How The Courts, Along With Public Dissatisfaction with the Status Quo, Ironically Aided in the Creation of New Hollywood, Which Promoted Films of Lawlessness, Disorder and Instability

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HOW THE COURTS, ALONG WITH PUBLIC DISSATISFACTION WITH THE STATUS QUO, IRONICALLY AIDED IN THE CREATION OF NEW HOLLYWOOD, WHICH PROMOTED FILMS OF LAWLESSNESS, DISORDER AND INSTABILITY

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Abstract

The period known as New Hollywood in American film was brought about by several seminal American legal decisions coupled with a growing dissatisfaction with the status quo. A series of First Amendment cases, along with the 1948 Paramount decision, forced Hollywood to produce graphic and existential films that showcased in unprecedented style the issues faced by the emerging disaffected youth generation.

Introduction

“A man went looking for America and couldn’t find it anywhere.”¹

In the late 1960s, Hollywood began to alter the style of its films in response to anti-establishment trends that had been fostered by the American legal system.² In fact, this period was nearly devoid of criminal trial films, which were a mainstay from the

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¹ Tagline for Easy Rider (1969)
1930s through the early 1960s. What emerged was termed the New Hollywood, or more specifically, for the period from 1967 to the mid-1970s, the “Hollywood Renaissance.”

Prior to the late 1960s, the American film industry had been noticeably slow at implementing societal changes into its films. This was caused in part by the large studios inability or unwillingness to take risks. This changed during the Hollywood Renaissance as a result of several seminal decisions that compelled the movie studios to seek profits by catering to the demands of the public.

Prior to the Renaissance, the major studios acted as an oligopoly and were able to dictate the content of films, primarily through a central censorship board. One of the first cases to examine the extent to which films could be censored was *Block v. Chicago.* The City of Chicago enacted the nation’s first movie censorship ordinance on November 4, 1907. The broad language of the ordinance prohibited films that showcased violence or other immoral acts. *Block* involved two films that focused on western outlaws, *The James Boys in Missouri* and *Night Riders.* A due process challenge was turned aside by the Court, which held that the state could censor “immoral” and “obscene” productions,

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5 Legal culture intersects with general societal norms, including those norms reflected in popular culture. See Friedman, Lawrence M. *Law, Lawyers and Popular Culture* 98 Yale L. J. 1579. It logically follows that films should incorporate the current social climate. In fact, the argument has been made that the legal education system would benefit by paying attention to the interface between its own discipline and cinema. Eghbal, Morad *Law and Cinema: Some Introductory Thoughts to a Perspective*” 36 U. Balt. L. Rev. 299
9 239 Ill. 251, 130 Am. St. Rep. 219, 87 N. E. 1011
and further held that there existed no right to profit from such material. Similar statutes enacted in Kansas and Ohio in 1913 would soon require the intervention of the Supreme Court.  

The Supreme Court ruled that films were not entitled to First Amendment Production and could in fact be regulated by individual states pursuant to the 10th Amendment’s Police Power in *Mutual Film Corporation v. Industrial Commission of Ohio.*  

The threat of increased regulation led to the adoption of The Production Code by the Motion Picture Association of the America ("MPAA") and ultimately the current MPAA Ratings System. Once the legal system ended the studios’ monopolistic practices, and thereafter upended the movie ratings system, the studios were compelled to produce films that catered to the desires of the viewers, who were growingly discontented with the status quo. These new, less costly, films that were shot on location by younger, lesser-known filmmakers, were able to realize profits that Old Hollywood style films were no longer earning.

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12 236 U.S. 230 (1915).  
13 The Production Code, also known as the Hays Code (in honor of Will H. Hays, the head of the MPAA) or the Breen Office was adopted by the MPAA in 1930 and lasted until 1968, when the current MPAA ratings system was introduced. For an informative article discussing the battle to establish moral control over films prior to the establishment of the Hays Code see Couvares, Francis G." Hollywood, Main Street, and the Church: Trying to Censor the Films Before the Production Code." *American Quarterly,* Vol. 44, No. 4, Special Issue: Hollywood, Censorship, and American Culture. (Dec., 1992), pp. 584-616. For an excellent summation of the events leading to the creation of the current ratings system see Mosk, Richard M. *The Jurisprudence of Ratings Symposium Part I: Motion Picture Ratings in the United States,* 15 Cardozo Arts & Ent LJ 135.  
14 See generally Müller, Jürgen *Films of the 60s,* Taschen 2004.  
15 See Epstein, Edward J. *The Big Picture: Money and Power in Hollywood,* Random House, Inc., 2006 discussing how today’s major productions must rely on licensing, soundtracks, product placement and other sources of income beyond ticket sales to turn a profit. See also FN 6 discussing how independent filmmakers are vital to the industry as they help establish new trends that major studios cannot or will not invest in.
These films of the Renaissance contained various themes that encompassed the entire trend. These themes, including the quest for freedom, the degradation of morals, and the failure of the legal system, were values espoused by an increasingly disenchanted public that could no longer sympathize with Old Hollywood films. These mostly young movie-goers were eager to watch this new fare, which was available primarily because the legal system removed the constraints that defined Old Hollywood.

It is ironic that it was American legal decisions that fostered and expedited the ability of Hollywood films to present anti-legal system and pro-criminal motifs that the public suddenly espoused. Less than ten years after the “golden age” of the American legal film, which promoted deep respect to justice and the legal system, New Hollywood emerged in stark contrast to this image by emphasizing disorder and anarchy. To see how this sudden shift in the movie industry occurred, we must first look to the 1948

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17 See Asimow, Michael, “Divorce in the Movies: From the Hays Code to Kramer vs. Kramer” 24 Legal Stud. Forum 221, 233 discussing how the Production Code became less effective, in part, because independent theaters, not subject to the Production Code, were able to exhibit sexually explicit foreign films. See also Blanchard, Margaret L. The American Urge to Censor: Freedom of Expression Versus the Desire to Sanitize Society - - From Anthony Comstock to 2 Live Crew, 33 Wm and Mary L. Rev. 741, 783
18 See i.e. Superior Films, Inc. v. Department of Education, 346 U.S. 587 (U.S. 1954) overturning on 1st Amendment grounds administrative determinations in Ohio and New York that prohibited films on account of their being “harmful” or “immoral”. At the time the case was decided it was the Motion Picture Division of the State Education Department and the Board of Regents of the University of the State of New York that rendered such decision pursuant to N.Y. Educ. Law § 122. Commercial Pictures Corp. v. Board of Regents, 305 N.Y. 336 (N.Y. 1953). Young people, especially students, are loathe to accept censorship in most forms. See FN 107 infra discussing Tinker and its progeny. The issue remains a hot topic today as schools must deal with student-created web sites that often contain controversial material. See Yen, Rhoda J., Censorship of Student Expression on the Internet and the First Amendment, 2000 UCLA J. L. Tech. 1
Paramount antitrust decision that forced Hollywood to redefine its movie-making process.  

I. Paramount

Under the Hollywood studio system, the ‘Big Five” studios, Paramount, Lowe’s/MGM, RKO, Warner Brothers, and Twentieth Century-Fox, as well as the ‘little three” studios, Columbia, Universal, and United Artists, controlled the Hollywood movie industry. After negotiating preliminary agreements with the movie industry prior to World War II, and then deferring prosecution during the War, the government pressed ahead with an antitrust case against all eight studios, contending that the studios were price-fixing and engaging in monopolistic policies. The case was an important development in antitrust law, because, unlike most antitrust cases prosecuted by the government to date, Paramount focused on “fair” competition rather than “restraint of trade.”

The studios were charged in part with vertical integration, whereby they controlled all three aspects of marketing films: production, distribution, and exhibition. The Big Five studios had controlling interest in 2,600 national theaters nationwide, which

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20 United States v. Paramount, 334 U.S. 131. For an excellent overview of the case and the events leading up to it see Gil, Alexandra Breaking the Studios: Antitrust and the Motion Picture Industry, 3 NYU J.L. & Liberty 83. Paramount was not the only antitrust case brought against the film industry in 1948, see also Schine Chain Theatres, Inc. v. United States, 334 U.S. 110, 114 (U.S. 1948).
21 Holmlund, Chris and Wyatt, Justin Contemporary American Independent Film: From the Margins to the Mainstream, Routledge 2005 Pg. 4
23 Antitrust Cases are brought under the Sherman Act, 15 U.S.C. §§ 1–7. The dynamics of an antitrust case are beyond the scope of this article. For an informative discussion regarding the Paramount decision in comparison to other anti-trust cases see Dewey, Donald J. The Antitrust Experiment in America, Columbia University Press, 1990 Pg. 55
24 Paramount at 141.
accounted for 17 percent of the total. They also controlled exhibition in 73 of the top 95 American cities. The Big Five studios, which held ownership in 80 percent of the urban first-run theaters, would screen their own films in their theaters for a set period of time before allowing other theaters, generally closer to the suburbs, to exhibit the same films. Further, the Big Five studios would engage in collusive agreements with each other to exhibit the best films at the most lucrative venues.

These agreements allowed the studios to work around their standard policy of block-booking, developed by Paramount head Adolph Zukor, whereby the studios would sell films to exhibition theaters only as part of a package of multiple films. In order for theaters to exhibit the more profitable films from each studio, they were required to buy the less profitable films from the studios as part of a package. It should come as little surprise that legal scholars realized that block-booking would ultimately draw the Court’s attention. Soon thereafter the government asserted that block-booking was tantamount to price-fixing, as theaters were forced to buy films they would not otherwise in order to exhibit the profitable ones.

On May 3, 1948, the Paramount decision was issued by the Supreme Court, with Justice William O. Douglas’s opinion ruling against the studios. Douglas cited two types of price-fixing, horizontal among studios, and vertical between the studios and the

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26 Id.
27 Id.
28 Schatz at 17.
29 Id.
30 McCormick, J. Byron Some Legal Problems of the Motion Picture Industry, 17 A.B.A. J. 316
31 Lewis at 60
32 Paramount at 140.
studio-owned theaters. \(^{33}\) Further, studios had joint interests in the theaters with each other. \(^{34}\) Douglas referred to these as “fruits of monopolistic practices or restraints of trade,” and concluded that these collusive agreements constituted restraint of trade, which unfairly disadvantaged independently-owned theaters. \(^{35}\) Douglas determined that the studios were engaging in anticompetitive, monopolistic practices, and they would be required to completely divest themselves of any ownership interests in theaters. \(^{36}\) Further, films would have to be sold as a single unit instead of as a block-booking package. \(^{37}\)

The effects of the *Paramount* decision were devastating for the studios. Prior to *Paramount*, theaters had already begun to see a decline in attendance due primarily to the increasingly widespread availability of televisions. \(^{38}\) With television shows available throughout the day in people’s homes, there was less incentive to engage in the movie-going experience. \(^{39}\) Consequently, as the number of television sets being used in the United States rose sharply from 14,000 in 1947 to 172,000 in 1948, to 1,000,000 in 1949, to 4,000,000 in 1950, and to 32,000,000 in 1954, theater attendance halved between 1946 and 1957, from approximately 80 million to 40 million, then again halved between 1957 and 1965 to approximately 20 million attendees. \(^{40}\)

\(^{33}\) Id. at 142  
\(^{34}\) Id. at 149  
\(^{35}\) Lewis at 61.  
\(^{36}\) Id.  
\(^{37}\) 17 A.B.A. J. 316  
\(^{39}\) Id.  
\(^{40}\) Id.
To make matters worse, Hollywood was resorting to epic-type films to lure larger audiences. However, these epic films often required large budgets, and many were not able to make back the initial costs at the box office. Films such as Fox’s *Cleopatra*, one of the highest grossing films of the year, lost $40 million. After the success of *The Sound of Music*, various studios tried to duplicate its success with such box-office failures as *Dr. Dolittle*, *Star!*, and most notoriously, *Hello, Dolly!* which contributed to Fox’s $27 million loss in 1969 alone. Also in 1969, United Artists and MGM lost $85 million and $72 million respectively. These growing losses forced the studios to reconsider their production methods and seek new sources of revenue. To determine how to proceed with such a course, which would eventually change the look of Hollywood, the studios would first look to movie trends across the Atlantic.

II. New Wave Cinema

French New Wave cinema was a style that was partly influenced by Italian Neorealism films. New Wave directors tended to reject the formulaic classical cinematic style and emphasized new artistic creativity. It found its primary expression

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41 Krämer, Peter The New Hollywood: From Bonnie and Clyde to Star Wars, Wallflower Press, 2005 Pg. 22
42 *Cleopatra* (20th Century Fox 1963).
44 *The Sound of Music* (20th Century Fox 1965).
45 *Dr. Dolittle* (20th Century Fox 1967).
46 *Star!* (20th Century Fox 1968).
47 *Hello, Dolly!* (20th Century Fox 1969).
48 The New Hollywood at 10
49 Id.
50 See generally Langman, Larry Destination Hollywood: The Influence of Europeans on American Filmmaking, McFarland 2000
51 Linda Badley, R. Barton Palmer, Steven Jay Schneider Traditions in World Cinema Rutgers University Press, 2006 Pg. 54
52 Neupert, Richard John A History of the French New Wave Cinema University of Wisconsin Press, 2007, Pg. 35
in youthful iconoclasm, which it achieved through the use of unconventional film techniques, often shunned by conventional filmmakers. The primary pioneers of New Wave cinema included Francois Truffaut, Jean-Luc Godard, and Jacques Rivette, along with co-founder Andre Bazin.  

Godard’s popular film, *A bout de soufflé* (1960), contained two revolutionary changes in film making: The first is the jump cut, which is a cut in the editing process where the continuity in the action is broken, thereby creating a startling effect. The second is the use of the hand-held camera, which produces a shakier picture than the conventional tripod method, but also adds a more intimate feel to the movie, convincing the viewer that they are part of the on-screen action.

The tracking shot, made famous by Godard’s *Week End* (1967), uses a camera mounted to a rolling dolly to create moving image of a usually still object. This technique can often be used to emphasize existential themes, or the absurdity of life while the camera moves and everything else remains in place.

Another new development of New Wave cinema was the use of shots that went beyond the traditional 180° axis. Old Hollywood traditionally used an imaginary 180° line, and filming would only take place on one side of that line in order not to confuse and disorient the audience. By defying this principle, French New Wave directors were able to achieve a stunning effect by producing seemingly disjointed scenes that the

53 Id. at 26
54 Hayward, Susan *Cinema Studies: The Key Concepts*, Routledge, 2000 Pg. 205, See also Harrsion, Jeffrey L. and Mashburn, Amy R. *Jean-Luc Godard and Critical Legal Studies (Because we need the Eggs)*, 84 Mich. L. Rev. 1924
55 Dixon, Wheeler W. *The Films of Jean-Luc Godard*, SUNY Press, 1997 Pg. 17 see also MacCabe, Colin Godard: A Portrait of the Artist at 70 *Macmillan*, 2005 Pg. 93 discussing how the technique was employed in *Moi, un Noir*.
56 Sterritt, David *The Films of Jean-Luc Godard: Seeing the Invisible*, Cambridge University Press, 1999 Chapter 4 (See Passage beginning at the bottom of page 96)
57 Miller, Pat P. *Script supervising and Film Continuity* Focal Press, 1998 Pg 136
audience of the 1960s did not expect. New Wave directors, who were the prototypical amateurs, in complete control of the artistic structure and underlying messages of their films, were able to use these new techniques to emphasize existential themes, including isolation and absurdity, which resonated well with primarily younger French audiences.58

Hollywood would turn to these New Wave techniques in large part because it desired to attract the younger audience that was no longer interested in what it was producing59 Moreover, films using these new techniques, especially the use of the hand-held camera to shoot on location, were far cheaper to shoot than the in-studio films of the time.60 As the 1960s turned more violent, the time was rife for New Hollywood films to find their way into standard fare.61 But first the ratings system would become completely revamped, allowing a new dimension to how Hollywood could further develop the New Wave style.62

III. Hollywood Censorship and the MPAA Ratings System

Since the first days of motion pictures, there has been controversy as to what sort of content should be authorized in such films.63 In response to growing public pressure, many states created their own movie censorship boards,64 In addition, in 1909, the Motion Picture Patents Company (MPPC) backed a self-regulated National Board of

58 Neupert Pg. 39
61 Schneider, Steven J. New Hollywood Violence, Manchester University Press, 2004
62 Valenti, Jack “Hollywood, The Rating System and the Movie-Going Public”. In USA TODAY Sept 1, 1993
63 Lewis at 86. One in a series of “erotic dance” kinetoscopes was pulled from circulation in 1894 in Atlantic City in response to public pressure.
64 Id. at 89
Censorship. Each film producer and distributor member agreed to submit their films to the Board and to make the required changes and edits recommended by the Board. Although independent film companies were not required to make the recommended changes, lack of Board approval would significantly minimize the number of theaters that would screen an unauthorized movie.

In a landmark Supreme Court decision, Mutual, the Court upheld the state statute of Ohio that created a board to censor motion picture films to be publicly exhibited. Justice Joseph McKenna distinguished films from literature and the press, and refused to grant the former same First Amendment freedoms available to the latter two:

“It cannot be put out of view that the exhibition of moving pictures is a business pure and simple, originated and conducted for profit...They are mere representations of events, of ideas and sentiments published and known, vivid, useful and entertaining no doubt, but capable of evil, having power for it, the greater because of their attractiveness and manner of exhibition.”

Justice McKenna, in striving to protect the public from harm, empowered state and national censorship boards to regulate the content of motion pictures. It would not be until Paramount in 1948 that the Court would explicitly grant films First Amendment protections. The landmark decisions that followed would ultimately topple the censorship method of regulating film content.

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65 Couvares, Francis G. Movie Censorship and American Culture, Univ. of Massachusetts Press, 2006 Pg. 34
66 Id. at 88
67 Id.
68 236 U.S. 230.
69 Id. at 247
70 Id. at 244
71 Id. at 245
72 Paramount at 166. “We have no doubt that moving pictures, like newspapers and radio, are included in the press whose freedom is guaranteed by the First Amendment.”
73 Lewis at 104.
In 1952, the Court decided what became known as the Miracle case. The case involved the Italian movie, *The Miracle*, which received a condemned rating from New York’s Catholic censorship board, the Legion of Decency. When Joseph Burstyn, Inc., the film’s U.S. distributor, successfully ran the film, the New York State Board of Regents revoked the film’s license in response to heavy pressure from the Legion of Decency and other protesting groups. Burstyn filed a law suit in New York in an unsuccessful effort to revoke the ban. After appealing the case Justice Tom Clark of the United States Supreme Court reversed the lower decision and reinstated the film’s license.

The New York state statute in question allowed banning of motion pictures on the grounds that they were “sacrilegious.” In broadening the Paramount First Amendment rights granted to films, Justice Clark ruled that banning “sacrilegious” films was too subjective to assure protection of First Amendment rights to films, and further that “[i]t is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches, or motion pictures.” Clark further distanced his opinion from the Court’s prior ruling in *Mutual* and stated:

“It cannot be doubted that motion pictures are a significant medium for the communication of ideas. They may affect public attitudes and behavior in a variety of ways, ranging from direct espousal of a political or social doctrine to the subtle shaping of thought which characterizes all artistic expression. The importance of motion pictures

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74 *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952)
75 Lewis at 98.
76 Id. at 99
77 Id.
78 343 U.S. 495 at 506
79 Id. at 497
80 Id. at 505
as an organ of public opinion is not lessened by the fact that they are designed to entertain as well as to inform."\(^{81}\)

Having secured full First Amendment protection, the film industry was on its way to toppling the censorship boards and creating a new ratings system.

After various films throughout the 1950s and early 1960s failed to gain approval from the censorship board without undergoing substantial editing,\(^{82}\) the movie \textit{Who's Afraid of Virginia Woolf}\(^{83}\) helped to upend the current system. Because the Motion Picture Association of America (MPAA) and Warner Brothers could not agree on an editing compromise for the film, they both agreed to label the film “for adults only.”\(^{84}\) After the film finished third at the box office, it became clear that a new aged-based ratings system was necessary.\(^{85}\) Two Supreme Court cases, \textit{Ginsberg v. New York}\(^{86}\) and \textit{Interstate Circuit v. Dallas},\(^{87}\) that were announced on April 12, 1968, provided insuperable support for a new ratings system.

In \textit{Ginsberg}, the Court upheld a New York criminal statute that prohibited a store owner from selling obscene materials to a 16-year old boy, but permitted for the same materials to be sold to adults.\(^{88}\) This concept of variable obscenity would be the basis for the new rating system that would use an age-based system to evaluate films’ content.\(^{89}\)

\(^{81}\) Id. at 501
\(^{82}\) \textit{Hollywood v. Hardcore}, 105-127. Thee films include \textit{The Moon is Blue} (1953), \textit{The Wild One} (1954), \textit{Tea and Sympathy} (1956), and \textit{Baby Doll} (1956). Generally, the movie producers would either compromise with the censorship board, as was the case with \textit{The Wild One}, and make certain edits in return for allowing other parts of the movie to remain unchanged, or the producers would defy the board and distribute their films without approval, to varied degrees of success.
\(^{83}\) \textit{Who’s Afraid of Virginia Woolf} (Warner Brothers, 1966).
\(^{84}\) \textit{Hollywood v. Hard Core} at 139.
\(^{85}\) Id.
\(^{86}\) \textit{Ginsberg v. New York}, 390 U.S. 629 (1968)
\(^{87}\) \textit{Interstate Circuit v. Dallas}, 390 U.S. 676 (1968)
\(^{88}\) 390 U.S. 629 at 631. The statute in this case was used to prohibit the sale of “girlie” magazines to minors under 17 years of age.
\(^{89}\) Lewis at 140-141
Similarly, *Interstate* would also impact the MPAA’s new ratings system. The case involved a Dallas city variable obscenity ordinance that used the rating “not suitable for young persons.” Justice Thurgood Marshall declared this language too vague to guarantee First Amendment protection to films, as the statute gave broad power to prevent “a significant portion of the movie-going public” from viewing films. “The verdant wasteland that some have described in reference to another medium might be a verdant paradise in comparison.” Marshall clarified the *Ginsberg* case to mean that variable obscenity statues were permitted as long as they were specific as to the nature of their exclusion.

Shortly after these decisions, the MPAA established its new rating system, whereby films would receive a rating of G (suggested for general audiences), R (restricted—persons under 16 not admitted, unless accompanied by parent or adult guardian) and X (persons under 16 not admitted). This new ratings system allowed the public easy access to see the films they were interested in seeing. Furthering these desires was the spirit of the times in America, as unrest at home, caused primarily by the war in Vietnam, led many people to desire the more mature films that Old Hollywood could not successfully provide under the old censorship system.

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90 Interstate at 678.
91 Id. at 684.
92 Id.
93 *Hollywood v. Hard Core* at 149.
94 King at 13. “[The Hollywood Renaissance] was, quite clearly, to some extent a product of a particular social and historical context: from the fervid brew of 1960s radicalism and counterculture to the icy paranoia of the post-Watergate period.”
95 War has been an influence over films in all eras. Fiedler, Leslie A. “Mythicizing the Unspeakable” *Journal of American Folklore*, Vol. 103, No. 410 (Oct. - Dec., 1990), pp. 390-399
96 King at 11
IV. 1960s Zeitgeist

After the conservative era of the 1950s, the 1960s, the decade Norman Mailer referred to as the existential decade, began in earnest when John F. Kennedy took his oath of office, promising to pass the torch a new generation of younger Americans. Much happened since then to alienate the youths of America—the Civil Rights movement, race riots, drugs, popular music, avant garde fashion, and the assassination of President Kennedy. As President Lyndon B. Johnson led America into Vietnam, forcing young Americans to fight a war in a country many had never heard of, bitter protests regarding the legality of American action began to emerge. These protests intensified after young Americans learned that American troops were massacring innocent families in My-Lai, and were in fact losing the war that their friends were dying in. In 1966, the Second Circuit, in United States v. Miller, stated that “[w]e conclude that forbidding destruction of Selective Service certificates serves legitimate purposes in administering the system” under the Universal Military Service and Training Act. The same issues were revisited two years later in United States v. O’Brien which held that a criminal prohibition against burning draft cards was not in violation of the

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97 Brick, Howard Age of Contradiction: American Thought and Culture in the 1960s, Cornell University Press, 2000 Pg. 17. President Kennedy’s assassination played an important role in the history of film. The release of “Dr Strangelove” (1964) was delayed until January 1964 following the November 22, 1963 assassination. Dr. Strangelove satirized war and the threat of nuclear weapons, as opposed to the films influenced by Vietnam, which were based on reality. Of course, World War II was a “popular war” and Vietnam was not. Chafe, William Henry The Unfinished Journey: America Since World War II, Oxford University Press US, 2003 4, 242
98 Adolescence was a product of the twentieth century and presented numerous issues and rising tension between the youth and legal authority. See Marks, Raymond F. “Detours on the Road to Maturity: A View of the Legal Conception of Growing Up and Letting Go” 39 Law and Contemp. Probs. 78
99 War has been an influence over films in all eras. Fiedler, Leslie A. Mythicizing the Unspeakable Journal of American Folklore, Vol. 103, No. 410 (Oct. - Dec., 1990), pp. 390-399
100 Finman, Ted and Macaulay, Stewart “Freedom to Dissent: The Vietnam Protests and the Words of Public Officials” 1966 Wis. L. Rev. 632
101 Eckhardt, William George “My Lai: An American Tragedy” 68 UMKC L. Rev. 671
102 367 F.2d 72 (1966)
103 391 U.S. 367 (1968)
First Amendment. As further violence enveloped the nation, open fire at Kent State \textsuperscript{104} during a student protest, Martin Luther King's \textsuperscript{105} and Robert Kennedy's assassinations \textsuperscript{106}, various riots and protests, the young were feeling more and more isolated and alienated from their parents' conservative views that had defined the 1950s. \textsuperscript{107} The youths responded to the counter-culture and ‘flower-power’ messages and flocked to Woodstock for an open-field concert. \textsuperscript{108}

As America became closer to the brink of chaos, with the student takeover at Columbia University \textsuperscript{109} and race riots enveloping city streets, President Johnson announced that he would not run for reelection. \textsuperscript{110} This allowed Richard M. Nixon to ascend to the Presidency and deceive Americans into believing there was a full-scale evacuation of Vietnam, when in fact Nixon only escalated the war in an effort to avoid a humiliating defeat. \textsuperscript{111} The nation then shifted to an almost full-scale distrust of authority figures as the details of the Watergate scandal made clear that there was a criminal cover-

\textsuperscript{105} Stein, Conrad R. *The Assassination of Martin Luther King, Jr.*, Scholastic Library Publishing, 1998
\textsuperscript{106} Axelrod, Alan and Phillips, Charles *What Every American Should Know About American History: 225 Events that Shaped the Nation*, Adams Media, 2008 Pg. 314
\textsuperscript{108} See Generally, Bennett, Andy *Remembering Woodstock*, Ashgate Publishing, Ltd., 2004 Burning draft cards was not the only First Amendment issue that the Supreme Court grappled with during this period. While burning a draft card was in violation, wearing a black arm-brand to school is not. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969). The “Tinker-Test” is still employed today in order to determine the First Amendment rights of public school children. Vulgarity cannot be censored only when used in connection with protesting government action. Specifically, a jacket bearing the phrase “Fuck the Draft” is acceptable. *Cohen v. California*, 403 U.S. 15 (1971).
\textsuperscript{110} For an informative article on Columbia University and other student activists see Martin, Charles A. *The Origins of Racial and Ethnic Conflict on U.S. College and University Campuses* 37 Wayne L. Rev. 1363. Much like American films borrowed from their European counterparts, student activism was present on both sides of the Atlantic and reached its apex in 1968. Students famously rioted in Paris as did others in Italy, Germany and Spain. See Kurlansky, Mark *1968: The Year the Rocked the World* Random House, 2005.
up that extended all the way to the White House. Nixon’s disgraceful resignation culminated a period that saw unprecedented unrest and class division in American society.

Concurrent with this unrest was a desire born in the part of the younger generation for artistic innovations that would express their societal perspectives. Already, there had been a strong market for music and fashion that appealed to the young. Hollywood, which had heretofore catered primarily to all but the alienated youth market, would use this whirlwind of chaotic activity, as well as New Wave techniques and explicit graphics now permitted under the ratings system, to produce a new movie style that the younger generation of the late 1960s could empathize with.

V. New Hollywood

“A giant pair of red lips fills the screen. The face turns away and we see the reflection in a mirror. The distinctive arched features of Faye Dunaway. Half a smile as she peers into the glass before turning away. Cut to mid-shot in which Dunaway continues to turn and rises. But the match between shots is not quite right. An instant of transition is missing. The cut is abrupt, disarming. Dunaway pouts, naked to the waist but framed above the line of the breasts. She looks around her, moves to lie down on a bed. Cut to the final movement from a lower angle and a different position. Again the shift is not quite what we expect. Jumpy. As if a number of frames have been omitted. Dunaway’s character grabs at a passing insect. Thumps the bedstand in frustration. She pulls herself up, head framed through the horizontal bars. A sultry pose. The camera lurches awkwardly into a big close-up on her eyes and nose. Focus is lost momentarily in the process.”

This is how Bonnie and Clyde begins, and with it began New Hollywood. This opening scene used the French New Wave jump cutting technique to emphasize the restlessness of youth. Bonnie (Dunaway) is tired of living in a small town and is looking

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112 Fletcher, Joseph “Situation Ethics, Law and Watergate” 6 Cumb. L. Rev. 35
115 Bonnie and Clyde (Warner Brothers 1967).
for excitement. She will soon find her excitement when bank robber Clyde Barrow appears outside her window and entices her to join in his crime sprees.

The same year saw the release of *The Graduate*. The film opens with Benjamin Braddock (played by Dustin Hoffman) returning home from college without a plan for how to proceed with his life. The camera zooms in on Benjamin to make it appear as if he’s alone and isolated, and then pulls back to find him on a plane filled with surrounding passengers. Benjamin’s feeling of isolation and alienation from the world is poignantly emphasized with Simon and Garfunkel’s song, “The Sound of Silence” repeatedly played in the background: “Hello darkness my old friend/I’ve come to talk with you again.” In defiance of his parent’s wishes, and indicative of the era, Paul Simon dropped out of Brooklyn Law School after only a few months.

These New Hollywood films were the first to use New Wave techniques to appeal to the youth culture that had begun to detest the war in Vietnam and could not relate to their parents’ views of the world. While the older generation saw the world in conservative terms, where communism had to be stopped at all costs, even if it meant sending scores of young Americans into guerilla warfare, the younger generation sought fun and freedom, unencumbered by the pressures of their parents. The younger generation could not get their way, however, as there were always pressures imposed by the older generation, and there were always costs attributed with actions that many youths would enjoy. Benjamin’s father’s friend famously sums up the generational expectation

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116 *The Graduate* (United Artists 1967).
dichotomy by suggesting that Benjamin go into plastics, which represents “the epitome of all that is fake, unnatural and superficial.”

These New Hollywood films struck a chord with a young audience that could relate to such feelings. Although the world seemed theirs for the taking, decisions being made at home and around the world were made for them by the older generation. New Hollywood presented the youths’ dilemmas in a new manner, in part because of the shift to the MPAA rating system, which allowed a more explicit presentation of the conundrum suffered by American youth. These films primarily emphasized four aspects of life for youths in the late 1960s and early 1970s: 1) The failure of authority figures and the legal system; 2) Degradation of societal morals; 3) Search for freedom; and 4) The associated costs.

A. Failure of the Legal System

At the beginning of The Godfather, an undertaker seeks a favor from Don Corleone, whereby Corleone would kill the men who beat and disfigured his daughter:

“I believe in America. America has made my fortune. And I raised my daughter in the American fashion. I gave her freedom, but I taught her never to dishonor her family. She found a boyfriend [and] two months ago he took her for a drive, with another boyfriend. They made her drink whiskey. And then they tried to take advantage of her. She resisted. She kept her honor. So they beat her like an animal…She was the light of my life – my beautiful girl. Now she will never be beautiful again…I went to the police like a fool. And those two bastards, they smiled at me. Then I said to my wife, ‘for justice, we must go to Don Corleone.’”

The 1960’s brought about a series of great changes in the American Criminal Justice system. The Warren Court was forced to deal not only with advances in the law

118 King at 15.
119 The Godfather (Paramount 1972)
but with the same societal pressures that were affecting the film industry. Several seminal decisions forever changed the landscape of the American criminal justice system. For instance, the “exclusionary rule” of *Mapp v. Ohio* \(^{121}\) prohibited the admission of evidence seized without a warrant. *Spinelli v. U.S.* \(^{122}\) and *Terry v. Ohio* \(^{123}\) each tested the limits of the Fourth Amendment’s prohibition against unreasonable search and seizure. While these cases have been instrumental in shaping the law, acceptance of their mandates did not come without resistance, and sentiment existed that the law had grown to favor the criminal defendant, rather than the aggrieved victim. \(^{124}\)

In the Godfather, Don Corleone serves as the man who can take justice into his own hands and do what the court system cannot—function effectively without any red tape and bureaucratic due process. Oddly enough, it was the very regulations, prohibition, the War on Drugs and similar laws, that enabled Corleone to transform from an “ordinary . . . businessman” to a “great Don in the world of criminal enterprise”. \(^{125}\) At a time when corruption was abounding and the details of Watergate were soon to emerge,

\(^{120}\) See generally Schwartz, Bernard *The Warren Court: A Retrospective*, Oxford University Press US, 1996 Pg. 161

\(^{121}\) 367 U.S. 643 (1961)  
\(^{122}\) 393 U.S. 410 (1969). The case created a two-pronged test for a magistrate to employ when signing a warrant based upon information provided by a confidential informant or anonymous tip:

1. The magistrate must be informed of the reasons to support the conclusion that such an informant is reliable and credible.  
2. The magistrate must be informed of some of the underlying circumstances relied on by the person providing the information

This is known as the Aguilar-Spinelli test, and it was abandoned by the Federal Courts in *Illinois v. Gates*, 462 U.S. 213 (1983) which adopted a “totality of the circumstances” test. Interestingly, several important jurisdictions, Massachusetts, New York, Tennessee, Vermont, and Washington have retained the Aguilar-Spinelli test.

\(^{123}\) 392 U.S. 1 (1968) permitting police to “stop and frisk” when an officer has “reasonable suspicion” that the suspect is armed  
\(^{124}\) Yale Kamisar, Wayne LaFave, and Jerold Israel, *Modern Criminal Procedure* West Publishing, 1990  
\(^{125}\) (pg. 213), See Generally Schelling, Thomas C. *What Is the Business of Organized Crime*, 20 J. Pub L. 71. See Also Banfield, Edward C. *Corruption as a Feature of Governmental Organization* 18 J. L. & Econ. 587
viewers could relate to this type of crime boss who would seek to preserve justice, even if it was in his own way, always beneficial to his own interests. *The Godfather* takes place in New York City during a period in which police corruption was so rampant that in 1970 Police Commissioner John Lindsay formed The Knapp Commission (officially known as the *Commission to Investigate Alleged Police Corruption*). Americans were beginning to see convicted criminals, such as the undertaker’s example of the two men, being let off with very light sentences, including those who helped to secretly conceal details of the Vietnam War. Americans could strongly relate to the compassionate, no-nonsense Don Corleone, who would administer a justice that, although harsh, was necessary. Hurting an innocent girl in the American legal system might only bring a suspended sentence; but in Don Corleone’s system, physically harming and disfiguring an innocent female brings death in no uncertain terms. Don Corleone’s system, at the start of *The Godfather*, appears to solve all the ineptitude present in the American legal system.

Similarly, Bonnie Parker and Clyde Barrow decide to pursue a career robbing banks when they find a down-on-his-luck farmer return to his farmhouse that the bank repossessed. Bonnie and Clyde watch mournfully as the farmer and his family sadly get a last look at their former home. As a show of empathy for the farmer, Clyde shoots holes in the windows of the farm as well as the bank’s foreclosure sign, and allows the farmer to do the same. As the scene ends, Clyde makes up his mind that he is going to do the public a service by taking the law into his own hands: “This here’s Miss Bonnie

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Parker. I’m Clyde Barrow. We rob banks. In the film, just as the real Bonnie and Clyde were treated as folk heroes by the Depression-era public, Bonnie and Clyde are seen as mythic figures, revered by the public whenever they are seen, just as they are revered by the movie viewer. Although they kill several individuals, Bonnie and Clyde are not trying to hurt anyone except the system that is hurting innocent people. They only kill if it is required to protect themselves from capture.

The viewers of the New Hollywood era realized that Bonnie and Clyde were only trying to do what the legal system was failing to do—administer justice and work as Robin Hood-type robbers who steal from the rich in order to give the poor what the rich are constantly taking away. Bonnie and Clyde pose no threat to the average citizen—only to the establishment that is failing to administer a sensible justice. And the average viewer watching this film, after seeing race riots, protest riots, and innocent people dying for unascertainable reasons, relates to these naïve crime sprees with unrestrained adoration because he senses that Bonnie and Clyde are on his side in the fight against corrupt authority figures.

While Bonnie and Clyde pursue crime as a way of life, Wyatt and Billy the Kid use money illegally obtained from selling drugs to fund their trip across the American Southwest in Easy Rider. In an ironic twist, Jack Nicholson’s character, George Hanson, a drunken ACLU lawyer, joins Wyatt and Billy on their quest to Mardi Gras along the open road on their choppers. Hanson, much like Benjamin Braddock, comes from an upper-middle class family (Hanson’s father is an influential figure, whose clout frequently gets Hanson out of trouble), but is still in search of a freedom that money,
power, and class cannot accommodate. Hanson expresses his views about how freedom is restricted by authority figures and, consequently, the legal system:

“Oh yeah, that’s right, that’s [freedom’s] what it’s all about, all right. But talkin’ about it and bein’ it—that’s two different things. I mean, it’s real hard to be free when you are bought and sold in the marketplace. ‘Course, don’t ever tell anybody that they’re not free ‘cause then they’re gonna get real busy killin’ and maimin’ to prove to you that they are. Oh yeah, they’re gonna talk to you, and talk to you, and talk to you about individual freedom, but they see a free individual, it’s gonna scare ‘em.”

In another ironic twist, the people that are scared by Wyatt’s and Billy’s free hippie-style expression, in their attempt to kill Wyatt and Billy, only end up killing Hanson, who “share[s] more in common with his local assassins than either Billy or Wyatt.” The lawyer who is out to protect civil liberties is summarily shot and killed, just as Wyatt and Billy are later killed by a passenger in a truck, who seemingly decided to shoot the two as an afterthought once his deep-seated prejudice set in. The film emphasizes that the legal system is not going to protect against murders like this, since they are against hippies that society tends not to care about. Instead of being viewed as young men in search of identity, as Hanson expressed it, Wyatt and Billy are seen as threats to society who deserve to be killed. And Hanson, as a defender of Wyatt’s and Billy’s freedoms, even though not a rebellious youth as they are, is still seen as a threat, and consequently, his murder, as well as the murders of Wyatt and Billy, is shown to be typically overlooked by society, who view these murders as a boon to society. Young viewers of this movie could relate to the growing rift between the generations, and the harsh treatment they receive in their quest to seek their freedom and identity.

Just as these previous films emphasized a distrust of the legal system and authority, the Watergate scandal led many Americans to question governmental and

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authority figures and created a prevalent paranoia. In *The Conversation*, Gene Hackman plays a spy, Harry Caul, who is being paid to secretly tape a conversation between a man and a woman. After playing back the key portion of the taped conversation, Caul believes the couple are being threatened and must commit murder to protect themselves: “He’d kill *us* if he got the chance,”¹ with emphasis on the word “us.” However, we later learn that, objectively, the accent is on the word “kill” (“He’d *kill* us if he got the chance”) and the female is planning a cold-blooded murder in order to receive a large inheritance. It seems even the viewer has been fooled by Caul’s subjective perception of what seem like objective facts. In a world that was no longer safe from government officials, where even the United States President could be a conspirator, Caul is constantly paranoid about his surroundings and about keeping his secrets and personal information to himself. Although it is unlikely that the viewer cannot personally relate to Caul’s peculiar mannerisms, they can understand that in a world where truth is not always what it appears to be, it might be necessary to be distrustful of authority figures, and any slipups can lead to disaster.

**B. Decline of Moral Values**

Peter Bogdanovich’s *The Last Picture Show*¹³² is a

> “character study [that] dispassionately (but affectionately) depicts the contrasting, mediocre lives of two generations of aimless townspeople with frustrated, unhappy, unfulfilled, routine, despairing and shallow lives (middle-aged adults and naïve adolescent teenagers) who cling to the dying and barren town, and try to find solace and escape from boredom in lost dreams, drinking, temporary and manipulative sexual encounters (adulterous and promiscuous relationships), the local movie theatre’s shows (and television), or by moving to the big city. Everyone knows everything about everyone else in the insular, claustrophobic town.”¹³³

¹³¹ *The Conversation* (Paramount 1974).
¹³² *The Last Picture Show* (Columbia Pictures 1971).
Shot in black and white, this film tells the story of two friends, Sonny Crawford and Duane Jackson, who commit various immoral acts (for example, Sonny starts an affair with his gym teacher’s wife and Duane forces their deaf-mute friend to have sex with a prostitute), that ultimately lead to disaster when they both seek to marry femme fatale Jacy Farrow, who is out to protect herself and improve her status in society more than she cares for either Duane or Sonny. Although set in an earlier time, the viewer is forced to take note that contemporary society had a questionable moral compass. American troops were in Vietnam killing innocent civilians, just as riot police were on college campuses killing innocent protestors. At the same time, the youths of America were dodging the draft, publicly ingesting illegal narcotics, and staging illegal takeovers of college campuses. The viewer during this time of unclear societal morals would have to see the current society’s morals as very similar to the debased actions of *The Last Picture Show* characters.

*The Graduate*, although an earlier film, goes further by implying that it might be because of the alienation felt by the young generation that it is so willing to engage in immoral activities. Benjamin is so conflicted about his future that he engages in an affair with the married Mrs. Robinson, seemingly because he has nothing better to do. *The Graduate* takes *The Last Picture Show* to the next level and attributes causation to the generation gap for producing such immoral activities. Because of the failure of the legal system and authority figures, the younger generation has no choice but to engage in immoral activities, because moral activities only lead to disastrous consequences like Vietnam and dashed hopes. The strong alienation felt by the younger generation allowed

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134 *The Graduate* Embassy Pictures (1967)
them to neglect the negative consequences of their immoral activities, because whatever consequences follow cannot be worse than the present course anyway. Benjamin, who stealthily runs away with Mrs. Robinson’s daughter, Elaine, figures out the course that is right for him (pursuing Elaine), but only comes to that conclusion after throwing caution to the wind and engaging in whatever activities would satisfy him for the moment. His goal was to pursue temporary pleasure in order to avoid the pain and suffering of his alienated world, and his affair with Mrs. Robinson could still cost him his love if Mrs. Robinson is able to successfully win Elaine back from him.

C. The Quest for the Better Life

In Midnight Cowboy, Texan Joe Buck quits his job washing dishes to pursue a move to New York, where he believes he will be a very successful male prostitute. Buck’s dissatisfaction with his life, emphasized well with the existential song, Everybody’s Talkin’ (Everybody’s talkin’ at me/I don’t hear a word they’re sayin’/Only the echoes of my mind/People stop and starin’/I can’t see their faces/Only the shadows of their eyes), leads him to take a major risk and begin life anew in a bustling city that is ill-suited for this small-town Texas boy. Buck is willing to have sex with women or men (even though he vociferously claims he is not gay) for the sake of the potential better life. It is certainly worth noting that the film was released a mere month before The Stonewall Riots of June 28, 1969, generally seen as the birth of the modern gay rights movement. Although Buck’s plans for success in New York all seem to go awry, as

135 Midnight Cowboy (United Artists 1969).

136 Sexual orientation and reproductive rights were a new issue for the court. A mere two years prior, the Warren Court issued its decision in Loving v. Virginia, 388 U.S. 1 (1967) which permitted interracial marriage. Although it is beyond the scope of this article, it is worth noting that in 1968, a young, impressionable future president, William J. “Bill” Clinton, was a mere 22 years of age. It was Clinton who
business is much tougher to get than he had hoped (one seeming client actually convinced Buck to pay her for the sex), Buck seems happy knowing that he is free to pursue his own lifestyle, even if it comes with unexpected inconveniences such as not having a place to sleep or food to eat. This pursuit of freedom and the better life is the central concept of the Hollywood Renaissance. Young viewers of these films related closely to the pursuit of freedom to strive for the better life, even if it meant paying dearly for such freedom.

The quintessential movie that emphasizes freedom is *Easy Rider.* Wyatt and Billy, to the rock ‘n’ roll music in the background, including Steppenwolf’s “Born to Be Wild” (Get your motor runnin’/Head out on the highway/Lookin’ for adventure/And whatever comes our way…Like a true nature’s child/We were born, born to be wild/We can climb so high/I never wanna die/Born to be wild), ride their choppers along the highway, ostensibly to get to Mardi Gras, but more specifically to seek whatever fun there is along the route, including various nights spent in the forest, time spent in a commune, and a night in jail. The beauty of life on the highway for Billy and Wyatt is their sense of freedom. Even though, as Hanson presciently told them, their exhibiting their freedom scares people, and they are likely doomed to a disastrous ending along their route, they choose to seek their freedom, whatever the consequences. Billy and Wyatt want to live life to its fullest, regardless of the costs. Many young people could relate to such bold adventure. Like Wyatt and Billy, as well as Benjamin Braddock, they wanted to seek their own identity, and not have an identity foisted on them by the older generation. This generation could relate when Billy and Wyatt sacrificed their lives in search of their identity.

was the first to seek equal rights for the gay community, specifically enacting the “don’t ask don’t policy” currently employed by the US Armed Forces. Pub.L. 103-160 (10 U.S.C. § 654).

137 *Midnight Cowboy* (United Artists 1969).
D. The Costs and Ramifications of Such Behavior

As it gained foothold after the new rating system emerged, the Hollywood Renaissance took full advantage of the new liberties granted to the American film industry. When it came to paying for their mistakes, New Hollywood characters faced the most graphic demises and retribution ever seen in American film. Bonnie and Clyde are mercilessly gunned down in a bullet-riddled massacre of machine gun fire. Wyatt and Billy are summarily shot and killed by a passenger’s shotgun fire alongside the highway that represented their freedom. Joe Buck is left holding his dead friend ‘Ratso’ Rizzo on the final stretch of a bus ride to Florida, signifying a bleak beginning to hope for a better life. Sonny and Duane, who had gotten into a bloody fight which partially blinded Sonny, are on the outs, both still reeling from their ordeals with evil Jacy, possibly still hoping to get back together with her. Lastly, Harry Caul is famously left in a barren apartment, playing his saxophone alone, after having searched unsuccessfully for the mysterious bugging device that continues to record his every sound.

Although these characters sought freedom and justice in their own ways, their fates generally ended in the same bleak manner (except for Benjamin Braddock, who has run away with Elaine while everyone else is chasing him—his fate is still uncertain by movie’s end). Even Don Corleone, who seems to be seeking some sort of equitable justice, with substantial force to back up his decisions, ends up in a very precarious situation after being shot at point-blank range multiple times while shopping for groceries. Once his power is diminished, his hot-headed son, Sonny, is killed by a rival family after he tries to impose justice on his brother-in-law who was beating up his sister,
and another son, Michael, is forced to hide in Sicily after murdering a high-ranking police officer and the head of a rival family.

If these films teach us nothing else, it is that there is a high cost associated with the pursuit of freedom and self-identity, just as there is the high cost of selling out to plastics associated with toeing the generational line and going along with the standard expectations of the older generation. The youths who watched these films saw, through the graphic scenes and New Wave techniques, the relevance these films had to their own lives. These films resonated well with youths who realized they were forced into a Hobson’s choice where they were forced to retain their alienated outlook by complying with their parents’ wishes, or pursue their own freedom at the risk of potentially disastrous consequences. And this is precisely why these films were as successful as they were.

VI. Conclusion

Beginning with the Paramount case that split up studio control, and following with the complete overhaul of the Old Hollywood censorship system, New Hollywood was created out of various legal decisions, and out of a resonant message to younger viewers who were frequently unable to connect to Old Hollywood fare. The spirit of the times allowed for new techniques, more freedom of expression, and abounding subject matter that fostered production of these groundbreaking films.

The development of the current ratings system will undoubtedly be revisited in the coming years. Should product placement be designated as commercial speech?138

According to one study “[s]trong empirical evidence indicates that smoking in films increases adolescent smoking initiation. Amending the movie-rating system to rate films containing smoking as “R” should reduce adolescent exposure to smoking and subsequent smoking.”

As the “new media” continues to develop the Courts will find a solid basis for future decisions in those decisions mentioned here. Anger and unrest over the failure of the economy, fraud in education, healthcare, the environment and numerous other issues have incited the public. In fact, the very issue that incites the title characters in *Bonnie and Clyde*, home foreclosure, might be the greatest issue currently facing our nation, a nation that, in large part due to the involvement of its youth, has elected its first minority (and Blackberry using) president, Barack Obama. What may be considered a tragic age for the United States may in fact usher in another golden age of American Cinema, and those members of the film industry willing to push the envelope just a little bit further might become the subject of a Supreme Court decision.

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139 Smoking in the Films Increases Adolescent Smoking: A Review Annemarie Charlesworth, MA and Stanton A. Glantz, PhD PEDIATRICS Vol. 116 No. 6 December 2005, pp. 1516-1528
141 http://www.time.com/time/business/article/0,8599,1880968,00.html
142 See e.g. moveon.org or Barack Obama’s page on the popular social networking site Facebook. http://www.facebook.com/barackobama?sid=c2dbbebc1f40ac09eb35ce584f17c85a&ref=search (6,250,823 supporters as of 12:49 PM EST on 5/3/09)
143 Parsons, Christi and Puzzanghera, Jim In Barack Obama’s White House, his BlackBerry is VIP in *The Chicago Tribune* January 22, 2009