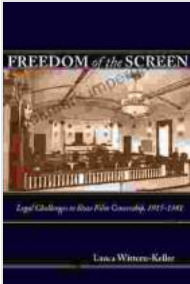


Unveiling the Legal Battles: A Historical Perspective on State Film Censorship in the United States (1915-1981)



Freedom of the Screen: Legal Challenges to State Film Censorship, 1915-1981 by Laura Wittern-Keller

★★★★★ 5 out of 5

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The world of cinema has always been a captivating blend of art and commerce, a reflection of our societal norms and a catalyst for cultural change. However, the path of filmmaking has often been fraught with challenges, particularly in the realm of censorship. In the early days of the 20th century, as the motion picture industry burgeoned, so too did concerns over its potential impact on public morality. This led to the rise of state film censorship boards, tasked with the formidable responsibility of determining what films could be exhibited to the public.

The legal challenges to state film censorship in the United States represent a significant chapter in the history of freedom of speech and artistic expression. For over six decades, filmmakers, distributors, and civil liberties organizations waged a relentless battle against the constraints imposed by

these censorship boards. The legal battles that ensued were not only about the fate of individual films but also about the fundamental principles of constitutional law and the delicate balance between the government's interest in protecting society and the individual's right to free expression.

The Seeds of Censorship: The Rise of State Film Boards

The roots of film censorship in the United States can be traced back to the early 1900s, a time of rapid social and technological change. As the popularity of motion pictures surged, concerns grew about their potential influence on the public, particularly on the minds of young people. In response, local authorities began to enact ordinances giving them the power to censor films. By 1915, over 30 states had established film censorship boards, each with its own set of standards for determining which films were deemed acceptable for public viewing.

The standards employed by these censorship boards were often vague and subjective, leaving filmmakers and distributors uncertain about what content might be deemed objectionable. Films were banned for a wide range of reasons, including profanity, nudity, violence, and depictions of controversial social or political issues. The lack of clear guidelines and the arbitrary nature of the censorship process led to widespread frustration and resentment within the film industry.

The Legal Challenges Begin: Mutual Film Corporation v. Industrial Commission of Ohio

In 1915, the film industry launched its first major legal challenge to state film censorship. In *Mutual Film Corporation v. Industrial Commission of Ohio*, the Supreme Court ruled that films were protected by the First Amendment and could not be censored simply because they contained

controversial or unpopular ideas. However, the Court also upheld the right of states to regulate films that were "obscene, indecent, or immoral." This decision set the stage for a decades-long legal battle over the definition of obscenity and the scope of government censorship.

Over the following decades, the Supreme Court issued a series of rulings that gradually expanded the scope of First Amendment protection for films. In 1952, in *Joseph Burstyn, Inc. v. Wilson*, the Court struck down a New York law that banned the film "The Miracle" on the grounds of sacrilege. The Court held that the film's religious content could not be used to justify its censorship.

In 1964, in *Jacobellis v. Ohio*, the Court further clarified the test for obscenity, ruling that a film could only be banned if it was "utterly without redeeming social value." This decision made it more difficult for states to censor films on the grounds of obscenity.

The Demise of State Film Censorship: *Erznoznik v. City of Jacksonville*

The final blow to state film censorship came in 1981, in *Erznoznik v. City of Jacksonville*. In this case, the Supreme Court ruled that a Jacksonville ordinance requiring all films to be submitted to the city's censorship board for approval was unconstitutional. The Court held that the ordinance was an unconstitutional prior restraint on speech and that the city's interest in protecting its citizens from exposure to harmful content could not justify such a broad censorship scheme.

The *Erznoznik* decision effectively ended state film censorship in the United States. Since then, the Supreme Court has continued to uphold the First

Amendment rights of filmmakers, striking down laws that seek to restrict the distribution or exhibition of films based on their content.

: The Legacy of State Film Censorship

The legal challenges to state film censorship in the United States were a pivotal chapter in the history of freedom of speech and artistic expression. The battles waged by filmmakers, distributors, and civil liberties organizations helped to establish the principle that films are protected by the First Amendment and cannot be censored simply because they contain controversial or unpopular ideas.

The legacy of state film censorship is a complex one. While censorship boards may have once been seen as a necessary tool for protecting public morality, they ultimately proved to be an ineffective and arbitrary means of regulating film content. The legal battles that led to the demise of state film censorship not only expanded the scope of First Amendment protection for films but also set an important precedent for the protection of free speech in all its forms.



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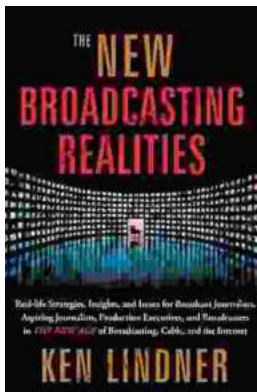
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