commission of each film of 1,000 feet or less, and 50 cents for each film which is a duplicate of any film which has been licensed.

That is mandatory.

Dr. CHASE. That is provided for somewhere else.

Mr. SCHECHTER. When I was discussing the bill I wanted to take up each section of the bill, but I did not read the bill fully.

Mr. TOWNER. You are going to file that with us?

Mr. SCHECHTER. Yes, sir.

The CHAIRMAN. In section 12, the latter clause, it says:

Any change or alteration in any picture on the film after it has been licensed, except the elimination of a part, shall be a violation of this act, and shall also void the certificate and seal of such film.

Would not that in itself be a protection as to the duplicate?

Dr. CHASE. Yes, sir. I can not place my hand on just where the other provision appears, but I think it is in the bill somewhere.

Mr. TOWNER. Just pass that now.

Dr. CHASE. Yes, sir; I will see if I can find it later.

I desire to call attention to section 8 of the bill, which reads as follows:

SEC. 8. That the commission may, if it has licensed a film, issue a seal and certificate for each duplicate thereof without an examination of such duplicate, upon the payment of the license fee hereinafter provided.

This section leaves it to the discretion of the commission to omit the inspection of duplicate films. The commission will undoubtedly do this in the case of all trustworthy manufacturers. But it would seem to increase the efficiency of the enforcement of the law to permit the commission, in case the need arose, to require that in certain cases duplicate films should be inspected before a certificate and seal was granted.

It also seems wise for the commission to have it within its discretion either to furnish the seal and the certificate, rather than to allow manufacturers as a whole to do so for their own duplicates. But the wording of section 8 is such that the commission may, when it grants a license for an original, write a permission for the manufacturer to furnish his own seal and certificate, or it may decide to authorize manufacturers generally to issue true copies of the original seal and certificate.

In this connection section 10 should be read, which requires that no film shall be carried from one State into another "unless a true copy of the certificate accompanies it."

In response to the question concerning the wisdom of omitting any fee for the license of any duplicate film, I desire to call attention to section 17:

SEC. 17. That three months after the commission has begun to license motion pictures, and at any time thereafter, the commission shall have power to reduce the fees to such a sum as will produce no larger income than is necessary to pay the entire cost of the commission, including salaries and all other expenses.

This section is necessary, because it is impossible to determine even approximately the number of original or duplicate films that will be issued in the coming years.

Even if the motion picture commission should decide in their discretion to permit the manufacturer, as expressly provided in section 6, to attach true copies of the original seal, to the duplicates, it is wise that the true copies of the seal be furnished by the commission; also, that the commission keep some record of the number of duplicates issued. These measures seem necessary as precautions against forgery, unless the commission decides to retain a duplicate copy of each film licensed by them.

The 50-cent fee charged for each duplicate may be large enough to include the expense of furnishing the motion picture film seal, which, requiring at least 5 feet of film, would probably cost over 20 cents.

But, in addition to this, it seems fairer that a larger share of the expenses of the commission shall be paid by the manufacturer who uses a large number of duplicates rather than by the manufacturer who only produces one original and issues few duplicates.

The manufacturer who gets a large income from the interstate commerce duplicate films ought justly to be expected to pay a larger share of the expense of the Government in licensing the films than the one who derives a much smaller income.

Mr. TOWNER. I want to ask you whether you believe that the salary of the chairman, \$4,000 a year, and of each other commissioner, \$3,500 a year, would secure the proper kind of men?

Dr. CHASE. No, sir. It was only the feeling that Congress would not approve of highly paid men that led to suggesting that the low salaries be placed in the bill.

Mr. TOWNER. Is it not true that the object of this bill is to make the service pay for itself?

Dr. CHASE. Yes, sir.

Mr. TOWNER. Then the film manufacturer ought to pay for the expense of this service, in your view?

Dr. CHASE. Yes, sir.

Mr. TOWNER. That being true, it is to their interest to have first-class men as well as to the interest of everybody else, is it not?

Dr. CHASE. Yes, sir; yes, sir.

Mr. TOWNER. And the kind of men who should be appointed as commissioners certainly could not be procured from such salaries as those?

Dr. CHASE. It seems to me that the positions are more important than the members of the Inter-state Commerce Commission.

Mr. TOWNER. There is another thing. The opponents of the bill spoke of the fact that these five men might not examine these films. Sections 3 and 4 provide that they might secure such assistance as they might need?

Dr. CHASE. I want to call your attention to that. That is one of the points that I want to take up this morning. There are assistants and deputy commissioners provided in sections 3 and 4 of the bill.

Mr. TOWNER. In view of the information that we have received from these manufacturers and others, do you think that \$40,000 a year would be anything like a sufficient amount for this purpose?

Dr. CHASE. No, sir.

Mr. TOWNER. It would at least require, under the present system, 135 men to do this work?

Dr. CHASE. We went to the General Film Co. when we were drafting the bill, or getting the facts, and tried to get from them the facts which have been given this morning and which were given at the last hearing. They said that they were unable to give them. We said that we wanted to do absolute justice, that we did not want to have any unnecessary expense, and that we wanted to get the facts.

Mr. TOWNER. They have 135 men engaged on the general board work besides the 4 secretaries. We have here 5 commissioners. The 5 commissioners ought to receive a salary of not less than \$5,000 or \$6,000 a year?

Dr. CHASE. I should say \$10,000 each.

Mr. TOWNER. The 135 men can not be cheap?

Dr. CHASE. With reference to the 135 men, you will remember that the testimony was that they were divided into eight parts.

Mr. SCHECITER. Eight sections.

Dr. CHASE. Eight sections, and the testimony was that there was an average attendance of 4, with 13 or 14 members of each committee. According to their testimony it is not necessary to have quite so many men.

Mr. TOWNER. I am coming to that in a minute.

Dr. CHASE. The mechanical part could be done by people with not very much education or artistic training. There are many pictures which could be licensed under the authority of the commission which would not need to be looked at at all by the commission.

One trustworthy man with little training could be authorized to examine and license pictures which it was self-evident were entitled to a license according to the provisions of this bill, such as a trip along a Venetian canal, the opening of a flower, military reviews, naval exhibitions. In case such a man found something which he thought wrong he would then ask the commission to pass upon it.

Mr. TOWNER. Is it your idea that all the men who act on this national board should be salaried men?

Dr. CHASE. I scarcely know. I am ready to say that this bill was drawn with the idea that it might be found wise to use volunteer assistants who would not be salaried. This bill is drawn in such a way that if the commissioners wish to do so they could invite 135 people in New York to do the work they are now doing. These commissioners could appoint and employ the four secretaries of the existing so-called National Board of Censorship themselves. The work of the Federal commission might be done in the city of New York instead of Washington, but whether that would be a wise thing I have my doubts.

Mr. TOWNER. Let me call your attention to this: Of course if we are going to have merely a Federal commission, one man, one commissioner, one employee would examine and pass upon a film. There would not be any necessity for 2 or 3 or 5 or 10 if it is purely an official commission. An analogous instance, of course, was cited, but that is not exactly what you have in mind or what the people would have in mind, would they?

Dr. CHASE. I do not know that I get your point.

Mr. TOWNER. You do not expect by the establishment of this national commission that some salaried man, some clerk of this national board, shall go into a dark room and examine the film and then pass upon it and approve or disapprove it; that is not your thought?

Dr. CHASE. No, sir.

Mr. TOWNER. On the other side, these five men can not sit as a board and pass upon all the films in existence; no board you could constitute could do that. Exactly how are you going to meet these difficulties?

Dr. CHASE. My idea is that these five men would be appointed by the President, and that they would then appoint a number of salaried men who would be given instructions, and it would be their duty to see every film. They would follow instructions. Films of a certain kind they themselves would be authorized by the commission to license; and if there was any doubt about it the film would be referred, perhaps, to one member of the commission, and in case he thought there was doubt, it would be then finally reviewed by the whole five members. That would be my idea. There are a large number of people who feel that the Federal commission of five persons would not completely express public sentiment of the highest kind, and that there would be special times when it would be necessary to call in a number of people to find exactly what the best public sentiment really was. So the bill is drawn in such a way as

to permit that a number of people may be asked to be advisors. Their advice would be considered by the commission before it had finally passed judgment on a disputed film.

Mr. POWERS. One point: Your idea is to have this commission of five appoint a number of salaried assistants?

Dr. CHASE. Yes, sir.

Mr. POWERS. Would you want 135, or have you figured out about the number?

Dr. CHASE. No. Really, it could be done by 20 people instead of by 135. You remember that the 135 people do not all attend all the time. They are divided into eight sections. Each of these eight divisions is composed of about 17 persons. Those 17 different people view a picture, and then they either approve it, or else, if it is objected to, it goes before the general committee for a second consideration. Rev. Mr. Carter says that the whole 17 members of a section do not view a picture, but only an average of 4 members. It is reasonable to say that two persons could do the work now done by one division. The work of the eight divisions could be done by 16 or 20 persons.

Mr. POWERS. You think that 25 men—5 commissioners and 20 assistants—could do the work?

Dr. CHASE. Yes, sir.

Mr. POWERS. Would it be your idea to let these 20 assistants, any one of whom would be examining these films, to pass definitely upon a proposition and let that be the judgment of the commission?

Dr. CHASE. It would be for the commission to make rules. Suppose there is a picture of the inauguration of President Wilson; that would fall into a certain class, and I would say that it was not necessary for the commission to see it, provided this trained assistant, who is given rules and instructions, sees it.

Mr. POWERS. You would have regulations, and an appeal might be taken from any one of these 20 to the board of 5?

Dr. CHASE. Yes, sir.

Mr. POWERS. If anybody was dissatisfied with the decision of any one of these assistants?

Dr. CHASE. Yes, sir. No harm could be done the manufacturer, for he could appeal from the one man to the whole commission. The only trouble, as I have indicated, would be whether the one man might not approve unconsciously a bad picture. If one man, authorized by the commission, refused to grant a license to a certain film, of course, the maker or the manufacturer would appeal immediately to the whole commission.

Mr. POWERS. What I mean is that you do not mean by the establishment of this commission and these subordinate officers to clothe any one of the 20 men with power absolute to decide on any film that might be presented?

Dr. CHASE. No, sir.

Mr. POWERS. In other words, you give the power to appeal to the entire board, the five members, if his decision is adverse to anybody?

Dr. CHASE. There is a little bit of danger. A man might inadvertently pass a picture which was objectionable. There is that danger; but it would be for the commission to properly safeguard against such a danger.

Mr. TOWNER. Can you give us those figures now?

Mr. SCHECHTER. With regard to this point?

Mr. TOWNER. About the number necessary to be passed upon.

Mr. SCHECHTER. I can not see why the manufacturers should be subject to the censor of one man. Canon Chase says that one man may pass upon it and that then the advisory board might consider it, and that any one of the members of the commission could say, "Yes" or "No."

Mr. TOWNER. I was not asking you about that. Have you the figures as to the number of films which would be censored?

Mr. SCHECHTER. I gave you those figures before. On the originals it would amount to about \$12,500 and on the duplicates, if you made a charge of 50 cents, it would amount to about \$125,000 to \$150,000.

Mr. TOWNER. Are the numbers in the record?

Mr. SCHECHTER. The exact number of films?

Mr. TOWNER. The films and duplicates.

Mr. SCHECHTER. I said that there would be about 4,000 duplicates a week.

Mr. TOWNER. I understood that was only an estimate.

Mr. SCHECHTER. It is an estimate. It is impossible to calculate the amount, because each company might put out one reel more or less.

The CHAIRMAN. Four thousand a week for the three manufacturing companies?

Mr. SCHECHTER. I am considering now all of the business.

Dr. CHASE. It is likely to increase as the years go on.

Mr. SCHECHTER. At present 4,000 duplicates go out each week.

The CHAIRMAN. About 12,000 originals?

Mr. SCHECHTER. Yes, sir.

Dr. CHASE. \$104,000 a year?

Mr. SCHECHTER. Yes, sir. I said \$125,000, allowing for an increase; \$12,000 from the originals. I figured 200 original reels and about 225 reels a week, at \$1 a reel, which makes about \$12,000.

Dr. CHASE. We were influenced in making it 50 cents for the duplicates and \$1 for the originals by the experience in Ohio. The Ohio law calls for \$1 for every reel whether original or not. It was found that this produced an unnecessarily large income in Ohio. It seemed to us that the expense was really on the viewing of the films, and we thought the expense should be put there, but then we thought it was necessary to attach a seal of motion-picture film to each duplicate, we could not ascertain the amount of expense that there would be to this seal. Some think it would cost as much as 20 cents a film, and others went as high as 50 cents or 60 cents to put the seal on the film. Therefore it was very difficult to fix upon the proper amount for the fee for a duplicate. Section 15 was added to the bill so as to enable the commission in case the 50-cent fee was not large enough to pay the expenses of the seal and other expenses to charge another fee for the seal itself. The provisions of this bill indicate very clearly that there is no desire to overtax trade in any way, simply to include the necessary expenses of the commission.

Mr. POWERS. Talking about the duplicate films, if any of these companies should change their films and send out films different from that which had been approved by the board, what penalty does this bill carry for such a violation?

Mr. SCHECHTER. At the close of the bill it says:

That the penalty for violation of this act shall be a fine of not more than \$500 or imprisonment not more than one year, or both, in the discretion of the court.

Dr. CHASE. "And the films unlawfully changed, exhibited, or transported shall be confiscated."

Mr. POWERS. Do you not think that would be a sufficient preventive from any spurious duplication?

Dr. CHASE. Well, I suppose so, if the committee thinks so. In my experience in enforcing the law I have perhaps, become overcautious.

Mr. POWERS. Would it not be better, Canon Chase, if you do not think that is a sufficient penalty to prevent the duplication, to make a more severe penalty without adding so much money, 50 cents, for attaching the seal to all these duplicates?

Dr. CHASE. It was our idea to prevent the crime rather than to allow it to go on and then punish the guilty. Our idea was that the seal and certificates furnished without examination by the commission would be attached by the manufacturers by permission of the commission, and if everything was done in good faith there would be no trouble, but if it was found that this privilege was being abused by the film manufacturers it would be in the power of the board to tighten things up by requiring that duplicates should be submitted to the commission for examination before licenses for the duplicates would be granted. In that case it would be necessary to charge something for the expense of examination.

Mr. POWERS. This section says that the board shall charge 50 cents for each film, which is a duplicate of any film, whether produced in good faith or not. It looks to me like a pretty heavy burden?

Dr. CHASE. Yes, sir; from the financial side you are right. But from the standpoint of being sure to have the law enforced, it seems to me wise to have the 50-cent fee, remembering that section 17 allows the commission to reduce or abolish this fee. The commission must furnish a certificate. It is necessary that there should be a certificate on each film, which must have the signature or stamp of the commission. It would be necessary to furnish that certificate. You can allow the manufacturers to furnish the seal which is made of the film, but the certificate must be furnished by the commission. It will therefore be necessary to keep certain records in the office. Apparently you could just reduce the fee for duplicates to 25 cents and have enough to pay the expenses of the commission. You would then get \$50,000 from duplicates, which, with the \$12,000 from the originals, would give you an income of \$62,000.

Mr. POWERS. The number of employees necessary to do this duplicate work and their salaries, would not that amount to a good deal of money?

Dr. CHASE. I do not think the commission will have those duplicates examined. I think they will decide to license duplicates without examination. Possibly some law-breaking firm might be told by the commission that they would have to submit all of their copies to the commission, but I think most of the business would be conducted without the duplicates being shown to the commission at all. They would apply and say, "The original has been approved and we would like to get 50 certificates, which will be attached to the copies

when they go out." It seems to me that there ought to be some little office fee in order to pay for that trouble and to keep the necessary records.

Mr. TOWNER. The fee should be made a charge for the certificate and not a charge for the license?

Dr. CHASE. Yes, sir.

Mr. TOWNER. Of course, as it stands now it is a charge for the license?

Dr. CHASE. The certificate is evidence of the license, is it not?

Mr. TOWNER. I do not know. Of course, the issuance of the license would be one thing and a certificate of it would be another. This is different from anything else, because the duplicates are so much more numerous than the originals.

Dr. CHASE. Yes, sir.

Mr. TOWNER. My judgment is that there should be a certificate fee and not a license fee.

Dr. CHASE. The question of the unconstitutionality of the bill I want to consider for a few moments. The one decision of the three United States district judges in the Ohio censorship case ought to encourage you, if you have any impression that this act is unconstitutional.

Mr. TOWNER. Separate district judges?

Dr. CHASE. Three United States district judges.

Mr. TOWNER. Do you not mean the circuit court of appeals?

Mr. SCHECHTER. Yes, sir; the circuit court of appeals.

Dr. CHASE. Under the authority of a recent act of Congress allowing them to sit where cases arise between States.

Mr. TOWNER. The circuit court of appeals?

Dr. CHASE. Yes, sir.

Mr. POWERS. Three of the district judges sitting together?

Dr. CHASE. Yes, sir; they sat and heard this matter and heard all the arguments proposed here, and unanimously decided that the Ohio law was constitutional.

Mr. POWERS. That is different from this?

Dr. CHASE. That is what I want to speak about. This proposed law will be constitutional even if the judges of the Supreme Court should reverse the circuit court judges, for the reason that the Ohio law goes further than this bill and forbids the sale or exhibition of any motion picture anywhere in the State of Ohio. That is not the requirement of this proposed law. It does not forbid the sale or exhibition of a picture, and I never in any of the work that I have done have advocated such a law as that in the State of Ohio. It seems to me that what is required in this proposed bill is analogous to the case of a minister by the name of Davis who undertook to speak on the Boston Common without permission from the mayor or the board of aldermen. This bill forbids the carrying of pictures in certain places unless a certain permission is granted. The minister was arrested and he went to jail and stayed in jail. He thought that he was contending for the right of free speech, and refused to ask for the permit, which would have been freely granted him. The question was carried to the higher courts, and finally the highest court decided that the city ordinance was not an abridgment of the right of free speech, but merely a requirement that he should con-

form to a regulation in the interest of the protection of the public peace.

In New York a preacher can not go out and preach on the street or in a public park unless he has the permission of the mayor or of the aldermen. In other words his right of free speech is subject to reasonable regulation under the police power of the State.

In ascertaining what the Constitution of the United States or of any of the original States means where it guarantees freedom of the press or of speech, we are helped by going to English law and usage. For the wording of our constitutions and of the bill of rights and our common law was taken from England.

In 1693, a century after Milton made his plea for it, Parliament abolished the censorship of the press. Yet in 1727 censorship of the stage, as it had existed for centuries, was legalized by an act of Parliament. Four times in the last 70 years special committees of Parliament have reported against abolishing the censorship of the stage. It is evident that in England the censorship of the stage is not understood to conflict with the freedom of the press as established by Parliament.

What this bill requires is two things, regulation with reference to motion pictures in interstate commerce and also regulation of exhibitions in the District of Columbia and the Territories. What it requires in the District of Columbia and the Territories is that any film which is to be shown for pay must have a license, but a picture may be made and shown in your house to your friends or at a political club, in a church or in a theater without any charge of admission, and there is no requirement of a license for that film.

MR. POWERS. I have no question about the interstate feature of it, but I would like to hear you on the proposition as to exhibits in the Territories, as to whether or not the Federal Government has a right to pass such a law?

DR. CHASE. That is what I am speaking about in a way now. It is similar to what Judge Towner suggested with reference to the United States mails. The United States mail officials have the right to examine any book or paper that is suspected of being obscene and throw it out of the mails.

The mails are privileged places. The United States Postmaster has the right to say that a book which he pronounces immoral shall not go through the mails, even though no court has pronounced it contrary to law. Places of amusements are places licensed for public entertainment, and all that this bill says is that nothing shall go through those places unless it has been licensed by the proper representatives of the Government. It is somewhat similar to the power of the local government to prescribe textbooks for the public schools, what arithmetic, what geography, etc., what books shall be used in certain places.

MR. POWERS. The Federal Government does not do that as to the States?

DR. CHASE. Not as to the States, but as to the Territories. I am speaking of this question with regard to the Territories where the United States Government has the power.

MR. POWERS. There is no question that the Government has the power to do that, to regulate it as far as the District of Columbia and

the Territories are concerned, but you want to reach the States, as I understand?

Dr. CHASE. This bill does not touch that. This bill recognizes that the States have an absolute State right to authorize a State censorship of their own. The State censor might forbid a certain film to be shown in his State, even though it had been licensed by the Federal commission.

Mr. POWERS. Does not this bill attempt to regulate what films shall go into the various States?

Dr. CHASE. It says what films shall go from one State to another in interstate commerce, but it does not say at all that a film which goes into a State can be shown in the State. The State, village, or city may pass another regulation and appoint a board of censors and have those films, approved by the Federal commission, examined and even rejected by their own board. The control of that matter is left to the State or city absolutely under this bill.

Mr. POWERS. If your bill means only to reach the District of Columbia and what Territories there are under the jurisdiction of the Federal Government, it will not reach many of the people?

Dr. CHASE. Our contention is that the manufacturers of the films, because they are all manufactured for inter-state commerce, will necessarily bring their films to and have them censored by the Federal commission, and that therefore it will not only directly affect the interstate shipments in all the States of the Union, but that it will indirectly affect the morality of most of the pictures shown in each of the States. But there will be nothing that will compel a State to allow a picture which has been approved by the Federal board of censors to be shown. Each State will be able to use its State-rights power or its police power and forbid pictures which are approved by the Federal Government. That is what our opponents are afraid of. They admit that.

I think we can say that they would come up unanimously and favor a Federal censorship or license board if it was constitutional and legal, to require that any film with a Federal license could be shown in any State or city, but we can not touch that, although Judge Towner has some ideas as to the power of the United States which I have never carefully considered and upon which I want to secure a great deal of information.

Mr. POWERS. I thought you took the position a while ago that the issuing of these licenses to the places for these films to be exhibited, the mere fact that it took a Federal license to exhibit the film in a certain hall in a certain State would put it under Federal control.

Dr. CHASE. I doubt if the United States Government has any power to do that. That brings us to the point which Judge Towner asked me to speak about.

Mr. FESS. I think I understand your position. Whether exhibition, distribution, or what not, when it comes to the matter of the States, Congress is limited to the interstate commerce feature, and has nothing to do with the exhibitions in Columbus, Ohio?

Dr. CHASE. That is it.

Mr. FESS. The board would exercise control of interstate commerce, and probably all of these films will be brought here to the commission for approval.

Dr. CHASE. That is my point exactly; that probably all the pictures in the country that are shown will be brought to the Federal censors and, in my opinion, this gradually increasing demand for censorship by villages, cities, and States will be stopped; that they will cease to ask for any other censorship than the broad, sensible, and natural regulation which they will find under the control of the Federal motion-picture commission. In that connection I want to call attention to one point. There is one kind of censorship that this bill will certainly kill, and that is unreasonable police censorship. We heard at another hearing from a gentleman who described his unfortunate relationship with the police here in Washington. Now, when this bill passes and these films are licensed by the Federal commissioners you will not find any policemen, any chiefs of police, or any sub-policemen, who will be likely to go into court with a film that has the approval of the United States Government. At the very beginning such a man would be met with the criticism. "Well, the United States has approved it; what have you got to say about it?" I think it will destroy unreasonable police censorship. Here is another interesting thing—

Mr. FESS (interposing). Do you think that would be a good thing?

Dr. CHASE. Yes; I was just coming to that. In the use of licensing power it is necessary to protect the people and to provide somebody who will grant the license who knows more than the people do: somebody who is expert. If you are going to have food examined you want somebody who knows more about it than the ordinary citizen. Now, the author of "The Inside of the White Slave Traffic" is a very good man—as far as I know he is a good man—and he thinks he is doing a good thing in producing what seems to some to be an abomination in the way of motion pictures. He says that he wishes there were censorship in New York, because he would like to have his play examined by a trained expert rather than by policemen or by an ordinary judge. In these days we realize that a judge who passes on a multitude of different subjects can not be equally competent to pass on all of them. So we have our children's court, and we have our court of domestic relations, so that the judge who has had large experience in cases dealing with children may be the man to whom children's cases are referred.

In domestic relations it is found that a large number—in Brooklyn I think it is 75 per cent—of the cases of family dissension that are brought before a trained judge, who has had experience in how to bring broken families together, are successfully settled. This would not be true if those cases had been brought before various judges miscellaneously. Now, there is a great advantage in having these pictures examined by trained experts, like some one who has been trained in college, some one who has a knowledge of art, a knowledge of literature, and a knowledge of psychology; a man who understands what the psychological effect of a picture is. A gentleman who spoke here said that 12 business men were called in and asked to pass on a picture and that they approved of the picture. You would not like to have 12 business men given authority to pass on any proposed business enterprise of yours unless they could give good, long, and careful attention to it, and had by experience and training been specially fitted for it; the snap judgment of any 12 men is not sufficient. It may be sufficient with reference to a case where the only

point is that of obscenity; but we are not contending merely against obvious, open obscenity; we are speaking of the suggestiveness of pictures, of the things which are insidious; the pictures which tell a boy how to steal, tell a boy how to commit this crime or that crime. The ordinary citizen can not pass an accurate judgment upon such a matter. We want trained experts to do that work and, in my opinion, it is very much to be preferred to police censorship. The policeman or even an ordinary judge is not qualified to pass upon the moral effect of a motion picture.

It seems that this bill will certainly do away with unreasonable, ignorant censorship by the police, and that it would be of very great advantage to my opponents, who are ignorantly and foolishly, it seems to me, opposing this bill.

Mr. FESS. Do you not think that the ugly, offensive, and obscene picture would probably be cared for by public opinion, such as has been suggested, but that the danger is the subtle and suggestive picture of which the ordinary individual does not see the significance? Is not that one of the great dangers?

Dr. CHASE. Not exactly. This might be a good time to take up this specific case. My opponent said we had not given any specific cases, and this will definitely answer your question. One of the members that I met here said that the National Board of Censorship had never approved the picture called "The Traffic in Souls." That statement was made here at one of the hearings.

Mr. SCHIECHTER. I afterwards said that the national board did approve it.

Dr. CHASE. I sent to the superintendent of the Society for the Prevention of Crime in New York and asked him for his authority in telling me that it did have the approval of the National Board of Censorship. I received a letter from him, and it goes into the matter in detail. He sent me this [indicting], which was supplied at the office of the National Board of Censorship:

SPECIAL BULLETIN.

The National Board of Censorship of Motion Pictures on October 27 reviewed the film, "Traffic in Souls," Universal special release, and passed it with five minor alterations. This film deals in a more deliberate and extensive way than any previous film with the so-called white-slave traffic. The board felt that a precedent would be created by any action taken on this film and invited representatives of a number of societies concerned with welfare work to attend the review and advise with the board. The following societies, not members of the National Board of Censorship, were represented:

Union Theological Seminary.

Camp Fire Girls.

Committee of Fourteen for Suppression of Raines Law Hotels.

City Vigilance Committee.

Sanitary and Moral Prophylaxis Society.

Greenwich House.

Travelers' Aid Society.

Civic Theater Movement.

District attorney's office.

After two reviews of the film and lengthy discussion, the board decided that this subject and this method of treatment were legitimate in motion pictures; that the film in question did not contain obscene, suggestive, or demoralizing elements; and that while it was not perfect as an educational project, it was on the whole calculated to do good. Such eliminations as were made were in the direction of taking away any elements of suggestiveness and also of reduc-

ing any exaggeration of statement made in the film. After discussion, participated in by the board and its guests, the board voted to pass the picture by a ballot which stood 6 for and 2 against.

While the board of censorship assumes full responsibility for its action with reference to the film, "Traffic in Souls," it does not assume responsibility for the poster advertising, or the newspaper announcements, or for the way in which the local exhibitors may exploit the film. These features of the motion picture problem are as yet beyond the control of the national board.

Dr. CHASE. I desire to call attention to the fact made clear by this circular that none of the nine civic, philanthropic, social, or religious bodies which were invited to give advice was allowed a vote in the final decision as to whether "Traffic in Souls" should be approved.

The fate of the film was not decided by the 135 volunteer censors, nor by even a majority of the general committee, which consists of about 30 members. Only 8 members of the whole board voted on this very important picture and 2 of those voted against approving it.

I do not believe that all the changes ordered by the so-called national board were made. For when I saw the film given in a New York show house, there was a scene of immoral dancing which the board must have condemned. When I saw it, I paid, so far as I can remember, 25 cents admission, which is a contradiction of the statement that it was only shown where the charge was a dollar or so.

Mr. SCHECHTER. That was with reference to the "House of Bondage."

Dr. CHASE. I think it was said with reference to all sex films.

Mr. THACHER. The record will show, but I understood the statement related to films which were shown in theaters charging \$1 and \$2.

Dr. CHASE. This film was shown within three blocks of my church in Brooklyn, and very much to the distress of one very fine member of my congregation, who was interested in theatrical matters and not at all narrow-minded. The Outlook sent two of its editors to see this film, and you will find in the Outlook of January 17 an account of what the editors said. They, on the whole, approved the film, but within four weeks—

Mr. TOWNER (interposing). What year was that?

Dr. CHASE. This present year—1914. I think I have here, what I would like to leave as a part of the record, i. e., a copy of the Outlook of February 14, 1914. It shows how people experienced in saving boys and girls differed from the editors. Four weeks after these two editors of the Outlook had viewed "Traffic in Souls" they published letters from four people. One of them was James Bronson Reynolds, whom you perhaps knew as the investigator into meat conditions out in Chicago and appointed by President Roosevelt to investigate the labor conditions, I think, in the West; and one woman—

Mr. THACHER (interposing). The Mr. Reynolds who was a member of the Tariff Board?

Dr. CHASE. No; that is another Reynolds. This is James Bronson Reynolds. The Reynolds to whom you refer has a different middle name. The other persons differing from the Outlook were Mrs. Barclay Hazard, the head of the New York Florence Crittenton Mission for unfortunate women; one the secretary of the Y. M. C. A., Mr.

D. C. Hibbard, of Mason City, Iowa; and a fourth, Miss Nellie M. Smith, a social worker in New York City. All of these persons objected to the views of the Outlook upon sex films and two of them to the moral and psychological influence of this particular film, saying, in substance, this: That while at first view the picture might seem unobjectionable and might do what its makers claimed for it—that is, aid in breaking up commercialized prostitution—that its real effect as to men was to emphasize and suggest strongly to them an easy way of making money; that its effect would be to produce cadets and keepers of houses of prostitution. Certainly the body of men that I saw in the theater that day when I went to view that film would substantiate that claim. It was a body of men that you would be ashamed to be with. I looked upon the faces of those men and was convinced that they did not go there for the purpose of breaking up prostitution in my opinion, they went there simply to get points. At any rate, take an impressionable young man, and I believe the influence of that film upon him would be very vicious.

Then, not only that, but it would have a bad effect upon young girls. While it might, as some claimed, to a girl coming into New York from the country be a warning of the fate that was ahead of her if she followed such a life, yet the real psychological influence of that picture would be to increase the number of girls who would be willing—for the money that was in it—to sell their virtue. At any rate, that was the opinion of those people. That picture, when it was submitted for exhibition here in Washington, was rejected. The picture was rejected by the Censorship Board of Chicago. It was rejected, to my knowledge, by one of the mayors in Westchester County, N. Y., and I do not know in how many other places. This instance makes it clear that neither the average audience nor even an audience of any 10 or 12 very good men or women can correctly judge of the moral effect of a picture. It takes trained experts. I am not saying that motion pictures should not deal with sex problems, because I advocate such a play, for instance, as "Damaged Goods." I do not know how many of you have seen that play, but it is a play that deals with sexual vice, venereal disease, and the awful punishment that God brings upon those who violate sex laws. That is a good thing, and there can be photo plays like that—such magnificent plays as Hawthorne's *Scarlet Letter*, if that were put upon the film. I am not saying that the pictures should not deal with this subject, but what I am contending is that they should deal with it in such a way as to meet the approval of trained experts. In her letter, published in the Outlook of February 14, Mrs. Barclay Hazard, the head of the Florence Crittenton Mission in New York City, wrote as follows:

The question before the country in regard to the films claiming to show the inside history of the white-slave traffic and kindred evils is not, as it is the fashion to say, a question of policy as to the method of dealing with the evil itself. Those who advocate this view of the situation say, with considerable plausibility, that for centuries we have been trying to hold in check the social evil by suppression. We have gone on the theory that with a certain kind of fire to admit light and air was only to quicken the flame, and, while smothering might not altogether subdue it, the danger of this method was considerably less. They also claim that we have outgrown this theory, and that we now realize that publicity is a great weapon against dark and devious ways; that a free and open discussion of this subject not only tends to keep people from entering the life, but enlightens good people who have no temptations in such

ways, but who have hitherto, through their innocence or ignorance, played into the hands of unscrupulous exploiters.

If this were all that were involved, we should have a comparatively simple question to deal with. It is doubtful if among experienced workers there would be found any serious difference of opinion as to the advisability of letting in light on dark places, nor even of the advisability, trying as it may be, of calling things by their names, and no longer glossing over fearful diseases of the social body.

Granting all these facts, we still protest against an exhibition to young, immature, and easily influenced minds of pictures which suggest a life which, though it may apparently end tragically, is extremely alluring to the youthful mind. Let us take, for example, the analogous case of films showing holdups, railway wrecks, cowboy fights, etc., the heroes of which are occasionally led even to the electric chair. But their final destination does not in the smallest degree discourage their would-be imitators among the boys of the community. Hardly a week passes that some enterprising boys are not arrested as runaways, having started out to capture and annihilate the wild Indians with the somewhat inadequate equipment of \$2.40 and a rusty revolver. Did their activities end there, the amusing interest might be the one most obvious; but these same children have been known to tie younger and weaker comrades to the stake and light bonfires, which have so injured the victims that several deaths are the record of this species of entertainment. Now, these boys are not necessarily either foolish and simple, as shown by the rusty revolver; nor are they inherently bloodthirsty and wicked, as might be indicated by the fire and stake. They are simply normal adventurous boys on whose minds the films made no impression except such as they chose to have made upon them. The human mind, even at a very early period of life, is intensely selective. There is much psychology in the Bible text, "What went ye forth to see?" For what we go forth to see is what we do see; and what impression we take from pictures, from plays, from books, and even from music, is the impression that we choose to take.

While this is true with normal, active-minded children of either sex, the sub-normal child is necessarily infinitely more susceptible to such influences as have been described. No one can have been for any number of years in the work of helping unfortunate young women without realizing very forcibly what a very large percentage of them are what we used to call "not just right," or, as they say in New England, "not all there." While this has been an accepted fact among workers for some time, it is only recently that science has come forward and justified such impressions with proper terminology. We are now told that a very large percentage of wayward girls are "border-line cases." A smaller, but still sufficiently large, number go beyond this and may be properly classed as neurasthenics. The border-line class comprises girls who have very little active mentality. They are weak and unmoral rather than immoral; they show their lack of mental grasp by their inability to put cause and effect together. That is to say, the act at the moment is all that appeals to them, the unavoidable consequence appearing not to exist for them until it has come to pass. The neurasthenic, or what we used to call the hysterical person, needs no explanation, although it is beginning to be recognized that it is a disease requiring as much patience and skill in controlling as it would were the malady active mania.

WHERE THE DANGER LIES.

Bearing these two cases in mind, it is not difficult to see where the danger lies in exhibiting films such as were recently censored out of Washington, but are freely exhibited in other cities, and the untold harm they can do. The girl of the border-line type, the type first named, goes to see these films. To her untrained, unbalanced, and extremely susceptible mentality the only appeal made by such pictures is one of allurements. Vanity, love of luxury, and craving for excitement are almost always present in this class of women. They therefore feel, if they can be said to think so far ahead, that they are willing to run any risks to attain the immediate result. Consequently what the psychologists call suggestion plays a much larger part in the lives of the border-line class than it is easy for ordinary people to comprehend.

As to the effect on the neurasthenic, it is perhaps not best to go into it here. Suffice it to say that any physician with experience among such cases will testify to the immediate and serious physical results of this autosuggestion.

It sometimes seems to those intimately associated with this work that in our excitement over the young women involved we lose sight of the equal danger to the young men. Is it a greater disgrace to a family to have the daughter a prostitute than it is to have the son a procurer? This raises another objection to the exhibition of these films. A well-known man in New York, whose very tolerant view of life has been broadened by his profession, in talking to me of one of these films, said: "I should not object so much to my daughter seeing these films as I should to my boys, for, after all, the girls in the films come to some bad end, but the young men sail along on seas of champagne with money pouring in and all the evidence, especially to the unthinking, of an easy, glorious existence. It seems to me that these films may well be called 'a business college for procurers,' an even those who are already in the profession may learn some new devices from the exhibition." How will those who approve of these films meet this criticism? And why regard this situation only from the standpoint of the women?

WHERE PICTURE INSTRUCTION FAILS.

In no narrow-minded spirit, in no desire to shut our eyes to unfortunate facts and then say that they do not exist, are the objections contained in this letter made to the exploitation of the social evil by sensational representations. Were it possible to show what was the real after-life of these girls, there might possibly be some excuse for their exhibition. It is not a sudden nor a dramatic end which comes to the great majority. The films can not show the slow disintegration of nervous tissue; it can not show the insidious advance of anemic diseases, even though those incidental to the profession are avoided; it can not show the hopeless, helpless longing for a return to normal conditions after it is too late; and these things constitute the real and unavoidable tragedy. Taking the brighter side, the pictures will not, because it is not interesting, exciting, or dramatic, show the narrow, thorny path which leads back to life. I firmly believe that, given a normal intelligence, restitution to ordinary life and restoration to normal social relations are always possible; it is nevertheless unwise to minimize the difficulties ahead. A picture showing girls washing dishes, scrubbing floors, making beds, and all without even the relaxation of a day out by themselves until they have absolutely proved themselves trustworthy—none of these things lend themselves to sensational exploitation, and yet these are the really important factors. Even when work is procured for these girls, and it is easier to obtain than is usually represented, they have still the struggle of reverting to regular hours and the steady discipline of a business organization.

No sentimentality, no emotionalism over our "dear unfortunate sisters," is going to be of the smallest use to them or to the persons who, by indulging in these emotions, fancy they are displaying practical sympathy. Only an open-eyed facing of the problem, a problem as old as the world itself, can avail to do even the little that it is humanly possible can be done. The one inevitable result of overemotionalism, oversensationalism, is a reaction, and the very people who have been ready to look on every young woman brought into court as the victim of a wicked white slaver, becoming disillusioned, will switch to the other extreme and regard all these girls as victims of their own inherent viciousness. Either extreme makes the work of the really sincere and thoughtful in this field infinitely harder. Therefore let us not, in our desire to appear broad-minded, encourage sensationalism which reaches so vast a multitude of the unthinking as do the moving-picture films.

Dr. CHASE. Such considerations as Mrs. Hazard, a worker among fallen women, here presents, make it clear that the ordinary policeman, judge, editor, or theatrical manager is not qualified properly to pass upon the moral effect of motion pictures. Trained experts are needed.

This can be illustrated again by the history of the *Traffic in Souls* in Chicago. The censor in Chicago refused to license this film. The owners of the film tried to induce the public to ask the censor to withdraw his objections.

The *Motion Picture World*, of May 2, 1914, under its columns entitled "Chicago Letter:"

TRAFFIC IN SOULS HAS PRIVATE EXHIBITION.

About 700 people—chiefly ministers, members of women's clubs, and others interested in moral uplift—attended a private exhibition of *Traffic in Souls*, by invitation, at the American Music Hall, this city, Wednesday, April 15. This subject by the Universal has been refused a permit by the board of censors, and pressure is being exerted to have it passed.

At the end of the fifth reel, cards were passed about and those present were asked to vote on whether or not they believed the censor board should reverse its decision and permit the production of the white-slave film in Chicago. Only 356 availed themselves of the privilege and only 37 of them voted no. The management seemed pleased with the result and announced it would again seek a permit from the censorship board.

"The film is an exaggerated view of red-light life, but well produced and with absolutely no suggestiveness," says the Chicago *Tribune*, in a review. "Those who came to be shocked were disappointed. There isn't a shock in the entire six reels. There are plenty of thrills, however, and the remarkable work of Detective Burke, who, single-handed, raids a bagnio, rescues any number of 'white slaves,' and arrests the 'slavers,' roused the house to violent hand-clapping.

"Considerable space is devoted to the various methods of luring girls to the underworld—at railroad stations, wharves, and city shops. Aside from this warning to unsophisticated feminine moving picture fans, the film has no special mission other than furnishing good entertainment as a well-put-on melodrama."

Dr. CHASE. It should be noted that the vote taken upon the picture was at the end of the fifth reel and not at the end of the picture. About half of the audience did not vote. In all probability the scene of immoral dancing was not produced at this exhibition.

This difference in opinion and judgment upon *Traffic in Souls* may not convince the committee that the film was a hopelessly bad one and should not have been produced; even if it had been very much modified.

But I think it ought to convince the committee that sex plays ought not to be produced before miscellaneous audiences, until they have been inspected, modified, and licensed by an official board of well-trained experts.

Traffic in Souls was especially satisfactory to the New York City police, because it represents the police as efficiently dealing with prostitution, and as always ready to do all they can to destroy the white slave traffic. It also represents the reformer as the one who is secretly receiving the profits of houses of prostitution.

I desire to discuss another of these films. The *Inside of the White Slave Traffic* was a worse film than *Traffic in Souls*. However, it had the support of a number of very wealthy, cultured, and trained people in New York who said it was absolutely good. It was submitted to one of our judges by an application for injunction to restrain the police, and he rejected it. He said that any film which depicted the inside of a house of prostitution was bad and was contrary to law. He would not grant the injunction. Then it was carried before a jury and the jury condemned it in toto.

Now, they had taken that film to the National Board of Censorship, and asked them for their approval. They examined it a number of times, and the author says, according to the superintendent of crime, that they were about to approve it when the general outcry became such that they changed their minds. At any rate the picture was shown in New York, and the point that I want to make is this: Did they make an agreement before they exhibited the film to the National Board of Censorship, that they would abide by their decision? The Rev. Mr. Carter told us that they were actually a board of censor-

ship; that the manufacturers did give to them the absolute power to censor, and that if they said a film was not to appear that it would not appear. Now, here we have knowledge that the National Board of Censorship refused to license the Inside of the White-Slave Traffic, and yet we know it was shown in public, and it was only because the public authorities were aroused and that the district attorney's office was so efficient that the picture was thrown out of circulation.

Mr. THACHER. Was that film owned by the three companies said to have such a large control over the business, or was it owned by the 3 or 4 per cent of the manufacturers who do not come under the National Board of Censorship?

Dr. CHASE. Well, I do not know; my opponent can tell you whether it was put out by any of those companies. It seems to me that the film entitled "Traffic in Souls" was put out by the Universal company.

Mr. SCHECHTER. The White-Slave Traffic was not produced by any of the three groups that have been referred to, but the Traffic in Souls was put out by the company I represent—the Universal Manufacturing Co. The Traffic in Souls was approved and the White-Slave Traffic was not approved by the National Board of Censorship.

Mr. POWERS. What advantage, for the suppression of crime and all that, would this national commission possess over and above the National Board of Censorship as now existing?

Dr. CHASE. Dr. Howe used a metaphor and figure which I might use in illustrating this point. He said suppose there are 20 barbers in a town, 19 of them wanting to close on Sunday, but one wanting to keep open. If there is no law, the one barber insists on keeping open, and the other 19 are obliged to do as he wants. The one man forces the 19 to do as he wants to do. Here we have 96 per cent of the motion-picture manufacturers, according to their statement, abiding by censorship, but 4 per cent of them do not. This bill would compel that 4 per cent to live up to the standard which the other 96 claim they are now living up to. It would force them all to live up to the moral laws of the whole people. Now, according to their own statement 4 per cent can defy the National Board of Censorship, and the result of it is that they degrade the whole business. The two films, "The Inside of the White Slave Traffic" and "Traffic in Souls," in my opinion, have injured the whole motion-picture business and the receipts of the motion-picture business all over this country. If the Federal commission had been in existence these evil films would not have appeared, or would have been so modified as to have produced a good rather than an evil influence.

Mr. POWERS. But as to the 96 per cent, what would be the difference?

Dr. CHASE. The fact that the 4 per cent give worse pictures than the 96 per cent acts as an influence to prevent the 96 per cent from living up to as high a standard as they would if those 4 per cent were forced to obey a common standard. Suppose the 4 per cent put on a film and defy the National Board of Censorship and such a film goes into circulation; in such a case the rest of the motion-picture trade feel that they have got to cater to that same trade because they do not want it taken away by their competitors. So they lower their moral standard and issue more sensational films than they really desire. Now, one of the great benefits of this bill will be that it will instantly raise the standard of all motion pictures all over this

country. This will be accomplished not by the commission condemning many pictures, but by inducing the making of pictures to conform to the higher standard. In England in the last 60 years the censor refused to license only 97 plays; 60 years, 97 plays. Well, that does not mean that if there had been no censor in England that in those last 60 years there would not have been more than 97 bad plays; it means that the existence of that censor raised the whole standard of the stage, thus reducing the number of bad plays to 97. If the censor were abolished in England the stage would very soon be much degraded.

And it is a curious thing that in England the people who want the abolishment of censorship of the stage are the playwrights. The owners of the theaters, stage managers, and managers of the theaters are practically unanimous for censorship. They say that it would lower the moral standard if censorship were abolished, and they say that it would injure their business, and, therefore, they want censorship of the stage. Men like Bernard Shaw, and some other men, take the other position, but a man like Chesterton, who is just as bright a man as Bernard Shaw, and just as keen a man, is on the other side.

Mr. FESS. I was very much impressed at first by the effectiveness of the National Board of Censorship; then I looked over the directorate of it and my impression was increased that the personnel was such that there was every assurance that it would be fairly effective, if not entirely so. But I am confused by the fact that these interested parties, who are largely, or pretty largely, supporting this National Board of Censorship, are opposing an official censorship, and I am wondering just why there is that opposition, whether official censorship is to be more effective, or whether the national board is unconsciously subject to these people. I can not quite understand why they are raising this objection.

Dr. CHASE. I would like to address myself to just that question.

Mr. FESS. You were coming to that?

Dr. CHASE. Yes, sir. May I start with the history of the National Board of Censorship; it has been presented to the committee by the Rev. Mr. Carter, but I would like to just supplement his account. The People's Institute made an investigation into the conditions of motion pictures along in the fall of 1908, as I remember it, and they appeared with a large body of people before Mayor McClellan at a hearing in the city hall. At that time they said that one picture out of every three in the motion-picture shows was bad. There was a tremendous moral uprising against motion pictures at that time. Mayor McClellan withdrew the license of every motion-picture show house in New York, a thing which I did not advise. But I remember that on Christmas Day we read the notice that he had withdrawn the license of every motion picture in New York City. They went to a judge and the judge granted an injunction; it was never argued out in the higher court, but I believe he had absolute power to do it, although, I think, it was a foolish thing for him to do. But that was the condition that confronted the motion-picture people. It was at this time that somebody proposed having a so-called board of censorship to help to restore the confidence of the public as to the morality of motion pictures. I was invited to go on that board and I said: "Is there anything that will compel all

pictures to be submitted to that board?" "No." "Is there anything that will compel the manufacturers to obey the decision of that board?" "No." Then I said: "I do not care to be used as a cat-paw to give respectability to the productions of the motion-picture trade at this time," and I declined to go on the board.

Other people did accept; they thought that it was an opportunity; that the motion-picture trade was in a position to accept modifications and to take advice, and these people consented to be the advisers of the motion-picture manufacturers of the country. And that is all they are to-day; they are the advisers of that trade. I think my opponent rather gave away the case when he said that the motion-picture manufacturers were not opposed to the National Board of Censorship as long as they could control it. So long as they can stop its work by withdrawing the contribution of \$15,000 a year and so long as they can manipulate the volunteer censors as to get through what pictures they want they are likely to approve of the board. This is why they are satisfied with the so-called national board, but they are unnecessarily afraid of a real Federal board of censorship. They are just as afraid of it as the railroads were of freight rates being placed under the control of a Federal commission and as people generally were of the Interstate Commerce Commission and of the United States regulating any of the great commercial questions, which now people generally regard to be absolutely necessary to have under their care.

Mr. POWERS. There is just one other question. What percentage of the 96 per cent of the films passed upon by this National Board of Censorship ought not to have been favorably acted upon, from what you know about them?

Dr. CHASE. Well, I could not say from my own personal knowledge, because it would take a man's time absolutely if he endeavored to answer such a question from his own experience. All I can say is this: That the Chicago censors in the last year rejected 3 per cent of the films that were exhibited before them; the censor in Cleveland examined 914 films when he first went into business and he rejected 9 per cent of those that were shown to him. I received a personal letter from him a few weeks ago, perhaps months ago, saying that since that decision he had cut out 15 per cent of the pictures that were being exhibited to him, and that means those passed by the National Board of Censorship. It is to be remembered also that the worst films do not go to Chicago or Cleveland for fear of the censors there. Now, of course, the judgment of these censors might be narrow and it might be wrong. But my contention is that all of these increasing demands for censorship, together with the fact that Ohio, Pennsylvania, and Kansas have passed censorship laws, show dissatisfaction with the result of the work of the National Board of Censorship. I think California has done the same thing. I do not understand the statements of my opponents saying that California has not. San Francisco has a law, and I am sure I read in one of the motion-picture magazines a statement that the law had passed the Legislature of California; but I stand subject to correction, because I may have made some mistake.

Mr. TOWNER (to Mr. Schechter). Will you tell the committee what proportion of the films of the country are manufactured in New York City or in the State of New York?

Mr. SCHECHTER. Manufactured?

Mr. TOWNER. Yes.

Mr. SCHECHTER. I do not think more than 5 or 10 per cent is manufactured in New York; about 75 per cent is manufactured in California and then sent to New York, where the principal manufacturers are, and where they are printed. You see, the climatic conditions are most favorable in California and the surrounding country there, so that they send all of the actors out there; the scenario is sent there, and then the picture is produced and sent to New York, where the negative is shown and either approved or disapproved by the directors of the companies and then printed right in New York or the surrounding vicinity.

Mr. TOWNER. Let me see, you call the taking of the pictures what?

Mr. SCHECHTER. Producing.

Mr. TOWNER. You call that producing rather than the making of the duplicate films?

Mr. SCHECHTER. No; I would call that the producing. We do not make the films themselves; that is, the thing on which the picture is printed; we do not make that.

Mr. TOWNER. I mean the making of the duplicate films.

Mr. SCHECHTER. That is just the printing process.

Mr. TOWNER. That, you say, is mainly done in New York?

Mr. SCHECHTER. Yes, sir; or in the vicinity.

Mr. TOWNER. Of course this national law, if it is passed, could not affect the pictures that are produced in any State for exhibition in that State or for use in that State in any manner or form whatever, because the business would not be interstate; it would be strictly intrastate. Now, what I am trying to get at is what effect this bill would probably have upon exhibitions in New York and in New York State.

Mr. SCHECHTER. There is not a film produced for strict use in New York State or for use in any one State. It would simply be impossible to do that because you could not secure the necessary revenue from that film. The film that is produced in California and then sent to New York for printing, or the film that is produced in Colorado and then sent to New York or vicinity for printing is gotten out to be sent all over the country in order to gain an adequate revenue.

Mr. TOWNER. In order to make it pay?

Mr. SCHECHTER. Yes, sir.

Mr. TOWNER. Your contention is that no film is produced for exhibition merely in the State of its production?

Mr. SCHECHTER. Never.

Mr. TOWNER. And therefore your contention would be that all of the business would practically be affected by the passage of this act?

Mr. SCHECHTER. Absolutely. As I said, all of the films are manufactured for interstate business.

The CHAIRMAN. How many of these films could be examined during the day by such a commission as is provided for in this bill?

Mr. SCHECHTER. I figure that no person could sit more than four hours a day in viewing films. It is an awful strain upon the eyes. I know that ordinarily people say two hours and three hours would be a considerable time, but I will figure it at four hours as the maximum. A reel of film takes about 15 or 16 minutes to run; that

would allow about four reels of films to be shown in an hour, taking the maximum number of hours that one could sit during the day, and that would be 16 reels; four hours at four reels an hour would be 16 reels in a day; that would make, at a maximum, 100 reels, or 96 to be accurate, a week, with a person sitting every working day, and if they did that they could see 100 reels a week or 5,000 reels during the entire year. That would not allow for the originals which are being produced throughout the country, and I figure that the minimum production of originals would be from 12,000 to 15,000. So you would have to have at least a committee of 15 divided into three portions of five men each.

The CHAIRMAN. And they would have to work every day?

Mr. SCHECHTER. Yes, sir.

The CHAIRMAN. Every working day of the year?

Mr. SCHECHTER. Yes, sir; and four hours a day viewing films, and they could not possibly do any other business; they could not even write a letter.

The CHAIRMAN. Now, in these States where there are censorships, about what is the cost to the manufacturers? You have had some experience with that, I presume?

Mr. SCHECHTER. There has not been any State which has imposed censorship as yet except Ohio, and that started about a month ago. Kansas has passed a bill and it has been enjoined.

The CHAIRMAN. I thought there were about four States.

Mr. SCHECHTER. Yes; I am getting to that. Kansas has passed a bill which has been enjoined, and it is now up for decision. New Jersey attempted to put a bill through, but upon argument and presentation of the facts it was not reported; the same is true of Massachusetts—the bill has never been reported out.

Mr. TIACHER. What about Pennsylvania?

Mr. SCHECHTER. Pennsylvania is about to put the bill through; it has passed the lower house, and the last information I had was that the bill would probably be put through some time this week.

Dr. CHASE. Is it not true that Pennsylvania has passed the law, but failed to make an appropriation?

Mr. SCHECHTER. If it has, it is not within my knowledge.

Dr. CHASE. That is my information; that it passed the law but failed to make an appropriation, and I thought they were already beginning their work.

Mr. SCHECHTER. I want to state that the only State is Ohio.

Dr. CHASE. What about California?

Mr. SCHECHTER. I do not think there is any such law in California, and I do not know of any tax imposed upon us there. Perhaps they attempted to put a law through, but I do not recall about it. And now as to Ohio: Dr. Chase mentioned it and I am going to say a word about it. That question is now being argued before the United States Supreme Court—

Dr. CHASE (interposing). I am willing to concede everything I can to my antagonists, but there is only a little time left, and I feel I want to make some of these points.

The CHAIRMAN. We asked him to give us that information.

Dr. CHASE. Yes; that is all right. They are going to file a brief which will cover that. Now, I want to put in the record, as evidence of the inefficiency of the National Board of Censorship, the

record with reference to the film entitled "The Wages of Sin." It was claimed before this committee by Dr. Carter, and some of the others, that that film was never passed by the National Board of Censorship. I have here the explanation of the Rev. Frederic C. Howe, director of the People's Institute and chairman of the so-called National Board of Censorship, as to the reason for approving that film. I viewed the picture itself, and I would like to place in the record his reasons for passing the film and the objections made by the Society for the Prevention of Crime to the film.

It was a film which pictured Jack Rose, Sam Schepps, and Harry Vallon, the famous gamblers of the Rosenthal case, in a story which included gambling; suggestions of gambling as an easy way to get money; describing these gamblers as framed up and convicted, though they were innocent of crime; depicting a murder scene and then the carrying of the man who was accused of murder through the third degree by having the police exhibit the form of the dead man and frightening the man into thinking it was his ghost. In this film there was no punishment of the people guilty of crime other than this man who was represented as being punished because he was fool enough to be deceived in the third-degree examination. And the only other person who suffered was the mother of one of these men who were innocently convicted of a crime. This is what the editor of the Moving Picture News said about the picture and about the board of censorship, and it seems to me it would be worth while to enter it upon the record. Mr. Saunders, who is the editor of this paper, says:

THE CENSOR BOARD.

I would like to ask the 12,000-odd exhibitors in the country: What good is the censorship board of New York? Last week I published a letter from John Collier, the secretary, and stated in my editorial that they had passed the film *The Wages of Sin*. In asking why, I was informed that the general committee had passed it over the heads of the censor board who saw the film first. Those who examined the film numbered four ladies and three gentlemen; they condemned the film in toto. It was then taken to the general committee, who passed it over the heads of the first censors—passed it in the face of the opposition of every respectable newspaper in the country. They passed it, with the names eliminated, thus proving their impotency in the face of a crisis, when they might have gone forward on the wave of a great cry for cleanliness. Over the phone John Collier said that the men who took part in the film had as much right to earn their money as any other citizen has. Granted; but if they had been ordinary citizens they would not have received \$500 each for posing in *The Wages of Sin*. It was only with a view of exploiting these men—paying them \$1,500, with the thought that they were going to get \$15,000 back—that they originated this film. Looking back on the notorious films that have been made, and rejected by every honest exhibitor throughout the country, we trust they will do the same with this film. The time is now for a forward movement and the doing away with an effete body of people who have not the courage of their convictions when a great crisis arises.

Speaking with prominent workers on the censor board, I was informed that one reverend gentleman said he saw absolutely nothing immoral or travestying good taste in the film, and, as far as he was concerned, he thought they were only wishy-washy sort of folk who could see anything in it to censor. Another member of the board, who I understand is a doctor, made the statement publicly in committee that, as far as he was concerned, any cabaret scene with a naked female dancer on the table is good enough for him, and he would pass it, as far as he was concerned, if there was anything like a moral at the end of the story. If the information is correct as I have it, I think the board of censors want censoring themselves.

The following is taken from Bulletin No. 31, issued by the Society for the Prevention of Crime, 50 Union Square, New York City, issued June 16, 1913:

The absolute need of an official censorship for motion pictures in New York City is made clear by the efforts of Mr. Arthur Saunders, editor of the Moving Picture News, 30 West Thirteenth Street, New York City, to have a certain degrading film forbidden to be exhibited in New York City. This film depicts Jack Rose, Sam Schepps, and Harry Vallon, notorious gamblers connected with the murder of Rosenthal. Mr. Saunders attempted to make his objection to the film in person to Mayor Gaynor, and failing to do so told his errand to the mayor's clerk. On May 28 he wrote his objections to the picture to Mayor Gaynor. Later he called the attention of Mr. Wallace, the head of the bureau of licenses, and asked to have the picture suppressed. He also made an appeal to the so-called National Board of Censorship to suppress the picture. The Society for the Prevention of Crime wrote Mr. Wallace, the head of the bureau of licenses, and offered aid in suppressing the picture.

Dr. Frederic C. Howe, director of the People's Institute and chairman of the so-called National Board of Censors, gave his reasons why the board approved this bad film in an account of an interview furnished by John Collier, general secretary of the board, as follows:

"The film, *The Wages of Sin*, was passed by our board as being an ordinary, harmless melodrama. There was nothing either in the titles or scenes to suggest crime or to degrade moral standards. There was no portrayal of the details of crime in any way that could be either attractive or imitated.

"All mention whatever of Messrs. Rose, Vallon, and Schepps was eliminated from the main title and subtitles before the board approved the film. The board did not consider that it had any right to prohibit these men from going on the film stage, but it had a right to prevent the morbid exploitation of these men's reputation. The board's control does not go beyond the film. The way it is advertised, the kind of posters or verbal advertising which the exhibitor gives the film, is outside the board's jurisdiction, and within the jurisdiction of the local police authorities anywhere in the country. The board has frequently called attention to the need for local regulation of posters and advertising, but has never been able itself to undertake local regulation.

"It is worth mentioning that Rose, Vallon, and Schepps were not convicted of crime; but even if they had been and had gone to the penitentiary, this board would not have felt justified in forbidding them to go on the film stage. As stated above, the board is concerned with the moral effect of motion pictures, not with the moral character of the people who produce motion pictures or act in them.

"Some years ago the board condemned a film in which Beulah Binford was featured. This film exploited the name of Beulah Binford in its titles and was in fact a dramatization of her own life history, or part of it. In the present case the facts are reversed. The film, as passed by this board, makes no mention of Rose, Vallon, or Schepps, and does not pretend to dramatize the facts of their life in any way.

"Before anyone condemns the board for action on this film, he ought to take the trouble to see it."

The result of this confused reasoning and method was seen in the picture as shown on June 10 and 11 in the Comedy Theater, Fourteenth Street and Union Square, and at Kessler's on June 16 and 17. After the title of the film was shown, the face of Jack Rose bowing upon the screen and his name in full just underneath. In a similar way the bowing heads and names of Sam Schepps, and Harry Vallon appeared. The names of the gangsters appeared in the subtitles from time to time, while in front of the theaters were great flaring advertisements giving the title of the film and the pictures and names of the gamblers.

CENSORSHIP BOARD'S DEFENSE SOPHISTICAL.

The inability of the present so-called national board to protect the public from immoral pictures is shown by considering the nature of Dr. Howe's explanation of their action in this case. His lame and technical effort lacks the ring of moral justification.

A. The board was morally certain that the names of the notorious gamblers would be shown wherever the picture was exhibited. They ought to know

that to allow these notorious gamblers and gansters to be displayed as heroes would suggest and increase crime among the young.

B. They knew that the chief attraction and commercial value of the picture was that it was a section of the Nation's Rogues' Gallery, which a certain part of the business would like to see, yet they consent to the showing of these gamblers, and attempt to evade responsibility by claiming that the kind of advertising which the exhibitor may use concerning the picture is outside the board's jurisdiction.

C. This is a clear case of ducking by the board of its responsibility, by attempting to throw it upon the police to suppress the advertising of the names of these notorious gamblers. The absurdity of expecting the police to suppress the advertising of the names of these gangsters in connection with a picture, which the board has declared to be innocent, though the actors were known to them and notorious, is apparent.

D. The statement that the board is concerned with the moral effect of motion pictures and not with the moral character of the people who act in them, and that these notorious characters had not been convicted of any crime may be true but is puerile. They are confessed lawbreakers and one an accomplice in a notorious crime of murder, and the showing of their pictures must have a bad moral effect entirely apart from the story of the picture drama.

E. The story in which these gangsters act pretends to show that the wages of sin is death. But this moral is so ineffectively shown as to be practically absent, and the picture could not fail to increase crime among young men. It advertises race-track gambling and, familiarizing one with roulette, suggests gambling as a way in which a person in need of funds may get money without labor.

F. This film illustrates what is called the working of the third degree. The Italian commits murder in the film and is later made to confess the murder by luridly showing him the body of the murdered man. The wages of the murderer's sin is death, because he was so foolish as to be terrorized by the police.

G. The three gangsters are not represented in the picture as suffering for any sin, although the mother of Schepps dies when she is sick and sends for her son, and he is too much occupied at a roulette wheel to answer her call. Death of the mother is hastened by the son's sin. The three gangsters, however, are imprisoned for three years for a crime which they did not commit. They were convicted upon framed-up evidence. The picture is thoroughly immoral entirely apart from the fact that it contains the notorious gamblers, and makes it plain that persons who have no talent for real acting may acquire commercial value as actors for unscrupulous motion-picture proprietors by becoming sufficiently notorious as criminals or otherwise.

H. The need of an official censorship is emphasized by the fact that some of the changes which the censor board ordered in *The Wages of Sin*, because immoral, have not been made.

Those are the facts with reference to that particular film. I want to call your attention to the reason why they can not do effective work. I read from their own book a statement with reference to the action of these three secretaries—four I believe they said the other day.

The CHAIRMAN. What page?

Dr. CHASE. This was the one published, I think, year before last; there is no date on it, but it is on page 7. The paragraph from which I shall read is headed, "The difficulty of maintaining absolute consistency." I do not believe it is on the same page you have there; I think it is the year previous, but I think you will find it in your copy, because I do not think it is changed. It says:

3. Three secretaries spend their entire time at the various committee meetings, and as they see the pictures and hear all discussions and are always consulted when a picture is being discussed, their influence makes for consistent action on the part of the committees. The secretaries, however, have no vote on the pictures and are thus not represented in the final action taken.

I made the statement that the secretaries did some of the censoring. My basis for it was information gotten from one of the mem-

bers of the board, whom I do not feel justified in naming. His statement to me was that in the summer time, when these people who are volunteers do not appear, and as there is pressure not to have these films held up by the absence of the voluntary board, the pictures are passed on by the secretaries with the approval of the so-called National Board of Censorship. I do not question the sincerity or earnestness of every member of this board. I call your attention, however, to the fact that in the report that you have the statement is made that the body which engages these three or four secretaries is the executive committee of the general committee.

The CHAIRMAN. On what page is that?

Dr. CHASE. It is on page 8 of the report of the National Board of Censorship, 70 Fifth Avenue, New York, 1914, in the table. You see on the right-hand side:

Executive department. Executive committee of five members of the general committee. Appoints staff of four secretaries (salaried, nonvoting) for the general committee and censoring committee. Nominates members of same.

We are not told who appoints this executive committee or its relation to the manufacturers.

This executive committee has the appointment of all these volunteer members and has the employment of the secretaries. So you see that the control of the whole board is pretty largely in the control of the manufacturing interests of the country, for the executive committee can not pay its expenses unless the manufacturers furnish the money. This is one reason why, to a certain extent, the national board can not be absolutely free in their decisions with reference to the moral effect of pictures upon the public.

The name and work of the National Board of Censorship, so-called, deceives the public into thinking that the board really censors films, when, as a matter of fact, all that it does is to advise manufacturers what changes to make in their films. I desire to summarize the following points with reference to the work of the National Board of Censorship:

WHY THE NATIONAL BOARD, SO-CALLED, IS INEFFECTIVE.

1. Because it is not official and can not enforce its decisions.
2. Because its decisions are not always obeyed by the manufacturers.
3. Because probably more than 10 per cent of the pictures exhibited are never shown to this board.

The national board, in 1913, claimed to examine 98 per cent and, in 1914, 96 per cent of the pictures, but they have submitted no figures in detail to substantiate their claim. I use an earlier estimate of the board.

4. Because, as their expenses are paid by the motion-picture manufacturers, they are not free in their decisions, they work unconsciously not entirely for the public, but for their friends the film makers.

5. Because the volunteer censors are not regular in their attendance, and in their absence paid secretaries exert great influence over the few that are present, and the secretaries can not oppose the will of the manufacturers who pay their salaries.

Each section of the board has about 17 members, but the average attendance of each section is only four.

The manufacturers, who pay all the expenses of the board, have an invisible control over the board, especially over the four paid

secretaries whose influence, even without a vote, is very great. The secretaries undoubtedly know which one of the eight sections of the board is the most liberal or most critical, and they are under temptation to submit a film to that section which will be most likely to approve it.

6. Because the board does not feel that it has a right to live up to its own standard of moral judgment.

On page 6 of "Standards of Judgment," issued by the board, it says:

The board often passes a film, but with strong protest and regret, because, although the film may not be properly condemned by the board, it yet may be tawdry, wearisomely sentimental, excessively crude, or with a disproportionate amount of violence. Again, there come seasons when an actual majority of all motion pictures deal with crude open-air melodramatic topics like western wild life, or "low" life generally, and the board knows that the total effect of all these pictures will be a debased public taste momentarily, and to create adverse criticism toward the board itself; and yet the board does not feel that it has any right to interfere.

The evidence that the so-called national board is not raising the standard of the pictures high enough and is pleasing the film manufacturers rather than the public is seen in the fact that four States have enacted State censorship laws, and that many cities and villages have found it necessary to have censorships of their own in order to protect their children. The fact that the censor in Chicago is refusing to censor 3 per cent and Cleveland 15 per cent of the pictures shown them, and most of which have been approved by the national board, makes the need of an official Federal commission self-evident.

I was suprised to hear the Rev. Mr. Carter and Dr. Howe, the chairman of the board, say that they did not know that the New York Society for the Prevention of Crime and the Women's Municipal League had withdrawn from the national board, because they thought its work protected the financial interests of the film manufacturers rather than the moral welfare of the public.

I had some other points I desired to especially present to the committee, but there is time only to say one other thing in closing, and that is in reference to the statement that the care of the children does not belong to the United States Government.

We know that the care of the harbors and rivers, of the forests, and the commercial interests of the country, has been recognized as a part of the duty of the Federal Government. My contention is that there is no part of the duty of the United States Government so great or so clear as the care of the children. The Government is under moral obligations to care for the weakest and most helpless. It has its greatest responsibility to those who will do most for its future welfare. The welfare of our country depends most upon the morality of the children of to-day. The builders of the Congressional Library across the way evidently did not agree with my opponents, for they have put up there in the Library the words of Dionysius, "The foundation of every State is the education of its youth." Congress, in establishing the Bureau of Education as a part of the Department of the Interior, evidently did not agree with my opponents, for it recognized that it is a national matter, the education of the youth of the country. In establishing a Child's Welfare Bureau, the Na-

tional Government has also recognized that the care of the children is an important part of its duty.

Mr. Towner has asked me this question: Whether it is right to reduce the standard of the pictures that are being shown to the standard of the young child and to require that no other pictures should be shown throughout the country other than pictures that would be fit to show to a young child. That matter, it seems to me, is the meat of the coconut. It is really the most important thing that is before us, how to solve that problem. My reply to it is that if in your wisdom you saw fit I should be very glad to see added to this bill this requirement: That when a picture was licensed it should bear the statement "Approved for adults" or "Approved for adults and children." Thus a suggestion would be made to the States and cities of the country to provide motion-picture shows for the children, as is done in Berlin. States, cities, and villages would be likely to enact laws providing that on holidays and from 4 to 8 in the afternoon only these pictures approved for children could be shown.

These films approved for children would also be the pictures which the State or city might require to be shown on Sunday wherever the people of the country decide to permit Sunday exhibitions of motion pictures. Is it not an abomination that in this land where, as Daniel Webster said, Christianity is the common law of the people, that Sunday should be taken as the day on which pictures of the ordinary weekday are shown freely, without any deference whatever to the educational or worshipful features of that day of rest? It seems to me that such a provision would have great merit in protecting the Sunday, because pictures which were absolutely pure and absolutely harmless would almost certainly be the pictures which would be shown on Sunday, if any such shows were permitted on Sunday. Waiving that matter, my contention is, and I desire to ask the committee to consider this fact, that we are not asking that these pictures be censored on the basis of the child's intellect, but to protect the morality of the child. To reduce all pictures to the comprehension of the child's mind would seem unreasonable, although we would be willing to do almost anything for the protection of the children. But all we are asking is that the pictures shall be made pure for the adult, morally pure for the adult, because of the welfare of the adult himself, with the added consideration that the child will be injured 25 times as much as the adult by a picture which is bad for the adult. Jesus's method of saving adults was to tell them that they must become as little children, "for of such is the Kingdom of Heaven."

It is true that the bill, in section 5, forbids the commission to license any film "which tends to corrupt the morals of children or adults." But the underlying thought is that pictures which corrupt the morals of adults also corrupt the morals of children, but in larger degree. Pictures which incite adults to theft, arson, gambling, suicide, prostitution, revenge, cruelty to children, or murder will do the same in larger degree to children.

Pictures which take for granted that marital infidelity is universal, that represent lying and deceit as evidences of cleverness, that justify evasion of the law, that suggest gambling and speculation as proper ways to get easy money, need to be eliminated, not only for the welfare of children but also for the benefit of adults, many of whom are in reality little more than children.

The protection which the children and adults need is not merely from openly vulgar or obscene pictures, but from those which insidiously present various forms of crime in such great detail as to give instruction in crime and which depict crime in an unreal way, such as to make crime attractive but conceal the punishment which never can be escaped. It is sometimes claimed that a picture which is largely occupied in describing vice and crime is a good picture, because the criminal is caught and punished in the end; but the film may be so constructed that the spectator feels that the criminal was caught, not because he was a criminal but because he was careless or slow witted. He will be attracted to a criminal life by such a picture. Such a picture will produce crime. It is more dangerous to the community than adulterated or poisonous food. The public needs a board of expert commissioners to protect it from such moral poison.

Now, that is my attempt at a solution of the question that is before us. It seems to me that the care of the children is the primary consideration that should be before this committee, and yet we can not ask that the standard be adapted absolutely to the children's intellect unless we have two standards, one which shall apply to the adults and one to the children.

But we can urge you to use the sovereign power of the people which has been committed to you, to protect adults efficiently from motion pictures which morally degrade adults.

We urge you to do this not merely for the welfare of mature citizens, but especially that the children of our land may be protected from overwhelming temptation to crime and in order that the youth of our country may be morally educated to become citizens worthy to conduct the Government of this Great Republic and able to transmit its blessings unimpaired to their descendants.

I thank the committee for the very careful and courteous attention to my long remarks this morning.

The CHAIRMAN. We have been very much interested in your presentation.

(Thereupon the committee adjourned to meet Wednesday, May 13, 1914, at 10 o'clock a. m.)

COMMITTEE ON EDUCATION.

HOUSE OF REPRESENTATIVES,

Wednesday, May 13, 1914.

The committee this day met. Hon. Dudlev M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will come to order. We will be glad to hear from Mr. Brylawski.

STATEMENT OF MR. AARON BRYLAWSKI, OF WASHINGTON, D. C.

MR. BRYLAWSKI. Mr. Chairman and members of the committee, I thank you for the privilege of submitting my views on the bill before you. When I attended the first hearing it was to listen, but on observing the desire of the committee for knowledge of facts in order to determine their action, I decided to express my experience and views on the subject of authorized censorship. This subject has

come to the front time and time again, and as I have been connected with the industry as an exhibitor since 1909 I may be able to advance some arguments different from those already presented. When one sees the progress made in five years without any Federal or State censorship he can not help but ask what has caused the change. One reason is that in the beginning most of the films were imported, the entire output of domestic make being less than two dozen reels a week.

As American manufacturers came more and more in the business, their productions gained in favor. Why? Because the morals of the American people evidently are better or different from the French code of morals, and new ideas, western, historical, and home pictures, appealing to Americans were produced. The second reason, I believe, is due entirely to the formation of the so-called National Board of Censors. This board originated, I believe, right after the fight between Jefferies and Johnson, when the country was agitated on the result. The prohibition of that picture and of prize fighting itself was accepted by all as being proper. Has the public—the people who go to see the movies—asked for a Federal bill? No. It is fathered by a small band of men who, while well-meaning, do not consider the great obstacle they are placing in the way of the greatest educational industry the world has ever seen. Even greater than the little red schoolhouse. My personal experiences on the question of censorship began in 1912. I received the following letter:

THE ALOYSIUS CLUB,
Washington, D. C.

MR. A. BRYLAWSKI,
1912 Calvert Street, Washington, D. C.

DEAR SIR: Inclosed is a clipping from the Washington Times of a few evenings ago, from which you will note that an effort is to be made by Supervisor of Playgrounds E. S. Martin to bring about the establishment of a District board of censors for moving pictures. We feel sure that you will agree with us that there are certain objections to a supervision by district employees of moving-picture amusements.

Frequently inspectors and supervisors appointed by the civic authorities possess only political influence as a qualification for their duties, and when such is the case there is danger of their work being conducted along autocratic lines without regard to the rights and privileges of others.

The CHAIRMAN. You have political supervision here, have you not?
MR. BRYLAWSKI. Yes, sir. I will mention that, too.

On the other hand, all will agree that a conscientious, conservative, and fair-minded censorship of such an important form of amusement as moving pictures is very desirable.

You will notice that this association, the Aloysius Club, was composed of a great many Catholics, the majority of them being representatives from all the different Catholic associations, together with ministers of other denominations; and from this Aloysius Club, which was originally the Aloysius Truth Society, has emanated the Dramatic League and the Monday Evening Club, which is the great civic organization here.

A representative of our society, which until recently has been known as the Aloysius Truth Society, recently discussed this matter with you by telephone and our officers were greatly pleased and gratified in learning that your views concerning purity and morality in moving pictures were closely akin to our own, and that you spare neither time nor labor in your personal efforts to prevent objectionable films from being shown in the Capital City. Tremendous

labors in the conducting of Georgetown University, as well as in promoting the public-morals crusade of our society have made it impossible for the president of our society, Rev. Augustus J. Duarte, S. J., to get to see you in connection with the subject, and at our last meeting it was decided to submit this communication to you.

Briefly the society's idea is that an excellent, in fact a perfect, censorship, can be exercised over the moving pictures by a voluntary board of censors selected with your own approval and of which board you might serve as chairman. We do not think it would be necessary for this board to meet frequently, as we would wish you to attend to the censorship of the pictures themselves, and your committee would be concerned only with the plots or the stories submitted for presentation. It would no doubt be possible for each member of the committee to receive by mail daily, or every week, a brief printed synopsis of the films to be sent here, giving a short detail of the nature of the play.

The CHAIRMAN. That refers to the District of Columbia, Washington City, does it not?

Mr. BRYLAWSKI. Yes; this was concerning the District of Columbia, censorship here.

When, in the opinion of the committee a story was dangerous to the morals of the young, or otherwise morally offensive, the matter would then be promptly referred to you, as chairman of the committee, for action.

We simply suggest the following gentlemen as a board which would give broadminded and intelligent censorship on this subject: Rev. Charles J. Mulaly, moderator of the Aloysius Club; Rev. Dr. Wallace Radcliffe, pastor of the New York Avenue Presbyterian Church; Rabbi Abram Simon, of the Washington Hebrew Congregation; Rev. Dr. John Van Schaick, jr., pastor of the Church of Our Father; Mr. Myron Germain Jones, of the Men and Religion Forward Movement; and Miss Julia Chandler Manz, editor of the woman's department of the Washington Herald.

The CHAIRMAN. It is suggested that they serve without compensation?

Mr. BRYLAWSKI. Yes, sir; a voluntary board.

Such a committee would not act arbitrarily and could not interfere in any way with the real interests of the moving-picture world, inasmuch as you would personally reserve the right at any time to relieve the entire board of their duties if you so desired. We feel sure that you will agree with us also that such a board is greatly more desirable than the appointing of inspectors by the District.

We will greatly appreciate your favoring us with an expression on this important subject, and we take this opportunity of expressing to you the thanks of the Washington Truth Society's officers and members for your own personal work in connection with the censorship of moving pictures here.

Very truly, yours,

THE WASHINGTON TRUTH SOCIETY,
By FRANCIS DE SALES RYAN, *Vice President*.

P. S.—It is our understanding that the presentation of practically all indoor pictures in Washington is subject to your censorship, and a committee such as we suggest, under your direction, would thereby be really censoring nearly all of Washington's moving pictures. (All expenses in connection with mailing matter to the various committee members would, of course, be paid by our society.)

To which I replied as follows:

Rev. FRANCIS DE SALES RYAN,

Vice President Washington Truth Society, Washington, D. C.

DEAR SIR: Your valued favor of the 20th received, and I thank you and your worthy society very much for the expressions of confidence therein. I shall endeavor to answer your letter in detail, but the subject is so vast that a personal conversation would have been much more satisfactory.

It has been the aim of my life to help my fellow men, irrespective of race or belief; both being simply matters of accident, there should be no reason for discrimination. I feel that in my present business a large field is opened

for the dissemination of knowledge to many who could not acquire it otherwise the teaching of lessons by means of the screen that will bring home the truth where other means fail, as well as affording recreation and amusement to the underpaid workers, of whom there are so many; to divert their minds for an hour by means of some educative, instructive, or amusing play is to my mind one of the charities of the coming generation. It means so much to the laborer, whose life is simply one of work, work, work. It has been a great satisfaction to me to have again and again patrons express, often in words but more often by looks, the pleasure that the nominal fees of admission has given them. Since entering this business I have seen drunkards reform, men with habitual grouches learn to smile, selfish men and women recognize their character as portrayed on the screen and learn a lesson that no amount of talking or lecturing could possibly teach them. I have seen the close-fisted man become a contributor to charity because his pity had been excited by the depicted suffering of some child or woman in the picture play, and I am fully convinced that every man has a heart that can be reached, and when once open it never closes again as before. I will just cite here a showing made during a few days in August of a picture of a child asking to be sent to the country which brought the Camp Good Will fund the sum of \$33, the largest contribution of which was 25 cents. I am therefore glad and willing to continue the services imposed upon me by circumstances and feel that I am offering good to the many.

Of course, the pictures do not please everyone, but in nearly all instances I find that it is the selfishness of the individual where the exception occurs. To cite a few cases, when we put on the picture play *The Evils of Intemperance*, several men asked me to take it off, and upon investigation I found that these men were either saloonkeepers or friends of saloonkeepers. When the Edison picture on the prevention of tuberculosis was placed at the Pickwick Theater there was only one man who criticized it unfairly, and he, upon investigation, proved to be a dairyman. You can not help treading upon the toes of some classes of people in almost every picture. If we tried to please everybody, it would only be a repetition of the old fable of the "Farmer, his Son, and the Ass."

Your request to undertake the censoring of these pictures is a ponderous task. The present output of the manufacturers in existence now, and there are new ones coming almost weekly, is over 80 films. To see each one only once would mean four hours of labor every day, assuming that they were in one theater and would be shown one after another. The first exhibition of a picture, however, unless it was radically wrong, would be very unlikely to disclose a possible objection, and to see it over again would mean almost an entire day's work. If a question about a certain portion of it should arise, it would mean a third exhibition in order to render an honest and fair decision. It would be an imposition to submit this task to the worthy ladies and gentlemen, as I know that all of them are pretty well occupied in their charitable work outside of their regular duties. At the same time I want to say here that from a personal acquaintance with the majority of them I know one who would object to tragedies simply because he brings his children every week and does not want them to see such plays.

Now, it would be almost impossible to show a French or English historical play or some of the stories of Shakespeare and other writers without tragedy in some form. Another dislikes comedies, while another thinks the public should see only educational films, and one can readily see that between them there would be no show at all.

The majority of the present manufacturers recognize the necessity of making pictures that are clean, instructive, and amusing. The reason for such action is because the real censors—the picture patrons—insist upon good decent pictures and refuse to patronize those houses who do not furnish them. No house of any standing can exist except they provide that character of pictures, and the few manufacturers who formerly existed on questionable pictures are eliminated from the business. Occasionally one may enter the field, but it is not long before the exhibitors and the people find him out.

Ninety per cent of the films manufactured are controlled by three distributing centers—the General Film Co., the Mutual Film Association, and the Universal Program Co. The General Film Co. are now releasing 42 reels a week, all of which are approved by the National Board of Censors of New York and are shown the first time in Washington by us, where the house manager looks at them, and if there is any part that is or might be considered objectionable it

is at once reported to my son or myself, who have the pictures shown to us and we decide whether the part in question should or should not be cut out.

After this they are returned to the exchange and sent to all parts of the city one by one, or outside, as the bookings call for. The second exchange here is the Washington Film Exchange, who have control of the Universal Program. I have recently seen Mr. Edward T. Luchs, the manager, and he has given me the assurance that not a single reel will be allowed to go out of his office until he has personally examined it. Mr. W. R. Mack, of the Mutual Film Exchange, has also given me the same assurance. This practically covers the entire source of film supplies for Washington, but there are some feature subjects sold outside of the exchanges.

I thank you for your offer of chairmanship of a censor committee, but I could not accept that or any other position, as any action on my part might be misconstrued by other exhibitors and would cause evil thoughts against me, to which I am extremely sensitive.

In conclusion I would like your association to know that the exhibitors in all States are organized into a national league for the protection of their interests and for the betterment of the industry in every respect, and we hope soon, by well-concerted action, to point with pride to the motion-picture theaters of the United States as being the greatest educational factors the world has ever produced.

Respectfully, yours,

(Signed)

A. BYLAWSKI.

Now, in December, 1913, an article appeared in a Washington paper that the police department had been broached on the subject of censorship and that five men, two captains and three others, should be detailed to censor all pictures shown here. In response to this suggestion, I wrote the following:

The exhibitors of this country, aided by the Moving Picture World and other trade papers, have worked faithfully and are still working to uplift the moving-picture industry to the very highest plane. It is their desire to instruct, entertain, and amuse the people, to afford recreation and pleasure to those who can not afford the luxury of high-priced entertainments. American makers are all clean. Occasionally some new men start in the business who have to learn that the mass of the people do not want and won't patronize the places that show off-color pictures. There are very few of foreign pictures shown now except those of an educational character. All exhibitors should be put out of business who show suggestive or off-color photo plays. Speaking for fellow exhibitors in Washington, as well as myself and the vast majority of exhibitors all over the United States, we have and will continue to eliminate the manufacturing of off-color pictures by refusing to buy any of their products at all. That is the only way to do it. Censorship is an impossibility with the large number of releases of the present day. Outside of this, what may offend one may be acceptable to hundreds, yes, thousands of others, who do not look for a wrong motive in other people's actions. If all plays, remarks, or stories that could be misconstrued were obliterated by law, you would have to close up every publishing house in the country, newspaper, magazine, etc.—but, thank heaven, our men and women as a rule are clean and with few exceptions do not look for the "mote" in their neighbor's eye.

Let us take the releases for Monday, December 15, from the General Film Co. and other manufacturers: there are 33,000 feet, which makes 33 reels. To show a reel properly takes 16 minutes, not allowing for changes, or the equivalent of nine hours a day; so you see that would be asking too much from the captains or lieutenants of the police departments, in addition to their present duties, and every well-informed citizen knows that we can not spare a single man off our force. We need all and should have many more to cover the district than now allotted to us.

The CHAIRMAN. We do not need more police for the purpose of censorship?

Mr. BYLAWSKI. No; I mean we need more for protection. The statement that immoral and indecent pictures are being produced is not so, and there is one grand reason for it, which all the manufacturers and exchanges recognize, namely, the public will not visit any

place where they are shown. As stated before, since my entrance into the business in 1909 the American producer has improved the character of his products year by year, elevating the tone of the subjects and selecting scenarios carefully with greatest regard to the moral and influence of each picture. The production of many temperance plays has done more to reduce intemperance than all the efforts of the temperance or prohibition advocates, and why? When a minister preaches to his congregation, does he reach the drunkard? No. But the picture play has done so and will forever prove a better deterrent by demonstrating the ill effects of drunkenness or crime than all sermons or books. For proof of this I submit an inspection of police records of any city for the past five years against any previous five years since records were kept.

Now, Mr. Chairman and members of the committee, when a class of people voluntarily seek the highest and best they should be encouraged by letting them alone and not saddling them with a commission of men who might desire positions on account of the pay attached to it. The national board now in existence is composed of men and women who do the work for the love of helping their fellow men and not for pay. They have done noble work and are willing to continue it. Why, then, in view of the great benefits and progress made by them, should powers be given to five men who could play politics with censorship?

The CHAIRMAN. I understand, then, that you really favor censorship, but voluntary censorship?

Mr. BRYLAWSKI. Voluntary censorship, such as we have at present, or if we can get anything better, which I very much doubt.

The censors, as provided by the bill, would have absolute powers from which there would be no relief, or until the courts had determined the matter; but by that time the picture would be so old that we would not want to show it any more.

The censor has always been arbitrary. There is no example of any censor in Russia, Spain, or elsewhere that has not used his position in an arbitrary manner. The national board is a purely voluntary civic federation, seeking only that which in their opinion will help mankind by assisting an industry whose benefits extend much further than we can conceive, and from such a source the best only could be expected, which has been realized.

Every man or association should be judged by what it has accomplished. Some of the large makers, the Biograph, Vitagraph, and Edison, I believe, accepted a proposal from Mr. Collier, of the People's Institute of New York, another social organization, to inspect their pictures and pass judgment. They were not bound by their decision, but finding the committee fair, honest, and well intentioned, composed of self-sacrificing men and women who had only the interests of the people at heart, they gladly accepted their decisions, and from time to time others joined, until every regular manufacturer in the country has come to the national board with their products, not as an authoritative censorial body, but as asking their approval of the pictures and accepting any elimination they suggest.

Let us go into the production of a picture from its beginning. First, scenarios are submitted to the manufacturers, who inspect and accept or reject them. Those accepted are studied and given to the director who stages them, and then the camera man comes in and

takes each staging. The story, when finished, is gone over and reduced to the desired length; if a full reel is wanted all but 1,000 feet are eliminated. After that the negative is submitted to the committees, who view it and then they criticize it. At that meeting suggestions are made as to possible effect of this or that scene and judgment is passed. It then receives its O. K., and the picture is advertised in the papers and circulars, copies of which I have here. [Copies submitted to committee.] The films are then sent to the various exchanges and from them to the exhibitor.

The exhibitor who shows it first has to pay the highest price; that exhibitor is, naturally, one of the most progressive; generally the largest and most prominent. The first time the picture is seen the owner or manager looks at it to see if it comes up to the standard and will not offend his patrons, and as from one-third to one-half of his day patrons are ladies, and he knows they come almost daily, he is careful to see that there are no objectionable features. If he thinks a scene or part of a scene can be misconstrued he cuts it out. After it is cut out, it stays out. When he is through with them they are returned to the exchange and go from place to place.

I have stood at the exits of the theaters hours and hours to hear the comments, and asked the opinions of patrons, and in three years have never heard a criticism adverse to the tone of the play. Some did not like certain shows, and others raved over the same ones, but that was a matter of taste. If a man wanted to be amused and there happened to be no comedy that day, he would not be so well satisfied.

In Washington an officer is detailed to inspect every new picture, and he makes his report. If there is, to his mind, anything the least objectionable, he reports it to the captain and the captain comes and looks at it.

The CHAIRMAN. Can that one officer have the time to inspect all of those pictures?

Mr. BRYLAWSKI. No. I recall two pictures to which objection was raised. An oriental picture showing a scene in which the costumes appeared scant—well, we all know that in India they do not wear overcoats and portions of the lower limbs are often seen—and another was a comedy “bull” fight in which the ferocious bull was represented by two men with a hide cover. The officer was honest in his conception of the regulation. When this officer was first detailed, we had practical experience of what a censor with power could do.

We have in the police regulations in regard to obscene posters the following:

No posters or placards shall be publicly displayed or exhibited which are lewd, indecent, or vulgar, or which pictorially represent the commission of or attempt to commit any crime.

He even went so far as to object to a poster in which a detective exhibited a gun when attempting to capture a criminal. He said that the pointing of the gun was an attempt to commit a crime, as if any burglar or any other man would hold up his hands without some official authority in the way of a gun in the hands of the detective.

We are treading on dangerous ground when we open up the gate of public authoritative censorship. Where will it stop? Next may

come the censorship of the press, and then, what is to prevent the censorship of religion? The "criminal courts" have sufficient authority to punish anything shown which is contrary to the moral or political interests of the State.

Furthermore, the bill, as I understand it, would not prevent any State from having its State censorship and every city from having its special censors, and what will be the result? The result will be the destruction of the greatest educational system that has ever been conceived.

I submit a letter from the late Mayor Gaynor, which expresses so much in regard to censorship that I ask that it be accepted as a part of my views on this subject. This is a letter written by Mayor Gaynor, whose reputation is too well known for me to expatiate upon it. The letter reads as follows:

OFFICE OF THE MAYOR,
City of New York, December 27, 1912.

To the honorable the BOARD OF ALDERMEN :

GENTLEMEN: I return disapproved the proposed ordinance, No. 89, entitled "An ordinance relative to motion-picture theaters."

I am constrained to do this because of the provisions therein creating a censorship. It is provided that the board of education shall appoint one or more censors to examine all motion pictures in advance and determine whether they shall be exhibited or not.

It has hitherto been the understanding in this country that no censorship can be established by law to decide in advance what may or may not be lawfully printed or published. Ours is a government of free speech and a free press. That is the cornerstone of free government. The phrase, "the press," includes all methods of expression by writing or pictures. In past ages there were censorships to decide what might be published, or even believed. Every Christian denomination has at one time or another been subjected to such censorship. The few were very anxious not to give freedom of speech or of the press. They thought the many were not fit for it. They therefore set themselves up as censors and guardians over the bulk of their fellow men. The center of thought was then among the few, and they were very anxious to keep it there. But in the course of time, in spite of all opposition, the center of thought began to pass from the few to the many, where it is to-day. It was then that censorships and all interference with freedom of speech, of the press, and of opinion began to give way by degrees, until in the end all of them, at all events with us, were abolished. And that is now substantially true under all free governments throughout the world.

In our fundamental instruments of government in this country, which we call constitutions, we expressly guaranteed from the beginning free speech and a free press, and prohibited the passing of any law abridging the same. The provision in the constitution of this State on that subject, which is substantially the same as the like provision in the Constitution of the United States, and also of the States generally, is as follows:

"Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press."

So universal has been the opinion that these constitutional provisions abolished all censorships of the press, and forbade them in the future, that I have been able to find only one attempt in this country to set up such a censorship before this one of yours. Our constitutional provision plainly is that publications, whether oral or printed, or by writing, or by pictures, shall not be restrained in advance, but that everyone shall be free to speak or publish what he sees fit, subject to being prosecuted afterwards for libel, immorality, obscenity, or indecency therefor. There seem to be a few among us who wish us to retrace our steps and resort to censorships again in advance of publication, and make it a crime to publish anything not permitted in advance by the censor. Do they know what they are doing? Do they know anything of the history and literature of the subject? Do they know that the censorships of past ages did immeasurably more harm than good? Do they ever stop to think that such

censorships now would do even more harm than they did in past ages, in comparison with what little good they might possibly do? I do not believe the people of this country are ready to permit any censor to decide in advance what may be published for them to read, or what pictures may be exhibited to them. Our laws forbid the publication of any libelous, obscene, indecent, immoral, or impure picture or reading matter. Is not that enough? If anyone does this he commits a criminal offense and may be punished therefor.

If this ordinance be legal, then a similar ordinance in respect of the newspapers and the theaters generally would be legal. Are you of opinion that you have any such power as that? If so, you should probably begin with the newspapers and the so-called high-class theaters. Once revive the censorship and there is no telling how far we may carry it. These moving-picture shows are attended by the great bulk of the people, many of whom can not afford to pay the prices charged by the theaters. They are a solace and an education to them. Why are we singling out these people as subjects necessary to be protected by a censorship? Are they any more in need of protection by censorship than the rest of the community? 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 that view now. Are they better than the rest of us or worse?

When I became mayor the denunciation of these moving-picture shows by a few people was at its highest. They declared them schools of immorality. They said indecent and immoral pictures were being shown there. I personally knew that was not so. But I had an official examination made of all the moving-picture shows in this city. The result was actual proof and an official report that there were no obscene or immoral pictures shown in these places. And that is the truth now. Wherefore, then, is all this zeal for censorship over these places?

The truth is that the good, moral people who go to these moving-picture shows, and very often bring their children with them, would not tolerate the exhibition of obscene or immoral pictures there. A place in which such pictures were exhibited would soon be without sufficient patrons to support it. At all events, the criminal law is ample to prevent the exhibition of such pictures. I have asked these people who are crying out against the moving-picture shows to give me an instance of an obscene or immoral picture being shown in them, so that the exhibitor may be prosecuted, but they have been unable to do so. What they insist on is to have the pictures examined in advance, and allowed or prohibited. That is what they are still doing in Russia with pictures and with reading matter generally. Do they really want us to recur to that system?

Perhaps I should say I understand that comparatively few of your honorable body are in favor of the censorship. Many of you voted for the whole ordinance in the belief that the mayor had the right to veto the censorship provisions and let the rest of the ordinance stand. But I find that the mayor may not do that. The censorship provisions are not independent of the rest of the ordinance, but interdependent and so connected therewith that the whole ordinance must stand or fall as a whole.

I trust you will pass the ordinance which the commission prepared. It safeguards these most important and wholesome places of amusement physically and morally.

Respectfully,

W. J. GAYNOR, *Mayor*.

Now, Mr. Chairman, to quote from Shakespeare, is it not better to "bear those ills we have than fly to others that we know not of"? In Washington there has been only one picture taken off in nearly two years, and there was a diversity of opinion as to whether that should be taken off or not.

The CHAIRMAN. What picture was that?

Mr. BRYLAWSKI. That picture was entitled "The Traffic in Souls." It was decided by a special committee appointed by the commissioners as being correct and was exhibited a full week. This committee consisted of 12 persons, but they were not all business men, as stated by the previous speaker. The committee was composed of six gentlemen and six ladies. The ladies represented civic organiza-

tions of the city. The gentlemen on that committee were professional men as well as men in business.

Every city has its regulations in regard to decency, immorality, etc., and the smaller the town the more stringent the authorities are. The constable is much more officious than the chief of police in the larger cities.

Again, the mood of the censor would have a great deal to do with his opinion. Before dinner he would be liable to reject many films that would look different on a full stomach. Think for a moment of the work entailed upon a censorship of five men, as provided in the bill. The present production amounts to from 150 to 200 reels per week, and it would take from 8 to 10 hours every day to see them only once, and anyone looking at films continually for three hours would be nauseated and unfit to censor anything. Of course, you can go in a theater and see pictures for recreation, where there is an intermission, without feeling that way, but if you have to sit and look at pictures over and over again, not from the standpoint of amusement, but to see whether they are proper pictures, you will become sick at the stomach after you go through six or seven reels. That is true, because you will be looking at them from a different standpoint entirely. The majority of the present-day films are taken from standard books, accepted magazines, and newspapers. If the scenario could be censored, it would be all right, but after thousands of dollars have been spent in producing a picture that loss is irretrievable.

In regard to children visiting theaters, we restrict them in the downtown places, but in the residential houses, which are patronized by their parents, they are allowed to go when in the company of adults. But what a crime would be committed if this source of education were eliminated from our young!

Now, answering some of the canon's remarks, Dr. Chase stated that "It was significant that the General Film Co., the largest producers, had no representative at these meetings." We take their service and other services. But the General Film Co. are the men who first fostered the national board of censors, and they feel that their good efforts were not appreciated. But what have they to lose? Absolutely nothing. The money they may have to pay or the losses incurred by them will be paid ultimately by the exhibitor, and they know it. If a film costs \$100, we are charged a percentage of profit on \$100. But if, by reason of extra expenditures, it costs the exchange \$150, we will pay not alone the \$150, but the percentage on the \$150. How will the authorized censors ever know that the picture censored is not changed? If they are stationed in Washington they may see the censored pictures as they are dictated, but in California the picture may be entirely different. The 96 or 98 per cent who are now accepting voluntary censorship are all right, but the occasional outlaw would not be guided by anything. If he is crooked, you can not protect yourself against him except by the police of every city. He goes only where the police do not know him.

Section 11 contains this provision:

That no motion-picture film which has not been licensed by the commission, and which does not bear its seal and is not accompanied by its certificate, shall

be exhibited in any licensed place of amusement for pay or in connection with any business in the District of Columbia, or in any of the Territories of the United States, or any place under the jurisdiction of the United States.

I presume that the District, etc., is specially mentioned because each State would be sovereign in this matter.

Canon Chase pointed out a fact in the bill, "That films that were rejected could be shown if not for pay." That would mean disaster. The District of Columbia has more clubs in it than any other city in the Union. It is a city of clubs. Now, I am as much opposed to showing immoral, indecent, or obscene pictures in private houses as I am in public places. There should be no discrimination between the Army and Navy Club and the 5-cent theater. There should be no discrimination between the 5-cent theater and the Cosmos Club or any other club, no matter what the name of it may be. They have no right to show it, but according to this they are virtually given the power and authority to say, "We can show it under this bill; we can show it by authority of an act of Congress." I do not think that the House of Representatives would ever think of putting their mark of approval upon such a proposition.

Dr. Chase has also called attention to the statement that a certain film that the national board had passed was a film to which objection had been raised. Now, if a film could pass the inspection of such a body, how many objectionable films could pass a commission of five or a representative of only one?

The doctor also stated that from authentic information from Ohio, the censors at last report were rejecting 15 per cent of the reels, while earlier reports showed only 8 per cent, I believe. Does that not tell the destruction to which the industry is doomed by official censorship? While Ohio censors have destroyed for that State one-seventh of the reels produced, have we heard of any such confiscation in any other part of the country? The reels rejected in Ohio have undoubtedly been shown in every other State by this time, and we have not heard of one complaint elsewhere.

I find this article published in *The Variety*, a theatrical newspaper, in its issue of May 8, 1910:

OHIO CENSORS BEHIND.

CLEVELAND, May 6.

Ohio's State law which created the board of censors failed to provide enough members of the board to carry on the work in this State.

The present members, who number three, will not be able to do the work in Ohio, and unless more persons are named many films will have to go uncensored.

Mrs. Maud Miller, who began censoring in Cleveland, will have to censor 10,000 films. At the present rate she will be at the task for months.

At present there is only one other member of the board, H. E. Vestal, of Ada, Ohio. He is also engaged in censoring in Cleveland. One position on the board is vacant.

Picture exhibitors, who now are opposed to the State censorship board, are likely to complain to the courts of the inefficiency of the censoring body and demand that more censors be appointed.

Unless something is done to relieve the work of the present board the exhibitors will refuse to await the stamp of approval of the censors and will exhibit films before they are passed on, being willing to run the risk for violation of the State law. Lawyers declare that nothing can be done to those who exhibit uncensored films when the censorship board is unable to handle the work mapped out for it.

This will be the case when you have a commission of five. It will be simply impossible for them to censor 200 reels a week.

Now, Dr. Chase has also suggested that educational films would not necessarily have to be censored. But what is to prevent any educational film from having in the middle of it, or at the end of it, something that might be objectionable? If you are going to censor one class of films every one of them must be censored.

Dr. CHASE. May I make a correction there? I did not say they should not be censored.

Mr. BRYLAWSKI. You said that it would not require so much time to censor them.

Dr. CHASE. I meant that an ordinary employee could look them through, and if they were of an educational character it would not be necessary to refer them to the board of higher authority.

Mr. BRYLAWSKI. Then it would have to be referred to an ordinary employee, and that is what the people of this country are not willing to be subjected to. Our intelligence is not to be guided by ordinary employees.

Now, there is a little point in that bill there about obscene pictures. I recall a little incident that occurred when I first came to Baltimore in 1870. I noticed on Baltimore Street a large fence, 10 feet high, with a brick wall all around it, and upon investigation I found that that was the property of Ross Winan, the great inventor. I learned that he had mapped out a beautiful park there, right in the center of the city, and had placed in it at his own expense thousands of dollars worth of statuary which he had secured from Europe. That statuary was placed there for the public to see and for the purpose of beautifying the park. The city council at that time, upon the protest of some people, objected to the statuary, and Mr. Winan was forced to put this wall around this beautiful art gallery. From 1875 down to this present day every effort has been made by the citizens of Baltimore to try to get that wall down, because they have changed their opinions. The council passed that ordinance at the request of a few fanatics. Now, would we want to have a brick wall around the Corcoran Art Gallery? Our ideas of obscenity have changed, and our ideas may change again. What may be considered obscene by one person is a work of art to another. I just happened to recall that little story of Ross Winan.

Gentlemen, I thank you very much for listening to me, and I will conclude by repeating the old and tried adage: "Leave well enough alone." The makers, the directors, the national board, the managers and owners of theaters, and, last but not least, the people are the only real censors we need.

I thank you very much for your attention.

Mr. ABERCROMBIE. I would like to ask you how many moving-picture houses in Washington exhibit pictures that have not been passed upon by the national board of censors?

Mr. BRYLAWSKI. Not one. The exhibitors will not tolerate it.

Mr. ABERCROMBIE. Are you familiar with all the houses?

Mr. BRYLAWSKI. With every one of them, sir. They call me the daddy of moving pictures in Washington, and they do what I tell them to do.

Mr. ABERCROMBIE. Are all the managers of the houses required to screen in advance the statement that the picture has been censored?

Mr. BRYLAWSKI. The approval of the board of censors generally appears at the end of the picture. Sometimes it appears at the beginning, but generally it is at the end of the picture. As you know, after the pictures are shown down town at seven theaters, there is no reason to go any further, because the people can not get any other pictures except those that are shown down town. They may show them in the other theaters a week later, two weeks later, or even four weeks later.

Mr. ABERCROMBIE. The omission of that statement before the picture is shown or after it is shown does not mean that the picture has not been censored?

Mr. BRYLAWSKI. No, sir; it does not, because, plainly, if the statement is either before the picture is shown or after the picture is shown, it has the same effect. If it is shown before the picture, it is more likely that when it becomes aged, as we call it, it will become worn off. You see, every time a picture is shown a small part of the film is lost. Occasionally you do not see anything of the ending to a picture, or you may see only a very indistinct finish. That is because the picture has been used too long and has had too much of it worn off. The films are worn off by constant use.

My son has just brought something to me which I will ask you to read. I will not read it now, as I have taken up considerable of your time, but I would like for the clerk of the committee to take it up. It is a message of the President of the United States returning without his approval Senate bill 2600, entitled "An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia." This is a veto message by a former President of the United States, and as it relates to this same subject it may be interesting to you.

Mr. TOWNER. Mr. Brylawski, how many moving-picture houses are there in the city of Washington?

Mr. BRYLAWSKI. I think there are 70 now.

Mr. TOWNER. And there are five down-town exhibition houses?

Mr. BRYLAWSKI. No, sir.

Mr. TOWNER. What do you mean by saying that there are five principal houses?

Mr. BRYLAWSKI. There are more than that. There are seven of them.

Mr. TOWNER. These seven down-town houses have the pictures for exhibition in the city first?

Mr. BRYLAWSKI. Yes, sir.

Mr. TOWNER. Then, these same pictures are distributed throughout the other parts of the city?

Mr. BRYLAWSKI. Yes, sir.

Mr. TOWNER. Are there any pictures exhibited by the down-town houses that are not exhibited by the other houses?

Mr. BRYLAWSKI. Yes, sir. That depends upon the location.

Mr. TOWNER. I do not mean at all of the other theaters, but at some of them.

Mr. BRYLAWSKI. Yes, sir; at some of them, but where the location would not justify the exhibition of so many reels day or night they would not show them. For instance, in one northeast section there

are only two theaters; they would not want to show more than 8 reels a day, whereas the production is about 30 reels.

Mr. TOWNER. Are there any reels that are proper for exhibition down town that would not be proper for exhibition in the residential sections?

Mr. BRYLAWSKI. Not that I know of. I have never seen any.

Mr. TOWNER. I understood you to say the other day that there are virtually no children attending the down-town theaters, or that the percentage of children was very small?

Mr. BRYLAWSKI. We restrict them altogether during the day. The theaters under my management do not allow children during the day, but if they come with adults or with parents in the evening, of course, we do not object to it. The parents know the character of the theaters that they attend, and they take their children there. The parent is the best one to decide where the child shall go.

Mr. TOWNER. In the first place, then, you do not exhibit any pictures down town that can not be exhibited in the residential districts?

Mr. BRYLAWSKI. Positively not.

Mr. TOWNER. That means that you do not exhibit any pictures down town that would not be proper for presentation to the children of the city who attend the theaters in the residential districts?

Mr. BRYLAWSKI. That is absolutely right.

Mr. TOWNER. Do you exercise a stricter censorship or selection, if you choose to call it such, in the city of Washington than is maintained in other cities—Baltimore, for instance?

Mr. BRYLAWSKI. I do not know; but if the owners of the theaters have any consideration for their own interests, they must do exactly what we do.

Mr. TOWNER. I think your statement regarding the attitude that should be taken by the owners of theaters is to be commended..

Mr. BRYLAWSKI. The majority of our patrons during the day are ladies. Fully one-half of them are ladies. That is especially true of the down-town theaters, and if those pictures were objectionable, we would lose that patronage.

Mr. TOWNER. I certainly entirely agree with you, and I wish that that might be true with regard to all moving-picture theaters. You think that it is the better policy to present nothing but decent films?

Mr. BRYLAWSKI. It is not only the better policy, but it is the only policy.

Mr. TOWNER. I entirely agree with you. I want to come at this proposition: Are any of the pictures that are sent to you to be used refused by you because of their character?

Mr. BRYLAWSKI. I have never had that sort come to me. There has been only one picture about which we have ever had any contention, and that was a picture called "The Reincarnation of Karma." Now, you gentlemen know what that subject means. The police censor objected to it, but the prosecuting attorney, the corporation counsel, and the district attorney all decided that that was the most beautiful picture they had ever seen—and it was shown three days.

Mr. TOWNER. Do you think that you would be justified in your statement, that no pictures are shown in the outlying theaters—for instance, those that are managed and patronized by the colored population—that are not first shown in the down-town theaters?

Mr. BRYLAWSKI. The colored population purchases pictures when they are pretty old; they can not afford others; their clientele is very small and the only pictures that they desire are the same pictures that we have shown down town. Besides, they can not get any others.

Mr. TOWNER. You think you are entirely justified, then, in the statement that these outlying theaters—I do not only refer to the colored population, but I mean the others——

Mr. BRYLAWSKI (interposing). Yes; you mean the suburban theaters.

Mr. TOWNER. Out in Georgetown, and in the outlying districts.

Mr. BRYLAWSKI. They could not afford to buy any new pictures; they can only afford to buy pictures that have been used 60 days or 90 days, and those pictures that have been exhibited 60 days or 90 days have been exhibited down town and in city after city before these other places can afford to get them. They can not afford to pay the price for pictures other than those that are 60 days or 90 days old, they paying only a nominal sum for them.

Mr. TOWNER. Then, it may be said, that there are certain exhibition houses in the city that receive the initial representations, and that all the others, as given in the other exhibition houses, are merely reproductions?

Mr. BRYLAWSKI. Yes, sir; there are at the present time, as I have stated, some feature pictures, and if you gentlemen know the character of the men who are connected with these feature pictures it is sufficient evidence of their purity—Mr. David Belasco, Frohman, Klaw & Erlanger, Liebler & Co., and others. These people are creating pictures which they can not afford to show in a 5 or 10 cent house; they must get 25 cents, 50 cents, or 75 cents. They are pictures of the highest character—Quo Vadis, Anthony and Cleopatra, the Savage and the Tiger, the Christian, the Redemption of David Corson, and pictures of that character. They are never seen in the small theaters because they can not afford it. But these manufacturers—this 2 per cent, 3 per cent, or 4 per cent—are feature film makers who depend upon the highest class of trade for their patronage.

Mr. TOWNER. Have you put in the record the names of those seven theaters?

Mr. BRYLAWSKI. No; I have not.

Mr. TOWNER. Will you please give them to the reporter?

Mr. BRYLAWSKI. I shall be very glad to do so.

Mr. TOWNER. Will you name them now?

Mr. BRYLAWSKI. The Colonial Theater, the Pickwick, the Palace, the Empress, the Plaza, the Garden, the Orpheum, and the Crandall. You asked for all the theaters, did you not?

Mr. TOWNER. Yes; all.

Mr. BRYLAWSKI. That showed all the new pictures?

Mr. TOWNER. All the seven theaters.

Mr. BRYLAWSKI. That is what I understood you to ask.

Mr. TOWNER. In which these pictures——

Mr. BRYLAWSKI (interposing). In which the first pictures are shown; those that show the first reels in the city of Washington. I understood you to ask for the seven and I gave all of those seven.

Mr. TOWNER. I meant the seven that give the first reproductions.

Mr. BRYLAWSKI. That show all the pictures from the different exchanges?

Mr. TOWNER. Yes.

Dr. CHASE. I want to refer to the section of the bill that I was unable to find yesterday, if I may do so. I wanted to refer also to something that he said, but as my time is very short I was going to leave that until I discussed this with the committee. May I take that time?

The CHAIRMAN. Yes.

Dr. CHASE. Are you retiring now, Mr. Brylawski?

Mr. BRYLAWSKI. Yes, sir; I am.

Dr. CHASE. May I just ask you this question? You said that the origin of the censorship board was due to the excitement with reference to the Jeffries-Johnson prize fight?

Mr. BRYLAWSKI. That is as far as my memory goes.

Dr. CHASE. May I just refresh your memory, and then see if you still stand by your statement, because I do not think you care to have an incorrect statement in the record. My impression is that the Jeffries-Johnson fight occurred in June, 1911.

Mr. BRYLAWSKI. I believe that is right. No; July 4, 1910.

Dr. CHASE. The testimony shows that the board was formed in 1909.

Mr. BRYLAWSKI. Well, that might have been so, but it was about that time that there was this agitation about those fight pictures.

Dr. CHASE. And the fact is that those pictures were shown in New York, and all over the country, and Mayor Gaynor said there was no law in New York to prevent it.

Mr. BRYLAWSKI. I do not know. I did not go into the motion-picture business until 1909.

Dr. CHASE. I did not think you would care to have that go into the record.

Mr. BRYLAWSKI. The first knowledge I had of the board of censorship was after that fight.

Dr. CHASE. But you do remember that the pictures were shown, and that they were not submitted to the board of censorship?

Mr. BRYLAWSKI. I do not believe there was a board of censorship at that time.

Dr. CHASE. But their own testimony is that it was organized in 1909.

Mr. BRYLAWSKI. But I do not believe they were working. I do not think their work commenced until 1911—their true work. It may have been organized, but they were just as green about it as we were when we originally started. When moving pictures were originally started we had dark theaters—little dingy places. It has only been since 1910, 1911, and 1912 that we commenced to realize that they were not wanted—not desired. We are now building palaces for theaters. The first theater that you remember was a little bit of a hole in a store.

Dr. CHASE. My memory is that the board of censorship was in active operation. We tried our best to stop them in New York, but in spite of all we did with Mayor Gaynor and the board of censorship the pictures were shown.

Mr. BRYLAWSKI. I do not remember of ever seeing "Approved by the National Board of Censorship," until after the Johnson-Jeffries fight.

Dr. CHASE. They were not submitted to them at all, but the pictures were shown without being submitted to them.

Mr. BRYLAWSKI. That might have been.

Dr. CHASE. On page 4 of the bill I find this provision:

That the commission may—

The CHAIRMAN (interposing). Section 8?

Dr. CHASE. Yes.

That the commission may, if it has licensed a film, issue a seal and certificate for each duplicate thereof without an examination of such duplicate, upon the payment of the license fee hereinafter provided.

Then also turn to the last page of the bill.

Mr. TOWNER. Before you leave that—

Dr. CHASE (interposing). This is in connection with it and I think you will see the connection. It is on page 6, section 17:

That three months after the commission has begun to license motion pictures, and at any time thereafter, the commission shall have power to reduce the fees to such a sum as will produce no larger income than is necessary to pay the entire cost of the commission, including salaries and all other expenses.

Now, these two sections bear upon the question. You will see it leaves the matter within the discretion of the Federal motion picture commission. They could reduce the fee to 50 cents, to 5 cents, to 2 cents, and possibly to nothing, if they found it wise. Section 8, you will see, leaves it in the discretion of the commission to examine or not to examine.

Mr. TOWNER. This bill will have to be amended in order to make it at all consistent. For instance, section 12 says:

That a fee of \$1 shall be charged for the examination by the commission of each film of 1,000 feet or less.

Now then, let us read what follows:

And 50 cents for each film which is a duplicate of any film which has been licensed.

You see you are charging there for the examination of a duplicate film, and then in section 8 you say:

That the commission may, if it has licensed a film, issue a seal and certificate for each duplicate thereof without an examination of such duplicate upon the payment of the license fee hereinafter provided.

But these are matters that can be remedied. I was just calling attention to them.

Dr. CHASE. I wanted to bring out one question which was—

Mr. TOWNER (interposing). Just before you leave that, do you think 50 cents would be all right?

Dr. CHASE. I was going to touch upon that question, whether the 50 cents ought to be omitted or not and whether the whole charge should be put on the original or larger users. That is an element that has not yet been alluded to, but which ought to be considered. Would it not be fairer to charge the manufacturer who uses 100 or 200 copies more to meet the expenses of the commission as a whole than the small man who, perhaps, has an original and only uses five

or six copies? This enables the expense to be put on the large manufacturer; that is, a little more of the expense, perhaps, than upon the man who simply produces to a small extent. Then notice also in this connection that in section 10 it says:

That no person, firm, or corporation shall carry or transport any film from one State into another State of the United States, or from any foreign country into any State of the United States, unless such film has been licensed by the commission and a true copy of the certificate accompanies it.

Now, that might be read in such a way as to allow the exhibitor to make his own true copy, and that is a thing which the committee ought to consider.

I have only one other thing that I want to call to the attention of the committee. In the *Moving Picture World* of May 2, 1914, in the column contributed by Mr. McQuade as the Chicago letter, he says that the following is the opinion of the motion-picture trade:

In the case of moving pictures most of the best minds in the manufacturing end are agreed that wise censorship for minors is necessary in the best interests of the business itself. Even at this stage of moving pictures, when there is a strenuous, healthy competition among manufacturers to excel, were the ban of censorship removed a horde of irresponsible freebooters, caring nothing for morals or social uplift and all for the dollar, would flood the country with subjects that would speedily ruin the industry.

That is the opinion of a writer in the *Moving Picture World*; he is located in Chicago, and he is in the midst of this discussion at the present moment, and it is his testimony as to the opinion of the trade.

MR. SCHECHTER. Mr. Chairman, I understood that the committee was to sit until 12 o'clock to-day. Now, Dr. Chase and the other gentlemen who are the movers of this bill have given me sufficient material to talk an hour and a half, which you gentlemen were to give me. I do not want to start now and talk for a half hour and be compelled to come back to-day, and if I can not finish to-day I would like to put it over until I can finish my argument. If it is the opinion of the committee that it will not sit more than a half hour longer, I will give way to some other gentleman and will come back and take my hour and a half or two hours, which I will require to present my argument.

THE CHAIRMAN. We are anxious to become thoroughly informed and enlightened upon this subject, but at the same time these hearings must come to a close at some time.

MR. SCHECHTER. I appreciate that. However, the chairman knows that I was to have an hour and a half this morning.

MR. ABERCROMBIE. We did not promise you an hour and a half.

MR. SCHECHTER. Mr. Brylawski stated that he would take a half hour or three-quarters of an hour, and I understood that the remainder of the time was to be given to me.

THE CHAIRMAN. Yes; I think that was the understanding yesterday.

MR. SCHECHTER. But you see it is now 25 minutes to 12; Mr. Brylawski took nearly an hour, or considerably over.

DR. CHASE. I had eight minutes.

THE CHAIRMAN. I wish to state that the committee has decided to give another hearing on next Tuesday: we will begin at 10 o'clock and close at 12; that will be two hours. Now, we will close the hear-

ings on next Tuesday. The gentlemen who desire to appear must agree among themselves as to the distribution of time, and then we will abide by it. But the hearings will close on Tuesday next, when we will have two hours. So you will appear on Tuesday?

Mr. SCHECHTER. I will appear next Tuesday.

Dr. CRAFTS. I shall hope that the proponents of the bill may have the closing half hour, as is usual. Will that be understood? Will you agree that we can have the closing half hour?

Mr. SCHECHTER. I do not know that I shall take more than an hour and a half, and then it will be for the committee to decide as to the balance of the time.

Dr. CRAFTS. If the committee will assign us the last half hour we will be glad to feel that it has been reserved for us.

ADDITIONAL STATEMENT OF DR. WILBUR F. CRAFTS.

Dr. CRAFTS. Mr. Chairman, it is a pleasure for me to have arrived just in time to be at this hearing, for I have been with the people and I have been with the pictures. This matter has been discussed this morning very much as though it was a District of Columbia matter. This is a national matter. I have been saying within the last few days in Kansas how much I admired the motion pictures when they were good; that prohibition States should have motion-picture exhibitions in place of saloons as the best place for everybody to get 5 cents worth of forgetfulness—elders, preachers, and everybody else. It is my firm conviction that the motion picture is going to have a very much larger realm and a great deal more patronage on the part of the better class of people when we can assure them that there is adequate censorship by men appointed by President Wilson. I met the manager of the Southern Methodist Publishing House at Dallas, and he said to me: "I could sell many, many of these inexpensive motion-picture machines to churches if only we could be sure of getting good pictures."

Quite a number have bought them for churches, but have found trouble in that there are four films a day which they must pay for whether they use them or not, and many of these are not such as can be presented in churches.

Mr. SCHECHTER. Will you please be specific when you say the pictures are such that they can not be exhibited in churches? I may say that mention has only been made of three pictures in the entire hearings that have been thrown out.

Dr. CRAFTS. I can give you specific cases. I have seen many such motion pictures myself. However, the point I am making, is that I am not opposed to motion pictures; what we want is to have the pictures censored by those who know the difference between a murder in Hamlet and a murder in a "wild west" scene; who know the difference between the treatment of the social evil in The Scarlet Letter and the treatment of it in exhibitions of the white-slave traffic. We want censors of large views of art, large views of psychology, men who know the young and the old and the country, such men as Mr. Wilson would appoint, who would supervise this matter so that when the pictures have been passed there can be some assurance that they would be fit for general exhibition.

As I said, this manager of the Southern Methodist Church told me that there would be a great business among the churches provided they could get the right kind of pictures, educational and religious pictures, censored motion pictures, so that one night a week could be set aside for motion pictures in country places and other places for the recreation of those who belong to the churches. It is said that there are about 400 good films fit to be use for educational recreation, but they are handled in such a way by the companies which we call the Motion Picture Trust, that it is very difficult to use them.

I hear that each day an exhibitor gets four films, and everybody who is on the schedule has got to take those films and pay for them. If they do not want to accept all of them, they must pay for all just the same.

MR. SCHECHTER. I challenge that statement, gentlemen of the committee.

DR. CRAFTS. But you will challenge it in your own time.

MR. CLANCY. I want to say to Dr. Crafts that there has been an exchange established by the Pathe people affording the very service you speak of—that is, a service for churches and private families.

DR. CRAFTS. The trouble is that these things must be handled like a train of cars, and it is a very difficult thing to supply scattered places, here and there, with motion pictures. For instance, they are sent out from a central point like Albany to a circle of towns around there. Exhibitors may get films at 12 o'clock and keep them until midnight, and then they are sent back again to go out next day to another town. Therefore, the whole matter of handling educational films requires a great organization.

Now, gentlemen, as I hurry on to the consideration of the bill itself, my first point or suggestion is that there is a large desire for these motion pictures on the part of churches and Y. M. C. A. organizations. They want them not alone as a matter of recreation—they want something that will also be instructive, and I am here advocating this motion-picture censorship law in order that pictures may be available for such purposes. It will not do to expect that good people will take pictures to any great extent under present circumstances.

I am in touch with the people all over this country. I have spoken 70 times in the last 45 days. I have been through Texas, Louisiana, Arkansas, and Kansas, speaking to State conventions of Sunday schools, and they are the best workers in those States. I have been speaking also to the people of the leading churches—Methodist, Baptist, Presbyterian, and Christian—and everywhere when I have mentioned the fact that a Federal censorship for motion pictures is proposed the applause that has followed has invariably been of that intense, swift, and enthusiastic type that means "We need it and we want it." Everybody that I have talked with on this subject believes that the present censorship of motion pictures is not adequate and feels that the pictures are not safe for children to see. In Hot Springs recently I saw out in front of a motion-picture theater a poster representing a group of male savages about one savage woman. The film was entitled "Their last wife."

It was as bad as if they had represented half a dozen negroes contemplating rape. Now, that film, no doubt, is for some reason or

other considered to be "uplifting" by the unofficial "National Board of Censorship," who say that they are not censoring pictures for children only, but for the whole country.

I know that the people need this bill and want it. The people are in favor of having motion pictures at their best, but they are very much troubled about motion pictures as they are.

A great welcome was given by the people of the country to that prize-fight bill which Mr. Roddenbery, of Georgia, put through about the time of the Santa Fe champion fight. That bill accomplished the very thing which this National Board of Censorship could not accomplish in the case of the previous championship fight. The unofficial "National Board of Censorship" could not keep the Jeffries and Johnson prize-fight films out of the motion-picture exhibitions. Those films went all over the country.

It was stopped only when the local authorities interfered. The Roddenbery law was welcomed by all good people, and we have not seen a motion picture of a prize fight since it was adopted. Everybody I have come in contact with among all the better classes of people of this country feels that for the protection of the children and of the older people, too, an effective law for the censorship of motion pictures should be enacted. This bill meets with their hearty approval. I have just received a letter from Pittsburgh, from Bishop Canevin, of the Roman Catholic Church, who indorses this movement strongly, and I have received letters from leading churchmen all over the country who are taking a deep interest in it. I have a letter indorsing it from the president of the social service commission of the Episcopal Church of this city, and another letter from Dr. George J. Fisher, international secretary of the physical department of the Y. M. C. A. Everywhere I find a deep interest among the better people in this proposed legislation. They want to use the motion pictures themselves. They believe in them as an educational factor.

LOCAL AND STATE CENSORSHIPS SHOW NEED OF THIS LAW.

In many places there is local censorship. For instance, in Dallas, in Fort Worth, in San Francisco, in Cleveland, in Chicago, and I do not know how many other cities. They have provided this local censorship because there is no national board of censorship on which the people are willing to rely. It appears that 15 per cent of all the films that reach Chicago are turned down by the official Board of Protectors of Children's Morals. A considerable percentage of the films which get the approval of the National Board of Censorship are condemned by local censors in San Francisco and Cleveland. Permit me to give one or two examples: I saw a motion picture that had been approved by the National Board of Censorship representing a man who had just received a telegram stating that he could get a great bargain for \$25,000. He took \$25,000 from his safe in cash and started for the railway station. After he left the office two clerks disguised themselves and followed him. They got on the train and occupied the berth below the one in which their employer slept, and in due time put some chloroform in a handkerchief over his nose and stole the money. It was manifestly a lesson in crime. That film was condemned in San Francisco by the local censors, who told me

the story, and also of a film of an automobile that had skidded over a cliff, showing the occupants all torn to pieces in the valley below.

That last scene was cut out in San Francisco. Many rejected films have been described in recent issues of the *Northwestern Christian Advocate* and the *Literary Digest*, in these last two cases with photo-engravings. Most of these rejected films show details of crime. Those objectionable films had in most cases passed the National Board of Censorship.

If there is an adequate national censorship, such as this bill proposes, we may still need local supervision of motion-picture shows as to matters of health and to see that the law is enforced; there will probably be little, if any, local censoring of pictures, because that work will be authoritatively and effectively done by the national board. Effective censorship would cost as much for one State as for all in one Federal board. The same pictures that go to Ohio, where they are censored, go to all the other States. As a matter of economy it would be far better to have that service performed by one Federal board. To do that work State by State will cost 48 times as much, or, counting the Territories, more than 50 times as much as it would cost to have it done once for all by a Federal board.

In this connection I wish to emphasize again the point that the motion-picture business is almost entirely an interstate business. The only thing that the individual States will need to do will be to make a law that no films shall be exhibited that lack the Federal board's license, and the cities will need only to see that the law is obeyed and other laws as to seating, lighting, and the like.

Some of the motion-picture exhibitors and editors are in favor of the proposed law, and I think all who manufacture decent films would favor it if they could see the great increase of patronage that would be bound to come from the better class of people through the approval of such a commission as this bill would institute.

Naturally the local boards of education all over the country will cooperate with the United States Board of Education when Federal censorship becomes a part of its work. It is in the interest of the morals of the country that this law should be enacted, and I do not think that it is in any way opposed to the best interests of the motion-picture men.

Mr. SCHECHTER. Let me ask you this question: Are any motion-picture concerns in favor of this legislation?

Dr. CRAFTS. I have letters in my office to that effect—one from an ex-president of the New York Exhibitors' Association; and some of the motion-picture men in central New York agree with me.

The bill providing that the District Commissioners should censor films in the National Capital, which was vetoed by Mr. Taft, and has been quoted on the other side, really presents a good argument for our side of the question. The District Commissioners desired the veto, because they were unwilling to give their own time to this work and had no experts who could give the necessary time to the difficult task. Bear in mind that the vetoed bill did pass Congress, which thus registered its solemn conviction that films need censorship.

The CHAIRMAN. That bill applied only to the city of Washington, I believe?

Dr. CRAFTS. Yes, sir; but all the pictures that go elsewhere come here also. The fact that that bill passed Congress was certainly evidence of the fact that Congress believed that censorship was needed, and the only objection to it was that the commissioners, with no extra money provided, could not perform the service, and the bill was vetoed for that reason.

No cities except the very large cities like Chicago, New York, and some others, can well afford to do censorship work. Where they have a local censor board, as at Fort Worth, for example, composed of three or four people who are serving free of charge, they do not pretend to see all of the films. They see only those that are suspected. The expense incurred by a paid local board of censors, such as they have in the city of Chicago, is quite large.

Now, State rights are not in any way involved in this bill. It seeks to control what is almost wholly an interstate business. There are no motion-picture films to speak of that do not go through the whole country. A Federal censorship is necessary for one thing to prevent bad films from getting a copyright. In consultation with the Librarian of Congress I found that when anything has been condemned by a court as obscene it is denied a copyright. I saw that it would therefore be possible to provide that no copyright should be issued to any film not licensed by the Federal motion-picture commission.

Canon Chase has credited me with this bill, but I must say that Canon Chase has given a great deal more attention to it than I have. We have together developed this bill. I do not wish to take all the credit of having prepared what I think is going to be one of the most important bills ever enacted by Congress in the interest of good morals. The public sentiment in favor of adequate censorship of films is not something that has to be worked up. The people have long been showing they were in favor of it by protests adopted against bad films and by multiplying censor boards.

I think my time must be about up, but I would be glad to answer any questions.

Mr. ABERCROMBIE. Dr. Crafts, don't you think this bill ought to be so amended as to provide for two classes of approved films, one for adults only and another class for adults and children?

Dr. CRAFTS. I am afraid that would be a very dangerous provision. It would be somewhat like notices of "meetings for men only." Those notices always attract a prurient crowd that would be really disappointed if nothing improper was exhibited.

Mr. ABERCROMBIE. Don't you think it possible for a picture to be good for adults and not be good for children?

Mr. CRAFTS. I think there are pictures that would be good for select audiences. For instance, a play like "Damaged Goods," if made into a photo play, might be a good picture to exhibit before an audience of mature minds. I saw "The Traffic in Souls," dealing with the white-slave traffic. It had the approval of the New York censors. That I felt might do good if given to a company of college girls, or of girls fresh from the country, with no men present as a warning to them against the tricks of the white slavers. But exhibited before an audience of men and women sitting together, it seemed to me unwholesome, for it showed procurers, pimps and

cadets getting "easy money" in great plenty from seducing and selling girls.

In that audience, presumably, there were men of the type that became burglars and on them this exhibition of "easy money" would be likely to have a bad influence.

A woman would be left 5 or 6 minutes locked in a room with a white slaver while other pictures were shown. Virtue would always triumph in the end, but men of the type I have mentioned would not think of triumphant virtue but of the money made out of such crimes.

The commission might indorse certain films as suitable for all and others for restricted audiences, leaving it to State laws and local ordinances to say this distinction should be respected, for the Federal censors could have no control of local attendance. Both kinds of films would have to be allowed copyrights and interstate commerce privileges unconditionally.

The main thing under this bill is to get a censorship that will protect the children. A speaker representing motion-picture theaters has said that children are shut out of motion-picture halls in this Capital City, "down town." Why are they shut out? Is it because there is something unwholesome? And if so, why are they not shut out also in the residential districts? In most of the motion-picture halls of our land there is no shutting out. I have not been in an audience anywhere where children were shut out. The children were not even shut out from seeing "The Traffic in Souls." There is no place in the United States that I know of where film exhibitors have shut out children, and they are said to make up fully 25 per cent of the motions-picture audiences. Many of the people attending these theaters are raw country people who are taken with these cheap theaters; and immigrants just from the old world, who have not been used to this sort of thing.

In Oklahoma, at a motion-picture show, I saw a man come down over the tender of an engine to rob a train. Think of such a film being exhibited in a region where train robberies were occurring frequently. They have been occurring almost daily of late, because of such incentives in contagious pictures, including too vivid word pictures in the press. That motion-picture hall was nothing more or less than a school of robbery, and I could cite to you a hundred such film lessons in crime that were cut out in Chicago after the films had passed the New York censors who call themselves "The National Board of Censorship," though not in any true sense national either in membership or in the standards.

The CHAIRMAN. As I understand it the gentlemen have agreed that you were to have the closing 30 minutes, and Mr. Schechter is to have an hour and a half on Tuesday.

Dr. CRAFTS. I hope he will cut his remarks to less than an hour and a half.

Mr. SCHECTER. I might say that Dr. Chase has already had quite a lot of time, and this gentleman has occupied almost a half hour, to all of which I have made no objection. I do not want it to appear that I am unduly insisting upon time, but I want time enough in which to present the case for the people I represent. I think they are the persons concerned and not so much you people who are mov-

ing in behalf of the bill. I will try to get through in an hour, if I possible can.

Dr. CRAFTS. We think the people of the United States are a good deal more concerned than the small number who are manufacturing these films.

Mr. SCHECHTER. But they are going to the people and we are manufacturing them.

Dr. CRAFTS. You represent the small interests that have money invested in this motion-picture business, but we represent the great masses of the people who are looking at it from the moral standpoint.

Mr. BRYLAWSKI. Do you know that there are many pictures for church and school purposes—do you not know that?

Dr. CRAFTS. Well, I said there were 400 that I have heard of.

(Thereupon the committee adjourned to meet Tuesday, May 19, 1914, at 10 o'clock a. m.)

COMMITTEE ON EDUCATION,
HOUSE OF REPRESENTATIVE,
Tuesday, May 19, 1914.

The committee this day met, Hon. Dudley M. Hughes (chairman) presiding.

The CHAIRMAN. The committee will hear first this morning from Mr. Schechter.

**STATEMENT OF JACOB SCHECHTER, ESQ., REPRESENTING THE
UNIVERSAL FILM CO., OF NEW YORK, N. Y.**

Mr. SCHECHTER. Mr. Chairman and gentlemen of the committee, I have read over the transcript of the proceedings of the last hearing before the committee, and I find that a great deal which has been said is mere repetition, and I will not take all of the hour and a half which the committee was kind enough to allot to me this morning for the purpose of answering the arguments advanced by the proponents of the bill. I will direct my answers particularly to the new matter introduced.

Mr. Chairman, I listened very carefully to the remarks of Canon Chase, open-mindedly, without any preconceived prejudices, and attempted to disassociate myself, so far as possible, from the interests which I represent. But I must say nothing which the canon stated has in any way tended to change my opinions that censorship of moving pictures is wrong in principle, unjust, illegal, and unconstitutional. On the other hand, I have grown more firm in my convictions since listening to him.

In the first place, as portions of the bill under consideration by the committee have been discussed and analyzed by Canon Chase, and in view of the fact that the committee has seen fit to call upon me to explain some of the practical results of several sections of the bill, I think it is not out of place at this time to call your attention to the woeful lack of understanding or appreciation by, and the ignorance of, the drafters of the bill with the business attempted to be regulated.

Let us first consider section 11 of the bill, which reads:

That no motion-picture film which has not been licensed by the commission and which does not bear its seal and is not accompanied by its certificate shall be exhibited in any licensed place of amusement for pay or in connection with any business in the District of Columbia or in any of the Territories of the United States, or any place under the jurisdiction of the United States.

If I did not personally entertain the impression that Canon Chase was actuated by the most laudable motives, I might be tempted to say that section of the bill was put in there by him in consultation with, and suggestions of, the past masters of legal quibbling. But of course the worthy canon could not be accused of that.

The practical effect of that section would throw such discredit upon this bill as to make it a subject of laughable comment.

It means that in effect there would be one law for the rich and one law for the poor.

The rich, able to purchase these pictures, would be permitted at their clubs and private homes to show uncensored pictures; and the poor—the great majority of the people—unable to arrange private exhibitions, would be permitted to see only censored pictures. A splendid example of class legislation.

Dr. Crafts and Canon Chase both point with pride to the fact that this bill is different from all other censorship bills which have been introduced in several of the States, because it allows to be exhibited uncensored films, when such exhibitions are made in places where no fee is charged for admission.

I call this committee's attention to the fact that this bill would lend itself to the practical recognition of the exhibition of obscene and immoral pictures when exhibited at places where no charge is made for admission, when heretofore such exhibition was a criminal act under any circumstances, whether exhibited for pay or otherwise.

Canon Chase's definition of censorship is another good reason for the nonpassage of this bill. He affirms that under this bill there will not be true censorship, but that the censor will be a licensor, and argues that it will not amount to more than a license to exhibit such censored films.

I fail to see any difference between the terms as here used. I believe in calling a spade a spade. There is no question that the censors appointed pursuant to this bill would have the absolute power to disallow the exhibition of any picture which, in their censorious opinions, ought not to be exhibited. That is not a question of license; that is censorship in the true sense of the word: for in refusing to license a picture they certainly will censor it.

Does not Canon Chase in that way admit, and is not his statement tantamount to an admission that censorship is unconstitutional, else why should he fear the word censorship?

If it is the desire of the committee, I will now take up and illustrate the impracticability of some of the sections of the bill.

Mr. TOWNER. There are two or three matters I would like to call your attention to before you go on further.

I want to call your attention to the regulations of the board of censors of Quebec, Canada. Before films may be shown in Quebec

they must receive the approval of the board of censors, concerning whose powers the Canadian press remarks:

No murders, no attacks on any religious body, no burglaries, no highway robberies, in fact, no presentation wherein vice or violation in any form figures—such is the rule which will be followed by the newly created Quebec (Canada) Board of Moving Picture Film Censors.

I want to call your attention to that standard set by the Quebec board of censors, and the standards of the judgment of the national board of censors in New York. These are the elementary standards of the board. The board prohibits obscenity in all its forms. Then it says: "The board prohibits vulgarity." Now, if it would stop there, probably there would be no objection to that rule, but unfortunately, that is followed by this qualifying phrase: "When it offends or when it verges toward indecency, unless an adequate moral purpose is served." There are two very strong qualifying phrases, so that there is no prohibition of vulgarity if it falls under either of the qualifying phrases. Then, in the third place, "The board prohibits the representation of crime." If it would stop there, it would then be on a par with the rule laid down by the Quebec board of censorship, which prohibits the representation of murders or burglaries, highway robberies, and other crime, but it does not stop there. The prohibition of the representation of crime is qualified as follows:

In such detailed way as may teach the methods of committing crime except as in the judgment of the board the representation serves as a warning to the whole public.

Under that rule any crime under any circumstances, however horrible, or whatever may be the moral turpitude involved, may be represented, provided it is not done—

in such a detailed way as may teach the methods of committing crime except as in the judgment of the board the representation serves as a warning to the whole public.

Of course, that practically amounts to no prohibition at all.

Then, the fourth standard, or prohibition, is as follows:

The board prohibits morbid scenes of crime, where the only value of the scene is its morbidity or criminal appeal.

So that the qualifications in all of those three to which I have just referred, merely serve to make them negative.

Do you not think that in the United States we ought to have at least as high a standard with regard to those things as they have in Quebec?

Mr. SCHUCHTER. I think, Judge Towner, that the articles of the national board are misleading. That while they may, in fact, be somewhat loosely drawn, in passing upon the film subjects submitted to it the board in the United States is equally as strict as the Quebec board; that the Quebec board must in passing upon film take into consideration the subject in the same way as does the New York board; and this is indicated by the fact that most of the film sent to Quebec from the United States is approved by the Quebec board.

Mr. TOWNER. This is the censor of the Province of Quebec, which would be analogous to State censorship in this country.

Mr. SCHECHTER. Of the films exhibited in Canada, I think that upward of 75 per cent are manufactured in the United States; and I am informed that less than 1 per cent of the American-made film exhibited in Quebec is disapproved by that board; and the disapproval of even that very small percentage is not because the film could be considered immoral or obscene, but because it does not meet the views of the particular community.

Mr. TOWNER. Of course that really does not answer my question. I am not particularly concerned as to how the authorities enforce their laws in Canada except as we are all interested generally in the enforcement of law.

Mr. SCHECHTER. I simply intended to show the particular workings of both boards; that while the language of the rulings formulated by one board is much more stringent, the practical result is the same in both cases.

Mr. TOWNER. But here are the two standards of censorship, one of the board of censors in Quebec and the other of the national board of censors in New York, one in which they say that crime and its details and everything of that kind shall not be exhibited at all, and the other in which there is a prohibition of vulgarity, but with such a qualification as permits any exhibition of vulgarity.

Mr. SCHECHTER. Yes; I think, Judge Towner—

Mr. TOWNER (interposing). Just a moment. And then there is another regulation prohibiting the representation of crime, but with qualifications so that almost any kind of crime can be presented. Another prohibits the representation of morbid scenes of crime, but with the qualification that makes it practically useless. Do you not think we ought to have the highest standards in this country?

Mr. SCHECHTER. I think the American standard is just as high—

Mr. TOWNER (interposing). You think it ought to be made stronger?

Mr. SCHECHTER. I think the language could be made more explicit.

Mr. POWERS. For what interests do you speak?

Mr. SCHECHTER. I represent the Universal Film Manufacturing Co. and its allied companies.

Mr. POWERS. You would not be authorized to say that the National Board of Censorship would be willing to change their rules to correspond with the Canadian rules?

Mr. SCHECHTER. I am not authorized to say that. Of course, I do not represent the board, but I am certain that the National Board of Censorship in New York City, whose members represent the very best element in the vicinity of New York City—the greatest educators along the several fields of endeavor—will follow standards as high as that proposed by any board in this or any other country.

Mr. TOWNER. I want to call your attention to another one of these standards. I spoke at one of the hearings with regard to the practicability of establishing a different standard with regard to the children's exhibitions, those pictures that might be exhibited before children and those that might be exhibited before adults. I notice that in Germany, in Bavaria, they have not only a censorship, but a provision in regard to that.

Mr. SCHECHTER. I was not aware of that.

Mr. TOWNER. In the regulations in regard to those things in the city of Nuremberg there are regulations of that kind. I have those

regulations here in the Daily Consular and Trade Reports, and I find that there are several provisions there providing for that. I find that there are several provisions providing that children are not allowed at all to attend what they call their regular performances. Then there are several provisions in these regulations of Nuremberg in which the films intended for exhibition before the young are especially to be censored for that purpose. In this connection, Mr. Chairman, I offer for the record these Daily Consular and Trade Reports, covering the subject of "Moving pictures abroad in Germany," being the reports of Consul George Nicolas Ifft, of Nuremberg, contained in the Daily Consular and Trade Reports under date of May 10, 1913; also the matter contained on page 730 of the Daily Consular and Trade Reports of the same date, regarding the Quebec board of censors, and also a further excerpt from the same volume on the proposed system of licensing films, the system which is proposed in Great Britain by Mr. W. Cavazzi King, secretary of the Cinematograph Exhibitors' Association. I ask that these be printed in the record, Mr. Chairman.

The CHAIRMAN. If there is no objection, that will be done.

(The matter referred to is as follows:)

MOVING PICTURES ABROAD.

GERMANY.

[Consul George Nicolas Ifft, Nuremberg.]

Under a ministerial order of January 27, 1912, a board of censorship for motion pictures was created for the Kingdom of Bavaria, such authority being vested in the Royal Police Commission of the city of Munich.

All motion-picture films must be approved by this board before they may be exhibited in any moving-picture show house in Bavaria. Applications for such approval must be accompanied by a statement giving name and trade-mark of the manufacturer of the film, name of the owner, length of film, name of the petitioner, and title and description of the pictures. The film is then actually exhibited to the board, and, if passed and approved, a card to that effect is issued to the petitioner. Such approval cards must be produced before the local authorities will issue permits for the presentation of motion pictures. The ministry of the interior reserves to itself the right to recognize permits from other German States, and also expressly reserves to the local authorities the right to refuse, for local reasons, permits for the presentation of motion-picture films, even though they may have the approval of the board of censors.

NUREMBERG POLICE REGULATIONS.

By resolution of April 24, 1912, the police senate of the city of Nuremberg adopted the following rules for carrying into effect the ministerial order above referred to:

(1) Only such cinematograph pictures may be shown the public presentation of which have been approved by the Royal Police Commission of Munich and which have been entered in the list (rule 2) to be laid before the city magistracy. The showing of other pictures is forbidden, the right being reserved to authorize exceptions in particular cases.

(2) At least one day before the exhibition a double list with the censor's certificate is to be presented for examination to the city magistracy. The list must contain the particular picture, with title and subtitle, if any, under which it is publicly advertised and exhibited, the manufacturer's number, and the official notice of approval (number and day of approval as well as name of censor). When the exhibitor is not in possession of an official notice of approval, only the name of the censor shall be inserted in the list; in such case the exhibitor is responsible for the correctness of this insertion. Notice must also be given immediately of unforeseen changes in the order of exhibition.

(3) Every cinematograph picture intended for public exhibition shall, upon request, be shown to representatives of the city magistracy prior to such exhibition and in a room by them to be designated.

(4) The list (rule 2), which, with the notice of the magisterial examination, is to be handed back to the exhibitor, is to be kept ready during the public exhibitions so that it can at any time be shown to the agents of the city magistracy who care to look at it.

POWERS OF CITY MAGISTRACY.

(5) The public exhibition of cinematograph pictures may be given only with the titles under which they have been entered in the list (rule 2).

(6) So-called special exhibitions, "for men only," or "for women only," are not permitted.

(7) Pictures which in spite of the authorization of the Royal Police Commission in Munich appear unsuitable to the city magistracy may not be publicly presented. Public advertisement of them is forbidden.

(8) The exhibitor is bound, upon request of the city magistracy, to give any information relating to each exhibition and to comply with all directions and suggestions, especially in relation to posters.

(9) Six tickets entitling bearer to visit the performance at any time free of charge are to be delivered to the city magistracy. The representatives of the city magistracy shall be accorded free entrance at all times and unhindered, even without tickets.

(10) If the exhibitor does not personally conduct the business he shall immediately give notice of this to the city magistracy; furthermore, he shall, without delay, appoint a manager and give his name to the city magistracy (christian and family name and residence).

(11) Story-tellers, reciters, declaimers, and such may be employed only with the permission of the city magistracy. When they are to take part in a juvenile exhibition the consent of the local school commission must be obtained in addition.

CHILDREN NOT ADMITTED TO REGULAR PERFORMANCES.

(12) Attendance at ordinary cinematograph exhibitions is forbidden to children and young people who have not completed their sixteenth year. The exhibitor, as well as his employees are bound to refuse such persons admission to the ordinary exhibitions, and to order them away, whether they be accompanied by adults or not. In proper places, especially at the box office and entrances, large placards are to be posted with this notice in clearly legible characters: "Admission to ordinary performances is forbidden by the police to young persons who have not completed their sixteenth year."

(13) Children under school age may not attend even the exhibitions "For the young"; other children under 10 years of age may attend only when accompanied by older persons.

(14) Exhibitions for the young will be allowed by the police only upon special request of the exhibitor and in accordance with a program presented to and approved by the authorities. They shall be designated in the public advertisements as well as in clear and visible notices, one to be placed at the entrance and one at the box office as "Exhibitions for the young," or as "Family exhibitions for the young, approved by the police."

(15) Abbreviations, but not supplements, may be made in the programs of the exhibitions for the young approved by the city magistracy.

(16) The petition for approval of an exhibition for the young shall be handed in to the city magistracy at least five days before the intended exhibition. To this petition shall be attached, in duplicate, the program, as well as an exact description of the pictures to be shown.

EXHIBITIONS "FOR THE YOUNG."

(17) The films for an exhibition for the young must be in readiness in the theater for examination by the board of control not later than 9 a. m. on the day preceding the exhibition.

(18) Exhibitions for the young may be regularly given only in the afternoons of Wednesdays, Saturdays, Sundays, and holidays—in winter (from October 1

to March 31), between 2 and 5 o'clock, and in summer (from April 1 to September 30), from 2 until 6 p. m.

(19) The exhibition of all numbers on the program in an exhibition for the young may not exceed 1½ hours.

(20) The sale of alcoholic liquors during an exhibition for the young is forbidden, even when the sale of liquors has been authorized on the premises.

(21) The exhibitor is obliged to observe the above regulations most carefully. The same duty rests upon those employed by him or working with his permission. The exhibitor shall make known the official regulations to such persons before accepting their services.

(The school exhibitions arranged by the District Teachers' Association of the city of Nuremberg, with the approval of the local school commission, are not affected by the provisions of regulation 18, above quoted.)

Mr. SCHECHTER, Judge Towner, in connection with what you said at a former hearing concerning the export of American-made films, I happened to find an interesting bulletin in regard to that subject, issued by the Selig Polyscope Co., under date of May 7, 1914, which speaks for itself. It reads:

SELIG NEWS SERVICE.

MAY 7, 1914.

To the Editor:

The following news items and reading notes are released upon receipt.

THE SELIG POLYSCOPE CO.

* * * * *

HIGH RECORD EXPORTS OF MOTION-PICTURE FILMS.

Interesting documentary evidence come from the export department in Washington concerning recent movements of picture films from the United States. The motion-picture films exports from this country have increased rapidly during recent years, and scored a record of remarkable advance during March—the total for that month having been 23,000,000 linear feet against 3,000,000 in the same month of the preceding year. During the nine months which ended in March the exports aggregated 146,000,000 linear feet, nearly four times the amount exported during the corresponding period of 1913, and trebled that of the former high record year 1912. A continuation of exports at the level of the last nine months would bring the total of the fiscal year up to 195,000,000 linear feet, which would girdle the world both ways and have "footage" to spare.

The foreign sales of motion-picture films are chiefly to England (this taking in the Provinces of England), consuming about nine-tenths of the total export. The next largest customers are Canada, Australia, Cuba, France, Japan, Argentine, Brazil, China, and the Philippine Islands. In many countries, notably in England and France, motion pictures are made with cameras equipped with films manufactured in the United States, the world's largest purveyor of that article.

* * * * *

Mr. TOWNER. Can you give us any idea of the probable value of the films exported?

Mr. SCHECHTER. I can simply say that the average value of film exported is 8 cents per foot. According to this report, in nine months, 140,000,000 linear feet were exported. Figuring it on that basis, the value of the film exported was about \$11,200,000. In addition, some of the manufacturing companies in this country, after printing as many duplicate copies from the negative as they find necessary for consumption in the United States, send the negative to Europe, and there positive prints are made. These latter prints I do not believe are figured in this report, and they amount to quite a large sum.

Mr. POWERS. I want to ask you one question in that connection. I asked a question the other day whether or not under the provisions of this bill there would be any appeal from this proposed Federal motion-picture commission to any higher court? I have not had an opportunity to look into the law on the question, and I would like to have your views on that point.

Mr. SCHECHTER. This bill clothes the censorship commission with an absolute and arbitrary power. There is no right to appeal. Dr. Chase argues that we have the right to go to a higher tribunal and appeal from decisions of this commission: but there nowhere appears in the bill to what tribunal such appeal may be made, and our claim is that if such right exists or is intended, it should be distinctly set forth in the bill.

Mr. POWERS. Without having investigated the question, I was of the opinion that as it was not provided, such right did not exist.

Mr. SCHECHTER. That is exactly my opinion, and I further claim that that is wholly unjust.

Mr. TOWNER. I think it is expected that the legal powers will be exercised, and I will say to Mr. Powers, my colleague on the committee, that appeals to the courts for injunction could be had in my opinion. For instance, if we established a board of censorship, and an unlicensed film was being exhibited, even though it may not be a criminal offense to exhibit an unlicensed film, it might be stopped by injunction.

Mr. SCHECHTER. That is a wholly different situation. Judge Towner. That is invoking the injunctive remedy where an unlicensed film is exhibited, but it does not touch upon the right to appeal in case a person feels aggrieved by the decision made by the censorship board.

Mr. POWERS. I can understand, that might apply in a case of the character mentioned by Mr. Towner, but what remedy would any film company have for a refusal of this proposed board of censorship to permit to be shown a healthy, wholesome picture film in the absence of some authority in this bill granting an appeal from the decision of the commission?

Mr. SCHECHTER. I repeat that as the bill is drawn no such right exists, notwithstanding that the commission may refuse to license, as you have stated, a healthy, wholesome picture film. It would be subject to the whim of a particular censor.

Mr. POWERS. I simply wanted to get your views in regard to that matter.

Mr. SCHECHTER. I intend to discuss that fully in our brief.

At the last hearing, in answer to a question put to me by the chairman, I pointed out that a great majority of the film produced in the United States is actually photographed in the vicinity of California. There is a section in this bill which makes the transportation of films from any one State to another a violation of this particular act. I refer to section 10 of the bill which provides:

That no person, firm, or corporation shall carry or transport any film from one State into another State of the United States, or from any foreign country into any State of the United States, unless such film has been licensed by the commission and a true copy of the certificate accompanies it: *Provided*, That this section shall not apply to films consigned to this commission.

It seems to me that the transportation of the negative film from the California offices of the company, where it is produced, to New York

City, where the manufacturer views it before it is sent out to the public, would be a violation of the statute.

Under that provision it would be impossible to do any business whatsoever, for most of the general offices of the various film companies are located in and around the city of New York, while but a very small percentage of the film is produced in the vicinity of New York.

Dr. CRAFTS. That could be amended in this case.

Mr. SCHECHTER. Of course, a lot of things could be amended. But that is only one of the many impractical features in the bill. My point, however, is that the people who drafted this bill do not understand the nature of the business they are attempting to regulate; that they have not the slightest conception of the insurmountable difficulties that would be encumbered by the passage of such a bill.

Dr. CRAFTS. We happen to know something about it.

Mr. SCHECHTER. But surely not enough to warrant such interference with a lawful business. Now, Mr. Chairman, let us consider section 3, which provides:

That the commission may appoint advisory commissioners to advise and assist in the examination and censoring of films, who shall hold office during the pleasure of the commission and serve without compensation. No person shall be appointed an advisory commissioner who, directly or indirectly, has any pecuniary interest in the exhibition of motion pictures, or in any film exchange, or firm or corporation engaged in manufacturing motion-picture films.

It seems to me that this would put the stamp of unofficial action upon the acts of these advisory commissioners. Further, if we are to have an advisory board why are not the members of the present national board of censors sufficient? Surely no one will be heard to say that any of the members of the present national board are such as would not be proper advisory commissioners. Why then are not their services as an unofficial board just as effective as would be their action if clothed with power of the Government?

The same thing is true of section 4, which provides for deputy commissioners and other assistants. I ask whether the manufacturers or producers of films are to be subjected to the scrutiny and examination and censorship of their pictures by these subordinates? It might be all right to submit pictures to the five high-minded gentlemen who may constitute the board, but if we are to submit our pictures to these subordinates, who will not and are not expected to have those qualifications, I think it is time to call a halt.

I think that the national board of censorship to-day, composed of 135 people, all of them chosen because of their learning and public interest, and who have no political ambitions, make a better lot of censors and are better qualified to do that work than any number of these subordinates and assistants.

Then, besides that, Mr. Chairman, I pointed out in my statement last Friday that there are about 40 or 50 centers or distributing points. It seems to me that, in order to carry out the provisions of this bill effectively and make impossible violations of its provisions, it would be necessary to have an assistant or deputy commissioner in each one of the centers or distributing points for the purpose of examining the duplicate films that come to the exchanges of these various groups. If, for instance, the Universal Film Co. produces 30 reels of film a week, each exchange receives about that number

of reels. If the Mutual Co. produces a similar amount the Mutual Exchange receives a similar number of reels of film. Altogether, there are about 225 subjects produced each week, which come into these various distributing centers, and it would be practically impossible for these deputies to examine the film, so as to detect any violation or attempted violation of the law.

Mr. ABERCROMBIE. If it is not necessary to have an examiner at each exchange under the present plan, why would it be necessary under the proposed plan?

Mr. SCHECHTER. The board has representatives throughout the country for just that purpose. I say if you are going to have an official censorship you have got to be able to stop violations.

Mr. ABERCROMBIE. Under the present plan there is no way to detect a violation which might occur?

Mr. SCHECHTER. Oh, yes; the negative is always on hand in the office of the company.

Mr. ABERCROMBIE. Who sees that the ruling of the board of censorship are enforced?

Mr. SCHECHTER. That is up to the board; I understand the national board has representatives in each of these distributing centers; altogether about 400 people are engaged in this work in conjunction with the national board.

Mr. ABERCROMBIE. Would not the negatives always be on hand under the proposed plan?

Mr. SCHECHTER. Yes; but if you are going to have true official censorship it seems to me it would be necessary to have a man in each of these distributing centers.

Mr. ABERCROMBIE. Do you not think the possibilities of violation under the present plan are much greater than the possibilities of violation under the proposed plan?

Mr. SCHECHTER. No; because if the present national board objects to a picture or portion thereof, we have the right to appear before it, and either convince them of their mistake or submit to their judgment. If they show us we are wrong, we eliminate the objectionable part or make a new negative.

Furthermore, gentlemen, you must realize that in order to have true censorship it will be necessary to examine all film subjects at present being exhibited in this country, and I think it is a conservative estimate to say that at least 12,000 or 15,000 subjects, not copies, but original subjects, are now in this country. How many copies there are I can not say. Perhaps if we multiply that number by 50 it would be about right. It would be a tremendous and practically impossible task to examine these films. As I pointed out at a previous hearing, allowing four hours a day for examination and four reels to be examined in an hour, about 16 reels may be examined in a day, that would mean about 100 reels a week, and about 5,000 reels a year which, at the utmost, it would be possible to examine, so that in order to examine all the subjects now in this country it would take the committee about three years.

Mr. ABERCROMBIE. You have stated the number heretofore, but I will ask you to state again the approximate number of original productions annually.

Mr. SCHECHTER. About 12,500. I figure at least 225 new films are produced each week and that would total about 12,500 new subjects each year.

Mr. PLATT. How large a proportion of films are actual occurrences and how large a proportion are faked up? I mean how many are staged for the purpose?

Mr. SCHECHTER. Would you call a moving picture having as a basis a drama, or a book, or a magazine article, faked up?

Mr. PLATT. I mean how large a proportion are pictures of real occurrences, actual bonafide pictures of real occurrences, and how many are made up?

Mr. SCHECHTER. I am not certain as to the figure, but I should venture to say about 20 or 25 per cent of the pictures are subjects depicting current events, the remainder are the result of staging of dramas or such as are taken from books, magazines, articles, scenarios written by various scenario writers for the purpose, and the like.

Mr. PLATT. Of course, high-class things that are not actual occurrences, such as plays that are staged and produced, would be on a little different line than something like a crime enacted for the purpose of being put into a film.

Mr. SCHECHTER. There are a great many crimes depicted in Shakespeare's plays. Take for instance the play of King Richard III; surely there can be no objection to the staging of these plays; and if no objection can be raised to the plays there is no basis for an objection to the same if depicted in moving pictures.

Mr. PLATT. When you put it in a play it is one thing, but when you stage, for instance, the raid of a man's gin mill, which I have seen frequently, that is staged absolutely, it does not come in as a part of the play.

Mr. SCHECHTER. It is possible to see a raid in a gin mill, in fact, and a picture may be taken of it, which would place that picture in the category of current events and as you state, it would be entirely proper to exhibit such pictures. Notwithstanding that fact I do not think any up-to-date manufacturer will to-day produce a film simply to show the occurrence of crime. If any scenes of current events are depicted they usually are subjects of historical interest, or things similar.

Mr. TOWNER. Let me call your attention to a film which they had trouble with in your own city of New York, in which the principal object of the film was to depict Jack Rose, Sam Schepps, and Harry Vallon as the heroes of a company of thugs and gamblers connected with the Rosenthal murder. Is it not a fact that the only object for paying these men \$500 for posing in that picture was because it would satisfy the morbid curiosity of certain people to see that class of pictures, and would not the effect of such an exhibition as that be wholly bad?

Mr. SCHECHTER. I think the picture you refer to is that entitled "The Wages of Sin."

Mr. TOWNER. Yes.

Mr. SCHECHTER. Right here, if you will allow me to digress a moment, I want to say that there are only four films that have been mentioned before this committee as objectionable in the opinion of

these censorious persons. Only four films of all those that have been manufactured in these many years; that is, about 12,500 new film subjects a year for 8 or 10 years. Out of all those only four have been mentioned.

So far as the particular film mentioned by Judge Towner is concerned, I think that was subsequently stopped.

In regard to the film entitled "Traffic in Souls," that was approved by the National Board of Censorship and it was approved by a great many educators of the country, by a large number of magazine editors and newspaper writers, and by the editors of the Outlook. Canon Chase makes reference to the fact that four subscribers to the Outlook wrote articles, stating that, in their opinion, that picture did not tend to serve a moral purpose. What about the other one-quarter of a million people who read the Outlook and who made no objection? To these thousands the picture did tend to serve a moral purpose. Thousands of people say it is good, two or three say it is not. I ask whenever we are to be judged by the standards of these two or three?

As to another of the pictures mentioned entitled "The Inside of the White Slave Traffic." This was exhibited one day and stopped, and the people who exhibited it were immediately arrested and afterwards convicted.

MR. TOWNER. Let me call your attention to this particular instance. You will admit, of course, that the reason that these men to whom I refer were paid \$500 to pose, these gamblers and thugs, was because of the fact that they were notorious representatives of that class of people?

MR. SCHECHTER. I am not certain about that, but I will admit it for the sake of argument.

MR. TOWNER. And that the only possible benefit that could come from the exhibition to the exhibitors was because it was an appeal to the prurient desires and tastes of the people by a class that would be almost certain to be injured by it. Notwithstanding that fact, this particular picture was passed by this board, was it not—that is, it was passed by the National Board of Censorship?

MR. SCHECHTER. I do not know that to be the fact, but will accept your word for it, if you say that it was so.

MR. TOWNER. And was afterwards stopped by order of the police, as I understand it?

DR. CRAFTS. In some cases, yes.

MR. TOWNER. Would you not admit that that was wrong from every possible standpoint?

MR. SCHECHTER. I did not see that picture exhibited, so that I can not truthfully answer that question. I can not say whether it tended to serve a moral lesson. Furthermore, it—

MR. TOWNER (interposing). That does not make any difference. The point I am making is that it does not make any difference what kind of a picture it was, even if it was a picture that would represent the best moral lesson in the world; that was not the attraction. They could have gotten anybody to have posed for that sort of a picture, but it was the fact that these men were to appear in the picture that made it attractive, and for that purpose they were paid \$500 to pose, and it seems to me that was a direct response to the morbid demand that exists, as we know, and that, therefore, the pictures could not help to be deleterious.

Mr. SCHECHTER. I take issue with you, Judge, that there is a great morbid demand, and as to this particular picture, I respectfully refer you again to the fact that it was reproduced by an irresponsible concern which was organized for the purpose of producing that particular photo-play and none other. It was not produced by any of the representative companies.

Mr. TOWNER. Do you not believe that all of your film manufacturers would reproduce every prize fight in this country that was ever held, if they were not censored?

Mr. SCHECHTER. I do not understand that prize-fight pictures are censored. It is, however, my understanding that a law has been passed making unlawful the exhibition of such moving pictures, and accordingly I answer your question. I say that the manufacturing company which I represent and the other manufacturing companies here represented and mentioned will follow the law. The law provides that no prize-fight picture shall be produced, and we do not produce them. That is the bone of our contention. I say if you want to have effective laws, make them as strong as you please; say to us that we shall not put out pictures depicting certain things and we will follow the law to the letter.

Mr. TOWNER. Is this the result of your objection to censorship: That it determines in advance of representation, instead of determining after the representation, that it is wrong and will exert a wrong influence?

Mr. SCHECHTER. That is one of the many objections.

Mr. TOWNER. You just said you would obey any law that is passed no matter how strong it may be. Suppose the States do pass laws declaring that no representations of any crime shall be exhibited at all, and no representation of anything that shall be considered as vulgar or indecent shall be exhibited, and that no representations of prize fights, murders, or the like shall be exhibited—you say you would not object to that?

Mr. SCHECHTER. I do not believe a legislature could be found in the entire United States that would pass laws having for effect all of the things which you mention, for in so doing they would have to make a similar provision making it impossible for a newspaper to write up a story concerning any of those things.

Mr. TOWNER. What is the difference between the determination in advance and the determination after the fact?

Mr. SCHECHTER. There is a great difference, Judge Towner, for it lays down in advance rules for the guidance of the multitude on the subjects of religion and morals, and refers back to the days of ancient Rome, when men set themselves up as guides to their fellows in what they should and should not do. This question was fully settled when our Government was formed and it was determined that censorship was to have no place in America. The first amendment to the Constitution was made which provides that—

Congress shall make no laws respecting the establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Mr. TOWNER. Do you not think it better to prevent the moral effect of the picture than to punish the men after the picture is exhibited?

Mr. SCHECHTER. In answering that proposition I refer to the custom followed in Russia at present where all newspapers are censored. I would rather have the newspapers of this country, and I dare say every member of the committee would rather have newspapers which are not censored than the censored newspapers of Russia. In this country if a man puts out an article which is libelous, he is accountable to the law for it, and may be proceeded against because of its publication.

Mr. PLATT. Why is a thing immoral in one place and moral in another?

Mr. SCHECHTER. That is the point exactly. We say that you ought not to let some one man or boy judge in advance whether a thing is moral or immoral. There are a great many different types of people in this country. There are 48 States. Each State may have different views upon a particular subject. It is not as if we had one set of laws for all of the States, and we say that no censors could officially pass upon pictures which would meet the views of all of the communities in the United States.

The CHAIRMAN. Still you have this unofficial board that passes on these matters?

Mr. SCHECHTER. Yes; because we have found the board to be fair and reasonably intelligent in their opinions. But if any attempt was made to convert such a board into a purely political organization, with all the evils liable to flow therefrom, its decisions would command the support neither of the public nor of the film producers.

Mr. ABERCOMBIE. But under the present plan if a thing is immoral it may be exhibited to a million people before you could stop it.

Mr. SCHECHTER. There are sufficient laws on the statute books today to stop the exhibition of immoral pictures, and I do not understand that any immoral pictures are being produced. As I explained, the picture, "The inside of the white-slave traffic," was exhibited one day, and even before its exhibition the police gave notice to the producers warning them not to produce it, under penalty. Notwithstanding such notification, the producer attempted to exhibit it, and upon its first exhibition he was arrested and the exhibition of the picture was immediately stopped.

Mr. ABERCOMBIE. I understand these pictures are shown all over the country on the same day.

Mr. SCHECHTER. "The inside of the white-slave traffic" was never exhibited outside of the city of New York. I pointed out that only four pictures have been mentioned here as objectionable. The picture last named was one of them.

Mr. ABERCOMBIE. Do you mean to say the National Board of Censorship has thrown out only four pictures during the course of its existence?

Mr. SCHECHTER. I don't say that; I say that only four pictures have been mentioned here by the proponents of the bill as objectionable.

Dr. CRAFTS. May I protest against that statement, Mr. Chairman? I want to enter a protest that that statement is not correct.

Mr. TOWNER. I want to call your attention to the fact that—what proportion are thrown out by the National Board of Censorship—is that figure given anywhere?

Dr. CRAFTS. About 15 per cent in Chicago.

Mr. TOWNER. Is it given in this report of the National Board of Censorship?

Dr. CRAFTS. Yes; I think so.

The CHAIRMAN. Mr. Schechter, I understood you to say the other day that the Universal Co. has presented some 8,000 films during the past 5 years?

Mr. SCHECHTER. I think it is fair to say that the Universal Co. and its allied manufacturers have presented about 8,000 films during that period.

The CHAIRMAN. From that 8,000 how many have been thrown out by the National Board of Censorship?

Mr. SCHECHTER. I have not the figures before me, but I do not think it would be one-half of 1 per cent.

The CHAIRMAN. "Traffic in souls." "The inside of the white-slave traffic," and "Wages of sin" were thrown out?

Mr. SCHECHTER. "The inside of the white-slave traffic" and "Wages of sin" were not produced by the Universal Co. "Traffic in souls" was produced by it, but that picture was approved by the board and likewise generally approved by the public.

Mr. TOWNER. I have here a statement of the film censors from January 1, 1913, to January 1, 1914, and I find that it states that the sales value to the manufacturers of films kept off the American market—that is, censored out as unfit for representation, would amount to \$463,638.

Mr. ABERCROMBIE. The actual value was about \$100,000.

Mr. TOWNER. You say that there have only been four films mentioned here which have been produced in the country that have been mentioned as being objectionable, but this report shows that a very large amount of films have been censored out by this board of censorship which acts for you gentlemen. That would show, would it not, that if there was no censorship, or if the authority of the board of censorship was repudiated, there would be placed before the American people every year half a million dollars in value of these films that would be objectionable from the standpoint of good morals. Is that not clear?

Mr. SCHECHTER. But I say those films were not presented.

Mr. TOWNER. I know, and the reason was because the National Board of Censorship would not let them be presented. Now, I say, the rulings of this board are observed not because there is any authority in the board that compels it, but because it is good policy to do so: suppose they will not adhere to that rule, and will not act upon or in accordance with the authority of this voluntary board, these pictures then would be exhibited throughout the country, would they not?

Mr. SCHECHTER. If any of these pictures so stopped were highly immoral, I say the laws were and are ample to have punished the producers and exhibitors of the same. I don't think we would produce any pictures of that kind. No honest producer is desirous of putting out pictures that should be condemned. They recognize that permanent success comes by an appeal to the honest and moral common people.

Mr. TOWNER. I presume you do not think so because you think your company would act in a more high-minded manner than some

others, and perhaps it would. But it is the pirates that we want to punish, and it is the good people we want to protect. It would be a protection to you, to the good-film manufacturers, rather than an injury. The good-film manufacturer would not be harmed by a good censorship; he would be helped by it because it would keep out the bad men whom you say you do not approve of. It would be a help to you rather than an injury.

Mr. SCHECHTER. But there are many other features of official censorship that would inevitably work to the injury of the business and which are highly objectionable.

Mr. TOWNER. That you think are objectionable?

Mr. SCHECHTER. I am quite certain about it. We do not oppose censorship because we fear honest censorship such as we now have; but because we fear it will develop into dishonest censorship. If you subject the industry to such burdens in Washington and each State subjects it to like burdens, and each city, town, and municipality doing the same thing—each one seeking its fees and enforcing its opinions, and each providing its special licenses—if you will realize all this, I am sure you will agree with me that it is objectionable and you will be just as certain as I am about it.

Mr. PLATT. In regard to pictures of actual occurrences, like boat races and pictures of the Navy, and horse races, and things of that kind, actual occurrences, there would be no necessity for any censorship of them?

Mr. SCHECHTER. If you had a censorship you would have to censor everything.

Mr. PLATT. I do not see why you need a censor for such pictures.

Mr. SCHECHTER. Suppose we took a picture of the Becker trial, or of the gunmen as they were executed. Do you think that would be a proper picture for exhibition?

Mr. PLATT. I think if it is allowed in the newspapers it ought to be allowed in the films.

Mr. SCHECHTER. That is one of the points we make. The main purpose of our constitutional provision was to prevent all previous restraints upon publications as had been practiced by other governments. That does not, however, prevent the subsequent punishment as may be deemed contrary to public welfare. When the framers of the Constitution saw fit to provide for the liberty of the press, they saw that it was essential to the nature of the State. This likewise consisted in allowing no previous restraints upon publications. Moving pictures are publications in the true sense of the word. To forbid the publication of moving pictures is to destroy the freedom of the press.

Mr. PLATT. The thing I object to is the staging of crime, such as I have seen. As I said awhile ago, I would object to the raiding of a moonshine still where men were shown dying on the road, which, of course, is all staged, and there are a lot of those things. If you take a picture of a certain number of men actually on trial for something, or pictures of men going across the street, I can see no objection to that.

Mr. SCHECHTER. If a fight occurred in a street and if a moving-picture man happened to come along and took a picture of that, that would be proper to exhibit, yet the manufacturers would not put out such pictures.

The national board has been discussed. Canon Chase laid great stress upon the fact that the manufacturers paid the expense of the four secretaries, and said that consequently the board, being dependent upon the manufacturers for such contributions, was influenced by them in its opinions. I ask you whether it is support, when all the manufacturers together pay \$15,000 for the salaries of those secretaries and for other office work, when there are over 135 persons constituting the board who give their attention to this business. The value of their services, if we actually tried to compute it, I think, would be upward of a quarter of a million dollars, and they do not receive any compensation for it. Would he rather have those gentlemen who do this good work be also compelled to pay this amount?

At the outset I understand the expense of the secretarial work of the national board were met by the People's Institute, and subsequently the large manufacturers saw the benefit of this board and they volunteered to pay the secretaries, and have been doing so ever since. For a time, I believe, these gentlemen paid half of the expense and the manufacturers paid half, but later on the manufacturers assumed the entire amount. I say that is not a controlling feature. We do not have anything to do with the management of the board. The manufacturers never see these paid secretaries.

About an hour ago I was introduced to Mr. Coxe, and I learned then for the first time that he was one of the secretaries to the board. I do not know the other secretaries. How could we properly influence these gentlemen?

MR. PLATT. There is one objection to that board, and that is that it depends upon the close control of the theaters throughout the country. You have no means of enforcing anything, except that you can prevent the pictures from being exhibited in theaters which you control.

MR. SCHECHTER. You are apparently misinformed on that point. We do not control any theaters anywhere.

MR. PLATT. The Moving Picture Trust does.

MR. SCHECHTER. There is no such thing as a Moving Picture Trust that controls theaters, so far as I am aware. The Universal Co. itself is no trust; it is a group of manufacturers representing about 20 per cent of the producing end of the moving-picture business, but it does not own one single theater anywhere in the country. The same is true with the Mutual Co. and with the General Film Co. So far as I am informed, neither of these companies control any theaters throughout the country, and yet directly or indirectly these three companies control about 75 per cent of the manufactured films produced in this country.

MR. PLATT. What is to prevent any of the pictures from being taken out and exhibited anywhere by a man who can make some money out of it?

MR. SCHECHTER. There is nothing to prevent that, if a man has the money to pay for it. I explained the nature of the business and its method of handling it at an earlier hearing, which I am sorry you did not attend, but I might in short say that is dependent upon the kind or nature of the film, whether it has been exhibited before in the particular locality, by what company it was produced, whether

the exchange representing certain manufacturers situated in that locality had it before and sent it out, with its regular program, and many other matters pertinent to the business.

Gentlemen of the committee, I have a paper in my hand which bears strongly on the question before the House, and I bespeak your careful consideration of it. It is a message from the President of the United States, dated the White House, February 10, 1913, signed by William H. Taft, and refers to the exhibition of pictures in public places of amusement in the District of Columbia. The message reads:

To the Senate:

I return herewith, without approval, Senate bill 2600, entitled "An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia."

Upon inquiry, I find that the requirement of section 2, that all picture films shall be submitted to the District Commissioners for investigation and approval before exhibition, is, under present conditions, not only unnecessary but incapable of enforcement without unduly encroaching upon the services of the police force of the District. In this connection I wish to call your attention to the accompanying letter of the Attorney General on the subject to the District Commissioners, dated February 3, 1913.

I beg to suggest that the purpose of this bill may be accomplished by a statute merely prohibiting, under a penalty, the exhibition of objectionable pictures, without the requirement of prior investigation and approval by the commissioners before exhibition, and to recommend the passage of such a measure.

WM. H. TAFT.

THE WHITE HOUSE, *February 10, 1913.*

Gentlemen of the committee, ex-President Taft is known to be a good lawyer and a man possessing a good, sound, well-balanced mind. If he, in his judgment, saw fit to veto a measure providing for the censorship of moving pictures, and Mayor Gaynor, with whose opinions everyone is familiar, likewise vetoed a measure presented to him for the censorship of moving pictures in the city of New York, both of these gentlemen stating that the purposes attempted to be accomplished may be so accomplished by statutes prohibiting under penalty the exhibition of objectionable pictures, and that, gentlemen, is the law of the land as laid down by many of our most eminent jurists—I say this committee should be mindful of the suggestions made by those gentlemen, the framers of our Constitution, and by those eminent judges who interpret and lay down the law.

The veto message of President Taft contains two letters, one from the Assistant Attorney General, and one from the Board of Commissioners of the District of Columbia, in which they state that it was not necessary to have censorship of moving pictures in advance. I beg to submit those letters and read them into the record.

(The letters referred to are as follows:)

DEPARTMENT OF JUSTICE,
January 31, 1913.

THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

GENTLEMEN: The President has referred to the Attorney General, with a request that he advise him of any objection he may know to its approval, Senate bill 2600, entitled "An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia," the provisions of which are as follows:

"*Be it enacted*, etc., That the Commissioners of the District of Columbia, in addition to the police powers now vested in them, be, and they are hereby, empowered and directed to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in any theater, moving-picture show, or other public place of amusement in the District of Columbia, and to make all needful and necessary regulations for such purpose.

"SEC. 2. That no picture film or picture intended for exhibition in any such theater, show, or other public place of amusement shall be exhibited without previous submission to the said commissioners for investigation and approval, and be approved, found, and determined by said commissioners, after opportunity to be heard, not to be obscene, lewd, indecent, or vulgar. Every violation of this act or of any regulation made under the authority hereof shall be punished by a fine not exceeding \$40, on prosecution by information in the police court of the District of Columbia, filed in the name of said District of Columbia by the corporation counsel or any of his assistants."

You will observe that the second section of this act requires the submission of any film or picture intended for exhibition to your board for investigation and approval before being exhibited. In view of the large number of moving-picture shows in the city, this would seem to require an examination by the commissioners daily of hundreds of moving-picture films. The necessity for such detailed supervision of these shows and the manner in which it is to be exercised, are matters about which I should like to be advised. I assume that the investigation required by the act would be made through the police department. If so, it would seem that the time of quite a number of policemen for an hour or so a day would be required in attending these shows. If such be the case, the wisdom of the legislation in question may be doubted, there apparently being no need for such a detailed supervision of moving-picture shows, as my observation has been that, in the great majority of cases, such pictures are unobjectionable, and it apparently would be a waste of time for the commissioners to undertake to examine every film; and if the police are to be employed for this purpose, it would unnecessarily deprive the city of their services in the way of patrol duty, the inadequacy of which is already the subject of complaint. It would seem that the matter could be dealt with sufficiently by simply prohibiting, under a penalty, the exhibition of obscene, lewd, indecent, or vulgar pictures, omitting the prior inspection.

Of course, these are merely matters of first impression, as I have no definite information on the subject; but I wish to call them to your attention, and to request that you submit to the President, through the Attorney General, a report on the merits of the bill. I suggest this procedure because the time in which the bill must be approved or disapproved is limited.

For the Attorney General.

Respectfully,

W. R. HARR,

Assistant Attorney General.

EXECUTIVE OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, February 3, 1913.

HON. GEORGE W. WICKERSHAM,

Attorney General.

SIR: The Commissioners of the District of Columbia have received the letter of Hon. William R. Harr, Assistant Attorney General, under date of January 31, 1913, in reference to Senate bill 2600, entitled: "An act to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia," with the request that they submit to the President, through the Attorney General, a report upon the merits of the bill.

Conditions have greatly changed since the commissioners recommended the passage of this bill; prepared and introduced nearly three years ago. At the present time it is found that pictures and films are devoted largely to educational subjects and the like, prove sufficiently remunerative to the exhibitors, and that there is very little tendency to exhibit films of an objectionable character.

The supervision exercised by the commissioners has been found adequate, and the exhibitors of films and pictures have shown themselves to be entirely amenable to the suggestions and control of the commissioners.

The bill, on the whole, is desirable for enactment into law at the present time, and the suggestions of the Assistant Attorney General that power be given to the commissioners to regulate these matters with a penalty attached would be sufficient, in the judgment of the commissioners.

Section 2 of the act, providing for the previous submission of all pictures and films to the commissioners for their approval, without the provision of additional machinery for such inspection, is at the present time impracticable. There is no way by which such inspection could be made, except through the Metropolitan Police Department, and the number of motion-picture theaters has increased to such an extent, and the films changed so frequently, as to require too much time for the police to exercise the necessary supervision.

We recommend that section 2 of the act be amended by striking out the provision requiring the previous submission to the commissioners of such pictures and films, retaining simply the penalty.

It is believed that his amendment, which leaves the commissioners the power to regulate and to punish, will carry out the purpose of the bill.

Very respectfully,

BOARD OF COMMISSIONERS OF DISTRICT OF COLUMBIA.
By CUNO H. RUDOLPH, *President*.

Mayor Gaynor's message has already been submitted to this committee and read into the record, and I beg to refer this committee to that message.

We believe that if the law is ineffective in reaching the pictures that may be considered objectionable—the very small percentage of the pictures—the way to reach that is to amend the laws and make the laws effective. That is the American way of doing things and that is what we contend should be done. Punish the guilty, make the penalty a heavy one, and enforce the law rigidly, but do not subject the entire industry to the burden and expense and injustice of censorship.

In closing, I wish to say that it is unfair to submit to a few persons the right to do the thinking for the multitude. That right should remain inviolate and reserved to each citizen and should not be infringed upon. No one person should be clothed with authority to lay down a code of morals or taste for the community. The censor will object to the picture because of some personal prejudice, and it will never be seen by his fellow man—common man I should call him—for the censor would then have superior rights and he would be a superior person. The common man should have the absolute right of deciding for himself whether he approves or disapproves of the pictures which he is to see. Censors are only men with the frailties and weaknesses and prejudices of their fellow men. Will they never make mistakes?

I beg to refer you to a quotation from Shakespeare's *Measure for Measure*, which I think is quite apropos:

But man, proud man, dressed in a little brief authority, most ignorant of what he's most assured, his glassy essence like an angry ape, plays such fantastic tricks before high heaven as make the angels weep.

I commend this, gentlemen, for your consideration.

The CHAIRMAN. Before you take your seat, Mr. Schechter, I want to ask you one question. What do you think would be an equitable license fee per thousand feet in the event that this bill should pass? That is an important question for us to consider.

Mr. SCHECHTER. I would be very much disappointed in the intelligence of this committee if they should pass this bill, but as the question has been asked and in order to answer it intelligently, permit me

to put a question in regard to that. Do you refer to the negative or to the copy?

The CHAIRMAN. I refer just to the original.

Mr. SCHECHTER. How much of a revenue would you wish to derive from that source?

The CHAIRMAN. I should say we ought to have \$60,000.

Mr. SCHECHTER. Then I would say as there are about 12,500 moving picture negative reels of film produced in the United States yearly, it would be necessary to charge about \$5 for each original reel of film; that would bring the revenue to about \$60,000.

Mr. TOWNER. What would you say as to the reasonableness of a fee of \$5 for the original, and 25 cents for the copies?

Mr. SCHECHTER. I think that is unreasonable and confiscatory. I think if censorship were to be put into effect by Congress because it regulates interstate commerce, it would not stop there; it would extend to every State in the Union, and to every city and town. Every State legislature would put through a censorship bill. With each State saddling on a charge of \$1 or \$2 for a reel, or as Pennsylvania to-day is attempting to charge \$2.50 for an original or duplicate reel, and \$2.50 for slides, that is unreasonable and confiscatory. In Pennsylvania for slides that cost 50 cents or less they are attempting to charge \$2.50 for the right to exhibit such a slide. With each State saddling on such a charge for censorship, and with each city or town charging a similar or perhaps a somewhat lesser amount, there is no doubt the total will amount to hundreds of dollars on each reel of film—much more than the actual value of the film itself. There can be no question that such a law is confiscatory and amounts to taking property without due process of law.

And if you are to burden us with censorship—with the national board, with the many State boards, and the myriads of municipal boards—what will be the result? Every cent that censorship costs must be imposed on the exhibitor and in turn forced upon the public, and that means, gentlemen, that it would fall mainly upon the poor people, the great mass of the people of this country who never had any form of amusement because of the former great expense attached, and now having had it, will be deprived of it because of this enormous expense. The benefit to the poor man and his family will be greatly lessened. And all because of the attempt to pass a law that will never serve a good purpose in any event.

Mr. TOWNER. What would the people think about it?

Mr. SCHECHTER. I am certain the majority of the people do not approve of it.

Mr. TOWNER. And yet you say these laws are to be passed and these impositions are to be made. Do you not think that every imposition must be in response to some law, and that is only in response to public sentiment? The men who act upon such matters only respond to public sentiment which demands it. You say you would have censorship all over the country? If that is the case, then the people want it all over the country, otherwise it would not be so. There would not be any where the people did not want it?

Mr. SCHECHTER. I do not say that there is censorship all over the country. I do say to you gentlemen that if you in your good judgment see fit to pass such a law, the State legislatures and municipali-

ties will follow your example by enacting censorship laws. Censorship has only been passed in three States, so far as I am informed, and only one State has it now in actual operation, and that State is absolutely unable to cope with the situation, as has been pointed out to your committee by one of the previous speakers.

The CHAIRMAN. We will now hear from Mr. Prosser, a member of the Commission of Vocational Education.

Mr. SCHECHTER. I thank you, gentlemen, very kindly for the attention given me.

STATEMENT OF MR. C. A. PROSSER, NEW YORK CITY, SECRETARY OF THE NATIONAL SOCIETY FOR THE PROMOTION OF INDUSTRIAL EDUCATION, AND A MEMBER OF THE NATIONAL COMMISSION ON FEDERAL AID FOR VOCATIONAL EDUCATION.

Mr. PROSSER. Mr. Chairman and members of the committee, I am here purely in a personal capacity on the invitation of your chairman. About five years ago I served for one year as a member of the national board of censorship for moving pictures, leaving the board when a new position called me for the time away from New York City.

My belief, briefly stated, is that the board has done as well as any private and voluntary body either in New York or elsewhere could do in passing upon the films for use in all the States; that the censorship which they have exercised has met with the approval and the satisfaction of the country, and that the only solution of the problem lies in the establishment of a Federal board of censorship able to deal with it from an official and nation-wide standpoint.

We are only beginning to realize, amid the rapid development of the moving-picture business, the tremendous possibilities for good and for evil in the films which have become such an important commodity in interstate commerce. There are 25,000 moving-picture houses of all kinds in the United States. Assuming that each of these show every day to an average audience of 100 persons, 2,500,000 people are being entertained and influenced in their thought and conduct every 24 hours. If 200 persons see, on the average, the movies at each photo-play house, 5,000,000 persons are reached daily. Startling as are these numbers, they have probably been much understated, since those most intimately connected with the business state that more than 10,000,000 are daily patrons of the film shows.

Moreover, the ordinary moving-picture house will crowd into an evening's entertainment from three to four films on widely varying subjects, each one of which may present a play in pantomime that would require for its presentation on the regular stage from two to three hours. In this way the movies probably make three or four times as many impressions during an evening upon their patrons as do the regular theaters, which is but saying in other words that their influence is probably as great as would be produced by the regular theaters if they were showing to 20,000,000 people or more.

Film shows are given at such small cost as to put them within the reach of every class of people—5 and 10 cents for general admission; 25 cents for a reserved seat. Rich and poor alike can now see if they wish the marvels of the world, and the greatest plays are staged for the camera at enormous expense. The moving-picture

theaters have to a very large extent made their own steady patrons by reaching millions who seldom, if ever, attended the ordinary shows. A sheet of canvas, a box of films, and a machine have brought the wonders of nature, the triumphs of science and invention, the daily happenings of the world, Quo Vadis, and Sarah Bernhardt to thousands of small towns and country villages. The possibilities of moving pictures are endless and unlimited from the standpoint both of financial gain and of entertainment and enlightenment.

Some years ago I had an experience which impressed me in a way not yet forgotten with the equally large possibilities for evil in the movies. At that time I was superintendent of schools in a small western city. The community was terrorized by a series of mysterious burglaries which took place every night for about a month. The police were unable to catch the offenders. Finally the probation officer of the Juvenile Court of which I had charge learned by chance of some negro boys who were buying large quantities of candy. When the gang was caught it turned out to be made up of four negroes, the oldest of which was 17 and the youngest, who was the leader, was 14. The leader planned in advance the burglaries to be committed each night. Though only a boy in knickerbockers in the fifth grade of the public schools he accomplished successfully practically every "job" undertaken, and baffled the whole police force.

These boys were all sent to the State house of correction. Before their departure, I said to the leader, "I want to know where you got your ideas about these things." "Why," he said, "I found out how to do them in this way: I went to moving-picture shows and saw a lot of burglaries, and I saw how it was done in these moving pictures, and I thought I could do the same thing, and so I came back, and I got my gang together, and we did the work."

No one who investigates the film business can fail to be impressed with the great good in the widening and enriching of life for millions of our people which they have already accomplished and are yet to accomplish in far greater degree and with the great loss to personal and civic well-being which would result from undue restriction which would either destroy the business or prevent its rapid and proper development in legitimate ways. Nor on the other hand can he fail to realize the danger that an imperfect or unsatisfactory censorship may make some moving pictures a far-reaching source of false standards of conduct, vulgarity, immorality, and crime. The problem is to conserve the undoubted benefits of moving pictures while at the same time safeguarding them from what it must be admitted are undoubted possibilities of evil.

There were two motives lying back of the establishment of the National Censorship Board in New York City six years ago. From many quarters indignant protests were made against the character of many of the pictures which promised to result both in loss of patronage and regulation by State laws. In the absence of any general censorship, cities and towns here and there attempted in a crude way to establish some local plan of license and inspection. This not only brought confusion which injured the business but often made the local moving-picture men the victims of the greed and corruption of officers who used the plan as a means of intimidation and extortion.

From the first, the personnel of the National Board of Censorship and the subcommittees, who have given a great deal of their time entirely without compensation to the work of inspecting thousands of films, has been above reproach. No group has ever attempted to discharge in a private capacity such an important public task more faithfully or more intelligently. While this is true, it can not be denied that there is undoubtedly a good deal of dissatisfaction throughout the country with the work of the board. The members of the board receive many letters protesting against the character of some of the films which they have approved. The current press voices the same feeling. Clergymen and social workers are everywhere arraying themselves against the moving-picture shows. Four of the States have already begun the censorship of all pictures shown within their boundaries.

This is in no sense a criticism of the New York Board of Censorship. It has probably done as well or better than any other body with the task confronting it. The difficulties involved are such as to make the problem of a general censorship of pictures almost an appalling one. Chief among these difficulties is the wide difference in point of view as to standards of dress, actions, conduct, and morals which must always exist as between the cosmopolitan city and the smaller pieces; and as between States with large density of population and sparsely settled areas. Time will not permit an extended discussion of this matter. The people who censor the pictures in New York City, however excellent, must necessarily take on a cosmopolitan point of view which is entirely different from the point of view from the smaller cities, towns, and country places. When the pictures approved by the New York Board of Censorship from its standpoint are shown in other places, the whole attitude of the community toward what is right and proper to present to children, and even to grown people, is entirely changed; this is unavoidable. Moreover, to a very great extent the standards adopted by the board are colored and affected by the fact that the greatest single market for films is in the city of New York itself, where about 1,000 theaters are exhibiting moving pictures daily.

It has been exceedingly difficult, and it will always be difficult, for a board of censorship in New York to eliminate many pictures which are regarded as objectionable in many parts of the country that deal with subjects and present scenes which are to be witnessed every day from the New York stage. The standards of the board are, of course, on the whole far better than that of the New York stage; but when some pictures are objected to by the board, the answer of the film company is, "We feel this is a discrimination, because worse things can be seen every day on the stage." This has been one of the difficulties confronting the board in the attempt to eliminate films which present such crimes as burglary in a startlingly attractive manner.

On the other hand, the film companies may very well claim that a Federal censorship board in Washington would be handicapped in its work by the same difficulties. If the films were judged by a Federal board from the standpoint of the larger communities, the work would be as unsatisfactory to the smaller communities as it is at present. If the pictures were censored so as to be made entirely unobjectionable from the point of view of what might be called rural population of the country, they would probably lose much of

their interest to many of the people in urban centers, and doubtless interfere with much of the present business of the moving-picture houses; while the man who stands for a rigid censorship of everything shown on the regular stage or in the films would, of course, strongly recommend the standards established.

Moving-picture films have become a very important article in interstate commerce. They are shipped to the States as food products, as raw materials, as finished goods are shipped. It is just as impossible for them to be used successfully in interstate business, when a growing number of States, and of communities within States, take steps to prevent, if not their sale or rent, at least their consumption in local moving-picture houses, which amounts in effect to the same thing.

Objectionable pictures which are regarded by the States and by local communities within States as injurious to public morals and conduct will to an increasing degree, in the light of a growing public sentiment, be prohibited in the same way as in the absence of national regulation the States would suppress obscene pictures and prohibit the sale of dangerous narcotics or impure foods.

The problem is a national one, because it concerns the moral and ultimately the physical and material well-being of the whole nation. It transcends all State lines as much as do other questions which the Nation has had to deal with, because the States acting separately could not cope with the situation, such as the regulation of railroads, of navigation, the prevention of the use of United States mails for fraudulent and immoral purposes, and the prohibition of the shipment across State lines of impure foods.

It seems apparent that the motives lying back of the creation of the New York Board of Censorship have not been accomplished. The dissatisfaction with the pictures has grown with the progress of the business, although the objectionable films are less in number and higher in standards than formerly. State and local regulation is on the increase. Personally I do not believe that there is any escape short of national regulation. While the moving-picture companies are to-day opposing this step, I predict that within five years they themselves will be compelled to ask for it in order to avoid the confusion and loss of business resulting from the efforts of the States and local communities to deal with the matter individually.

If there be no regulation the film companies will be compelled to deal with this problem not only with 48 state boards of censorship but probably with many communities within some of the States. I realize that there are objectionable features in the National Board of Censorship, but I see no refuge from the duplication of work in the inspection of pictures, and the resulting confusion and loss of business that would be caused by forcing the States to handle the matter for themselves.

It ought to be said to the credit of the standard film companies, who are submitting their films to censorship, that they do not manufacture the risque and positively indecent pictures which are being circulated and used in certain quarters throughout the country and which constitute according to various estimates about 3 per cent of the total number of films exhibited. These are circulated and will continue to be circulated, unless there be Federal regulation, as it is obvious that the States can not deal with this matter successfully.

The moving-picture business in this country has much more of good than evil in it; all the good needs to be encouraged; all the evil controlled. Only two remedies present themselves: One would be a sweeping national law prescribing the character of the pictures which could be exhibited; this would still make necessary a Federal board to determine whether or not the films conform to the standards established. The other would be to create a central Federal board passing on the entire question and equipped with the funds necessary to employ experts and to deal with the question in a country-wide way. When such a board is appointed the question of the personnel and authority of the board will be a grave educational, social, and moral question.

STATEMENT OF DR. WILBUR F. CRAFTS, OF WASHINGTON, D. C., SUPERINTENDENT OF THE INTERNATIONAL REFORM BUREAU.

Dr. CRAFTS. In closing the House hearings on this Smith-Hughes motion-picture commission bill (H. R. 14895; S. 4941), let me repeat that the friends of this bill are friends of the "movies." Complaint has been made that we talk more of the bad pictures than of the good, but the very word "censorship" implies good pictures worth saving from bad company. We do not sift a bushel of chaff.

In Kansas recently I said that censored motion pictures were the best thing to provide a nickel's worth of day dreams and sweet forgetfulness for young and old wherever saloons are put out—and they are going fast. Here is a great chance for expansion of the motion-picture business after censorship is made complete and satisfactory. Reformers themselves may be expected to promote the use of motion pictures systematically by States as substitutes for the saloon, not only where it has been abolished, but where it exists, when satisfactory censorship has been secured.

Churches and uplift societies will go in for a weekly recreation night in motion-picture halls that will cater to that kind of patronage when censorship clears the way for a nation-wide arrangement for that purpose, which needs to be run like the schedule of an accommodation train, on frequent stops, bringing four pictures a week in regular order to one place Monday, another Tuesday, and so following. It is not the best plan for churches to have machines of their own for this occasional recreation—for one reason, because it will increase fire insurance fees—but rather to encourage the regular motion-picture halls to provide special programs for them.

There is also a great future for motion-picture evening schools, using "educational films" not in a haphazard, disconnected way, but as I understand Mr. Edison proposes, as regular courses of study—with a diploma and increased earning capacity, as well as increased manhood, as the incentives. These motion-picture evening schools might be carried on in regular motion-picture halls, which could be used at other hours for purely recreational films. Y. M. C. A. evening schools will have to enlist such educational films for their students all over the land or some new national motion-picture evening school will "beat them to it." I am myself anticipating the establishment of a motion-picture evening school of history and

patriotism in a projected new building of our International Reform Bureau, next door to the Library of Congress, after an adequate censorship has been secured; and I have many reasons to believe that a nation-wide chain of such combinations of education and recreation will be developed. Two things are necessary to such a forward movement, namely, (1) adequate censorship, and (2) national organization of exhibitors who cater to the demand for films that really educate and recreate, with exhibition places at brief intervals that have a trade-mark which all good citizens know is a guaranty of those qualities.

Difficulty in obtaining good films even for one exhibition a week has been experienced by many who have reported to us, of whom we recall Mr. E. Tomlinson, Y. M. C. A. secretary at Wilmerding, Pa.; Rev. W. H. McPherson, Universalist Church, Joliet, Ill.; and Mr. H. E. Downer, Friendly House, Davenport, Iowa. The Wilmerding, Pa., Y. M. C. A. secured films for 12 week nights from the National Board of Censorship in New York City. Three of the films were rejected on private examination as of harmful tendency, and several others were run with regret by the management. The explanation seems to be that the New York National Board of Censorship allows in photoplays whatever is not worse than the dramas in New York theaters, a standard that is far below the censorship standard of many cities and States. Chicago, Cleveland, and San Francisco reject many films that the representatives of New York welfare societies, acting as censors, indorse, apparently on the general New York theory that only half decency can reasonably be expected in commercialized amusements.

On Saturday evening, May 23, 1914, I visited a motion-picture theater in New York City and saw five reels, not one of which was followed by the required sign, "Censored by the National Board of Censorship." The proprietor said, on inquiry, that it was understood that all the films of the Universal Film Co. are censored. The public will hardly be satisfied with that.

When Congress has honored the motion-picture business by connecting it with the United States Bureau of Education it is reasonable to expect that State and local boards of education will cooperate to make it a real educational force in the Nation; and whole schools will be taken, at the expense of towns, to see instructive pictures—indeed schools and colleges themselves will increasingly use this powerful agency of implanting knowledge through vision, "the king of the senses."

Here I wish to quote the closing paragraph of an article just published in the report of the United States Commissioner of Education for 1913, pages 582-597, on "Motion pictures as an aid to education," by Alfred H. Saunders, editor of Motion Picture News, New York City:

In almost every subject in the curricula of schools, colleges, and universities, the cinematograph has already lent valuable aid. Within the next decade moving pictures will be the indispensable adjunct of every teacher and educational lecturer. On the public platform the cinematograph will inevitably have its recognized place, and it may even invade the pulpit. As the attention and interest of educators are more and more drawn to its merits, the future usefulness of the educational cinematograph bids fair to surpass the predictions of its most sanguine advocates.

Federal censorship must come first, then national cooperation of school boards, parents and teachers' associations, preachers' meetings, and the like will surely follow. It is not enough merely to announce fragmentary "educational films" as for rent on unco-ordinated orders. It will be necessary to form a nation-wide circuit of exhibitions that are above suspicion of vicious or criminal tendency. We shall expect sincere efforts of the best film makers and exhibitors to go even further than censors can go in cutting out trash as well as vice and crime, and making the moving pictures as true in their pictures of life and as uplifting in influence as the plays of Shakespeare and the novels of Howells.

It is the firm belief of the advocates of this bill that the financial gains brought by Federal censorship will offset the financial losses; but financial loss must be borne, if necessary, rather than the loss of the moral fiber of our children. We are asked to allow "the common man" to censor for himself, but the important point is that the audiences are not made up of fully-developed adults, but largely of children, including many grown-up children. It is admitted by the "national board" that the motion picture "reaches the impressionable classes of the Nation, including perhaps a million children in daily attendance." That was two years ago. It is much more than a million now. Shall these children be their own censors?

The issue raised by the introduction in Congress of the Smith-Hughes Motion Picture Commission bill is not whether there shall be censorship. There is censorship now, official and unofficial, and no party to this controversy expects it will cease or even diminish. All signs are that it will rather increase in multiplied local and State boards unless this bill is passed to provide an adequate censorship. Much time of this hearing has been wasted in a self-destroying argument in which the opponents of Federal censorship have argued, first, there should be no censorship; second, the unofficial "National Board of Censorship" is a good thing, and sufficient.

The issue is not whether there shall be "national" censorship. The motion-picture makers recognized years ago that the popular demand for censorship must be met in some way, and are themselves paying most of the expenses of an unofficial, advisory "national board of censorship," which is really a New York board, save 300 distant correspondents who have no real part in the censoring, but receive its verdicts with a view to enforcing them in their own towns and cities. Those manufacturers who produced high-grade films saw the need of censorship to prevent this new amusement from sharing the fate of horse racing and boxing, by getting a bad name through abuses and bad associations; and those film makers who wanted no censorship felt constrained to accept it to placate the public; and so, from various motives, film makers claiming to control 96 per cent of the films (until recently the claim was 98) allow the unofficial "national board" to censor such films as its unpaid censors have time to examine. It is not claimed that 96 per cent are actually censored, and it is admitted that the 4 per cent that can not be censored by the unofficial "national board" are the very ones that most need censoring and censuring. It has been said again and again by the attorney of the Universal Film Co. in this hearing that complaint has been made by the advocates of Federal censorship only "against

four films." out of many thousands. The statement is most absurdly inaccurate. It has been pointed out repeatedly that 15 per cent of the films that reach Chicago are condemned, and we have adopted that bit of statistics, and have cited as examples of what is condemned by censors and the public not four films but several more than that, and have referred to a big collection of the rejected films in the Literary Digest of March 28, 1904, reprinted from the Northwestern Christian Advocate and the Continent.

The issue is not whether Congress shall undertake Federal censorship. Federal censorship of all imported films, through the Secretary of the Treasury has been authorized by the present Congress in the new tariff bill, but is yet inoperative through lack of the experts and machinery which the Smith-Hughes bill would provide. Surely it is illogical for Congress to provide for censorship of imported films and leave those made in our own country unrestricted; indeed the last Congress began domestic restriction by forbidding effectively the interstate transportation of prize-fight pictures, so preventing the country from being flooded with pictures of the Santa Fe championship fight. The unofficial "national board of censorship" were unable to afford a like protection in the case of the previous black and white Carson fight. That same Congress passed an act providing for censorship of films in the National Capital, where Senators and Congressmen and their families had seen the need of it. The bill was indeed vetoed by President Taft, but it was at the request of the District Commissioners on whom the unwelcome burden of censorship was placed with no board of experts or machinery such as this bill provides to do the work properly. The veto which has been quoted on the other side therefore is far less significant than the fact that both houses of Congress so recently declared its conviction that censorship is needed. President Taft advised specific laws forbidding films of a harmful character: but to forbid "obscene" films, for example, would be only transferring censorship to a thousand juries far less capable than a commission of experts of deciding the subtle difference between a photoplay that will prompt passion and another that will promote purity. Indeed it would be a tragedy for exhibitors, and especially for film makers, to make it necessary to seize a film and hold it during the slow stages of court procedure wherever legal complaint was made, instead of having the film examined before it started on its journey by a body whose verdict would be likely to be accepted almost if not quite universally. In this last case a condemned film may sometimes be amended and used.

Another instructive precedent for this bill is the fact that the Copyright Division of the Library of Congress exercises what is closely akin to censorship in refusing copyright to anything known to have been adjudged obscene by the courts.

Federal censorship has been well begun at four corners, and the Smith-Hughes bill is but a provision to carry it to consistent completion. Like the pure-food movement this reform in the very nature of the case calls for national regulation.

I am well aware that forbidding the issue of a copyright to what a court has adjudged obscene, and forbidding interstate transportation of prize-fight films is not censorship in the strict sense of the term, for censorship implies that something is left to the judgment of the censors; but the tariff provision as to foreign films is straight Federal

ensorship already approved and authorized by this Congress and the President.

If strict construction is to be followed, and appeal to a shallow prejudice against the word "censorship" must be answered, it should be noted that the Smith-Hughes bill has not a word in it about censorship. It is a bill to establish a motion-picture commission to "license" films fit to be seen, denying to all others copyright and interstate-commerce privileges.

This motion-picture commission was suggested by the success of the kindred Interstate Commerce Commission. The motion-picture commission aims to regulate interstate films in certain particulars as the Interstate Commerce Commission aims to regulate interstate trains for the protection of the public in certain particulars. And in view of the fact that the only opposition to this bill, except what comes from those financially interested in films, comes from some of the New York City welfare workers connected with the unofficial "national board of censorship," it is pertinent to submit an instructive supposition.

Suppose railroad companies representing 96 per cent of the mileage, when popular outcry against railroad abuses was strong, had themselves promoted the organization of an unofficial advisory national board for correction of railroad abuses, and had persuaded a large group of social-betterment organizations and philanthropists to form such a "board," and had paid a small salary to four of them who must give all their time to the work, relying for all additional service on unpaid helpers, all of them busy at other tasks. And suppose that this "board of railroad correction," though bettering the situation through advice accepted by the railroads, had so far failed to give satisfactory relief to the public, that official and unofficial State and local boards had been numerous organized to do the very work this "national board" had attempted. And suppose a bill were pending in Congress to establish such an official Interstate Commerce Commission as we now have. And suppose the only opposition, other than that of the railroads, came through the salaried officials of this unofficial "board." And suppose that the attorneys of the railroads argued before committees of Congress that they wanted no regulation, but if they must have it they preferred the unofficial "board."

Is there a welfare worker in New York who would think the volunteer "board of railroad correction," which the railroads themselves preferred, a better agency for correcting railroad abuses than the official Interstate Commerce Commission?

The chief argument that the salaried officers of the "national board of censorship" use in New York against the proposed Federal commission is that unofficial censors are more reliable and incorruptible than "political censors" would be—in reply to which we point again to the spotless record of the Interstate Commerce Commission.

I do not for a moment believe that the welfare societies of New York City, when they understand the situation, will oppose a bill which other branches of the same organizations all over the land are demanding, because the censorship that now exists is generally considered as wholly inadequate. One preacher from New York City

has spoken against the bill in behalf of the unofficial "national board of censorship," but the Methodist and Presbyterian preachers' meetings of New York and vicinity have both petitioned Congress to pass the bill, and the moral leader of the International Y. M. C. A., Dr. George J. Fisher, has sent a letter in support of Federal censorship.

The unofficial "national board of censorship" has made the Nation its debtor by a vast amount of free and conscientious service, which has doubtless mitigated the evils of motion pictures, but surely the alert philanthropists in this board and the welfare societies back of it will not allow those who are selfishly interested in the production of such pictures as they know would not pass a thorough censorship, to deceive them by specious cries about "liberty" and "State rights" and "political censorship" into opposing an adequate Government regulation of a great business "interest" that has become as mighty and even more widespread than the railroads, an "interest" whose abuses are infinitely more serious than railroad abuses, in that they strike not our pockets but at the plastic hearts of our children.

Almost every objection to this bill is answered by the useful history of the Interstate Commerce Commission. Those interested declared that Government control of railroads was an interference by Government with the liberty to which private business was entitled. The country now knows that railroads are "public-service corporations," properly subject to governmental supervision. Supervision of public amusements is still more important, and is being undertaken, mostly by local but partly by State authority, and has now reached the national jurisdiction.

Of course no attempt to curb the efforts of greed to win gold at the cost of public demoralization can ever escape the specious cry of "unconstitutionality." It would be well for these new champions of the Constitution to remember that its most fundamental provision is the statement that it was adopted to "promote the general welfare." Censorship is no new and has been upheld by the courts. The discretionary powers of the Interstate Commerce Commission, which the courts have upheld, are very similar to those given in this bill to the Federal motion-picture commission. This bill does not forbid States and cities to have censor boards of their own, but it aims to make them unnecessary, so far as judging films is concerned. If some paragraph in the bill needs technical modification, the good lawyers on the committee can be trusted to amend it.

All who favor the general purpose of the bill in Congress or outside should expedite its passage. As this bill is greatly needed and presumably constitutional, good citizens and good legislators should give the children, and not the money interests, the benefit of the doubt, leaving the question of constitutionality to the courts.

It is irrelevant to say Federal censorship of films will lead to Federal censorship of theaters. The mayor of every city is ex officio a censor of theaters, and uses that power occasionally, and should have an advisory committee to make his censorship more complete. A play in an actor's memory can not be stopped at a State line. But a film is a fixed proposition for interstate business that may be and should be censored once for all before its first public exhibition by commissioners of high character, such as President Woodrow Wilson

can be trusted to appoint—men of psychological skill, who know the difference in the effect upon an audience of a murder in Hamlet and a wholesale shooting by fake cowboys in a motion-picture drama that libels the western half of our Nation and tends to keep families from settling there by pictures of supposed red and white savages engaged in wholesale murder that also makes crime seem heroic.

Those daily papers that carry much advertising of motion-picture corporations should not allow themselves to be coerced into raising the sophistic cry that the censorship of films will lead to dangerous "censorship of the press." That is a very different proposition.

The Post Office now has some reserved powers against indecency in literature, which is in the nature of censorship, and has not been abused. But the papers and the people can be trusted to see that proper freedom of public discussion shall never be taken away. Only fools will be fooled when defenders of films that promote crime and vice drag in these scarecrows about "censoring the press."

We thank our opponents for their labored argument that \$40,000 named in this bill will not be enough to do the needed censoring well. They so prove conclusively that the unofficial "National Board of Censorship" can not do it with its meager thirteen thousand a year. Whatever it costs to protect the children of the Republic the people can afford to pay. That is the meaning of the increased appropriation for the Children's Bureau, which will naturally aid in the application of this new law. Whatever it costs for Federal censorship, it would cost forty-eight times as much to do it by States, for each State would have practically all the films to examine, but would not have the copyright and interstate powers to enforce its decrees. Successful Federal censorship at New York & Washington for the whole Nation need not cost any more than successful censorship for Chicago alone, for practically all the films go to Chicago. The bill provides that the cost, whatever it is, shall be paid by a small fee for examination of each film, a fee to be reduced if found to be more than enough for the expense of the commission, which will encourage film makers and exhibitors to make as little trouble as possible. The deputies that aid the chief commissioners may be in part philanthropic persons having other means of livelihood who get a small honorarium for viewing films in leisure hours; and the bill provides for unlimited assistants, who will serve without pay, as do most of the censors now at work, who will probably become connected in this way—including the New York board—with the Federal commission.

Some of those connected with the motion-picture business favor this bill for various reasons, and others of prominence say they would do so if they could be persuaded it would save them from the vexation of many censorships of varying standards, which also duplicate taxation. We have good reason to expect there would be but one censorship when the new Federal commission had gotten into satisfactory working order. There would be need of a local committee of the city council or of citizens in each city to see that the local motion-picture theaters were properly seated, lighted, and ventilated, and that the Federal commission's decrees were not evaded; but it is not reasonable to suppose that the verdicts of a

Federal commission would not be generally accepted. As to State boards of censorship, they would naturally give place to State laws forbidding the exhibition of any films not approved by the Federal motion-picture commission. The Washington Times photoplay editor says, May 19, 1914:

The operation of a Federal censorship would enable the exhibitors to fight local censorship with a great deal stronger argument than at present. For that reason it would seem to be very much to the advantage of the film men to help get the proposed legislation through as quickly as possible. As we have stated before, it might not eliminate all the local censorship, but would tend to lessen their number.

At the very first public presentation of the bill it received strong moral and financial support from several exhibitors present, who believed the establishment of one really national censorship would relieve the business from the annoyance of many censorships all over the land. In a letter dated May 23, 1914, the World Film Co. endorsed the bill in the following words:

As one of the representative film companies of America we propose to lend our support and cooperation toward securing the passage of this worthy project.

Other companies say they would favor it if assured the Federal censoring would eventually do away with State and local censoring which we believe there is good reason to believe it would do.

It has been urged that there are undoubtedly some films that might have a very good influence on adults that would be decidedly harmful to children by promoting sex curiosity prematurely, and that therefore the bill should be so amended that some films might be approved as suitable for everybody and others "For adults only." Of course, the Federal commission could not regulate such a local matter as attendance, but cities in such case would naturally make an ordinance providing that children should not be admitted to the "adult" films, or this might be done once for all towns in a State by the legislature.

It is a very convincing proof that a better national censorship than the New York national board has provided is needed and demanded: that Chicago's board condemns 15 per cent of the films that reach that city chiefly because they show and so teach the detail methods of crime; Cleveland and San Francisco also reject some that the New York board approves. What the Nation wants is not an 85 per cent censorship, or even a 96 per cent censorship, but a 100 per cent censorship.

It has been said in the discussion of this bill that the protection of children against improper films is sufficiently provided for by laws and ordinances against obscenity, which, it is ingenuously assumed, mayors and police are alert to enforce. But it is very wasteful to have a thousand city governments required to do for a nationwide business what one National Government can do better in a case like this at the fountain of the evil; and, besides, the main objection to films in these days is not their incitements to vice but rather their contagious pictures of crime, and it takes a high grade of psychological talent and training to tell what treatment of crime in a photoplay will promote crime and what treatment will have the opposite effect. This is the chief task of motion picture censorship to-day.

The Motion Picture World of May 9, 1914 (p. 824), gives the following statement as to the origin of the Chicago board of censors:

Rigid censorship of moving pictures was declared imperative on Friday, April 25, by judges of the municipal court. This was done to safeguard picture theaters in the interests of children, after the judges had viewed 2,000 feet of cut-outs made by the censor board.

The Northwestern Christian Advocate of March 11, 1914 (p. 327), gives the following as the cut-outs of one day:

"The Hopi Raiders": Killing soldier in fort and picket at gate. Shorten scene of dead bodies.

"The Chest of Fortune": Hitting man on head, taking records, and putting body in dredge scoop.

"Pirates of the Plains": Posse shooting against sheriff and display of dead bodies. Shorten shooting scene to a flash.

"Paradise Lost": From point at which second man enters house to where he leaves woman in bedroom.

"A Romance of the Northwest": Two gambling scenes. Shorten time man's head is held under water.

"Mario": Stabbing man at wedding and struggle between man and girl.

"His Faithful Passion": Kidnaping girl. Shorten showing of man with skull crushed and death-bed scene.

"The Warning": Holdup, taking gun, locking girl in closet, cutting rope, and tying man.

"The Heart of Carita": Flogging of girl.

In the Continent of April 9, 1914 (p. 498), we read:

The censorship procedure in Chicago is thorough. Films are brought to the city hall, or the censors go to the studios of the various film exchanges of the city and there view the reels which the companies desire to use in the city. The censors look at the pictures in silence, make notes and confer with each other at the end, and, without a hearing to the exchange, order excluded whatever portions of the film seem to them detrimental to public morals. They aim to eliminate all scenes showing crime being actually committed, all scenes of dead animals or persons, or anything that borders on the suggestive or vulgar. They judge all the films from the standpoint of the effect on the morals of children in the audience. About 20 per cent of all reels shown are censored in some way.

Fifteen per cent are wholly rejected we are informed elsewhere. The rejection of reels and the elimination of parts of scenes in Chicago raises a square issue with the national board of censorship of New York, which body has already passed practically all of the films which come under the disapproval of the Chicago board.

The physical, mental, and moral character of the new generation is manifestly imperiled by the daily feast of crime now spread enticingly before it, which will destroy not only the taste for good literature but also the taste for good living. The Literary Digest of March 28, in a powerful article on motion-picture monstrosities, quotes one of the motion-picture manufacturers as saying:

We producers will give the public all the educational films they'll take; but we aren't running a charity bazaar, exactly—aren't in this for our health—and we find that unless we shoot somebody or have a sentimental love scene, we have the films to amuse ourselves with. It's the public taste; we've got to give them what they want.

The article seems to assume that the interests of the children must be subordinated to commercialism, which Jesus called "covetousness" and condemned more severely than any other vice except the hypocrisy with which it is so commonly associated, and which ever seeks to hide behind fine phrases its passion for gold, even for muddy and bloody gold.

Again we say we believe an adequate censorship will not diminish the total business of motion-picture makers and exhibitors, but will rather bring as much increased business from substantial families, careful of the nerves and minds and morals of their children, as will offset the loss from these families that let children run like goats to feed on any rubbish that they may find upon the street.

But whoever makes or loses money we propose to provide, so far as law may do so, that our children's hearts shall not be coned for anybody.

When this law is passed, much will remain for parents, teachers, and pastors to do. The commission can not refuse a license to a film because it is bad art and a false view of life, but only when in its judgment it would exercise a morally harmful effect. But so far the law must "make it harder to do wrong and easier to do right."

In a "government of the people" it is pertinent not only to state the argument for the bill, but also to show who are asking for its passage. The first strong demand for the bill, before it was introduced in Congress, came from a club of men teachers in Schenectady, N. Y., who had made a thorough investigation of all the local motion-picture theaters and found much which they believed would be harmful to their own pupils, whom they saw often and in large numbers in these places. (Their painstaking and conservative report is found in the record of the first House hearing.) All through central New York, from Albany to Rochester, the statement that a bill to provide Federal censorship of motion pictures would be introduced in Congress met with swift and strong approval as something that would meet a felt want. Subsequently, in tours of Texas, Louisiana, Arkansas, and Kansas, in State Sunday-school conventions, in churches, in mass meetings, I found the same response in swift, intense applause, and unanimous petitions to Congress. No one counted present censorship sufficient.

It is not also Protestant church people that ask for the bill. Bishop Canevin, of Pittsburgh, a Catholic leader in social uplift, is one of the most earnest champions of the bill, which he says he will ask the Catholic societies to support. These samples of public sentiment from New York to Texas tell the same story as petitions in the committee files from Boston to San Francisco, all saying emphatically of this bill, "We need it; we want it."

If anyone is still in doubt whether we need a really "national" censorship of motion pictures, such as the passage of the Smith-Hughes bill in Congress would provide, let him read the list following of films which the so-called National Board of Censorship did not suppress but which were turned down by the Cleveland censor, as shown in his 1913 report to the city council, page 20:

The following scenes were considered objectionable and were ordered eliminated:

Scenes showing—

Passing of files, sawing of bars, and detailed escape from jail	5
Mixing of powder and dynamiting building	1
Objectionable title	2
Showing women in scant costumes	6
Stabbing, detailed	1
Opium dream, involving criminal assault, murder, etc.	1
Objectionable gambling	1
Man taking liberties with girl	1

Scenes showing—

Cabaret dancing in grill rooms.....	3
Indecent suggestion.....	1
Objectionable dance.....	2
Man's shabby clothing.....	1
Hand-to-hand battle with dirk knives.....	1
Disgusting portrayal of honeymoon days and disgusting movements in dance.....	1
Immorality.....	3
Vulgar gestures.....	1
Ridicule of police and portrayal of graft.....	3
Human being bleeding after a criminal attack, detailed.....	1
Setting fire to buildings.....	1
Choking woman and officer.....	1
Criminal assault with clubs and other weapons.....	4
Stealing and opening mail bag.....	1
Prize fight.....	1
Poisoning of victims.....	2
Theft, robbery, and burglary pictures.....	11
Pictures devoted entirely to crime.....	3
Total.....	59

In closing, permit me to say that the bill preferred by those who advocate Federal censorship is not the bill given at the beginning of these hearings (H. R. 14805), but rather H. R. 14895, printed below.

This bill as originally written prohibited the exportation as well as interstate transportation of unlicensed films, and I wish to go on record as favoring the restoration of that provision by inserting in section 10 of H. R. 14895, after the words "United States," when first used in that section, "or from the United States into any foreign land," in harmony with the new treaty by which civilized nations have agreed to prevent the shipment of immoral pictures from one country to another.

REVISED SMITH-HUGHES MOTION-PICTURE COMMISSION BILL, H. R. 14895.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Federal Motion-Picture Commission be, and the same is hereby, created, to be composed of five commissioners appointed by the President, one of whom shall be designated as chairman. The commission shall be a division of the Bureau of Education in the Department of the Interior.

Sec. 2. That each commissioner shall hold office for six years, except that when the commission is first constituted two commissioners shall be appointed for two years, two for four years, and one for six years. Each commissioner shall thereafter be appointed for a full term of six years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The salary of the chairman shall be \$4,000 a year and of each other commissioner \$3,500 a year.

Sec. 3. That the commission may appoint advisory commissioners to advise and assist in the examination and censoring of films, who shall hold office during the pleasure of the commission and serve without compensation. No person shall be appointed an advisory commissioner who, directly or indirectly, has any pecuniary interest in the exhibition of motion pictures, or in any film exchange or firm or corporation engaged in manufacturing motion-picture films.

Sec. 4. That the commission may appoint deputy commissioners and other assistants and fix the compensation of each. Actual and necessary traveling expenses shall be allowed to those who travel on the business of the commission. The commission shall be provided with necessary office furniture, stationery, supplies, projecting machines, and appliances necessary for inspection of films and for manufacture of film seals: *Provided, however,* That the entire cost of the commission, including salaries and all other expenses, except the cost of manufacturing seals, which is otherwise provided for, shall not exceed \$40,000 a year.

SEC. 5. That the commission shall license every film submitted to it and intended for entrance into interstate commerce, unless it finds that such film is obscene, indecent, immoral, inhuman, or depicts a bull fight or a prize fight, or is of such a character that its exhibition would tend to impair the health or corrupt the morals of children or adults or incite to crime. The commission may license any film, subject to such excisions, amplifications, or alterations as the commission may direct and require to be made. The commission may, by unanimous vote, withdraw any license at any time for cause shown.

SEC. 6. That the commission shall adopt an appropriate seal, which shall be affixed, in such manner as the commission may direct, to every film approved by it. Such seal shall not be attached to any film which has been approved by the commission subject to revision until after the required changes have been made, a record of which shall be kept, and portions objected to shall be delivered into the possession of the commission.

SEC. 7. That when any film has been approved the commission shall issue a certificate in the form adopted by the commission. These certificates shall describe the film and shall bear a serial number, and shall state its title, the day upon which it was approved by the commission, and the number of linear feet contained therein.

SEC. 8. That the commission may, if it has licensed a film, issue a seal and certificate for each duplicate thereof without an examination of such duplicate, upon the payment of the license fee hereinafter provided.

SEC. 9. That no copyright shall be issued for any film which has not previously received the certificate and seal of this commission.

SEC. 10. That no person, firm, or corporation shall carry or transport any film from any State or Territory of the United States, or from any foreign country into any State of the United States unless such film has been licensed by the commission and a true copy of the certificate accompanies it: *Provided*, That this section shall not apply to films consigned to this commission.

SEC. 11. That no motion picture film which has not been licensed by the commission and which does not bear its seal and is not accompanied by its certificate shall be exhibited in any licensed place of amusement for pay or in connection with any business in the District of Columbia, or in any of the Territories of the United States, or any place under the jurisdiction of the United States.

SEC. 12. That a fee of \$1 shall be charged for the examination by the commission of each film of one thousand feet or less, and fifty cents for each film which is a duplicate of any film which has been licensed. Any change or alteration in any picture on the film after it has been licensed, except the elimination of a part, shall be a violation of this act, and shall also void the certificate and seal of such film.

SEC. 13. That the commission shall annually, on or before the first day of January in each year, submit a written report to the United States Commissioner of Education. In this report, and by other means, the commission shall make recommendations to importers and producers of films and to the public regarding the educational and recreational use of motion pictures.

SEC. 14. That the penalty for violation of this act shall be a fine of not more than \$500 or imprisonment not more than one year, or both, in the discretion of the court, and the films unlawfully changed, exhibited, or transported shall be confiscated.

SEC. 15. That the commission shall have power to charge, in addition to the fee for each film, such a sum as is necessary to pay the expense of manufacturing the seals.

SEC. 16. That the fees received by the commission shall be paid monthly into the Treasury of the United States, except the money collected for the purpose of defraying the expense of manufacturing the seal, which the commission shall retain and expend in payment of such manufacturing expense.

SEC. 17. That three months after the commission has begun to license motion pictures, and at any time thereafter, the commission shall have power to reduce the fees to such a sum as will produce no larger income than is necessary to pay the entire cost of the commission, including salaries and all other expenses.

SEC. 18. That this act shall take effect immediately, except sections nine, ten, and eleven, which shall take effect nine months after date of the approval of this act.

Mr. SCHUCHTER. Mr. Chairman, I think you stated that you would allow me some time in which to prepare a brief. I want to get up all the facts in a scientific way.

The CHAIRMAN. We would like to have that as soon as possible.

Mr. SCHECHTER. I will try to have it ready just as soon as possible, but I hope you will allow me three weeks within which to compile that brief.

Mr. ABERCROMBIE. I think you ought to be able to get your brief up in less time than that, and, Mr. Chairman, I would suggest that the gentleman be allowed not more than two weeks within which to prepare his brief.

The CHAIRMAN. If there is no objection, permission will be granted Mr. Schechter to prepare a brief, with the understanding that it will be submitted within two weeks from to-day.

The committee has attempted to give both sides of this very interesting question every opportunity to present their views, and we have had presented to us quite a mass of information, all of which has given us a great deal of information and light upon this subject. The desire of this committee is to find the truth in regard to this matter and to act accordingly, and we will attempt to do that after the most careful consideration of the subject.

Mr. Orrin G. Cocks, the advisory secretary of the national board of censorship, is here. He desires to submit a brief on this subject and also desires to make a short statement. We will hear you now, Mr. Cocks.

**STATEMENT OF MR. ORRIN G. COCKS, ADVISORY SECRETARY OF
THE NATIONAL BOARD OF CENSORSHIP FOR MOTION PICTURES,
NEW YORK, N. Y.**

Mr. Cocks. Mr. Chairman, I want to submit a brief on this subject, and I want to say also that the national board of censorship will pass, I believe, absolutely, on the statement of Mr. Prosser.

We recognize that this problem is a difficult one and that the national board of censorship is not the ideal means of dealing with it. We also recognize that the formulation of standards of censorship and standards of morals for the 100,000,000 people of this country is an absolute impossibility. Churches have never done it; Y. M. C. A.'s have never done it; educational institutions or organizations have never done it. It can not be done. It just simply means that you are going to have difficulty in the same way in which the national board has had difficulty. The opposition will be there, either from one group or from another group. Criticism is inevitable.

We have endeavored to meet the situation, and I do not know that we have done so successfully, by urging the different cities and the larger towns of the country to establish standards of censorship for local pictures. We have tried to cooperate. We have put into their hands the actual decisions each week of the national board of censorship in regard to all the pictures that have been passed, exactly what the decisions have been, and then we urge them to watch for these future pictures and try to reach the pictures which the national board of censorship can not reach. Pictures are passed around to the different men who are going to exhibit the pictures, and they can not be reached through the rules governing interstate traffic. We have tried to get the local groups to watch for the pictures and censor

them and let us know about them, so that we can protect the other cities of the country.

We have a working arrangement, and we have done, I think, a pretty fair work. The fact that the character of the pictures has changed very materially shows that we have done something along that line. We have not accomplished the entire amount of work, but it seems to us in New York that under the cooperative arrangement, rather than the local arrangement, we are able to accomplish quite as much.

There is a certain amount of mulishness in every individual, and it stands to reason that the manufacturers are just as mulish as the rest, but if they are forced to do a thing by law it will result in its being carried into the courts.

Mr. ABERCROMBIE. I understand you are a member of the board of censorship?

Mr. COCKS. I am the secretary, one of the paid men.

Mr. ABERCROMBIE. I would like to ask you how the board proceeds to detect violations such as those mentioned a few minutes ago by the various exchanges?

Mr. COCKS. The great groups that manufacture possibly 90 per cent of the pictures have been very careful, and they have played absolutely fair.

Mr. ABERCROMBIE. How are they watched; by whom and where?

Mr. COCKS. We have 375 representatives throughout the whole country who are watching those pictures. We send them a bulletin each week, with the understanding that they will report back to us if there are violations. The reports come from different parts of the country.

Mr. ABERCROMBIE. Are those people appointed by your board?

Mr. COCKS. They are the representatives of the board. They are mayors of cities, police commissioners, superintendents of education, Y. M. C. A. secretaries, and people of that kind.

Mr. ABERCROMBIE. Is it an easy matter to change a picture that violates the rules of your board after the picture has been passed upon by your board and sent to the exchanges?

Mr. COCKS. No; it is only when the picture is out on the field in the exchanges or in the State rights group before it has been submitted to the board, that it is possible to make the changes.

Mr. ABERCROMBIE. How does your board ascertain whether things ordered omitted from a picture are omitted?

Mr. COCKS. We have the absolute statements of the various exhibitors that they have made the changes before the pictures are sent out to the exchanges throughout the country.

The group that we frankly confess we do not reach is this group of 4 or 5 per cent of the films you gentlemen have talked about, the State rights pictures.

Mr. ABERCROMBIE. In this connection, I would like to ask you this question: When the board orders a certain part of a picture omitted, do you follow the picture up to see it exhibited after the change has been made?

Mr. COCKS. Yes; we do.

The CHAIRMAN. We are much obliged to you, Mr. Cocks. This concludes the hearings on this particular bill.

(The brief submitted by Mr. Cocks is as follows:)

BRIEF SUBMITTED BY MR. ORRIN G. COCKS, ADVISORY SECRETARY OF THE NATIONAL BOARD OF CENSORSHIP OF MOTION PICTURES, NEW YORK, N. Y.

1. *Constitutionality.*—The national board holds such proposed legislation for censorship is unconstitutional limitation of the freedom of speech.

2. *Politics.*—Political appointees on Federal, State, and local boards of censorship are temporary and are open to many sinister influences.

3. *Federal censorship no solution.*—Federal authorities will never be able to dictate to States or cities what pictures they shall or shall not see. Other boards of censorship will inevitably be demanded.

4. *Legal decisions.*—The law is necessarily too inflexible to apply to all or most of the complex situation presented in motion-picture subjects.

5. *Complex ethical questions.*—Many of the film subjects most dangerous to morals belong to the extra-legal group, over which the Federal board would have no legal jurisdiction.

6. *Legal censorship is essentially destructive.*—The national board is able, by moral suasion, to do constructive work in censoring films, while the legal Federal board would find itself limited to destructive censoring.

7. *Censorship for the whole public.*—Any censorship must be for the whole public. It is impossible to exclude from picture houses either sex or people of different ages of intellectual development.

8. *Paternalism in morals.*—The intelligent public have abundant protection against immoral or illegal shows. A legal Federal board represents class legislation or paternalism in morals.

9. *Legal censorship oppressive and unnecessary.*—Legal censorship comes just before exhibition throughout the country. The loss of business following the decisions of a few commissioners would inevitably develop bitterness and recourse to the courts.

The proposed Federal law gives no power of appeal from decisions of a few people.

10. *The magnitude of the work.*—The enormous output of films demands the attention of many skilled people.

Honest criticism results in eye strain and nerve strain.

The judicial temperament is shattered when many pictures are seen continuously.

A great and increasing business should not be dependent on a few persons, however skilled, who are certain to have some elements of bias.

In practice, the commissioners would be compelled to sit as individuals, each judging a per cent of the motion-picture output for the entire country.

11. *Censorship intensely human.*—Moral judgments are often dependent on custom. As society changes so must censorship. It can never be static. It must be responsive to public opinion. Since acceptable moral standards have never been formulated for large masses of people, the national board receives and the proposed Federal board must expect unfavorable criticism from a hundred different elements of society and from business, professional, exhibiting, and manufacturing interests.

12. *Decisions on moral questions.*—It is questionable whether the Government has the right to decide on questions that are fundamentally moral and are complicated by questions of taste, custom, and opinion for the whole country. It is also questionable whether the Federal authorities can hold the products of an industry guilty and not subject to appeal until they are adjudged by several individuals to be innocent.

The National Board of Censorship is in favor of voluntary nonofficial, co-operative censorship of motion pictures in contrast to legal, official, prepuberty censorship by authorities, Federal, State, and local.

In the bill introduced into the Senate by the Hon. Hoke Smith of Georgia, and into the House by Representative Hughes, it is proposed that a commission of five shall be appointed by the President. They shall serve for six years. "The salary of the chairman shall be \$25,000 a year and that of each other commissioner \$20,000 a year." The commission may appoint deputy commissioners and other assistants. These films are prohibited for entrance into interstate commerce which are "obscene, indecent, immoral, or depict a bull-fight, or a prize fight, or are of such a character that their exhibition would tend to corrupt the morals of children or adults or incite to crime." This is the only

statement in the bill defining the moral standards under which the commission would work.

The national board understands the criticism of motion pictures from actual experience. It is the only agency which has attempted to work on a national scale. For five years, it has continuously examined the bulk of the films put on the market. It does not speak from theory but from extended experience.

There are several fundamental differences between the work of the national board and the proposed Federal commission.

The National Board of Censorship operates on the basis of agreement with the manufacturers and importers of motion pictures to submit all their productions and abide by decisions. It is a wise business policy on the part of the manufacturers which accepts one unbiased criticism rather than a multitude in the cities of the country. Federal censorship is compulsory. It operates under law. The decision of the censors is binding and there can be no appeal to the people of the country.

The national board is composed of a large number of skilled persons and offers to the manufacturer the right of appeal to a higher court of public opinion. The proposed Federal censorship is conducted by five commissioners from whom there is no appeal.

The national board conducts its work through 145 volunteers who fairly represent public opinion. They are carefully chosen from those who have the judicial temperament, interest in people, entire disinterestedness, an understanding of the appeal of motion pictures. The proposed Federal board lodges in five persons the power to pass yearly on 9,000,000 feet of film for 100,000,000 people.

The national board finds it important to obtain constantly the various points of view of its 145 members with the assistance of experts. In practice the work of the Federal commission would largely be done by one commissioner and on most doubtful questions the decisions would come from five individuals who are human and prone to error.

Federal censorship of motion pictures is not needed. There is no form of commercial amusement as widespread as motion-picture entertainments which are as wholesome, as inspiring, as free from objectionable features and as full of educational and cultural subjects. All attempts to criticise motion pictures unfavorably have been based on theory or with undue emphasis placed upon a fractional per cent of harmful pictures.

Closely allied to the censorship of films is the question of the physical surroundings in the motion-picture houses. If Federal censorship is undertaken, the inevitable result will be the checking of local initiative. Local ordinances dealing with light, ventilation, fire exits, public safety, and vaudeville will not be pushed. Undoubtedly physical and moral dangers will remain throughout the country in their present chaotic condition. The Federal board is not constituted to deal with these subjects. The impression will become general that all matters dealing with motion pictures can safely be left in their hands.

The arguments by which the national board has arrived at its conclusions are as follows:

CONSTITUTIONALITY.

There are reasons to doubt the constitutionality of any such bill which would tend under law to restrict the freedom of speech. The motion picture belongs to the same class as the newspaper, the book, periodical, and play. It has always been adjudged sufficient to proceed against objectionable newspaper and magazine articles, plays, and pictures after they have caused offense to the public. This freedom of speech has been guarded throughout the history of the nations.

Assuming that this fundamental objection will be overcome in some way not now apparent, there remain objections in detail which, in the judgment of the National Board of Censorship, are practically conclusive.

POLITICS.

The bill (S. 4941) under discussion provides that the commissioners shall be appointed by the President. He is the head of his party even though he is President of the Nation. It would be next to impossible to keep politics, as contrasted with social service, out of the appointments of commissioners, since

the selections must be made from at least two other parties besides the dominant one. Such commissioners would serve for a limited time, scarcely long enough to estimate the moral sentiment of the Nation, and they would constantly be open to strong political pressure from various parts of the country. Experience with the working of State censorship has led the national board to believe that just, efficient, and disinterested criticism of pictures would not be the primary aim of such a Federal board. One or all of the following would be more important than censorship: The revenue derived from tax on reels; the political influence on and through the manufacturer and the exhibitor; the place of political friends and constituents in office; the suppression of certain types of subjects of political or social import. There is, moreover, no warrant for assuming that such appointees would be of a type best fitted to express impartially the moral judgments of the Nation. The salaries assigned to them are insufficient to guarantee a superior type of commissioner. It would be intolerable to have narrow-minded, biased representatives of the Nation open to any form of influence.

FEDERAL CENSORSHIP NO SOLUTION.

It is absurd to assume that the people in the States and the Territorial possessions of the United States could ever agree to accept the decisions of a Federal board of censorship. The standards adopted by such a board would prove unsatisfactory for Ohio, Oregon, or Oklahoma. These States would insist on duplicating the work done at the National Capital. They would also insist there were many films which could not be forced to be exhibited before the Federal commissioners. Experience has convinced the national board that many cities would insist upon being laws unto themselves. Such suppression would not suppress. It would mean confusion worse confounded.

LEGAL DECISIONS.

It is impossible to express in a few general controversial words the ethical standards for judging pictures. Any attempt to define legally "obscene, indecent, immoral, or of such a character that their exhibition would tend to corrupt the morals of children or adults or incite to crime" must fail. Such legal phraseology inevitably throws back upon the commission the responsibility for formulating detailed and well-recognized rules of judgment. These, in turn, must be carefully stated and must become the basis for action so that the public and the manufacturers will consider the fairness of the commission and will know how to conduct their business. It would be intolerable to have arbitrary and varying judgments expressed.

COMPLEX QUESTIONS OF ETHICS.

The national board has discovered after five years' work that many delicate and complicated questions of ethics are raised. Since the motion picture depicts life with its motives, its thrilling experiences, its great monuments, its victorious or disastrous outcome, it is essential that the standards under which such dramatic situations are depicted shall be broad, just, and intelligent. While broad principles of judgment can be laid down, while a minimum can be established beyond which no manufacturer will be permitted to go, the critic of motion pictures must be granted latitude in deciding upon individual situations. It is undoubtedly true, also, that 20 persons looking upon a given picture will have a variety of opinions, just as they will differ in their decisions about people who have become involved in controversial situations. These opinions must be considered if justice is to be done.

LEGAL CENSORSHIP ESSENTIALLY DESTRUCTIVE.

As a result of experience the National Board of Censorship has found that the best possibilities of the work of censorship can be attained only when combined with a constructive policy. Censorship in itself alone is essentially destructive and coercive. For this reason the national board uses its influence with manufacturers and importers of films to produce only such films as in some way have real social value. By offering suggestions to the manufacturers, the national board has been able to inspire a steady improvement in the character of films produced. The manufacturers welcome this help from an

impartial board of independent people. This work naturally progresses slowly, but it represents substantial and effective education at the point of production.

Since it would be bound by legal precedent and decisions, the Federal board would be unable to offer to the manufacturers, the exhibitors, and the public positive constructive criticism.

PATERNALISM IN MORALS.

Public opinion and discussion do much to settle controversial points. There are always groups who hold to realism and large freedom for the individual. These believe in public discussion. There are those also who emphasize reticence. Innocence appears desirable. They are called by their fellows "puritanical." Those who belong to this group will suppress much for the protection of the child, the woman, the weak, and the immigrant. Fundamentally, they do not believe in the ability of society to protect itself or to decide moral questions. Between these extremes of liberality and conservatism lie the rank and file of the American people. Critics of motion pictures who believe in democracy, who have strong principles based on experience, and who look with clear and understanding eyes upon the subjects as they appear on the screen must expect adverse criticism. Moral questions will never be solved for the whole people. There will always be those who disagree. This applies not only to unofficial voluntary censorship, but is what the Federal censors will have to expect. If such a bill were passed, after the novelty had worn off and the decisions of the Federal board were given publicity, indignant groups of citizens would insist that this work be supplemented by city and State boards. When one appreciates the foreign population, the extent of the country, and the variety of social classes in the United States, he must concede to various communities modifications of a minimum national standard.

LEGAL CENSORSHIP OPPRESSIVE AND UNNECESSARY.

There are many subjects which can not come within the scope of Federal censorship as defined by law which are the every-day subjects for criticism by a nonofficial cooperative group like the national board of censorship. Because of its friendly agreements with the manufacturers and in its representation of public opinion, it can easily handle many of these questions. They lie within the realm of taste.

They are sometimes vulgar. They may deal with questions of dress. The comedy element may be distinctly low. They may present controversial themes in delicate or indelicate ways. They may be harmful to certain elements of the community. While acceptable in certain sections they may provoke sectional prejudices. They may not come under the "ban" but deal with "low life." They may present questionable and prolonged love scenes. They may present the three-cornered problem of infidelity. All these and many other subjects come within the scope of a board working in the interests of the public without legal standing. It can be predicted with confidence that a Federal board would be unable to handle satisfactorily this class of film subjects.

JUDGING FOR THE WHOLE PUBLIC.

The conditions of exhibition of plays and motion pictures in the United States make impossible any segregation of pictures which are dangerous to certain groups while they are entirely satisfactory for others. The same picture goes to the whole American audience of men and women, young and old. This means that any censorship provision does violence to many classes of people who are abundantly able to express their objections. They would regard such censorship as an unfriendly attack.

UNIVERSAL PUBLIC ENLIGHTENMENT.

The American public is intolerant of judgments superimposed by any class. With our American system of education there has been developed throughout the country general moral as well as intellectual independence. The people are quick to detect those things which are objectionable. Their condemnation is expressed in many ways. They refuse to read certain classes of books. They have recourse to the law. They frown upon immoral plays so that they become

commercially profitless. They put the "ban" of public opinion upon individuals who break over accepted standards or attempt to spread harmful doctrine. The laws and the courts reflect such public opinions. This public opinion is not static but is ever changing. Since these are the facts, there is well-formulated opposition both to the puritanical and the ultraliberal positions. It manifests itself in politics, social life, industry, morals, and the church. Far more can be accomplished in cooperative ways than through legally appointed boards maintained under a paternalistic rather than a democratic ideal of government.

LEGAL CENSORSHIP OPPRESSIVE AND UNNECESSARY.

Legal censorship comes too late to obtain the greatest results from the manufacturers. They desire to market their product just as other legitimate producers have the right. Their outlay in money and time has been considerable. They have incurred expense not only in producing the pictures but in publicity and in the manufacture of from 25 to 100 separate films for the exchanges throughout the country. When pictures were condemned by such a Federal board with legal powers, the manufacturers would develop a bitterness and sense of opposition which makes them desire to fight the decisions, through the courts, to the limit. Without making any concessions or losing one iota of independence, a voluntary board is able to influence its decisions at a period when compromise is possible.

State laws and local city ordinances already exist which more effectively handle the situation than Federal censorship could do. Motion-picture exhibitors who present immoral or indecent scenes can be checked by the police or mayors with suppression of films or temporary or permanent suppression of show licenses. Such laws to punish any action, publications or utterances against public morals are adequate for the protection of the public. For five years the national board of censorship has called upon local authorities, mayors, license bureaus, and police officials to suppress films which are not deemed proper for circulation on the American market. The response to these appeals has demonstrated the ability of localities to handle moral situations without any recourse to Federal enactment.

NERVE AND EYE STRAIN—MAGNITUDE OF THE WORK.

Few persons understand the details of the work involved in the censorship of the product of motion-picture manufacturers. There are being placed on the market of the United States at present from 135 to 150 films subjects per week. Within the last six months, the manufacturers have turned to the production of themes which require from 1 to 10 reels of 1,000 feet each to produce. This means that those who censor the entire product of the motion picture are will critically examine from 225,000 feet to 250,000 feet of film weekly.

The increase over the production for 1912 was in 1913 63 $\frac{1}{2}$ per cent. There is no indication of a falling off in this volume of production. It takes 12 minutes to look at each reel of 1,000 feet. While 80 per cent of the film subjects require no criticism or changes, the conscientious critic must examine them all impartially. He must be in the frame of mind of the average spectator. When the film subject has passed in review, he immediately assumes the attitude of a moral critic.

If eliminations, changes in subtitles or scenes are to be made, he must note not only the effect of the individual scene but its relation to the subject as a whole. This results in a tremendous nerve strain. No criticism or change can be made without reasonable justification. The censor, therefore, with his fellows, must have reasons for his opinions and state them in conjunction with others.

A small official board will find the work of examining and justly criticising 225,000 feet of film a week, a well-nigh impossible problem. The national board with 19 committees a week and membership of 105 persons, finds the nerve strain exhausting. It is needless to say that the work of censorship is valueless unless it is done completely, impartially, judicially, and justly.

When the manufacturer is aggrieved, and the members of the committee or the secretary feel that large portions of the picture should be eliminated, an appeal is made to a disinterested group of highly intelligent citizens serving voluntarily on the general committee, a court of last appeal. A quorum of seven is necessary for decisions. The action of this group is final.

Although the national board does not represent society, it approximates the decision of society. The elements both conservative and liberal are harmonized in the course of such frank discussion. The will of the majority carries.

Coincident with the nerve strain should also be considered the eye strain attendant upon the steady criticism of pictures. Unless the work is divided, a point is reached with the most conscientious critic when he is unable to fairly estimate moral values. In any discussion of motion-picture censorship this practical detail must be emphasized.

CENSORSHIP INTENSELY HUMAN.

The national board frankly acknowledges that it does not reach 100 per cent of the motion-picture field. It is, however, continually criticizing over 95 per cent, and is increasingly proving to the irresponsible and more recent manufacturers that its indorsement is necessary. The national board is a human institution dealing with problems of controversy which have been in existence throughout the ages of organized society. It reflects a public opinion which constantly varies. As society formulates intelligent theories and principles of conduct, it must inevitably alter its decisions. The board freely grants differences of opinion to various classes and to various constituent parts of the Nation. It also agrees that some of its decisions may wrongly interpret the will of society. It does not assume omniscience.

Since the national board is working for the entire country, it appreciates the importance of cooperative local criticism. The following plan has therefore been suggested and has been adopted in many cities.

A WORKING ARRANGEMENT.

The board issues each Saturday an entire list of motion-picture subjects reviewed during the week with the action taken upon each. These bulletins are sent throughout the country. Local authorities and censor boards are encouraged to make use of these bulletins and to concentrate their attention upon pictures which have been criticized for eliminations or changes, which have been condemned in toto, and for those pictures which have not been submitted to the board, but which have been listed for release and sale. The board agrees to bring pressure to bear upon the producers of objectionable and immoral films when they are reported to it. They also call to the attention of local authorities those pictures which may be regarded as demoralizing. It urges on local authorities the wisdom of legal action when pictures are exhibited which violate the standards of a given community. Authority is vested in mayors, licensing authorities, the police, and the courts to immediately suppress such pictures. This furnishes a plan of cooperation, a flexibility, and a local responsibility which are not included in the plan of the Federal censorship.

The New York Tribune, under date of May 3, 1914, says in part as follows:

"A bill has been introduced into Congress to create a National Motion Picture Commission. Senator Hoke Smith and Congressman Hughes, both of Georgia, are the sponsors. The bill proposes that every motion picture which goes into interstate commerce be previously inspected and passed by a commission of five men sitting in Washington, and that no film be allowed to be shown outside of the State in which it is made unless it bears this commission's stamp of approval.

"The mechanical difficulties alone are sufficient to make this bill, as at present framed, extremely undesirable. So rapid is the output of film in this country that each of the five commissioners would have to inspect different pictures. This would result in making one man the judge of what is suitable for the entire country's entertainment.

"Faults of this nature can be passed over in considering the bill, because there are so many other vital objections. In the first place, the constitutionality of the Smith-Hughes bill is decidedly doubtful. It is the opinion of many prominent legal authorities that the United States Supreme Court, should the bill be passed, would decide that the law violated the constitutional guaranty of the right of all persons to a free expression of their beliefs and sentiments.

"The need of any censorship is growing less every year, but to do away with it entirely would not be wise just now. Yet this is virtually what would result if the Smith-Hughes bill should become a law. Paradoxical as it may seem, this attempt to improve censorship would practically do away with it. However reluctant the film makers might be to see it happen the passage of the

act would automatically kill the National Board of Censorship. This would mean that within the limits of each State there would be no check on unscrupulous manufacturers, and anything could be flashed on the screen which oftentimes too-indulgent police would allow. The stamp of the National Board of Censorship is now universally recognized by civic officials throughout the country as determining whether or not a film is suitable for exhibition.

"The National Board of Censorship is the best solution of the national problem which has yet been conceived, even though it has many faults. Its members believe that eventually no censorship will be needed, and when that time comes the organization will disband. As it now exists it stands or falls on its own merits. To destroy it by legislation which would so inadequately provide for doing its work as the Smith-Hughes bill would be inimical to the best interests of the country. Every person interested in any way in motion pictures or in their effect should protest against the enactment of this ill-timed legislation. The National Board has turned chaos into order and to reverse the process is at best an ill-advised procedure."

(Thereupon, at 12 o'clock noon, the committee adjourned.)

(Hon. Julius Kahn, a Representative from the State of California, submitted the following statement and telegram with the request that they be printed.)

Mr. KAHN. I have received a telegram from the Motion Picture Exhibitors' League of San Francisco, Cal., of which M. E. Cory is president and R. L. Marks secretary.

I know that in San Francisco we have a local board of censors. Every precaution is taken to prevent the exhibition of pictures that would tend to degrade or demoralize the old or young. We have a large number of moving picture establishments which are visited by thousands of our citizens daily. Personally I do not recall a single case where complaint was made in regard to the character of pictures that were shown.

I ask leave to have the protest of the Motion Picture Exhibitors' League of San Francisco considered as a part of these hearings.

SAN FRANCISCO, CAL., May 23, 1914.

Hon. JULIUS KAHN, *Washington, D. C.*:

California motion picture exhibitors demand vigorous opposition Smith-Hughes motion picture censorship bill at final hearing Tuesday. California has no State censorship board. Contract statement International Reform Bureau. American-made pictures do not need censoring. Honest performance of duty by customs officials is adequate censorship for foreign pictures. Present-day drama and vaudeville need censoring much more than pictures and we will never submit to any censorship that does not include the stage.

MOTION PICTURE EXHIBITORS' LEAGUE OF SAN FRANCISCO,
M. E. CORY, *President*.
R. L. MARKS, *Secretary*.

ASPECTS OF FILM

An Arno Press Collection

- Adler, Mortimer J. **Art and Prudence.** 1937
- Conant, Michael. **Anti-Trust in the Motion Picture Industry.** 1960
- Croy, Homer. **How Motion Pictures Are Made.** 1918
- Drinkwater, John. **The Life and Adventures of Carl Laemmle.** 1931
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- Hepworth, T[homas] C[raddock]. **The Book of the Lantern.** 1899
- Johnston, Alva. **The Great Goldwyn.** 1937
- Klingender, F.D. and Stuart Legg. **Money Behind the Screen.** 1937
- Limbacher, James L. **Four Aspects of the Film.** 1969
- Manvell, Roger, ed. **The Cinema 1950.** 1950
- Manvell, Roger, ed. **The Cinema 1951.** 1951
- Manvell, Roger, ed. **The Cinema 1952.** 1952
- Marchant, James, ed. **The Cinema in Education.** 1925
- Mayer, J.P. **British Cinemas and Their Audiences.** 1948
- Sabaneev, Leonid. **Music for the Films.** 1935
- Seabury, William Marston. **Motion Picture Problems.** 1929
- Seldes, Gilbert. **The Movies Come from America.** 1937
- U.S. House of Representatives, Committee on Education. **Motion Picture Commission: Hearings.** 1914
- U.S. House of Representatives, Committee on Education. **Federal Motion Picture Commission: Hearings.** 1916
- U.S. Senate, Temporary National Economic Committee. **Investigation of Concentration of Economic Power.** 1941
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