The Court Archive:
Movies and Censorship

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In the late 1890s and early 1900s, well before stars like Harold Lloyd, Buster Keaton, and Charlie Chaplin were famous, moving pictures became a form of popular entertainment for people of all ages. Movies were unregulated, allowing theater owners to show violent or indecent movies. Religious groups particularly called on governmental entities to restrict access to movies or to ban them completely because they were a threat against morality.

The City of Chicago passed the country's first censorship law in 1907 prohibiting the "exhibition of obscene and immoral" moving pictures "commonly shown in mutoscopes, kinetoscopes, cinemetographs, and penny arcades." The ordinance required movie theater owners to obtain a permit from the chief of police, who had the authority to refuse permits to owners exhibiting obscene material.

Jake Block and other five- and ten-cent movie operators sued the City of Chicago for an injunction to stop enforcement of the ordinance because it was unconstitutional. The Chief of Police denied Block from showing two movies, *The James Boys* and *Night Riders*. Block argued that motion picture exhibitors had been unconstitutionally singled out and suffered from burdensome regulation. Block argued further that depiction of historical events could not be determined obscene or immoral and pointed out that stage plays did not need approval from the censors before performances. The Superior Court of Cook County found for the City, and Block appealed to the Illinois Supreme Court.

In *Block et al. v. City of Chicago* (239 Ill. 251 (1909)), the Supreme Court upheld the city's ordinance and Superior Court's ruling. Chief Justice James Cartwright wrote the opinion that motion pictures were indeed different from stage plays and could be regulated along with nickelodeons and similar forms of entertainment. He also found that censorship was a valid police power and that the City of Chicago did not abuse its power in the administration of the law. Cartwright wrote "there are people who differ upon the subject as to what is immoral and obscene," but it was important to have the local government apply the test in the case of motion pictures because the low price of admission allows for frequent attendance by children. Cartwright concluded that the audience must be protected from obscene and immoral depictions,

and that the "welfare of society demands that every effort of municipal authorities to afford such protection shall be sustained."

The case was significant because it was the first case in the country that dealt with movie censorship, and other municipalities followed suit, creating many different standards nationwide. The Motion Picture Association of America (MPAA) formed in 1922 to promote movies and to secure financing, but also to promote a "clean, moral tone" in movies. The MPAA loosened many of its restrictions in the 1950s, but the *Block* precedent remained in place until the 1961 U.S. Supreme Court case of *Times Film Corporation v. City of Chicago* (365 U.S. 43) held that Chicago's 1907 ordinance restricted free speech. In 1968, the MPAA recommended that movie studios use voluntary ratings based on age, which, after a few modifications, is the system currently in place.