

THE KANSAS STATE BOARD OF REVIEW:  
A STUDY OF CENSORSHIP

by

DALE LIVENGOOD

B. S., Kansas State University, 1957

---

A MASTER'S REPORT

submitted in partial fulfillment of the

requirements for the degree


MASTER OF ARTS

Department of Speech

KANSAS STATE UNIVERSITY  
Manhattan, Kansas

1963

Approved by:

  
Major Professor

LD  
2668  
R4  
1968  
1935  
P. 2  
Docu-  
ments

TABLE OF CONTENTS

INTRODUCTION..... 1  
A REVIEW OF CASES AND INCIDENTS INVOLVING LITERARY CENSORSHIP..... 2  
A HISTORY OF THE KANSAS STATE BOARD OF REVIEW..... 22  
AN ANALYSIS OF APPARENT CHANGES IN STANDARDS..... 33  
CONCLUSION..... 47  
ACKNOWLEDGMENT..... 50  
BIBLIOGRAPHY..... 51  
APPENDIX..... 57

## INTRODUCTION

About a year ago this writer saw the film version of Lady Chatterley's Lover in a Junction City, Kansas theatre. Before actually seeing the film, he wondered how much of the book had been eliminated and how a movie based on the book ever passed the Kansas film censors. Later he examined passages in the book to determine which parts the movie producers had retained in making the film. Because this study led the writer to consider the question of censorship in a general way, he began an investigation into the matter of censorship. Newspaper accounts and magazine articles relating incidents involving censorship in different parts of the country appear frequently. The writer learned that pressure groups were active in a movement to have the sale of so-called "obscene" literature in cities from Los Angeles to New York City prohibited; furthermore, he was amazed at the number of cases that had appeared both in the lower and higher courts as a result of these attempts at prohibition. Stranger still was the fact that the Supreme Court Justices were, in many instances, unable to agree on a decision about obscenity. General considerations of literary censorship aided the writer in arriving at a specific area of censorship which interested him even more. Discovering an article mentioning the Kansas State Board of Review, the author decided to try to discover the censorship responsibilities of this board.

The purpose of this paper is to study the significant incidents in the area of censorship with which the Board concerned itself, to present a history of the Kansas State Board of Review, and to analyze the apparent changes in standards of the Board, from the time of its establishment to the present.

A REVIEW OF CASES AND INCIDENTS INVOLVING LITERARY CENSORSHIP

For decades the problem of censorship has perplexed many people, including countless law officials. Over and over the question recurs: does any person or group of people have the right to say what others shall or shall not read or see? According to the First Amendment, Congress does not have the prerogative of depriving the American citizens of freedom of speech or freedom of the press. There is no exception for obscenity.<sup>1</sup> Many believe that our forefathers knew what they were doing when they drafted the Bill of Rights; therefore, they contend that no Federal power should regulate literature "unless it can be shown that some unlawful action may result."<sup>2</sup> Attempting to prove a relationship between bad acts and bad books is a dubious business. Some say that books in question are no worse than the following:

. . . the bra, the girdle, and cosmetic ads, the cheesecake photographs, the bust measurements, the beauty contests, the night club offers to girls whose only gifts are the affairs they've had or pretended to have had, the kick-in-the-gut private-eye shows . . . and other bauble and gaud around us.<sup>3</sup>

Others believe that so-called "obscene" publications should be kept from the newsstands and away from the young. It is difficult to say exactly what an "obscene publication" really is or, for that matter, just what obscenity means. Even the law is rather vague in its definition. One

<sup>1</sup>David Loth, The Erotic in Literature (New York, 1961), p. 226.

<sup>2</sup>Loth, p. 226.

<sup>3</sup>Harvey Breit, "A Right to License the Licentious?" Saturday Review, XLIV (February 20, 1960), 169.

dictionary defines obscene as "foul; disgusting; offensive to chastity or to modesty; lewd."<sup>4</sup>

One authority feels that the primary difference between obscenity and good literature is that the former is "a calculated incitement to sexual desire"<sup>5</sup> and the latter is "an effort to reflect life, including its dirt, with reasonable accuracy and balance . . . Obscenity must be 'dirt for dirt's sake."<sup>6</sup> The major aim of obscene books is to stimulate and evoke lustful desires.<sup>7</sup>

Summarizing the various laws regarding obscenity is not easy because the statutes vary a great deal. The determination of what is and is not obscene varies from state to state, court to court, and judge to judge, from time to time; in fact, within the state, courts do not always agree. A publication denounced as obscene trash one year may be acceptable several years later. A good example to demonstrate our changing standards is James Joyce's Ulysses, which was banned at one time but has received sufficient recognition in some college English courses.<sup>8</sup> Even as recently as five years ago, such books as Lady Chatterley's Lover and Lolita would have raised a storm of protest; today these books are available by the hundreds in bookstores and newsstands all over the country.<sup>9</sup>

<sup>4</sup> Webster's New Collegiate Dictionary (Springfield, Mass., 1956), p. 580.

<sup>5</sup> David Fellman, The Censorship of Books (Madison, Wisconsin, 1957), p. 33.

<sup>6</sup> Fellman, p. 33.

<sup>7</sup> Breit, p. 34.

<sup>8</sup> Harriet F. Nilpel and Theodora S. Zavin, Rights and Writers, (New York, 1960), p. 317.

<sup>9</sup> Eric Larrabee, "Pornography Is Not Enough," Harper's, CXXII (November, 1960), p. 87.

4

One strange fact about obscenity is that some things are permissible in one of the media and forbidden in another.<sup>10</sup> For instance, some "obscene" passages in novels receive a great deal of criticism. Possibly one reason for this is that more people are exposed to the novel than to the drama. For example, all types of people, from the custodian to the college professor, read such controversial works as Tropic of Cancer, Lady Chatterley's Lover, and Lolita. The drama on Broadway, in Little Theatres, and in universities seems to attract the more sophisticated and intellectual—those who are supposed to be more broad-minded. These people are not likely to be shocked when they see Cat on a Hot Tin Roof, A Streetcar Named Desire, Who's Afraid of Virginia Woolf? or Long Day's Journey into Night because many who see plays not only know something about them in advance, perhaps by reading a review but also by attending the theatre of their own volition. Attendance at the theatre is deliberate: one dresses for the event, pays more for his dinner and his ticket, and is there because he wants to be there. Another factor to consider is that one reads alone; there is a vast difference between this and viewing in a group, as in the theatre, movies, or television. When such dramas as the four mentioned earlier are presented as movies, the producers delete many risque parts so that the movie patron usually sees something quite different from what the legitimate theatre-goer sees. For example, the play is presented in its entirety, including all its profanity and suggestiveness and any other objections that may be there whereas many movie producers frequently either eliminate the obscenity entirely or try to limit it

<sup>10</sup>Larrabee, p. 87.

enough to pass the censors.

During the past few years cases involving so-called pornographic literature have been flooding the courts; and a large number of pressure groups throughout the country have been waging vigorous campaigns against the book publishers, authors, and newsdealers. Some significant occurrences in censorship during the past fifteen years include one in which the United States Supreme Court could not decide with unanimity of opinion: tied four to four, the United States Supreme Court upheld the New York obscenity ban of Memoirs of Hecate County, a novel by Edmund Wilson. As a result of the tie vote, the state court conviction of Doubleday and Company, Incorporated, was left standing. The publishing company violated a law which provided "that the publication, sale, loan, gift, or showing of 'any obscene, lewd, lascivious, filthy, indecent, or disgusting book' is a misdemeanor."<sup>11</sup> The publishing company was warned to stop publication and distribution of the book and was fined \$1,000. Arguing that the book was not obscene, the Doubleday lawyers said if the judges would read the book for themselves, they would see that it is a serious piece of literature. The publishers' lawyers argued not that the New York law was unconstitutional but that the application of the law in that particular case violated guarantees of free press and free speech. After hearing the Supreme Court decision, the president of Doubleday declared:

It is regrettable that because of the even decision of the judges of the Supreme Court, four to four, there are no opinions to throw light on the important constitutional question . . . and it is heartening to know that

<sup>11</sup>Jay Walz, "High Court Backs N. Y. Book Ban," The New York Times, CVIII (October 26, 1948, 33.

four of the justices believed that the conviction in the lower court violated the constitutional rights of the publisher.<sup>12</sup>

Thus Mr. Wilson's book was condemned by four judges without a word of explanation.

An interesting court case in May, 1943, involved James T. Farrell and Vanguard Press, Incorporated, who were successful in restraining the Philadelphia police from interfering with the sale of Studs Lonigan. On the witness stand Farrell stated that it is not fair to take passages out of context and condemn them. When the lawyer asked him whether it was necessary to write about the character's sexual relations with girls, the author replied that sex is a primary fact of life. The attorney then asked him whether his first analysis was based on the sociological importance of the book. Farrell answered:

My first analysis also said it was an attempt to give the life history of a boy. It was an attempt to give a picture of one human life. In terms of the total picture it is necessary to present those aspects of his life which have a bearing on his full psychology, on his full nature. Now, as I said before, and I might repeat again, that sex is one of the primary facts of life. I would add in this particular case the time was 1923 and 1924, and if you will refresh your memory, that was the Prohibition Era, with talks of the jazz age, and if you will look through old newspaper files, you will find that there were a great many things, just as I have described them, appearing in many newspapers all over the country.<sup>13</sup>

The author's justification for writing the book was that he was trying to write about life. After the lawyer asked whether he had considered

<sup>12</sup> Walz, p. 33.

<sup>13</sup> James T. Farrell, "The Author as Plaintiff: Testimony in a Censorship Case," The First Freedom (Chicago, 1960), p. 296.



the effect of the book on his readers, Mr. Farrell replied that he had. He felt in most instances the effect was good. His reply stated:

Studs Lonigan . . . has been in circulation . . . for thirteen years, and the American Republic continues to stand. It has been studied in colleges . . . It has been recommended by figures from many walks of life, including one Assistant Secretary of State, and America continues to stand. There are students, there has been more than one generation of students brought up on it, and many of them are writers, many of them are teachers, and they go along in their walks of life . . .<sup>14</sup>

Also in 1948 one significant Supreme Court landmark occurred: a New York statute intended "to prohibit publication and sale of at least the more blood-thirsty detective or crime-comic magazines"<sup>15</sup> was declared unconstitutional.

Two years later in Dubuque, Iowa, many people complained about the literature on the newsstands because they felt it was unfit for young people. In October of that year a grand jury indicted a newsdealer for selling obscene literature; then on January 1, 1951, John L. Duffy took office as new county attorney. After he learned that the case still had not been brought to trial, he asked that it be dismissed for lack of evidence. Some dissenting groups then called a meeting and accused the attorney of negligence. After calling a second grand jury to investigate, he decided to have the jury compare some of the classics to modern objectionable authors. On March 9 two deputy sheriffs subpoenaed the city librarian to appear before the grand jury with copies of Tom Jones, Decameron, Stretch on the River and Rabelais' book. After learning that all the copies of Stretch on the River were checked out, the deputies

<sup>14</sup>Farrell, p. 300.

<sup>15</sup>James C. H. Paul and Murray L. Schwartz, Federal Censorship Obscenity in the Mail (New York, 1959), p. 81.

demanded to know who had them. She immediately called Duffy and told him she would rather go to jail than divulge the names. He replied that that was exactly what would happen to her if she did not disclose the names so she went with the deputies to the court house, appeared before the grand jury, and testified for two hours on Waugham, Steinbeck, and other prominent authors. Finally two men from the English Department of the State University were subpoenaed so that the jury could be better informed. After hearing the two men, the jury did not indict.<sup>16</sup>

On February 19, 1953, a bill intending to strengthen an existing state law concerning obscene literature was introduced into the Minnesota Legislature to repeal a 1917 law on obscene literature and replace it with a bill that would have prohibited "any book containing obscene, immoral, lewd, or lascivious language."<sup>17</sup> Many "good" people, including publishers, librarians, and representatives of the Civil Liberties Union opposed the bill because Minnesota already had a law covering obscene literature; this law provided "for evaluating any publication or work of art as a whole"<sup>18</sup> whereas the proposed law could have ruled out many great literary works on the basis of even one objectionable word. Such classics as The Arabian Nights and the works of Shakespeare, Boccaccio, Zola, and Jonathan Swift would have been banned under the proposed law.<sup>19</sup> On April 6 the

<sup>16</sup>May Clark, "No Indictment," Library Journal, LXVI (May 1, 1951), 764.

<sup>17</sup>\_\_\_\_\_, "Blueprint from Minnesota," Library Journal, LXVIII (June 1, 1953), 955.

<sup>18</sup>"Minnesota Censorship Bill Defeated," Wilson Library Bulletin, LXVII (June, 1953), 790.

<sup>19</sup>"Minnesota Censorship Bill Defeated," p. 790.

bill, being recommended for indefinite postponement, was killed. This action on the part of the people not only indicated the democratic process in action but also showed what people can do in government if they will just let their legislators know their sentiments. When the legislature adjourned on April 21, the old law was still in effect, and the entire new proposal had been killed.<sup>20</sup>

Also in 1953 several publications of the New American Library were among over four hundred paperback books that Chief of Police Allen of Youngstown, Ohio, had removed from the city's newsstands. After the publishers brought suit against Allen, the judge ruled that Allen "had exceeded his authority in circulating lists of prescribed books"<sup>21</sup> and that he had no authority to act as censor. The judge also said that until a court "of competent jurisdiction" labeled a book as immoral or obscene, it could not be suppressed.<sup>22</sup>

A problem arose in San Antonio, Texas, in the summer of 1953 when Mrs. E. Hance and a self-appointed committee of women published a bulletin (at a dollar a copy) listing authors, their books, and Communist Front Affiliations as set forth in a report that was prepared and distributed by the Committee on Un-American Activities, United States House of Representatives in April of 1953. The bulletin's recommendations were as follows: 1) So that the reader would realize he was reading Communist

<sup>20</sup>"Blueprint from Minnesota," p. 957.

<sup>21</sup>Marie Halpenny, "Important Ruling in Youngstown Case," Library Journal, LXXVIII (October 1, 1953), 1616.

<sup>22</sup>"Important Ruling in Youngstown Case," p. 1616.

propaganda, each book was listed and all future books purchased were to be stamped with a RED stamp; 2) they requested that someone who was well-informed on pro-Communist books be added to the library board. They wanted a well-informed committee, such as theirs, to be allowed to check the index files from time to time and submit their findings to the library board. The second part of the problem came when a member of the Texas House of Representatives introduced a censorship bill making it unlawful for anyone to use in any public school or state college or university "any book, magazine, publication, pamphlet, or literature of any kind . . . written by any member or former member of the Communist Party,"<sup>23</sup> unless it has printed on the inside of the cover the following in red ink in letters at least one-half inch high:

The author of this publication is a member or former member of . . . organization listed by the United States House of Representatives Committee on Un-American Activities as being communist? communist-front? or subversive organizations.<sup>24</sup>

Something unusual occurred in 1955 when Emily Davie's book Profiles of America was censored and a House Subcommittee on Appropriations placed a ban on the book's use by the government. The historical book, containing such things as excerpts from writings of Presidents, inventors, artists, and other leaders, also contains most of our important documents. Each year, after the United States Information Agency chooses books that it thinks will explain and represent our country best, it sends trial copies

<sup>23</sup>Marie Halpenny, "Books on Trial in Texas," Library Journal, LXVIII, (July, 1953), 1179.

<sup>24</sup>Halpenny, p. 1179.

to our libraries overseas; then the libraries re-order the books according to their demand. In other words, the number needed is determined by the popularity of the books. In 1954 the USIA re-ordered copies of Profiles-- the largest request that the department had ever ordered in its history. Two members of the House Subcommittee on Appropriations objected to the book when the USIA requested funds to meet the order. Funds were granted for other books, but not this one. The chairman of the Subcommittee said that all the members of the Subcommittee thought it was a good book for Americans, but they objected to a photograph of a 1750 little red school-house because they felt that the Russians would think it was typical of our school systems today, even though this picture was followed with other pictures of our modern high schools and universities. Other objections were to Thoreau's Walden, which they considered "damaging," and O'Neill's Ah, Wilderness, which they thought was "obscene." And they objected to a picture of a dust storm in an arid part of the country because foreigners might think that it was typical of American land; this, though, was followed by pictures of the TVA. The most ridiculous objection was that some disapproved of a photo of a rural schoolteacher because they had seen a Russian propaganda book with a picture of a better-looking teacher.<sup>25</sup> After Senator Kilgore of West Virginia discussed the contents of the book with the author, he got the book reinstated in the Senate by writing an amendment into the bill authorizing funds for American books, including Profiles. There was no controversy over the amendment when it was brought

<sup>25</sup>Emily Davie, "Profile and the Congressional Censors," The First Freedom (Chicago, 1960), passim.

up in the Senate.<sup>26</sup>

In the case of *Butler versus Michigan*, the defendant was convicted of violating the state obscenity law because he sold a paperback copy of John Griffith's *The Devil Rides Outside*. On February 25, 1957, by a unanimous decision, the United States Supreme Court put aside the conviction. Justice Felix Frankfurter had this to say:

The State insists that, by thus quarantining the general reading public against books not too rugged for grown men and women in order to shield juvenile innocence, it is exercising its power to promote the general welfare. Surely, this is to burn the house to roast the pig . . . The innocence of this enactment is to reduce the adult population of Michigan to reading only what is fit for children.<sup>27</sup>

On June 4, 1957, after Samuel Roth, a New York bookseller was convicted in a District Court for mailing obscene literature in the United States mails, the conviction was upheld by the Court of Appeals for the Second Circuit. It then went to the Supreme Court "on the ground that the Federal statute against using the mails to forward obscene matter is itself a violation of the First Amendment."<sup>28</sup> Involving the same matter, a second case concerned David Alberts, who had a mail-order business in Los Angeles and who was convicted by a Municipal Court judge of "lewdly keeping for sale obscene and indecent books, and with writing, composing, and publishing an obscene advertisement for them, in violation

<sup>26</sup> Davie, p. 249.

<sup>27</sup> Wellman, p. 19.

<sup>28</sup> Harold C. Gardiner, "The Supreme Court on Obscenity," *America*, XLVII (July 13, 1957), 403.

of the California Penal Code."<sup>29</sup> In a third case concerning Kingsley Books, Incorporated, the authorities confiscated copies of Nights of Horror in New York City. After the court examined the books and found them obscene, the company was convicted.<sup>30</sup>

In November of 1957 the grand jury of Whitley County, in the hill country of Kentucky, learned that Guthrie's book The Big Sky was available in the Corbin Public Library. A missionary complained and underlined passages of the book that he called examples of lust; therefore, he contended the book was not fit for either adults or children. In defense of this, the author said that in the past, Americans have operated on the principle "to each, his opinion," that the American people like freedom and are able to choose "courses that are wise and good," and that censorship is indoctrination. "Each cherishes the right to do his own thinking, to choose his own reading, to defy the extremists who, in their exclusive wisdom, would make him a copy of themselves."<sup>31</sup> He felt that the really serious writer of fiction tries to re-create experience in an honest way, that the truth is important, and that critics would like to see authors "prettify" experience by having the writer "make a doll house out of life."<sup>32</sup> He added that morality is not promoted by misrepresentation. Defending his book by saying it is "an accurate representation of a time

<sup>29</sup>Gardiner, p. 403.

<sup>30</sup>Gardiner, p. 403.

<sup>31</sup>A. B. Guthrie, Jr., "The Tale of the Peter Rabbit Library," The First Freedom (Chicago, 1960), p. 285.

<sup>32</sup>Guthrie, p. 285.

and a place,"<sup>33</sup> he stressed the fact that words do not corrupt people, but perhaps attitudes, the cheap, the trashy, and the false do. He stated that his book had never been accused of any of these because the book is "embarrassingly moral . . . Through it runs the theme of atonement."<sup>34</sup> He also mentioned the fact that the book had, at that time, been in print for about ten years, and, to his knowledge, none of the people in Corbin had been corrupted by the book. He asserted that if his book were banned because of its lust, which books would the library stock? If books containing references to lust were taken from the shelves of the libraries--the Bible, Shakespeare's books, Dreiser's, Lewis's, Hemingway's, and Steinbeck's--then Corbin would hardly have a library, "or at best one that might appropriately be named 'The Tale of Peter Rabbit' Library."<sup>35</sup>

In Dixon, Illinois, in April of 1953, the Dixon Council of Church Women sent representatives to an organizational meeting to discuss pornographic literature on the newsstands. The board was composed of the mayor, police chief, one Catholic priest, and representatives from different churches. After this meeting, several of the representatives gave speeches to the Parent-Teachers Associations and other organizations to explain the problem of censorship, to tell them what was being accomplished in the area, and to inform them about how people could co-operate to eliminate this kind of literature. When several delegates went to the stores

<sup>33</sup>Guthrie, p. 235.

<sup>34</sup>Guthrie, p. 236.

<sup>35</sup>Guthrie, p. 236.



they found that many of the owners were amazed at the literature the book companies were distributing. When the Chief of Police visited the stores and quietly asked the owners to remove the literature, he stressed the fact that it was not censorship but a community reaction to an infestation."<sup>36</sup>

After the *Lady Chatterley* movie appeared in 1959, the Supreme Court's decision on the film was that part of the New York state film-licensing law under which the movie had been proscribed was unconstitutional. Under this provision, showing movies that present "acts of sexual immorality, perversion, or lewdness" as being "desirable, acceptable, or proper patterns of behavior"<sup>37</sup> are forbidden. The Court ruled that the movie did not show such scenes, "but merely approved such matters as adultery, without actually portraying them in an obscene way."<sup>38</sup> The Court also stated that the film was protected under free speech; however, many people were not happy with the decision.<sup>39</sup>

In addition to the *Lady Chatterley* film controversy in 1959, there was in that same year another dispute. In the spring of 1959 Postmaster General Sumnerfield was challenged by a book club that was mailing circulars advertising *Lady Chatterley's Lover* and a publishing company that was mailing copies of the book. The publisher called as witnesses some of the country's most distinguished critics who insisted the book was "one of

<sup>36</sup> \_\_\_\_\_, "Common Effort," *America*, CI (July 4, 1959), 481.

<sup>37</sup>"*Lady Chatterley Decision*," *America*, CI, (July 11, 1959), 503.

<sup>38</sup>"*Lady Chatterley Decision*," p. 503.

<sup>39</sup>Bergen Evans, "The Storm over *Lady Chatterley's Lover*," *Coronet*, XLVII (December, 1959), 146.

the most important works of fiction of the century" with "intense nobility of purpose."<sup>40</sup> They also contended that the book has "high religious quality." Judge Bryan said that it was "an honest and sincere novel of literary merit" and that the language in the book was consistent with character, situation, and theme. Therefore, he overruled the Postmaster General and allowed the book to be sent through the mail.<sup>41</sup>

Censors have argued that anyone who reads Lover will be corrupted, but no censor has ever admitted that he has been corrupted by the book. Bergen Evans, in an article titled "Storm over Lady Chatterley's Lover" in the December, 1959, issue of Coronet, said that it is the youth who will become delinquent if adults do not do something about it. However juvenile delinquents

. . . spend very little time with books, obscene or otherwise; they do not (alas!) live in the world of the printed word . . . If those who insist on censoring books are sincere, they should regulate all diversions--music and dancing and, above all, conversation; even advertising and beauty parlors; and no clothing but gunny sacks must be permitted to women.<sup>42</sup>

Representative Kathryn Granahan was chairman of the Subcommittee on Postal Operations in 1959, when the Subcommittee toured the United States. She noted that in San Francisco the police took Playboy from the newsstands and that a "nonsectarian" committee was formed to combat magazines and books that are "undesirable," or, as the committee put it: "those that numb the mind and lead to rape." These books were mentioned--Blackboard

<sup>40</sup>Evans, p. 146.

<sup>41</sup>Evans, p. 146.

<sup>42</sup>Evans, p. 148.

Jungle, Lady Chatterley's Lover, and Pornography and the Law. Granahan came up with some remarkable statistics: one in every twelve persons arrested in the United States is a juvenile and in every case obscene literature was found either on them or in their possession elsewhere. She also learned that "30 per cent of the inmates of juvenile mental institutions in Pennsylvania are children under fifteen and every one of them is there because they read this (lewd) literature."<sup>43</sup>

Three years ago in San Antonio, Texas, a group of women were successful in getting Moby Dick and some of Chaucer's works banned from the bookstores. The same year a Thompson, Michigan, mother managed to have a teacher arrested because the latter had given the son a copy of The Stranger, a book she said had indecent passages. Later that year, after the teacher had served ninety days in jail and had paid a fine of one hundred dollars, the Circuit Court discovered that the teacher had been convicted under a law that had been repealed three years before.<sup>44</sup> As a result of pressure groups, booksellers in Cleveland banned, or withdrew, two books from their shelves: The Golden Ass, because "the title might be offensive," and Freud's General Introduction to Psychoanalysis, because "it had a chapter on sex."<sup>45</sup>

The city of Detroit, Michigan, one of the most active cities in censoring objectionable books, makes use of a group of off-duty policemen,

<sup>43</sup>"Comstock Rides Again," Nation, CLXXIX (December 5, 1959), 411.

<sup>44</sup>Richard Kyle-Keith, The High Price of Pornography (Washington, D. C., 1961), p. 113.

<sup>45</sup>Kyle-Keith, p. 114.

headed by an inspector, who spend a great deal of time looking for obscene books and magazines. Usually about fifty are banned each year by this group, which may have a dubious background in literature evaluation. These men are said to spend approximately 750 hours each year reading such publications. Some of the books that have been prohibited are End As a Man, Battle Cry, Catcher in the Rye, From Here to Eternity, and The Farmer's Hotel; and "to protect the morals of the very young," Hans Christian Andersen's Fairy Tales has also been banned. As a result of the work of these so-called censors, many classical books are not available to the people of Detroit, although they may be acceptable in the cities of forty-nine other states. A singular thing about the Detroit situation is that the only books that are censored are paperbacks; in other words, it seems the hard covered book, it is argued, is available to anyone who can afford to buy it. As one author put it, rather sarcastically: "In Detroit, only the rich are virtuous; the poor are depraved."<sup>46</sup> Appearing to be sincere in their actions, these censors believe that pornography and crimes go hand in hand; they are right, according to Representative Granahan. The crime here is that these censors are not qualified to judge because they lack knowledge and insight.<sup>47</sup>

March 16, 1962, a Los Angeles bookseller, Bradley Smith, was sentenced to thirty days in jail for selling Tropic of Cancer. The Los Angeles City Librarian, Harold Hamill, declared he and others were not happy with the trial. For one thing they did not think it was necessary to read the whole

<sup>46</sup>Kyle-Keith, p. 114.

<sup>47</sup>Kyle-Keith, p. 114.

book to the jury, word for word. At the same time, a court in Northern California, as well as other courts throughout the country, made contrary decisions. One was in Chicago, where Judge Epstein said the book was not obscene in its effect on the average person, but he felt that "it is a literary work of merit and social significance." He also said:

The right to free utterances becomes a useless privilege when the freedom to read is restricted or denied . . . Censorship is a very dangerous instrumentality, even in the hands of a court. Recent history has proved the evil of an attempt at controlling utterances and thoughts of our population. Censorship has no fixed boundaries. It may become an oppressive weapon in a free society. . . literature which has some social merit, even if controversial, should be left to individual taste rather than Governmental edict. Let the parents control the reading matter of their children; let the tastes of the readers determine what they may or may not read; let not Government or the courts dictate the reading matter of a free people . . . Taste in literature is a matter of education. Those who object to the book are free to condemn or even to urge others to reject it. Such voluntary efforts are praiseworthy and consonant with democratic principles. However, that is a far cry from censorship established by law, whereby all readers are geared to the taste of the relatively few.<sup>48</sup>

The Supreme Judicial Court of Massachusetts reversed a lower court injunction against Tropic of Cancer on July 17, 1962. The judge's opinion was:

. . . that the First Amendment protects material which has value because of ideas, news, or artistic, literary, or scientific attributes. If the appeal of material (taken as a whole) to adults is not predominantly prurient, adults cannot be denied the material. When the public risks of suppressing ideas are weighed against the risks of permitting their circulation, the guarantees of the First Amendment must be given controlling effect. The dangers of subjective judgments in the

<sup>48</sup> \_\_\_\_\_, "Chicago Court Declares 'Tropic' Not Obscene," Publishers' Weekly, CLXXII (March 5, 1962), 30.

matter of censorship led to a strong presupposition against suppression . . . It is not the function of judges to serve as arbiters of taste . . . Within broad limits each writer . . . is entitled to determine such matters for himself, even if the results is [sic] as dull, dreary, and offensive as the writer of this opinion finds almost all of Tropic.<sup>49</sup>

On February 18 of this year the Supreme Court, in an 8-1 decision, ruled extrajudicial censorship activities by the Rhode Island Commission to Encourage Morality in Youth unconstitutional. This decision "clinaxed a challenge to the Commission's activities which was [sic] begun three years ago by four paperback publishers."<sup>50</sup> From time to time, the Commission has sent lists of titles they thought objectionable for sale to youth under eighteen. As a result of a lower court trial, certain publications were removed from the newsstands; however, no one was prosecuted for possession or sale of the publications. The Court felt that "The procedures of the Commission are radically deficient" because they fall short of the constitutional requirements of governmental regulation of obscenity. "The system of informal censorship disclosed by this record violates the Fourteenth Amendment."<sup>51</sup> There were several conflicting opinions among the court officials, including that of William D. Douglas, who said, "This is censorship in the raw; and in my view the censorship and First Amendment rights are incompatible."<sup>52</sup> Justice Tom Clark asserted,

<sup>49</sup> "Mass. Lifts 'Tropic' Ban; Literary Figures to Testify In Md.," Library Journal, LXXVII (August, 1962), 2714.

<sup>50</sup> "Rhode Island Censors' Activities Ruled Unconstitutional," Publishers' Weekly, CLXXIII (March 4, 1963), 42.

<sup>51</sup> "Rhode Island Censors' Activities . . .," p. 42.

<sup>52</sup> "Rhode Island Censors' Activities . . .," p. 42.

"In my view the court should simply direct the Commission to abandon its delusions of grandeur and leave the issuance of 'orders' to law enforcement officials . . ."53 Justice John M. Harlan, the only dissenter, felt that the Commission should be supported because of its aims—"the combatting of juvenile delinquency—and should be stripped of power because of its methods."54

These, then, are some of the significant activities with respect to censorship in various parts of the United States during the past fifteen years. Some courts continue to have difficulty defining obscenity; pressure groups still fight to keep the newsstands free from any kind of pornographic literature; and others persist in attempts to uphold the First Amendment. To some, it may seem as if nothing has changed; but if one studies the censorship situation carefully, he will see that two trends are evident; there is more freedom in writing, and the censors are losing ground.

Ultimately the matter of censorship resolves itself to the questions of who will censor and what criteria will be employed. There is no final resolution of the matter of censorship except that time seems to have allowed some of the previous rigidity. In Kansas the responsibility for censorship of movies was relocated to the Kansas State Board of Review.

53 "Rhode Island Censors' Activities . . .," p. 42.

54 "Rhode Island Censors' Activities . . .," p. 42.

## A HISTORY OF THE KANSAS STATE BOARD OF REVIEW

In April, 1915, censorship in Kansas was established. A 1913 inspection law had been declared constitutional, and the 1915 legislature made a provision for enforcing the law "by providing that a two dollar a film fee be allowed the State Superintendent any funds with which to enforce the law."<sup>1</sup>

Until 1917 all movies were viewed by the State Superintendent of Public Instruction, with the assistance of two other Kansas citizens-- Reverend Festus Foster, a minister, and Miss Mary Simpson, a teacher, who received three dollars a day for their work. If they disapproved of a film, the applicant could have it examined by a Commission consisting of the Governor, Attorney-General, and Secretary of State.<sup>2</sup> This body, which was officially named the State Moving Picture Censorship Appeal Commission, was abolished in 1917 when the Kansas State Board of Review was established.<sup>3</sup>

When the censorship began, Mr. Ross, the chief censor, stated that it was difficult to make any definite rules concerning what would or would not be permitted on the screen. At first "scenes of debauchery, actual murders and robberies or other crimes" were prohibited; later a set of rules was developed. He did feel:

<sup>1</sup>"Ross Plans for Movie Inspection," Topeka Daily Capital, (April 1, 1915).

<sup>2</sup>Bessie E. Welder, Governmental Agencies of the State of Kansas, (Lawrence, Kansas, 1957), 116.

<sup>3</sup>Welder, p. 98.



Kansas is a prohibition state and few of her children ever see a drunken man and few ever see the inside of a bar-room, even outside the state. It doesn't seem proper to me that the children should be permitted to see scenes of debauchery in the movies that they could not see with their own eyes in Kansas and seldom anywhere else.<sup>4</sup>

And so ostrich-like, the minister took the position that if one ignores evil, it will go away. But how can anyone avoid evil if he is never taught to recognize it?

At first the movies were viewed right in the theatres. The inspections of the first movies censored were at the Best and Orpheum Theatres in Topeka. The Board members inspected all the pictures by viewing them or by looking at the printed descriptions.<sup>5</sup>

Beginning work at 8:00 a.m., the censors watched the movies "as steadily as their eyes could stand until noon;" then in the afternoons they prepared their reports.<sup>6</sup> The first ten movies that Reverend Foster viewed were acceptable. During the afternoon of the first day he saw a war film, which he also approved. He said there was nothing questionable in any of the films. One manager stated, though, that the films had already been passed by the Kansas City board and by the national board.<sup>7</sup>

Many people thought the censors would cut all the drinking scenes. Miss Simpson said that when a drinking scene was necessary "to carry out the line of the play and is not immoral or suggestive or offensive, we

<sup>4</sup>"Even Movies Must be Dry," Kansas City Star, (April 9, 1915).

<sup>5</sup>"Ross Plans for Movie Inspection," Topeka Daily Capital, (April 1, 1915).

<sup>6</sup>"Ross Plans for Movie Inspection."

<sup>7</sup>"Moving Picture Censors Will Have a Busy Time," Topeka Daily Capital (April 13, 1915).

let it go. I have let many drinking scenes go by . . ."<sup>8</sup>

The movie censors were considered by many to be big revenue producers because from \$18,000 to \$20,000 a year was paid by film manufacturers to have their films censored.<sup>9</sup> During August of 1915 the censors collected \$2,202 for the state treasury. Their other expenses were less than \$150 (plus the salaries) so in all the State spent about \$300 for the film censorship. During the first four and a half months the inspectors turned in \$7,748,<sup>10</sup> and after seven and a half months the group cleared nearly \$12,000 and allowed \$2,778.71 for expenses.<sup>11</sup>

The theatre managers were happy to observe the inspection law because the advertisement, "Passed by the state censorship board," they thought, would be worth the two-dollar fee.<sup>12</sup> Many Topekans did not have the same feelings about censorship that the theatre managers did; they complained because all the censorship was done in Topeka. Other theatres in the state sent in printed outlines of their movies for approval.<sup>13</sup> It would have been easy for a theatre outside Topeka to show an unapproved movie without the Board's knowledge, but if any manager were

<sup>8</sup>"Ten Million Feet," Topeka State Journal, (June 2, 1915).

<sup>9</sup>"Ross Plans for Movie Inspection."

<sup>10</sup>"Movie Censors Become Big Revenue Producers," Topeka Daily Capital, (September 2, 1915).

<sup>11</sup>"Movie Censors Clear \$12,000," Topeka Daily Capital, (December 5, 1915).

<sup>12</sup>"Ross Plans for Movie Inspection."

<sup>13</sup>"Birth of a Nation' to Jane Russell Stormy Era," Topeka State Journal, (March 7, 1951).

convicted of such a charge, he paid a fine of \$25 to \$100 for the first offense and \$100 per offense after that. Each showing of a film constituted another charge.<sup>14</sup> Because of these regulations, most theatre owners showed approved films.

There were several times in 1915 when the Topeka movie fans became quite angry over the decisions of the Board. One instance was the barring of When We Were Twenty-one, which the audience enjoyed. After the censors viewed the film, they told the theatre manager he could not show the movie again. At a performance the previous evening, the patrons were asked to vote on the question, "Should this picture be condemned or not?" Twenty-eight were in favor, but five hundred four were not. The distasteful part of the film "showed several well dressed men and a few women in a finely furnished club room." One or two were

imbibing some liquid, probably water or coca cola, [sic] although it was evidently meant to represent wine. At another part, several men were seen gambling, without the aid of drinks or carousing. At another few feet of the picture a woman rendered a graceful and not obscene dance. The rest of the picture detailed a high class story.<sup>15</sup>

So went the Topeka reporter's description of the movie.

At the Orpheum Theatre a picture involving boxing was closed. The manager had this to say about the decision:

I do not see where [sic] any person has the right to prohibit a \$50,000 picture upon just seeing the film. If they had some experience in that line, if they spent months in the Edison laboratories or other studios, if

<sup>14</sup>"'Birth of a Nation' to Jane Russell Storay Era."

<sup>15</sup>"Censors Anger Movie Fans," Topeka State Journal, (April 13, 1915).

they read the books by the authors carefully and if they knew the moving picture business from the ground up, then I believe they would be fit to censor the film.<sup>16</sup>

He also felt that if he showed repulsive films, the public would stop attending his theatre.<sup>17</sup> Films that had appeared in his theatre had seals of approval; therefore, people were not chary of attending them. Were he to begin showing "repulsive" films, people would have ceased to attend and thereby to impose a censorship themselves which would have been reflected in his profit. The managers and patrons appealed to the Board to be fair, but the Board stood firm. The boxing film was not the only one; included were several pictures from standard works of literature, including The Spoilers, Sea Wolf, A Tale of Two Cities, Les Miserables, Prisoner of Zenda, The Illiad, Quo Vadis, Macbeth, and Life of Napoleon. An author of one newspaper article sarcastically remarked that "if The Last Supper were produced in pictures, it would be barred too."<sup>18</sup> One Topeka banker topped this statement with the following:

We will be privileged to see little travelogues, little tea party films, kid comedies, fairy tales, providing that the wearing apparel of the fairies is not too scanty, studies of the life of birds, plants, and insects and other enjoyable pictures. We shall sit in bliss while the operator happily runs off a few thousand feet showing the beauties of the interior of Siam. . . go into raptures over the rivalets in Norway and the claws of the South American armadilla. Our children will laugh with glee over the Keystone baby comedies . . . Never again shall I sit with disgust in such pictures as 'The Spoilers,' but shall sup tea and toast with my feet upon a stool and watch the thrilling adventures in 'The Little Colonel's House Party.'<sup>19</sup>

<sup>16</sup>"Censors Anger Movie Fans."

<sup>17</sup>"Censors Anger Movie Fans."

<sup>18</sup>"Censors Anger Movie Fans."

<sup>19</sup>"Censors Anger Movie Fans."

Although the Board had taken action against several movies during the past forty-five years, it probably received the most criticism for banning Birth of a Nation in 1915. The film was shown in Chicago for several months to full houses. Several Topeka people saw it in Chicago or Kansas City and said it was "wonderful beyond all description."<sup>20</sup> The Department Commander of the Kansas Grand Army of the Republic went to the state house and protested the film, filed a complaint with the Appeal Board, and stated the Civil War veterans were opposed to the film:

. . . it is as vile and treacherous, as poisonous to the minds of the rising generation as anything can be. It degrades the sacred war for the Union and the exalted courage of the men who fought to save the nation, into a shameful lust of conquest.<sup>21</sup>

The wives of the members of the State Appeal Board contradicted the opinion of the Board. They thought the film was the greatest they had ever seen. Most of them agreed that the picture did not increase or create race hatred and that it was not immoral. Such remarks as "It is a pity all the people cannot see such a wonderful picture" were expressed.<sup>22</sup>

Many Kansas newsmen severely criticized W. D. Ross for the rejection of Birth of a Nation. For example, in an editorial in the Concordia Blade, the following was printed:

<sup>20</sup>"Kansas Cut Out," Topeka State Journal, (November 23, 1915).

<sup>21</sup>"G.A.R. Protest Declares Picture as Base Label," Topeka Daily Capital, (January 25, 1916).

<sup>22</sup>"State Censors' Wives Approve of 'Birth' Film," Topeka State Journal, (January 25, 1916).

. . . High and Mighty state movie censor, the Honorable W. D. Ross, who never in his life had an original idea and who is of a calibre that would make a good ward healer in a country school district has set his mighty mind at variance with some of the greatest in the country and says . . . this masterpiece . . . will corrupt the morals of the people of Kansas. The refusal of the picture was based on the fact it is not instructive, and the people of Kansas must have their morals looked after by a thirty dollar a month country school teacher and a broken down preacher that holds a job in the pulpit but through some political pull, was given a position where he can shape the morality of the state through arbitrarily saying that 'Thou Shalt Not.'<sup>23</sup>

There is inconsistency of censorship in various media because self-imposed censorship on the part of the newspapers today would prevent their writing an article including such near-libelous remarks as "broken down preacher."

Quite a feud resulted when Mariane La Presidente was barred from Kansas in 1916 by Reverend Foster, who branded the movie as immoral; however, the Appeal Board overruled him. There was a heated argument in the newspapers between Foster and Miss Anna Held, the star of the film. She said

Old Fogey! . . . Let laughter and love be supreme. What harm is there in a little spice if the human heart is buoyant? To laugh at things a bit suggestive is not harmful. Knowledge brings judgment. The more we know the more we can command ourselves. Ignorance and prudishness leads [sic] to more immorality than wisdom.<sup>24</sup>

The film was a typical French farce with "risque situations and a display of lingerie."<sup>25</sup>

<sup>23</sup>"Hammers Are Out," Topeka State Journal, (February 7, 1916).

<sup>24</sup>"Topeka and Paris Morals in a Clash," Kansas City Star, (February 13, 1916).

<sup>25</sup>"Topeka and Paris Morals in a Clash."

The only time the Board has objected to newsreels was in 1937 when they eliminated a part of The March of Time that contained dialogue of Senator Burton K. Wheeler on the Supreme Court controversy. The chairman of the Board said the Board felt the dialogue was "partisan and biased." Senator Wheeler said the deletion of his comment "ought to qualify the Governor of the state for the dictatorship of the United States."<sup>26</sup> Many protested that the elimination was an invasion of free speech. Two days later the Board viewed the film again and restored the deletion. The chairman said the governor was not to blame since he knew nothing about the matter.<sup>27</sup>

In 1933 English students at Emporia State who had been enjoying their literature classes because of the use of movies were surprised to learn that the Board had stopped the pictures. The English Department could not afford to pay the censor board the reviewing price of one dollar; the film rental was \$ .75. Each week a picture showed "something of the life, works, and birthplace of such American authors as Whitman, Hawthorne, Poe, Holmes, and Twain."<sup>28</sup> The head of the department stated that the shows were for educational purposes only, not for public entertainment, and that the five-cent admission charged paid for the cost of the film. The Board replied the show was advertised in an Emporia newspaper that

<sup>26</sup>"Day Censors Ban Wheeler Court Talk," Topeka Daily Capital, (April 17, 1937).

<sup>27</sup>"Film Board Backs Up," Kansas City Star, (April 21, 1937).

<sup>28</sup>"Kansas Film Censor Board Puts End to College Shows," Kansas City Times, (April 5, 1933).

told of the five-cent charge; according to them that put it in the commercial class.<sup>29</sup>

In 1955 Governor Hall signed a bill abolishing the Kansas State Board of Review, but the State Supreme Court ruled the law unconstitutional. The Court said that Senate Bill 222 of the 1955 Legislative session "violated the section of the Kansas Constitution which bans multiple subjects under one title. The original Senate bill to repeal an obsolete motor carrier registration law was amended in the House of Representatives to repeal the 1917 act setting up movie censorship under the State Board of Review."<sup>30</sup>

In 1959 Governor Anderson reversed an opinion that he had expressed the previous week which stated that the Kansas State Board of Review should approve all television films, regardless of whether they were "general movie fare or non-profit educational films." He said the Board did not have the authority to censor films shown on television since the stations were under the licensing jurisdiction of the Federal Communications Commission.<sup>31</sup>

There have been a few changes in the Board since its beginning in 1917. Today the Board, consisting of three married women, has an office and projection room in Kansas City, where they carry on their work. The salary of the members has changed, along with the times. At first the

<sup>29</sup>"Kansas Film Censor Board Puts End to College Shows."

<sup>30</sup>"Law Abolishing Movie Censors Ruled Invalid," Topeka Daily Capital, (June 18, 1955).

<sup>31</sup>"Kansas Steps Aside as TV Film Censor," Kansas City Star, (April 21, 1959).



members received three dollars a day for their work; today the chairman receives an annual salary of \$2,400, and the other members receive \$2,100, plus any necessary traveling expenses. In addition to censoring films, the Board prepares a monthly bulletin that is distributed to theatre managers throughout the state and to the boards in other states. The paper lists the movies that the Board has reviewed, including those disapproved or eliminated and why such action was taken.<sup>32</sup>

Today there is an inspector who travels around the state checking each theatre about twice a year. She arrives unexpectedly and examines the cartoon, short subjects, and the first reel by feeling a number on the reels. If the film has been approved by the Board, she finds the number. If she should find an unapproved film, the theatre owner, if convicted, "is guilty of a misdemeanor and punished by a fine of not more than \$50 or by imprisonment in the county jail for not over thirty days, and the same misbranded film may be seized and confiscated."<sup>33</sup>

As stated in chapter one, the theatre owners were happy that the films were censored because they felt they would have more patrons if the public knew the movies had been approved. Today some theatre managers feel differently. They think that the Board is bizarre because it sometimes deletes insignificant scenes and leaves parts that probably should be cut. When one theatre manager was recently asked whether or not he was affected by the Board, he just laughed and remarked that it really did not make too much difference to him one way or the other; he feels that

<sup>32</sup>Laws and Rules, The Kansas State Board of Review, (Topeka, Kansas, 1954), p. 7.

<sup>33</sup>Laws and Rules, p. 6.

the Board is more of a nuisance than anything else.

The method the censors use to indicate a place where they feel there is a possible deletion is worthy of examination. Beside their chairs are tables equipped with buzzers, which mark the part of the film that is questioned. Later a projectionist repeats the film as many times as the Board requests. Decisions of the Board are reached by a two-thirds majority.<sup>34</sup>

Today the Kansas State Board of Review is one of four state censoring boards. In 1954 six states—Kansas, Ohio, New York, Pennsylvania, Maryland, and Virginia—and about fifty cities had some kind of censorship laws.<sup>35</sup> In addition to Kansas, Maryland, Virginia, and New York are the only other state boards in existence.<sup>36</sup>

Actually the laws concerning the submission of films, qualifications, and terms of the members have changed very little during the past few years; most of the changes that have occurred have been relatively insignificant. The general rules and regulations concerning "acceptable" and "unacceptable" films have changed very much since the establishment of the Board. An analysis of the apparent changes in standards will be presented in the following chapter.

<sup>34</sup>"They Govern Your Movies," Topeka Daily Capital, (August 3, 1947).

<sup>35</sup>"High Court Rules Film Censor's Future Shaky," Topeka Daily Capital, (January 19, 1954).

<sup>36</sup>"Miss a Censor Board," Kansas City Star, (December 17, 1957).

AN ANALYSIS OF APPARENT CHANGES IN STANDARDS

Birth of a Nation, Madame La Presidente, and The Arizona Cat Claw were three controversial movies during the early years of the Board. When Birth of a Nation was submitted to the group, Superintendent Rice stated that it was not proper or instructive:

. . . from its false title through its tissue of misrepresentations of the north, the negro and our country's history to the final culminating travesty which pictures peace on earth and good will to men as the outcome of passion, of hate and murder it is vicious and immoral—immoral not only in the parts that are sexually suggestive, but in its whole revelation of race prejudice and sectional bitterness.<sup>1</sup>

Others were critical because the film not only indicated that the North was wrong in the Civil War and the South was right but also depicted the Ku Klux Klan as "knight errants protecting the helpless."<sup>2</sup> The film, which was taken from The Clansman, showed Sherman's march to the sea and other war events in addition to the Ku Klux Klan's activities during the reconstruction days. The producer defended the film by stressing the fact that, although it was an anti-Negro story, it dealt with the colored politicians during the time of the Civil War, not with those living at the time of the release of the film.<sup>3</sup> The Grand Army of the Republic protested against the movie violently because one of the characters was

<sup>1</sup>"Birth of a Nation Rejected by State 'Movie' Censors," Topeka Daily Capital, (January 25, 1916).

<sup>2</sup>"Birth of a Nation Rejected by State 'Movie' Censors."

<sup>3</sup>"Kansas Cut Out," Topeka State Journal (November 23, 1915).

"a moral pervert whose illicit passion for a colored woman brought on the Civil War."<sup>4</sup> After the Attorney-General viewed the picture, he had this to say:

Over and above the treatment of the negro, the picture is an insult to the north and a contemptible distortion of a well-known history regarding the Civil War. The proper title of this picture should be 'An Insult to a Nation' . . . the author of this picture has dared to attempt to attribute the action of the leaders of the north to the influence of liaison with colored women . . . This picture is neither of a moral, educational, amusing nor harmless character.<sup>5</sup>

The picture, then, was condemned by the Board for several reasons, but primarily because it did not conform with two of their standards, one regarding immorality and the other concerning ridicule of the Negro.

The clash between Miss Anna Held, the star of Madame La Presidente, and Reverend Foster, the censor who labeled her film immoral, is interesting today because his reasons for disapproving of her movie are ludicrous when comparing his conception of immorality with the concept in 1963. The Reverend contended the movie would have:

. . . a dangerous effect on the morals of the young. It misrepresents the married man and will have a tendency to shake the confidence that women have in their husbands. . . . That film would make most any married woman suspicious of her husband, and the young girl would doubt her sweetheart. That seems to be its lesson, that you can't trust a man. . . Now, men are to be trusted. At least 50 per cent of the men in Kansas are as virtuous as the purest woman. Not one man out of 10 would flirt with a married woman. They are above such things. I have great confidence in the morality of the Kansas man, and any picture that represents men in general as weak and loose character is harmful . . . Miss Held displays too much of her personal

<sup>4</sup>"Birth of a Nation Rejected by State 'Movie' Censors."

<sup>5</sup>"G.A.R. Protest Declares Picture as Base Libel," Topeka Daily Capital, (January 25, 1916).

charms. She does it with the purpose of stirring masculine passions. That condemns the picture. A woman's charms are not to be displayed in public. They are for the home . . . A public display of feminine charms is dangerous . . . The average normal man is decent, yet the picture shows that the best type of men are susceptible . . . It is the purpose of the Kansas censors to put the ban on anything that is harmful. It is better that our people know nothing of the wicked ways of the world. Knowledge is not a safeguard against wickedness. A person would be better off if he knew nothing of badness. Why should we allow our young to be educated into the ways of the fast class of people?<sup>6</sup>

The Reverend's "sermon" about immorality, lingerie, and the like failed to convince either Miss Held or the Appeal Board; the latter, consisting of the Governor, Attorney-General, and Secretary of State, overruled the minister.<sup>7</sup>

After viewing the first few hundred feet of The Arizona Cat Claw in 1919, the Board was pleased; but then a scene revealing an attack on a simple-minded girl was projected on the screen. As a result of this one scene, the Board condemned the picture because they found it impossible to delete portions of the film, since the whole story after that revolved around this incident. When someone pointed out that such things do happen in real life, they replied, "Perhaps they do, but aren't there happening also tens of thousands of other incidents equally usable in pictures and not so revolting or suggestive?"<sup>8</sup> This scene really did not

<sup>6</sup>"Topeka and Paris Morals in a Clash," Kansas City Star, (February 13, 1916).

<sup>7</sup>"Topeka and Paris Morals in a Clash."

<sup>8</sup>"Making the Movies Behave in Kansas," Kansas City Star, (October 12, 1919).

violate any of the Board's ten standards for judging a movie; in such a case they usually used the excuse that the movie was not clean and wholesome and that it tended to debase morals.

It is interesting to note the variations in standards of the Board during the last forty odd years to see exactly how morals have changed. In 1920 the Board adopted the following standards to use in evaluating each movie that they viewed:

1. Pictures should be clean and wholesome, whether for entertainment or amusement, and all features that tend to debase morals or influence the mind to improper conduct should be eliminated.
2. No comedy which ridicules any religious sect or particular characteristics of any race of people should be shown.
3. The dress of comedy characters must be condemned when used for evil suggestion.
4. Infidelity to marriage ties must be condemned.
5. A display of nude human figures must not be shown.
6. Bar-room scenes, with drinking, gambling and loose conduct between men and women, should be eliminated when possible, and at all times should be abbreviated, as also social drinking and smoking.
7. Crimes and deeds of violence, with an undue use of guns, revolvers and knives, and criminal methods, such as give instruction in the committing of crime through suggestions, should be eliminated or abbreviated.
8. Prolonged and passionate love scenes, when suggestive or immorality, will not be approved.
9. Prolonged scenes of roadhouses, dance halls and houses of ill fame must be eliminated . . . Vulgar and suggestive dances by seminude dancers, especially those of the underworld, must not be permitted.
10. Pictures having for their theme white slavery and the allurement and betrayal of innocence will not be approved.<sup>9</sup>

The Board's interpretation of "clean and wholesome" was strange by standards today. For instance, during the period from April 1, 1921, to June 30, 1921, the Board objected to the following sub-titles in silent films:

<sup>9</sup>The Annual Report of the Kansas State Board of Review, for the year ending June 30, 1920.

1. Tell him he'd better pay up or his baby'll be born in jail.
2. She is going to have a child.
3. I've broken your arm and now I'm going to break your neck, for you're the vilest man I've ever known.<sup>10</sup>

Forty years later it is almost impossible to believe that sentences such as these were not acceptable at one time. There were also many other things that the Board objected to in 1921. Drinking and smoking were definitely taboo; many scenes were deleted because of these two "sins," probably the most objectionable at that time. Some other eliminations from the 1921 movies included:

1. Eliminate the scene of a girl with a dog on her lap and her placing the dog on the floor and the scene of the girl's wet dress.
2. Eliminate all scenes of a robber holding up people in a room at the point of a gun.
3. Eliminate the scene of striking man on head.
4. Shorten execution scene.
5. Eliminate the scene of Fantoma's running sword through old man and withdrawing it.
6. Eliminate close-up scene of dead man's face.
7. Eliminate all scenes of man and girl being crushed under rock door.<sup>11</sup>

As one can see after examining this list, the Board was very particular about approving scenes involving any kind of violence. Perhaps they had reason to object to scenes showing too much violence, but some of their objections had no stated, reasonable grounds for elimination. It is not easy to fathom their interpretation of such terms as "undue use of guns."

Other titles and scenes eliminated at this time were:

1. Eliminate Fantoma's forcibly kissing a girl.
2. Cut the title: Katie, you'll make a fine squaw for some feller. You're takin' on shape.

<sup>10</sup>Kansas State Board of Review for Action, #16, passim.

<sup>11</sup>Kansas State Board of Review for Action, #16, passim.

3. Eliminate the scene of girl sitting on man's lap at party . . . and scene of man giving girl wine.
4. Eliminate scene of boy flashing sunbeam on seat of man's trousers, and dog biting at it.
5. Eliminate titles: Some churches are blessed with Ladies' Aid Societies and the old hens of the Ladies' Aid.<sup>12</sup>

At least some of the films eliminated by the Board in 1921 would likewise be eliminated in 1963. It is accurate to imply that the Board cut only the minor scenes and titles that have been mentioned. For example, occasionally they deleted profane words, nudity, and seminudity; however, there were few of these that appeared.<sup>13</sup>

One rare instance of censorship occurred in 1921 when the Board eliminated all scenes and titles of a race riot in Tulsa, Oklahoma, in an edition of the Fox newsreel. From all indications this was the only time the Board cut any part of a newsreel, except when they deleted Senator Wheeler's dialogue in The March of Time in 1937. Today the Board does not have the right to censor any kind of newsreel.<sup>14</sup> In this respect the Board has matured and improved. Wheeler's deletion was an attempt to use censorship to re-write history.

In 1926 and 1927 the Board was still objecting to the same kinds of things: the showing of liquor bottles, drinking, prolonged kissing, violence, and seminudity. That year they deleted two such scenes, one close-up of a girl's legs as she stepped from the bathtub and the other showing a girl fastening the supporters on her hose.<sup>15</sup>

<sup>12</sup>Kansas State Board of Review for Action, #16, passim.

<sup>13</sup>Kansas State Board of Review for Action, #16, passim.

<sup>14</sup>Kansas State Board of Review for Action, #16, passim.

<sup>15</sup>Complete List of Motion Picture Films presented to the Kansas State Board of Review for Censorship, Report #27, passim.



The first major changes in the standards came in 1923 when "Infidelity to marriage ties must be condemned" was omitted, and the statement prohibiting smoking and gambling was also deleted; however, they still objected to barroom scenes and social drinking.<sup>16</sup> This writer was unable to learn why the changes were made.

Another change occurred in 1937 when the sentence "No comedy which ridicules any religious sect or particular characteristics of any race of people should be shown" was changed to "Ridicule, adverse criticism, or abuse of any religious sect, or peculiar characteristics of any race of people, or any public official or law-enforcing officer will not be approved." One new point was added: "Ridicule or facetious remarks about motherhood or scenes pertaining to childbirth will be disapproved."<sup>17</sup> Since that time several movies have been disapproved because of scenes showing childbirth.

Still in the mid-thirties the censors condemned any movie with drinking or a display of liquor or the pouring of it; with violence, such as a man being lashed, a man hit over the head with a gun, a man throwing a knife and the view of the knife in another's back; with nudity, and even scenes showing dripping blood. Several other eliminations that seem bizarre today were the following: drinking beer and pouring it on the floor, a hypo injected into a leg, a direct shot at gangsters, and a man shooting

<sup>16</sup>The Biennial Reports of the Kansas State Board of Review for the biennium ending June 30, 1926—also for the biennium ending June 30, 1928, p. 11.

<sup>17</sup>Kansas State Board of Review—Motion Pictures, Laws and Rules, 1948.

a dog. It was also during the thirties that two words were cut--words that were to plague the censors in the late fifties and sixties: slut and bitch.<sup>18</sup>

An examination of the Board's activities during the forties indicates that fewer films were disapproved or eliminated at that time. Former objections such as "Eliminate the word tree from officer's dialogue, 'She takes her mutt down to the corner tree.'" "Eliminate all close-up scenes and dialogue connected with the showing of pictures of women over bar while two men are drinking" and scenes showing "men striking women and other men" were still evident.<sup>19</sup> However, during this time other objections were beginning to appear--objections that are still in force today: strip tease dances, scanty costumes, vulgar movements of the body, and bosom exposure. The objection to "indecent dance" was used many, many times during the forties.

When one considers movie censorship in Kansas, he usually thinks of the eliminating of parts of films themselves; he rarely considers that the advertising may also be censored. There is a good reason for this; censorship of advertising seldom happens. Apparently the only time the Board objected to the advertising was in 1949 when they refused to accept it for Little Women because of "the objectionable scene of Peter Lawford's

<sup>18</sup> Complete List of Motion Picture Films presented to the Kansas State Board of Review for Censorship, Report #33, passim.

<sup>19</sup> Complete List of Motion Picture Films presented to the Kansas State Board of Review for Censorship, Report #40, passim.

hand on Jane Allyson's breast."<sup>20</sup>

When one examines the latest standards of the Board, which were adopted in 1954, he notes a few changes have been made:

1. The Board considers a film crass, indecent or immoral if the film "presents as desirable, acceptable or proper patterns of behavior, acts relating to sex which constitute felonies or misdemeanors under the laws of the State; either the theme or its manner of presentation, or both, present sex relations as desirable, acceptable or proper pattern of behavior between persons not married to each other; portrays explicitly or in detail an act of adultery, fornication, rape or seduction; or if it portrays nudity or a simulation thereof, partial nudity which is sexually immoral, sexual relations of any kind, or actual human birth, or if it presents scenes portraying sexual hygiene, sex organs, abortion, methods of contraception or venereal disease.
2. Also a film, according to the Board, tends to debase or corrupt morals when "The theme or matter of its presentation is of such character as to present the commission of criminal acts or contempt for law as constituting profitable, desirable, acceptable, respectable or commonly accepted behavior; or "If it advocates or teaches the use of, or the methods of use of, narcotics or habit forming drugs."<sup>21</sup>

One can see that since 1921 several standards have been eliminated and several others have been expanded. For example, the Board finally expelled the points that referred to the dress of comedy characters; bar-room scenes with drinking, social or otherwise, and elaborated the points concerned with sex, immorality, narcotics, and nudity.

<sup>20</sup> Kansas State Board of Review, Motion Pictures Reviewed from June 1 to June 30, 1949.

<sup>21</sup> Kansas State Board of Review, Laws and Rules, 1954.

An examination of the Board's activities during the past ten years reveals that four times as many movies were either eliminated in part or disapproved in their entirety. The following table indicates this ten-year history.

Table 1. Number of films either eliminated or disapproved, total number reviewed, and percentage disapproved or eliminated.

Year	Number of films either eliminated or disapproved	Total number reviewed	Percentage disapproved or eliminated (%)
1953	12	379	3
1954	7	319	2
1955	9	records incomplete	-
1956	9	348	2 1/2
1957	7	393	2
1958	32	405	8
1959	28	351	8
1960	27	340	8
1961	21	321	6 1/2
1962	42	338	12

In the three per cent of the movies eliminated or disapproved in 1953, the films were not approved primarily because of dances, nudity, suggestive dialogue, and bedroom scenes. The objections in 1954 were about the same as for the preceding year, except that the Board also objected to God damn and childbirth scenes. In 1955 the records are incomplete, but in 1956, the same reasons were given as for 1953 and 1954, in addition to one movie that showed an actual injection of a drug into an arm. The next year, when two per cent were censored, the Board's reasons for objection were still about the same as before: nudity, drug injection, and sex. In 1958 there was a sharp increase in the number of moving pictures

that were objectionable. In addition to the usual objections--nudity and suggestive scenes--the Board noticed that more profanity was occurring. Primarily they objected to such words as whore, butt, slut, God damn, and Damn you. Before 1958 very little profanity was evident in the movies; then all at once it began to increase. One might think that this was the result of the foreign movies since it was about this time that there was an influx of the foreign-made moving pictures. On the contrary, the Board did not eliminate any profanity in foreign movies that year; all the censored films were American. For instance, slut was cut from Saddle the Wind; whore from A Farewell To Arms; By God from both Kings Go Forth and God's Little Acre; shack-up from Tarawa Beachhead; both slut and Damn you from I Want to Live; and God damn war from In Love and War; butt, slut, and Damn you from Anna Lucasta; and Damn you from The House on Haunted Hill.

It is interesting to note, though, that in 1959 there was even more profanity eliminated by the Board. And during that year both American-made and foreign-made films were responsible for this. The American movies and objections to the profanity that year were Damn you in Night of the Quarter Moon; slut in The Middle of the Night; shack-up in Cry Tough; bastard in Take a Giant Step; and slut in A Summer Place. The Board deleted the following examples of profanity in the foreign movies: bastardize and intercourse in A Question of Adultery; whore and dirty old bastard in Room at the Top; bitch in Room 43; and bitches in A Woman Like Hatan. In other words, about half of the profanity came from domestic movies and about half from those imported. Besides objections to profanity that year, the other objections were usual--nudity and suggestiveness. In

1960 also eight per cent were not approved; the reasons were about the same as for the preceding year. In 1961 the percentage of objectionable films dropped slightly--to about six and one-half per cent, and the reasons were still mainly profanity and nudity; of the twenty-one films found objectionable, eleven were because of profanity and ten because of nudity or seminudity. A surprising thing occurred last year: the number of objectionable films almost doubled. Of the forty-two the Board objected to, twenty-three objections were due to profanity, sixteen due to nudity, and the others due to something relating to sex, in one way or another: rape scene, obscene love scene, lustful scene, ad infinitum. Sex and profanity were the two biggest objections.

Does all this indicate that morals are drastically deteriorating, or does it mean that film makers are becoming bolder and more realistic? The statistics in the preceding table do indicate that standards are changing; apparently people accept more "obscenity" than ever before. The fact that the twelve per cent of the 1962 movies were not acceptable does not indicate that Americans cease to have any high morals; half of the films were deleted then because of one or perhaps two profane words; ten years this was not true since movies then were deleted because of whole scenes, for the most part, not just because of a word or two. Therefore, it would not really be fair to say that because the number of films eliminated or disapproved in their entirety in the last ten years has increased from about three per cent to approximately twelve per cent, that there are more immoral films than ever before. As the writer has already pointed out, much more than mere statistics is involved.

These statistics, along with others mentioned earlier in the chapter,

do indicate that much has happened in movie censorship in Kansas during the last forty years. Times have changed considerably. One last example to illustrate modification is the film Hud, which was released throughout the country this year. It is shown in Kansas exactly as it is shown in states without state censorship boards with the exception of the deletion of one word--bastard. This writer was amazed to discover that such words and phrases as hell of a, darn, and butt were not expunged. Each one of these was not used once but several times. Significantly, in Luna Lucasta, just five years ago, the word butt, which is allowed frequent appearance in Hud, was deleted. In Hud the word appears in phrases such as "Get up off your lazy butt!," "Don't get sores on your butt doing it," and "Get your butt out."

Since its inception in 1917, the Board has seen some changes. The least of these involves their now having both a private office and projection room for their work. Still another change regards their salary increase, but most important are the changes that are reflected in the criteria utilized in judging films.

It is a little difficult to assess whether the Board accurately reflects the attitude of the general public. If it does, then the populace, over a period of years, has come to accept many things that were once enough to make a film anathema. For instance, frankness in such scenes involving smoking and drinking and married couples owning a double bed are now acceptable. The Board has made certain changes in its criteria of its own volition, such as the deletion of the standards involving gambling, drinking, and infidelity in marriage. These changes raise some

questions: Was there a greater authority, such as the State Legislature, suggesting these changes? Were the changes made to comply with changing standards in other parts of the country? Were the changes compromises of moral standards? Have the Board members become more modern? Perhaps there are no absolute answers to these considerations.



## CONCLUSION

This paper has been an attempt to study the history of the Kansas State Board of Review and to note the changes which have been made in the guidelines for censorship which the Board set for itself.

In the first place, the activity of the Board and its very being raises all of the age-old issues surrounding censorship in general. One of these, for instance, is reflected in a statement which David Loth makes in his The Erotic in Literature: ". . . no one ever devised an obscenity law that satisfied anyone except the censors, for although no one ever was wise enough to be a censor, few are wise enough to refuse to try."<sup>1</sup> Indeed, changes in the criteria of the Board manifest evidence that filmdom is now allowed at least some of the same freedoms enjoyed by people, such as smoking, drinking, and gambling. And finally censorship resolves itself to two questions: who will censor and what will be censored, as was pointed out earlier in this paper.

In the second place there are considerations that would be explored in a little different manner perhaps by someone from the social sciences. Among other items, the scientist might wish to ascertain are sex, age, religious background, geographical background, and educational background of the censors. No doubt information in these areas would help throw light on some of the activity of the Board; perhaps even greater social issues are involved: war, its aftermath, depression, and general increase in knowledge in the areas of anthropology, sociology, and psychiatry.

<sup>1</sup>David Loth, The Erotic in Literature, (New York, 1961), p. 227.

The answers to these questions are the province of another study.

It seems to this writer in his analysis of the activities of the Board, one extremely workable possibility has been overlooked. All the way along the Board puts on its decisions only a two-valued judgment: acceptable or unacceptable. This two-valued judgment does not seem to be very realistic, for seldom are life situations to be adjudged in an either-or manner: such simplicity is indeed hard to come by. Therefore, one wonders why it would not be possible for the Board to consider a scale of ratings for films and thereby admit a gray area into the hitherto black-or-white arena. This scale could conceivably include such categories as "For adults only," "For family entertainment," "For the mature viewer," and "For children only." By so doing the Board would command greater respect and would automatically eliminate the argument that it was making all films fare for children's minds only. The writer would doubt that any mature adult Kansan would blanch at hearing damn in the theatre, although he might not advocate having pre-school children be exposed to the same situation.

One further consideration may be in order. In a recent letter to the Board from the library at Kansas State University, the chairman of the Board sent this reply. "The Board must abide by the United States Supreme Court ruling in censoring all films to be exhibited in the State of Kansas."

18-1-27. Within the meaning of G.S. 1949, 51-103, a film or reel shall be deemed obscene when to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretions, and if it goes substantially beyond contemporary limitations of candor or representation of

49

such matters. (Authorized by G.S. 1949, 74-2206, effective February 13, 1959).<sup>2</sup>

One wonders, for instance, whether some of the changes in criteria--changes permitting more laxity--have been made so that the board would not be challenged and could therefore continue to exist, each member still drawing his salary. It seems likely that if a theatre manager wanted to make a test case concerning the legality of the Board's decision to delete single words, he would win; the status and structure of the State Board of Review would crumble under a few such defeats.

The Board believes that moving pictures can mold human behavior; there is an equally valid position that moving pictures merely reflect human behavior. These are probably irreconcilable positions. The Board, by its compromises in changes in criteria, mirrors an attempt, perhaps, at such a reconciliation.

<sup>2</sup>Letter to Miss Mary E. Roberts, Kansas State University, from Kitty McMahon, Chairman, Kansas State Board of Review, June 18, 1963.

## ACKNOWLEDGMENT

The author takes pleasure in acknowledging the instructors in the Speech Department of Kansas State University. He especially wishes to express his appreciation to Dr. Norma D. Buntan for her assistance and guidance during the preparation of this study.

BIBLIOWAŻY

## A SELECT BIBLIOGRAPHY

Books

- \_\_\_\_\_. Banned #2, New York: Berkley Publishing Corporation, 1962.
- Fellman, David. The Censorship of Books, Madison, Wisconsin: The University of Wisconsin Press, 1957.
- \_\_\_\_\_. The First Freedom, Chicago: American Library Association, 1960.
- Kyle-Keith, Richard. The High Price of Pornography, Washington, D. C.: Public Affairs Press, 1961.
- Loth, David. The Erotic in Literature, New York: Julian Messner, Inc., 1961.
- Paul, James C. W., and Murray L. Schwartz. Federal Censorship Obscenity in the Mail, New York: Harper and Brothers, 1959.
- Filpel, Harriet F., and Theodora S. Zavin. Rights and Writers, New York: E. P. Dutton & Co., 1960.

Periodicals

- \_\_\_\_\_. "Anti-Smut Campaigns," America, CII (March 26, 1960).
- Benedict, John. "The Lady Chatterley's Lover Case," American Mercury, XC (January, 1960).
- Birkeland, Gene. "Deliver Us From Evil," American Mercury, LXXVIII (March, 1959).
- \_\_\_\_\_. "Blueprint from Minnesota," Library Journal, LXXVII (June 1, 1953).
- Breit, Harvey. "A Right to License the Licentious?" Saturday Review, XLIV (February 20, 1960).
- \_\_\_\_\_. "Censorship," The Commonwealth, LXV (March 15, 1957).
- \_\_\_\_\_. "Chicago Court Declares 'Tropic' Not Obscene," Publishers' Weekly, CLXIII (March 5, 1962).

Clark, May. "No Indictment," Library Journal, LXXVI (May 1, 1951).

\_\_\_\_\_. "Common Effort," America, CI (July 4, 1959).

\_\_\_\_\_. "Comstock Hides Again," Nation, CLXXXIX (December 5, 1959).

\_\_\_\_\_. "Congress Bans a Boo," America, XCIII (June 4, 1955).

Evans, Bergen. "The Storm over Lady Chatterley's Lover," Coronet, XLVII (December, 1959).

Gardiner, Harold C. "The Supreme Court on Obscenity," America, XCVII (July 13, 1957).

Halpenny, Marie. "Books on Trial in Texas," Library Journal, LXXVIII (July, 1953).

\_\_\_\_\_. "Important Ruling in Youngstown Case," Library Journal, LXXVIII (October 1, 1953).

\_\_\_\_\_. "Isn't There Another Side, NSA?" America, CXXIII (July 9, 1960).

\_\_\_\_\_. "Lady Chatterley Decision," America, CI (July 11, 1959).

Larrabee, Eric. "Pornography Is Not Enough," Harper's, CXXII (November, 1960).

Lewis, Anthony. "Mex and the Supreme Court," Esquire, LIX (June, 1963).

\_\_\_\_\_. "Mass Lifts 'Tropic' Ban; Literary Figures to Testify in Md," Library Journal, LXXXVII (August, 1962).

\_\_\_\_\_. "Public Morals and the Constitution," America, CI (July 13, 1959).

\_\_\_\_\_. "R. I. Censors' Activities Ruled Unconstitutional," Publishers' Weekly, CLXXXIII (March 4, 1963).

Stanford, E. B. "Minnesota Censorship Bill Defeated," Wilson Library Bulletin, XXVII (June, 1953).

\_\_\_\_\_. "Supreme Court Asked to Review 'Tropic' Conviction," Publishers' Weekly, XLIII (March 4, 1963).

\_\_\_\_\_. "Supreme Court on Censorship," America, XCVI (March 16, 1957).

\_\_\_\_\_. "Tempest in a Teapot," America, CVIII (March 9, 1963).

\_\_\_\_\_. "Tropic in Court," Wilson Library Bulletin, XXVI  
(May, 1962).

\_\_\_\_\_. "Tropic of Cancer Before the Supreme Court," Wilson  
Library Bulletin, XXVII (April, 1963).

\_\_\_\_\_. "What to Do About Smut," America, CI (May 30, 1959).

#### Newspapers

"Another Jolt for Movie Men," Topeka Daily Capital, December 28, 1915.

"'Birth of a Nation' Rejected by State 'Movie' Censors," Topeka Daily  
Capital, January 25, 1916.

"'Birth of a Nation' to Jane Russell Storay Era," Topeka Daily Capital,  
March 7, 1951.

"Censor Law Upheld," Topeka State Journal, February 24, 1915.

"Censors Anger City Movie Fans," Topeka Daily Capital, April 13, 1915.

"Even Movies Must Be Dry," Kansas City Star, April 9, 1915.

"Film Board Backs Up," Kansas City Star, April 21, 1937.

"C.A.R. Protest Declares Picture as Base Libel," Topeka Daily Capital,  
January 25, 1916.

"Hammers Are Out," Topeka Daily Capital, February 7, 1916.

"High Court Rules Film Censors' Future Shaky," Topeka Daily Capital,  
January 19, 1954.

"Judge on Vacation, So Film 'Moon Is Blue' Still Banned," Topeka State  
Journal, July 20, 1954.

"Kansas Cut Out," Topeka State Journal, November 23, 1915.

"Kansas Film Censor Board puts End to College Shows," Kansas City Times,  
April 5, 1938.

"Kansas Movie Board Chairman Surprised," Topeka Daily Capital, January 19,  
1954.

"Kansas Steps Aside as TV Film Censor," Kansas City Star, April 21, 1959.



- "Law Abolishing Movie Censors Ruled Invalid," Topeka Daily Capital, June 18, 1955.
- "Making the Movies Behave in Kansas," Kansas City Star, October 12, 1919.
- "Motion Picture Censors Will Have Busy Time," Topeka Daily Capital, April 13, 1915.
- "Movie Censors Become Big Revenue Producers," Topeka Daily Capital, September 2, 1915.
- "Movie Censorship Repealed in Kansas," Topeka Daily Capital, April 5, 1955.
- "Movies at Capital," Topeka State Journal, December 30, 1915.
- "Pass Fees Along," Topeka State Journal, July 17, 1915.
- "Quiz a Censor Board," Kansas City Star, December 17, 1957.
- "Ross Plans for Movie Inspection," Topeka Daily Capital, April 1, 1915.
- "Rules Against Censors," Kansas City Star, March 5, 1959.
- "Say Censors Ban Wheeler Court Talk," Topeka Daily Capital, April 17, 1937.
- "State Censors' Wives Approve of 'Birth' Film," Topeka State Journal, January 25, 1916.
- "Ten Million Feet," Topeka State Journal, June 2, 1915.
- "They Govern Your Movies," Topeka Daily Capital, August 3, 1947.
- "To Close Movies," Topeka State Journal, July 30, 1915.
- "Topeka and Paris Morals in a Clash," Kansas City Star, February 13, 1916.
- "Will See State," Topeka State Journal, July 21, 1915.

#### Bulletins

The Annual Report of the Kansas State Board of Review for the Year Ending June 30, 1920. Published by: Kansas State Printing Plant, 1920.

The Biennial Reports of the Kansas State Board of Review for the Biennium Ending June 30, 1926, also for the Biennium Ending June 30, 1928, Published by: Kansas State Printing Plant, 1928.

Kansas State Board of Review for Action, April 1, 1921 to June 30, 1921,  
Report #16, published by: Kansas State Printing Plant, 1921.

Kansas State Board of Review--Motion Pictures, Laws and Rules, Printed  
by: Ferd Voiland, Jr., State Printer, 1937.

Kansas State Board of Review--Motion Pictures, Laws and Rules, Printed by:  
Ferd Voiland, Jr., State Printer, 1948.

Kansas State Board of Review Report for April, 1948.

Kansas State Board of Review Report for March, 1953.

Kansas State Board of Review Report for May, 1957.

Laws and Rules, The Kansas State Board of Review, Printed by: Ferd  
Voiland, Jr., State Printer, 1954.

Motion Pictures Reviewed from June 1 to June 30, 1949.

Selder, Bessie E. Governmental Agencies of the State of Kansas,  
published by: University of Kansas Publications, 1957.

APPENDIX

ELIMINATION AND DISAPPROVAL OF MOVIES IN KANSAS BY THE KANSAS  
STATE BOARD OF REVIEW FROM 1953-1963

<u>Year</u>		<u>Reason for cutting or disapproval and other comments</u>
<u>1953</u>		
NOTELY EARLY	Disapproved	Strip scenes; suggestive lines, "Take it off"; bedroom scene where wife undresses.
SUBJECT OF THE WIFE	Eliminated	Entire dance of girl who comes in on golden chariot and dances sensual dance, exaggerated by scanty costume, a brassiere, and breach-cloth; both costumes and body of dancer are covered with gold leaf, to give illusion of nudity.
DEVIL IN THE FLESH	Eliminated	Girl kisses man on back (in bed); cut before they fall into bed.
MARCOVIC RACKET	Disapproved	Low scenes at dope parties; entire picture tends to debase morals.
TWILIGHT WOMEN	Disapproved	Sordid plot; all scenes in home for unwed mothers.
THE MOON IS BLUE	Disapproved	Sex theme; too frank bedroom dialogue; many sexy words.
SIDE STREET OF HO LYWOOD	Disapproved	Scanty costumes; nude bathing, strip tease, vulgar dance, bad dialogue.
CITY THAT NEVER SLEEPS	Eliminated	Shorten passionate scene on lounge.
VEILS OF BABBAD	Eliminated	Suggestive dances.
VIOLATED	Disapproved	Not clean and wholesome; tends to debase morals or influence mind to improper conduct.
FINE GONE BY	Eliminated	Indecency.
THE LITTLE FUGITIVE	Eliminated	Suggestiveness.
<u>1954</u>		
THE FRENCH LINE	Eliminated	Jane Russell's dance: rule A (tends to debase morals).
WE WANT A CHILD	Disapproved	Not clean and wholesome; nude figures displayed; childbirth scene.
MARIHMA A STORY	Eliminated	Not clean and wholesome; strip tease dance; scene of man tearing blouse off girl.

SON OF GINGAM	Eliminated	Several scenes where dancers are obscene because of public display of bodies and suggestive movements.
HELL'S ANGELS	Eliminated	"God, that's funny"; "God damn it, that's so."
GIRL ON THE RUN	Eliminated	Eliminate all dances; portrays nudity.
CITY JUNGLE (formerly VIOLATED)	Disapproved	Portrays nudity or partial nudity, which is sexually immoral.

### 1955

RIVER TO THE PAST	Eliminated	Close-ups of women with upper parts of bodies nude.
I WANT A BABY	Disapproved	Nudity and actual birth scenes.
THEODORA, SLAVE EMPEROR	Disapproved	Dance in barn loft where soldier reclines over Theodora, kissing upper part of her body.
CITY JUNGLE	Eliminated	Dances showing nudity.
NAKED AMAZON	Eliminated	Nude figures.
STRIPPARADE	Disapproved	Displays nudity.
PICNIC	Eliminated	Nudity
OLIVE OF ALABAMA	Disapproved	Theme of changing sex by surgery; tends to debase or corrupt morals.
SHE'S GOT FIVE DADS	Eliminated	Scenes of nude women.

### 1956

UNWED MOTHERS	Disapproved	Tend to debase and corrupt morals.
NAUGHTY NEW ORLEANS	Eliminated	Strip tease dance; semi-nude girl.
WINE OF THE BERGIAN	Eliminated	Nudity; obscene and indecent actions at party scene.
UNWED MISTRESS	Disapproved	Nudity and low moral theme.
TWO TIME LOVER	Eliminated	Shows actual injection of drug in arm.
WOMEN OF BABYLON	Eliminated	Party scene; flooding scene shows cruelty, obscenity; is indecent and immoral.
MAHIKA	Disapproved	Low moral theme; extreme nudity.
VIOLENT YEARS	Disapproved	Picture cruel and indecent; whole theme immoral.
FRUITS OF BURNER	Disapproved	Indecent and immoral.

1957

BABY OF EDEN	Disapproved	Extreme nudity.
GAME OF LOVE	Disapproved	Low moral theme; nudity; immoral and intimate behavior; picture very suggestive.
BEDROOM FANTASY	Disapproved	Nudity and low moral theme.
ROSELY ON MY BACK	Eliminated	Actual showing of injection of drug in man's arm.
WOMAN OF THE RIVER	Eliminated	Bedroom scene; low moral theme.
WOMAN OF ROME	Disapproved	Immoral theme; intimate relations with five men, has baby by one, no punishment imposed.
MOM AND DAD	Disapproved	Shows actual birth.

1958

MADAME ISHELLE	Eliminated	Nudity scenes in striptease dances.
STRIPTASE	Eliminated	Bedroom sequence in which girl arises nude.
AND GOD CREATED WOMAN	Eliminated	Scene where girl comes to man and begins making love; also prolonged tussle on ground.
GIRL IN THE WOODS	Eliminated	Objected to word <u>whore</u> .
A FAREWELL TO ARMS	Eliminated	Indecent umbrella scene between boy and girl on beach.
BONJOUR TRISTESSE	Eliminated	Word <u>slut</u> .
SADDLE THE WIND	Eliminated	Eliminate actual birth scenes and scenes pertaining to conception.
MOM AND DAD	Eliminated	Profanity; taking name of Lord in vain: "By God."
GOD'S LITTLE AC E	Eliminated	Profanity, taking name of Lord in vain: "By God."
KINGS GO FORTH	Eliminated	Human birth scenes.
WASTED LIFE	Eliminated	Nudity.
ADAM AND EVE	Disapproved	Presents sex relations as acceptable between people not married; immoral and indecent throughout.
STREET OF SHAME	Disapproved	Extreme nudity.
THE NIGHT HEAVEN FELL	Eliminated	Extreme nudity.
LOS BALVAJES	Eliminated	Recommended for adults only; immoral theme; presents sex relations as desirable between two people not married.
LA PARISIENNE	Eliminated	Low moral theme throughout.
GIRL WITH THE ITCH	Disapproved	Low moral theme throughout.
CASE OF DR. LAURANT	Eliminated	Man puts hand on wife's breast; scene showing conventional birth.

VILLA LEAVE, JEWELS ODDNESS	Eliminated Eliminated	Indecent language: <u>slut</u> . Nudity scenes.
THE SAYING WIFE UNWED MOTHERS	Eliminated Eliminated	Nude man and woman. Dialogue of girl referring to babies as pups; girl said didn't want her baby; also take of abortion, which is immoral.
FLASH AND THE WOMAN	Eliminated	Women dancing with bare stomachs; man puts hand on woman's breasts; love scene on bed; man and girl enter bedroom, pull aside, apparently for immoral purposes. Objected to <u>shack-up</u> . <u>Slut</u> ; <u>damn you</u> three times. <u>God damn war</u> . Conversation and actions suggestive and obscene; immoral in its entirety.
TRAVEL BEACHHEAD I WANT TO LIVE IN LOVE AND WAR SMILE IN A SUMMER KISS	Eliminated Eliminated Eliminated Disapproved	Objected to <u>butt</u> , <u>slut</u> , <u>damn you</u> , and "he'll take on anything in pants."
ANNA LUCASTA	Eliminated	Close-ups of girls in nude. Man rubs hands over lower extremity of woman's body; obscene action.
GIRL IN THE BIKINI FRENCH WOMAN	Eliminated Eliminated	Man wrestling with girl in water; beach scene where man kisses girl from head to foot. (obscene action).
THE BOYS	Eliminated	Obscene language: <u>Damn you</u> .
THE BASE ON NIGHT'S WILL I ROBERT	Eliminated Eliminated	Obscene action; girl on top of boy at beach.

1959

THE TRAP	Eliminated	Shorten scene of man kissing wife (on the bed); also objected to <u>shack-up</u> .
QUESTION OF ADULTERY	Eliminated	Objected to <u>bastardize</u> and <u>intercourse</u> .
NIGHT OF THE ROASTER MOON	Eliminated	<u>Damn you</u> .
SHAMELESS SEX SOME LIKE IT HOT	Eliminated Eliminated	Bed scene; not man and wife. Eliminate all love-making scenes between Tony Curtis and Marilyn Monroe.
THE NAKED NAJA	Eliminated	Close-up of picture of nude woman.
THE H MAN	Eliminated	Dancing woman in scanty attire.

COMPELLION LOVE IN MY PROFESSION ROOM AT THE TOP	Eliminated Disapproved	Shorten attempted rape scene. Immoral actions and dialogue.
RAISED VEILS HEADLESS GHOST BACK TO MATERS ROOM 43	Disapproved Eliminated Disapproved Elimination	Talk of love-making experiences; bedroom scene; use of <u>whore</u> and <u>dirty old bastard</u> . Extreme nudity throughout. Shorten scene with Salome dancer. Extreme nudity. Use of <u>bitch</u> ; theme immoral throughout; recommended for adults only.
MIDDLE OF THE NIGHT CITY TOWN	Elimination Elimination	Use of <u>slut</u> . Two bedroom scenes; remark <u>shack-up</u> .
THIRD USE LOVE IS MY PROFESSION	Elimination Elimination	Shorten love scene on ground. "Until I go to prison, you can have all you want"; remark about sleeping with trumpet player and said she did it once or twice; <u>he</u> asks boy to come to bed; he says he's not in the mood; "It was two weeks Tuesday morning, so you can be sure who it is." Dance scene and swimming scene. Entire theme of prostitution; lead theme of love-making.
PARADIA FLESH IS WEAK	Elimination Disapproved	<u>Slut</u> . Theme of immorality throughout.
A SUMMER PLACE LARK CHATTERLEY'S LOVER ISLE OF LEVANT ALONG IN BODENGA PIANO OF DUFF ISLAND	Elimination Disapproved Elimination Elimination	Extreme nudity. Strip tease and swimming scene. Girl lying in bed in panties; scene exposing breasts; couple wrestling in bed.
SECRETS OF A MODEL SCHOOL A WOMAN LIKE SATAN TAME A GIANT DIMP	Elimination Elimination Elimination	Scene where model on bed under influence of liquor. Nudity; <u>bitches</u> . <u>Bastard</u> .
<u>1960</u>		
NUDE IN A WHITE CAR HIDE FROM THE HILL PRIVATE LIVES OF ADAM AND EVE RESPECTABLE TRAMP THEY WORE NO CLOTHES NAKED AMAZON MODEL SCHOOL	Elimination Elimination Disapproved Disapproved Elimination Elimination	<u>Slut</u> . <u>Shacked-up</u> . Extreme nudity and theme of sex. Theme of immorality. Extreme nudity throughout. Extreme nudity. Nudity.



WOMEN BAIT	Elimination	Slut.
STORY OF BIRTH	Elimination	Eliminate complete breech birth and Caesarean birth.
PRIVATE PROPERTY	Disapproved	Successful and morbid interest in sex.
CLIPPING BLVD	Elimination	Dancing girls with rosettes on breasts.
JOSETTE YOUR NEW GIRLFRIEND	Elimination	Obscene dance.
RAVING GIRL AND THE SLAVE	Elimination	Extreme nudity.
VIRGIN PARADISE FROM THE TERRACE	Elimination	Suggestive dance.
SHE SAYS BY NIGHT MAGDALENA	Elimination	Slut.
COME DANCE WITH ME	Disapproved	Obscenity throughout.
HIDEOUT IN THE SUN CARRIED GIRL	Disapproved	Obscenity in its entirety.
LOVE BY APPOINTMENT TIGER BAY	Elimination	Breast exposed; man kissed woman on bosom.
CALIXTI, DOWNTOWN MEXICO	Elimination	Extreme nudity.
BUTTERFIELD 8	Disapproved	Realist color scenes.
MOTHER AND THE KING	Elimination	Exposed breasts.
WORLD OF BOBIE BOND CIRIACUSI SHALL NOT DIE	Elimination	Slut.
	Elimination	Dance showing pelvic motions; side view of exposed breasts.
	Elimination	Slut.
	Elimination	Nudity.

### 1961

ANY MAN'S WOMAN	Elimination	Slut.
KING FOR A KILLER	Elimination	Partial nudity.
REVER ON SUNDAY	Elimination	Words not spoken but appears on screen.
SUB DE AMOR	Elimination	Breast exposed; man's hand going up girl's leg.
SHAKEDOWN	Elimination	Slut.
JOHN SM. SAGART	Elimination	Nude girls in shower (behind glass shower doors).
THE EDGEMO SAVINGS SATURDAY NIGHT AND SUNDAY EVENING	Elimination	Shocked-up.
ANGEL BABY	Disapproved	Obscene lines and dialogue.
BLACK CURTAIN	Elimination	Slut.
RITUAL OF LOVE	Elimination	Slut.
	Elimination	Woman bathing in nude.

UNTOUCHABLES	Disapproved	Dancer's breast exposed.
NOT TONIGHT HENRY	Disapproved	Vulgar theme; extreme nudity.
LAST WOMAN ON EARTH	Elimination	Objected to word <u>rape</u> .
BLOOD AND ROSES	Elimination	<u>Bitchy</u> .
LA DOLCE VITA	Elimination	<u>Whore</u> and <u>bitch</u> .
THE TRUTH	Elimination	Girl partially nude; <u>bitch</u> and <u>bastard</u> .
TWO WOMEN	Elimination	Girl pulls out her breast and says to men and women, "You can have this milk. I don't need it anymore."
VIRGIN SPRING	Elimination	Rape scene; <u>bastards</u> .
DIANA, THE MISTRESS	Elimination	Nudity scenes.
WAR IN THE MOON	Elimination	Nudity.

### 1962

BURIED	Elimination	Nudity.
SOBET BIRD OF YOUTH	Elimination	<u>Slut</u> and <u>bastard</u> .
SHAME ON SADIE	Elimination	Soldier tears gown off woman, leaving her nude.
YOUNG		
TUNES OF GLORY	Elimination	<u>Bastards</u> ; "I could make you if I wanted to."
HITLER	Elimination	<u>Slut</u> .
GIRL IN ROOM 13	Elimination	Partial nudity.
PEEPING TOM	Elimination	<u>Bitch</u> .
ONLY TWO CAN PLAY	Elimination	Partial nudity.
PLAY GIRL AFTER DARK	Elimination	<u>Slut</u> .
ROADHOUSE GIRL	Elimination	<u>Slut</u> .
A TASTE OF MONEY	Elimination	Girl's bare breast; <u>bitch</u> , <u>slut</u> , and <u>whore</u> .
NUDITY STORY	Disapproved	Obscene throughout.
MECCAUCIO 70	Elimination	Girl's bare breasts.
IT'S HOT IN PARADISE	Elimination	Obscene love scenes; breasts exposed.
A VERY PRIVATE AFFAIR	Elimination	<u>Slut</u> .
DIVORCE, ITALIAN STYLE	Elimination	<u>Slut</u> and <u>whore</u> .
MARY TOO YOUNG	Elimination	Obscene breast movements.
THE NIGHT	Elimination	Exposed breast.
WOMAN IN HIS POCKET	Elimination	Bare breast and buttocks.
BUCCO AND HIS BROTHER	Elimination	<u>Slut</u> and <u>bloodsucking prostitute</u> .
BOOD OF THE CONQUEROR	Elimination	<u>Bastard</u> .
PASSIONATE DEBON	Disapproved	Lustful theme.
TRIP OF ISRAEL	Elimination	<u>Bastard</u> and <u>slut</u> .
ISLE OF SIN	Elimination	Exposed bare breasts; <u>slut</u> .
SOMETHING WILD	Elimination	Rape scene.
COLD WIND IN AUGUST	Disapproved	Obscene and lustful.
HEAT OF SUMMER	Elimination	Nudity.

BALL PLAY	Elimination	Partial nudity.
BEET WIFE Y GIRL	Elimination	Partial nudity.
THE BROTHERS	Elimination	<u>Bastards.</u>
THE GREAT WAR	Elimination	<u>Bastards.</u>
PIANOLA	Elimination	Obscene love scene.
THE BRIDGE	Elimination	Nudity.
PARADISE	Elimination	Nudity.
WILD FOR KICKS	Elimination	Partial nudity; <u>bitch</u> , <u>bastard</u> .
JUNGLE FIGHTING	Elimination	<u>Bastard.</u>
DARK THE EFFIANT	Elimination	<u>Bastards.</u>
THE CHAMPION REPORT	Elimination	<u>Shacked-up.</u>
GUNS OF BARKING	Elimination	<u>Bitched.</u>
NO EXIT	Elimination	<u>Bitch</u> and <u>slut</u> .
LOVE OF SALAMMO	Elimination	<u>Slut.</u>
THE FIGURE THAT TOOK RAGE	Elimination	<u>Rude girl</u> in shower.

THE KANSAS STATE BOARD OF REVIEW:  
A STUDY OF CENSORSHIP

by

DALE LIVENGOOD

B. S., Kansas State University, 1957

---

AN ABSTRACT OF A MASTER'S REPORT

submitted in partial fulfillment of the

requirements for the degree

MASTER OF ARTS

Department of Speech

KANSAS STATE UNIVERSITY  
Manhattan, Kansas

1963

The first part of this paper is devoted to a study of the significant incidents in the general area of censorship in the United States, primarily during the past fifteen years. It is difficult to summarize these activities because the various laws regarding obscenity vary from state to state, court to court, judge to judge, from time to time; in fact, courts within the state do not always agree. A publication denounced as obscene one year may be acceptable several years later. In addition to the courts' activities, pressure groups are active in attempting to free the newsstands from pornographic literature, and others persist in attempting to uphold the First Amendment. To some, it may seem as if nothing has changed in recent years; but if one studies the censorship situation carefully, he will see that two trends are evident: there is more freedom in writing, and the censors are gradually losing ground.

In the second part the author, who presents a history of the Kansas State Board of Review--the group responsible for censorship of movies in Kansas since 1917, also discusses the activities of the Board, the attitudes of the theatre managers and patrons toward the censors during the first few years after the establishment of the Board. Several other significant highlights are reviewed, including the Birth of a Nation and Wheeler controversies, and the attempt to abolish the Board in 1955, among others.

The third part is devoted to an analysis of apparent changes in the standards of the Board during the forty-six years of its existence. Since its inception in 1917, the Board has seen several changes in its criteria; among these are the deletion of standards involving smoking, drinking, infidelity in marriage, and gambling.

It is rather difficult to assess whether the Board accurately reflects the attitude of the general public or perhaps the State Legislature; whether the changes were made to comply with changing standards in other parts of the country; whether the changes were compromises of moral standards; or whether the Board members have become more modern. Perhaps there are no absolute answers to these considerations.