

THE PENNSYLVANIA STATE BOARD OF  
CENSORS:  
THE GREAT WAR, THE MOVIES, AND  
D. W. GRIFFITH

*Harris Ross*  
*University of Delaware*

*I*n 1911, Pennsylvania became the first state to pass a law establishing motion picture censorship. Because the General Assembly failed to provide funds to support the legislation until its 1913 session, the state ceded the dubious honor of having the first functioning state censor board to Ohio, whose members began evaluating films in September of that year. How the Pennsylvania law came to be enacted remains unclear. Unlike the 1907 campaign by Progressives that resulted in the country's first municipal censorship board in Chicago, no protests had been held against immoral films in Pennsylvania, newspapers had mounted no crusades, and the legislature had held no hearings. Morris Wolf, the state's attorney general at the time, claimed that "the only man active in the matter was the one in favor of the bill, a man who later was appointed as [chief] censor...."<sup>1</sup> That man was J. Louis Breiting, a member of the state House of Representatives, who introduced the censorship bill apparently at the request of Pennsylvania film exhibitors anxious to assure the middle class of the propriety of the movies. On May 22, the bill was approved 50-0 by the state Senate, and the next

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day was passed by the House, 152–0.<sup>2</sup> On June 19, Gov. John K. Tener signed the bill into law, and the film censorship board began its work on Jan. 27, 1914. For almost 50 years, the Pennsylvania State Board of Censors vetted every film commercially shown in the commonwealth, ensuring that citizens saw only “moral and proper” films and protecting them from those that were “sacrilegious, obscene, indecent, or immoral, or such as tend to corrupt morals.”

Censorship has traditionally been seen only as a power that rejects, a negative power that, ideally, leaves censors with nothing to show for their work. However, to cite a frequently quoted passage from a contemporary theorist, legal censorship should be seen “as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression.”<sup>3</sup> In this view, censorship paradoxically affirms as it denies by exciting communication about the very material the censors try to repress. For example, appeals to Pennsylvania courts over the censors’ rulings contain detailed descriptions of films (valuable because many of the films from the period are “lost”), detailed accounts of censored material (important because much of the board’s documentation from the teens is missing), and explanations of how the censors and judges applied the censorship law.<sup>4</sup> Using legal documents and other forms of discourse stimulated by the Pennsylvania board, this paper will examine film censorship from Wilson’s declaration of neutrality in 1914 to the end of the Great War in 1918, a period in which Pennsylvania censors struggled to meet the often contradictory obligations established by the censorship ordinance to keep films “moral and proper” and those demanded by the Wilson administration to ensure moving pictures conformed to American policy toward the European conflict.

While most of the work of the Pennsylvania board during the period went unremarked by the public, the debate over the censoring of sexual material in D. W. Griffith’s war film *Hearts of the World* attracted the attention of both the industry and popular presses. While contemporary historians might well question *Variety*’s 1915 estimation of his achievement, it was a commonly held view during the silent era: “D.W. Griffith, the world’s best film director, is and has been responsible for so many of the innovations in picturemaking, doing more to make filming an art than any one person....”<sup>5</sup> Griffith understood that his deliberately cultivated reputation as the screen’s Shakespeare or Hugo could not only be as valuable in marketing his films as any movie star’s image but also a useful weapon against the censors who he believed were stunting the growth of a nascent art form. In numerous appearances before

governmental committees and in newspaper and magazine articles, Griffith hyperbolically argued that, should film enjoy the same protections as the other arts, it could bridge the gaps separating classes, races, and nationalities to bring social stability and world peace. In the 1916 pamphlet "The Rise and Fall of Free Speech in America," he said that filmmakers wanted nothing more than the same rights enjoyed by the press, the novel and the drama, the right to "show the dark side of wrong, that we may illuminate the bright side of virtue...."<sup>6</sup> This view informs the argument against the censors in the controversy over *Hearts of the World*. Griffith's representative argued that sexual material was necessary for depicting the inhumanity of the German characters and essential to create the film's powerful patriotic lesson. That the material's prurience would be overcome by its narrative function could be supported by the circulation of government propaganda, which conditioned Americans to link German atrocities with sexual deviancy.

For the censors, however, the issue was not how an ordinary spectator would use the film's sexuality but the harm it would do to the immature. "The board cannot believe that the motion picture theatre is a medium for teaching the youth of Pennsylvania moral lessons through melodrama, which could be much better got through the old channels in the church or school, nor will it be turned from its way by appeals for freedom to lay bare or advertise the sordid relationships of life in the name of literature or the dramatic arts," the board wrote.<sup>7</sup> Implicit in the board's argument was the idea that the immature—the young, the poor, the immigrants, the women—would be unable to weave the sexual material into the film's narrative fabric. To support this conclusion, the board could reference the U.S. Supreme Court's seminal ruling on film censorship, *Mutual Film Corp. v. The Industrial Commission of Ohio* (1915), the culmination of a series of legal challenges by the film distributor to the censorship laws of Pennsylvania, Kansas, and Pennsylvania.

In this 1915 decision, the court ruled that motion pictures were unworthy of the protections of the free speech clause in Ohio's constitution because their very attractiveness hid a capacity for evil, that is, an appeal to "prurient interests" of an audience of men, women, and children. Nor could films be considered "agencies of civil liberties": "It cannot be put out of view that the exhibition of moving pictures is a business, pure and simple, originated and conducted for profit, like other spectacles, not to be regarded, nor intended to be regarded by the Ohio Constitution, we think, as part of the press of the country or as organs of public opinion."<sup>8</sup> Despite their value as "mere entertainment," motion pictures were a commodity, "commercial speech," and not part

of the national dialogue on political and social issues. Nevertheless, the federal government recognized the value of motion pictures as a means for shaping American opinion on the European war. As this paper will demonstrate, before America entered the European conflict in 1917, Pennsylvania censors excised sections of films they considered to be violations of the federal government's stated policy of neutrality, and, after the declaration of war, they removed those parts of films thought to undermine the government's efforts at mobilization. Contrary to the court's opinion, the movies were an acknowledged part of the federal government's efforts to shape public opinion on the war.

### Protocols of the Censorship Board

The censorship process was initiated when a producer or distributor filled out the application form and paid the censorship fees, \$1 for the film to be examined and \$1 for each duplicate to be exhibited in the state. Except for newsreels, the application was to be submitted at least one week before the film's release. The form asked for the film's title, the manufacturing company, the exchange distributing the film in Pennsylvania, the number of duplicates, a description of the plot, the film's genre, the date of its manufacture, the date of its release, its moral, and its leading players. The forms that have survived indicate that at least some applicants failed to give complete information because of haste, ignorance, or caution. For example, the applicant for an examination of *War Brides* described the film as "dramatic" and omitted a lesson or moral.<sup>9</sup> While it is impossible to know why the applications were incomplete, it is possible that the applicants thought the information might alert censors to objectionable material and be used by the censors in an appeal to the courts. In an interview with the *Moving Picture World*, Breitingner said, "From examining the synopsis I generally get a fair idea of what kind of a film I am going to see from a censor's viewpoint....I always pay particular attention to the casts. One woman will play an adventuress in an offensive manner, while another might think it necessary to wear tightfitting gowns and smoke cigarettes."<sup>10</sup>

Films were to be delivered to the board at least three days before their release date, examined by censors within 48 hours after delivery and returned the day after the examination.

In a projection room at an old Church in Philadelphia, the censors examined an estimated 10–12 million feet of celluloid a year. Because the task of "washing

the dirty linen and cleaning the Augean stables of the whole wide world" was too daunting for three people, the 1915 revision of the censorship law gave the board the right to hire subordinates, and critics charged that they did the routine examinations, the censors viewing only films that were the subject of appeals.<sup>11</sup> The few examination sheets that survive from this period indicate that subordinates, not the censors, did indeed perform the initial appraisals.

Applicants had the right to ask for a re-examination by at least two members of the board and could then appeal to the Court of Common Pleas. In 1916 the state Supreme Court ruled that appeals were to be decided only on the narrow ground of administrative discretion, with the film producer or distributor having the burden of proof. The court said that the board's rulings could be reversed only if the censors refused to exercise their diagnostic powers by banning a film because of prejudice toward the distributor or approving a film because of partiality toward the producer.<sup>12</sup> That the state Supreme Court's decision gave the board almost unchecked power can be seen by the number of appeals won by the Pennsylvania board. From August 1915 to January 1920, of eighteen appeals, two were withdrawn and fifteen appeals were dismissed. Only a single case was resolved by a compromise between the censors and applicant. The film was Griffith's *Hearts of the World*.

As political appointees, censors were aware that sustained public criticism could make them liabilities to the governor's political fortunes. It was necessary for the censors to cultivate support from civic and religious groups who shared their concern for the moral well-being of the nation's young. In a striking example of censorship's productivity, censor Ellis Paxson Oberholzer traveled across the state and throughout the country with a reel of censored material that gave women's groups, ministerial alliances, and moral reform organizations a look at the commercial depravity threatening the nation's youth. But by 1917, the board's support among some in the state's religious community was eroding. In that year, the Rev. Clifford Twombly, the rector of St. James Church and an indefatigable critic of motion pictures, led twenty-one members of the Ministerial Association of Lancaster in an evaluation of 134 movies passed by the board. The group discovered that thirty-one showed murder, suicide, drunkenness, gambling, poisoning, chloroforming, "low resorts and habitues of the underworld."<sup>13</sup> In Twombly's opinion, the board was abjectly failing to protect the states' immature spectators. In 1918, to mollify such critics and to ensure the censors' and their subordinates' decisions were consistent enough to withstand legal challenges, the board published twenty-four standards that were "expressive of the letter

as well as the spirit of the law, as well as the sentiment of a great majority of right-thinking and right-feeling people.”<sup>14</sup> Five of the standards concerned crime, including “white slavery,” counterfeiting, arson and other methods of destroying property, the use of guns and knives in an underworld setting, and representations of the *modus operandi* of criminals detailed enough to provide instruction for budding outlaws. Eight of them concerned matters of sexuality, including strictures against seduction, childbirth, abortion and eugenics, nudity, venereal diseases, “sensual kissing, love making scenes, men and women in bed together and indelicate sexual situations.” One standard forbade ridiculing races or other social groups and treating religion irreverently and sacrilegiously. Other standards prohibited cruelty to children and animals, subtitles containing profanity, scenes of drunkenness, and such gruesome material as “shooting, stabbing, profuse bleeding, prolonged views of men dying and of corpses, lashing and whipping, and other torture scenes, hangings, lynchings, electrocutions, surgical operations, and views of persons in delirium or insane.”<sup>15</sup> The standards were designed to be a regime for the state’s moral health with a particular emphasis on sexuality. None of the standards directly addressed issues raised by the war. In fact, the only mention of such issues was in the 1917 report in which the board noted that a film would be rejected if it represented a “disparagement of public characters, of the flag, the country, or the national allies.”<sup>16</sup> Presumably, after the passage of the Sedition Act in 1918, the censor board felt there was no need to remind filmmakers of the dangers posed by such material.

While these standards might suggest that censorship was a mechanical process of identifying and removing objectionable material, it was actually a rather elaborate process whose goal was a film apparently untouched by the censor. Films honeycombed with objectionable material were denied a commercial release. Other films were made acceptable by removing immoral material. But early in its history, the Pennsylvania board began reconstructing films, that is, substituting objectionable material with unobjectionable material to create an entirely new story. By the war years, the process became routine. In 1918, for instance, the board reconstructed 157 films. “The result is brought about mainly by changes in the captions and titles, with a cutting and rearrangement of scenes,” Oberholtzer wrote. “A man living with a mistress finds himself married to her...Throughout the story the relationships of the characters are changed.”<sup>17</sup> Anticipating the work of the Hays office, Oberholtzer said that the system of reconstruction would have been much more efficient had the censors been able to work within the studios and

demand retakes. As it was, though, the censors had to work with the materials at hand; the only original materials were new sub-titles shot by photographers in Philadelphia.

### The Censors and Neutrality

Shortly after hostilities erupted in Europe in August 1914, President Wilson declared America's neutrality. Because of the country's ethnic diversity, Wilson said, Americans would inevitably differ in their sympathies toward participants in the European conflict, but their love for their country and loyalty to their government "should unite them as Americans all, bound in honor and affection to think first of her and her interests" rather than "divided in camps of hostile opinion, hot against each other, involved in the war itself in impulse and opinion if not in action."<sup>18</sup> Sustained protest against American policy was mounted by German Americans and others with close ties to the Central Powers. They comprised a significant portion of the nation's population, an estimated 32 million people.<sup>19</sup> In 1910 2.5 million U.S. residents had been born in Germany, and another 5.8 million were of German parentage. In Pennsylvania, over one-hundred-thousand immigrants spoke German in 1920, a figure that actually excludes long established German speaking communities. The largest concentration of Germans lived in Philadelphia, but Pittsburgh, Allentown, Erie, Scranton, and Reading also contained substantial communities. In addition, Hungarians, Czechs, Slovaks, Croats, and Poles settled in Pennsylvania, particularly in Pittsburgh and other coal and steel communities.<sup>20</sup>

In the early days of the war, the German-American Alliance agitated for the cessation of arm sales to the Allies. As one German-language newspaper put it, German Americans were being forced by economic necessity to work in factories that made armaments "for the purpose of killing or crippling their relatives, friends, and people of the same racial stock."<sup>21</sup> At a mass meeting in Philadelphia on November 24, 1914, Charles John Hexamer, president of the alliance, angrily denounced the "lick-spittle policy of our country" towards Great Britain and suggested it would be less hypocritical for a dollar sign to replace the stars and stripes and for "e pluribus unum" to be replaced by "get the dollar no matter how you get it."<sup>22</sup> When it became clear that they could not push American policy toward a more equitable position, German-American groups joined to change policy through the ballot box.

Alarmed by the emergence of a "Germany lobby," many newspapers, including the Philadelphia *Public Ledger*, denounced it, one newspaper discerning in their actions "a close resemblance to treason."<sup>23</sup> Anxiety and resentment over lobbying on behalf of the Central Powers grew considerably stronger after the sinking of the *Lusitania* in May, 1915.

So too did concerns that, should the Allied Powers fail, the United States would face invasion by Germany. As Major General Leonard Wood observed, "It is a great deal better to get ready for war and not have the war, than it is to have war and not be ready for it."<sup>24</sup> The most adamant supporters of preparedness were those most likely to benefit economically from it, men like Cornelius Vanderbilt, George W. Perkins, Bernard Baruch, Henry C. Frick, and Simon Guggenheim, who bankrolled the National Security League. Through an avalanche of publications and speeches by such notables as Judson Maxim, the League urged the adoption of laws establishing universal military training, committing the government to build the largest navy in the world and increasing the regular army to half a million men. When the United States entered the war in 1917, the league became one of the nation's largest and most efficient tools of repression against dissent.

Maxim was typical of those who mixed patriotism with profit. He had made his fortune through such inventions as smokeless gunpowder, smokeless cannon powder, and maxinite, a powder 50 times more powerful than dynamite. His brother, Hiram, had made his fortune with the high-speed machine gun, an invention Judson called "the greatest life-saving instrument ever invented."<sup>25</sup> Judson Maxim was the author of the widely read argument for preparedness, *Defenseless America*, a jeremiad about "what must be done, and done quickly, in order to avert the most dire calamity that can fall upon a people—that of merciless invasion of a foreign foe, with the horrors of which no pestilence can be compared."<sup>26</sup> Maxim gave a copy of the book to an acquaintance, the British born J. Stuart Blackton, one of the founders of Vitagraph studio, a leading film manufacturer during the silent era, and Blackton, encouraged by Theodore Roosevelt, his Long Island neighbor, decided to adapt Maxim's expose of America's military impotence into an epic with the box office appeal of Griffith's *The Birth of a Nation*.<sup>27</sup> Blackton's film, *The Battle Cry of Peace*, told the story of John Harrison, who attends a lecture by Maxim himself and becomes an advocate for military preparedness. He is ridiculed by his brother and his fiance's father, both of whom have fallen under the spell of a peace advocate, Mr. Emanon, in reality an enemy agent preparing the way for invasion. The script won praise

from such influential advocates for preparedness as Cornelius Vanderbilt, Admiral Dewey, Lyman Abbott, and Leonard Wood, who promised Blackton the use of 2,500 soldiers as extras.<sup>28</sup>

Because Vitagraph's other executives were worried that Washington might see the film as a violation of neutrality and an endorsement of American involvement in the war, Blackton arranged his own financing.<sup>29</sup> He too was apprehensive about the film; he gave the enemy agent a nondescript name (Emanon, "noname" backwards) and designed uniforms for the invaders unlike those of any of the European combatants. "I defy anyone to find in it the slightest resemblance to the uniform of any power," he said. But when the film opened for a special showing at the Vitagraph Theatre in New York City in August 1915, the reviewer for the *New York Times* said it wasn't hard to figure out who the enemy was supposed to be: "They are certainly not Portuguese, for instance."<sup>30</sup> The Pennsylvania board also had no doubts. They found the film violated neutrality and incited a military spirit. Indeed, that was the film's purpose. At the Chicago premiere, Blackton, thrilled at the film's rapturous reception, dropped his guard and revealed the film's intention: "Any foreign-born American who is offended by this picture has no right in this country at any time...The only way to spell peace...is the new phonetic way, P-O-W-E-R."<sup>31</sup>

In February 1916 the Pennsylvania State Board of Censors, rather than banning *The Battle Cry of Peace*, as some have claimed, ordered extensive cuts in the climatic scene to reduce the violence and soften the inflammatory depiction of the invaders, clearly meant to represent Germans. Then, when the film opened at the Pitt Theatre in Pittsburgh, they ordered yet more cuts to reduce the chance of violence in the city's German-American community. However, the manager of the theater had decided on a novel, though expensive, way to sidestep the eliminations ordered by the board; he hired actors to enact the missing scenes on stage, a method *Moving Picture World* said demonstrated "the fallacy and ridiculous element in the censorship system."<sup>32</sup> I am not certain how many other theaters used this method to thwart the board, but the board addressed the ruse in a new rule in 1917: "When an approval is issued following the agreement of the applicant to make eliminations suggested by the board, it shall be issued subject to the condition that no exhibitor of the film shall, in exhibiting same, produce any eliminated portion thereof by act, publication, utterance, or other means of communication."<sup>33</sup> Apparently, the board never enforced this rule, and it was widely felt at the time that it would not stand up in court because the law gave the board power to regulate films but not activities surrounding a film's exhibition.<sup>34</sup>

## The Censors and the War

When President Wilson asked Congress for a declaration of war on April 2, 1917, he stated that "millions of men and women of German birth and native sympathy who live amongst us" were loyal Americans, but he warned that "if there should be disloyalty, it will be dealt with a firm hand of repression."<sup>35</sup> But the immediate problem the government faced was not active opposition by the majority of Americans to the country's participation in the war, but indifference to the European conflict. It was, after all, an indifference that Wilson himself had encouraged the previous fall, running on the slogan "He Kept Us Out of War." Now he was asking for Americans to do an emotional aboutface. To do that, Secretary of State Robert Lansing said, Americans would need an emotional stimulus "to keep them up to the proper pitch of earnestness and determination...."<sup>36</sup> To that end, Wilson signed an executive order creating the Committee on Public Information, composed of the Secretaries of War, State, and Navy and headed by journalist and publicist George Creel.

Rather than risk alienating Americans by obviously coercive methods, Creel tried to transform Americans into "one white-hot mass...with fraternity, devotion, courage and deathless determination" through the methods of advertising and public relations.<sup>37</sup> The committee issued press releases, placed ads, organized conferences, and sponsored speaking campaigns to distribute, Creel boasted, facts about America's mission rather than propaganda. The CPI oversaw the voluntary censorship of the press, which left newspaper editors to suppress news stories without clear standards from the government. Because the Justice Department would be notified of any newspaper that violated the CPI's unstated standards, editors were likely as stringent as official censors would have been. For citizens who could not or did not read, the CPI dispatched Four-Minute Men to movie theaters, who delivered patriotic messages or led songs during reels changes.<sup>38</sup> Creel said of the Four-Minute Men that "a statement only of patent facts will convince those who require argument more readily than 'doubtful disputations...' No hymn of hate accompanies our message." But by beginning of 1918, the message of the Four-Minute Men, like others from the CPI were built around lurid atrocity stories.<sup>39</sup>

Although apparently distrustful of the American film industry, Creel understood the propagandistic value of motion pictures. The CPI's Division of Films compiled the *Official War Review*, a weekly reel of war news, and made three feature-length documentaries on the American military, *Pershing's Crusaders*, *America's Answer*, and *Under Four Flags*. With regard to film censorship, Creel

called for voluntary censorship by film manufacturers: "...there is no absolute authority vested in this Committee to suppress. Our functions are entirely suggestive and advisory."<sup>40</sup> Nevertheless, he did criticize Chicago's censor for cutting a film that depicted the Russian Revolution. But if the CPI could not censor films exhibited within the United States, it did have the power to suppress the export of objectionable films.

Beginning shortly after the declaration of war, Congress gave the president the legal power to wield the "firm hand of repression" by passing three laws that gave the government sweeping powers to control and punish what it deemed to be undesirable speech. With little debate outside the halls of Congress and, generally, with the encouragement of mainstream newspapers, James R. Mock wrote, "Federal law gave, in 1917, reality and legality to the belief that it is better to preserve the United States without the Constitution than the Constitution without the United States. Specifically, the guarantees of freedom of speech and freedom of the press, offered all citizens, began to slip away from the American people on April 6, 1917 when war was declared."<sup>41</sup> On June 15, 1917, the Espionage Act became law, establishing penalties against those making false reports or statements to interfere with military operations or to promote success of enemy. The act also established that any material "advocating treason, insurrection, or forcible resistance to any law" could be banned from the mail.<sup>42</sup> On Oct. 17, the Trading with the Enemy Act became law and expanded governmental oversight to communications between the United States and a foreign country. On Jan. 16, 1918, the Sedition Act, an amendment to the Espionage Act, was passed. It forbade publication, writing or utterance of any "disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the army or navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the flag of the United States, or the uniform of the army or navy of the United States into contempt, scorn, contumely, or disrepute."<sup>43</sup> "As temporary measures for exceptional circumstances," Ronald Schaffer wrote, "these laws controlled what the American people could read in newspapers and magazines and see in motion pictures, silenced dissidents, and encouraged public officials and private persons to regulate the way Americans thought and behaved."<sup>44</sup>

While the president had urged respect for differing views during the period of neutrality, the declaration of war marked a decisive end to debate.

As he warned peace advocates in 1917, "Woe be to the man or group of men that seeks to stand in our way."<sup>45</sup> To help investigate those who might be acting to undermine the war effort, federal, state, and local law enforcement forged alliances with such private groups as the American Protective League, begun in 1917 by a Chicago advertising executive who envisioned patriotic volunteers supplementing the government's efforts to ferret out seditious activity. The actions of this "powerful patriotic organization," as the U.S. attorney general called it, were particularly advantageous to the government in that governmental agencies could rely on its extra-legal activities without the bother of seeking Congressional approval for investigating private citizens on the flimsiest of evidence.<sup>46</sup> The APL was particularly active in Pennsylvania, which was felt to be especially vulnerable to espionage not only because of its large population of immigrants from Germany, Hungary, Poland and other countries at war with the United States, but also because of the importance of the state's industrial base to the war effort. The Philadelphia area alone was home to both Hog Island, the world's largest shipyard, and the Baldwin Locomotive Works, a major supplier of armaments. In addition, the Pittsburgh area supplied 80 percent of munition steel used by the U.S. Army and its mines furnished 75 percent of coal used by munition makers.<sup>47</sup> To protect these vital sites from espionage, the APL investigated the most trivial of actions that hinted at the intent to commit sabotage. A woman who grew up in the Pittsburgh area recalled that, when she was six, her parents were questioned after she publicly recited "I Did Not Raise My Boy to Be a Soldier," which her mother had taught her.<sup>48</sup>

Classrooms became important sites for the dissemination of propaganda. The National Security League established the Committee on Patriotism Through Education, through which "schools were flooded with inflammatory pamphlets and lectures picturing Germany as ready to attack America." But the efficacy of such material was only as good as the loyalty of those teaching it. The National Security League Bulletin for June, 1918 said: "The League has heard from practically every institution of learning in the United States. A very few seemed to resent the idea that the League should question the loyalty of the members of their faculties, but the majority promised active cooperation in weeding out such members of their teaching force as are not enthusiastically supporting America's position in the war and commended the League for its activity in this direction."<sup>49</sup> That year the State Council of Defense of Nebraska submitted to Board of Regents of the State University names of 12 instructors who lacked "aggressive Americanism" and who disbelieved in

German atrocities. A Wellesley professor was found to have pacifist leanings and so given an "indefinite leave of absence." The President of Baldwin-Wallace College in Ohio was removed from office, charged with not being enthusiastically patriotic. Dean Harnell, of Philadelphia's Temple University, said, "We are watching very carefully two or three members of our faculty whose disloyalty we might possibly question."<sup>50</sup>

Such drastic action was rationalized by the unthinkable consequences of an American defeat at the hands of an inherently militaristic and brutal people whose ambitions and appetite for violence were unchecked by any moral standards. After the American declaration of war, the the Pennsylvania State Board of Censors were required to cut films to the measure of the general consensus on war issues as defined by the federal, state, and city governments as well as extra-legal pressure groups representing America's business interests. Unfortunately, applying conventional morality to film representations of German atrocities proved difficult to negotiate, and what could be characterized as softening the image of German brutality left the censors open to the charge that they were several points shy of being 100 percent American.

Just after the United States entered the war in April 1917, state Attorney General Francis S. Brown informed exhibitors that they should not show films that might discourage enlistment. He provided no list of objectionable films, but he did provide an incentive to examine the latest offerings; he reminded them that the board had the power to revoke their business licenses.<sup>51</sup> He also sent letters to the producers of *Patria*, *Civilization*, and *War Brides* and asked that they no longer exhibit the films in the state.<sup>52</sup> *Patria*, a 15-episode serial produced by William Randolph Hearst's production company and released in 1916, centered on a wealthy woman leading American forces against a Japanese invasion of the United States launched from Mexico. Extensively advertised as a "serial romance of society and preparedness," its first episodes were released before the United States entered the war. After the declaration of war, the film seemed to have a darker purpose because of Hearst's public anti-British stance and his assumed pro-German stance. It was rumored that the film was an attempt by Germany to drive a wedge between the United States and two friendly nations, Japan and Mexico. When President Wilson informed Pathe that the film seemed "calculated to stir up a great deal of hostility" between the United States and its allies, Pathe agreed to eliminate all the subtitles that referred to the aggressors as being Japanese.<sup>53</sup> With that, the ban in Pennsylvania was lifted.<sup>54</sup>

The other two films were condemned for their pacifistic themes. Thomas Ince's *Civilization* depicted Jesus Christ inhabiting the body of a peace activist and preaching against war. The Democratic National Committee had claimed that *Civilization* had helped Wilson win re-election in 1916, but after the declaration of war, censors judged the film's contention that any war violated Christian principles demoralizing. Pennsylvania lifted its ban when the subtitles were revised to indicate the film was not against war, just "king-made" war.<sup>55</sup> Herbert Brenon's *War Brides* starred Nazimova, the famous stage actress, as Joan, whose brothers were killed in war and who leads a protest against an edict that women be compelled to bear children to provide manpower for future battles. In preparation for its state premiere on January 8, 1917, the film had been submitted to the board near the end of December 1916. The board had ordered sixteen eliminations, all of them concerning sexual relations and childbirth. For example, this elimination indicated how the board suggested reconstructing the film by altering intertitles: "R 8 B Elim. subtitle 'You shall be held in prison until the birth of your child,' then 'shot' may be changed to read 'You shall be held in prison until...then, shot.'"<sup>56</sup> These eliminations were based on the board's widely derided prohibition against images of or subtitles about childbirth. "Such material is put into pictures, for the purpose of supplying a 'punch,'" the board said, "and it is cut out of pictures, in Pennsylvania, because it is profoundly offensive to womanhood, as well as to right-thinking men."<sup>57</sup> Defending the board's demand that shots of an expectant mother knitting baby clothes be removed from Cecil B. DeMille's 1915 film *The Kindling*, a censor explained that the "'movies' are patronized by thousands of children who believe that babies are brought by the stork, and it would be criminal to undeceive them!"<sup>58</sup>

After the declaration of war, a member of the Bureau of Investigation, the forerunner of the FBI, reported to the Justice Department that *War Brides* should be suppressed because it discouraged enlistment and undercut the war effort. The producer then recut the film so that it was likely to be read as anti-German rather than anti-war and renamed it *War Brides, or What the Kaiser's Quest for Power Forced*. Because the film substantially differed from the version the board had inspected at the end of 1916, the censors decided to re-examine the film before it began its commercial run. But could it re-censor a film it had already approved? Near the end of July 1917, the state attorney general informed the board that if the board could reconsider its disapproval of a film, it seemed reasonable to assume it could also reconsider its approval.<sup>59</sup> The board then ordered three additional eliminations but refused to issue a

certificate of approval without the consent of the state attorney general. *War Brides* was re-examined a third time in September 1918. This time the board banned the film, concluding: "It is pacifistic in its main points, and certainly not in the interest of America. It advocates the doing of things because of the edicts of the 'all powerful' Kaiser, and such things border on the indecent."<sup>60</sup>

### Griffith's *Hearts of the World*

The most notable confluence of commercial, political, and social forces affecting the Pennsylvania board swirled around its attempt to censor D.W. Griffith's *Hearts of the World*. The director was celebrated for being the screen's first artist, whose work had given motion pictures respectability among the middle class and was known as a tireless advocate of free speech and the rights of the working class. His behavior in marketing his war film, however, was as self-serving and morally suspect as the actions of any other war profiteer. Although the production history of *Hearts of the World* remains muddled, enough can be pieced together to indicate that Griffith relied on half truths, outright lies, and shameful accusations of treason against his critics to sell his film. As Russell Merritt has written, "In every respect, the publicity campaign for *Hearts* was a disgrace—one of the worst blots on Griffith's career. It was small, mean, and petty: a way to even old scores with censors who had crossed him on *The Birth of a Nation* and a means for exploiting his government connections."<sup>61</sup> When America entered the war in April, 1917, Griffith was in London for the premiere of his film, *Intolerance*. According to interviews with Griffith and the movie's promotional material, Lloyd George first proposed that Griffith make a film that presented the British side of the war to an American audience. In her autobiography, Lillian Gish wrote that Griffith recalled that Lloyd George told him, "I want you to go to work for France and England and make up America's mind to go to war with us." The prime minister promised to partially finance the film and provide the director access to film anywhere in England and France.<sup>62</sup> To substantiate the story, the film begins with a shot of Griffith and Lloyd George shaking hands outside 10 Downing St. and a photograph of the scene appears on the cover of the film's souvenir booklet. By the time filming began, the United States had entered the war and Griffith devised a new rationale for his film: "I wanted to stage a great love romance with the war as a background and with the inspiring motive of love of country as the ideal."<sup>63</sup>

Historians Richard Schickel and Russell Merritt agree that Lord Beaverbrook, the chairman of the British War Office Cinematograph Committee, contacted Griffith about making a fictional film on the Allied war effort, but Nicholas Reeves claims that Griffith approached Beaverbrook with the idea.<sup>64</sup> No contemporary historian gives Griffith's story about the meeting with Lloyd George much credence. However the project was initiated, surviving correspondence indicates that Griffith contacted the British Secretary of the War Office, Reginald Brade, for help and that Brade put him in contact with T. L. Gilmour, who was in charge of the Department of Information Cinematic Branch. Griffith explained to Gilmour that he needed to visit the front to witness the fighting firsthand and to take "a few cinematographic records of ruined villages." Gilmour agreed to arrange a trip to the front for the American director, but he was hesitant to agree to let him film there. "I think we can probably give him something that will serve his purpose, both in the way of still pictures and perhaps a bit of one of our own records," Gilmour wrote Beaverbrook. Anticipating the way Griffith ultimately made the film, Gilmour added: "He could use it for the purpose of building up his scenes in California where he does his work." Nevertheless, Gilmour felt it essential that he and Beaverbrook cooperate with "the greatest living film producer" because the result could likely be "the biggest thing in Propaganda that we can have in the States."<sup>65</sup>

By the end of May Griffith felt that he had reached an agreement with the British government which would provide thousands of troops dressed in German and French uniforms to fight "sham battles" as well as artillery, horses, barbed wire, trench tools, munitions, six airplanes, and fifty carts with household goods along with cattle. In exchange the WOCC would have the right to distribute the film within the United Kingdom and the British colonies and would receive 60 percent of the net profits "on behalf of the war charities."<sup>66</sup> What Griffith likely did not know was that behind the scenes Gilmour and Beaverbrook bickered about who would have to supply the American filmmaker with what; Beaverbrook seemed initially convinced that he was only to supply Griffith with previously filmed war footage.<sup>67</sup>

Griffith visited the British front at Abbeville on May 14, 1917, acquiring some footage which he claimed was shot during a German attack but which historian Kevin Brownlow says was clearly staged.<sup>68</sup> Griffith returned to London, and in June sent for members of his company. In late summer, Griffith shot battle scenes for three weeks on the Salisbury Plain and at Aldershot.<sup>69</sup> This is the only footage for which the WOCC provided material,

and very little of it was used in the finished film. Griffith then returned to France. This part of the production history is particularly murky. Griffith claimed that he and his cast were frequently in danger, but it is unclear who accompanied him or whether he or they were in any actual jeopardy during the two weeks of shooting. Certainly, the differing accounts that Griffith gave of his adventures abroad indicate that he likely stretched the truth.

When Griffith returned to the United States in October to finish shooting the film in California, he still did not have the battlefield footage he needed. A telegram from Griffith to his attorney reads: "Must have some scenes. All kinds artillery also soldiers marching and any actual battle scenes. Save expense of building guns."<sup>70</sup> Griffith spent \$16,000 on war footage that went unused because it was taken by an alleged German spy and on war footage from a producer of short subjects, some of which he apparently did use.<sup>71</sup> The bulk of the film was shot in eight weeks under tight secrecy in California. *Hearts of the World* had its premiere at Clune's Theater in Los Angeles on March 12, 1918.

To promote *Hearts of the World*'s opening at Philadelphia's Garrick Theater on April 29, 1918, the city's newspapers published a series of articles explaining the unique production history of Griffith's war film, articles that formed a key part of the movie's marketing strategy. Like the film, these accounts of the film's production were partly fiction and partly fact, and, like the film, they were much more fiction than fact. According to an article published in the *Philadelphia Evening Ledger*, Griffith had met Prime Minister David Lloyd George shortly after America's declaration of war and explained his plan to make an epic propaganda film, a tender and simple love story told against a background of the European conflict.<sup>72</sup> The film's souvenir booklet expands on the meeting by reporting that Lloyd George shook the director's hand and said: "Let me be the first to predict that when you have completed your labors, you will have produced a masterpiece which will carry a message around the world—a story which will inspire every heart with patriotism, with love of country, with the great Cause for which the civilized nations of the world are now fighting in France. This, Mr. Griffith, is the greatest and most wonderful task you have ever attempted."<sup>73</sup> In the *Public Ledger* article, Griffith revealed that it was suggested by "certain prominent officials" that the film be staged on actual battlefields. As a result, much of the filming, Griffith said, was conducted on or near the battlefields of France, the director and his actors facing genuine danger from German artillery. "On three occasions our little party was caught unexpectedly in a bombardment," he said,

"and on one occasion we spent four hours in a cellar. That four hours underground was about the most nerve-racking experience I have ever had." In return for the assistance given to him by the British government, he said, "I voluntarily made an agreement by which a large share of the profits of this picture will go to aid wounded soldiers of the Allies."<sup>74</sup> Again, the souvenir booklet expands on these points. Some of the film was shot in France and in Flanders where the director, his cast and crew staged scenes within the sound of guns, "risking life a hundred times to get close enough to the firing line to get effective material." During a rehearsal, a shell fell within twenty yards of the actors, the ensuing silence broken when "the vicinity [became] alive with the cry of the wounded and busy with stretcher bearers carrying away the dead"; and the heroine's home in the film "has often been crimson with the blood of France." The booklet also notes cryptically that some of the film was also shot in peaceful villages "far from the turmoil of war" but coyly omits that these peaceful villages were actually sets built in California.<sup>75</sup> According to press reports, the film's scenario was written by M. Gaston de Tolignac and translated into English by Capt. Victor Marier, both, in reality, pseudonyms for Griffith.

The actual danger faced by Griffith and his cast during the two trips to France is unclear, but most historians agree that little of that footage or the footage shot in England appears in the film. So the advertising touting the film as a fiction/documentary hybrid is misleading. It seems likely the reason the film was shot under secrecy was to keep from the press the fact that many of the battle scenes had been staged in California rather than under fire in France, the rest contained in footage Griffith purchased. The implication that proceeds from the film's exhibition in America was contributed to charity is both misleading and shameful, a claim made purely to sell tickets and to inoculate the film from criticism. Griffith's claims about the origins of the film and the conditions of its production had more to do with his financial situation than with his patriotism.

The war years were a time of uncertainty for both Griffith and the American film industry. Studios cut their production schedules as production costs, fueled in part by soaring star salaries, rose from a high of \$20,000 for a five-reel feature in 1918 to a high of \$80,000 the following year. Producers' profit margins shrank as distribution channels abroad were restricted by the war. Because the domestic market became the essential part of a film's profitability, admission prices rose by five to fifteen cents in 1917, as increased production costs and the war tax levied on tickets, were passed along to movie patrons.<sup>76</sup>

"The industry, both in production and exhibition, was in a depression," Kevin Brownlow has written. "Part of the problem lay with the nature of movie-going in wartime. The Treasury Department exhorted everyone to give to the Liberty Loans until it hurt, and this, as well as other government campaigns, created a climate which was not conducive to good business."<sup>77</sup>

Emblematic of the industry's financial woes was the declining fortunes of the Triangle Film Corporation, a production company created to meet the increasing demand for features. Announced with fanfare in 1915, the producer/distributor represented, its executives said, an innovation in filmmaking. The "three master directors of the screen"—Griffith, Thomas Ince (*Civilization* was made for Triangle), and Mack Sennett—were to not only make films for Triangle but were to serve as vice presidents. But as Griffith prepared to embark for England in 1916, Triangle was rumored to be near bankruptcy, and he was increasingly certain that the studio would be unable to finance movies as costly as *The Birth of a Nation* and *Intolerance*. As he departed for England, he publicly announced that he had signed a contract with a subsidiary of Adolph Zukor's Paramount, the most powerful of American studios. *Hearts of the World* was to be the first film Griffith made under that contract. The film was to have a negative cost of \$180,000 with Griffith being financially responsible for any overages. Ultimately Paramount invested \$262,600 in the film and Griffith invested \$113,900. The film was not to be distributed by Paramount.<sup>78</sup> Instead, Griffith was to roadshow the film in major cities and subsequently sell territorial rights to it elsewhere. In major cities, Griffith's representatives would rent theaters and provide companies with prints of the film, advance men, managers, and musicians. Although Griffith had responsibility for the exhibition of the film, he split the net profits with Zukor, fifty-fifty.<sup>79</sup> It is easy to understand why Griffith's correspondence during this period reveals a considerable amount of anxiety. *Intolerance* had not been successful financially, although Griffith was not in personal financial jeopardy, as some have claimed.<sup>80</sup> The failure of *Intolerance* did make his reputation vulnerable for the first time in his directing career, and it is clear that the failure of *Intolerance* colored his every decision in marketing *Hearts of the World*. The film's tag line—"The Sweetest Love Story Ever Told"—was to signal that this film would offer the straightforward emotional appeal that *Intolerance* had not. The film was a reworking of the formula established by *The Birth of a Nation*; a couple is separated by the Great War as their French village is overrun by the sadistic and lecherous German Army, and the boy returns from the front to rescue the girl. Surrounded by the Germans, the boy is ready to shoot her to save her from a fate worse than death when the Allies rally and retake the

village. Griffith was determined to make certain that *Hearts of the World* would be accessible even to the most inattentive viewer. As Griffith told The Philadelphia Record: "One thing I would like to point out is that my latest production is not in any sense a war play but is a love story of the great war with the conflict serving only as a background." The new film would be as simple as the previous film had been convoluted. He ordered his representatives to cut exhibition costs by reducing the number of musicians to eight and to "[k]eep free advertising and tricks going hard."<sup>81</sup>

But the aces up his sleeve were the film's connection to the British government and the danger he and his colleagues had faced by filming near the front lines. They would make the film critic-proof and, as it turned out, almost censor proof. "I think there is no doubt, outside of whatever merits the play may have, that it has extraordinary value from an advertiser's point of view," Griffith wrote the general manager of his production company. "Adverse criticisms of the average critic reviewing it as they would an ordinary play might go out and have a very bad effect on business. I am absolutely certain that if this could be handled right we could avoid even a chance of this occurring from any of the big responsible papers. I think personally a way to do this might be by getting some Government department behind it." [Griffith attempted to get the endorsement of President Wilson, but both he and his wife were repulsed by the film's violence.] Warming to the whole idea of the film's patriotic value, Griffith rehearsed the way the film could be positioned as less a commercial endeavor than a contribution to the Allied cause: "As I have said before, I am sure the government of this country will not be able to find in the combined effort of the press of the country for a months [sic] time a propaganda effort to reach the people and stir their hearts to patriotism and open their purses as well to the government in buying Liberty Bonds and other financial, moral and soul support, as will this cinema play. It should certainly reach the entire millions of this country's people who do not read, who do not go to ordinary theatres, or hear public speeches, but will, if this play be properly handled, be thrilled and stirred to their very depths by the story of the wrongs the world has suffered; the horrors and debaucheries of autocracies; and will be thrilled to a great desire to avenge these wrongs and make it impossible that they shall every be repeated. After seeing the play many have remarked they would like to get the opportunity to go over at once and take a hand in the scrap."<sup>82</sup>

Only hours before *Hearts of the World* was set to open at Philadelphia's Garrick Theater on April 30, 1918, two Pennsylvania censors, Ellis Paxson

Oberholtzer and Mrs. Ella C. Niver, ordered six eliminations in the film, strongly objecting to a scene involving an attempted rape. Oberholtzer had been appointed to the board in 1915 by Governor Martin Brumbaugh, a personal friend, after serving as literary editor for the *Philadelphia Times* and the *Public Ledger* and authoring several nationally known books. Niver had been associated with juvenile court work and educational reform before becoming one of the board's original members.<sup>83</sup> Oberholtzer recalled that *Hearts of the World's* backers threatened to expose the censors as pro-German were the film cut, but he told them that "[o]bjectionable features would be cut out of their pictures as well as from others without fear or favor. They were seeking advertisement for themselves and their film in so far as I could read their minds."<sup>84</sup> By the time customers arrived that night at the Garrick Theatre, Morris Gest, who handled the film's road shows in the east, had placards placed in the lobby that denounced the censors: "We will fight with our last drop of blood just as millions of men are fighting in Europe, to tell the truth to the people of Philadelphia as D.W. Griffith is telling it in 'Hearts of the World'.... Down with Pro-Germanism! Long live the Allies and their cause!"<sup>85</sup>

Rather than risk arrest for showing an unapproved film, Gest gave ticket holders a refund and showed the film free; by claiming that the exhibition was by invitation only, he circumvented the law. Spectators were given ballots which asked whether "D.W. Griffith's great love story, 'Hearts of the World,' should be continued as exhibited this evening." When Gest explained that the censors had tried to cut the film, audience members reportedly hissed and shouted that the censors were pro-German. The vote was predictably overwhelmingly in favor of showing the film uncut.<sup>86</sup>

Seeing the film that night for the first time was the head of the board, Frank Shattuck, a lawyer and friend of Governor Brumbaugh who had replaced Breitingner as chief censor in April 1917. He had been out of town when the film was examined. Shattuck admitted that *Hearts of the World* was a great film, but he wondered about the necessity for including so much brutality. Surely, the film could add nothing to what had already been widely reported in the newspapers about German cruelty, and, furthermore, the attempted rape scene might have dire effects on some members of the audience. "The picture as it stands might be all right for older people," he said. "I could see it and forget it in two days, but what effect do scenes suggestive of assaults upon girls by German officers have on the 17-year-old girl and her boy companion of 18?"<sup>87</sup>

Almost all of the local newspapers dutifully fell in line with Gest's contention that tampering with Griffith's film would endanger the fate of the republic. To demonstrate the purity of his motives, Gest promised to devote all the profits from the film's exhibition to charity. The *Public Ledger* said the board, "consisting of a lawyer, a magazine writer and a woman," wanted to cut scenes that "will arouse even the most obtuse pacifists and persistent pro-German from his non-patriotic lethargy and covert him or her into real, fighting American."<sup>88</sup> The *Inquirer* complained that the cuts "virtually rob the production of much of its value as a war epic constructed to stimulate enlistments in the army and navy."<sup>89</sup> The *Exhibitor's Trade Review* fired another salvo after the film was licensed. In an article that envisioned America's defeat in the war, the Kaiser awarded the Pennsylvania censors the Iron Cross for cutting *Hearts of the World*. He told them, "Neither I nor the Fatherland will ever forget... Go on, my faithful servants."<sup>90</sup>

Seen now, the eliminations the board called for were brief (only a few seconds) and innocuous. In fact, Griffith's depiction of German atrocities paled in comparison to stories that were widely circulated in newspapers, magazines, and classrooms since the start of European hostilities. At the end of 1914, the English released the Report of the Committee on Alleged German Atrocities, more commonly known as the Bryce report, after Viscount James Bryce, the noted historian. The report supposedly chronicled first-hand reports of German attacks against civilians in Belgium. According to the *New York Times* of May 13, 1915, Germany was guilty of the "deliberate and systematically organized massacres of the civil populations" as well as "using of civilians, including women and children, as a shield for advancing forces exposed to fire."<sup>91</sup> Witnesses quoted in the Bryce report swore they had seen German soldiers raping and cutting off women's breasts as a sign the women had been infected with venereal disease, a German soldier nailing a child of 2 or 3 to a farmhouse door, a boy of about 5 with his left hand cut off at the wrist, a girl of about 6 with her right hand cut off at the wrist, a soldier bayoneting a child and then putting the rifle over his shoulder "with the child upon it, its little arms stretched out once or twice."<sup>92</sup> Certainly no movie attempted to replicate actions as revolting as these, but Griffith's film was less graphic than other American propaganda films of the time. For example, it lacked the outrageousness of the scene in *Hearts of Humanity* in which a German officer hurls a baby from a window because its crying distracts him from raping a nurse. Stories of German atrocities drawn from the Bryce Report and from its French counterpart had both enured Americans

to conventional representations of "Hun" violence and increased their appetite for even more transgressive depictions of it. As a result, the Pennsylvania board's attempt to censor Griffith's film must indeed have seemed at best fastidious and at worst pro-German.

Ges's attacks had their effects. The censors were forced to issue public declarations of their loyalty to the Allied cause and the purity of their own bloodlines. Absurd as the charges were, the censors had to address them. The "100 Percent Americanism" movement fostered by such groups as the American Protective Association and the National Security League had made anything even vaguely Teutonic suspect. Their targets, of course, were various groups of "hyphenated" Americans, unions, pacifists, and others insufficiently enthusiastic about the war effort, but anything that might imply sympathy for the German cause was banned in places with a large German population. The Philadelphia School Board ended the teaching of German in public schools. Philadelphia's mayor discontinued official advertising in German language newspapers. Like most other major orchestras, the Philadelphia Orchestra discontinued playing of German music for the duration of the war.

Oberholtzer was the most vulnerable to charges of being pro-German because, like many scholars, he had done graduate work toward his doctorate in political science in Europe and had published a book in Germany, *Die Beziehungen zwischen dem Staat und der Zeitungspressen im Deutschen Reich*, a study of German laws governing the press. In a typewritten statement, he said that he had completed his education in Germany, but, when he returned to the United States, he had written a number of newspaper articles exposing German preparations for war. These articles, he said, had led pro-Germans to call for his dismissal. "The imputation of showmen from other cities made earlier for obvious purposes and now repeated, that the members of the State Board of Censors are pro-German, would be revolting if it were not so entirely ridiculous," he said. He insisted that his family tree was free from Teutonic limbs, descending on one side from the Krupps of England and on the other from a Swiss Mennonite, who had settled in Pennsylvania over 200 years before. The eliminations asked for, he said, were of immoral assaults on women, the kind of scenes routinely cut from motion pictures. "If the horrors and abominations of this war, as it is conducted by Germany, are not adequate to arouse America without a showman inserting the details of a rape in the fifth reel of a moving picture," he said, "then our patriotism as a people is at a low ebb."<sup>93</sup> Mrs. Niver told the press that her son was serving his country at Camp Upton, which, she said, "is sufficient reply to any charges of pro-Germanism."<sup>94</sup>

To make sure the censors did not wriggle off the hook of disloyalty and, principally, to keep *Hearts of the World* before the public pending its commercial run, Gest placed advertisements in all of the local papers exalting Griffith's bravery in making the film under enemy fire and enduring attacks state-side by the censors, who were trying to cut a film, Gest never tired of mentioning, that had been made with the cooperation of the British War Office and endorsed by such luminaries as Prime Minister Lloyd George and theatrical impresario David Belasco; Gest failed to mention that Belasco was his father in law.

Using censors' objections to advertise a film was a method that Griffith had learned well in marketing *The Birth of a Nation*. On May 1, the day after the free showing of *Hearts of the World* at the Garrick, an advertisement ran in the local papers asserting that *Hearts of the World* had been temporarily stopped because of the censors' German sympathies: "When Freedom prevails in the City of Philadelphia, and pro-German censors are deprived of their privilege to dictate to free Americans, then we will present 'Hearts of the World' to the public at the Garrick Theatre."<sup>95</sup> The next day the ad included an apology to the 1500 who had bought tickets for the film's first showing but said that those behind the film would trust in the law, confident that the voice of the people would prevail over the actions of the censors, at least two of whom were pro-German. Nothing less than the war effort hung in the balance; unless the American people were shaken from their complacency by the truth about German barbarity revealed by Griffith's film, it seemed inevitable that troops of the German empire would shortly march in triumph down Broad Street: "The TRUTH of the scenes depicted by Mr. Griffith was not questioned; even the most pro-German member of the Censors admitted that such things and worse, HAVE ACTUALLY HAPPENED IN FRANCE...The one great argument in this great war is that the American people must know the TRUTH."<sup>96</sup>

The Court of Common Pleas No. 4 heard the appeal of the censors' decision on May 3 after a screening of the film in the board's projection room. The grounds for appeal were that the board was guilty of an abuse of discretion and that the board had no right to eliminate the material because "the film depicted matters which were truly represented, proper for public discussion and advantageous to this country from the viewpoint of patriotism, but that their representation was too graphic..."<sup>97</sup> Former Judge James Gay Gordon, the counsel for Elliot, Comstock and Gest, conceded that some of the material in the film was strong and might be objectionable in other times, but these were

"extraordinary times," in which it was vital to show the bestiality of the "Hun." He scoffed at the notion that the attempted rape would incite lust, an example, he said, that the censors' demand amounted to "captious criticism" rather than a defense of "public morals."<sup>98</sup> Griffith's film, he argued, "will reach the men who must fight the war—the men who will give their lives to put down the German menace. And these people are the ones that most need the stimulus provided by an actual picture of what German practice means."<sup>99</sup>

The judges agreed, one observing, "We are engaged in killing the Germans, and I cannot see any reason why we should not state exactly why we do it." When Shattuck testified that the rape scene represented one man's lust for a woman rather than an indictment of German "Kultur," the judge observed that while he was not opposed to censorship, in this case it was a matter of applying "peace time rules to war conditions."<sup>100</sup> But instead of overruling the board and risking a reversal by the state Supreme Court, the Court of Common Pleas encouraged the two sides to compromise.

The board had asked for six eliminations:

Closeups of a woman performing a "muscle dance";

Close ups and "near views" of a woman dancing and "indecently exposing herself";

All shots of women being carried away from an orgy in the German dug-out;

All shots of two German officers enticing women where bunks are shown, the subtitle "The Dungeon of Lust" and subsequent shots of two women with their clothing disarranged;

The phrase "and some for a fate even worse" in the subtitle reading "Selecting girls for deportation to work in munition plants and some for a fate even worse";

The entire scene in which the German officer, Von Strohn, attempts to rape the character played by Lillian Gish, including his advances upon her, her resistance, her seeking protection of blind man, the effect of the attack upon her, and the accompanying subtitle,

"A good memory for faces and ankles"<sup>101</sup>

The newspapers reported that the two sides agreed that the last two eliminations could remain in the film. Gest, of course, jubilantly characterized the compromise as a sweeping victory for Griffith, the United States, and the other

allied nations: "This is a victory for patriotic Americanism. The scenes which we agreed to eliminate are unimportant and non-essential to the unity of the picture—a mere flash in the pan—but the scene showing the brutal and atrocious treatment of women by the Germans is necessary to acquaint Americans with the character of the fiends they are fighting."<sup>102</sup> The censors made no comment. The film began its regular commercial run at the Garrick Theatre that night. Griffith's slash and burn marketing strategy was effective. At the end of its run *Hearts of the World* had made a reported profit of over \$600,000, a respectable amount though certainly not the windfall that *The Birth of a Nation* brought. It might have earned more had the flu pandemic during fall and winter of 1918–19 and the Armistice not intervened.<sup>103</sup>

## Conclusion

While the argument between Griffith and the Pennsylvania board was cloaked in patriotism and support for the war, it was grounded in two different views of how spectators read film narratives. Both sides agreed that film was a significant influence on social behavior. Griffith's view was what Janet Staiger has called the "total-picture theory" of reception in which the attractiveness of representations of transgressive spectacle was outweighed by such narrative factors as the attitudes of sympathetic characters and the ending, what Hollywood called the "virtuous finish" in which characters received their rewards and punishments based on their moral behavior. A film, then, became a moral lesson for the spectator by showing "the dark side of wrong" and illuminating "the bright side of virtue." The Pennsylvania board, as their list of standards suggest, held what Staiger has called a "pointillist" view.<sup>104</sup> For Griffith, the film spectator was guided by a mature mind. For the board, the spectator was misled by an immature mind. This spectator might well ignore the narrative context, enjoy the transgressive actions for their own sake, and later recall and emulate them. Shattuck argued that he and other mature viewers would be immune to the harmful effects of *Hearts of the World* but what would be the impact on "the 17-year-old girl and her boy companion of 18?"<sup>105</sup> The very existence of the censorship board provided an answer: the effect would be antisocial behavior. The teenager might ignore the sexual assault as an index of German barbarity and surrender to the dark pleasure of representations of deviant sexuality with disastrous consequences for society.

Although the U.S. Supreme Court had ruled in 1915 that exhibition was “a business, pure and simple,” no different from the theater, the circus and “all other shows and spectacles,”<sup>106</sup> throughout the war years the limits of filmmakers’ rights to address controversial issues was passionately debated. Griffith biographer Richard Schickel has written that the director’s signal contribution to film was not his innovations in film style but his “rebellion against the conventional commercial wisdom” and his defense of motion pictures grounded in their kinship to the established arts against attacks launched by judges, legislators, and censors who saw in film no more than a business whose accessibility and immediacy gave them a potential for evil. “It was Griffith, and at first only Griffith, who insisted, mostly because his starved and aching ego demanded it, that they be treated by others as seriously as he treated them,” Schickel wrote. “Without his example—and without his films—there is little doubt that censorship would have been imposed on the movies even more heavily, and with even more stultifying effect, than it was.”<sup>107</sup>

Perhaps, but in the instance of *Hearts of the World* Griffith’s attack on the censors must also been seen in terms of his offended vanity—at having his taste questioned—and his strategy—honed during the release of *The Birth of a Nation*—that a standoff with censors generated free publicity. That issues of freedom of expression were not in the forefront of Griffith’s mind explains why no legal challenges were launched when Chicago’s censor board demanded eliminations in his war film. Albert Banzhaf, the director’s legal advisor, wrote to the manager of Chicago’s Olympic Theatre where the film was playing about the wisdom of launching a mandamus action to have the cutouts reinstated and about whether such a suit might generate valuable publicity. “Of course keep the publicity angle strictly confidential,” he cautioned. The theater manager thought that it would be unwise to bring up the issue of cutouts because they added nothing to the film’s commercial value, and Gest had already damaged the film’s commercial value by “giving the public the impression that our film had been ruined by the cutting and firmly planting in the minds of theatre goers, that every thing they might want to see had been eliminated...”<sup>108</sup>

When Frank Shattuck died in 1919, the moral reform community assumed he would be replaced by Oberholtzer as chairman of the board. Instead, Governor William G. Sproul selected a man who had left school at eleven and had written a gossip column for the Philadelphia *Inquirer*. If they were disappointed by the governor’s actions, they were alarmed when he refused to reappoint Oberholtzer to the board in 1921. The State Federation of Women’s

Clubs and a number of clergymen denounced the Governor's action, saying all "that stands between our youth and defiling pictures on the screen is the Pennsylvania Board of Censors, and this board has been dealt a deadly blow by the retirement of its secretary... The watchdog has been called off and our treasures are in danger."<sup>109</sup> The governor claimed that Oberholtzer had refused to cooperate with the new chairman, but reformers charged the governor had fallen under the spell of sinister forces. The Rev. Carl E. Grammar, the rector of St. Stephen's Church in Philadelphia, charged that "a most authoritative inside source" had told him that Oberholtzer had been removed in exchange for large campaign contributions made to the Republicans by motion picture interests.<sup>110</sup> According to Grammar and the Rev. Clifford Twombly, the plan to remove Oberholtzer had been hatched in a meeting attended by the governor, former state attorney general Morris Wolf, Daniel Frohman of Paramount, and D. W. Griffith.<sup>111</sup> Oberholtzer certainly thought the film industry had colluded with the governor in his ouster:

By some means our Board, while I was a member of it, came to occupy a leading position and won a national if not an international reputation for this form of social welfare work. That moving picture should be subjected to some kind of control became an idea associated with Pennsylvania, and with my name largely....The motion picture industry came to regard Pennsylvania as the blackest of the states in the Union having censorship boards; our reports were exchanged with Canada, Australia, Japan, New Zealand and other countries for their emulation. Much bitterness developed in the course of such a service, not only with those who must be prosecuted for violation of the law in an infinitude of small justices' and alderman's courts into which I have gone, but also among the producers in New York and California.<sup>112</sup>

But this was a minor setback for the supporters of film censorship. After censorship laws were passed in New York and Florida in 1921 and in Virginia in 1922 and federal bills were introduced to regulate both the content of motion pictures and the film studios' business practices, the film industry accepted voluntary censorship, intended to give filmmakers maximum creative freedom while anticipating the objections of the state censorship boards.<sup>113</sup> Its foundation was the Production Code, whose standards were adapted from those of the state boards, particularly Pennsylvania's. According to Geoffrey Shurlock, the head of the Production Code Administration (the

“Hays Office”) in the 1950s, the state boards were the ghostwriters of the document through their work in the teens and 1920s: “That’s why we have a Code. Because we have censor boards.” The Pennsylvania board continued its work until 1961 when the state Supreme Court found the censorship law to be “clearly invalid on its face” because it rested on the fallacious idea that a single moral standard existed for the entire state.<sup>114</sup>

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3. Michel Foucault, "Truth and Power," In *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon, trans. Colin Gordon, et al. (New York: Pantheon Books, 1980), 119.
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6. *Focus on D.W. Griffith*, ed. Harry M. Geduld (Englewood Cliffs, N.J.: Prentice Hall, 1971), 45.
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# PENNSYLVANIA HISTORY

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