THE GRIFFITH BROTHERS CIRCUITS OF OKLAHOMA:

FILM EXHIBITION SUCCESS OUTSIDE THE

HOLLYWOOD STUDIO SYSTEM

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CHAPTER I

Introduction

> Despite the glamour of Hollywood, the crux of the motion picture industry is the theatre. It is in the brick-and-mortar branch of the industry that most of the money is invested and made.—Mae D. Huettig[1]

The movie business—this phrase usually evokes visions of Hollywood glitz and glamour as orchestrated during the studio system by film moguls and public relations departments, fueled by the growing popularity of fan magazines.[2] The fabled status of film stars continues today with the Oscar ceremonies and entertainment news programming on television and the Internet, as well as traditional print publications and supermarket tabloids. In the history of movie production, Hollywood may well have been the creative outpost of the business, but control of film financing (with the notable exception of A. H. Giannini of BancaAmerica in San Francisco) remained in the hands of East Coast financial institutions and New York studio offices, until the globalization of the industry with the entrance of the likes of SONY and other international corporations**.** The movie industry began in New York and New Jersey and fiscal authority remained there, but the colorful lifestyles of studio heads and film stars caught the attention of a film-loving public. Likewise, the picture palaces of the largest metropolitan areas around the country and the large theatre chains of Paramount or Fox have received the bulk of the study by film scholars. In 1992, Douglas Gomery, in his seminal work, *Shared Pleasures*, called for an examination of local film exhibition as a business influenced by both technology and historical context; local ventures that influenced and were affected by social change. He was the first to call for expanded study, writing:

> The material history of the movie show in the United States [which] provides a … look at a vast array of changes. How and where citizens of the United States watched films rarely remained static; such transformations were always affected by outside forces." (Gomery, *Shared* xix)

To date, Gregory Waller has been the most prolific in answering Gomery's challenge with *Main Street Amusements*, examining exhibition in Lexington, Kentucky, from 1896 to 1930.[3] Many fine dissertations have also explored local film exhibition but have not found publication.[4] Most of these studies examined studio-owned theatres in well-established cities of larger population such as New Orleans or Providence, Rhode Island.[5]

Unlike these preceding investigations, this work centers upon film exhibition in a young, less populated area—Oklahoma, and more specifically, a large theatre circuit founded by three brothers in 1917.[6] These Griffith brothers, Louis Clyde (L. C.), Henry Jefferson (H. J.) and Rupert Earl (R. E.), began, with the help of their father, by purchasing a small, storefront "opera house" in San Marcos, Texas, in 1915. Thus began the Griffith Amusement Company, which by 1939 grew to well over 200 moviehouses controlled by the brothers through a complex network of corporations. Unlike the film exhibition chains of Paramount or Loew's, the Griffith brothers had no first-run theatres until the late 1940s, long after this regional, independent circuit was prosecuted on antitrust violations along with the major Hollywood studios. Only three independent theatre circuits were targeted—the Schine Circuit in the northeast, the Crescent Circuit in the southeast, and Griffith in the southwest, with theatres in Oklahoma, Texas, and New Mexico. Although much has been written about the 1948 Paramount Decision handed done by the Supreme Court in the case of *United States v. Paramount Pictures*, little attention has been given to these non-studio controlled chains. If mentioned at all, these corporations generally earn a brief footnote in film histories, and only Simon N. Whitney offers any real discussion of the Griffith, Schine, and Crescent circuits with a few pages in Gorham Kindem's anthology on the movie industry, perhaps because they appear to be such large exceptions to the standard historical paradigm in film exhibition studies.

In many ways, the Griffith organization achieved a "vertical integration" similar to the companies named in the Paramount case. Through aggressive theatre purchases and centralized distribution practices, this independent chain grew powerful in the southwest with holdings in Oklahoma, Texas, and New Mexico. The Griffith brothers even dabbled in film production for local consumption, as well as state-sponsored booster films. Their filmmaking activities indirectly provided revenue through civic good will and clever marketing. Many operational policies of the Griffiths parallel the practices outlined in Fox and Paramount management manuals, but this southwestern circuit adapted these practices to suit the local communities, few of which were large, and some of which survived only as long as unpredictable oil fields continued to produce.[7]

This work will focus primarily at the Griffith theatre business in Oklahoma, a young state without the history or entertainment traditions of the cities or areas examined in previous investigations.[8] Three Oklahoma towns were named in the federal antitrust suit, *United States v. Griffith Amusement Co*.—Stillwater, Enid, and Chickasaw. Stillwater, Oklahoma, will be used as a historical microcosm of Griffith film exhibition dominance. This county seat and college town—home of Oklahoma A & M—stands as representative of the type of community into which this circuit most often expanded. Stillwater illustrates well the role of the movie theatre in small town Oklahoma. Unlike the picture palaces of a New York City or Chicago, Oklahoma movie houses functioned as magnets of civic activity, and offered much more than amusement; they supported the cultural, social, and economic life of the community. Although the Griffith brothers were in the entertainment business, the presence of their theatres enriched towns far beyond an afternoon or evening's diversion, and, as the circuit's company history and corporate records indicate, involvement in local events became a company mandate.

Fortunately, this study can be informed by an unpublished narrative of the Griffith circuit written by longtime company employee Roger Rice who worked in the chain's corporate headquarters in Oklahoma City. Rice managed to save Griffith documents and photos from being destroyed in 1983 by representatives of the new owners, the Carmike Theaters. The Oklahoma Historical Society archives house Rice's company history written in 1991, which his widow later donated. Primarily the minutes of stockholder and board member meetings, these records contribute to this study by revealing both what is left unsaid and what can be found on the record. During the years of federal prosecution, litigation is never mentioned; the minutes reflect business as usual. To better understand the local importance of the circuit, newspapers preserved on microfilm at the Oklahoma State University Edmon Low Library offer a context for the larger, corporate decisions outlined in official company records. Books by area historians and articles from the

Payne County Historical Review provide additional accounts of film exhibition in the area. Secondary sources on the movie business and the studio system help situate the Griffith circuit within the wider study of film history and exhibition.

Chapter Two begins this history of Oklahoma film exhibition, with a brief sketch of early moviegoing experiences in this territory from 1889, the time of the storied land run, to 1915, the year the Griffith brothers first became theatre owners. Unlike eastern showmen with access to a transportation infrastructure and established entertainment venues, prairie entrepreneurs followed the settlement of the area in wagons loaded with projectors, combustible nitrate film, and sheets for outdoor theatre screens when no buildings offered a suitable wall for movie viewing. Although many of the early itinerant exhibitors visited small communities with only a few timbered structures, the desire to cast off a wild, frontier image soon inspired local leaders to erect "opera houses" as cultural centers to serve both town and rural residents. The Griffith brothers, young men in their twenties, witnessed the rise of successful theatres in their home state of Texas and saw their future.

Chapter Three, spanning the years from 1915 to 1926, charts the progress of the brothers from traveling drummers to states rights film salesmen to owners of a growing circuit, expanding from one small site in Texas to sole proprietorship or partnership participation in at least thirty theatres.[9] During this rapid growth of Griffith Amusement, these young men developed an aggressive business strategy and established a locally-based management philosophy providing the foundation for corporate success. This chapter looks at company policies as practiced in the Stillwater, Oklahoma theatres, as well as tracing company expansion throughout the region. Griffith bought many smaller, independent theatres and circuits during this period, suggesting a comparison with the contemporary expansion strategies of studio chains. Unlike many of the studio acquisitions, the brothers often offered Class B company stock to former theatre owners, allowing them voting rights at annual stockholder meetings; theatre managers often retained their positions creating both company loyalty and continuity in community relations. As the organization grew, the brothers took on specific corporate management roles as operations were consolidated in a central office. The success of the circuit caught the attention of Universal Studios. Chapter Four continues the discussion of Griffith circuit community service, theatre amenities, and local promotions, examining these efforts within Douglas Gomery's template for film exhibition success based on the methods of the Balaban and Katz theatre chain.

In 1926, Universal pictures came to court the Griffith brothers. This relationship was mutually beneficial: the studio needed lucrative theatres and the Griffiths needed an increased cash flow to continue expansion.[10] Chapter Five covers the company's growth and development from 1926 to1939, detailing internal disagreements and a subsequent reorganization to allow further theatre acquisitions. Conflicting reports on Universal's role and later withdrawal from the circuit underscore the turmoil among stockholders during this period, yet throughout these years company records indicate healthy dividends for stockholders and increased employee benefits. Paul Liebmann, a Griffith family member, in a personal interview, narrated a David and Goliath-like account of Universal's departure from the chain. By 1936, the Griffith circuit, now operating as several companies with continued centralized control, had enlarged to include 125 theatres in 58 towns in the southwest. This astonishing growth precipitated ill will among smaller, independent theatre owners in many locales, resulting in federal scrutiny of the Griffith operations.

Chapter Six examines the early antitrust litigation from 1939 to 1941 that resulted from the complaints of showmen in Stillwater, Enid, and Chickasaw. Griffith corporate records are disappointingly silent on the lawsuits facing the circuit. Accounts of this period come, therefore, from the Rice history, local newspaper accounts, and federal court records. There are, however, some clues to the organizations's response to the threat of charges revealed in the sudden appearance of booking arrangements within the minutes of stockholder and board meetings beginning in 1935**.** Clearly, the chain wanted to put on public record how theatrical showings had been negotiated with the studios also facing prosecution at this time. By 1939, reorganization of company holdings established a separate corporation in control of all Griffith real estate. Should the Griffith circuits be forced to sell out theatre interests, the company would become the landlord of those who purchased the exhibition businesses lost by court order. Additionally, the centralized operations favorably situated the business to become a dominant distribution company in the region. In 1939, the Griffith organizations were charged with violations of the Sherman Antitrust Act; federal documents specify 243 theatres in 93 towns in the southwest. However, all of the fears of legal difficulties temporarily disappeared after December 7, 1941.

As America went to war, film production companies and personnel quickly reacted. Many books have been written on the role of the studios and the stars in the war effort, but far fewer studies exist about the local activities of film exhibitors.[11] Chapter Seven, covering the years from 1941 to 1945, looks at the contributions made by small town theatre managers in the sale of war bonds and in the sponsorship of scrap drives and other measures to conserve resources. Perhaps most importantly, the local theatres offered newsreels and patriotic programs. Again, using Stillwater as a representative example, local newspapers document increased war bond participation after movie theatres began sponsoring special screenings for bond purchasers and other, sometimes elaborate, events held outside the theatres to drum up bond sales. Until the moviehouses began to promote bond sales, neither Payne county nor the city of Stillwater met sales quotas. On a larger scale, L. C. Griffith headed state committees during the early years of the war, and by 1943 he was leading the Third War Loan Drive for the National War Activities Committee of the Motion Picture Industry from offices in New York City, working closely with studio distributors and Hollywood stars on a nation-wide campaign. Both the Griffith organization and the Hollywood community actively aided the success of bond drives, but such national service was soon forgotten as federal prosecutors renewed their lawsuits for antitrust violations at the end of hostilities.

The following chapter, on the years from 1945 to 1949, returns to the litigation brought before the United States Supreme Court. In Chapter Eight, court documents and Rice's company history provide insight into the legal problems of the circuit; once again, corporate records provide no mention of the process. Initially, the Griffith concerns were not found to be in violation of the Sherman Act, though independent theatre owners and federal prosecutors soon appealed this judgment. A second trial resulted in the Supreme Court ruling against the Griffith businesses with the punishment phase referred back to the circuit court system. The consequences of the conviction were surprisingly lenient. After years of costly litigation and dogged pursuit by federal attorneys, the penalties were more form than substance. Film exhibition in towns like Stillwater remained virtually unchanged. Rather than the divestiture of theatres demanded of the studios, Griffith companies were ordered to negotiate contracts on a theatre-by-theatre basis. It can be argued that the close ties L. C. Griffith maintained with many influential Oklahomans, including government officials, favorably affected the final outcome of this case.

Although the Griffith organizations escaped possibly disastrous federal prosecution, the business would experience a devastating blow in 1946. In September of that year, L. C. Griffith suffered a debilitating stroke and was no longer able to lead the company he had helped to found. Chapter Nine looks at the changes brought about after the "Skipper," as L. C. was affectionately called, left corporate management in the hands of long-term company attorney, Henry S. Griffing. This chapter reviews the years of 1946 to 1960, the year Griffing died. Griffing's leadership shifted the emphasis from creative showmanship to corporate balance sheets. A formalized sales quota system was established for employees at every level from theatre manager to booking managers. In part, these changes were due to the temperament of the men at the helm, but the shift from wartime to peacetime economy probably posed the larger reasons for corporate retooling. Survival meant setting aside family business for more formalized management. Company documents demonstrate this transformation, as board meetings became governed by committee recommendations with decisions often deferred to future meetings. The problems of declining theatre attendance required corporate officers to sell unprofitable theatres while trying to locate sites for new development. As attendance slackened and theatres closed, company morale suffered. Board meeting minutes of this period list numerous resignations. Although the Griffith companies had not been forced to sell theatres after being judged in violation of antitrust laws, the postwar years were equally unkind to both this large circuit and the studios. Consumer spending shifted to other entertainments, as well as to purchases of merchandise not available during World War II. Studio divestiture of the exhibition sector did provide the Griffith chain with one milestone, the opening of the circuit's first first-run theatre in 1947 in Tulsa.[12]

Chapter Ten scrutinizes the specific attempts to counter slipping box office receipts from 1949 to 1983, the year the chain was sold to Carmike Theatres. Like many other movie companies, drive-in theatres provided a prime area for expansion. Often after purchasing land, signs announcing a drive-in were erected, but no theatre was ever built. For example, in Stillwater such a sign stood for years. The corporation explored other entertainment activities including "putt-putt golf" and an interest in an amusement park. The company applied for FM radio licenses, but once granted, no action was taken. A possible production collaboration with Paramount Pictures was never finalized. Community antennae television (CATV) proved unpopular; airing pay-per-view first run films was unappreciated in 1955. When the organization was finally sold, theatre holdings had shrunk to 85 screens in 56 four-wallers and 29 drive-ins in 25 towns: a circuit that had rivaled studio chains disappeared (Rice 26).

The concluding chapter provides a final analysis of both the successes and failures of the Griffith organization, begun in earnest in 1917, within the larger context of film history. The early entrepreneurial acquisitiveness of the Griffith brothers closely parallels the early risk taking of future studio heads. The brothers' determined expansion to secure regional dominance is not unlike the power struggles among rival film production companies. Both the studios and this southwestern circuit spent many years defending their business practices against federal charges, and although Griffith companies lost no theatres, this chain experienced the post-war decline that transformed the movie industry suggesting that divestiture had less effect than sometimes indicated in historical commentary. And although the number of first run theatres owned by a circuit has been the measure of success in many exhibition histories, the Griffith brothers prospered with none for over forty years.

The aggressive purchase of existing theatres and the persistent efforts to expand into new towns throughout the southwest produced a large and successful independent Griffith chain at a time when most large and successful moviehouses were controlled by the Hollywood studios. In some ways the conditions that existed in the early days of filmmaking in the East were in place in the new territory of Oklahoma (later achieving statehood in 1907). Despite the efforts of Thomas Edison to control the earliest years of the film industry in New York, young men with the courage to go into business and to invest their limited funds, and with the drive to "make good," succeeded through ambitious expansion and creative promotions from nickelodeons to larger and larger, and grander and grander theatres. Oklahoma offered an untapped market for movies with no competition from previously established music halls or vaudeville theatres. The young communities eagerly welcomed motion picture exhibitors. A movie theatre on any Main Street indicated a progressive and prosperous town, increasing the profitability of local businesses by drawing customers from the surrounding rural areas. With the rapid expansion of Griffith Amusement's theatre holdings, the brothers wisely centralized their booking, distribution, and advertising activities making the circuit more competitive. But, although, many Griffith business functions were controlled from a central location in

Oklahoma City near studio distribution offices, theatre managers were encouraged to become active civic leaders sensitive to local community needs. This combination of centralized buying and distribution power with attention to small town concerns resulted in an exhibition circuit that managed to grow and provide corporate dividends even during the Great Depression. The brothers never tried to compete with studio controlled first-run theatres in Oklahoma City or Tulsa, choosing instead to bring picture shows to smaller county seats and towns that sprang up as oil fields were opened. They were content to share the second run business in the cities and quick to close theatres in towns where the oil boom went bust. Griffith Amusement's success grew out of an entrepreneurial understanding of sharp business practices and good community relations in an Oklahoma business climate that celebrated rapid commercial expansion. In many ways, the Griffith circuit history parallels that of the studio system, with antitrust litigation and with post-World War II declines in box office revenue, yet this southwestern chain continued in the exhibition business, albeit on a smaller scale than prewar years, into the 1980s while scrambling to diversify into other entertainment properties. The lack of the earlier strong leadership provided by the brothers, particularly after the war, contributed to the eventual sale of the Griffith holdings in 1983, but the circuit deserves a more prominent place in film exhibition history.

Notes:

[1] In Economic Control of the Motion Picture Industry: A Study in Industrial Organization (Philadelphia: U of Pennsylvania P, 1944). Huettig's study favorably viewed industry practices as sound business, but Justice Department prosecutors disagreed in their pursuit of the studios on anti-trust violations.

[2] See Fuller's *At The Picture Show* for an excellent study on movie culture created by the rapid growth of fan magazines.

[3] Like many studies of movie industry history, Waller's work ends with the arrival of "talkies." Waller has also edited *Moviegoing in America*, a compilation documenting film exhibition history.

[4] See for example, Thomas, Lewis, Potamianos, and Testa.

[5] According to 1930 census bureau data New Orleans had a population of 458,762 and Providence residents totaled 252,981. In that same year, the population in Oklahoma City had reached 185,389 and in Tulsa 141,258.

[6] Stillwater, Oklahoma, representative of a Griffith town, had reached a population of 7,016 by 1930.

[7] For examples of studio management instruction, see Barry and Sargent. Also,in *Shared Pleasures*, Gomery provides frequent references to a 1926 Balaban and Katz publication.

[8] Oklahoma gained statehood in 1907.

[9] Rice's history includes a long list of theatres owned by the Griffith circuit but notes that records for theatres included in the business prior to 1926 are incomplete. The brothers may have had holdings beyond the documentation of the thirty plus moviehouses located by Rice.

[10] Later in the company history Triarko, a post-Paramount decision satellite of RKO, also approached Griffith with the hopes of purchasing at least partial ownership in theatre holdings.

[11] For works on the Hollywood war effort see books by Manvell, Brownstein, and Doherty. For a less scholarly and more titillating discussion of the Hollywood movie stars and bond sales, see Hoopes.

[12] Griffith's first first-run theatre in Oklahoma City was purchased in 1959.

CHAPTER II

Early Film Exhibition in Oklahoma:
From Territory to Statehood (1889-1915)

> Many men, through many years, searched for ways to make pictures appear to move. No one can be said to have been the first to conceive this idea. . . . For thousands of years, people have been interested in pictures, and the desire to see representations of figures in motion is indicated by the drawings of the hunt, discovered on the walls of pre-historic homes.—Benjamin Hampton[1]

Moving pictures captured the imagination of both amateur and professional inventors but probably not out of a primal desire, as film historian Benjamin Hampton and others might have believed. It is safer to say that once photographic images could be captured for the delight of the general public, resourceful men compelled by curiosity and visions of fame and fortune began to dream of transforming static images into depictions of the world in motion around them.[2] Some were more visionary than others. Thomas Edison, the wizard of Menlo Park, rejected the idea of moving pictures. Working from 1881 until his 1889 demonstration for his skeptical employer, William Kennedy Laurie Dickson developed the Kinetoscope to exhibit motion pictures inside a large wooden cabinet; he was told to "Scrap it. […] Edison had wanted action pictures merely to provide illustrations for his sound recordings hoping that sales of the phonograph, patented by him in 1887, might be enhanced" (Jobes 3). Dickson's accomplishment left Edison unimpressed until others began to develop their own moving pictures. The threat of competition renewed Edison's interest in movies, culminating in the first public showing of the Kinetoscope at the Brooklyn Institute of Arts and Sciences in May 1893 with the first Kinetoscope Parlor opening later in April 1894. For twenty-five cents, the curious could peep into five machines (Robinson 39, 45-46). Once the excitement of the peep show began to wane, the race was on to develop a device for projecting life size images onto a screen. Many entrepreneurs envisioned commercial success for screening motion pictures, demonstrating their own models in 1895 including Woodville Latham's Panoptikon, Antoine and Auguste Lumiere's Cinematographe, and Thomas Armat's Phantoscope. By the end of the year Armat partnered with Edison and "Edison's" Vitascope was introduced in February 1896 (Robinson 59). Adding the famous inventor's name to Armat's machine guaranteed public appreciation of this new entertainment, setting into motion the scramble for dominance in the uncharted territory of moving pictures.

Other business interests were developing in the midwestern plains in the 1880s. Approximately two million acres of prairie were known as "The Unassigned Lands" following an 1832 expedition into the area, headed by Secretary of War, Henry Ellsworth, who determined "this was not a proper place to relocate eastern tribes." These lands were deemed too inhospitable for Indian allotment. Oklahoma historian, Robert Cunningham notes that the Secretary's overreaction to the hardships of his journey and his groundless fear of Indian attack ultimately "opened the door to final and total settlement of all the land once set aside for relocation" (4-6). Because these unassigned lands were too attractive to both farmers and businessmen, "boomer" groups formed in Kansas to force settlement in the area even though an 1866 treaty mandated that the area was to be used for future Indian resettlement. These “boomers” were preceded by cattlemen who freely moved their herds throughout the unassigned lands without tribal or federal permission. In 1884, a group of ‘boomers” led by Captain William Lewis Couch illegally established a town of approximately twenty “houses” on land near present day Stillwater, Oklahoma. The “boomers” were soon routed with the threat of artillery attack from cavalry troops and the squatters retreated back to the safety of Kansas. Encouraged by railroad and other business interests, and supported by Kansas newspapers, Couch shifted his efforts to Washington, bringing the settlement issue to national attention (Newsom 4).[3] In March of 1889, President Benjamin Harrison announced that the “unassigned lands” would be opened to homesteaders on April 22. Just three months after Dickson’s Kinetoscope demonstration in Menlo Park, New Jersey, Stillwater became one of the many towns to flourish in the newly settled Oklahoma territory.

From a community of three tents, Stillwater experienced a steady growth, boasting its first permanent store by June of 1889 (Newsom 17).[4] “The Swiler Brothers in ‘The First Store in Payne County’ dealt in hardware and carried a ‘full line of staple and fancy groceries, flour and feed.’” Threatened with the loss of claims that showed no improvements within sixty days, makeshift homes and business buildings were erected quickly on city lots offered by R. A. Lowry. A claim on a business lot could be “jumped” if no building worth at least $25.00 had been erected. By the end of its first year, Stillwater could boast of “50 business houses, and more than 150 homes, not counting barns and outbuildings” (Cunningham 18-20, 65). With the closest railroad station twenty miles away in Alfred (now Mulhall), many questioned the survivability of this community.[5] The efforts of town boosters such as Lowry won both the county seat and a college for Stillwater.[6] The towns of Payne Center and Perkins both hoped to become the county seat; Payne Center conceded defeat with a compromise to name the county Payne. Perkins citizens were less easily mollified. Robert Cunningham describes a colorful armed standoff between men from Stillwater and Perkins to hold the county records but notes, "Planning and perseverance may be cited as the reason why Stillwater maintained an edge over its rivals" (24). Through shrewd political maneuvering Payne County was named as the location for a college.[7] When county residents refused to contribute to the mandated $10,000 building costs, Stillwater leaders re-valued city property to support the bond funds needed (Cunningham 140).[8] By 1890 an infant hub of commerce, government, and education had been born on previously unassigned lands.

Some of that same perseverance and "boomer" belief in new opportunities were evident in the young men who became "an army of perhaps forty thousand keen, money-hungry human beings . . . engaged in a mad-house scramble to acquire fortunes through [the] . . . fascinating new business of selling cheap entertainments" (Hampton 59). In Stillwater, the volunteer fire department opened a moviehouse to support their activities; profits benefited the local community. Film historians like Benjamin Hampton and Terry Ramsaye provide striking and often romanticized portraits of some of the thousands of early showmen who ignored the warnings that moving pictures were but a fad like cycling, that movie equipment would soon be gathering dust alongside forgotten bicycles. And, they also chronicle all the failed attempts.[9] Until Edison realized early manufacturers and exhibitors were making profits in what he saw as "claim jumping," young entrepreneurs operated in a wide-open, unregulated new business world, what Ramsaye calls "The Lawless Film Frontier" (xx).

By 1908, after many years of litigation, Edison and other manufacturers formed the Motion Picture Patents Company to control further loss of film and equipment sales needed to meet the public demand for more and more movies. Licensing fees imposed by the MPPC irked exhibitors and resulted in antitrust lawsuits and even more competitors ready to provide projectors and movies. The importance of the exhibition side of the business became preeminent; the success of manufacturers and film production companies relied on theatre operators or itinerant showmen to get product to the consumers who had caught movie madness. These new businessmen, without old family wealth or alumni connections, "came from small retail stores, work benches, . . . garment factories, school teachers' desks . . . from all sorts of modestly paid positions" (Hampton 47). More established businessmen scoffed at the idea that picture shows could be a sound investment.

Ambitious, but under-financed, dreamers pooled savings with like-minded co-workers, friends, or family members and began opening storefront theatres by 1896 with future moguls like Marcus Loew and William Fox entering the exhibition field in the early 1900s. In a trade publication of 1915, David Hullfish outlined both the startup costs and the weekly expenses involved to open a small two hundred-seat neighborhood theatre. For renovation of the space (primarily to accommodate a ticket booth), chairs, and screening equipment, the costs were tallied to be no more than $600. Weekly expenses including rent, utilities, and payroll were estimated at approximately $60 with the cost of film and song slides adding $22.00 more to the budget. A weekly profit of over $30 could be anticipated (Waller, *Moviegoing* 54).[10] For those who could not afford these costs, other opportunities to cash in on the movie craze were available. For around

$300, one could become a traveling lecturer. For that investment, the fledgling showman received all the necessary equipment and films, plus preprinted lecture notes (Ramsaye 392). For those hesitant to seize this opportunity or patiently timing their entrance into the movie business, used, reduced-cost equipment became available as earlier traveling exhibitors tired of the road or failed in their efforts. America's wish-book, the Sears, Roebuck catalogue, advertised film exhibition equipment in 1898 which included "a book of instructions which tells in the plainest and most simple way how to handle the outfits, how to advertise, how to secure halls, churches, opera houses and everything that is necessary for the exhibitor to know or that would contribute to success" (Fuller 7). Hampton sees the early itinerant film exhibitors as former snake oil salesmen and spielers familiar with the showmanship needed for rural or small town audiences; men who were ready for a "quick clean-up," riding the popularity of "genuine *new* novelties" until the tide turned to other crazes (25). For these men, it was all about the movie business although they might promote their programs as educational or theatrical art.

Some of those traveling showmen found their way to Stillwater in the 1890s (Pearson 31). Reaching this young town was no easy task; although train service would bring the itinerant exhibitor within twenty miles of Stillwater, the balance of the journey would be made by wagon over undeveloped, rutted paths across sod fields or along poorly maintained county roads that only reached ten miles from the city limits. One early resident described the conditions in these words: "The road north of Stillwater got cut and washed so much high wheeled wagons got caught on the center. . . . Some roads got more like ditches, so deep you could not see out the sides of a buggy as you drove it." Farm neighbors organized wagon "pools," "with two or more families hooking teams in tandem for the difficult pull through the road" (Cunningham 173-74).[11] The early showmen making this difficult journey profited on the novelty of moving pictures reaching such a remote area. The projectors used by such intrepid exhibitors were likely Lumiere Cinematographes, hand cranked machines that required no electricity, an example of lost revenue for Edison who patented only machines that used his earlier electrical inventions.[12] Because the Lumiere equipment could both project and film images, resourceful exhibitors sometimes shot local footage to the delight of their audiences.

Local audiences enjoyed more opportunities for entertainment, when in 1899 a spur of the Santa Fe Railroad reached Stillwater. As with so many communities across America, an Opera House signaled a town of culture and progress.[13] By 1900 Stillwater had begun construction of just such an edifice. In a business district of predominately small wooden storefronts, an impressive three-story brick and sandstone building added much civic pride. The OPERA HOUSE officially opened on 1 July 1901 with the Noble Dramatic Company, Band, and Orchestra performing *The Strategists* at popular prices ranging from ten cents for gallery seats to fifty cents for balcony seating; box seats flanked the stage. Commercial space occupied the first floor with access to the theatre through a central entrance and a six-foot wide staircase. Measuring 57 feet wide and 100 feet long, the theatre was designed to seat 1000 patrons.[14] Stillwater's GRAND OPERA HOUSE drew 4,000 for a Fourth of July celebration just after the grand opening, illustrating the economic magnetism of this structure for downtown merchants in a city of approximately 2500 residents. Owned by Louis J. Jardot and James Blouin, the OPERA HOUSE was often used for events to benefit local churches and schools since its "sole function was to please the public" (Dellinger 1-3, 6). Gregory Waller describes the role of the small-town opera house as serving "as a medium for . . . exposure to cosmopolitanism and the *au courant*" (*Main Street* 33). In a few years into the future, movie houses would introduce the pleasures of the latest film technology to the community.

The youth and size of Stillwater did not limit the quantity of entertainments presented at the OPERA HOUSE. Dellinger reports, "whatever was popular in New York or Boston or Kansas City found its way to Stillwater"(7). From touring companies performing Shakespeare to the Gus Sun American Minstrels, "said to have been the largest of its kind in the United States," area residents were offered a variety of dramas, musicals, and lectures (Dellinger 10). The formation of the Oklahoma Circuit provided the incentive to draw national touring companies to the dusty streets of Stillwater (street paving was not begun until 1910). This group booking arrangement included Jardot, J. M. Brooks of Guthrie's BROOKS THEATRE and the DELANEY THEATRE in Perry (Dellinger 5). While the OPERA HOUSE drew stage shows, movies were still a part of the early entertainments of the community. Ralph Pearson recalls his first personal experience at the movies in 1904, viewing Melies' *A Trip to the Moon* shown in a street carnival tent. Both Cunningham and Pearson speak of the first movie house being established by the volunteer fire department to purchase needed equipment including the acquisition of a horse-drawn fire wagon in 1901, replacing the department's man-powered cart. Pearson locates the theatre, know as "THE FIREBOYS," in the 900 block of Main Street. Across the street an open-air theatre provided plank seating and technical problems "when the full moon shown on the screen, and made the show rather dim" (32). These "airdomes" lowered the costs for itinerant exhibitors and provided more comfort for the patrons in the years before air-cooled or air-conditioned theatres. Kathryn Fuller notes that trade journal suggestions for nickelodeon operators during the summer months included white slip-covered seating with decorative arctic scenes, as well as "spraying perfume . . . to quell body odors." It was also suggested that only comedies be screened "in the hope that the audience would laugh and forget the heat" (63). In the heat of the Oklahoma summers "airdomes" may have been the favored movie venue.

The first movie screening at the OPERA HOUSE occurred in 1907; unfortunately there appears to be no record as to whether the film was the main attraction or part of the program of a "10-20-30" vaudeville show (Cunningham 208).[15] Movies had apparently caught the public's fancy. With waning interest in stage entertainment and the growing popularity of film, Jardot, Tom Hoyt, and C. H. Berry formed a new company and the OPERA HOUSE became the HOLLYWOOD. This transformation may have occurred around 1913 based on Ralph Pearson's recollections of public reluctance to climb stairs to the balcony in the flickering light from the movie screen (33). Pearson recalls an early "talkie" at the OPERA HOUSE in 1914 in the form of a "photo-drama of creation" sponsored by his bible class. Describing this program, he wrote, "While the synchronization of the sound and scene had not been perfected at that time, there was an attempt to match the pastor's introductory gestures with a recorded voice, and through the skill of the operators, was very successful in causing some of those present to declare that the reel had become real." He continued by describing hand-tinted short subject films as the earliest color movies exhibited (33). This free entertainment provided many rural families with their first night at the movies; presumably donations were welcomed. This description, in addition to the introduction of movies to the uninitiated, underscores the role of the theatre as a civic center supporting community activities (Pearson refers to the OPERA HOUSE although at the time it had become the HOLLYWOOD) and the importance of the projectionist for the success of a screening. By 1919, Jardot and his partners abandoned their movie business and the building was leased to J. W. Whipple and C. W. Wakefield and renamed the ISIS THEATRE, part of the Egyptian fad (Dellinger 11). At some point this leasing arrangement must have been terminated as the *Stillwater Directory of 1926* lists the HOLLYWOOD once more. Before the OPERA HOUSE turned to "all movies-all the time" other theatres had joined the FIREBOYS.

In 1910, the *Stillwater Directory* lists the ALAMO at 914 Main and the PASTIME THEATRE at 612 Main, as well as the GRAND OPERA HOUSE on east Ninth between Main and Lewis. The CAMERA opened at 719 Main in 1913 in the first brick building in Stillwater, formerly the Youst Saloon. The 1922 directory adds the GARDEN at 716 Main. A *Stillwater Gazette* article indicates the GARDEN was formerly the ALAMO, moving to the 700 block of main, directly across from the CAMERA (Jul 27, 1945).[16] The GARDEN would later become the ABBOTT THEATRE, then the MECCA, and eventually the CREST. By the time the Griffith organization built the AGGIE and LEACHMAN theatres on Main Street, the FIREBOYS and the PASTIME were defunct. A 1945 *Gazette* article reports that the failure of these theatres was affected by their location, implying that the 700 block of Main Street had become the hub of the business district and a movie row. Stillwater had its own "great white way." That this small town could support four theatres in the first decade of the century, mirrors the popularity of motion pictures throughout the country. By 1910, estimates on the number of nickelodeons stood at about 10,000, of which 7,000 were outside metropolitan areas (Fuller 28). As in other areas, smaller operations closed due to poor management in a competitive market or were purchased by studios intent upon expanding outlets for their product. In Stillwater, as well as other areas of the region, it was not Hollywood corporations but rather a homegrown exhibition circuit that came to dominance. Only one Stillwater theatre, the CAMERA, managed to compete with the circuit, and would prove to have a significant role in the exhibition history on Main Street as the sole independent moviehouse to survive the 1926 arrival of the Griffith circuit in Stillwater. The next chapter will begin to chronicle the rise of the powerful Griffith Amusement Company in Oklahoma.

Notes:

[1] From History of the American Film Industry from its Beginnings to 1931 (New York: Dover, 1970) 3. This film historian offers an insider's view of the movie business.

[2] For discussion of early photographic and film cameras and projection equipment see Fulton and Hendricks in Balio's anthology, The American Film Industry and, Robinson, Hampton, Jobes, and Ramsaye.

[3] "The land booms of the 'seventies and 'eighties in Southern California were essentially railroad promotions" (McWilliams 125). Prior to that time, Spanish settlers had long held large tracts of fertile California property. In the first decades of the 1900s a new influx in population created a second land boom for the state; many of the new California settlers would be movie people.

[4] This tent city occupied land which is now Eighth Avenue and Main Street (Cunningham 8).

[5] Although these were "unassigned" lands prior to the 1889 land run, railroads crossed the area serving as military supply line support and transportation to cities in Texas. A congressional act in 1866 authorized a right of way for the Atlantic and Pacific Railroad Company that followed the southern bank of the Cimarron River. In 1884, the Southern Kansas Railway Company received congressional permission to extend its rail lines from Kansas through Oklahoma into Texas (Chapman 2-3). As noted, the railroad interests strongly supported the boomer efforts to settle the area.

[6] Five months after the land run, Stillwater had opened a public school with 73 students. By 1891, enrollment had risen to 127 (Chapman 107, 125).

[7] Payne County representatives traded their support to Oklahoma City as territorial capitol for the right to establish a college; this deal defeated those who hoped to keep the capitol in Guthrie.

[8] The next problem city fathers faced was finding students. "Every adult agreed to enroll [but] . . . Lowry reminded them that all were too old to be accepted as regularly enrolled students in a tax supported school." In probably one of the first early admissions plans on record, students who were "big for their age" were moved from the public school to the college (Cunningham 141).

[9] There is the particularly sad, penniless end to Major Woodville Latham, whose invention, the Latham Loop, became an industry standard (Ramsaye 290-98).

[10] With the exception of weekly film rental costs, the largest outlay went to the projectionist; without a skilled operator screening quality would suffer and the audience would go to a competing theatre. By 1896 in areas beyond eastern metropolitan cities, William T. "Pop" Rock in New Orleans and Thomas Tally of Los Angeles had established picture parlors.

[11] Around 1890 a poll tax was levied to begin roadwork in the county requiring "a person to work four days on the roads or pay $4.00 into the county fund. The majority preferred to work out the tax." Automobiles were first sold in Stillwater in 1913 but travel was confined mainly to city streets; a trip to Oklahoma City could easily take half a day (Cunningham 165, 173-74).

[12] Because there was no electricity, calcium lighting was transported as well. A calcium light created illumination by using a flame aimed at a lime cylinder with a lens to concentrate the light.

[13] Waller in Main Street Amusements: Movies and Commercial Entertainment in

A Southern City, 1896-1930 admirably traces the history of the Opera House in Lexington, Kentucky.

[14] Located at 116 East Ninth Street, one block east of Main Street, the building is now the site of an antiques mall. Renovations and modernizations have obscured the original grandeur of the Opera House, but the flies for stage equipment and curtains are still visible.

[15] "10-20-30" refers to ticket prices of ten cents to thirty cents for touring vaudeville troupes. A typical bill might include a one-act drama, several musical offerings, jugglers or acrobats, and movies.

[16] The Stillwater Gazette will be referred to as the Gazette in text and citations to follow.

CHAPTER III

The Griffith Brothers:
From Traveling Salesmen to Theatre Owners (1915-1926)

> In small towns and large cities, the movie house had become a permanent part of the American scene by 1910. Because New York City is too often used as the sole vantage point, the nickelodeon is seen strictly as an urban phenomenon. It was more than that. The nickelodeon wave washed over small-town America within a couple of years of its urban influx.—Gomery [1]

The Griffiths witnessed first-hand the wave of nickelodeon expansion as the brothers traveled dusty Texas roads in the early years of the twentieth century. They began “as early-day drummers . . . selling grocery staples,” and L. C. Griffith spent time on the road representing “Weelaka non-alcoholic extract,” and “tobacco for the American Tobacco Company.” Later the Griffiths began selling movies (Rice 1).[2] Based out of Dallas, the brothers sold films across Texas, Oklahoma, and New Mexico. They learned about film exhibition, the market situations in different areas, and the profitability of the movie business, while making contacts with many in theatre ownership and management (Rice 2). Film distribution was handled in a number of ways in the early days of film production. Producers could sell their movies to a distribution exchange that in turn sold sub-franchises as states-rights or territorial rights for a given area. Only the largest studios with a quantity of pictures to sell could afford to open exchanges in distant locations like Dallas or Oklahoma City; smaller companies were forced to sell exclusive rights to local exchanges losing potential profits for these studios with limited resources. Regional distributors would negotiate with circuit exhibitors as well as owners of single theatre sites. In rural, small-town locations the weekly rental could be as low as $7.50 while a sales call might easily cost the exchange $10.00; block-booking became a way to maximize those sales visits by signing rental agreements for a number of films for an extended period of time (Lewis, *Harvard* 233, 295-97). Throughout the early days and the studio system era, block-booking remained a contentious practice for theatre owners.[3]

The Griffith brothers first exhibition venture was a storefront theatre purchased in 1915 in San Marcos, Texas. The youngest brother, H. J. managed the GRAND THEATRE while both L. C. and R. E. continued to sell movies for a Texas exchange until 1919 (Rice 1). Neither Rice's company history nor the Griffith corporate records indicate for which distributor the brothers traveled. Howard Lewis notes that an unnamed Dallas exchange established a group of 140 sub-franchises in the area and that one E. H. Hulsey, in addition to owning seventeen theatres in Texas, Oklahoma, and Arkansas, distributed moving pictures for First National (a 25 year contract was the standard agreement). By 1919, First National reorganized as Associated First National Exhibitor's Circuit, centralizing operations with a buyout of the regional exchanges; salesmen on the road were shifted to this new corporation's payroll (Lewis, *Harvard* 14, 18, 21). There is no documentation that would indicate that the Griffiths worked for a First National exchange, but with the coincidence of the changes made in 1919, it is tempting to speculate a connection because the brothers partnered in 1920 with W. C. Underwood of Dallas establishing the Oklahoma Specialty Film Company, a states rights distribution organization for independent films with capital stock of twenty thousand dollars (Griffith

Brothers Documents Box I, Volume I).[4] L. C. and R. E. opened exchange offices in Oklahoma City, while H. J. continued as theatre manager in San Marcos (Rice 2).[5] Incorporation documents for Oklahoma Specialty Film Company indicate the wide range of activities these young entrepreneurs hoped to accomplish:

> To manufacture, buy, sell, rent, lease, exhibit and exploit motion pictures, films, accessories, supplies, motion picture theatre equipment, appliances, etc., and to engage generally in the motion picture or theatre business, including the manufacture, sale and handling of all equipment and supplies necessary or incident thereto; and to buy, own, sell, lease or otherwise handle and dispose of such real estate as may be necessary for the carrying on of said business; and to do any and all other things in connection with the conduct and management of said business not in violation of the law. (Griffith Box I, Vol. I)[6]

To some extent all of these goals were met during the growth and expansion of various future Griffith corporations. While the brothers continued their film sales, they also expanded Griffith theatre holdings as well.

Incorporated as Griffith Brothers, they acquired additional Texas theatres in 1917—the STRAND in Honey Creek and the Queen in Mart. The first theatre partnerships in Oklahoma also formed in 1917 with the REX in Fairfax and the REX in Yale; the theatergoing experience was probably not as regal as the names might imply.[7] By 1925, the brothers had purchased stock in the Oklahoma City Rialto Theatre Company with R. E. becoming director of the business, with H. J. the secretary/treasurer, and L. C. elected president. Records for this company in 1930 indicate a net surplus of $28,570, of which

$28,000 was distributed as a cash dividend (Griffith Box I, Vol. II). In 1933 this corporation was dissolved, but by that time Consolidated Amusement Company, formed in 1917, had grown rapidly from an initial purchase of the PALACE theatre in Ardmore. Described as a location "suitable for a first class picture show," the board approved $22,500.00 for improvements to the PALACE. The minutes of the Board of Directors indicate steady dividends beginning in 1918 paying from 5% to 15% per share (Griffith Box II, Vol. III).[8] The board's discussions provide an understanding of the company's business practices to centralize, standardize, and economize its operations. Board meetings in 1919 dealt with establishing a uniform payroll policy including a $15 per week salary for ticket sellers. That same year the company began a search for a reliable engine to supply power for the PRINCESS and the PALACE; it was decided that these theatres could be used for Sunday Schools if the churches agreed to share the "light bill."

In 1920, H. Lowenstein became the chief booker for the theatres because of "the difficulty of securing good pictures." Lowenstein was assigned "to visit Dallas and Oklahoma City once a month and endeavor to make the best arrangements possible and secure the latest pictures." A permanent office was established in Oklahoma City in 1927 (Griffith Box I, Vol. III). Other concerns in the 1920s included crowd control when all seats were filled and how to cut costs "during the hot months." The PALACE and PRINCESS were to be open only on Saturday and Sundays, while in other theatres matinees were limited to the weekends. To lure customers during the summer months, admission prices were lowered to ten and twenty five cents for matinees with evening shows charging twenty and thirty-five cents; to cut overhead, music was not provided at matinees. The board discussed the possibility of tent shows but there are no records that this step was taken, although, as noted earlier, airdomes were one way to beat the heat for exhibitors.[9] To enhance the experience of moviegoing, plans were made to remodel some theatre fronts and the purchase of a $2300 organ for the Princess was approved. All managers were advised that “no one should be permitted to call out anything for sale or to make noise in passing popcorn, candy, etc.” These early records demonstrate the transition from storefront amusements to theatres designed to maximize a customer’s enjoyment and to increase profitability for the exhibition circuit.

With centralized offices, company policy could be drafted and enforced for all the theatres in the circuit. Douglas Gomery writes:

> It took an organized set of theatres, operated from a central office, to realize the benefits so well known to Sears-Roebuck, Woolworths, and A & P. . . . Chains kept costs low by taking advantage of economies of scale. Fixed costs were spread over more and more operations. . . . Each department of the modern chain store enterprise was simply asked to perform its specialty at maximum speed and minimum cost. (*Shared Pleasures* 35)

The Griffith brothers soon divided responsibilities according to individual talents: R. E. became the primary buyer and booker of film, H. J. focused on equipment purchase and maintenance, as well as theatre upkeep; L. C. affectionately became known as “The Skipper,” piloting the expansion of the circuit(s). As theatres were purchased, former owners and managers were offered Griffith stock and a role in the operations of their former businesses, often serving on the board of directors. This policy maintained management continuity at the community level while increasing profits for circuit theatres. Although a centralized operation, corporate officers had input from those best able to understand local conditions, the theatre managers.

Gomery describes a "five-point strategy" for Balaban & Katz, a partnership that began with one nickelodeon, grew to regional dominance, and eventually became part of the Paramount theatre expansion. Balaban & Katz became important contributors to the successful operation of Paramount which grew to hold almost half of all studio owned theatres (Huettig 134). The "five-point strategy" Gomery describes includes location, theatre building, service, stage shows, and air-conditioning ("The Rise" 93-100). Although the Griffith brothers may not have been aware of the business practices of Balaban & Katz, it is a certain that they read one of the trade publications available to exhibitors as outlined in Allen and Gomery's work such as *Moving Picture World* (which eventually became *Motion Picture Herald* in 1930) or *Motion Picture News*. By 1927, John F. Barry, director of the Publix and Paramount managers' training school, and W. Sargent Epes of *Moving Picture World* had published their guide for film exhibition management and merchandising to boost theatre profits.

As to Gomery's first point, in reviewing the five pages of Rice's theatre listings, the location strategy of the brothers becomes apparent; the majority of towns into which the Griffiths expanded were either county seats or oil production towns (134-38). This choice positioned the theatres in bustling commercial centers while avoiding head-to-head competition with studio-controlled theatres, similar to the course that Balaban & Katz chose.[10] Instead of attempting to compete with other theatres in a central entertainment district, these Chicago exhibitors located their theatres in outlying business districts of the city that were served by public transportation (Gomery, "The Rise" 93).

In Stillwater, for example, all the Griffith theatres were located on Main Street, the commercial hub of the town and only one block east of the county courthouse until a 1939 theatre was built directly across from the entrance to the Oklahoma Agricultural and Mechanical College.[11] The Griffith circuit meets the first of Gomery's criteria. As for stage shows and air conditioning, these may not have been as commonly used as in the urban Chicago setting.

Although the Stillwater OPERA HOUSE at one time engaged both stage shows and movies, showmen in Oklahoma entered the business when movies were the dominant, crowd-pleasing amusement of the territory. Exhibitors might include an occasional road company for live performances but the films being screened were the main attraction. As Barry and Sargent pointed out in 1927, "the well-managed theatre is an evidence of the community's progressiveness" (35). Movies were the new, up-to-date entertainments. Stage performances in the Griffith theatres were usually limited to local talent shows, community little theatres, or school plays. Some theatres provided neither movies or theatrics during the summer months; moviehouses sometimes closed on the hottest days of the year. Air-conditioning in Oklahoma theatres was hampered by the slow electrification of the state. Oklahoma City first tried to provide electricity in 1902, but the lighting ceremony went dark quickly and the crowds went home to read by gaslight. By 1904 a more reliable system, steam power fueled by natural gas, was introduced (OG & E). In a smaller location like Stillwater, bringing electricity to the town was controversial and contentious. "As early as 1894 a foreign company sent a representative here [to Stillwater] to offer the town electric current provided it could get a franchise that spanned two generations. The council took no action. The town was too poor and too small for such new fangled ideas" (Cunningham 79). Local newspapers editorialized on the need for electricity, but no action was taken until 1902. The August 27 debate over the selection of a dynamo took so long that sleepy councilmen headed home to their beds and a quorum was not present at the end of the meeting. Finally an order was placed in November, but when the equipment arrived in December contractual disputes arose; to some it appeared the dynamo was second-hand. Cunningham quotes an incident reported in the *Gazette*: "It appears the city electrician and some of the men representing some electrical company had a few words, and nearly came to blows" (81). Finally, in 1903, the dynamo was accepted but it was not until 1905 that the first electrical power plant was operating in Stillwater (Cunningham 83). Early power plants had limited capacity and small town theatres were budget conscious (as noted with the concern that churches share the electrical bills if using a theatre's facilities). Edward Kinsila, self-described "architect and theatre specialist," advised in 1917, "additional comfort may be afforded by an efficient heating and ventilating system. Clean fresh air, introduced in proper quantities at the right temperature, is always appreciated by the public either in winter or in summer. . . . Other things being equal, the house affording the best ventilation and most comfort will have the largest audience" (103-04). Not until the 1948 Stillwater opening of the Leachman theatre in the 400 block of South Main did announcements of new construction include "Cooled by refrigeration" (Leachman). Proper ventilation, a public health issue, certainly played a part in Griffith management, but air-conditioning came much after air-cooled theatres were the norm in Oklahoma.[12]

Theatre building grew as the Griffith circuit grew. Early theatres were storefronts quickly converted with rudimentary screen and chairs. By the 1920s those storefronts were being remodeled to suggest a better class of moviehouse, but the building boom for this circuit came in the late 1920s through 1939, the time during which federal prosecutors began antitrust litigation against the Griffiths. Throughout much of their moviehouse building, the Griffith circuit(s) employed only one contractor, Gates Corgan. He built or remodeled almost 100 theatres for the chain by 1939. In that year, his architect son, Jack Corgan, designed Griffith's CAMPUS THEATRE located directly across the street from Oklahoma A & M (Campus). Safety was one of the major building considerations because of the high flammability of cellulose nitrate film stock and the public's fears often fueled by anti-movie civic activists. Providing a safe theatre earned good public relations. For the Stillwater opening of the AGGIE THEATRE in the 600 block of Main Street, the *Stillwater Gazette* reported on 2 July 1926 that this moviehouse had been built with a fireproof projection room. However, because Griffith growth relied more upon buyouts of existing theatres and circuits, buildings were often renovated rather than erected from the ground up. These buyouts and the inclusion of former owners and managers under the Griffith corporate umbrella is an element of the circuit's success that Gomery does not include in his list for profitable theatre chains.

Much of the success of the Griffith enterprises rested upon employee loyalty, assuring a cohesive transition from the ownership of one company to another. Local communities probably barely noticed any changes to the entertainment they enjoyed beyond, perhaps, the improved quality of the pictures they could attend that resulted from the buying power of the larger organization. Beginning with the equitable standardization of payroll and pay scale, the Griffith organization established additional employee benefits through the years that inspired dedicated service from long-term staff. A company manual opens by emphasizing:

> The founders of this company have consistently, from the beginning recognized the value of happy, satisfied and permanent employees. They recognized the duty of management to care for and help the people who made this company their life's work. . . . Promotion from the rank has been an iron-clad rule. No outsider has ever been moved over the heads of worthy men or women who were working for advancement" (Griffith Theatres, n.p.).

This in-house publication, printed sometime after 1940, outlines programs established for the benefit of Griffith employees. An "Employees Benefit Trust Fund" required "a contribution of 1% of salary made by each employee." A board of trustees manned by employee peers administered this fund to help "defray a portion of the expenses of medical care, surgical operation, and hospital confinement." Although an employee contribution was required, medical expenses of an individual employee could far exceed the money invested on an individual basis. The next section of this company employee manual describes the "Salary Deduction Insurance" plan. An "exclusive franchise" with the Houston-based Great Southern Life Insurance Company offering low, group-rate annual premiums provided "more than one million dollars of life insurance" for employees and their families.[13] Again, employees contributed to this plan with weekly deductions, but the rates negotiated by the Griffith companies benefited staff with higher coverage. An accidental death and dismemberment policy was provided through the John Hancock Life Insurance Company to supplement the life insurance already in place.

The company paid premiums for five thousand dollars per employee with more insurance available for employees who wished to pay additional premiums. After 1932, to supplement Social Security payments, a retirement pension plan was put in place to guarantee retirement income at age 65 equal to two-thirds of an employee's highest annual salary. Griffith paid premiums over a 4% contribution from those on the company payroll. A 1940 balance sheet shows a total value of the retirement pension trust at $47,836.38; by 1941 the value had risen to $66,135.05. Managers and department heads were also given employee-controlled company stock. By 1946, a profit sharing plan had been put into place for corporate office staff and theatre managers. Except in particularly lean years, Christmas cash bonuses were distributed to all employees from custodians to upper level corporate department heads. These generous benefits, even during the Depression, fostered employee loyalty to the circuit and its goals including customer service.

Gomery lists service as the third consideration for success but in the case of the Griffith exhibition circuit the attention to theatre patrons was important but service to the community was considered essential. The company mandated local community involvement for Griffith theatres across southwestern American towns. The relatively stable theatre management, even after incorporation into the larger theatrical conglomerate, greatly contributed to success. The many ways that local managers and other theatre employees interacted with and contributed to their towns deserves the extended discussion that follows.

Notes:

[1] From Shared Pleasures: A History of Movie Presentation in the United States (Madison: U of Wisconsin P, 1992) 29. Gomery calls for increased study of film exhibition in this work.

[2] Film historian Benjamin Hampton was a vice president of American Tobacco and worked to merge Paramount and VLSE, a corporation combining Vitagraph, Lubin, Selig and Essanay studios. When that plan failed, he resigned from the tobacco concern “and entered the production of motion pictures” in 1920 (Hampton 150, 289)

[3] For accounts of exhibitor-initiated litigation to stop the block-booking policies of film distributors see Howard Lewis, Hampton, Ramsaye, and Jobes.

[4] The Griffith Collection, housed at the Oklahoma Historical Society, includes six cubic feet of corporate documents, primarily stockholder and board of director’s minutes. (OHS also holds photographs of Griffith theatres.) Parenthetical citations will be formatted to indicate both the box and the volume referred to in the text as for example: Griffith Box I, Vol. I. Because not all volumes include page numbers and because the dates of documents will provide access to materials, page numbers are not included in the citations for these materials. These materials, rescued by Roger Rice and donated to OHS by his widow, enhance his recollections and reflections on the Griffith organizations. Both Roger and his wife, Fern Rice were long-time employees of the circuit.

[5] L. C. and R. E. Griffith, and Underwood, as states rights distributors, would have been the sole Oklahoma distributors for the independent companies from which they had purchased films. Film producers made states rights or territorial rights agreements as incentive to distributors to invest in the studios product.

[6] In 1926, OSFC consolidated with the Liberty Film Distributing Corporation, which served Louisiana, Texas, Arkansas, Oklahoma, Mississippi, Alabama, Florida, Georgia, Tennessee, and North and South Carolinas (Griffith Box I, Vol. I).

[7] See Kathryn Fuller and Barry and Sargent on the rationale and importance of theatre names.

[8] In addition to the Palace, the minutes mention the Princess, the Theatorium, and the Adelphos

[9] Edward Kinsila’s 1917 theatre construction guide includes a section on the airdome with specifications for size, seating, and architectural embellishments; “a touch of the bizarre and fantastic is by no means out of place. A design of the conventionalized Egyptian, Byzantine or Chinese styles would, of course, be preferable to a mistaken attempt at originality leading only to triviality or vulgarity” (105).

[10] Griffith theatres in Oklahoma City and Tulsa did not compete with first-run studio venues, showing second or third run films in those cities.

[11] Founded in 1890, Oklahoma A & M became Oklahoma State University in 1957.

[12] Early air cooled systems used a fan to blow air across blocks of ice into ductwork. First used in 1917 in Balaban & Katz's Central Park Theatre in Chicago, this system was modeled on one used in the meatpacking industry.

[13] The Great Southern Life Insurance Company played a major role in financing Griffith expansion, as will be detailed later.

CHAPTER IV

Serving the Community, Serving Theatre Patrons: Strategies for Local Exhibitors

> If there is no theatre competition, other amusements will attract the public. There is no substitute for the hard-working, hard-thinking showman. . . . The motion picture theatre manager should be a representative citizen. He should be a showman. He should be a keen business man.—John F. Barry and Epes W. Sargent[1]

In Douglas Gomery's template of theatre success, service ranks third, after location and theatre building, but employee loyalty added considerable success to the Griffith organization. That continuity of personnel helped to create the image of the theatre manager as a "representative citizen," someone who cared about his community. "A changing management is a poor management. An organization regularly recruiting lieutenants from the outside confesses weakness" (Ricketson 94). For a big city movie chain like Balaban & Katz, good service for their paying customers in Chicago may have been sufficient to insure results at the box office, but for small town venues the manager's role within his community directly affected attitudes about and attendance at his showplace. And, as Barry and Sargent indicate, there were many other opportunities for leisure activities even in locations with but one theatre.[2] Where competition for film fans existed, civic activities and creative promotional campaigns became even more important for profitable results. They also created a safe, comfortable, and aesthetically pleasing environment. Film historians like Benjamin Hampton have chronicled the shift from novelty attraction to narrative form in filmmaking, noting that guaranteed early attendance rested upon the curiosity and wonderment of moving pictures; any subject could draw in the pedestrians from neighborhood sidewalks or central shopping boulevards. Once the unfamiliar spectacle of viewing the cascading waters of Niagara Falls or the shapely ankle of Carmencita in a darkened storefront became an ordinary event, exhibitors needed new ways to entice customers into the theatre.

Movie patrons, in general, grew tired of disconnected short subjects and film producers met the public's waning interest with plays in digest form and hastily written original scenarios.[3] "The insatiable public demand for films led to a ransacking of the available literature from stage and fiction" (Jowett 44). Benjamin Hampton describes the rush of news reporters to cash in on the need for movie scenarios (30). "Tens of thousands of eager amateur writers across the country . . . joined the silent film scenario-writing craze, which rivaled only the writing of advertising jingles for contests as a national passion during the 1910s and early 1920s" (Fuller 126). Although some have reported this shift as a means to lure a more refined middle class audience away from "legitimate" stage productions or vaudeville houses into the movie theatres, others indicate that business center locations always included a classless clientele. The perception of early nickelodeon patrons as primarily of the lower classes or immigrant populations probably stems from the predominance of studies on metropolitan areas like New York City tied to the low cost of these entertainments. As Russell Merritt points out, women and children on shopping expeditions soon became regular moviegoers, disproving the theoretical socioeconomic or ethnic composition of early audiences.[4] In

Stillwater, with the exception of the OPERA HOUSE, theatres charged one admission price and there were no special seating areas; it was the "Democratic Art" that Jowett describes.[5] Farm families sat along side bankers, judges, and store clerks enjoying the picture shows. In addition to photoplays of better quality, the conditions within the movie houses began to improve, as much to maintain a competitive edge as to elevate the class or social status of customer traffic.

The first improvements centered on the theatre environment in terms of safety and comfort to dispel public concerns about the physically and morally unhealthy atmosphere of early exhibition sites. Fire protection and ventilation were two important concerns. In addition to fireproof projection booths, construction expert Kinsila recommended aisles "on each side of the auditorium . . . [should] empty into a street" and be five feet wide for theatres seating less than 600 "with six inches in width added for every 100 seats until 1000 is reached" (97). Such construction calmed the fears created by frequent news reports of theatre fires.[6] Fires are always newsworthy and Oklahoma City's *The Oklahoman* frequently gave prominent headlines and front page coverage to theatre fires and panic-related deaths; most, however, reported on locations around the globe with only a few within state borders. During labor disputes with stagehands and projectionists in 1929 and 1930, arson attempts received coverage. A storage room of the AZTEC THEATRE in Enid was chemically torched on 27 June 1930. "Patrons in the theater during the fire were not disturbed; smoke from the chemicals did not reach the auditorium" (*Oklahoman* 4). A similar incident occurred at the PALACE THEATRE in Oklahoma City on 26 July of that same year. Griffith Amusement Company was one of the sponsors of a $1000 reward for information on the firebombing; the "Open Shop Division" of the

Chamber of Commerce also supported this effort (*Oklahoman* 15).[7] Although projection room fires frequently occurred (usually through projectionist negligence), causing concern for public safety, many theatre fires were caused by faulty wiring as well. In either case, the threat of a fire in a crowded public space was a serious concern and safety measures in new construction were effective marketing tools for cinema owners.

Health issues were raised long before the fire dangers of nitrate film were understood. For some reformers, this was a paternalistic attempt to protect the poor, perceived as the majority of the audiences, but for many the dire warnings of disease masked a fear of moral not physical decay. However, the Spanish influenza pandemic in 1918 did provide a real health reason for closing movie houses across the country, including some in Oklahoma. By October 5, with servicemen at Fort Sill a primary concern, "all theatres and other places of amusement" were closed and civic and church meetings were postponed in the area (*Oklahoman* 31). On October 9 *The Oklahoman* reported: "Every public school, theater and church in Oklahoma City will be closed today, and all public gatherings will be prohibited . . .The closing order . . . will remain in force until all danger of contracting the disease in public places has passed." Early in December, the epidemic had subsided in Oklahoma City but the state health commissioner, Dr. J. W. Duke, warned, "Pictures shows should be regulated. No crowding should be permitted and precautions taken to insure the purity of the air" (*The Oklahoman*, 7 December 1918, 5).[9] To maintain safe conditions, managers at a Fox Inter-Mountain convention in Colorado were advised to personally inspect the entire theatre facility on a weekly basis with written reports to document the condition of equipment and furnishings. A "theatre inspection [should be as] rigid and thorough as on shipboard" (Ricketson 176). Once these concerns for the public welfare had been served (and compliance with local codes had been met) exhibitors turned to the comfort and aesthetics of their theatres, and the earliest picture palace prototypes began to appear. Even in small towns theatre décor became grander and more exotic.

Themed theatre facades and interiors became the norm, displaying Moroccan or Italianate splendors of fabric, tile, and stucco. Kinsila advised, "The decoration of the motion picture auditorium may be more ornamental than that of an ordinary theatre, the better to satisfy a more general taste. The exposed front and entrance lobby should, however, be the most striking feature" (99). Modern design elements also came into play, as theatre seating became not only plush, but also ergonomic. Griffith theatres could hardly compete with the luxury of a ROXY or a Fox movie palace but the circuit's facilities offered a taste of more metropolitan locations. [10] The 1926 opening of the AGGIE THEATRE in Stillwater created excitement in the *Stillwater Gazette*. With the most up-to-date design, the fireproof projection room was flanked on one side by a special room for crying babies. Mothers could remove themselves and their cranky infants to a soundproof glass-fronted room to continue their enjoyment of a film without disturbing the general audience. On the opposite side of the projectionist's booth a private box with seating for up to 27 was available for groups and parties. The presence of dressing rooms indicated that other entertainments were to be included at the AGGIE (2 July 1926). Commercial office and retail space occupied the remainder of the building, typical of theatre sites at the time. "Increased competition in . . .many small-towns brought a second generation of permanent theaters . . . Many [exhibitors] invested in new structures that combined theaters with rent-producing retail shops. Interiors and exteriors of movie theaters became more elegant, organized, and spacious" (Fuller 73). The much-anticipated grand opening of the AGGIE with city and county notables, and studio representatives from Oklahoma City's "film row" in attendance occurred on 17 September 1926. In 1948, as Griffith Amusement was preparing to open a fourth theatre in Stillwater (the LEACHMAN), the AGGIE burned at a loss of about $100,000 including equipment for the new theatre that had been stored on the floor above the auditorium. A much-expanded fire department since the days of the FIRE BOYS responded with six fire trucks, saving adjoining businesses from the inferno (*Stillwater Daily Press*, 19 January).[11] Until the restored and improved AGGIE could reopen, the CAMPUS THEATRE changed its student-oriented program from "B" to "A" feature films (The Griffith's MECCA on Main Street screened "B" films). The new AGGIE would seat 900 with a modern façade and interior, and a "Confection Room" just off the lobby. Circulating heat and air-conditioning were to be installed for the audience's comfort. Once the AGGIE was again in operation, plans were in place for the expansion and technical upgrade of the CAMPUS. The 1948 LEACHMAN souvenir program described the improvements for the CAMPUS to include an additional 300 seats, as the theater was to be "completely re-seated with correct posture easy chairs." "New sound and projection equipment" were also scheduled for installation. The lobby was to be expanded for a "more majestic appearance" and a larger, more convenient concession area was planned. "At the time of its [1939] opening, it was listed as one of the nine best theatres erected that year." The program does not explain what geographical area that "best of" included. A 600 car capacity drive-in was also announced in the LEACHMAN opening night program. "Like rival department store owners, managers of competing picture palaces vied to introduce more and more luxuries for their clientele" (Fuller 111). The Griffith theatres were to be well-appointed and dedicated to customer comfort.

Along with grander more comfortable theatre facilities, came attention to customer service. Trade journals, like *Motion Picture World*, emphasized that any amenities that would make the moviegoer feel pampered would improve customer loyalty. A uniformed doorman armed with a large umbrella to approach arriving automobiles during inclement weather was considered a valuable asset. For patrons departing the theatre on a rainy night, umbrellas loaned on the honor system sent customers home both dry and well disposed to that particular cinema. Clean, comfortable, and spacious men's and ladies lounges, preferably with solicitous attendants, made a theatergoer feel more important. Writing desks were suggested but exactly what one might write while at the moving picture show was not made clear.[12]

The most important service for the success of a theatre was the courtesy and efficiency of the staff. Trade publications and management manuals outlined both military style dress and demeanor with specific, silent hand signals to communicate among the ushers where empty seats were located. Ricketson advised Fox employees to "study your hand signals and perfect them so that seating may be accomplished rapidly and without confusion" (131). For the small town theatre, the staff had the extra advantage of addressing patrons by name, asking after family members, and remembering personal details, while treating moviegoers with respectful regard for their comfort. Barry and Sargent outline general rules for theatre employees, noting, "too stiff and too formal a bearing makes the democratic patron feel that there 'is something wrong.' A simple sincere welcome is desired. . . . Courtesy, consideration, interest, and helpfulness should be cheery and pleasant" (63). They continued, "Employees should be on the alert to tender every possible service, such as holding coats, opening doors, assisting children and the infirm, etc." For theatre staff, these showmen created a nine-point list for effective conduct. In addition to the ban on chewing gum, tobacco use, and snacks, Barry and Sargent stressed the value of knowledge about both the current feature and coming attractions. They recommended that both the manager and the cashier should read fan magazines regularly to be "up to date." Theatre cleanliness and safety practices were to be a consideration for every employee. Cashiers provided a first impression; therefore, "The box office should not be a makeup booth." For ticket takers and ushers, a smile, careful attention to dress, and good posture were essential (Barry and Sargent 64-65). Griffith exhibition sites located in twelve college towns employed students as ushers and usherettes, as well as cashiers and many went on to join the management ranks of the Griffith chain (Rice 10). In a special edition of the *Stillwater Daily Press* welcoming students to the city, the LEACHMAN manager (Claude Leachman) emphasized "cashiers . . .trained to make . . . change quickly" and that every employee was "schooled to meet any emergency" (30 August 1942). The opening night program boasted that "many young men and women received their education in the Stillwater schools and in Oklahoma A. and M. College through their employment in the Griffith-Leachman Theatres." With the help of these student employees, the program could promise, "Courteous attendants will look after your every want . . . in every way your comfort has been provided for." The efficiency and demeanor of theatre staff directly affected local success. Once improvements in both facilities and staff were in place, customers needed to be reminded that no expense had been spared to provide a safe, luxurious environment and deferential theatre personnel—particularly in small towns with rival theatres.

Towns with competing theatres tested the promotional and marketing skills of management to attract customers. Exhibitors traded news of successful bookings and effective sales gimmicks in publications targeted to theatre management. Advertising was, of course, the first step to promote the theatre and its offerings—to alert the public to both the quality of programs and the quality of service. As Barry and Sargent emphasized, advertising required careful planning to earn the best return on investments with newspapers often charging "amusement rates" as much as "290 percent higher" than standard rates (330). In Stillwater one independent theatre, the CAMERA, competed with the Griffith theatres for market share.[13] Both the CAMERA and the circuit's theatres regularly advertised their thrice-weekly program changes as well as special events in their auditoriums. Ads for the CAMERA usually measured one to three column inches; the three Griffith theatres (MECCA, AGGIE and CAMPUS) bought three to six column inches. Special screenings for films like *Snow White* at the CAMERA in May 1938 and *Gone With The Wind* in March 1940 (with all seats reserved) doubled in column space.[14] Usually the film announcements shared the page with society notes detailing the locals' travels or visits by out-of-towners. Occasionally the *Gazette* printed studio puffery on Hollywood stars or starlets. Beginning in March of 1940, the CAMERA, along with local merchants such as grocers, car dealers, and feed stores, bought almost full-page space titled "Talk of the Town." The CAMERA program occupied the central area surrounded by promotions for other businesses, each of which included the name of an area resident. If "Pete Volmer, East of Stillwater" or some other lucky reader spotted his or her name, they were instructed to "cut out the ad and present it to the merchant for FREE admission to the Camera Theatre" (*Gazette*, 13 March 1940). An earlier CAMERA promotion tied the opening of *Wednesday's Child* with a coupon giveaway for Lux soap to be redeemed at participating grocery stores; the film's star, Karen Morley endorsed the product (*Gazette*, 22 February 1935). The CAMERA also screened "public service" road shows on occasion. In 1939 a large ad in the *Stillwater Daily Press* announced "The Picture That Belongs to Humanity," *The Birth of A Baby*, sponsored by the American Committee on Maternal Welfare, a national group of gynecologists and obstetricians (7 March).[15] A more dubious road show presentation played in December of 1948. *Mom and Dad*, a Hygienic Productions film, was "shown to segregated audiences only" with two screenings for women and one for men. Elliot Forbes, a "Famous Radio Commentator," lectured on "secrets of sensible sex." This was a "fourwaller;" Kroger Babb the producer/promoter rented the theatre for the run of the show, which in small towns was usually two or three days. The CAMERA owner was paid rent for the use of his auditorium and Babb pocketed all the profits, including the lucrative sale of two books pitched by Forbes. With road shows scattered across the country, "there were actually 26 Elliot Forbses" (Briggs).[16] The educational value may have been dubious but the show kept the town talking for weeks.

The MECCA (formerly the ABBOTT prior to Griffith purchase) had taken another sensational route, concentrating on true crime. On 6 April 1934, ads appeared for *Sucker Money* billed as "Greater than a Motion Picture: A True Life Story of Today," which dealt with a banker's daughter manipulated by a sham spiritualist. The real draw, however, was the personal appearance of Geraldine Arnold describing "her own true story of how America's two most desperate criminals, George (Machine Gun) Kelly and Kathryn Kelly, whisked her from her parents, and used her as a 'FRONT' to elude the officers of the law" (*Gazette*). With the Kelly's kidnapping of Charles Urschel in Oklahoma City in July of 1933, Miss Arnold's engagement at a local movie house would have been a popular ticket.[17] Cooking school shows also took center stage as special women's events. Instructional films were accompanied by food preparation demonstrations and merchandise for sale at Griffith cinemas. The Motion Picture Cooking School produced films such as *Star in My Kitchen*, thin domestic narratives that featured aspiring studio starlets providing "suggestions for efficient home-making . . . [and] beauty secrets" (*Daily Press*, 19 April 1930). In addition to announcing film offerings, the Griffith theatres often ran large institutional ads reminding the public of "our every day service" which included "personal courtesy," "quiet and pleasant surroundings," "health and comfort," and "safety;" these ads usually also pitched the Mrs. Stover's Bungalow Candy Concessions attached to the theatres (*Daily Press*, 30 August 1942). During the summer months of 1936, program announcements were headed with icicles and polar bears and accompanied with copy extolling the theatres as "always cool," "where the cool breezes blow," and where "Jack Frost is working for us" (*Daily Press*, *Gazette* June, July 1936). On at least one occasion the AGGIE boasted that a film was "a guaranteed money back picture" if the moviegoers were not satisfied (*Daily Press*, 4 April 1939). The Griffith offices in Oklahoma City provided advertising copy and layout, an example of one cost-cutting benefit of centralized operations for the circuit. These competing advertisements were designed not only to inform the public about coming attractions but also to indicate that customers were receiving more than a moving picture from these theatres. These establishments that could provide educational programs, however questionable they might seem in retrospect, as well as courteous service for their home town patrons.

Small town theatres could connect with local movie madness by producing films on city streets or at public events to draw the curious into their movie houses for a glimpse of themselves on the big screen. By 1915 Sargent was recommending that theatre owners make their own movies and advised that the film editors should allow enough time for audience members to identify local players in each scene (248). Both the CAMERA and the Griffith theatres used this activity with success. By 1938, the competing movie houses were often going head-to-head on the same evening, screening films shot in Stillwater. The CAMERA manager was the first to initiate homegrown movies and won bragging rights for producing the most films locally. A *Daily Press* article of 2 February 1938 announced that “chief cameraman R. Miller and a crew of able assistants” would be “on the downtown streets taking movie pictures” at no charge to the public. Locals, ready for their close ups, could rest assured that this was a professional undertaking because “Miller has filmed many of the famous stars of stage and screen.” By March 3rd the CAMERA advertised these films for Thursday and Friday screenings as “Real Hollywood Home Town Movies,” advising the *Daily Press* readers that “The whole town will be at this theatre to look at your pictures.” Attendance meant “see[ing] yourself as others see you!” As an added incentive, patrons could also “see the No. 1 Carl Wetzel Well Come in at Paradise, Okla.” along with the regular feature (3 March 1938).

Advertising for the next hometown movies were a bit more titillating. CAMERA ads challenged the audience to "Decide—Are College Students or Local Romeos and Juliettes The Best Lovers? . . . Stillwater's Own Screen Lovers In Action! . . . Learn The Truth About College Love! . . . See Actual Uncensored Movies Scenes Filmed at Theta Pond on Campus," fueling some good-natured town and gown rivalry (*Daily Press*, 5 April 1938). Late in April, the CAMERA ran a small ad for new "Home Town Movies" to include a recent "89ers Parade." Next to this announcement, Griffith's AGGIE THEATRE topped the competition with an ad four times as large promoting "Local Movies of Yesteryear . . . Local Events of Today" implying that this organization had been involved in film production long before its rival. Local events were tied to international news with an "Extra! March of Time!" and a national expose on "Crime and Prisons" with the "first authentic pictures of life behind United States Prison Bars." The Aggie also received press coverage in an article about the upcoming local films (*Daily Press,* 28 April 1938). Three days later, the Camera placed a large ad reminding the public that this theatre now had "Hometown Movies No. 3," offering a double feature of local coverage. "Notice: Our Last Home Town Movie will also be Shown on the Same Program Along with Our New Local Movie! See your own Close-up on the Screen, Together with 5,000 Laughs!" Along with this larger advertisement came a news report of the latest CAMERA contribution to the "movie wars" in Stillwater, advising the reader that "the film was tested in a special preview . . . . They include a comprehensive study of Stillwater from the air, having been made recently by Al Guthrie's Searcy airport plane." Not only were there thousands of laughs to be had, but also this production was educational (*Daily Press*, 1 May 1938). It appears that items were newsworthy in direct proportion to the amount of revenue the press earned in advertising dollars. Although the Griffith theatres produced fewer Stillwater films, they recycled them effectively. Originally filmed in 1931, they were screened commercially again in 1938 and privately for the Rotary Club in 1947 (*Gazette*, 1 April 1947).[18] Traditional charity events probably gained more civic good will but local scenes drew inquisitive small town audiences eager to see themselves in the movies.

Regardless of advertising dollars, activities for social programs or communal amusement received news coverage. Sargent describes some very elaborate "schemes" (his term) to involve townsfolk. The give-away-a-baby-promotion surely raised eyebrows and drew both the curious and the outraged to the show to learn that a piglet was the prize. In the name of public health, probably the oddest publicity campaign was the "Swat The Fly Club." Theatre owners provided cheap fly swatters to local children who earned points for weekly, monthly and seasonal cash prizes. Card-carrying members of this club brought their weekly kill for a weigh-in and once a good collection had accumulated the flies were proudly displayed in the theatre lobby. Sargent suggests, "Some night after the collection of flies has become important looking, take them out, fasten a cigar box to the bottom [of the display container], covering it with flies. As the collection proceeds you can add a cigar box from time to time." This impressive display was to be accompanied with public health pamphlets and lectures on the dangers of fly-borne disease (232-33). He advised that managers steer clear of the "Catch the Rat" campaign because "Women will not want to come to the theatre if small boys with their pockets full of dead rats are apt to be hanging around" (Sargent 233). There are no records that a public health promotion such as this ever took place in a Stillwater theatre but other of Sargent's suggestions like talent or beauty contests and competitions between schools or other organizations were often used. A "Miss Stillwater" won the opportunity from the AGGIE to spend a week in Oklahoma City "appearing in [a] production of the talking movie, 'Oklahoma Sweetheart" (*Gazette*, 7 July 1933). The winner of a "Tiny Tot Revue" at the CAMERA won an all expenses paid trip to the Pan-American Exposition in Dallas for herself and her mother (*Gazette* 2 July 1937). Earlier, in 1926, the CAMERA owner sponsored a screening of *Peck's Bad Boy* to benefit a playground fund for a local PTA (*Gazette* 5 February 1926). Playground equipment must have been costly; in the previous year the ABBOTT had hosted a PTA show for the same purpose (*Gazette*, 20 March 1925). A "Spuds Show" was a common good-will promotion to aid needy families in a trading area. A pound of potatoes replaced the cost of a movie ticket. The AGGIE hosted a Christmas show sponsored by a local Boy Scout troop. "Manager Claude Leachman offered the scouts his picture house, gratis" and Scoutmaster Bullock expressed his hope that "little folks and old folks who can spare a pound of beans or potatoes from the family larder" would pack the theatre. In exchange for the pound of produce, the audience had the opportunity "to see several reels of hilarious movies, watch Seymour Davis, local magician, take rabbits out of hats and to get a long look at Santa Claus" (*Gazette*, 18 December 1931). Later in the 1930s, potatoes were replaced with Christmas toy drives for needy children. New or old toys were accepted with boy scouts painting and repairing as needed before the local Goodfellows distributed these donations. Advertisements for this event appeared in the *Stillwater Daily Press* for three successive years (18 December 1936, 3 December, 1937, and 15 December 1938). To keep summer vacationing school children busy and out of trouble, the city provided a playground program and the MECCA offered free safety movies (Gazette, 24 June 1938). Leachman also offered free kiddie shows annually at one of the Griffith theatres he managed to celebrate his daughter's birthday. These benefit screenings created good will and new customers who had many movie choices in Stillwater.

Even areas served by only one theatre offered many outlets for leisure activity to compete with the local movie house. In Stillwater, there were many non-commercial venues for film consumption. Local merchants used motion pictures to garner positive public recognition. For example, the Roy T. Hoke Lumber Company and the Keystone Steel & Wire Company of Peoria, Illinois, sponsored "Talkie Movies" at the Husband Street Christian Church showing an "entertaining five-reel farm drama," "a race track comedy," and an industrial on "modern steel and wire mills," with "valuable prizes given free" (*Gazette*, 27 September 1935). The Automobile Department of the Farmer's Cooperative, Inc. offered a "Free Talking Picture Show;" the evening's program featured "a two-reel comedy . . . of American life," "a thrilling educational picture, *Safe and Sound*, and a Burton Holmes travel picture, *Ethiopia*" (*Gazette*, 24 March 1936). Later that same year, the local fire department sponsored a free showing of *Oxygen Therapy* provided by the Linde Oxygen Company (*Gazette*, 13 November 1936). The Woman's Christian Temperance Union (WCTU) provided dinner and a show, screening *The Beneficent Reprobate* at the First Methodist Church on 19 March 1937 (*Gazette*).[19] Teenage entrepreneurs held the first film premiere in Stillwater in 1939. The Comet Amateur Motion Picture Company attracted an audience of fifty for *The Temptress* shown in a remodeled garage; film shorts included a newsreel of a "recent safety parade," "color pictures of the Sullins' recent trip to California," and *California or Bust* which was "simply bursting with clever ideas" (*Gazette*, 27 October 1939). Film stars sometimes visited the city as well. The Tom Mix Circus and Wild West Show came to town in 1935; Tex Ritter brought his cowboy troupe in 1938; and, Jeanette MacDonald headlined a College-Lyceum series in 1939 (*Gazette*, 2 October, *Daily Press* 14 March, *Gazette* 12 January). The perennially active Allied Arts organization sponsored a five event series offering a Metropolitan Opera baritone, a Silly Symphonies comic dance team, the American Repertory Theatre group, an illustrated lecture by Rockwell Kent artist and adventurer, and a guitar recital by Andres Segovia—all for a $3.00 "season reservation" (*Daily Press*, 6 February 1938). "Monster" vaudeville tent shows and carnivals with rides and "clean amusements" like a "colored minstrel show" entertained Payne county residents each spring. More parochial entertainments were often available: Christmas sing-alongs with the Stillwater Choral Union, American Legion and fraternal organization barbeques, dances, and patriotic displays, and book reviews at the public library. College homecoming and athletic events drew crowds. For "foreign" football games, i.e. away games, Western-Union provided electronic grid-graph play-by-play coverage in the A & M gymnasium; home games aired on the radio (*Gazette* 1 October 1926). Add to this the county fair, potluck suppers, and ice cream socials, to name but a few more activities, and it becomes clear that even a small town could provide a busy social scene. With so many pastimes, Stillwater showmen needed to offer services and programming that could tempt the townsfolk to spend their nickels or dimes at the picture shows. In later chapters, more of the theatre manager's community service role will be discussed as those efforts relate to government intervention, local reform campaigns, and wartime activities.

Notes:

[1] From *Building Theatre Patronage: Management and Merchandising* (New York: Chalmers, 1927) 34. Barry and Sargent provide a "how to" guide for theatre management.

[2] Waller's *Main Street Amusements* provides an excellent examination of the many entertainments and pastimes available to the residents of Lexington, Kentucky during the silent film era. Kathryn Fuller devotes a chapter to alternative film exhibition sites in small town America, such as churches and schools.

[3] Richard Abel demonstrates that nonfiction travelogues, industrial films, and sporting events remained popular through the early 1900s, although these film shorts all displayed a thematic continuity. See especially "entr'acte 4" (171-180).

[4] This does not mean that silent films were not a means of assimilation and acculturation for the immigrants newly arrived in America. This was but one role of early moving pictures.

[5] There are no indications in either Griffith company records or Stillwater newspapers on accommodations for African-American patrons. The census of 1920 lists the total population in Payne County at 36,180 with a "Negro" population of 1,208, or slightly over 3% of the total. A *Gazette* article on 2 December 1926 indicated a population of six thousand in Stillwater; of 1695 public school students 32 were "Negro." There may have been unspoken rules on where blacks would be allowed to sit but there is no evidence of any public policy. There are several articles about a highly respected African-American projectionist in the Stillwater press. Waller, in *Main Street Amusements*, details seating and entrance arrangements for black audiences, as well as theatres for "Negroes" only that were sometimes owned by African-Americans.

[6] One of the most infamous theatre fires in the United States occurred in Chicago on 30 December 1903 at the IROQUOIS where some 600 audience members were killed. A later investigation determined noncompliance with city fire codes, as well as an inadequately trained staff in the newly opened movie house (*Lest We Forget*).

[7] David Robinson notes that with long hours and the youth of some projectionists, attempts to unionize began as early as 1907 (98).

[8] With an abundance of patent medicine cures in its pages, it appears that one result of this epidemic was increased advertising revenue for *The Oklahoman*. Liquor became one suggested cure and a 15 October header read "'Flu' Jumps Whiskey to $18 Quart: Police Deal Out Small Bottles on Doctors' Orders" (*Oklahoman*). Conspiracy theories also found their way into the press in numerous articles suggesting that German spies would release the influenza virus in movie theatres.

[9] For a classic discussion of picture palaces see Hall. And for a beautifully illustrated recent work see Melnick and Fuchs.

[10] The *Stillwater Gazette* will be cited as *Gazette* and the *Stillwater Daily Press* will be indicated as the *Daily Press*.

[11] The equivalent today would be a lobby with wireless Internet service.

[12] The CAMERA, first owned by C. D. Jackson was sold to showman F. M. Tull in 1930 (*Gazette*, 23 May). Tull had operated theatres in Shawnee and the FOLLY in Oklahoma City, a theatre he sold after labor disputes in 1917 (Stewart 91). In addition to buying the existing theatre, this new owner purchased two lots in the 600 block of Main Street and planned a new $75,000 movie house. The new theatre was never built due to problems in gaining clear title to the land. The Griffith brothers purchased the ABBOTT, the other independent theatre, in 1926.

[13] These dates give an indication of the clearance time from film release to screening in second-run theatres in small town Oklahoma. *Snow White* premiered on 26 December in 1937; *Gone With The Wind* opened on

[14] December 1939. During the one-week run of Selznick's blockbuster, reserved seating tickets were on sale for *Grand Hotel*.

[15] Produced by Jack H. Skirball, who later produced two Alfred Hitchcock films, *Daily Press* ad copy touted the opportunity to "Hear the screen's supreme thrill . . . the vibrant beat of a baby's heart before it's born!"

[16] Two women costumed as nurses to aid women experiencing physical distress from the screening passed through the audience selling the paperbacks, compilations of information culled from public health department publications. Briggs reports that this film continued into the 1970s on drive-in programs.

[17] Some accounts indicate that Geraldine's unemployed parents were paid to "borrow" the child, creating the appearance of a family unit. Some reports credit the twelve-year-old Geraldine as the informant that led to the Kellys Memphis arrest in September 1933. Less than a year later, she was in Stillwater supporting her family by telling her version of the story. In 1929, *The Oklahoman* reported kidnap threats on prominent Shawnee businessmen. In addition to bankers and merchants, two theatre managers were targeted. A. F. Hornbeck managed three Griffith theatres that were protected by private detectives during the kidnap scare. One banker paid extortion money and was held captive briefly in Kansas City (*Oklahoman*15 October, 1).

[18] The AGGIE provided an additional public service by posting "[November] election returns between short subjects" (*Gazette*, 3 November 1944).

[19] "The WCTU's Department for the Promotion of Purity in Literature and Art, established in 1883, . . . supported the creation of a pure literary, artistic, and leisure culture, as well as legal censorship." *Beneficent Reprobate* was a WCTU produced film (Parker).

CHAPTER V

Rapid Expansion:
The Griffith Brothers Circuit(s), 1926-1939

> Past efforts to secure control of the moving picture business have been through control of the big stars. This principle is fundamentally wrong. Control of this great industry is coincident with the control of its source of revenue, namely, the theater . . . . It is only fair to assume that, at the present time, the destinies of the United States—social, commercial and political—lie largely within the power of the motion picture theater.—Alfred S. Black[1]

Although the commercial survival of the United States never relied upon box office receipts, the Griffith brothers and the leaders of the motion picture industry understood the financial importance of exhibition sites. By 1926 the brothers held interests in approximately 19 theatres in Oklahoma and Texas, a large increase in less than ten years for what might be considered to have been an under-financed venture. An even greater expansion occurred in the next decade; in 1936 the circuit included 125 theatres in 58 towns in three states with the addition of properties in New Mexico. In 1939, R. E. and H. J. each left Griffith Amusement to become independent showmen; R. E., operating from Dallas, took with him some 31 theatres located in Texas and New Mexico.[2] H. J. relocated to Kansas City, Missouri to start his own circuit. With these changes in the late 30s, the original Griffith business consisted of 94 theatres in 39 towns by 1940, growing to 156 theatres in 49 towns by 1943 (Rice 130-31). Throughout the years, aggressive expansion remained a corporate philosophy for the brothers whether working together or as leaders of their own companies.

The rapid increase in theater properties beginning in 1926 arose from several factors. As noted, the circuit had established corporate headquarters in Oklahoma City to centralize booking, distribution, advertising, and equipment purchase and maintenance. These offices on North Lee were in close proximity to distribution offices for the Hollywood studios. Comprehensive corporate policies had been established and management continuity was in place in each of the Griffith towns. Expansion required capital, and when Universal began courting the brothers in 1926, many stockholders balked at a partnership with the studio; some felt the company was expanding too rapidly, while others were reluctant to share a fifty-fifty partnership with a Hollywood corporation. To take advantage of this opportunity for additional expansion with new financial support, the brothers and some like-minded stockholders in the original Oklahoma Specialty Film Company started a new movie business entity, the Griffith Amusement Company, incorporated in Wilmington, Delaware on 14 August 1926.[3]

Now able to negotiate with Universal, an alliance with the studio was formed as Universal Chain Theatrical Enterprises, Inc. with an agreement to transfer Griffith Amusement stock to this new corporate entity. During 1926, Griffith Amusement added at least fourteen theatres and commercial lots for future movie houses in five locations, including purchases in Stillwater and Enid, two of the three towns of importance in future antitrust litigation (Griffith Box 4, Vol. I). It is not clear when Griffith and Universal parted ways. When antitrust suits were being argued, court documents state, "The contract with the Universal Chain continued in force and effective until sometime in 1928 when difficulty was encountered by Griffith Amusement Company in procuring advancement of funds from the Universal Chain, and the contract was terminated" (*Federal Supplement* Vol. 68). Griffith board of directors' minutes of 19 May 1927 indicate that Universal desired a dividend payment on the current $121,128.87 cash surplus and profit but it was voted instead to reinvest "in property and equipment" (Griffith Box 4, Vol. I). If Universal held a 50% interest in Griffith Amusement, records do not explain how the studio's demand for a dividend was defeated although an amended contract in 1930 indicates that the Griffith Brothers, as a separate entity, were also parties in the original agreement. Universal may have underestimated the loyalty of Griffith stockholders and the handpicked board of directors that included at least one brother in any year. These events suggest a schism in the goals of Griffith and Universal. Howard T. Lewis claims that Universal's expansion into theatre ownership rested more on profit than on expanding outlets for the studio's movies. He wrote:

> Although the company's [Universal's] attention originally had been attracted to the field of theater operation by its need for controlled outlets, its executives considered that its primary interest in the operation of theaters was centered in the profits to be derived from that operation. An additional incentive for acquiring controlled outlets was the expectation that the theaters so acquired would constitute points of contact with the public which would enable the company to judge public taste more accurately. (475)

Universal wanted to generate capital from the circuit but the Griffiths wanted studio capital to finance further expansion. Griffith records include amended contracts with

Universal that describe the studio's financial participation in Griffith Amusement and the level of indebtedness the circuit had reached in this partnership.

On 27 March 1930, two years after the 1928 contractual dissolution described in court records, seven amendments to the original agreement of 1926 were signed (Griffith Box 4, Vol. I). This document, in addition to some correction of punctuation, reveals that Universal would no longer have an obligation to provide financing to the chain: "UNIVERSAL [Chain Theatrical Enterprises, Inc.] is under no obligation or liability whatsoever to make any advances or loans to the Corporation and any claims which the Corporation may have heretofore made for such advances are hereby expressly cancelled and waived" (Griffith Box 4 Vol. I). The fourth amendment describes a debt of $247,000 owed to Universal Pictures Corp. This agreement indicates that the brothers will be retained on a yearly contract with L. C. and R. E. receiving a weekly salary of $300. A non-competitive clause was also added; Universal Consolidated and the brothers could not establish competing theatres in towns with existing Griffith Amusement movie houses. To avoid an appearance of possibly illegal movie rentals, anticipating the government prosecution initiated in 1939, a final clause explained, "the officers of the Griffith Amusement Company shall not be permitted to make any concessions of any natures for the purpose of obtaining concessions from producers or distributors for the benefit of the houses owned or operated by the Griffiths individually" (Griffith Box 4 Vol. I). Earlier in 1928, Griffith Amusement board minutes discussed the need for loans from the Farmer's National Bank and the Liberty National Bank of Oklahoma City to pay notes held by Universal Consolidated.

It appears bank financing was forthcoming, as the Board of Directors minutes of 8 June 1932 indicate an indebtedness that had been reduced to $104,000 after a $25,000 payment on 1 June. A plan was approved to pay $590 weekly on the balance of the corporation's debt to Universal (Griffith Box 5 Vol.1). This debt to Universal was again renegotiated 26 March 1934 as corporate documents indicate. The new agreement included a two-year extension on promissory notes valued at $109,335.55 with one-third of the total owed to the Universal Theatrical Chain and the balance owed to Universal Studios. The agreement included a seven percent interest rate and the agreement to pay quarterly "all net cash receipts" after maintaining a balance of $20,000 (Griffith Box 5 Vol. 1). Although this arrangement might seem counterproductive to any continued expansion of the Griffith holdings, the incorporation of Consolidated Theatres in 1929 complicates the picture.[4]

With the brothers holding stock in both Consolidated and Griffith Amusement, along with former theatre owners or current theatres managers as major stockholders, if an expansion avenue was blocked for one organization, the other board of directors could act. The 1939 departure of R. E. and H. J. to form their own companies may well have been less about removing themselves from the shadow of L. C. and more about complicating the corporate tangle and antitrust charges. In a personal interview, Paul Liebmann, a Griffith relative and employee, indicated that Universal hoped to acquire the holdings of both Griffith Amusement and Consolidated. If Universal terminated the agreement before the end of ten years, Griffith held first rights to buy out the studio's shares, and Liebmann believed Universal underestimated the circuit's ability to gain financing. He noted that the First National Bank of Oklahoma City provided funding for the Griffiths, blocking a possibility of a Universal takeover in 1934.

One final mention of Universal Chain Theatres occurs in the Griffith materials. On 11 December 1934, the board of Western States Theatres, a corporate entity established to purchase all stock held by Universal, approved that transaction; Universal's holdings were valued at $225,000 (Griffith Box 2 Vol.6). At that time, Western States had cash on hand in the amount of $122,000; selling additional shares of Western States raised the remainder of the purchase price. The four directors of this corporation were also major shareholders in Griffith Amusement, and former employee Roger Rice indicates that Griffith Amusement then purchased this stock from Western States. Very few documents for Western States are included in the Oklahoma Historical Society collection, and no mention is made of this sale or the dissolution of this corporation in documents for Griffith Amusement or Griffith Consolidated, but by 1934 it appears Universal no longer had any holdings in the Griffith theatre businesses.[5]

Little has been written about Universal's venture into film exhibition. Howard Lewis, in his analysis of the motion picture industry in *Harvard Business Reports*, offers the most coverage indicating that the studio had ill-defined goals and began theatre acquisitions much too late; several historians agree that Universal's expansion plans were belated. Other studios already controlled important first run theatres in the major cities around the country. Many film historians have documented the internal disagreements within the production arm of the corporation. Thomas Schatz, in *The Genius of the System,* describes in some detail the conflict between Carl Laemmle, happy with the status quo of low budget films, and Carl Laemmle, Jr., and Irving Thalberg's hopes to upgrade studio output with high budget "quality" films.[6] At about the same time that Universal began buying into theatre circuits, production costs were rising for the more prestigious feature films and to his dismay Laemmle, Sr., found himself shut out of the studio he had founded. Schatz views Universal's retreat from exhibition as a wise decision that helped the studio survive the Depression with better results than most studios (*Genius of the System* 82, 97). Douglas Gomery believes that the success of Universal's "Woolworth's products" in the early 1920s caused the studio's late entry into exhibition. He also notes that this studio did not have the capital necessary to install sound equipment into the 315 theatres owned in Canada and the United States; the bulk of those theatres were located in Oklahoma, Texas, New York, and Ohio (*Hollywood* 150). In *History of the American Film Industry*, Benjamin Hampton paints a rosier picture, noting, "Universal's careful cultivation of the humble exhibitor trade gave the corporation a healthy annual balance-sheet for many years" (321). Gomery's data indicates that by 1930 Universal was bleeding red ink until 1934, the year in which the Griffith brothers purchased the studio's holdings; Universal would not see its next profitable year until 1939 (*Hollywood* 148). Mae Huettig, writing prior to the 1948 Paramount Decision, in her work, *Economic Control of the Motion Picture Industry*, views Universal's low investment in theatres as an industrial disadvantage. Her statistics indicate that by 1939 Universal's real estate holdings (primarily theatres) equaled approximately 14% of the studio's net worth as compared with Paramount's 50.7% investment. A Hollywood booster, she wrote in 1944, "Competition does exist in the motion picture business. True, it is a special kind of competition adapted to the form of the industry." Huettig identified the importance of exhibition to the studio system, writing, "The majors derive most of their incomes from their theatres, and production is less important as a source of revenue than exhibition. In fact, the chief advantage of continued control over production and distribution is that it enables them to maintain their advantageous position as favored theatre operators" (68, 145). She may be downplaying the role of production and distribution but that advantage in exhibition is precisely the cause of the discontent that led independent theatre owners to seek judicial correction. Film runs and clearances imposed by distributors guaranteed that studio-owned theatres always held a booking advantage. The beginnings of these legal battles will be explored in the next chapter. Although Universal retained few theatres, Thalberg's studio was not unaffected by litigation.

The tales of theatre expansion as outlined in Ramsaye and Hampton are much more colorful than the businesslike accounts of Lewis or Gomery but all provide some insight into the ragged and rugged beginnings of the motion picture exhibition industry. With high popular demand and limited film output, storefront theatre owners started many of the earliest production companies. Later, production companies and distributors, including film exchange salesmen like L. C. Griffith, realized the profitability of movie exhibition and entered this branch of the industry. Sometimes there was a partnership between equipment inventors or developers and theatre owners.[7] Hampton describes the early expansion of theatre holdings in a clandestine light describing Adolph Zukor's early "plan of theatre conquest" around 1920: "He quietly purchased a foothold in the Stanley Company, the Saenger Amusement Company, and the Black-Gray-Gordon corporations in New England, thus acquiring not only theatres and booking-offices, but interests in corporations owning three memberships in First National" (Hampton 254). This gave

Zukor a foothold into and information on the activities of the largest alliance of the most important exhibition chains in the country that also controlled regional distribution. Stephen E. Lynch, southern circuit owner of more than twenty-five theatres approached Zukor with a plan "to secure control of theaters throughout the entire south." One of the prime targets of these takeover plans was E. H. Hulsey "the owner of the First National franchise for Texas and Oklahoma." As Hampton indicates, Lynch's techniques spanned from friendly competition by advertising construction of a competing theatre to more rough persuasion. "His emissaries soon became known as the 'wrecking crew' and the 'dynamite gang,'" although none of the historians have provided evidence of any real violence. Lynch and his employees seem to have been masters of intimidation (254-55). The threat of new competition for customer dollars is evident in 1926 Stillwater. Once it became known that the Griffith brothers were planning an expansion into this town the local papers reaped the rewards long before the circuit broke ground or purchased any theatres.

By the end of 1926, the Tulls, father and son, increased CAMERA advertising in the *Gazette* indicating their determination to keep their theatre competitive. These advertisements featured First National releases, the company Zukor raided. A. M. Abbott increased his ABBOTT THEATRE advertising in 1925, perhaps already having been approached by Griffith representatives who purchased this theatre in April, 1926. Prior to 1926 movie advertisements had appeared in the *Daily Press*, a newspaper catering to the Stillwater "city" dweller but in that year the *Gazette*, a weekly publication emphasizing farm news and targeting readers with less leisure time, began to sell much more advertising space to the movie theatres. Griffith documents indicate that money probably spoke louder than threats, and the circuit shows a history of a facile ability to win financial support from Oklahoma City bankers while issuing large dividends to shareholders. Unlike Lynch's "wrecking crew," sale to the Griffith brothers usually included a stockholder's share in the profits, which was sometimes accompanied with employment as local theatre management. The Griffiths acquired the properties they wanted and the previous owners had an opportunity for continued personal gain. And, of course, this strategy developed a continuity of management to reassure the small-town movie-going public. Another factor that seems unique to the young state of Oklahoma is the perception that new businesses of any kind or any infusion of capital into a community could be seen as progress for the large town or small city. For a city like Stillwater and many of the other Griffith locations movie theatres drew from well outside city limits. The numbers attending the Opera House opening in 1901 are evidence of the importance of becoming a regional commercial hub. New movie theatres on Main Street benefited every nearby merchant, since it was possible that once in town, moviegoers would do their weekly shopping as well.

The community's perception of the cultural and economic importance of new movie houses separates this Oklahoma history from those that describe the growth of film exhibition in metropolitan cities like New York or Chicago, or from smaller towns well-established long before the Indian Territory was opened for settlement in 1889. This is key to understanding the impact of the Griffith circuits locally. Audiences in New York had many movie choices but in newer towns the presence of even one movie theatre could boost the economy and the prosperity of the mercantile community. Movies brought business to Main Street and film exhibition became part of a symbiotic relationship with the merchants of the area. Before the Griffiths built or purchased theatres—or while planning a move to a particular town—representatives spoke to meetings of local civic groups like the Rotary Club explaining the importance of the movies for commercial success. The Griffith brothers were exceedingly aggressive in their business expansion, although there is no documentation that they were as cutthroat as a Zukor or Lynch. The rapid growth of the Griffith circuits nevertheless drew complaints from independent theatre proprietors like the Tull family, owners of the Camera theatre on Main Street in Stillwater. The next chapter will look at the early antitrust complaints as well as more local concerns about the moral effects of motion pictures in towns like Stillwater.

Notes:

[1] Alfred S. Black is quoted in Hampton, *History of the American Film Industry from its Beginnings to1931* (New York: Dover, 1970) 253.

[2] R. E. later operated his theatres from offices in Las Vegas.

[3] Apparently Delaware was the ideal location for incorporation. Dennis McDougal describes it as "a state famous for protecting corporate secrecy and taxing lightly" (35).

[4] In 1940 this company became Griffith Consolidated Theatres, Inc. and is not to be confused with the Consolidated Amusement Company of Ardmore, a regional theatre group acquired by the Griffiths in 1927. In 1940, Griffith Southwestern Theatres was formed to negotiate the purchase of theatres and properties owned by a Tulsa, Oklahoma partnership. This company was merged with Griffith Consolidated in 1945. Earlier, in 1936, Griffith Consolidated Realty was incorporated to hold Griffith real estate and take responsibility for property maintenance. Revenue for this company came from renting theatres to the Griffith exhibition companies. Griffith Consolidated also held a 51% share in the Tad Screen Advertising Company. A concessions company was also established. All of these concerns were operated out of Griffith's Oklahoma City headquarters. At its peak, this conglomeration of theatre businesses supported almost 2,000 employees (Rice 8).

[5] Western States is not named in the antitrust case begun in 1939 implying that this corporation was dissolved prior to that litigation.

[6] The motion picture business was often a family business with the Warner brothers being the most obvious example. "'Pop' Laemmle had early shown considerable tendency to employ as many of his family as possible" (Fernett 239). Likewise, the Griffith brothers got their start from their father, as did Claude Leachman, longtime theatre manager in Stillwater, and his brothers Ralph and Oakley. These young men began their film exhibition careers funded by their father Dr. T. C. Leachman in 1919; they partnered with the Griffith brothers in 1926.

[7] One of the most fascinating accounts of early filmmaking and exhibition is *Two Reels and a Crank* written by film pioneer Albert E. Smith with the help of Phil A. Koury, a reminiscence published in 1952. The passage of time may have embellished this narrative of James Blackton and Smith but it certainly offers some insight into early moviemaking and the history of Vitagraph.

CHAPTER VI

Local Attitudes on the Movie Business and Early Federal Antitrust Litigation: Local Attitudes and National Scrutiny (1939-1941)

> TALKIES FACE TRUST CHARGE IN U. S. COURT
> State Movie Firms to Be Accused
>
> The federal government focused its drive against monopoly on the southwest Thursday and plotted action against four theater chains and major producers in Oklahoma, Texas, and New Mexico with Oklahoma City as the setting.—*Daily Oklahoman* 28 Apr 1939

The rapid expansion of the Griffith chains, particularly after the Universal Theatrical Chain was incorporated, drew the attention of Thurman Arnold, antitrust attorney for the federal government in 1939; antitrust proceedings against the studios were initiated a year earlier, in 1938.[1] The movie business, since its earliest days, had garnered scrutiny from both moral and social arbiters, and the legal community. An entertainment that grew in popularity so rapidly and that delighted such large audiences drew suspicion from many quarters, often because local culture brokers saw their influence eroding. As *Daily Oklahoman* articles reveal, the Griffiths were not strangers to local court battles, especially the ten-year litigations brought by A. B. Momand of Shawnee. The film industry's history includes continuous litigation from the patents wars beginning in 1900 to antitrust cases in the early 1920s. Senators like Matthew M. Neeley (D-WV) tried to legislate block-booking policy out of existence, while churches and organization like the National Board of Review, the National Council of Women, and the National Congress of Parents and Teachers sought to protect children from what were perceived to be the morally deleterious effects of the picture shows. Sociologists hoped to measure scientifically those effects but personal moral prerogatives often got in the way of the science in studies such as the Lynd's *Middletown* report in 1929 and the Payne Fund Studies in 1933. Scientists sometimes used moral tales to support their findings while social and religious organizations employed statistical data to support their objections to the movies. Defining the industry as the motion picture business, the 1915 Supreme Court decision in *Mutual Film Corp. v. Ohio* ruled that movies were "business, pure and simple . . . not to be regarded as part of the press of the country or as organs of public opinion." Movies were thus legally viewed as product rather than as a medium of protected expression; "simple statutory authority" at any level of government could regulate the perceived harmful effects of film on consumers, particularly children (qtd in Randall 432).

Without the protection of the First Amendment, state and local governments were free to institute controls on the film industry that best reflected community standards, which sometimes reflected political rather than moral issues as a Columbia Law Review summary indicates (Notes). Police officers or representatives of civic organizations like the Women's Club or the PTA might staff film review boards at the local level; some screened films before theatrical release in their towns, while others only acted in response to community complaints. The first state board was established in 1911 in Pennsylvania; Ohio and Kansas followed suit in 1913. In 1939, a state censorship bill was defeated in Oklahoma (Notes 1384, 1390). Although clergy or civic leaders occasionally called for the reform of motion picture content, government intervention lacked support in most Oklahoma municipalities. In Griffith towns, as in most small towns across the country, it was the theatre manager who dealt with patron complaints about the movies. Because the manager was also an active participant in community life, he monitored the films for topics or scenes that his town might find objectionable. Because of block- and blind-booking, the local showman was often seen as a victim of the Hollywood industry, rather than a corrupter of the town's moral fiber. Trade publications often carried letters from small town theatre owners complaining of film content. In a letter writing campaign in 1946, Griffith managers flooded Eric Johnston's in-box as the successor to MPAA head, Joseph Breen. David Palfreyman, of the MPAA Theatrical Services office, noted that these were voices to be taken seriously; Griffith business was important to the industry.

Occasionally the problem of protecting women and children from the dangers of motion pictures made the local newspapers in Stillwater. In 1941 one editorial blamed parents for poor supervision if children suffered ill effects from comic strips, radio programs, or movies (*Gazette* 23). This columnist failed to note that both the radio and the funny papers enjoyed First Amendment protection; the movies did not. An advice columnist chastised one parent for not making use of the Pacific Coast Women's Club film reviews available at the public library. Richard Testa describes the influence of local women's clubs on film exhibition in Providence, Rhode Island, the state capital, where Paramount controlled most of the movie houses. The first censorship laws went on the books in 1909 in this large New England town, giving the police department control of theatre licensing and the power to ban "dangerous films." This community had an active Congress of Mothers to advise the city's censors. Other local groups, including the Women's Christian Temperance Union (WCTU) communicated frequently with the National Board of Censorship in New York City (Testa 101-05). Likewise, Waller describes the efforts of the WCTU and the Women's Clubs of Central Kentucky to control what movies reached local audiences by banning a film outright, "suppressing a film already shown or restricting the audience for a particular film" (*Main Street* 140). A Chicago commission of 1919 emphasized "incitement to crime" as a major problem with moving picture shows (Jowett 143). One case of dreaded copy-cat behavior was reported in Stillwater on 16 December 1938. A twenty-three year old young man, after a summer in Missouri as an extra on the film *Jesse James*, committed armed robbery; he received a five-year prison term for his two-dollar holdup (*Gazette*). This is hardly a ringing validation of Payne Fund researchers Blumer and Hauser's findings that movies could influence criminal behavior "through the display of crime techniques and criminal patterns of behavior; [or] by arousing desires for easy money and luxury" (qtd in Jowett 224).[2] A film induced crime wave was not reported in either the Stillwater or Oklahoma City newspapers.[3]

And, it seems that local women could take care of themselves. On one Wednesday in 1936, six men reported themselves as victims of a pickpocket with losses totaling more than fifty dollars. Because "it was practically impossible for them to pull the billfolds from their pockets without notice," it was determined that a woman had been part of the felonious team (*Gazette* 27 March). In 1940, a movie masher got more than he bargained for with his inappropriate advances. "The irate female doubled up her fist and landed a hard punch off the farmer's mouth. Then she grabbed his necktie and led him up the aisle to the box office and asked that the police be called" (*Gazette* 25

October). Occasionally Stillwater's elected officials were called upon to uphold community standards as in the case of an anonymous complaint in 1930. Mayor Thompson and theatre manager Claude Leachman determined that "the actions of Miss Lois Wilson, . . . movie star, in hoisting her shapely leg in the general direction of the north star while reclining in front of the Mecca was not indecent, though certainly unladylike" (*Gazette* 20 June). Unlike the efforts undertaken by women's groups or city fathers in other locales, no information has surfaced to indicate that any formal attempt at censorship occurred in Stillwater.

Periodically, *The Oklahoman* reported on legislation to control movie content but nothing seems to have come of those proposals. In 1917 "a state censorship of 'movie' films, to be know as the 'Commission for Educational Motion Pictures' [was] introduced in the house." This commission was to be charged with the responsibility of determining if a movie was "educational or merely entertaining and harmless." Members would also be asked to "disapprove all pictures or parts of pictures as in their judgment are indecent, immoral or otherwise debasing" (*Oklahoman* 8 February 1917). No follow up article indicates this commission was ever formed. The next mention of state censorship appears in 1925. State Senator Tom Anglin of Holdenville introduced a bill that narrowly received approval for debate with a vote of twenty for discussion and eighteen opposed. As Senator Jed Johnson argued, small town theatre owners were forced "to accept the pictures they [the circuit owners] send them" (*Oklahoman* 5 February 1925). As with earlier attempts at state censorship, it appears this bill was rejected on the grounds that community women's groups could serve to screen films for objectionable content; a state board or commission would unduly expand government intervention into local matters (*Oklahoman* 19 June 1921). John Thomas, in his study on Knoxville, Tennessee film exhibition argues that this small town fought being labeled a "hick town." For that community, censorship was seen as "another hick-like response from religious fundamentalists living on the fringes of the city or in the middle of the country" (94). Knoxville wanted to shed its rural past to be accepted as an up-to-date town. Perhaps Oklahomans, too, wanted to project a more sophisticated, urban image to the country beyond the state's borders. Although it seems many local politicos and state representatives were reluctant to take a stand on the movies, at least one minister decried the evils of the motion picture business in Stillwater.

The *Stillwater Gazette* gave extensive coverage to the 17 April 1930 sermon of the Reverend Virgil G. Nalley of the First Christian Church. Titled "What I Think of the Movies," Nalley was tactful in his attack on Hollywood; rather than blaming local owners or managers for film quality in the city's movie houses he targeted the California studios. This pastor took exception with film content, block-booking practices, false advertisements, and the production code and its administrator, Will Hays. His dislike of Sunday shows was implicit in his remarks, "Moving pictures show to audiences four times as large as the audiences reached by the church and they provide the most effective, educational agency in the world today." This minister had no desire to face such competition on Sundays. He explained that the theatre managers' hands were tied by block-booking and blind-booking resulting in the objectionable quality of many films.[4] Nalley believed theatre owners had only two choices—bad films or darkened auditoriums. Using *Party Girl*, a film screened in Stillwater the previous week, he stated, "I would not have produced such a picture . . . but we would get nowhere by attempting to ban its production in Stillwater." Turning to advertising, he complained that "lurid posters often indicate a 'terrible' show when in reality, it contains nothing objectionable." The advertising, in full view of any passer-by could actually be more titillating than the featured film. Finally, he excoriated Will Hays, charging that neither the 1921 code nor that of 1930 produced more acceptable films. He closed his comments to the packed sanctuary with a call to action to join the international efforts of "the Federal Council of Churches, the *Christian Century* and *Christian Herald* magazines to campaign "for better movies" (*Gazette* 17 April 1930). This was a rallying cry from a lone clergyman in Stillwater, but soon local ministers banded together in ecumenical distaste when Sunday movies were put to the popular vote later that year.

Petitions circulated among Stillwater residents in the summer of 1930 to bring the issue of Sunday movies to the voting booth. On 1 August, petitions for each side were presented to the city commission with more than fifty percent of local residents signing. Local ministers proffered signatures of 824 residents who opposed opening theatres on the Sabbath. The petition presented by local theatre owners boasted 1,045 proponents of Sunday shows, with the majority of this support from local businessmen. The city commission nixed the idea that this issue could be put on the scheduled 12 August run-off ballot because the commissioners believed this issue to be a weighty decision requiring more time for voters to consider their position (*Gazette*). On 8 August Mayor G. M. Thompson was interviewed about the upcoming vote. Noting that he personally favored the existing blue laws because he felt Sunday openings would "be harmful for the college and the churches," the mayor expressed concern that a special election would be a costly $300. Thompson also made it clear that he had "the highest regard for those men who operate them [the theatres].” With a mayoral election coming the following spring, Thompson tried to strike a balance in his comments, emphasizing that he had been elected to serve the will of the people who would be voting on the issue (*Gazette* 1 August 1930). Despite the concerns about expense, the Sunday movie question did not appear on the 4 November general election ballot; instead it was announced for a 12 December polling (*Gazette* 3 October 1930). Proposition 5 “for the repeal of the city ordinance prohibiting Sunday moving pictures resulted in the largest number of votes being cast on a single question, 1,871 voters participated in solving the question” and “814 voted in favor of opening the movies and 1,057 against.” The *Gazette* reported “Movie Question Foremost”:

> the spotlight of the entire campaign was focused on the Sunday movie measure, the two opposing forces being led by Stillwater Council of Churches, against change, and Claude Leachman and R. S. Russ, manager[s] of local theaters, principal backers of the proposition. The Sunday movie drive reached its climax Thursday with both sides turning loose a barrage of advertising on the subject. Throughout the day of voting both sides turned efforts towards getting voters to the polls. (*Gazette* 12 December 1930)[5]

It appeared the clergy had won the day; they had won the battle, but as the spring mayoral race proved, the war was not yet decided.

Sabbath movies became the hottest issue even though a total of eight men were campaigning for the mayor’s seat. The *Gazette* believed, “As the campaign grows warmer, it appears that the Sunday movie question has become the most popular point of discussion." To keep the readership well informed, a reporter quizzed each of the candidates about the "movie question." Incumbent Thompson restated his position against Sunday openings, remarking that he was "convinced that the parents of A. and M. college students do not desire them," and that the special election had indicated his stance had been supported by local vote. He did, of course, pledge to uphold the will of the electorate. Six mayoral hopefuls demurred that they would enforce the current ordinance until the people decided on this issue. Frank Jardot, descendant of the founding Jardot family who once owned the OPERA HOUSE, came out in favor of Sunday picture shows. The *Gazette* commentary indicated that all eight candidates expressed "considerable anxiety . . . toward the vote to be cast by students of Oklahoma A. and M., believed to be largely in favor of Sunday movies in Stillwater. . . . Student politicians are known to have interviewed each of the candidates . . .to find a platform suited to student desires" (13 March 1931). These comments indicate the dilemma of city leaders in communities around the country. Constituents enjoyed their movies, attending several times a week, and surely would patronize a showing on Sunday afternoon, yet as elected officials they carried the responsibility of protecting the city's citizens, particularly the younger folk. Without a clear public consensus on Sabbath shows, office-seekers were reluctant to commit to either side. A heavy voter turnout produced the closest mayoral race in city history, produced in large part to the debate on Sunday movies. Two votes separated the candidates who were therefore to compete in a runoff election. Thompson placed out of the running, demanded a recount, and became the first mayor ever to win reelection (20 March 1931). With his victory it appeared that the will of his constituency had silenced the Sunday film issue and no further articles appeared in the local newspapers for quite some time.

However, the controversy heated up once again in December 1933. Stillwater theatre owners chose to break the law on Sunday, December 21. The *Gazette* headline the next day announced: "ARRESTS ARE MADE IN MOVIE SHOW TEST CASE—Three Local Movies Run Programs Sunday; Short Interruptions Occur During Matinees." Five were arrested for violating the city ordinance prohibiting Sunday shows: theatre managers Leachman and Russ, as well as the three projectionists on duty at the time—Clark W. Abbott, Glen Blackridge, and Fred Turner. All were quickly released on their own recognizance. At their Monday court appearance, a continuance was granted. The coverage of the police crackdown continued:

> Each of the three shows had nearly completed the first program before officers made their appearance with warrants. Theater men, anticipating the action had relief workers ready and as one group of employees was removed another set took their places. The Aggie machine never stopped, the Mecca and Camera for about a minute. Officer Ashmore caused a slight commotion at the Mecca by announcing the show was over, but as patrons began to file from the theater they were turned back by show employees and the program continued. (22 December 1933)

By mid-afternoon Monday, the Stillwater Council of Churches had made no comment, and, although the Stillwater Ministerial Alliance held its regular Monday morning session, no announcements were made to the press about the showings. Both groups had been forewarned of the Sabbath shows; the theaters had previously advertised their

Sunday programs. Clearly, the events of the previous day indicated to these clergymen that movies seven days a week had been voted into practice at the box office.

Unlike the silent religious leaders of the community, the district court responded quickly on appeal, ruling the current city ordinance banning Sunday shows was illegal because the $25 maximum fine exceeded the $20 limit the city court could legally impose. With equal speed, the city commission repealed the old ordinance, approved a new one, and then passed a resolution that the voters at the next general election would resolve the Sunday movie issue if a petition bearing 200 names was received. Believing the new ban conformed to the public sentiment expressed in the 1930 vote, the commission drafted an ordinance that complied with the $20 ceiling on fines while limiting prosecution to the theatre managers or owners. No theatre employees could be arrested. "A majority of the commissioners expressed the opinion the shows should be allowed to run if they so desired but the vote was for enforcing Sunday closing until the citizens should vote otherwise." This unofficial acceptance of Sunday screenings left the opportunity for theatre owners to violate city statutes with only a $20 fine levied for their transgressions, a small price to pay for full auditoriums on a seventh business day (*Gazette* 29 December 1933). As Kathryn Fuller points out, theatre operators around the country "rated Sunday one of their most profitable business days; they continually fought to stay open, incurring fines and even jail sentences" to continue Sabbath shows (46). In the following January, the *Gazette* reported the new ordinance had not been properly enacted, making Sunday shows legal (3 January 1934). The absence of any additional news coverage indicates a failure to gather 200 signatures for a new petition. Stillwater now legally enjoyed movies every day of the week.

Around the state, battles flared and then quieted on the controversy of Sabbath shows. On the one hand, opponents insisted that Sunday should be a day of worship while others made an equally strong argument that for some hardworking Oklahomans this was the only day available for personal entertainment. Generally the state's clergymen led the fight to block movies from the day of worship, but occasionally crusading city officials joined the battle. *The Oklahoman* periodically reported on attempts to ban Sunday movies with an early article appearing 11 June 1918. That article noted that " if Street Commissioner Butts has his way Enid will become a 'perfect-lady-of-a-town"' . . . [with] all the pool halls in the Garfield county capital . . . closed every day of the week and that the moving picture shows should not open on Sunday." The reporter noted that no bans on Sunday movies presently appeared in Oklahoma City ordinances (11 June 1918). By 1920, religious leaders were ready to take up the issue of Sabbath shows. An *Oklahoman* article of 5 October 1920 outlined the activities of the Protestant Ministerial Alliance. It "placed its official stamp of disapproval on Sunday movies . . . [with] a formal resolution to inaugurate a state-wide campaign against Sunday movies . . . [through] an effort . . . to swing public sentiment in favor of such [blue law] legislation by getting all ministers in the state to preach against Sunday amusements." The ministers felt that churches were in competition with the movies, particularly for the "'luke-warm' class [which] would go to church if there were no movies." The ministers described this situation as "in tune with the general tendency toward moral disintegration. . . .threatening the world." In counterpoint, DREAMLAND THEATRE manager Dudley W. Tucker believed the "movies compete in doing good." He pointed out that:

> Many of the ministers have automobiles and can ride along the boulevards

> or go down to the river bank for their Sunday recreation. But the poor man who works hard all week and whose home environment is none too pleasant has no other recreation, or other enjoyment, but a good movie. I believe in giving the other fellow a chance and, it looks like selfishness to me when those who have the facilities for recreation and enjoyment want to take away what little the poor man has. (*Oklahoman* 5 October 1920)

Tucker continued by noting that "there is no harm in the pictures that are shown these days," asking "which does the most good when it comes to teaching morality, the church or the movie?" (*Oklahoman* 5 October 1920). On 7 November, an *Oklahoman* article reported the response from the pulpit by the Rev. Schaul of the Second Presbyterian church in Oklahoma City. He admonished that "A full church means a safe nation. . . .those who honor God are a greater protection than all our armies." He also referred to recent reports of increased "social and contagious diseases" and "a great wave of juvenile crime" without specifically blaming picture shows for these current ills (1920). Pastor Schaul had good reason to worry; this was an era of shifting values from flappers to the activities of the KKK. The debate had grown to include national security, crime, and pestilence, yet the movies had many champions including Judge Bird ruling on the appeal of a Billings theatre owner who had been charged as "a public nuisance" for showing Sunday movies. The judge ruled in favor of Harry Grubbs stating, "The picture shows are what the operators or owners make them . . . . In this case the show seems to have been conducted orderly and with clean pictures, not making of it a nuisance . . . . Picture shows do the public much good when rightly conducted" (*Oklahoman* 27 February 1921).

By May 1922; Commissioner Butts had achieved a victory. After a contentious campaign to install blue laws, Enid voted approximately two to one to ban Sunday movies. Oklahoma City "trade trippers" unwittingly paraded into the conflict drawing the ire of local clergy. One banner displayed the message "If you can't go to a motion picture show here, come to Oklahoma City" (*Oklahoman* 13 May).[6] A byline article assessing the new law in Enid found that sentiments remained strong on the rectitude of closing the movie houses on the Sabbath. However, the author noted that the local theatres had lost some 6,515 admissions each Sunday they were closed and that hotel business had suffered as traveling salesmen now avoided spending a weekend in the town; on the other side of the ledger, church attendance *did* increase (*Oklahoman* 21 January 1923). Enid's blue laws remained in effect until 23 September 1930 (*Oklahoman*). The state convention of Christian Churches appointed a committee to draft "a bill to close Sunday night shows in Oklahoma."

Another important topic of this convocation was "Youth and the Communion Service." Young people had ceased attending church services in the belief that their appearance at Sunday school was sufficient. No connection was made to moviegoing and no follow-up articles indicated that any bill had reached the legislature (*Oklahoman* 14 January 1925).[7] Other blue law debates from around the state were infrequently reported, usually with a tone of urbane condescension. An article outlining the history of blue laws as an eighteenth century practice described the shift from an agrarian society to an industrial urban one. Although some 26 states still had blue laws on the books, the reporter indicated that in most cases both merchants and state prosecutors ignored the laws (*Oklahoman* 12 December 1931). Sunday movies were considered a local matter.[8]

Giuliana Musico, in his study *Hollywood's New Deal*, argues that rather than pressures from small, independent exhibitors, "the fiercest opponents of [block-booking] . . . were civic groups, who initiated the legislative projects" (130).[9] In Stillwater, it was a clergyman who called for an end to this practice, not the owner of the independently owned CAMERA THEATRE on Main Street. In May 1938, the United States Senate passed the Neely Bill to the delight of Paul Harrup, the state YMCA chair of Motion Pictures and Visual Education for Oklahoma parents and teachers, who wired his news home from Washington. He hoped to rally local residents to begin a letter writing campaign to the House of Representatives to urge the companion Petengill Bill out of committee for a full vote (*Gazette* 27 May 1938). The bill remained in committee well into 1940, but a new legal battle with the film industry had already begun.

Griffith historian Roger Rice called 1939 the beginning of "dark days" for the chain, yet there is no mention of the litigation in the extant corporate records. And local Stillwater editors found nothing newsworthy in the anti-trust allegations; no articles appeared on the prosecution until the 1948 federal conviction of the Griffith companies. There are, however, some clues that the circuit understood the threat of impending prosecution. The Griffiths and their shareholders had established a network of theatre corporations and a separate real estate concern, all of which complicated tracking the business transactions within the Oklahoma City office. Generally meetings dealt with the sale or purchase of theatres, but neither the minutes of shareholder or board of directors meetings spoke of film booking arrangements; a "rubber stamped" vote to approve the rentals selected provided no information on rental agreements. No details on which movies had been chosen or with which studios contracts had been made were included.

But, in 1935, company records began to include studio names and the years to be covered for each. For example, on 28 March 1935, board minutes list an agreement with RKO Distributing Corporation for three film seasons from 1935 to 1938 (Griffith Box 1 Vol. 6). In 1939, contracts for film service included Twentieth Century Fox Film Company, Loew's Incorporated, Warner Bros. Pictures Incorporated, Republic Pictures, Paramount Pictures Distributing Company Incorporated, United Artists Corporation, Universal Film Exchange Incorporated, Vitagraph Incorporated, and Columbia Pictures Corporation (Griffith Box 1 Vol. 6). The 22 October 1940 minutes record that "The chairman [L. C. Griffith] further stated that he deemed it advisable to discuss each [booking] contract separately" (Box 6 Vol. 7). Steps were being taken to build a defense against the charges of the federal government.

This justice department case was first reported in *The Oklahoman* 28 April 1939 in an article that listed the defendants as "Griffith Amusement Co., which operates in Oklahoma and Texas; Consolidated Theatres Inc., operating in the same states; R. E. Griffith Theaters Inc., operating in Texas and New Mexico and the Westex Theaters Inc., operating in Oklahoma and Texas." This press coverage continued by noting that Thurman Arnold, known for his trust-busting activities for the federal government, "sought to have the corporations dissolved, and the properties rearranged as independent corporations which would create, as he said, competitive conditions." Arnold added that "the action dovetailed" with prosecutions brought against studio production and distribution companies. "In fairness to the defendants in this particular proceeding . . . it should be said that there are many chains of theaters in the United States whose situation is similar," Arnold advised a Washington correspondent. The Griffith case was going forward because the investigation into this circuit's activities had been "completed first." The author of this article saw an additional reason for moving forward on these charges; Holmes Baldridge, local born and a graduate of the University of Oklahoma law school was chief of the Justice Department's trial section (*Oklahoman* 28 April 1939). Additional coverage into early 1941 tracked briefs being filed and other requests leading up to a trial date that remained unannounced. In December of 1941 the importance of any antitrust proceedings was overshadowed by the American entry into World War II. The nation and the movie men began gearing up for the war effort. The numerous wartime contributions of the Griffith theatres will be discussed in the next chapter before returning to the post-war continuance of federal prosecution.

Notes:

[1] Ironically, Arnold expressed an interest in prosecuting Will Hays of the Motion Picture Producers and Distributors of America (MPPDA) citing the film industry's self-censorship as restraint of trade (*Oklahoman,* 27 Sept 1938).

[2] As Jowett and others have indicated much of the scientific conclusions of the Payne study were undermined and misrepresented by the publication of *Our Movie Made Children* by journalist Henry James Forman, as an attack on the film industry (225).

[3] Criminals did find their way to Griffith box offices. In March of 1927 a robber remained hidden after an evening performance at the AGGIE, smashed the cash box and escaped through a rear window with $47.70 (*Gazette* 25 March). *The Oklahoman* reported the robbery of the BISON theatre in Shawnee. The manager, subsequently bound and gagged along with the cashier, was forced to open the safe, handing over $1,000—the receipts for the BISON and the CRITERION which were both owned by Griffith Amusement (24 November 1930).

[4] The practice of block-booking required theatre men to agree to rent a group of films in order to get perhaps only one or two desirable movies for their community. Blind-booking meant that although a featured actor or actress may have had star power, the local owners had no information on subject matter or plot before signing a rental agreement.

[5] The *Gazette* also reported that propositions to increase the salary of the mayor and city commission, as well as a plan to "increase the duties, power and authority of the [city's] general manager" were defeated.

[6] Trade trippers were civic boosters who traveled to neighboring cities, states, and sometimes other countries to promote and expand local trade. They were sometimes sponsored by the Chamber of Commerce and sometimes by private businesses. The "trippers" often used parades to capture attention.

[7] Also during this conference plans were set in motion to establish "a department for teaching bible courses in the state universities at Norman and at Stillwater . . . with instructors paid out of a budget of $150,000 from the Phillips endowment crusade fund of a million dollars" (*Oklahoman* 14 January 1925).

[8] Copying the habit of state legislatures to stop the clock if extra time was needed, a mayor in Johnstown, Pennsylvania suggested theatre owners should be allowed to stop their clocks on Saturday nights (*Oklahoman* 27 January 1934).

[9] Musico provides an excellent analysis of the relationship of Hollywood and Washington in the years leading up to World War II.

CHAPTER VII

Contributions to the Home Front War Effort: Activities of Hollywood, L. C. Griffith, and the Griffith Theatres (1941-1945)

> Early on, FDR recognized the special importance of the movie-house in American culture and publicly endorsed it as a "necessary and beneficial part of the war effort." In many American towns, the local Bijou was more of a locus for community than the church or city hall.—Doherty

After the news of the Japanese attack at Pearl Harbor, the relationship between the federal government and the movie industry quickly shifted from an adversarial one to a cooperative, although sometimes contentious, partnership. On 18 December 1941, President Roosevelt voiced his understanding of the importance of the cinema, saying, "The American motion picture is one of our most effective mediums in informing and entertaining our citizens. The motion picture must remain free in so far as national security will permit. I want no censorship of motion pictures" (Jowett 311). Antitrust litigation became at least temporarily unimportant at the Justice Department and, surely, studio and circuit defendants hoped that public service during wartime might close the books on prosecution. Much to the chagrin of isolationist Congressmen, Hollywood had begun antifascist propaganda films long before war was declared by the United States with Hollywood nemesis Senator Gerald Nye (R-ND) initiating an investigation into movie motives before an Interstate Commerce subcommittee in October 1941 (Doherty

40).[1] As Robert Fyne notes, as early as 1937, Republic's B-Westerns were incorporating menacing Nazi-like villains into the standard range war plot (15). Warner Bros. began in 1939 to bring anti-Nazi and World War I themes into their feature films as cautionary tales of what the American future could hold. After the premier of the first of these films, a *New York Times* critic wrote, "Warner Bros. formally declared war on the Nazis at 8:15 a.m. with the first showing of their *Confessions of a Nazi Spy* at the Strand" (Fyne 16). It might be easy to view Hollywood's wartime activities with cynicism as calculated cooperation to increase dwindling box office receipts while gaining good will with the government (the former proved true; the latter not). Michael Birdwell's book length discussion of the Warner Bros. anti-Nazi campaign eloquently demonstrates the conviction and courage of the studio. Gerald Nye (R-ND) announced, "Go to Hollywood. It is a raging volcano of war fever. The place swarms with refugees [and] with British actors" (Birdwell 155). In addition to drawing the ire of isolationists and Nativists, but also German Americans who burned a Milwaukee moviehouse in protest of the 1939 opening of *Confessions of a Nazi Spy*. Harry Warner was undeterred; he continued patriotic short films although by "March 1940 they had lost $1.25 million" (Birdwell 25). Thomas Doherty reminds his reader that many studio moguls and film directors, who had achieved the American Dream, were of immigrant stock from the countries Hitler terrorized; many lost family members living or serving in Europe; many who suffered that loss were Jewish. Film industry leaders had many reasons to join the war effort wholeheartedly as movie organizations and government agencies soon began to define how the conflict was to be presented to the American movie-going public.

The Hollywood studios enthusiastically participated on the home front and many noted individuals in the business of filmmaking vigorously took action as well; much less has been written about local film industry figures. Biographers frequently celebrate the wartime contributions of movie stars and directors both at home and overseas. Frank Capra, John Ford, John Huston, and Darryl F. Zanuck all worked for either the Office of War Information (OWI) or the War Department, producing powerful documentaries, effective training films, and short subject movies for home front audiences.[2] In addition to the celebrity participation, "according to the final report of the War Activities Committee (WAC), some 7,000 studio employees or about 'one-third of the men normally employed in the motion picture industry' entered the military" (Doherty 60). Most film historians make at least a brief mention of the mutual efforts and shared frustrations of the studios and federal agencies although more study has been given to the films produced at that time from newsreels to feature films.[3]

While the movies and their messages are important, what is often overlooked is that the studio-dominated oligopoly the government had sought to disassemble provided the infrastructure necessary to meet the national wartime need of efficiently disseminating information and propaganda. The studios had at their disposal production facilities that could turn out higher quality movies more quickly, an organized distribution network that could transport films from studios to theatres rapidly, and exhibition sites with management ready to screen those movies. Circuits like Griffith Amusement, although lacking production capabilities of any measure, also had an effective distribution team and a large number of theatres ready to screen wartime films. Monopoly now represented a practical means of reaching the American public effectively. Additionally, in June 1940 as issues of war-preparedness grew more critical, Hollywood leaders created the "Motion Picture Committee Cooperating with National Defense" (MPCCND) to produce film shorts. This industry organization, ready to participate in war efforts, became the "War Activities Committee—Motion Picture Industry" (WAC) immediately after the attack on Pearl Harbor. The movie studios were in many ways better prepared than the government agencies and departments they would be dealing with during the war.

A report begun by the War Records Section of the Bureau of Budget in 1946 at the request of President Roosevelt, and completed with the support of President Truman, outlines the fractious reorganization of several information agencies into the Office of War Information (Bureau of Budget). Prior to the establishment of the OWI, the Office of Censorship, the Office of Facts and Figures, the Division of Information of the Office for Emergency Management, and the Office of Government Reports had overlapped in jurisdiction over the flow of federal information. Because the Office of Government Reports (ORG) was the first agency to initiate cooperation with the MPCCND, Lowell Mellett, once the editor of *The Washington Post* and then director of the ORG, was appointed Coordinator of Government Films on 18 December 1941 (Bureau of Budget 227-28). As Koppes and Black discuss, Mellett's ambition to be the sole contact between the government and the moviemakers soon created bitter internal power struggles with other public information officers in the War Department and other agencies (57). By July 1942, OWI was reshaped into three internal branches with the "Domestic Branch" to work with the film companies; Mellett became head of the Bureau of Motion Pictures (BMP). Rather than better defining roles, conflicts grew more contentious and by early

1943, Congress, offended by some of the print materials in distribution, began slashing budget appropriations, reducing the OWI "Domestic Branch" to a clearing-house to coordinate programs and projects in other departments (Bureau of Budget 229-30).[4] As OWI director Elmer Davis reported:

> The domestic Branch of OWI was a cocktail shaken up out of three very dissimilar ingredients—predecessor organizations which differed widely in their objectives as well as their techniques. It took almost a year, until June, 1943, to create a blend that was reasonably satisfactory to the executives of the agency; and about the time that this was accomplished, Congress poured most of the contents of the shaker down the drain (Larson 435).

The studios, with the well-established pecking order of the "Big Five and Little Three," were better organized and continued producing three types of film shorts for military training (so-called "nuts and bolts" shorts), theatrical screenings for the general home front audience, and "incentive" films shown to workers in war production plants (the "smokestack circuit") throughout the internal agency battles (Doherty 61-62).[5] With the exception of roadblocks sometimes thrown up by the branches of the United States military, the studios managed to steer clear of major conflicts with the OWI guidelines, or rather OWI questions for self-examination by the filmmakers.[6] Experienced at circumventing Production Code rules and regulations, Hollywood producers successfully found ways to defend their movies as meeting government criteria.[7] The film industry could point to Mellett's communications indicating "the motion picture industry's voluntary cooperation," a precedent set in FDR's speech of 23 February 1942, when he called on "the industries concerned . . . [the press and radio to] volunteer their services" (Doherty 47, Bureau of the Budget 204). And, most importantly, the studios had control of theatres in the largest areas of population and had distribution agreements with many other exhibitors (including the Griffith companies) out of a total of approximately 16,500 screens across America (Doherty 81). In spite of the conflicts within the system, a government film of up to one reel was released to theatres biweekly to a theatre attendance of approximately ninety million (Larson 438).[8] The movies could reach a large American audience.

Arguably, the air waves could be identified as the greatest wartime influence on the American public's perceptions of the conflict aboard and the home front demands with around fifty million radios in 1940s households; radio had an advantage in getting news to its listeners much more speedily than any production team could ever hope to get film footage into the theatres (Samuel 48). Movie theatres sometimes interrupted the evening's feature to type "news flashes on mattes for projection on the screen" and on D-Day, 6 June 1944, exhibitor's broadcast Roosevelt's radio address in their theatres. However, Doherty makes a strong case for the power of motion pictures and more specifically newsreels to provide meaning to the reports printed in the newspapers or heard but not seen through radio reports. "The newsreels made sense of things" (Doherty 231). Newsreels were important to movie houses beginning with World War I and specialized newsreel theatres, usually in urban locations near transportation hubs, survived until television broadcast news began airing around 1949. In March 1937, the Trans-Lux chain (partnered with RKO) opened its tenth newsreel theatre four blocks from the White House. Newsreel Theatres, Inc. owned ten exhibition sites including one near Radio City Music Hall. Second-run theatres in Seattle, Portland, Oregon, Buffalo, Denver, Minneapolis, Sacramento, Los Angeles, and Houston were converted into newsreel theatres during World War II (Gomery, *Shared Pleasures* 145-52). Patrons of both these specialized theatres and feature film exhibitors sought out moving images to understand the radio commentary and the still photography of the daily newspapers. "'No one can honestly state to what extent [the newsreel] acts as a direct stimulus to grosses, but try cutting it out of the program and the patrons will immediately start beefing,' warned *Motion Picture Herald*." Reportedly, women, hoping to spot a loved one deployed overseas, were a large portion of the audience for newsreels (Doherty 239, 240). In addition to combining sound and motion to news reports heard but not seen, movie theatres provided an impetus to act upon government requests to donate scrap materials to the war effort. Radio listeners might think about items that they could drop off at a collection center and never act on that momentary resolve. The promise of a free movie, however, often moved them to act. One-reelers screened at local theatres continually reinforced the patriotic need to contribute to the war effort and to support rationing measures. Feature films provided more subtle but similar messages.[9] However, the most important home front role of film exhibitors and the Hollywood community centered on war bond sales.

Asking Americans to purchase Defense Bonds to finance the nation's war preparedness beginning on 1 May1941 ushered in a new approach with significant differences from the earlier Liberty Loans of World War I. Secretary of the Treasury, Henry Morgenthau took a populist approach to the World War II bond campaigns, establishing three types of securities instead of only one offered during the previous war.

By offering stamps, as well as Series E, F, and G bonds, sales would not be limited to large businesses or investment groups; instead, any American, even a school child, could participate in bond purchases. Unlike the Liberty Bonds, interest rates were fixed, offering private investors more financial safety. Secretary Morgenthau hoped his plan would work on several levels. Bond purchases would provide a secure investment at a time when many desirable consumer goods were not available. Extra dollars could earn interest for postwar spending while curbing the current threat of rampant inflation. At the same time, with bond denominations set from as low as twenty-five to fifty dollars, more Americans could demonstrate their patriotic support. Savings stamps allowed even citizens with the lowest of incomes to invest slowly, building to the time when their stamps, totaling $18.75 could purchase a $25.00 war bond (Samuel 17). On 30 April 1941, President Roosevelt, Morgenthau, and the postmaster general announced the Series E bonds on radio, emphasizing the democratic inclusiveness of the new war bond plan. Morgenthau described the new bond program in these words:

> Defense Savings Bonds and Stamps are not for the few; they are for the many. . . . They are for the great mass of the people—for the laboring man, the skilled mechanic, the office worker, the employer, the housewife, the retired businessman—even children can save their pennies to buy stamps. . . . Let this be clear: your government is frankly seeking the current, regular savings of the people—all the people. . . . It is not asking you to buy one bond or one set of stamps and let it go at that; it is inviting you to save regularly and systematically by putting your money in the soundest investment on the face of the earth—the United States. Why

> does your government want the savings of the people? Obviously, there are faster and simpler ways for government to raise money. Why has the Treasury Department taken this more difficult course? . . . First, . . . your government wants to give every one of you a chance to have a financial stake in American democracy—an opportunity to contribute toward the defense of that democracy. . . . Secondly, your government wants to encourage the habit of thrift in all the people—to prevent a spending spree of the kind that accompanied the last war—to provide a check against high prices—to safeguard and stabilize the current American standard of living. Finally, your government wants to provide each of you with a cushion against the post-war period when, inevitably, adjustments of employment will be made. . . . There are to be no quotas—there is to be no hysteria—there is to be no appeal to hate or fear. The Defense Savings Bonds and Stamps are presented as an opportunity . . . for each citizen to buy a share of America. (Blum 301-02)

Although this enterprise ultimately succeeded in raising 185.7 billion dollars from May 1941 to January 1946, Americans did not embrace Morgenthau's plan as quickly or as unanimously as he had hoped. War bond sales did not meet government expectations after the first exuberant month of purchases totaling approximately $450 million (Samuel xiv, Blum 304). L. C. Griffith became an important contributor to the success of later bond drives, encouraging the efforts of his theatre managers locally and serving at the state and national level to increase bond purchases.

A Gallup poll of October, 1941, indicated that ninety-seven percent of the sample population had heard of the new "defense" bond drive. The Treasury Department hoped to reach "all the people" but, although surveys showed a high public awareness of the bond program, sales could not keep up with the rising national debt. Even though sales remained strong through the end of 1942, the national debt had risen to $17 billion. With only half of the $6 billion purchases during the first year sold as Series E bonds, it appeared that as in World War I, only large institutions or the personally wealthy were fully taking advantage of the new Defense Savings Bonds (Samuel 26). To boost sales the Treasury Department took several steps beginning in July, 1942: a national quota of $1 billion per month (10% of national income) was set, efforts to promote payroll savings plans increased, and, most important for this study, national bond drives were initiated, a measure reluctantly taken since drives created spikes in bond investment rather than the steady, monthly purchases Morgenthau had envisioned (Samuel 30-31). Prior to these decisions the Office of Facts and Figures (OFF) conducted a survey of 4,736 adults around the country to discern, as the document is titled, "Public Reaction to the Sale of Defense Bonds and Stamps." The findings of this study indicated that in a majority of American households at least one member was purchasing bonds or stamps (59%) but these purchasers tended to be from urban, well-educated families. Twenty-eight percent of companies around the country had payroll deduction plans and, not surprisingly, where these plans were in place, worker purchases were highest. The lowest regional participation numbers occurred in Southern states; rural communities across the nation participated less with only 36% of farm families purchasing bonds (Office of Facts and Figures 2, 10). These figures are significant to war bond sales in Oklahoma.

As a state in which over one third of its population was employed in agriculture according to the 1940 United States Census Bureau report, Oklahoma's citizens, not surprisingly, did not purchase war bonds in sufficient numbers to meet Treasury Department quotas.[10] Morgenthau and his numbers-crunchers hoped for a steady-paced purchase of Defense Bonds, but they failed to consider that farmers did not have a constant source of income; agricultural profits were seasonally earned as crops or livestock matured and went to market. There were still reminders of the Dust Bowl Depression era around the state with almost 600 abandoned farms reported as of the 1940 census. Oklahoma farm families had several reasons to be cautious in tying up funds in Series E bonds.

In Payne County, it was not until Stillwater movie theatres began promoting war bond sales that the mandated 10% quotas were met. "The [studios'] exhibition sector was primed to help tub-thump for war bond sales because it already had the fundraising infrastructure set up through its involvement with the Motion Picture Industry's Infantile Paralysis Drive, better know today as the March of Dimes" (Littleton).[11] Film exhibitors in the Griffith organization were skilled in fund-raising for the civic good as well. In addition to local activities to support schools, youth organizations, and civic groups (as described in Chapter Three), the circuit's theatres contributed time, facilities, and cash to state charitable campaigns. An *Oklahoman* headline of November 1934 congratulated the Griffith theatre employees for "oversubscribing its quota by 150 percent" for the Community Fund. To aid a statewide Salvation Army drive to collect blankets for those left homeless after air raids in England, all Griffith theatres held "blanket matinees" with free admission to each donor (*Oklahoman* 13 November 1940). To support the United

Service Organization (USO), the Griffith theatres joined "national theatrical and amusement groups to provide an additional budget of $3,500,000 for soldier recreation clubs (*Oklahoman* 31 August 1941). In 1939, L. C. Griffith established Tent No. 22 of the national "Variety Club," a charitable group begun by eleven men in the entertainment business. After finding a baby abandoned in a theatre nursery on Christmas Eve 1928, these organizers vowed to provide help to underprivileged children.[12] The Oklahoma "tent" moved quickly, and by June of 1941 built a $55,000 health center to house agencies offering free care to the needy (*Oklahoman* 29 June).[13] In 1942, Griffith board members approved funds to aid in establishing a similar clinic as "a charitable health and humanitarian service to the poor and indigent negroes of Tulsa who are in need of medical care" (Griffith Box 3, Vol. 21). The Griffith organization and its theatres were well prepared to create successfully the promotions needed to sell war bonds in low-performing areas around Oklahoma.

By September, 1942, two months after local quotas had been established, both the CAMERA and AGGIE theatres announced special events to promote war bond sales (*Gazette* 15 September). As Robert Fyne has noted, "audiences now had two reasons to watch a double feature: a night out at the show was both entertaining and patriotic" (13). The high school band performed, as a war bonds booth was inaugurated at the AGGIE on 17 September, with manager Claude Leachman announcing a special movie showing scheduled for 23 September for bond purchasers only. In addition to offering a free show, a six months pass would be awarded to the highest purchaser; the second, third, and fourth high purchases would receive three month, two month, and one month passes (*Gazette* 18 September). Payne County exceeded the $87,500.00 quota that September, with Stillwater theatres "given a lot of credit for that last of the month buying spree" (*Gazette* 9 October). In February 1944, the Stillwater theatres again geared up with special events to spur sluggish bond sales. With the city facing a short-fall of $135,636 of the $330,000 quota, Leachman announced plans for gala premiers of *Madame Curie*, a 1943 prestige release from MGM starring Greer Garson and Walter Pidgeon, at both the MECCA and AGGIE theatres. In addition to the film, a stage show by the Will Rogers Army Airbase Troupe, comprised of professional entertainers, was to open the evening. The group featured a dancer, the Hungry Five band, as well as a pianist and baritone vocalist. Prior to the scheduled program, the Rogers group would give a brief sidewalk performance while bonds were being purchased (*Daily Press* 8 February). A third show was added due to customer demand, with attendance reaching almost 1,300 bond purchasers in a two-day period (*Daily Press* 11 February 1944). Later that year, the CAMERA hosted a free bond show featuring the British documentary entitled *Desert Victory*, billed as the "most remarkable film of the entire war" (*Daily Press* 7 July).[14] Acting as a district chairman for the Sixth War Loan Drive, Leachman provided two official war films, *The 957th Day in the Pacific* and *Just for Remembrance* for a dinner meeting of the Business and Professional Women's Club in October, 1944 (*Daily Press* 27 October).[15] The *Daily Press* reported on 12 December 1945 that "a total of $45,000 worth of E bonds represented the house for the [recent] Victory bond show at the Aggie theatre. The year ended with "a perfect record for Stillwater in the war bond and Victory loan drives . . .the city never failed to invest or go over its quota" due in large part to the efforts of local showmen like the managers of the Griffith theatres.[16]

In Oklahoma City, L. C. Griffith, the "Skipper," was as personally active as his theatres. On 4 July 1941, he was named "director of the central coordinating office of the civilian defense" for the city. After his appointment by Mayor Fiorello LaGuardia, FDR's appointee as director of the Office of Civil Defense, Griffith traveled to New York for training and became a "$1 year man" (*Gazette*). After serving at the state level, Griffith's work was recognized with an invitation from "the National War Activities Committee of the Motion Picture Industry in 1943 to head up the campaign in behalf of the Third War Loan drive" (Rice 12). Certainly, the Skipper's many previous leadership roles in civic activities around the state recommended him for this position. After moving to New York, Griffith "arranged for over 3,000 movie theatre bond premieres" and mobilized over 200 stars of stage and screen for a special bond sales tour. He arranged:

> a triumphal tour of a company known as the Hollywood Cavalcade, a group of 16 top flight motion picture stars and all the personnel necessary to accommodate such a group traveling in a 20-car special train, which visited 15 principle cities across the country. Celebrities included Greer Garson, Betty Hutton, Jose Iturbi, Harpo Marx, James Cagney, Judy Garland, Mickey Rooney, and the Kay Kyser band. The Hollywood Cavalcade was credited by the treasury department with assisting in the sale of one billion, seventy-nine million dollars worth of war bonds. (Rice 13)

Roy Hoopes, in *When the Stars Went to War*, adds Fred Astaire, Kathryn Grayson, Paul Henreid and Dick Powell to the roster of participating celebrities (128).[17] Many of these stars were popular from the silver screen and from radio appeals for Defense Bond purchases. Soon after the 1941 launch of the Defense Savings Bond campaign, a weekly program aired on CBS radio entitled "The Treasury Hour," introduced by a special Irving Berlin composition, "Any Bonds Today?"[18] The program featured stars such as Mickey Rooney and Judy Garland, and musical numbers spanned the gamut from jazz and blues to military marches and Mendelssohn as suggested by Morgenthau (Blum 304).[19] The Third War Loan Campaign reached total sales of $1,909,889,196. The 8,000-mile Cavalcade tour contributed $1,079,586,819 to that final figure. In addition, War Bond premieres in theatres around the country sold $319,618,721 in bonds (*Daily Press* 29 October 1943). As Ronald Brownstein points out, in addition to star power on the screen, 'The war provided the best evidence . . . that the stars could influence public opinion through personal appearances and endorsements" (80). The motion picture industry—from Hollywood studios to regional circuits to local theatre managers—provided valuable service during the Second World War but once the conflict had ended, hostilities between the federal government and the studios and large theatre chains soon returned. In the next chapter, Griffith Amusement again faces prosecution for antitrust violations; service to the country is quickly forgotten by the Justice Department.

Notes:

[1] In April 1941, Hollywood notables such as Douglas Fairbanks, Jr., Helen Hayes, Samuel Goldwyn, Darryk Zanuck, Walter Wanger, and Warner Bros. established "The Fight for Freedom Committee," promoting intervention in Europe (Shull and Wilt 14).

[2] Frank Capra will be remembered for his *Why We Fight* series (1942-1945); see biographers McBride, also Maland and Capra's autobiography. Wounded during filming, John Ford shot *The Battle of Midway* (1942), after joining the Navy; see biographies by his son, Eyman, McBride, and Davis. John Huston

provided a grim look at battle in *The Battle of San Pietro* (1945); see Kaminsky's biography or Huston's autobiography. Biographies on Zanuck include works by Mosley and Gussow. Darryl Zanuck's motives and patriotism were questioned by a Senate investigation.

[3] The often-cited work of Doherty gives the most detailed discussion of this era in film history. Koppes's work covers movies within the context of the Hollywood/Washington collaboration. For a study of the representations of gender, race, and ethnicity in World War II films, see O'Brien and Parsons's anthology which grew out of the NEH funded "Lest We Forget" project (October 1991-December 1992). The best of the books on World War II films is probably the work of Fyne but others who have done detailed analysis of movies of the era include the self-described "exhaustive filmography" of Shull and Wilt, and the work of Manvell.

[4] Larson indicates that the OWI budget was cut from $1.3 million to a mere $50,000.

[5] The Big Five studios included Warner Bros., Loew's. Paramount, RKO, and Twentieth Century Fox—all with large holdings of first-fun theatres. The Little Three—Universal, Columbia, and United Artists—had no theatre holdings with the exception of Universal's brief venture into exhibition.

[6] Studios were asked to consider seven questions:

1. Will this picture help win the war?
2. What war information problem does it to seek to clarify, dramatize, or interpret?
3. If it is an 'escape' picture, will it harm the war effort by creating a false picture of America, her allies, or the world we live in?
4. Does it merely use the war as the basis for a profitable picture, contributing nothing of real significance to the war effort and possibly lessening the effect of other pictures of more importance?
5. Does it contribute something new to our understanding of the world conflict and the various forces involved, or has the subject already been adequately covered?
6. When the picture reaches its maximum circulation on the screen, will it reflect conditions as they are and fill a need current at that time, or will it be outdated?
7. Does the picture tell the truth or will the young people of today have reason to say they were misled by propaganda? (Koppes and Black 66)

[7] For a detailed study of studio response to the 1927 Motion Picture Producers and Distributors of America (MPPDA) list of 36 subjects labeled the "Don't and Be Carefuls" and the 1930s production code, see the work of Leff and Simmons.

[8] Theatres screened OWI films at no cost and film-shorts production costs were kept very low. A theatrical release came in at about $4,000. per reel while 16mm films for non-theatrical release, i.e. one-reelers screened for civic organizations and church audiences, cost about $2,000. (Larson 440).

[9] Shull and Wilt quantify these messages, citing 113 Hollywood features from 1942-1945 that included bond, blood, and scrap drives in their plotlines, as well as other charitable work. Home front factory production figured in 216 films, while rationing and the shortage of consumer goods were included in 313 movies. Many film narratives underscored the negative effects, both national and personal, of trading for goods on the black market (255,258, 264, 267).

[10] The 1940 census lists the total population of Oklahoma at 658,739 with 156, 323 (33%) reported as employed in agricultural pursuits. In Payne County 11,787 (33%) of the total population of 36,057 were enumerated as agriculturists (United States Census Bureau).

[11] The *Stillwater Gazette* reported on 31 March 1944 that local theatres had collected over $52,000.00 for the current Infantile Paralysis Fund.

[12] Also in 1939, the board of directors established a "sinking fund" because they viewed "the economic conditions [as] . . . unsettled caused by world war conditions and other factors affecting both business and government" (Griffith, Box 1, Vol. 6)

[13] Organizations housed there free of charge included "the Salvation Army's dental clinic, the Maternal Health Center's prenatal and postnatal clinic, the Junior League's child health clinic, nutrition and home nursing classes taught by the Red Cross, city hospitals and the Oklahoma Tuberculosis and Health Association and health classes for girls and women to be taught by several organizations." There were plans to add "an ear, nose and throat clinic, cancer clinic, mental hygiene clinic, emergency clinic and social hygiene clinic for children" (*Oklahoman* 29 June 1941).

[14] For an analysis of this British Ministry of Information film of 1943, see the article by Rollins.

[15] Sixteen-millimeter films, to be screened at schools, war plants, and civic meetings, were an important part of Hollywood's contribution to the war effort. Projector owners were encouraged to volunteer their services as 16mm Minute Men through a direct mail campaign for the Fifth War Loan drive. For the Sixth War Loan drive, the Treasury Department estimated that there were "eighty-seven thousand showings to 23.5 million people" (Samuel 61).

[16] Similar War Bond promotions were recorded in *The Oklahoman*. For example on 7 September 1943, this newspaper announced a special event to include visiting Hollywood celebrities William Boyd (Hopalong Cassidy), Mary Brian, Preston Foster, and Grace Bradley. In 1945, the Griffith theatres sponsored appearances by Edgar Bergen, Charlie McCarthy, Don Ameche, Joan Merrill and the Edgar Bergen Troupe (*Oklahoman* 21 May).

[17] Much of Hoopes's work offers a behind-the-scenes look at life on the road rather than efforts by the stars to sell war bonds. His work is a colorful narrative.

[18] The refrain to this Irving Berlin song encouraged bond purchases as an investment in freedom:

> Any bonds today?
> Bonds of freedom
> That's what I'm selling
> Any bonds today?
> Scrape up the most you can
> Here comes the freedom man
> Asking you to buy a share of freedom today

[19] Robert K. Merton conducted a highly detailed study of one particular bond sales effort in 1943—an eighteen-hour radio event aired by CBS with Kate Smith speaking regularly throughout the entire broadcast. Her celebrity power and audience sympathies as her voice grew weaker by the hour netted pledges of $39,000,000.

CHAPTER VIII

Renewed Antitrust Prosecution:
The Supreme Court Rulings and Consequences (1945-1949)

> Like so many of the problems dogging the movie industry during The 1940s, the government's antitrust campaign took on a new intensity after the war. The Justice Department had eased its trust-busting efforts during the war, and in fact the only significant antitrust decision against the film industry had involved not the studios but the large unaffiliated theater circuits.—Kindem[1]

Although wartime activities kept every level of the film industry busy from Hollywood's production of training films and home front entertainments to the exhibition of newsreels and war bond sales in local theatres, antitrust legal battles never disappeared completely. The studios, maintaining the status quo of block- and blind-booking, continued industry policies established under the earlier protection of the 1933 National Industrial Recovery Act (NIRA) even though the Supreme Court ruled the NIRA unconstitutional in May 1935. Ironically, the Antitrust Division of the Justice Department, also established in 1933, spent its first years enforcing industry agreements that Thurman Arnold and his successors later sought judgment against.[2] After several drafts, the Big Five Hollywood studios and the Justice Department signed a consent decree on 29 October 1940. Essentially "a no-contest plea and an implicit admission of guilt," this agreement changed the movie business very little. Block-booking would continue but those blocks were reduced to packages of five film; blind-booking was to be eliminated through tradeshow screenings; theatres would no longer be required to rent film shorts or newsreels; disputes would go to arbitration; and none of the Big Five studios were allowed to expand theatre holdings (Schatz, *Boom* 20).[3] Thurman Arnold quickly recognized that the 1940 studio consent decree would prove to be ineffectual and in Oklahoma the courts continued hearing lawsuits from exhibitors.

Acting on the complaint of A. B. Momand in 1931, the attorney for Pottawatomie County, Clarence Tankersly brought suit against L. C. Griffith and Griffith Amusement, as well as film exchanges and local theatre managers on violations of Oklahoma antitrust laws in (*Oklahoman* 26 May, 19 July 1931).[4] Tankersly argued that the defendants had sought to eliminate all theatre competition in the state and called for the sale of all the circuit's theatres with the profits to go to the Sooner state. If, however, the county district court did not approve this measure, then Tankersley suggested a fine to be paid to the state. In either case the district attorney sought "a further order . . . permanently restraining and enjoining the said defendants, and each of them, from pursuing, performing, or carrying out any of the said unlawful acts and combination in violation" of the state's antitrust laws. The defendants' reply to charges of controlling film leasing in Oklahoma was based upon the belief that Oklahoma law had no effect because the movie business was a part of interstate commerce.[5] The Oklahoma Supreme Court upheld the lower court ruling that, under state law as of 1908, antitrust complaints could only be filed with the state's Supreme Court. Because the county had no jurisdiction, the case was dismissed on 26 March 1935 (Tankersley). A. B. Momand continued his fight throughout the 1930s and 1940s against both the Hollywood studios and Griffith Amusement. In 1932, Momand's case went before Judge Edgar S. Vaught in Federal

District Court where he "charged that certain film companies [were] … monopolizing 95 percent of the motion picture business" and sought $4,950,000.00 in damages. This case was dismissed "without prejudice" when the plaintiff was unable to provide "more definite" charges against the nineteen film companies he had named in his suit; this left open the possibility of another appeal (*Oklahoman* 10 July 1936, 31 August, 18 January 1937).[6] By 1938, A. B. Momand had renewed his appeal, adding Twentieth Century-Fox Film to his complaint. Arguing that he had once owned 18 theatres in 10 cities, his total claim for damages rose to $6,636,632.00 (*Oklahoman* 20 March 1938). Vaught heard another Momand case (this time the plaintiff was Mrs. Loretta L. Momand) begun in 1935. Mrs. Momand's claims against nine studios included: first, these film companies would not provide current films unless her Shawnee theatre, the ODEON, discontinued double features; second, the companies no longer provided free passes for advertising purposes, and finally that she was forced to raise admission prices from 10 to 15 cents to rent film (*Oklahoman* 11 December).[7] Momand's persistent litigation and appeals in Federal District Court occurred as Thurman Arnold aggressively expanded the Antitrust Division, increasing his staff from eighteen to several hundred. Also, "regional offices were established throughout the country to uncover, investigate, and prosecute antitrust violations with an eye and ear to what was going on both locally and nationally" (Waller, "Antitrust Legacy" 569). Although federal prosecution targeted Stillwater, Enid, and Chickasha, Momand's complaints surely caught the ear of regional federal antitrust attorneys.[8]

Little over a year after A. B. Momand began his 1938 appeal, it was announced that Federal District Attorney Charles E. Dierker would file under the direction of

Thurman Arnold an injunction suit against the Griffith companies. Arnold, as quoted in *The Oklahoman*, sought to prove four concurrent abuses: first, independent theatre owners were being forced out of business; second, the possibility of building new theaters was hindered; next, independent filmmakers were being shut out of distribution; and finally, independent theatre owners were blocked from renting films suitable for local preferences. He noted that "local monopoly could be just as stifling to competition as national monopoly, and much more disorderly" (*Oklahoman* 28 April 1939). Arnold's criteria echo the complaints that Momand had pursued for almost a decade. Griffith Amusement now faced two lawsuits in Federal District Court; the circuit quickly sought and was granted delays in responding to both after the Momand case was shifted to the court of Alfred P. Murrah allowing Judge Edgar Vaught to preside over the larger, federal prosecution (*Oklahoman* 21 May 1939). For several months, debate ensued on the propriety of defending against charges in concurrent cases, particularly since allegations in both addressed unfair, monopolistic business practices. Each time Murrah deferred to the case before Vaught, Momand filed a new suit shifting his charges from price fixing to run discrimination (even third run films were unavailable to his theatres) and to product entirely withheld.[9] The federal case proceeded into 1941 but during World War II, the Antitrust Division directed its attention to war-related abuses. As in the earlier NIRA era, national concerns outweighed antitrust prosecutions; war industry excesses and profit-taking undermined pursuit of federal cases. Thurman Arnold shifted his attention primarily toward international business relationships between American and European companies.[10]

Therefore, from 1942 through 1944, the dogged Momand had the opportunity to pursue new lawsuits in the courtroom of Federal District Court Judge Bower Broaddus. In January 1943, attorneys for Momand spent three days entering contractual evidence into the record. L. C. Griffith and Horace Falls were the first witnesses to be called to testify. *The Oklahoman* reported on 26 January 1943, that Momand had been on the witness stand for three days and had only reached business events of 1927. With Griffith Amusement owning eleven theatres that had once been owned by Momand, testimony implied that the circuit had acted with the studio exchanges to force the plaintiff out of business. This Shawnee theatre owner described his futile attempts to negotiate for better films even after offering "to convert his class A theaters into second-run shows." He also noted that a particular First National film renting to other movie houses for $70 was priced to him for $375. In 1927, after purchasing a theatre in Alva, Momand advised Paramount that he would not honor the former owner's rental agreement unless prices were lowered. He quoted the studio representative as saying that the studio's policy was "to 'put in competition' in a town where they couldn't get an established theater." This trial lasted six weeks, producing a transcript of 3,800 pages. Judge Broaddus ruled, in his 188 page opinion "that there was no evidence to support the charge that there had been a general conspiracy by the defendants." He did identify "a 'local conspiracy' between Paramount Pictures, Inc., and a local Wewoka movie exhibitor" and awarded treble damages plus attorney's fees totaling $44,500. Griffith Amusement was ordered to pay $6,900 for "overbuying available pictures for its Shawnee outlets" (*Oklahoman* 2 August 1943).[11] Never one to give up his fight, Momand joined forces with Oklahoma Theaters, Inc. and the owners of single units in Picher and Vinita to begin a new suit against

Griffith and thirteen film distributors with plans to add more independent theatre owners (*Oklahoman* 4 February 1944). Evidently this effort stalled when prosecutors reinvigorated the pending federal case.

In 1949, A. B. Momand published a book describing his eighteen-year legal battle against what he labeled "a colossal criminal conspiracy" (6).[12] His foreward insists that "All citizens of the American Republic should read this absorbing book, in fifty-two breathtaking pages and an Appendix of twenty-two pages . . . for the purpose of a knowledge of the real state of the Union, the present status of our government." As his title and opening indicate, Momand identified not only a tangle of movie businesses but also those in the judicial system as opponents to his numerous lawsuits. He first attacked the Hays Office as an organization of co-conspirators controlled by the "Big Eight," Momand's term for the Big Five and Little Three. Although he wrote long after the 1940 Consent Decree had been overturned and even longer since NIRA policies had been found unconstitutional, he charged that the "Hays Office conspirators" continued to conduct business as they had since the 1930s:

> They [the conspirators] subjected theatre owners to compulsory arbitration in their own "kangaroo" courts, in which they made decisions that disposed of the property of theatre owners. Their credit committees required reports that enabled them to ascertain the most valuable money-making theatres throughout the land.
>
> They withdrew and withheld their pictures to the extent that theatres desired by them could not be operated by their owners. They harassed the owners of theatres desired by them in every conceivable way

> that they could devise to discourage them and put them out of business, whereupon they "took over" their theatres. (Momand 4-5)[13]

He argued that when the studios carved up the nation, "Universal was awarded Oklahoma, Kansas, Nebraska, and certain other parts of the United States" (5). This assertion probably grew out of the brief partnership with Griffith and Universal. Yet, as Griffith documents indicate, the regional circuit was never a dependent subsidiary controlled by the studio as Momand believed. Additionally, Universal's late entry into theatre acquisition belies the image of the "Hays Office conspirators" secretly hunched over a map of the country in some smoke-filled room. However, the Griffith organization did purchase two lots in Shawnee in 1927, contracting for construction of a new theatre with Gates Corgan, the circuit's usual builder. In 1929, Griffith leased the CRITERION THEATRE for ten years from Seminole Amusement, one of Momand's operating companies (Griffith Box 2, Vol. 1). Griffith Amusement records for the stockholder's meeting of 1939 describe the sale of personal property, i.e. furnishings and equipment for the STATE and CRITERION theatres in Shawnee from Seminole Amusement (the STATE THEATRE was to be closed) but there is no record of an accompanying sale of real estate indicating that Griffith Realty had already purchased the properties or A. B. Momand had leased and not owned the theatre sites (Griffith Box 4, Vol. 6).[14]

Had Momand pursued his grievances in a suit against Warner Bros. his case might have better dovetailed with the Paramount Decision since that studio owned all the first run theatres in Oklahoma City—at least until 1940 (Bertrand, Evans, and Blanchard 11). Instead, this Shawnee theatre owner focused his litigation on the Universal Film Exchange. The 1947 decision on *Momand v. Universal Film Exchange, Inc.* (72 F.

Supp. 469) is often cited as precedent in later private treble damage antitrust cases. One of Momand's many complaints about the judicial system, or more specifically those sitting on the bench, grew out of Judge Charles E. Wyzanski, Jr.,'s ruling in this trial to overturn jury awarded damages.[15] On the face of it, Momand would seem justified in crying foul when a jury had found in his favor and his book emphasizes that his victory was unfairly reversed.

> With the stroke of a pen, Judge Wyzanski, contrary to law . . . and the controlling decisions of the circuit courts and the United States Supreme Court, the evidence and the verdicts of the jury, wiped out the Plaintiff's achievements of a lifetime, unless he could invest additional years and another sizeable amount of money in retrieving his estate. (Momand 39)

By Momand's estimations including interest accrued after the jury verdict, he was owed at the time of writing $2,165,558.28—much less than the over $6 million he had sought in 1932. Wyzanski, in a *Harvard Law Review* article, "A trial Judges Freedom and Responsibility," recalled this as the only time he had overturned a jury decision. He believed the jury's award of over one million dollars to be a result of "the generality" of his instructions before deliberation; because he had not given proper directions, he felt compelled to reverse the jury's findings (Wyzanski 1289).

After losing on appeal, Momand filed a *Writ of Certiorari* seeking a hearing before the Supreme Court with an *Amicus Curiae* brief from the Department of Justice. At the time his book was written, a petition to the Supreme Court to reconsider his Writ, a last ditch effort since traditionally very few are ever accepted for a hearing. In his resubmission he wrote:

> The Plaintiff asserts his right as a citizen of the Republic to point out to Congress and the Department of Justice, and to the people, that if our government has deteriorated to the extent that the United States Supreme Court may turn deaf ears and blind eyes, with thumbs down, upon a mortally wounded Citizen-Plaintiff, who, in an eighteen year battle against the many times convicted Hays Office conspiracy, and certain United States district and circuit court judges, has added another conviction to the long list of convictions of the conspiracy . . . and refuses to review the corrupt conduct of the district and circuit courts . . . while the Department of Justice sits supinely refusing to participate in an administration of justice, that unless heroic action is swiftly and decisively taken, to protect *the lawfully returned verdicts of the jury*, the American democracy may be in the evening of its life as a democracy of free people. (50)[16]

A. B. Momand, despite the urging of his counsel refused to settle, writing, "The Plaintiff has declined all such offers of settlement because of the public interest involved and his deep conviction that he is entitled to be compensated" (9). With a knowledge of his many lawsuits, his advocacy for the general public might ring false but this protection of the film consumer was a common argument for abolishing block- and blind-booking (film exhibitors were forced to rent movies unsuitable for their local audiences) and, of course, antitrust laws were designed with the expressed purpose of protecting the purchasing power of the public. His unwillingness to "settle" may also indicate that he rejected offers from the Griffith brothers to sell his theatres to the circuit in exchange for corporate stock, a frequent arrangement in other purchases.

In something over seventy pages, Momand not only outlined his grievances and his multiple lawsuits, but also attacked the integrity of each judge who has tried his cases, including Wyznaski, Massachusetts District Court; Edgar S. Vaught and Bower Broaddus, Oklahoma District Court; and Supreme Court Justice Felix Frankfurter.[17] As for the Griffiths, Momand wrote, "R. E. and L. C. Griffith decisively contradicted and denied, under oath, the truthful testimony of the Plaintiff relating to certain conversations with them." Implying divine retribution, he continues, "R. E. Griffith fell dead in December of that same year (1943) and the following year L. C. Griffith suffered two strokes . . . . Both men were in the 'prime of life' and enjoying the fruits of colossal 'success'" (Momand 22).[18] Although he produced evidence that Griffith Amusement had overbought from the majority of studio distributors, his documentation also indicates that the circuit had carefully avoided contracts with every studio in any given year. Therefore, at least theoretically, some "Big Eight" product was available to Momand's theatres as well as films from smaller independent producers. This information does indicate that he would be forced to third-run status or a program of only "B" movies. Momand offers but one more piece of evidence to prove a conspiracy between Griffith Amusement and the studio distributors—a photocopied letter from Griffith booking agent, H. R. Falls to Republic Pictures dated 7 July 1937. This letter informs the Republic representative that a second-run theatre under construction in Norman would be opening in September coincident with "the time we negotiate our deal with you for your service on the balance of the circuit" (Momand 13). To the independent theatre owner's eyes, this letter meant that Republic was threatened with losing the circuit's business unless the Norman moviehouse was included in negotiations. But for two companies with prior dealings, it could be a simple declaration that construction was moving forward on schedule. Although Momand located a conspiracy within the Big Eight, Republic was a smaller independent producer/distributor of "B" movies offering little incriminatory proof of a sinister cabal in Hollywood; John Wayne began his career starring in Republic Westerns. Momand may never have won the millions of dollars in damages that he sought, but evidence he gathered aided in federal cases. "The Plaintiff supplied the Department of Justice . . . a large volume of the evidence with which the conspirators were convicted in actions relating to Standard Contract-Arbitration and Credit Committee conspiracies" (15). His long legal journey did help fellow independent exhibitors and may have also served in the larger federal case against Paramount, and others.

From 1939 to 1941 much of the federal case was taken up with requests by the numerous defendants to delay court dates or to explain the charges in the suit. In July 1939, three months after litigation was first announced, Griffith Amusement asked Judge Vaught to approve a motion requiring the prosecuting attorneys to be more specific in their charges, to provide a bill of particulars on the alleged anti-trust violations, and to clarify definitions of terms in the accusations including "first-run," "clearance," and "first class pictures." The circuit also requested an accounting of the number of feature films distributed by each studio from 1934 to 1939 (*Oklahoman* 20 July 1939). Nine months later Judge Vaught ruled that the government should provide more detailed information on fifteen points concerning the charges being pursued and denied eighty-five points including Griffith's request to learn of individual locations, dates, and names of alleged conspirators acting as agents of both the circuit and the film distributors (*Oklahoman* 5

April 1940).[19] Griffith and the other defendants finally filed answers to the complaint in July and August 1940 but the case did not go to trial until 1945. Judge Vaught noted in his comments in 1950, when the case was returned to his district court for injunctive remedies by the Supreme Court, that "all of the continuances . . .were at the request of the government based upon the fact that many of the government attorneys in the Department of Justice were engaged in war activities" (*Federal Supplement*, Vol. 94, 749). After six long years, the trial finally began on 7 May 1945.

Judge Vaught heard testimony and arguments for three weeks in May and continued the trial from 10 September through 2 October 1945 for a total of thirty days. "Evidence was introduced relating to 243 theatres in 93 towns. In that trial there were 3668 pages of typewritten record and 761 exhibits were introduced, numbering 2873 pages" (*Federal Supplement*, Vol. 94, 749). The Stillwater papers did not cover these proceedings, but *The Oklahoman* regularly reported on courtroom activities. Former Griffith employee and the prosecution's star witness testified that he had sold his Plainview, Texas theatre when he was unable to book films after Universal Films declined to renew his contract in 1935; the case covered the years 1933-1938 (*Oklahoman* 9 May 1945). As indicated in Chapter Four, partnership between Griffith and Universal had ended by 1928; Dennis Scaling's testimony as to a time after the dissolution of the circuit/studio relationship could only imply a possible collusion of these businesses. Wendell Bearden, former owner of the TECH THEATRE in Lubbock, Texas, quoted Griffith representatives as intending to "control Lubbock." He then described the circuit's efforts to do just that by placing signage across the street announcing new theatre construction in 1938. When Bearden declined to sell out at the value offered, a Griffith theatre was built two blocks from the TECH. He later sold his interests in the business to his partner, P. E. Smith (*Oklahoman* 15 May 1945). Whether good business or illegal activity, Smith partnered with the Griffiths for eighteen years and the Tech came under the circuit's control (Rice 64, 136). C. B. Akers surprised the prosecuting attorneys when he announced that wax recordings had been made of Bearden and James Bennett of Drumright when they traveled to Oklahoma City to discuss the possible sale of their theatres. Bearden looked less a victim after Akers described the audio evidence (*Oklahoman* 14 September 1945).[20] Both L. C. and H. J. Griffith testified that they never discussed competitor contracts with studio distributors, which they corroborated, adding that there were towns where competitor rentals excluded Griffith Amusement's theatres (*Federal Supplement*, Vol. 68,180; 188-89). After considering the evidence before him. Judge Vaught found that nothing in the Justice Department case had been proven.

In his thirty-eight page ruling on *United States v. Griffith Amusement Co. et al* (Civil Action No. 172), Judge Vaught began with a description of the film exhibition business in general and then remarked on the history of the Griffith brothers as showmen, writing, "The Griffith brothers are shown to have been exceptionally good theater operators, keeping constantly abreast of the development of a rapidly growing industry. Their accounts were naturally coveted by the producers of moving pictures" (*Federal Supplement*, Vol. 68, 180; 185). Vaught contended that the distributors and not the exhibitors initiated franchise agreements of one to three years; therefore, Griffith Amusement could not be at fault. In examining with whom Griffith had contracted, the trial judge noted that during any year under consideration "at least six of what is termed the major distributors had no franchise with the defendants" (*Federal Supplement* Vol.68,180; 191). Vaught went on to rule that there was no evidence of any "pooling" arrangements in Chickasha, Enid, or Stillwater and no proof of any move to control regional film exhibition (*Federal Supplement*, Vo. 68, 180; 193, 196). He rejected the prosecution's arguments that the Griffith situation was equivalent to either the Schine or Crescent cases or that the large number of Griffith theatre holdings could establish intent to become a monopoly through the circuit's buying power.[21] Vaught concluded with more praise for the Griffith brothers: "The defendants went into the open market and bought their product from the distributors in the same manner as was open to all competitors. The defendants were alert and progressive and took such advantages only as were natural in the industry" (*Federal Supplement*, Vol. 68, 180; 196, 197, 199). On 25 October 1946, Vaught issued his final decree ruling that no violation of the Sherman antitrust act had been proven.

Not surprisingly, with the success they had in prosecuting the Crescent and Schine circuits, Justice Department attorneys appealed this case to the United States Supreme Court. This appeal came before the court on 15 December 1947 and the court handed down a decision on 3 May 1948 with Justice William O. Douglas delivering the ruling and Justice Frankfurter dissenting. Douglas first outlined the growth of the appellees' companies from 1934 to 1939, noting an increase from 53 towns to 85 towns with a rise in closed towns from 51% to 62%. While these figures indicate that the circuit operated in more closed towns, there is no comment on whether the additional towns previously had a movie house. The Supreme Court's decision was based on the precedents established in *United States v Aluminum Co. of America*, as well as *United*

States v Crescent Amusement Co., both of which Judge Vaught had found inapplicable to the Griffith case. On the basis of these previous findings, Douglas explained that it was "not always necessary to find a specific intent to restrain trade or to build a monopoly in order to find that the anti-trust laws have been violated" and that the "laws are as much violated by the prevention of competition as by its destruction . . . when the buying power of the entire circuit is used to negotiate films for his competitive as well as his closed towns" (*U.S. v Griffith*). Although Vaught's decision had been overturned on appeal, Douglas noted:

> What effect these practices actually had on the competitors of the appellee exhibitors or on the growth of the Griffith circuit we do not know. . . .On the record as we read it, it cannot be doubted that the monopoly power of the appellees had some effect on their competitors and on the growth of the Griffith circuit. Its extent must be determined on a remand of the cause. We remit to the District Court not only that problem but also the fashioning of a decree which will undo as near as may be the wrongs that were done and prevent their recurrence in the future. (*U.S. v Griffith*)[22]

There is no mention of Judge Vaught's ruling or the reversal by the Supreme Court in the minutes of either the Griffith Board of Directors meetings or the Annual Stockholders meetings throughout the many years of prosecution. The only mention of litigation addressed the "demands of August 11, 1948, for an audit prepared by attorneys, Sargoy & Stein, of New York City on behalf of" each of the eight Hollywood studios named in the Paramount Decision. The board voted to deny the request and instead asked that each studio provide an independent auditor with no "checking local towns;" only corporate records would be examined. Further, the "officers were directed to cease routine six month, three year, and five year destruction of records as long as these demands for audit or litigation concerning same were pending" (Griffith Box 2, Vol. 14). The Griffith organization had kept the paper trail a short one, but the new hearings in Judge Vaught's courtroom would again be lengthy—"43 court days" and another "5398 typewritten pages of testimony and 682 exhibits, amounting to 2531 pages" (94 F. Supp. 755, 753).

The Oklahoman began reporting that new court actions would begin on 1 July 1948 to "hear suggestions from attorneys for the government and the Griffith concerns on what further proceedings should be held." After Judge Vaught revealed that he would announce his decision on 20 September, the government requested delays and expanded the case to include Theater Enterprises because this organization had purchased Westex Theaters and all previously owned theatres by the now deceased R. E. Griffith (*Oklahoman* 10 June, 2 July, 11 August, 17 October, and 2 November 1948). As with the earlier case heard by Vaught, the federal prosecutors requested the delays. By the time of new hearings, the structure of the Griffith organization wisely had been modified creating the appearance of independent companies no longer headed by all the brothers. In addition to changes in corporate structure resulting from R. E.'s death, Griffith Amusement had been liquidated with movie houses sold to Griffith Consolidated and Griffith Metropolitan Theatres (*Federal Supplement*, Vol. 94, 755, 751). Justice Department attorneys introduced testimony beyond the scope of the original trial including theatres in additional towns purchased after the five-year period examined in the initial complaint. Exhibitors from around the state aired their grievances against the Griffith organization: a Sand Springs owner was unable to obtain any first or second run films from any major distributor; a former Blackwell exhibitor was shut out by Columbia and Warner Bros. even after he offered to pay more for their films (defense attorneys countered that he had tried to book out of season); a Picher theatre owner turned farmer charged that he was driven out of business; another complained that the only first run movie he was able to book was *Snow White* (*Oklahoman* 2, 4, 6, and 11 December, 1948). The most well prepared witness turned out to be R. H Russ, owner of the CAMERA in Stillwater who arrived with small notebook in hand. Vaught overruled defense objections, allowing Russ to read from his notes. He testified that RKO distributors told him "it would mean a big loss . . . to sell to independent operators. . . . They said it would antagonize Griffith. . . . It would interfere with Griffith." A Paramount representative told him that plenty of films would be available for rental, only to learn they were all third-run movies (*Oklahoman* 7 December 1948). Witness for the prosecution Ralph V. McGinnis surprised the court when he announced that "he was on 'friendly terms' with the theater chain" who when asked about his grievances replied, "None in particular that I know of" (*Oklahoman* 1 February 1949). After thirty-four independent exhibitors testified for the government, the defense began to call their witnesses on 12 February 1949 asking hundreds of pre-written questions provided to the Justice Department attorneys in advance (*Oklahoman* 26 April, 1949). Cross-examinations of all witnesses concluded in June and Judge Vaught announced his ruling 9 October 1949. Vaught failed to find conclusive evidence that independent owners who had sold out or simply walked away from their theatres had been forced to do so by the Griffith organization. The judge saw distributor practices as a natural desire to exhibit films in the theatres that would be most profitable. Vaught wrote:

> Throughout this case we have been confronted with competition between a defendant's theatre, which in practically every case was an up-to-date theatre with modern furnishings and the latest in operating equipment, as against a converted store building or building that had prior thereto been used for some other purpose, with inferior equipment. (*Federal Supplement*, Vol. 94; 755, 753)

Vaught declared that "no evidence was introduced in the second trial showing the extent to which any individual competitor was affected or damaged by these licensing agreements which the Supreme Court held constituted illegal exercises of monopoly (*Federal Supplement*, Vol. 94, 755, 754). Once again this District Court judge was unconvinced by the government's case, although he did call for booking films on a theatre-by-theatre basis. In response to the Justice Department's request that the Griffith circuit divest itself of theatres in a majority of towns where theatres were located, Vaught wrote, "In other words, the government insists that these corporations, so far as their operations are concerned in the theatre business, be destroyed. This certainly would be a most drastic punishment when the suit was filed in 1939" (*Federal Supplement* Vol. 94, 755, 754). Other than the new booking arrangements, no action was taken against the Griffith organization. After ten years of court proceedings nothing really changed since despite the mandate to secure films theatre by theatre, as Judge Vaught surely knew, the distributors would still cater to the larger theatre chain. The Justice Department failed to impact the operations of the circuit; it would be other circumstances that brought profound consequences discussed in the following chapter.

Notes:

[1] Kindem is the editor of an anthology which explores industry issues; *The American Movie Industry: The Business of Motion Pictures* (Carbondale: Southern Illinois UP, 1982) 313.

[2] Thurman Arnold was sworn in as head of the Antitrust Division on 21 March 1938 after attacks from the press and in the United States Senate based on his book, *The Folklore of Capitalism*, which was criticized by both conservatives and liberals (Waller, "Antitrust Legacy" 575, 577).

[3] Almost immediately the problems of this agreement became apparent. Small, independent theatre owners had neither the time nor the resources to travel to advanced screenings and therefore were forced to continue booking blind. Arbitration boards, established under the NIRA, continued to be heavily weighted toward the interests of the studios and the larger exhibition circuits. For example, the group established to hear grievances for the Theater Owners of Oklahoma included: four studio distribution exchange representatives, corporate officers of three theatre circuits (including Griffith Amusement), and three theatre managers (one from the Griffith circuit and one who would come under the Griffith umbrella in the 1940s) as reported on 22 February 1934 (*Oklahoman*). The "Big Five" refers to these studios which owned movie theatre chains—Metro-Goldwyn-Mayer, Paramount Pictures, RKO Radio Pictures, 20th Century Fox, Warner Brothers

[4] A. B. Momand was not a stranger to court proceedings and his experiences illustrate the litigious nature of the film industry at the local level. In 1932 Consolidated Amusement sued him for non-payment of film rental for a showing of *Josephine Barlow Revue* (Consolidated Amusement Co.). Momand and the Okmulgee Theatre Company were sued for nonpayment on Western Electric sound equipment installed for a theatre purchased in 1930. The court ruled that the plaintiff was due $1,223.32 (Electrical Research Prods).

[5] While this defense was useful on the state level, introducing the idea that the federal government held jurisdiction over the local movie business as interstate commerce opened the door for prosecution of Griffith Amusement in Federal District Court

[6] In 1933, Griffith Amusement owned two theatres competing with Momand in Shawnee. By 1938, two more Shawnee theatres were under Griffith control (Rice 138).

[7] Film distributors opposed double bills because more income on a percentage of box office could be earned if movies were screened individually.

[8] *Momand v Universal Film Exchanges* [172 F.2d 37, 42 (1st Cir. 1948)] is cited as precedent for private treble damage antitrust cases. The Circuit Court of Appeals stated, "The degree of certainty required of a plaintiff in proving causation of damage is necessarily elastic . . . Particularly in an antitrust suit, covering

as it must many imponderables, rigid standards of precise proof would make a plaintiff's task practically hopeless" (Cassady 27-28).

[9] See reports in *The Oklahoman* on 17 June, 6 September, and 30 September 1939. Momand argued that booking agents conspired with Griffith to put the ODEON into a position of showing only fifth run or B movies. Federal prosecutors based much of their case against the studios on the fact that the Big Five controlled seventy percent of the first run market earning larger profits on higher admissions. As noted in Mrs. Momand's suit, film exchanges had dictated an increase in admission price to gain better film; distributor's contracts commonly included admission price agreements.

[10] Arnold's most notable case of this period, *United States v. Standard Oil Co*., charged that this American company willfully agreed to limit synthetic rubber production in combination with I. G. Farben of Germany. With pressure from the War Department, Arnold was forced to accept "a consent decree which freed up some patents, but required only the payment of a $50,000 fine." When Arnold tried to prosecute the railroads, including Union Pacific chairman Averell Harriman, Arnold was "promoted" to the Federal Appeals Court and Harriman was named ambassador to the Soviet Union (Waller, "Antitrust Legacy" 604-07).

[11] For a fuller discussion of the trial proceedings see *The Oklahoman* reports of 14 and 26 January, and 4 and 24 February 1943. Hampton's work attests to the possibility of such threats as Momand described. Paramount's rapid theatre expansion in the 1920s was in part due to the efforts of agents who came to be labeled "the wrecking crew" or "the dynamite gang" because of their methods of persuasion. If an owner did not sign an exclusive contract with the studio, competing theatres were purchased or new movie houses were built, effectively driving the independent exhibitor out of business (Hampton 255).

[12] Momand's book carries the explosive title, *Help Wanted, Male & Female or The Great Motion Picture Conspiracy, Condensed*. The Oklahoma Baptist University Press published this work in Shawnee.

[13] Momand also noted the personal toll such practices took on local showmen. "Several theatre owners within the acquaintance of the Plaintiff met death tragically, including suicide, among them the late Harry Crandall . . . whose hand clutched a note: 'I miss my theatres oh so much!' . . . [Another] filed an anti-trust action against the Conspiracy but broke down several years later, before he could advance the action to a trial on the merits" (5).

[14] The STATE THEATRE is not listed as a Griffith exhibition site in Rice's listings (138). This may be one of the properties that the organization converted to commercial property as Momand complained of in his book (15). Griffith records indicate theatre ownership in all towns where Momand had theatre interests, namely Shawnee, Guthrie, Oklahoma City, Wewoka, Clinton, Holdenville, Pawhuska, Alva, and Maud.

[15] Momand's counsel ignored his client's request to seek disqualification of Wyzanski because before being elevated to the bench, he had been attorney for many large corporations in Boston, some of which had been prosecuted by federal attorneys (35).

[16] To add insult to injury soon after he petitioned the Supreme Court a second time, Momand received a bill from the Treasury Department demanding back taxes on the small, as he called them "token" judgments from Griffith and Paramount. He contended that monies awarded as damages were not taxable income (Momand 52).

[17] Alfred P. Murrah escaped accusations by being promoted to the Circuit Court of Appeals in Denver before ruling on Momand's suit.

[18] Momand's memory inaccurately dates L. C. Griffith's debilitating strokes; they occurred in 1946.

[19] Henry Griffing, lead defense attorney for the Griffith concerns labeled the case a "suit against bigness" during a conference of attorneys representing ten Hollywood distributors and Assistant Attorney General Holmes Baldridge held before Judge Vaught on 16 November 1943 (*Oklahoman*). This was the last local press coverage of the government's litigation until 1945.

[20] Other testimony for the defense included theatre managers from El Reno and Stillwater; both had sold to Griffith, becoming stockholders in the corporation (*Oklahoman* 15 and 18 September 1945).

[21] The concluding chapter will compare the situations of the three circuits prosecuted, namely, Griffith, Crescent, and Schine, and the Paramount Decision.

[22] Although Stillwater was named in the federal suit, local papers carried no coverage of the proceedings in District Court but on 7 May 1948, the *Gazette* featured front-page articles on both the Griffith conviction and on the Paramount Decision and on 11 July of that year this newspaper reported that the case was being reopened. Because there was no local press on the litigation, there is no record of what complaints R. H. Russ, the owner of the independent CAMERA THEATRE, harbored until the case was remanded to Judge Vaught. For a brief period (September 1931 to May 1932) the Camera was a part of the Griffith circuit (Rice 138).

CHAPTER IX

Change in the Griffith Organization:
Post-War and Post-Prosecution (1949-1960)

> "Four wall" theaters in the United States declined from, 18,719 in 1946 to 14,509 in 1956 a drop of . . . 22.5 percent. However, a new drive-in . . . opened for each theater closing. One 1956 survey indicated the net results of industry changes on the theaters. . . . with more than half of the U.S. theaters unable to earn profits, it was estimated that on a consolidated basis, all U.S theaters were showing a net loss of $11.8 million.—Michael Conant[1]

The post-war years brought profound changes to the movie industry both in Hollywood and Oklahoma. "Between 1946 and 1956 the industry lost almost half of its customers, with the average weekly attendance at theaters declining from 90 million to 46 million. . . . This defection on the part of consumers occurred during a period of rising expenditures on most other goods and services, so that the industry's share of total consumer purchases was reduced from 1.15 percent to 0.49 percent in ten years (Stuart 257). After enjoying steadily rising admissions income from 1941 through 1946, Hollywood studios, now beginning divestiture of exhibition sites, as well as independent theatre owners, searched for the means to maximize box-office returns.[2] For the studios, selling theatres proved difficult; as sales slumped so to did the value of theatre properties. "Declining revenues and the very high cost of remodeling theaters for conversion to other uses impeded their salability. Few people wished to enter the theater business when television was becoming popular, and its full impact could not be predicted" (Conant

111). The effects of both the 1948 Paramount Decision and the advent of television enter any discussion of the drop in studio revenues but other factors were equally important, particularly when examining the late 1940s and 1950s movie business in Oklahoma and, more specifically, film exhibition and other opportunities explored by the Griffith circuit faced with lower profits. For Hollywood studios, the loss of theatre income meant shifts in film production and explorations of opportunities in the television business, both of which affected the independent theatre owner. For the Griffith organization, corporate leaders looked to diversification into not only television but also other enterprises peripheral to, but capitalizing on, changes in consumer spending habits. For any exhibitor of this period one possible business avenue was the drive-in movie theatre, a direct response to the mobility of auto ownership of the post-war audiences, who moved to the suburbs creating a housing boom. The baby boom affected moviegoing habits, as well; the cost of a babysitter now factored into the price of an evening out. After World War II, consumers had more products and pastimes from which to choose. Such activities as furnishing new homes with modern appliances, buying lawn mowers to care for newly landscaped yards, taking in a night game at a local ball field, enjoying a few frames at a bowling alley, or attending night-school on the GI Bill competed for dollars that might have once been reserved for a night at the movies or a matinee for the kids. In addition to these problems shared by every film exhibitor, the Griffith organization experienced unexpected tragedies which affected the continuity of circuit leadership.

A. B. Momand may have viewed the debilitating strokes of L. C. Griffith as some form of karmic punishment for prevarication on the witness stand, but for Griffith Amusement the loss of the Skipper's hand at the helm launched a transformation of the business. Roger Rice who, as an employee at the Oklahoma City headquarters, knew L. C. well, describes the loss of the company leader:

> In September 1946, L. C. Griffith suffered a stroke while visiting a barbershop in downtown Oklahoma City. The cerebral hemorrhage caused loss of powers of coherent speech, incapacitating him to a point of no longer being able to direct the business of his theatre estate. He remained in serious condition at Saint Anthony Hospital in the city for several months before becoming ambulatory. (11)

Although L. C. Griffith lived to be 80, he required constant care until his death in 1971. After almost 30 years of direction from this company founder, the need for a new standard bearer with an intimate knowledge of all the numerous business concerns of the circuit arose. The entrepreneurial Griffith era had ended and the corporate Griffing era was ushered in with many changes for the organization. Henry S. Griffing, long-time circuit attorney and executive vice-president of Griffith Consolidated, officially took charge in 1949 after long-time partner and Vice-president Harry M. Lowenstein died in August of that year. For several years officers listed on board and stockholder reports continued to include L. C. Griffith as president.[3] Earlier in the year at an 18 June board meeting, company officers had been given titles for specific areas of responsibility. Even before L. C. Griffith's incapacitation, a more structured (and professional) division of labor began to be introduced. Prior to this time company records indicate that decisions were either made by L. C. or through a general discussion of all the principals of the organization. From the early "rubber stamp" approvals in Griffith records, it appears that

L. C. often exercised his personal "executive order."[4] By 1950, quota systems had been put in place to better track performance and profit from the Oklahoma City main office to each of the local theatres. Profit quotas measured the success of the company's film bookers for each group of theatres as well. For example, the income quota for the Stillwater theatres for the second quarter of 1950 was set at $118,744.62 (over 25% of the sales quota for the five city division). J. King, who booked films for Ada, Norman, Oklahoma City, Tulsa, and Stillwater, was given a target of $450,971.13. The quota for the entire organization for this quarter totaled $1,897, 949.70 (Griffith Box 4, Vol. 29). A system to track sales was put in place after one of many changes in the corporate structure of the circuit.

Several incorporations occurred during Henry Griffing's tenure to enable merger or purchase of other theatre companies. In 1947, the Oklahoma Metropolitan Theatres Company was established and then renamed as Griffith Metropolitan to acquire the Delman Theatre Corporation, which added four first-run Tulsa theatres to the circuit (Griffith Box 2, Vol. 13). Stock and property exchanges among Griffith Amusement, Griffith Consolidated, Griffith Realty, and Griffith Metropolitan Theatres, as well as with other independent exhibitors, regularly occurred from 1946 to 1952. One sale was of particular importance in the aftermath of the Supreme Court ruling—all theatres owned by Griffith Amusement were sold to Griffith Consolidated in 1947. At the stockholders meeting on 4 February, liquidation of Griffith Amusement was approved with the corporation to cease business on 15 February; by 1 December "all of the assets of every kind and nature belonging to said corporation, except reasonable reserve for taxes and expenses, [were to] be distributed in kind or in cash to the stockholders of record on said date of distribution" (Griffith Box 2, Vol. 13). Although the majority of the stockholders in each corporation were virtually the same, Consolidated had not been named in U. *S. v Griffith*. Thus should divestiture be ordered, Griffith Amusement no longer owned the theatres covered by the government's complaint, or rather no longer owned the theatre furnishings and equipment, since at this time the Griffith Realty Company owned the actual buildings and lots from whom the Griffith exhibition companies leased their theatres.

The most important of these corporate shifts grew out of L. C. Griffith's express wishes to reward loyal employee-stockholders when he reached his retirement. Three years after his enfeebling stroke, and after Harry Lowenstein's death, the remaining group decided to act upon lease agreements he had begun constructing. On 29 October 1949, representing themselves as officers of Video Independent Theatres, C. F. Motley, C. O. Fulgham, K. C Blackledge, W. T. Turk, P. C. Cornwell, Henry S. Griffing, C. R. Guthrie, and Louise Wesson submitted a plan to the Griffith Consolidated Theatres board to lease theatres in 48 towns in Oklahoma and Texas for a 10 year period for a monthly rental of $34,583.33 or a maximum of 15% of box-office receipts from Griffith Realty. This agreement included approximately 105 four-wallers and 20 drive-in theatres. The petitioners also tendered their resignation from Consolidated (Griffith Box 4, Vol. 15).[5] This plan was ratified on 1 December 1949; Griffing became president of Video Independent with Fulgham and Motley named vice-presidents and Guthrie becoming the secretary-treasurer. Video now owned all of Consolidated's theatre furnishings and equipment (Rice 16). For the first time since 1915, the Griffiths were no longer directly involved in the film exhibition business; Consolidated now sold concessions in the lobbies of Video theatres. This situation was short lived; by 3 February 1950 Griffith Consolidated began subleasing theatres from Video Independent. By October of that year Consolidated was operating 3 four-wallers and 15 drive-in theatres (Griffith Box 4, Vol. 27). Unlike the Hollywood studios, ordered to divorce their production and distribution activities from any exhibition businesses, the Griffith/Video relationship overlapped in both theatre interests and corporate officers. Video's board and stockholders aggressively pursued the drive-in movie business begun by Griffith Consolidated with the hope of trading the declining box-office on Main Street moviehouses for the growing popularity of the ozoners, as drive-ins were called in the industry. For the Oklahoma moviegoer, the drive-in was more a novelty and a convenience for local families and less about avoiding travel from the suburbs to the heart of a metropolitan area to visit a picture palace. For the newly formed exhibition chains growing out of court-ordered divestiture, the drive-in offered a way to counter slumping sales. In both cases, closing unprofitable moviehouses rather than investing in renovation costs seemed wise as attendance began to shrink. In one way, the tough antitrust attorneys forced both studio chains and independent circuits to rethink their theatre holdings just as admission incomes were declining after the 1946 boom year in movie attendance. As the Big Five divested theatres, the newly organized companies jockeyed to keep their beloved movie palaces, despite gloomy profit margins, and trends that indicated the "nabes," the less-plush neighborhood theatres, were outperforming downtown sites. They did, however, have the opportunity to shed non-metropolitan locations that were becoming unprofitable (Schatz, *Boom* 294).[6]

The drive-in also offered a solution to changing Hollywood production practices after losing their considerable income from the exhibition platform of vertical integration. Feature film production declined from a high of 379 in 1941 to 234 in 1949 (Schatz, *Boom* 463). Studios like Universal retreated from "high-quality" films to lower budget bread-and-butter productions like its series of Abbott and Costello films, which received favorable audience reception. As Garth Jowett points out, as box office numbers declined, studio heads began to study who actually made up their audience rather than relying on "intuition." To their surprise, "while the number of paid admissions had exceeded four billion, according to industry statistics [in 1949] this in fact broke down into a probable thirty million separate moviegoers, mainly under thirty, and who went several times a week. A further refinement revealed that a mere thirteen to fifteen million individuals actually saw the basic Hollywood staple—the 'A' feature film" (343). Lower budget films would satisfy a large percentage of frequent moviegoers, and "B" movies or subsequent runs became the staple of the new drive-ins. Quoting a prophetic Richard Hollingshead from a 1933 *Business Week* article, Gomery writes, "that patrons 'would enjoy movies where they could dress as they please, smoke, talk, and eat supper at the same time'" (*Shared Pleasures* 91).[7] Jowett describes a "'Lost Audience'—that group between the ages of thirty-one and sixty who comprised only 35 percent of movie patrons" (343). To recapture that audience studios turned to production of a few large budget films each year promoted with higher advertising costs for traditional theatre presentation. Despite litigation by drive-in owners, the studios resisted releasing these mega-pics for first run showings in the "ozoners," preferring to "road show" the deluxe movies with advanced ticket sales and distribution agreements of 70/30 on gross receipts.

Only the largest theatres could accept the 10% profit off the 30% gross from admissions (Whitney 181).[8] While drive-ins may have been shut out of the first-run markets, they offered a much lower start-up cost than traditional theatres. *Variety* figures indicated that in 1956, an investment of $300,000.00 could yield a 1,000-car drive-in. Conant calculates that this would add up to 2,500 patrons but fails to recognize that admission was often charged by the carload and not per person (147-48).[9] As with theatres today, snack and candy concessions added significantly to profitability.

An article from 1948 notes that 10% of profits in a traditional theatre came from concession sales and that nine of every ten cents on soda sold from a drink-dispensing machine would be profit ("What's Playing" 205, 209). By 1956 patrons were spending as much for popcorn and other refreshments as they paid for admission (Taylor 247). Unlike the cost of film rental, the investment in food inventory created a larger profit margin.[10] As with other drive-in owners, Video Independent officers were concerned with concession sales and charged Louise Wesson in 1952 to analyze the effects of cutting prices on candy, ice cream, and hot dogs to boost movie attendance at test locations. Comparing income in 1950 and 1951 when prices were lowered, she found that although more food was sold, attendance figures still declined from the previous year. Hot dogs became a loss-leader particularly when averaging in the cost of counter wait-staff. She also cautioned that once prices were lowered, customer resistance to future increases could lower attendance. In her final analysis, Wesson reported that "the convenience of location and the picture attraction are the determining factors at the box office and not prices at the concession" (Griffith Box 5, Vol. 36). The movie business had grown much more complex since the 1915 theatre purchase by the Griffith brothers.

The quality of both theatre facilities and movies improved, and, by 1949, any exhibitor that wanted to stay profitable needed outdoor theatres with family friendly facilities including a concessions stand. [11]

From 1949 through 1960, Video built or purchased 63 drive-in theatres in Oklahoma and Texas; in smaller towns the company kept the four-wallers and did not expand into additional ozoners. In Stillwater, in addition to the three Main Street theatres and one near the university, Video added one of its first drive-ins, the Moonlite, in June 1949 (in 1966 and 1968 two more drive-ins were built) as indicated in Rice's theatre chronology (134-38). During the same period, the circuit sold 35 theatres. 1952 was a watershed year for Video to reconsider theatre holdings and expansion into more drive-in sites. In minutes from 28 October 1952, sales of commercial buildings, manager's homes, and city lots earned $250,000.00 but this record also indicates that $300,000.00 was needed to remodel two existing drive-ins which may have included installing new equipment (Griffith Box 5, Vol.38). To lure audiences away from television sets and back to the theatres, Hollywood tried many new technologies to make the moviegoing experience unique. Some like 3-D films, were a brief novelty; others, like Cinerama, had only a few special exhibition venues. Other innovations like wide-screen CinemaScope changed the industry standard. As these new systems were introduced, theatre owners of both traditional four-wallers and drive-ins tried to determine the cost benefits of installing new screens and other necessary equipment to offer their audiences the latest "invention" from Hollywood. Debuted in 1953 with the Twentieth Century-Fox film, *The Robe*, CinemaScope required a curved screen with a new length/height ratio (2.5 to 1) and four track sound for maximum effect. Other systems competed for large screen use, notably

Vistavision, a Paramount offerings; Todd-A.O., promoted by MGM; and some also-rans like Vistarama, Cinepanoramic, Camerascope, Vidoscope, and Delrama (Stuart 298).[12] With falling attendance and therefore falling profits, the decision to invest in the cost of equipment and installation must have kept many a showman up at night. Griffith records show that at a 25 May 1953 stockholders' meeting plans were in place to install the new technologies:

> 3-D and CinemaScope remodeling policies:
>
> a. One theatre in each town, except Wink, should be prepared for 3-D and wide-screen operation. A screen should be custom built for each theatre . . . present screens should be utilized where they will fit requirements; cancel all present orders not in conformity with this policy.
>
> b. Order all Cinemascope and wide-angle lens upon which it is possible to obtain commitments.
>
> c. Plan to circuit the seven sets of Stereophonic sound equipment, with installed speakers remaining stationary.
>
> d. Proceed with conversion of all drive-in theatres to accommodate 3-D. (Griffith Box 5, Vol. 38)

These decisions followed serious concerns about tackling the conversion of theatres to accommodate the new technologies from Hollywood. The minutes of a 3 March 1953 board meeting addressed changes in the circuit's theatres, particularly for the future of drive-ins. Various 3-D systems were discussed, but the primary concern was two-fold. First, the polarization required for both glasses and screens reduced projection light by almost one-half. To elevate the 3-D effect, stereophonic sound would be needed but in-car drive-in speakers were not designed for stereo. Cinerama and Cinemascope also raised problems for the film exhibitor. Screens in every drive-in would need to be replaced to meet the new dimensions. Company engineers feared that if these technical developments became the industry standard, drive-ins would "become obsolete" (Griffith Box 5, Vol.35). Given the Griffith tradition of upgrading as new furnishings or technology became available, it is not surprising that the directors cautiously approved these expenses, however, unlike in earlier years, capitalization and profit margins were a larger concern.

Interoffice memos demonstrate that Henry Griffing hoped to establish better methods for tracking profit and loss. In a memo dated 2 January 1952, he outlined specific criteria to consider for theatre closings because "in the past when we have closed or abandoned a theatre, this has been marked by debate and criticism due largely to consideration as to whether the theatre was making or losing money." In seeking a formal accounting before a closing Griffing delineated exactly what would be considered income, emphasizing net profit on concessions. He also noted that rent would only be considered an expense if the theatre was not owned by a subsidiary [i.e. Griffith Realty]. On 21 January 1952, Griffing presented a detailed, twenty-page accounting of Video assets and liabilities with profit ratio computations for each theatre and property for the nine-month period from March through November 1951. This financial statement outlined an investment of over $70,000.00 on property for future construction of drive-ins plus almost $81,000.00 for playground equipment for existing drive-ins. Investment in traditional moviehouses for remodeling and the purchase of two sites totaled a little over

$150,000.00. Expenses for both types of film exhibition were almost equal but Griffing's concern was that "in 1951 the ratio of profit (before income tax) to capital invested in conventional theatres was 44% - in drive-ins 10.7%," yet he acknowledged that "drive-in theatres were absolutely necessary for the survival of the company." Total capital in conventional theatres in operation came to $1,948,000.00 and for drive-ins $1,525,000.00. Including additional real estate and commercial buildings, assets in 1951 totaled $6 million with an 11% profit ratio.[13] Recommendations for improved profits included a general admonition to limit new building and to keep renovations down to those required due to obsolescence or to maintain operating standards. One very specific directive ordered a discontinuation of "construction of 'Kelley Type $50,000' drive-ins for protective purposes. Protective drive-ins are seldom profitable. Devise plans for $20,000 'B' type drive-ins." Consideration of the purchase of a $175,000 drive-in in Oklahoma City was vetoed (Griffith Box 5, Vol. 36). C. F. Motley in a memo dated 7 November 1952 listed three strategies for the coming year; "effective exploitation, advertising, and concession sales" and "sale of surplus property," seem sensible but his third directive "<u>EXIST BUT DON'T IMPROVE</u>" (caps and underline as in the original document) indicates just how serious the profit decline had become (Griffith Box 5, Vol. 35).[14] As the corporate records indicated, Griffing and other officers of Video had reason for concern—much of the capital was borrowed from Oklahoma banks and insurance companies. A memorandum of 25 January 1950 called for fiscal austerity and liquidation of all debt by December 1954 (Griffith Box 5, Vol. 36). At this time the circuit included "115 conventional and 42 drive-in theatres . . . in 48 towns." Video also owned 22 closed houses (Rice 18). Although drive-in investment was essential, over-expansion threatened Video Independent's survival.[15]

In addition to the normal business of theatre operation, Video branched out into other investments. This film exhibition enterprise went into the business of miniature (putt-putt) golf courses trying to tap into one post-war recreation craze.[16] Apparently these were not as lucrative as the directors had hoped. Company records indicate they sold these businesses with regularity through the 1950s. Although the nation was motoring-mad, car washes also proved unsuccessful. Retail shops offering confections and gifts did not remain in business a full year. A request for a wholesale liquor license was denied. " In 1960 it [Video] acquired a part interest in Frontier City USA amusement park in Oklahoma City . . .but dropped from the partnership the following season" (Rice 19). Tele Hi-Fi was successful in eleven towns in Oklahoma and Texas, providing Muzak-franchise background music. Many applications were made for FM radio station licenses but the company failed to actually follow-up with broadcast operations with the exception of one Tulsa station, which was sold in 1961 (Rice 19, Griffith Box 5 Vol.40). While Roger Rice viewed these forays into uncharted territory as innovative ideas, considering the financial health of the organization, desperate might better characterize these attempts to find profit outside the movie business.

One move beyond theatre exhibition mirrored the early optimism of Hollywood that television could be useful to the film industry. As early as 1939 the Motion Picture Producers and Distributors of America (MPPDA) had studied the possibilities of television for the industry. The primary view of a television/movie alliance envisioned by that organization centered on "theatre television," i.e. paid admissions broadcasts aired in the moviehouse. Courtland Smith, author of a report on the new media for the movie industry, cautioned the MPPDA members, "We should never let the idea become generally accepted that television means pictures in the home *instead* of pictures in the theater" (Schatz, *Boom* 425). By 1940 the Federal Communications Commission (FCC) had begun hearings to establish technical standards for the new medium sparking heated debate between Paramount, with investments in DuMont Laboratories, and RCA, a rival in television development. RCA fought against a Hollywood presence in television production on two levels: first, RCA emphasized radio's past service to the public, insinuating that the studios had only profit motives in mind; second, RCA charged that the movie producers' interest in television masked attempts to impede the growth of possible competition (Schatz *Boom* 428). World War II temporarily silenced this war of words until the FCC authorized thirteen VHF channels in 1945. As the studios scrambled to control regional broadcast television, the FCC ruled, "that it would not grant a television license to *any* corporation convicted of monopolistic practices" ending the hopes of Hollywood producers to dominate television after the 1948 Paramount Decision (Gomery *Shared Pleasures* 231).[17] Balio describes the Hollywood attitudes on television with three industry refrains: in the earliest days, studio heads said "They'll [the public] get tired of it soon enough" but by the 1950s in an effort to bring audiences back they said, "We'll give them something television can't" (3-D, Cinerama, etc.). Finally by mid-decade, the movie producers were saying, "If you can't whip 'em, join "em" (321-32). The studios began production of television programming and earned needed capital by leasing sound stages to other television production companies. Some brokered high rentals for popular films from the past while others eventually sold entire libraries to television companies.

For the Griffith chain, or more accurately Video Independent, with no product to sell television broadcasters, venturing into this new medium suggested other paths. Video Independent for a time held a share in KWTV, Channel 9 in Oklahoma City, and in 1954 sponsored a weekly series called "All-American Football." Later that year and into 1955, Video advertised coming attractions on Sunday program featuring "Hollywood News." As was the case in other areas of the country, rural communities had limited access to television broadcasts or suffered extremely poor reception until companies independent from the networks began Community Antenna Television (CATV). Signals were transmitted via microwave towers and then sent through coaxial cables to individual subscribers. Video had entered the CATV market in 1952 with investments in three companies in Oklahoma City, Ardmore, and Duncan, Oklahoma. In a financial report dated 21 January 1952, Video's treasurer cautioned:

> Community Television is an experiment and should be conducted at the cheapest possible cost. The original cost estimate, including film studio, was \$100,000.00. The estimate has now increased to \$160,000.00. This includes studio building and projection equipment of \$62,500.00. The studio portion of the experiment should be postponed until the TV experiment is made. It seems we have nothing to lose by postponing this part of the experiment. (Griffith Box 5, Vol. 36).

Corporate records beginning in 1954 indicate that this television subsidiary, the Vumore Company, drained resources from Video regularly. In 1955 a \$300,000.00 loan was negotiated with the First National Bank in Oklahoma City. At a board of directors meeting of 13 September 1957, records show that Vumore owed Video Independent $322,664.43. The board voted to "mark 'satisfied' all indebtedness" in that amount with the agreement that Vumore would assume payments to various Video creditors equal to the forgiven debt. In 1957 at another directors meeting, Video voted to assume payment on unspecified Vumore debts to Graybar Electric. In January 1958, Video directors voted to pay $95,000.00 to Entron, Inc. for Vumore. In a report on the value of Vumore common stock dated 30 November 1959, advances to the CATV company totaled approximately $700,000.00. The report optimistically predicted a net profit over five years of $910,168.20. (Griffith Box 5, Vol. 33). Although some CATV projects proved successful around the country, several problems commonly arose. To run coaxial cable from towers to subscribers, these cable companies generally contracted with the region's telephone service providers to use their existing poles. Often if a CATV began to prosper, the phone company would increase charges. In the case of one Vumore project, called Telemovie, the company paid to build the coaxial cable system, sold it to Southwestern Bell, and then leased that cable at $10,000.00 per mile (Rice 20). In addition to the disadvantageous agreement with the phone companies, local television stations aggressively campaigned against CATV, which had the ability to deliver network programming from larger cities, threatening the livelihood of smaller regional stations. And, film and television producers denounced CATV for paying no copyright fees on the programming (Singular).

The Telemovie project became known in the cable industry as the "Bartlesville Telemovie Experiment"; unfortunately for Vumore it was notable for its failure.

Although unsuccessful, this was one of the first pay-per-view cable operations. The plan was to offer three movies per week at a cost of $9.50 per month. Even after cutting the price to $4.95 and adding continual news, weather, and time with musical accompaniment, this venture folded. Singular reports that this experiment failed for several reasons. Cable competition spurred local channels to improve programming and subscribers wanted a choice in what movies they could view. And, perhaps most tellingly, viewers believed "TV shows were more alive and spontaneous than what Hollywood was currently producing." Video Independent almost went into production. In August 1960, "the development of a plan for the production of motion pictures for theatrical release" with American Broadcasting-Paramount Theatres was discussed. Expansion into areas outside film exhibition failed to provide the turn-around that Video needed. Throughout the 1950s, corporate documents show more sales of property and fewer theatre lease agreements, which may have meant that Griffith Realty was also operating in the red. Every meeting included a list of resignations from the company, which might reflect a change in documentation from earlier years, but it may also indicate that even long time employees were concerned that the company would not survive.

With the loss of L. C. Griffith's leadership and in spite of Henry S. Griffing's efforts to control expenses on the theatre level while attempting to capitalize on new business opportunities, Video and Vumore faced serious difficulties by 1960. On 16 August of that year, Griffing was scheduled to fly his family home from an African vacation in his Cessna 182 Skylark. Leaving from Teterboro, New Jersey, Griffing failed to arrive in Oklahoma City as scheduled. After a week-long search, it was discovered that the plane had crashed into a Pennsylvania mountaintop.[18] A seven-person emergency "Operating Committee" was put into place in September. The committee had limited powers to continue previous business agreements but was forbidden from moving on new projects and could not approve any expenditures over $10,000.00 (Griffith Box 5, Vol. 34). Company documents demonstrate that decision by committee proved ineffective on numerous occasions; plans were tabled to a later date. By November of 1960, RKO General, a subsidiary of General Tire and Rubber, which had purchased RKO studios in 1955, approached Video Independent, primarily with an interest in the Vumore cable operations. Directors meeting minutes of 18 January 1961 note that RKO General had been given permission to examine corporate records (Griffith Box 5, Vol. 40). By 31 August 1961, Video stockholders had approved the sale of Video and a new corporation, Triarko, Ltd. was formed. In 1962, General Tire approved the change from Triarko back to Video Independent but Thomas O'Neil of General Tire and John B. Poor of RKO now headed the organization (Rice 24). In 1964, Video Independent owned 130 theatres. Video was sold to Capital Cities Communication in 1981, but this corporation was interested only in cable rights; Capital immediately began to search for a buyer for the theatres still left. In 1983, Carmike purchased the circuit's remaining 85 theatres. Carmike CEO Mike Patrick described this, his first acquisition:

> Video was owned by a company, which had bought Video for its cable rights. In the mid-1970s the management was killed in an air crash [Patrick is incorrect]. I went up and talked to the guy in charge. He told me the parent company wasn't interested in theaters.

> The circuit had a lot of singles and some drive-ins. We borrowed $1 million as a down payment and the parent accepted a note for the remainder due in three equal yearly installments. Right off the bat, we sold two of the drive-ins for about $1.5 million and immediately paid back the down payment. We used the cash flow from the remaining theaters to meet the installment payments and the depreciation to rebuild the circuit. (Kramer and Taylor)

The Carmike strategy in 1995 continued on much the same philosophy, targeting circuits that "may have reasons to sell." Patrick continued, "I am the number one person who follows companies' financial situations and I have a pretty good idea of which ones are going to be in financial trouble." Had L. C. Griffith lived to see the dissolution of the powerful circuit he had once headed, he would have been saddened on the occasion of its sale but in agreement with Patrick's methods. Griffith located theatre owners willing to sell out in small towns around Oklahoma and Texas, and as Patrick did, L. C. offered a place for dispossessed managers within the circuit. Like the experience of the Hollywood studios, the family business became a subordinate entity within a larger corporate structure, but the evolution of the Griffith theatres offers lessons not learned from studio system histories or reminiscences of early independent exhibitors. The final chapter will consider the lessons such a history can provide.

Notes:

[1] From Conant's study, *Antitrust in the Motion Picture Industry: Economic and Legal Analysis* (Berkeley: U of California P, 1960) 148-49.

[2] Divestiture was a slow process. "By autumn of 1954, two years after the last consent decree had been entered, none of the five circuits had completed its divestitures, and it was not until 1957 that the last divestitures were completed" (Conant 111).

[3] L. C. Griffith continued to make an indirect contribution to the organization. Minutes from 15 August 1951 indicate that $120,000 had been borrowed against the founder's life insurance (Griffith Box 5, Vol. 37). In a director's meeting of 6 June 1968, an additional six life insurance policies for L. C. were assigned to the First National Bank and Trust of Oklahoma City as collateral for the purchase of a drive-in in Cleburne, Texas (Griffith Box 5, Vol. 33).

[4] Directorships included C. F. Motley, Theatre Attractions; C. R. Guthrie, Finance; C. B. Akers, Assignments of Property; Kenneth Blackledge, Public Relations; and H. R. Halls, Theatre Operations with three divisional directors under him.

[5] See Appendix for a copy of the Video Independent letter listing all the towns included in this proposal.

[6] Production company expansion into theatre holdings began as insurance for outlets to screen studio product but became a matter of pride and ego. The picture palaces, once the top grossing theatres, remained as symbols of studio wealth and power long after they no longer turned a profit.

[7] Gomery, in Shared Pleasures, situates the opening of the first drive-in at Camden, New Jersey in 1933, accommodating four hundred cars (91). Jowett credits Hollingshead as the owner of this drive-in with a patented ramp design for the car park (352).

[8] Rental fees generally were raised after the Paramount Decision with fewer "big" pictures and studios relying on income from rental agreements with independent, competitive bidding theatres.

[9] Downs contends that "at least half of the new drive-ins built immediately after World War II were put up by entrepreneurs who were not previously in the theater business" (123).

[10] By 1989, "At some theaters [the concessions] account for 90 per cent of the profits" (Paul 287).

[11] Amenities at drive-ins in some areas included a full-service laundry for the harried housewife and warm milk and free diapers for the frazzled mother.

[12] Jowett points out that the industry briefly experimented with AromaRama and Smell-O-Vision (359).

[13] Although the CAMPUS and the MOONLITE theatres in Stillwater were losing money, the profitability of the other three theatres resulted in a return of $34.70 on every $100.00 invested.

[14] As a rule of thumb in the theatre business, keeping facilities up-to-date and in good condition was a priority; a worn carpet would have been unacceptable.

[15] Balancing the budget would become more difficult when in 1951, L. C. Griffith sold 3,000 shares of common and preferred Griffith Consolidated stock to Video Independent for $1,659,422.77. $459,422.77 was due at signing with $500,000 due the following year. The balance was to be paid within 25 years with a 5% interest charge (Griffith Box 4, Vol. 27).

[16] Ironically in 1995 Michael Patrick, president and CEO of Carmike Cinemas, commented on an industry trend to build "entertainment centers" that included "game rooms and other businesses in a miniature-mall type setup. . . We've looked at putt-putt's, go-carts and theaters together" (Kramer and Taylor).

[17] Paramount had laid claim to New York and Washington D.C. through its alliance with DuMont. Twentieth Century-Fox sought to own stations in Los Angeles, New York, Boston, Seattle, Kansas City, and St. Louis. Warner Bros. hoped to establish itself in Los Angeles and Chicago while Loew's looked to markets in New York, Los Angeles, and Washington D.C. (Gomery, Shared Pleasures 231). As in the earlier days of movie exhibition, the studios looked to dominate the larger cities, leaving smaller markets for the independents.

[18] The two remaining company planes were sold in December 1960.

CHAPTER X

Drawing Conclusions:
The Rise and Fall of the Griffith Theatre Circuit (1915-1983)

> "Explaining" a film historical event involves specifying the relationships between cinema (economic, aesthetic, technological, cultural) as well as relationships between cinema and other systems (politics, the national economy, other media of mass communication, other art forms). Assigning "causes" within an open system becomes a challenging task for the film historian because relationships among elements in that system are mutually interactive not linear.—Robert C.Allen and Douglas Gomery[1]

In the case of "explaining" local film exhibition, extant studies generally chronicle the success of entrepreneurs in well-established urban, if not metropolitan, settings and, in most cases, these theatre circuits are incorporated into larger studio chains by 1930. Although Douglas Gomery emphasizes the need for more study of local movie business history, his fine work focuses primarily on Balaban and Katz circuit which dominated Chicago exhibition until joining Famous Players (later Paramount) in 1925.[2] Unlike the Griffith chain, which briefly aligned with Universal, the majority of local exhibition histories outline a shift from independence to studio ownership. The Griffith story is unique in that it was never a studio-dominated circuit, yet it became large enough for antitrust prosecution. As Allen and Gomery's comments indicate, the nexus of various disciplines complicates film history. Film art advanced through technological political or legal forces. As with most film histories, this one does not attempt to analyze each of these factors. And although Allen Gomery point out that these intersections do not occur in a neatly linear pattern, this study has been shaped as a chronological narrative with the understanding that, although not fictive, history tells stories that interpret the past.

The most popularly engaging film histories are the biographies of the studio moguls with an emphasis on their colorful, clever, and sometimes-lucky "rags to riches" stories. Just as film criticism has studied movies within a masterpiece template or through auteur theory, the history of movies has sometimes been told through the narratives of the "great men" of the cinema. The romance of the movie business was not limited to the screen, as film historians like Ramsaye or Hampton reveal in their work. There is a certain element of the Griffith story that appeals to nostalgia for an Alger-like past that rewards honest hard work and determination. The rise of the Griffith circuit often parallels the story of the family businesses of historic Hollywood with the added charm of developing a business in the very young territory and state of Oklahoma. The Griffith history also offers a look at the growth of film exhibition outside the vertical integration of the studio system and challenges Gomery's model in *Shared Pleasures* of exhibition as a chain-store-styled business, a model that works in some ways but proves problematic in others. Finally, Griffith Amusement, along with the Crescent and Schine circuits, suffered federal prosecution for antitrust violations. The outcome of the Griffith case proved to be very different from the other chains, yet all three cases set precedents to convict the studios. Therefore, the Griffith history both illustrates and goes against the grain of previous film histories. The rise and fall of Griffith Amusement contains the romance of the movie business, while demonstrating a more industrial model of business practices than has been previously considered. The prosecution of those practices directly affected the 1948 landmark Paramount Decision.

In its infancy, the moving picture industry provided opportunities for many from humble beginnings to enter the world of business with a very low capital investment. Hampton writes, “ Many recruits to the exhibiting branch of the new industry came from New York’s East Side, where scores of ambitious young Jews were restlessly searching for ‘access to the sources of wealth and power’” (26). Marcus Loew and Adolph Zukor were fur salesmen; William Fox, a garment worker; Carl Laemmle a Wisconsin store manager who moved to Chicago to find his fortune. Jack and Harry Cohn left their jobs as office boys to enter the movie business. Samuel Goldfish (later Goldwyn) found motion pictures more enticing than life on the road selling gloves to regional retailers. *Fortune Magazine* described the first generation of studio owners as “fur peddlers, secondhand jewelers, and nickelodeon owners” with the exception of Louis B. Mayer who had the distinction of working in his father’s ship-salvaging business (265). These young men convinced family and friends of the investment rewards ready for the taking in exhibiting the new novelty of moving pictures.

Family support, and, often, family sweat-equity launched young men into entrepreneurial paths. In the brief nickelodeon era, some began lucrative careers while many, many more failed. In the case of the Griffith brothers, their father purchased their first modest “picture palace” to give them a start in the business world. Family backing launched the careers of the Leachman brothers, Claude and Ralph, with the 1919 purchase of a theatre in Woodward, Oklahoma. A third brother, Oakley Leachman, later joined the family movie business (Campus Program).[3] Although many theatre businesses became “mom and pop” operations, they most often began as a way for a young man to make his own way. The Griffith brothers’ success can be credited to L. C.’s experience in film distribution as a states rights salesman and an aggressive Griffith strategy for growth. Corporate records indicate they were not reluctant to mortgage one property to acquire another, and never reluctant to pay a dividend out of borrowed money to the stockholders either.[4] While studio acquisitions often included retaining current theatre management, Griffith Amusement went one step further, bringing former theatre owners into the company as stockholders. At the local level, theatre patrons hardly noticed the transition from independent ownership to circuit control although the quality of films may have improved thanks to the buying power of the chain. Like Zukor’s Paramount expansion tactics in 1919, when theatre owners resisted a takeover by the Griffiths or a town seemed ready for another theatre, local papers heralded the plans to build a new modern moviehouse.[5] For example, in 1926, the Griffith organization bought out the family-run ABBOTT THEATRE and began building a new one as well. Soon after, competitor F. M. Tull scrapped plans to build a theatre and sold the CAMERA to local R. H. Russ; Russ and the Griffiths were in head-to-head competition for years to come. The Griffiths were quick to purchase land in new oil-boom towns but equally swift to sell property if a strike did not pan out. And their expansion often took them into county seats. They may not have had first-run moviehouses in large cities but they knew how to target locations in smaller towns where audiences for movies would grow rapidly or where patronage was assured because they were local government sites drawing from other smaller communities. In some ways the romance of the get-rich-quick oil industry both mirrored and boosted the success of the Griffith circuit. They had something of the wild-cat oilman's optimism, a bit of the wild west spirit of unlimited possibilities, and they tried to include others in their success. But as A. B. Momand's tale tells, if an owner refused the Griffith "generosity," the circuit would prevail. The Griffith history combines the romance of the movie business and the growth of a recent western territory with shrewd business practices.

Defining those business practices and the practices of the movie industry in general defies easy solutions. The entertainment business earns consumer dollars without providing a purchase that can be carried away in hand. Gomery likened this to a retail situation but does not clearly develop the connection between tangible and intangible products being sold (*Shared Pleasures*). Carl Laemmle was astounded that there was a market where "people would give money for something not represented by a parcel . . .where it [was not] necessary to 'wrap something up for the customer to carry away'" (Hampton 26). The movie industry has often been described as a dream factory and the product the consumer buys is as ephemeral as a dream or memory. The retail paradigm stands up to scrutiny until one has to establish what has been purchased. Gomery likens the movie business to the early twentieth-century rise of mercantile concerns; he compares theatre operation to the A & P grocery chain. While correct in locating similar practices, Gomery fails to note that in the case of A & P, the merchandise offered is food staples, and not something less essential, like entertainment. Gomery identifies three comparable business strategies shared by retail chains such as A & P, Sears Roebuck, or Woolworths.[6] First, he describes what he terms "economies of scale," a system of spreading fixed costs across the entire chain. For example each store would share the expense of a centralized corporate headquarters with inventory control and accounting functions. "Store managers only made entries; others kept the books" (Gomery, *Shared Pleasures* 35). Secondly, Gomery emphasizes "scientific management" by university-trained specialists. His final point seems more relevant to the Griffith organization; "the monopsony buying power of the chain organization also kept other operating costs low" (Gomery, *Shared Pleasures* 35-36). Film distributors were undoubtedly pleased to do business with a circuit the size of Griffith Amusement, providing the studios with more guaranteed box office return at the second and third run levels. And although the Griffiths consolidated some functions within their Oklahoma City corporate headquarters, notably their in-house advertising department, records indicate that theatre managers offered important input into corporate decisions.[7] It is clear that local management read and implemented promotions and marketing strategies gleaned from the industry's trade publications such as *Motion Picture Herald* or *Motion Picture News*. Griffith managers did more than "make entries." As for university-trained professionals, with the exception of legal counsel, there is no indication that this regional chain chose education over experience. Although some college town ushers later became theatre managers, their knowledge of daily operations appears to have recommended them for these positions rather than any degree from an institution of higher education. On the board of directors, membership was almost entirely representative of experienced showmen (and occasionally show-women). As the circuit took on a more structured corporate organization, responsibilities were assigned based on the special talents of each staff member. With the shift away from traditional film exhibition and into CATV, experts were recruited from outside the Griffith ranks, but final decision-making remained in the hands of the board and the stockholders, the large majority of which were all former theatre owners or managers. Gomery's example of Balaban and Katz as stellar regional exhibitors bears out the same strategy; these leaders were courted and won by a studio chain.

A better model for the business practices of the Griffith organization, as well as the studios, is one described by Alfred D. Chandler, Jr., in his study of the "ascendancy of the manager." His work more clearly links Hollywood unit production and the structure of the Griffith and studio circuits. Chandler argues that by the turn of the century American industry shifted from manufacturing to a system of both production and marketing to boost sales. In film exhibition, theatre owners often times became movie producers to insure a quantity of new attractions; studio heads who had then abandoned their moviehouses later found themselves reentering exhibition to guarantee outlets for their films, establishing both large national chains and distribution companies. Similarly, on the production side, particularly once original studio heads had retired or been ousted, a schedule of films for the year was created, budgeted, and assigned to directors responsible for their unit's output. Although a studio production head monitored each unit's progress, the director and his staff were responsible for the work of completing each film; daily decisions on how to meet studio goals rested in the hands of unit production managers supervising both creative and technical staff. This level of middle management characterizes the changes Chandler describes as necessary to move into larger sales territories. Chandler notes that by expanding to a "high volume output,"

> an impressive cash flow . . . provided these enterprises with most of their working capital, as well as funds to expand capital equipment and facilities. These enterprises relied on local businessmen and commercial

> banks for both short-term and long-term loans. . . . For this reason the entrepreneurs, their families, and the associates who created these enterprises continued to control them. They personally held nearly all the voting stock in a company. Thus, although day-to-day operations had to be turned over to full-time salaried managers, long-term decisions as to investment, allocation of funds, and managerial recruitment remained concentrated in the hands of a small number of owners. (298)

This template illustrates the operations of Griffith Amusement. L. C. Griffith and his board of directors defined circuit goals and quotas, and controlled the purchase or sale of theatre properties but moviehouse managers were responsible for the profitable operation of their individual units. Although film purchase and distribution were centralized, theatre operators as middle management reported on local audience preferences and undertook promotions that suited the communities they served.

Through merger and vertical integration, Chandler finds “the visible hand of management replac[ing] the invisible hand of market forces” as companies grew regionally larger (315). This model is based not on a market demand for product but rather on the expansion of distribution and sales to control a market, which better suits a business like the movies where no physical product is being sold. This template puts a larger importance on the human element of business organization. “The building and managing of the modern multiunit business enterprise was, then central to the process of modernization in the Western world. The task placed a premium on the ability to create and manage large, complex human organizations. Such abilities became the most needed and often best rewarded of entrepreneurial talents” (Chandler 376). When the Griffith circuit bought out existing theatres, they had the foresight to welcome previous owners as stockholders and to retain local managers, effectively maintaining continuity in the community and profiting by the experience and understanding of the local markets of these showmen. Griffith directors put the knowledge of these men to use for the benefit of the chain, and this emphasis on people rather than product better reflects the consumer purchase of a moviegoing experience rather than merchandise. Although smaller local retailers emphasized customer service, mass merchandisers like an A & P or Sears Roebuck were more likely to focus on standardized display and pricing. Chandler also points out that as companies grew, a more structured hierarchy of management was required. This was the case as the Griffith holdings expanded and particularly after the loss of L. C. Griffith's leadership. Booking was divided between three area managers; concessions became a separate department and later a separate company. Board members began to supervise more specific functions within corporate operations, each contributing to the bottom line generated by the experience of the theatre patron. This emphasis on people as managers and consumers better fits the business of film exhibition.

As with the rise of chain store retailers, both studio-owned and regional theatre circuits threatened the small town businesses, pushing the local exhibitors to petition the courts for protection and financial remedy. For most small, independent theatre owners around the country, it was the presence of studio owned moviehouses that muscled out the local exhibitor with unfavorable booking arrangements, as well as runs and clearances designed to maximize studio profits. In the case of the three large regional circuits, federal prosecution established precedents to aid the government in the larger prosecution of the Big Five and Little Three in Hollywood. Cassady notes that in the Crescent and

Schine cases written documents were entered as evidence that outlined an effort to gain control in cities in their regions. Michael Conant describes the case against Crescent Amusement: Nine exhibition companies in 78 towns in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee conspired with eight film distributors to withhold film from smaller, competing theatres. Both stock in sister companies and theatres were divested under court order. In addition, these exhibitors were prohibited from purchasing any new theatres (88-89). The Schine Circuit operated in 76 towns across the northeast; 60 of those towns were closed to competition. The Supreme Court required that this theatre chain divest itself of moviehouses in each of the closed towns. In addition, limits were put in place as to the amount of films the Schine theatres could license (Conant 93-94). In both cases, rulings seriously diminished the bargaining power of these companies and limited future expansion. However, in the Griffith case, guilt was not so clear-cut. The district court initially found no wrongdoing on the part of this chain and on appeal the circuit was primarily convicted on the principal that monopoly or restraint of trade could be established without evidence of intent on the part of the defendants.

The Supreme Court ruled that the fact that Griffith dominated or solely controlled towns proved violations of the Sherman Act. This decision undercut the circuit's defense that films were not booked from every distributor in any given year. These franchise agreements negotiated for from three to five years did not directly affect the Griffith case but were used to prosecute the studios. "Although the majority of franchises were granted to independent circuits, these agreements were found in the *Paramount* case to have restricted unreasonably the opportunities of small exhibitors to license films. . . . Master agreements, computing percentage rentals on circuit gross, also allowed the circuit discretion to allocate playing time and film rental to its individual theaters" which also helped to exclude films from certain towns (Conant 64, 74).[8] Although films were available to independent theatre owners, Griffith buying power was seen as a restraint of trade. In turn, this determination left the studios more vulnerable, and Cassady and Cassady argue that the government sought to first complete the prosecution of the regional chains to create precedent to convict the Hollywood circuits.

The studios had defended themselves with the fact that no studio produced enough films to keep their moviehouses open; they faced the necessity of bargaining for movies from competing production companies. Although both the studios and Griffith appeared to negotiate for film from some but not all suppliers, and even though it had not been proven that these exhibitors had willfully intended to drive out competition, the Supreme Court moved to convict. Michael Conant expands on this point by noting that the real issue was this—the "bargaining power gained by owning some complete local theatre monopolies (closed towns)." As a result of those closed towns, distributors were forced to give "preferential access to films in towns where there were competitive theaters" (Conant 105). Judge Vaught's ruling implied that the fault lay not with the Griffith chain but with those distributors, citing the good business practices of the circuit.

The judgment against Griffith also indicates that theatre divestiture was only a limited cause of studio declines. Although the Griffiths were not required to sell off theatres, the fortunes of this regional chain declined in similar fashion to all the studios in the post-World War II years. Studio-owned circuits were slowly dismantled with Loews the last to comply with divestiture in 1954 and the process did not remove Hollywood control of first run markets. The new theatre chains, not truly independent despite new corporate names, sold unprofitable locations, maximizing the profits of the remaining moviehouses. The federal decree motivated these companies to become leaner and more successful. Yet, as noted earlier, both studio-connected and regional chains suffered the decline of movie patronage for a variety of reasons. The independent second and third run exhibitors suffered the same slow-down in attendance, and divestiture did not improve the profit picture for these smaller owners. Although theatres were owned by new, divorced corporations, studio connections persisted and, as in the case of the Griffiths, circuit size still affected rental negotiations to their advantage. As with the 1940 Consent Decree, the small theatre owner did not see any real profit from the Paramount decision. Ina Rae Hark writes, "Once distributors and exhibitors no longer shared a common financial interest, their relationship became more adversarial, with the providers of films seeking to indemnify themselves against losses by imposing onerous conditions on the exhibitors or limiting the flow of product to such an extent that the theaters eventually used the films as loss leaders to ensure the profitable sales of concessions" (2). Distributors demanded larger and larger percentages of box office receipts, squeezing marginal theatres out of existence, and, as Griffith corporate meeting minutes demonstrate, concessions became a much more important part of the circuit's business, especially at drive-in locations. The court battle had been won in the name of the independent exhibitor but little was gained in the end. Formerly loyal movie patrons had discovered other outlets and avocations on which to spend disposable income.

Movie patronage or audience analysis is one obvious area for further research outside the scope of this study. Film historians like Janet Staiger have done good work on film and filmgoers, but movie reception is a complex topic. Although some contend that moviegoers voted for their favorite Hollywood stars and productions with the price of their admissions, opponents of block and blind-booking argue that exhibitors, and by extension, audiences, had little choice in what would play at the local theatre. Were box office records available, one could at least make some determination of what film genres were most popular in towns like Stillwater, Oklahoma. But no such records appear to have survived. A detailed examination of titles and runs would give some indication of audience preference. With theatres changing programs three times per week, many titles would need tracking, particularly when double features came to be standard practice. Tracking play dates would also offer better information on the clearance agreements in place between Griffith Amusement and the studio distributors and would indicate how detrimental the circuit's influence may have been to small independent owners. Looking carefully at Bartlesville records might shed light on why CATV and pay-per view television were unsuccessful in Oklahoma while accepted in other areas of the country.

This study does not cover the years of the circuit's decline with the detail that might reveal why expansion into drive-ins did not help this failing company. As for legal matters, an extensive search of state court records undoubtedly would reveal many more lawsuits brought against the Griffiths and the studio chains, as well as other cases involving the pugnacious A. B. Momand as both plaintiff and defendant. Searching local archives for Enid and Chickasha newspaper accounts could offer a better explanation of why these specific towns were named in the federal prosecution of Griffith Amusement; given Momand's dogged pursuit of treble damages, it is surprising Shawnee was not included in the anti-trust proceedings. Examining, other, smaller chains in the southwest or government cases against Interstate, a Paramount affiliate in Texas, might also provide a better understanding of the theatre business in the region. To locate records from an independent exhibitor in the area would be an exciting discovery.[9] Local film exhibition research offers many, many approaches and options.

Studying the Griffith organization does provide insight into exhibition in Oklahoma, a state not attractive to the studios, a state with only two population areas large enough to support Hollywood first-run picture palaces. As with the founders of the movie industry, the Griffith brothers saw an opportunity in a new industry and grew their holdings from one small picture show to become a large tangle of corporations dominating film exhibition in the region for decades. There is a romance about their story, but there are untold tales of other independent showmen who, if not willing to join the Griffith organization, were driven out of business. Although A. B. Momand's flawed testimony appears overwrought and unsupported, it indicates that he persisted where others had neither the will nor the resources to pursue redress of their grievances. And, this research certainly underscores that although well-intentioned, federal antitrust convictions did little to help small theatre owners; treble damage suits were rarely decided in the plaintiff's favor. Finally, this work demonstrates the complex relationship of film as art, entertainment, *and* business while emphasizing the commercial and civic importance of the movie theatre in small towns in the region. The moviehouses on Main Street filled many needs within the community, and few patrons noticed or cared that control of the moviehouses was being contested. Until the post-World War II years, the locals were both proud and happy to have the moving- and then talking-pictures in their small town; the town seemed larger, more prosperous, and part of the wider world, thanks to the picture shows.

Notes:

[1] From *Film History: Theory and Practice* (New York:Alfred A. Knopf, 1985) 214.

[2] His emphasis on Balaban and Katz in *Shared Pleasures* reflects his good fortune in locating primary materials for that chain. The lack of archival documentation of smaller independent exhibitors undoubtedly hampers the study of small town theatre owners.

[3] F. M. Tull, owner of the CAMERA for four years, first operated a furniture store before establishing the FOLLY THEATRE, a vaudeville, burlesque, and moviehouse (Stewart 91). Carl "Pop" Laemmle was notorious for supporting his family through his ownership of Universal Pictures. Fernett suggests that "Pop" sometimes opened new facilities "just so he could employ more of his relatives" (329). "Pop" Laemmle gave the studio to is son, Carl Jr., as a twenty-first birthday present (Schatz, *Genius* 82).

[4] Very few board meetings throughout the history of Griffith Amusement did not include a vote to issue a substantial stock dividend.

[5] Local lore indicates that signage on vacant property near Stillwater announced the coming of a new drive-in theatre for years to discourage others from entering the market.

[6] Gomery neglects to mention that in the case of Sears Roebuck, much of the success was due to mail order customers (*Shared Pleasures*).

[7] Griffith's advertising department often printed custom lobby cards and other materials for the circuit rather than relying solely on studio provided promotional packages.

[8] Griffith Amusement had a fleet of delivery vans to transport films around the circuit. Because they had master agreements in place the chain could make independent decisions on when and where to screen a film providing an opportunity to bring in a more popular film than the competition might be showing. This differs from the practice of "bicycling" because the circuit had permission from the studio distributors to allocate films as the chain saw fit. The practice of bicycling was the practice of independent theatre owners sharing a film rental without consent of the studios. Often, a young man quite literally transported a movie by bicycle to another theatre across town.

[9] Archival documents are available in Georgia for an African-American theatre owner, a project this author would like to pursue.

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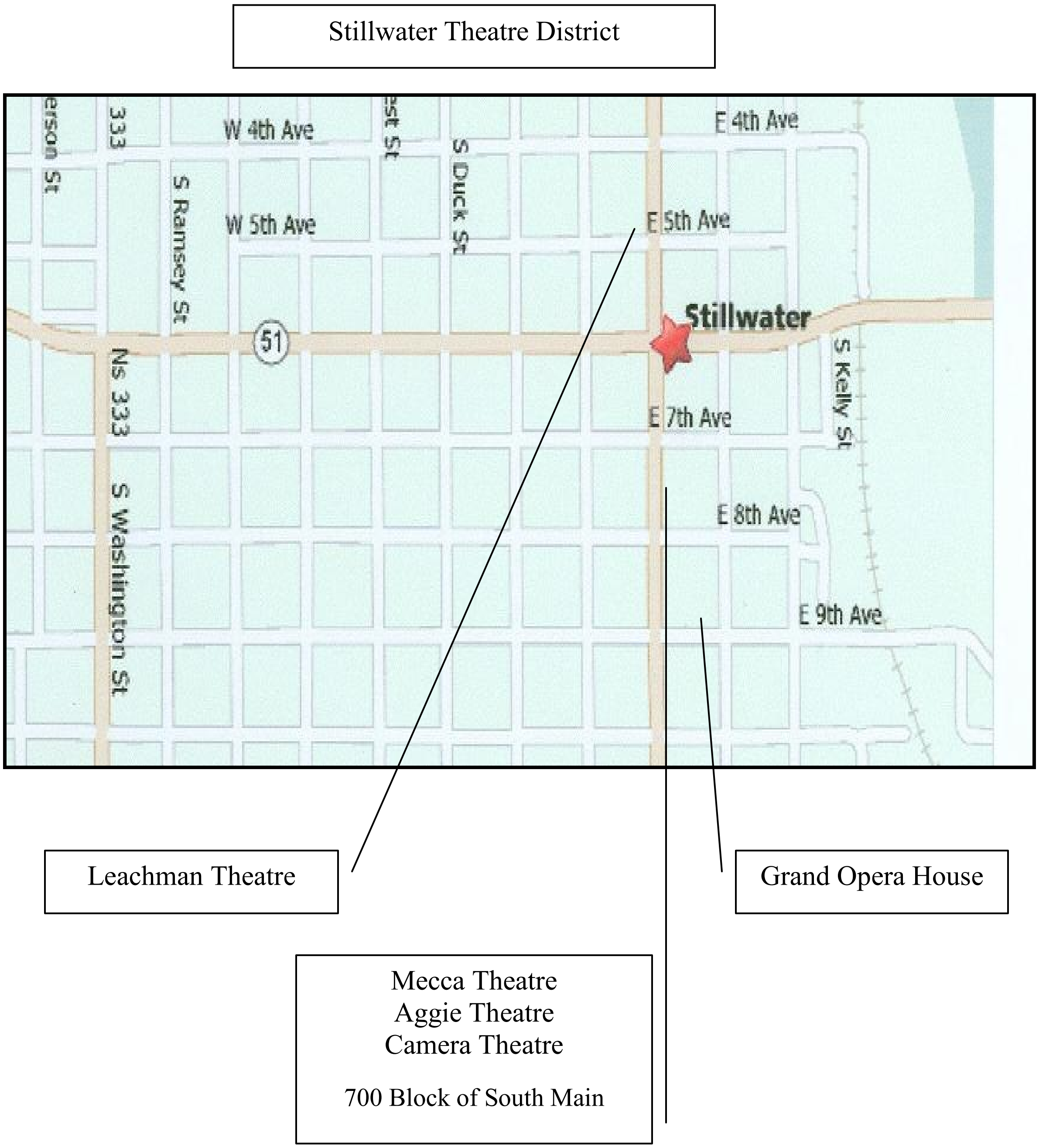
APPENDICES

Appendix A: Map of Stillwater Theatre Locations

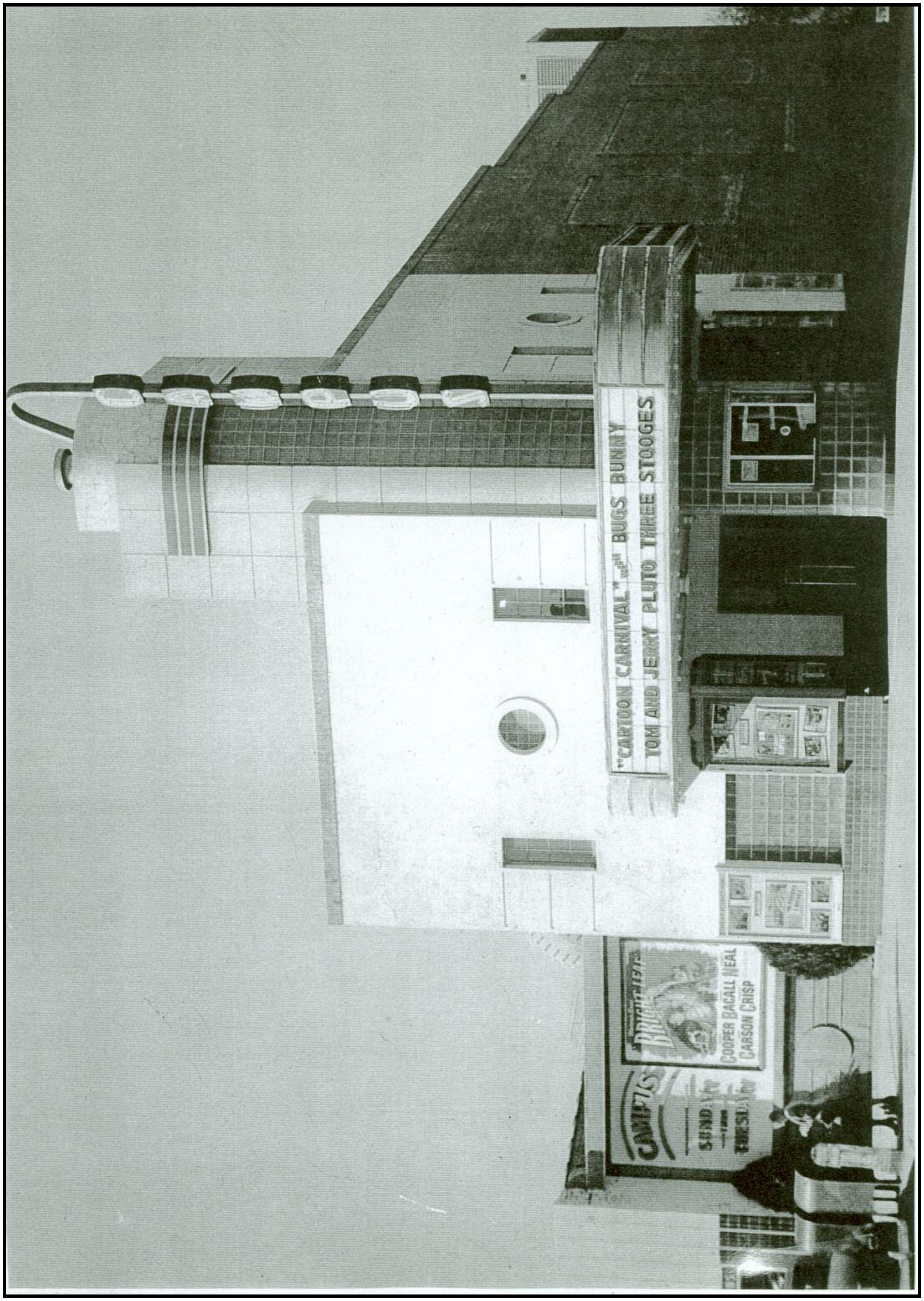


Appendix B: Stillwater Theatre Photos Circa 1950s

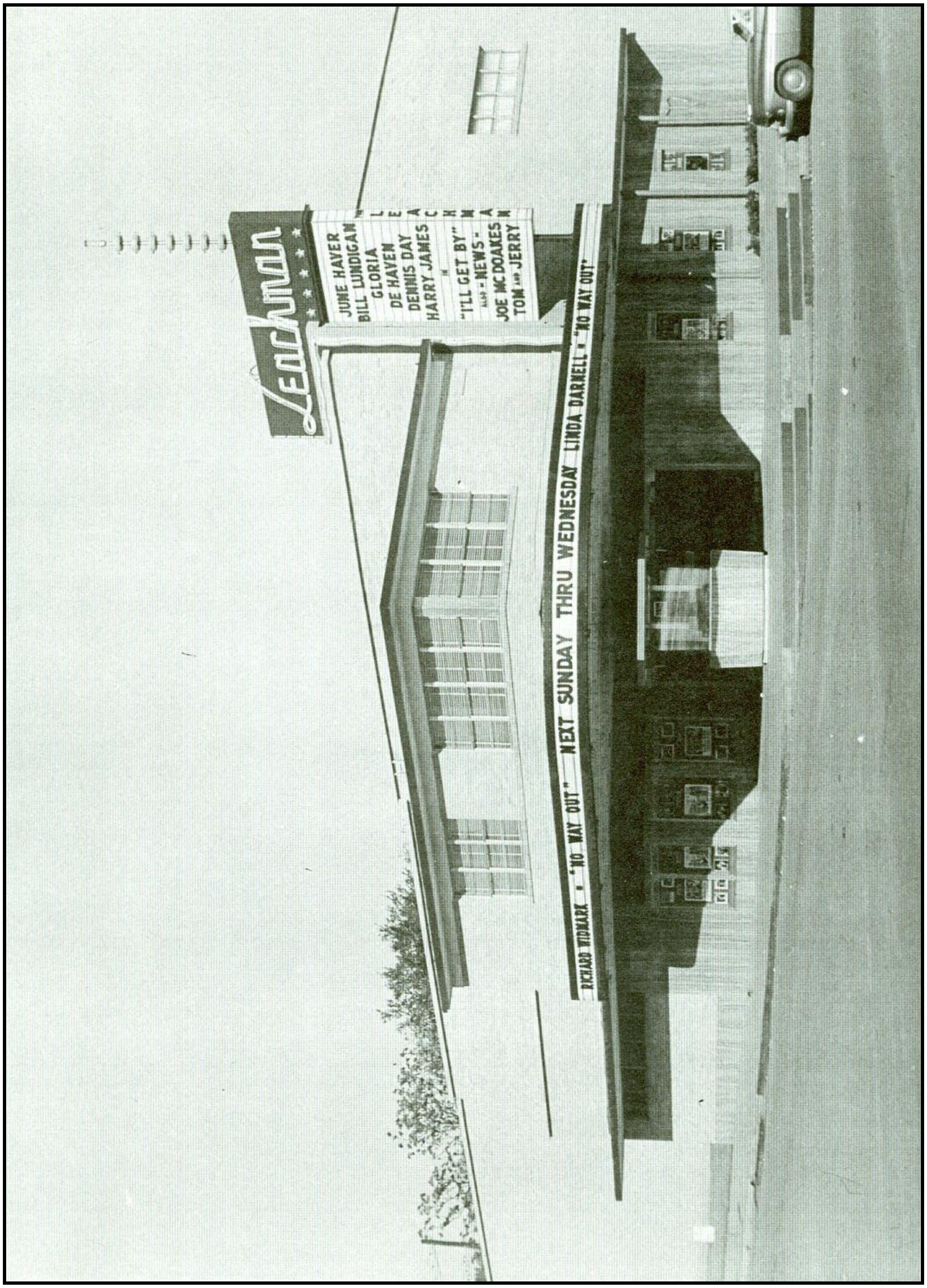
Mecca Theatre

Aggie Theatre

Campus Theatre



Leachman Theatre



Appendix C: Directory of Griffith Theatre Cities

Griffith Theatre Towns Compiled from the Rice History[1]

TOWN/STATE	1st Theatre Opens	Last Closed or Sold	Comments
Abilene, TX	1956	1981	County Seat
Ada, OK	1929	1983	County Seat
Albuquerque, NM	1956	1980	County Seat
Altus, OK	1928	1983	County Seat
Ardmore, OK	1936	1983	County Seat
Artesia, NM	1976	1983	
Ballinger, TX	1936	1948	County Seat
Bartlesville, OK	1928	1983	County Seat
Belton, TX	1936		County Seat
Blackwell, TX	1929	1978	
Big Springs, TX	1956 Drive-In		
Borger, TX	1936	1983	Oil Industry
Brady, TX	1935		County Seat
Bristow, OK	1936		
Brownwood, TX	1969 Drive-Ins	1981	
Carlsbad, NM	1936		County Seat
Chandler, OK	1936	1959	County Seat
Chickasha, OK	1936	1983	County Seat
Claremore, OK	1936	1983	County Seat
Clarksville, TX	1936		County Seat
Cleburne, TX	1936	1983	
Clinton, OK	1935	1983	
Clovis, NM	1936		
Cuero, TX		1966	County Seat
Cushing, OK	1936	1983	Oil Industry
Dallas, TX	1926	1937	
Decatur, TX	1936		County Seat
Denison-Sherman, TX	1977 Drive-In	1978	
Drumright, OK	1937	1975	Oil Industry
Duncan, OK	1927	1983	County Seat
Durant, OK	1976	1977	County Seat
El Campo, TX	1938		
Elk City, OK	1925	1983	
El Paso, TX	1967 Drive-Ins	1968	County Seat
El Reno, OK	1945	1983	
Enid, OK	1926	1983	County Seat
Eunice, NM	1936		
Fairfax, OK	1918	1957	
Frederick, OK	1935	1963	County Seat
Gainesville, TX	1936		County Seat

TOWN/STATE	1st Theatre Opens	Last Closed or Sold	Comments
Gallup, NM	1936	1947	County Seat
Georgetown, TX	1936		County Seat
Guthrie, OK	1926	1982	County Seat
Henryetta, OK	1927	1967	
Hereford, TX	1936		
Hobart, OK	1928	1979	County Seat
Hobbs, NM	1936	1970	
Holdenville, OK	1950	1968	County Seat
Hominy, OK	1936	1958	
Honey Grove, TX	1920		
Hugo, OK	1926	1968	County Seat
Jal, NM	1936		
Kermit, TX	1937	1973	County Seat
Kingfisher, OK	May 1937	Dec 1937	County Seat
Lampasas, TX	1936		
Las Cruces, NM	1967	1972	County Seat
Lawton, OK	1956	1983	County Seat
Lubbock, TX	1930	1980	County Seat
Mangum, OK	1937	1969	County Seat
Mart, TX	1920		
Maud, OK	1932	1936	
Mexia, TX	1955	1978	
Miami, OK	1926	1983	County Seat
Midland, TX	1936	1983	County Seat
New Braunsfel, TX	1942	1982	
Norman, OK	1927	1982	
Odessa, TX	1971 Drive-Ins	1983	County Seat
Oklahoma City, OK	1928	1977	County Seat
Okmulgee, OK	1927	1983	County Seat
Pampa, TX	1929	1979	County Seat
Pauls Valley, OK		1928	
Pawhuska, OK	1951	1976	County Seat
Phillips, TX	1940	1950	
Picher, OK	1940	1957	Abandoned
Plainview, TX	1936	1983	County Seat
Ponca City, OK	1948	1983	County Seat
Portales, NM	1936		County Seat
Post, TX	1936		
Refugio, TX		1966	County Seat
Roswell, NM	1931		County Seat
San Saba, TX	1936		County Seat
San Marcos, TX	1915	Late 1920s	
Sapulpa, OK	1932	1976	County Seat
Sayre, OK		1976	County Seat
Seminole, OK	1936	1983	
Shawnee, OK	1927	1983	County Seat

TOWN/STATE	1st Theatre Opens	Last Closed or Sold	Comments
Springfield, MO	1940		County Seat
Stillwater, OK	1926	1983	County Seat
Sunray, TX	1936		
Tonkawa, OK	1926		
Tulsa, OK	1940	1981	County Seat
Victoria, TX	1938	Mid 1940s	County Seat
Vinita, OK	1936	1983	County Seat
Wellington, TX	1928	1971	
Wewoka, OK	1938	1955	County Seat
Wink, TX	1927		County Seat
Yale, OK	1917	1927	

NOTE:

[1] No dates are listed if company records do not clearly indicate opening or closing dates. Also, records are sketchy on some of the earliest theatres.

ANTITRUST DIVISION MANUAL

STATUTORY PROVISIONS AND GUIDELINES OF THE ANTITRUST DIVISION [1]

A. STATUTES ENFORCED BY THE ANTITRUST DIVISION

1. SHERMAN ANTITRUST ACT, 15 U.S.C. §§ 1-7

§ 1 Sherman Act, 15 U.S.C. § 1

Trusts, etc., in restraint of trade illegal; penalty

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

§ 2 Sherman Act, 15 U.S.C. § 2

Monopolizing trade a felony; penalty

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if acorporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

§ 3 Sherman Act, 15 U.S.C. § 3

Trusts in Territories or District of Columbia illegal; combination a felony

Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $10,000,000 if a corporation, or, if any other person, $350,000, or by imprisonment not exceeding three years, or by both said punishments, in the discretion of the court.

§ 4 Sherman Act, 15 U.S.C. § 4

Jurisdiction of courts; duty of United States attorneys; procedure

The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 1 to 7 of this title; and it shall be the duty of the several United States attorneys, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

§ 5 Sherman Act, 15 U.S.C. § 5

Bringing in additional parties

Whenever it shall appear to the court before which any proceeding under section 4 of this title may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

§ 6 Sherman Act, 15 U.S.C. § 6

Forfeiture of property in transit

Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this title, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

§ 7 Sherman Act, 15 U.S.C. § 6a (Foreign Trade Antitrust Improvements Act of 1982)

Conduct involving trade or commerce with foreign nations

Sections 1 to 7 of this title shall not apply to conduct involving trade or commerce (other than import trade or import commerce) with foreign nations unless--

1. such conduct has a direct, substantial, and reasonably foreseeable effect--
    A. on trade or commerce which is not trade or commerce with foreign nations, or on import trade or import commerce with foreign nations; or
    B. on export trade or export commerce with foreign nations, of a person engaged in such trade or commerce in the United States; and
    C. such effect gives rise to a claim under the provisions of sections 1 to 7 of this title, other than this section.

If sections 1 to 7 of this title apply to such conduct only because of the operation of paragraph (1) (B), then sections 1 to 7 of this title shall apply to such conduct only for injury to export business in the United States.

§ 8 Sherman Act, 15 U.S.C. § 7

"Person" or "persons" defined

The word "person", or "persons", wherever used in sections 1 to 7 of this title shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

1. Statutory material is current as of January 1997.

[1] http://www.usdoj.gov/atr/foia/divisionmanual/two.htm#N_1_

VITA

DEBORAH CARMICHAEL

Candidate for the Degree of

Doctor of Philosophy

Thesis: THE GRIFFITH BROTHERS CIRCUITS OF OKLAHOMA: FILM EXHIBITION SUCCESS OUTSIDE THE HOLLYWOOD STUDIO SYSTEM

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Title of Study: THE GRIFFITH BROTHERS CIRCUITS OF OKLAHOMA: FILM EXHIBITION SUCCESS OUTSIDE THE HOLLYWOOD STUDIO SYSTEM

Pages in Study: ### Candidate for the Degree of Doctor of Philosophy

Major Field: English

Scope and Method of Study:

This work examines local film exhibition in Oklahoma using primary archival sources including corporate records, court records for Oklahoma and the U.S. Supreme Court, and newspaper accounts from 1915 to 1970.

Secondary sources include film and business histories, film journals, law reviews, and government monographs.

Findings and Conclusions:

Contrary to previous work by film historians, the Griffith film exhibition circuit grew to be large and successful without becoming part of the Hollywood studios' vertically integrated system and without first run theatres in large metropolitan areas. Federal prosecution of this chain on violations of the Sherman Act established precedent for the historic Paramount Decision.

ADVISER'S APPROVAL: Dr. Peter C. Rollins