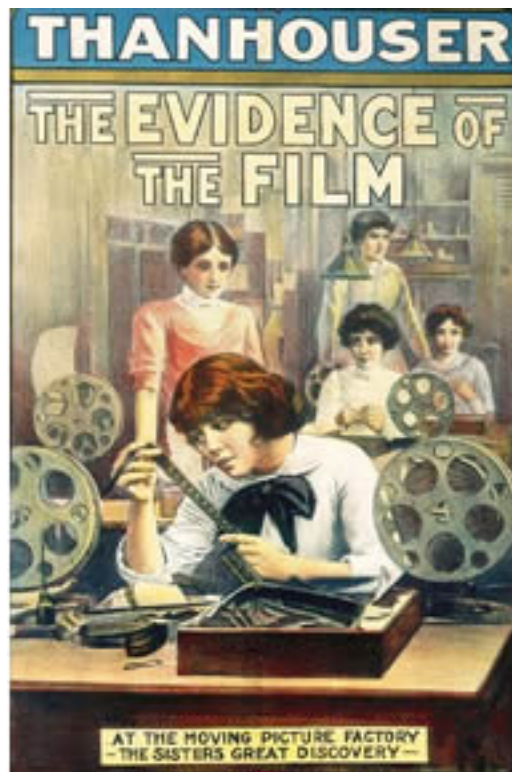


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Historiography Final Paper  
Notes on Thanhouser's *The Evidence of the Film*



In the film *Along Came a Spider* (2001), Detective Alex Cross (Morgan Freeman) must find the sinister kidnapper of a senator's daughter. The film's narrative is steeped in the technological "crumbs" left by the kidnapper inviting Cross and the police to determine his whereabouts and catch him. In a particularly engaging scene, Cross and his colleagues determine that the kidnapper has left them a clue in the kidnapped girl's school. The girl's classroom features pictures of famous/infamous figures of the 20<sup>th</sup> century and Cross notices that one is missing — Charles Lindbergh. Cross then proceeds to view a digital panorama sent by the kidnapper on a laptop computer and when Cross clicks the Lindbergh photo he is transported into a webcam portal in cyberspace. Cross and his cohorts must determine the kidnapper's whereabouts using the evidence revealed via the webcam portal and try to save the little girl.

This anecdote from *Along Came a Spider* is significant because the film relies upon the use of certain technologies and the audience's understanding of the uses of those technologies. *Along Came a Spider* was released just after the height of the dotcom boom of the late 1990s and an audience could be expected to have at least some firsthand knowledge of such technologies as webcams, Internet sites, laptop computers and cyberspace. While none of these technologies were new in 2001, they were being bandied about in the public sphere and marketplace in such preponderance that audiences could engage them and enjoy the film's playful (if implausible) use of the technologies.

In this paper, I would like to examine a historical perspective of the use of film production technology with regard to the Thanhouser Company's *The Evidence of the Film* (1913). While the technology of film production, projection and exhibition was

certainly not new in 1913, its explicit use as a plot device was uncommon. What is significant about *The Evidence of the Film* is its reliance upon the viewer's understanding of film technology and the production process. Tom Gunning, Frank Tomasulo, Lynne Kirby and others have all delved into the notion of technology's role in early film and/or its importance in viewer's assemblage of a narrative. Also, the Thanhouser Company had produced some 1,000 films by 1918 the company and their productions seem worthy of academic inquiry and interest but have received little interest from scholarly circles as yet. This is also interesting given the Academy's affinity for D.W. Griffith and Biography scholarship and Ned Thanhouser has chronicled the close alliance of D.W. Griffith and Biograph as contemporaries of the Thanhouser Company.<sup>1</sup>

*The Evidence of the Film's* narrative details the story of a crime caught on film. The crime is larceny and in a case of mistaken identity, the wrong person (a child) is sent to prison. The "evidence" of the title is a "moving picture company's" film negatives and it is admitted into court and results in the freeing of the wrongly accused child and the imprisonment of the actual criminal who was "caught" on film. While moviegoers may have been accustomed to film going as an entertainment option in 1913, were they ready to view the modern technology of an image on celluloid film as evidence that may be used in criminal and judicial proceedings? *The Evidence of the Film* is an intriguing text in terms of its use of technology (film production) and the role of self-promotion of sorts for a film company. In essence, *The Evidence of the Film* is a text that decries the usefulness and social benefits of filmmaking technology.

Tom Gunning has chronicled the use of early photography and police work and the effect of such an alliance not only on crime and the way forensic criminology has

benefited, but also the effect of such technology on society at large.<sup>2</sup> Following Gunning, I will attempt not to refer to a historical period of industrial change with regard to film technology but rather to “a change in experience . . . characterized by the transformation in daily life wrought by the growth of capitalism and advances in technology.”<sup>3</sup> Gunning notes that photography is “a mode of evidence that cannot be denied . . . capturing information that could otherwise be hushed up or explained away . . . the photograph could also be used as a guarantor of identity and as a means of establishing guilt or innocence.”<sup>4</sup> This notion of a “guarantor of identity” is significant with regard to *The Evidence of the Film* as the narrative hinges upon the recognition of the actual criminal caught in the commission of the crime and the proper identification of the actual criminal is a key piece of evidence held by the evidentiary negatives.

Further Gunning asserts that the creation of “rogue galleries” (collections of photographs of criminals) by modern city police departments in the late 19<sup>th</sup> century led to a unique link between the police and society; the “apprehension of criminals . . . often hinged on recognizing them from photographs.”<sup>5</sup> However, the compilation of these rogue galleries and their subsequent posting in public places did not adversely affect crime in one way or another. It was only when the photos became “digitalized” that they were of any use in criminal apprehension. In other words, the compilation of photographs of criminals is well and good for “surveillance and identification” but if those photographs are *only* a compilation of data, they are useless. The data must become “digitalized” or put in the hands of a human being that may be able to *act upon the knowledge* of the criminal’s whereabouts, identity, etc.

Therefore the *interaction* of actual people with the technology is the crux of a film like *The Evidence of the Film*. The messenger boy (Marie Eline) would be allowed to simply languish in prison if not for the efforts of the sister (Florence LaBadie) in the film editing laboratory. The sister's "discovery" in the editing room is significant because the crime had been caught on film much as the rogue gallery criminals had been documented. However, without the sister actually handling and viewing the film negatives, the broker (William Garwood) would have gotten away with his larcenous crime and the messenger boy would have remained in prison. Therefore it is not enough for a technology to actually exist; it requires interaction with its users for it to be of any consequence or relevance. *The Evidence of the Film* is intriguing in that not only does the narrative assemblage by the audience hinge on the understanding of the film production process, but also on human-technology interaction. Additionally, Gunning's notion of film being a "guarantor of identity" is also of importance because upon showing the proper judicial officials her discovery, the broker is recognized even though he had "witnesses to prove his innocence." In light of this, the spectators of *The Evidence of the Film* are privileged to view new technology which will aid in the benefit of cleaning society of criminals by capturing their actions on celluloid.

Another lens to view the process of technological dissemination and its adoption by society/industry is posited by Douglas Gomery.<sup>6</sup> For Gomery, a technology must undergo a process of invention, innovation and diffusion. *Invention* is the process when the technology actually comes into being or is developed; *innovation* refers to the manufacturing and marketing of the technology; and *diffusion* occurs when a technology achieves widespread adoption/utilization by a society/industry. This process applies to

Thanhouser's *The Evidence of the Film* in terms of both innovation and diffusion.

Thanhouser's film must be seen as the marketing of the film production technology because it shows the technology being used to cure social ills and to curb crime. While not as deliberate as the rogue galleries, the film's use of (fictional) forensic evidence to apprehend a criminal must be viewed as a technological gimmick to improve the technology's public image and relative worth to the society. Further, the diffusion notion of *The Evidence of the Film* is a subsidiary of its innovation; once society sees the technology's positive benefits, it will embrace and consume the technology. We learn from Q. David Bowers liner notes that *The Evidence of the Film* is an incomplete text. The first part of the film is missing and it reportedly displayed the sister giving the messenger boy a tour of the "motion picture factory" so that he could learn "from the inside how pictures were made."<sup>7</sup> One can imagine if the text were intact that further efforts would be made on the part of the Thanhouser Company to market the appeal of the technology of film production and its relative worth to society at large.

A final note of the ideology and politics of the narrative involves the maternal/familial plotline of the dissemination of the technology. The messenger boy visits the motion picture factory to be educated about the infrastructure of technology. The tour is given by his sister who later discovers the film that will free her wrongly accused brother. The maternal/familial plot line here is concerned with the domestication of the technology which could also be classified as diffusion. By domesticating the technology to the educating society from within the family, Thanhouser posits a very shrewd and subtle notion. The text further allows the sister/familial plot to be read as

heroine for the discovery, when in actuality the technology itself is the hero of its own constructed universe.

Lynne Kirby posits a similar view with regard to the alliance of early cinema and the railroad and how those emerging technologies framed themselves with regard to the public discourse and their dissemination. Kirby notes that the many appearances of the railroad in early cinema is indicative of the “ambivalent attitude toward the train” and should be seen as a “parallel in the ambivalence that greeted the early cinema.”<sup>8</sup> Kirby further notes that:

While film was seen as a medium of enormous creative and economic potential, it was also seen as a site of immorality, both in practice and exhibition and in the kinds of images it proffered for public consumption. Like the train, the cinema was obliged to clean up its image. Both sets of discourses emphasize the perceptual and aesthetic dimensions of the machines in question as well as their educational and moral dimensions.<sup>9</sup>

Kirby’s “parallel tracks” of the railroad and silent cinema offer a snapshot of two technologies vying for innovation and diffusion among both society and industry. Both technologies faced public fears regarding safety and regarding their propensity for collapsing space and time. Because both technologies offered transportation (one real, one simulated) and therefore new experiences, both technologies were greeted with a mixture of reluctance, distrust and joy. These competing emotions swirling about the technology’s in social discourse are further evidence of Thanhouser’s shrewdness regarding the maternal/familial plotline concerning *The Evidence of the Film*.

The effects of this cacophony of emotions with regard to a new technology and how those emotions may be changed by the technology is also of interest. While early 20<sup>th</sup> century film viewers may have had misgivings about film’s impact upon society, *The Evidence of the Film* offers the possibility of the technology’s benefit to society. The film

strip “found” by the sister in the film lab is a key piece of “evidence” that was unknown to the police. Without the intervention of the sister, the messenger boy was left with damning circumstantial evidence — the envelope filled with money he was supposed to deliver was in fact filled with newspaper clippings that the broker had switched after accosting the child. However because the technology of film production was being used across the street as the crime was being committed (a shrewd self-promotional move by Thanhouser to be sure), the technology itself becomes the hero. Certainly the sister is of particular consequence because without her intervention, the technology would lack “digitalization,” but the key piece of “evidence” is the *presence* of the technology.

Frank Tomasulo has argued a similar point with regard to the Rodney King videotape.<sup>10</sup> In examining critical, judicial and social responses the King videotape Tomasulo asserts that “the beating incident was not *perceived* by the machine but *mediated* by the machine.”<sup>11</sup> As such, Tomasulo posits that the mere presence of the technology of the videotape recorder — the machine — was not enough “evidence” for the judicial process to convict police officers of brutality. Rather the videotape was a text to be deciphered by the judicial proceedings. Tomasulo quotes jurors saying that the tape “basically speaks for itself” and that “without that video, there wouldn’t have been a trial.”<sup>12</sup> As such, Tomasulo reifies the point that the “evidence” of the video/film is simply a text which must then be deliberated and digitalized by humans. However, much as in *The Evidence of the Film*, the George Holliday videotape of the King beating was instrumental in the progression of the judicial proceedings. Without the sister finding the film of her brother being accosted on the street and subsequently framed, the messenger



boy would simply languish in jail as another victim of classism and he-said-she-said jurisprudence.

Tomasulo writes “a text without a context is a pretext for misunderstanding political and historical events.”<sup>13</sup> The contextual and pretextual levels of both the *The Evidence of the Film* and the King incident must be considered before simply declaring the filmic/video evidence as irrefutable. If “the acts of recording, transmitting, and viewing the event . . . change[d] the event”<sup>14</sup> then the event itself must have context by which to judge as to the lawfulness of the situation and what measures should be taken by authorities. The point here is that *The Evidence of the Film*'s discovery by the sister is not a sweeping indictment that *by itself* is indisputable. After discovering the negatives which documents the crime, the sister presents them to the judge and the “detectives.” The negatives are pondered as strange and non-traditional but once they are screened, the guilt of the broker is irrefutable. Immediately an inter title assures viewers that “the innocent is freed” and the messenger boy and his sister are reunited while the broker is interred. Significantly, the broker proclaims his innocence until he views the “evidence” of the negatives and then he complies quietly with the bailiff.

As Tomasulo states, the machine of film production — the camera and its film — did not *perceive* the event, but merely *mediated* its occurrence. Perception is in the hands of the viewer, and once the “evidence” is perceived first by the sister, then subsequently by the judicial officers and lastly by the guilty broker, only then does the “evidence” become a documentation of how a historical event actually happened. In other words, only after the text is provided with a proper and accurate context does its meaning manifest itself.

Another perspective to be considered with regard to *The Evidence of the Film* is the textual and aesthetic form of filmmaking and how it further benefits and reifies the totality of the evidence and its importance. When the crime is first enacted by the broker, the spectator's view is in long shot and the action occurs with the broker's back to the camera. Thus, we perceive that the messenger has been accosted by the broker because of the messenger boy is shown doubled over in pain and limping away (overacting to be sure). However, the boy limps away only after the broker has switched the envelopes, but this switch takes place behind the broker's back and under the veil of his sizable overcoat. Further, this entire sequence takes place in long shot with the broker and messenger boy in the foreground, while the "moving picture company is at work" with cameras rolling across the street in the background. Therefore this perspective of broker/messenger boy in the fore ground with the broker's back to the camera is the *only* perspective the spectator has of the crime.<sup>15</sup>

When the sister views the "moving picture company" dailies, she discovers the evidence and it is subsequently screened for the judicial officials. However, the perspective is that of the moving picture company's camera that was rolling across the street when the crime was committed. This new perspective foregrounds the broker and messenger boy in *frontality* and the commission of the crime is quite clear. Also the framing is still in long shot but is a considerably tighter with the broker and messenger boy very close to the center of the frame. This subtle change of perspective is one which facilitates the viewer's acceptance of the evidentiary value of the negatives. The initial view provided a surveillance style vantage point which could have been refuted easily

because broker's back and overcoat shroud his switching of the envelopes. However, the moving picture company's vantage point leaves little room for speculation.

It is in this change of perspective that *The Evidence of the Film* makes a sophisticated move with the spectator's viewpoint. Tomasulo argues that the King video is compelling in part due to its "long-take aesthetic . . . a single, uninterrupted shot [that] effaced the overt presence of the videographer in favor of the transparent reality . . . creating a sort of video vérité observational mode."<sup>16</sup> Prior to the screening of the evidentiary negatives, the spectator in *The Evidence of the Film* has experienced only one perspective — that of the directors (Edwin Thanhouser and Lawrence Marston). However, the spectator is presented a twist of sorts when the "evidence" negatives are presented and screened. In essence the spectator is allowed to violate the 180° Rule by seeing the scene from opposite the axis of action as it is originally presented. By doing so, not only does Thanhouser and Marston flaunt the subjectivity of the original perspective and restricted narrative knowledge provided the spectator, the directors also provide the spectator with the "moving picture company's" perspective that had previously been withheld. *The Evidence of the Film* is compelling because the spectator is thrilled by the technological savior of the "motion picture company's" film camera. The notion of the "innocent freed" is also significant because much as Gunning's rogue galleries existed to convict criminals and prevent the imprisonment of the innocent, the capturing of the actual criminal on film lends credence to the social importance of the technology. As aforementioned, Thanhouser and Marston were very shrewd in their couching of this discovery in a tale of domestic embracing of the technology.

The role of the female protagonist as heroine cannot be overlooked. The sister is not only the linchpin of her brother's freedom, but she is also regarded as an equal by the judge and detectives. The judicial officials thank her profusely and even shake hands with her once she has screened the evidentiary material. While it is noteworthy that a working-class woman is featured as the heroine of the judicial system in 1913, a subtle distinction must be made. While the sister receives the accolades in the film narrative, the "moving picture company" is the real hero that provided the evidence. To revisit Gomery's progression of invention, innovation and diffusion, Thanhouser's display of a film production company's dailies being used in judicial proceedings to free the wrongly imprisoned messenger boy is clever promotionalism at the least.<sup>17</sup> However, by ideologically situating the discovery of the film negatives in the domestic sphere, the narrative becomes a maternal/familial parable of a family being reunited via the marvelous technology of film. This is the flip side of digitalization; while a technology must be digitalized for the technology to become useful, the technology must also be present in the first place or, as in the case of *The Evidence of the Film*, there would be no evidence.

Of further significance with regard to narrative is the use of insert shots at particularly compelling moments in *The Evidence of the Film*. Barry Salt claims that insert shots had been experimented with as early as 1901, but often with narratively confusing results.<sup>18</sup> An excerpt from *Moving Picture World* describes the scene thusly: "One morning while joining film the girl happened to glance with extra care at one scene. She thought she recognized her brother, and close examination under the microscope revealed that she was right."<sup>19</sup> To reveal what the sister sees "under the microscope,"

Thanhouser and Marston use insert shots for close-ups of the negative frames where the actual assault on the messenger boy occurs. While this is not Gunning's cinema of attractions, the selfish promoting of the "Thanhouser Company" printed on the perforations of the insert shots of the negatives is difficult to dismiss.

However, if we return to the notion of digitalization, these insert shots take on added significance. If a technology must be digitalized, that is handled, by human beings in order to be included in the sensory world of evidence, then the insert shots provide a type of pseudo-digitalization for the spectator. Although the spectator cannot actually touch the negatives in reality, the insert shots enlarge the negatives to a size that dominates more than 2/3 of the total screen area. While these inserts could be regarded as gimmicks, I will posit that they exist to extend to the spectator the offer of interactivity. Further evidence of this is provided by a second use of the insert shot when the sister shows the "evidence" to the judge and detectives. As the judicial officers reach for the negatives, Thanhouser and Marston again use the insert shot of the negatives. These two insert shots occur when people are reaching for the negatives in an effort to sensorily examine them. As such, Thanhouser and Marston extend a reasonable facsimile of this experience to the spectator. While the spectator cannot use the sense of touch with the film text, the directors have chosen to overwhelm the visual senses by inserting a shot (an edit which reattenuates a spectator's view) of an enlarged object, the negative.

This use of insert shots as pseudo-digitalization is analogous to critical assertions that widescreen and large format films offer "greater physical involvement" for the spectator and a "more vivid sense of space."<sup>20</sup> John Belton argues that Cinerama's primary function upon its introduction in 1952 was that of "producing a dramatic sense of

audience participation. It was as if the audience, surrounded with image and sound, had entered the space of the picture.”<sup>21</sup> While the extreme nature of Cinerama is not analogous to the experience of a 1913 spectator viewing *The Evidence of the Film*, the use of the insert shots enlarged to encompass 80% of the screen area may be viewed as a similar visual experience given the historical context. In sum, the use of insert shots to provide a subjective, character-based point-of-view was not necessarily common in 1913, and the self-promotional aspect of the insert shot of the negative is also of interest.

### **Discussion**

In many ways, *The Evidence of the Film* is an intriguing text and an anomaly of its historical period. The text itself is concerned with the commission of a crime and the use of a relatively new technology to produce evidence that frees the wrongly accused. The technology of film production devices and apparatuses is both novelty and self-promotion. By Thanouser and Marston using the “moving picture company” as secondary character that unwittingly (wink) provides that evidence that frees the messenger boy, the directors have conveyed a not-so subtle dupe upon the consumers of *The Evidence of the Film*. Spectators in 1913 would have had little experience and exposure (pardon the pun) to the nature of film production, editing, negatives, etc. We learn from Q. David Bowers that *The Evidence of the Film* is an incomplete text that essentially begins *in medias res* after a more thorough introduction of the characters and facilities of the “moving picture company.”<sup>22</sup> Perhaps the narrative, insert shots and reversed perspective of the evidentiary film would not be as shocking or as unexpected as it is if the text were complete, but we can only analyze the portion of the film that has

survived. Regardless of the missing textual elements, *The Evidence of the Film* is an important film because of its flaunted narrativisation of the technology.

By flaunting the technology of the negatives and the editing lab, Thanouser and Marston edge along Gomery's progression of innovation and diffusion. Furthermore, while on the surface *The Evidence of the Film* seems a very progressive film in terms of its sexual politics and ideology, a closer inspection reveals that while the sister may have "discovered" the evidence to free her wrongly jailed brother she would have no "evidence" without the negatives of the "moving picture company" that conveniently are labeled "Thanouser Company" along the filmstrip's perforations. Is this an anomaly? Certainly not. Thanouser is no different than Biograph or any other studio of the time that would go to extraordinary lengths to brand their films within the text — intertitles bearing the studio's logo, etc. However, the Thanouser example in *The Evidence of the Film* is significant because the branding occurs at the pivotal narrative revelation of the evidence. The branding of the negatives is also significant because it doubles the revelation of the heretofore withheld reversed perspective of the crime shot by the motion picture company. As aforementioned, the reversed perspective would be jarring to spectators for a variety of reasons: a break from the 180° Rule of editing; the reversed perspective shows the crime being committed in frontality; and the framing is slightly closer and tighter. Further, this "evidence" is shocking because spectators viewed the crime before and therefore thought that they were sufficiently informed regarding narrative information and therefore the revelation and screening of the evidentiary negatives' new perspective is also significant.

Perhaps most relevant in this discussion is the deserved place of the Thanhouser Company in the Academy. Certainly much has been written about Griffith and Biography and deservedly so. However, the recent discovery and culmination of the Thanhouser catalogue should encourage more research into the rich and vibrant films produced by the Thanhouser Company from 1909 to 1918. If this paper does nothing else, I hope it serves as an entrée into the possibilities of just one (incomplete) text of the Thanhouser legacy and its merits to the film canon.

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<sup>1</sup> Thanhouser, Ned. *The influence of D.W. Griffith on Thanhouser's 1913 release: The Evidence of the Film*. In (Ed.) Q. David Bowers Thanhouser Films: An Encyclopedia and History 1908 to 1918, CD-ROM. Portland, OR: Thanhouser Company Film Preservation. 2001.

<sup>2</sup> Gunning, Tom. *Tracing the Individual Body: Photography, Detectives, and Early Cinema*. In Cinema and the Invention of Modern Life. (Eds.) Leo Charney and Vanessa R. Schwartz. Berkeley: University of California Press, 1995, 15-45.

<sup>3</sup> Ibid, 15.

<sup>4</sup> Ibid, 19.

<sup>5</sup> Ibid, 24.

<sup>6</sup> Gomery, Douglas. *The Coming of Sound: Technological Change in the American Film Industry* in (Eds.) Elisabeth Weis and John Belton Film Sound: Theory and Practice. New York: Columbia University Press, 1985, pp. 5-6.

<sup>7</sup> Q. David Bowers Thanhouser Films: An Encyclopedia and History 1908 to 1918, CD-ROM. Portland, OR: Thanhouser Company Film Preservation. 2001.

<sup>8</sup> Kirby, Lynne. Parallel Tracks: The railroad and Silent Cinema. Durham: Duke University Press, 1996, 6.

<sup>9</sup> Ibid., 6-7.

<sup>10</sup> Tomasulo, Frank. "I'll see it when I believe it; Rodney King and the prison-house of video." In The Persistence of History, (Ed.) Vivian Sobchack. London:Routledge, 1996.

<sup>11</sup> Ibid., 78-79.

<sup>12</sup> Ibid., 78.

<sup>13</sup> Ibid., 83.

<sup>14</sup> Ibid., 79.



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<sup>15</sup> Both Barry Salt and Ned Thanouser may take exception to the fact that actors in an American film presumably influenced by D.W. Griffith would turn their backs to the camera in 1913. Salt, Barry. Film Style and Technology: History and Analysis, 2<sup>nd</sup> Ed. London: Starwood, 1992, 88.

<sup>16</sup> *Ibid.*, 75.

<sup>17</sup> This prospect seems to have been successful. The liner notes for *The Evidence of the Film* state: “The film laboratory and editing scenes are of enormous interest as historical document as well as ingeniously integrated in the crime tale.” *Thanouser: A study in film, Volume 1*. [DVD] Marengo Films, Inc., 2002.

<sup>18</sup> *Ibid.*, 91.

<sup>19</sup> From Moving Picture World, 1/11/13. In (Ed.) Q. David Bowers Thanouser Films: An Encyclopedia and History 1908 to 1918, CD-ROM. Portland, OR: Thanouser Company Film Preservation. 2001.

<sup>20</sup> Charles Barr. “CinemaScope: Before and After,” *Film Quarterly* 16, no. 4 (Summer 1963), 11.

<sup>21</sup> Belton, John. “Digital Cinema: A False Revolution,” *October* 100, Spring 2002, 98-115.

<sup>22</sup> Q. David Bowers Thanouser Films: An Encyclopedia and History 1908 to 1918, CD-ROM. Portland, OR: Thanouser Company Film Preservation. 2001.