

Douglas Fairbanks, the Sheriff of Nitrate

*"We believe this is necessary to **protect the exhibitor and the industry itself**... We also think that this step is positively and absolutely necessary to **protect the great motion picture public** from threatening combinations and trusts that would force upon them mediocre productions and machine-made entertainment."*

— United Artists' founding press statement, *Moving Picture World*

Because of its underdog standing opposite the ever-growing giant studios, United Artists has always appeared to me as having a certain moral high ground. The company itself certainly claimed that position, as the above statement and others like it demonstrate.¹ Here we see a continuous effort to differentiate UA from the major studios, something that Bordwell is perfectly willing to indulge by setting it apart from the "big three" and the "little five."² After all, it is true that UA was created by stars for stars to run on star power. In this way it is distinct, memorable, and signals the rise of celebrity. That said, one must beware the temptations of simple narratives, especially those with such thick lines drawn around "good guys" and "bad guys". An examination of United Artists' early business practices, particularly those surrounding the release of *Robin Hood* (prod. Douglas Fairbanks, 1922), reveals a picture of the company which is more like its "threatening combination" counterparts than different from them.

One practice which, generally speaking, United Artists did not participate in during the silent era is "block booking."³ For those unfamiliar: block booking is the sale of major pictures in

¹ Giebler, "Star Combination Was Unexpected," *Moving Picture World*, Feb. 01, 1919): 619. ; Abrams, Hiram, "Chains and Chicanery," *Variety (Archive: 1905-2000)* 56, no. 14 (Nov 28, 1919): 62.

² Thompson, Kristin, and David Bordwell. *Film History : An Introduction*. 3rd ed. Boston: McGraw-Hill, 2010.

³ Hanssen, F. Andrew, "The Block Booking of Films Reexamined," *The Journal of Law & Economics* 43, no. 2 (2000): 407.

packages rather than on an individual basis. This means the films are tied to many small, less promising pictures, forcing exhibitors to pay for movies they don't actually want. The major studios were notorious for doing this (at least, doing this to the shrinking fraction of theaters they didn't own) until it was declared illegal in 1948.⁴ Now, as has been established, silent era United Artists was vocally against this practice — so imagine my surprise when I found an article in the old *Variety* archives titled “United Artists Sell Three in One Group.”⁵

The policy described therein was pretty thoroughly laid out: *Robin Hood*, *Tess of the Storm Country* (prod. Mary Pickford, 1922), and *One Exciting Night* (dir. D.W. Griffith, 1922) would be sold only to theaters which agreed to first-run all three for the same length of time. This would only apply outside of New York (where an independent booking group was being contracted) and exhibitors were allowed to set prices however they wished. Two weeks later, *Variety* published a piece in which UA denied this plan.⁶ “It is possible that a salesman after signing for one of the Big Four pictures with an exhibitor in his office might suggest that he would be glad to have the exhibitor bid on another,” the article explains, “but that is another proposition from forcing booking in groups.” Evidently Hiram Abrams, managing director for United Artists, had done the former and was mistaken for doing the latter. Even so, this raised a question to me: “Why *would* United Artists block book?”

First of all, why didn't they? The obvious answer is that it was against their moral code, but economist F. Andrew Hanssen provides an alternative explanation, part of which UA

⁴ Thompson and Bordwell, *Film History*, 56, 300.

⁵ Anon, “Pictures: UNITED ARTISTS SELL THREE IN ONE GROUP,” *Variety (Archive: 1905-2000)* 69, no. 7 (Jan 05, 1923): 46.

⁶ Anon, “Pictures: BIG 4 EXPANDING; 12 A YEAR IN DEAL,” *Variety (Archive: 1905-2000)* 69, no. 9 (Jan 19, 1923): 47.

themselves echo in their Variety defense.⁷ Block booking would make the distributor unable to “provide each producer with the return corresponding to his or her own films” (Hanssen) and “no two of the Big Four would agree t [sic] any equal split” (Variety). In addition, Hanssen notes that a distributor which only handles two or three films a year would not save much from booking them together. The takeaway here is that one could argue United Artists decided to avoid block booking not because it was unprincipled but because it was *unprofitable*.

As for why they would even consider it, making the bold presumption that Abrams announced the attempt, changed his mind, and whitewashed it in that second article (something I don’t really believe but which makes for a nice segue): it would probably be because they were flat broke.

Hitting the Roadshow

United Artists was founded in 1919. By 1922 it had lost a quarter of a million dollars. In spite of a couple of barely profitable years, UA would stay in the red (and get much, much redder) until 1928.⁸ A little debt was not necessarily a bad thing. “UA was not expected to generate profits but to function as a service organization that operated at cost,” notes researcher Tino Balio. It cut out the middleman, thus making it easier to self-finance movies.⁹ However, at this point it was losing money too fast to keep up with, and some of the supposedly “united” artists started to get antsy.

⁷ Hanssen, “The Block Booking of Films Reexamined,” 407; Anon, “PICTURES: BIG 4 EXPANDING,” 47.

⁸ Balio, Tino, *United Artists: The Company Built by the Stars*, Madison: University of Wisconsin Press, 1976, 283.

⁹ Balio, Tino, *United Artists: The Company That Changed the Film Industry*, Madison: University of Wisconsin Press, 1987, 10.

It was D.W. Griffith who first decided to go over UA's head and roadshow his picture *Way Down East* (dir. D.W. Griffith, 1921). This basically meant screening the film early at an increased price in the most prestigious theaters of certain cities. Because Griffith himself arranged the showings, United Artists itself wouldn't see a penny of the returns. Neither, by extension, would Abrams. He protested on moral grounds (another convenient lining up of morality and prosperity) that roadshowing "would alienate the smaller exhibitor" and "affect rentals during the first run."¹⁰ Fairbanks took his side at first.¹¹ He was certainly one to talk about alienating exhibitors, though, as they blamed him for driving up rentals on "super pictures," which they then had to pay to "keep his pictures away from the other fellow."¹² Sure enough, one year later Fairbanks had come around to the idea. With the help of his brother, John, he started deploying roadshows of his new film, *Robin Hood*. Pickford and Chaplin followed suit.¹³

So much for "protecting the exhibitor." As you can see, Fairbanks and friends were all perfectly open to breaches of ethics provided the chance was there and they could get away with it. Case in point: John would later defend the early release by claiming that "this policy is being pursued by all the big producers."¹⁴ It's only been three years since that declaration in *Moving Picture World* and the producers of UA are aligning themselves *with* the majors instead of *against* them! Granted, these producers were technically operating outside of United Artists

¹⁰ Balio, *United Artists: The Company Built by the Stars*, 46–47.

¹¹ Ibid.

¹² Anon, "Pictures: Fairbanks and Distribution," *Variety (Archive: 1905-2000)* 72, no. 13 (Nov 15, 1923): 19.

¹³ Anon, "Pictures: FIVE FILM SPECIALS BARRED BY HIGH THEATRE RENTALS," *Variety (Archive: 1905-2000)* 68, no. 4 (Sep 15, 1922): 47.

¹⁴ Anon, "Pictures: MICHIGAN EXHIBITORS TAKE STAND AGAINST ROBIN HOOD," *Variety (Archive: 1905-2000)* 69, no. 2 (Dec 01, 1922): 39.

proper (as poor Abrams would cry again and again), but this was still seen as a failing of the company and the company would be the one to draw the ire of the theater owners.¹⁵

But first, there was another foe.

Hoodwinking Hearst

On the whole, the trades discussed *Robin Hood* carefully and pragmatically. Trying to puzzle out whether the movie would sell, they dissected every potential appeal and weighed it against a potential repulsion. Both Sime of New York and Loop of Chicago were bored by the first half of the film and agreed that it greatly improved once it finally turned into Fairbanks action.¹⁶ Both also noted Fairbanks' star appeal, with Sime noting his appearance with Pickford at the screening. Sime was certainly the more confident of the two, proclaiming that "when 'Robin Hood' hits the picture houses, they will mob it". Loop was more cautious, and especially concerned about the \$2 price (he mentions it over and over again, in response to almost every word of praise he gives it).

In spite of his praise, Sime's review has an undertone placing *Robin Hood* in the category of "low art," calling it "a great production but not a great picture." (The production value that he is referring to, incidentally, would include the largest sets ever constructed in Hollywood, even exceeding *Intolerance* (dir. D.W. Griffith, 1916), funds for which came out of the films reportedly near \$1.5 million budget.¹⁷) Loop also kept from committing much personal

¹⁵ Ibid.

¹⁶ Loop, "Pictures: ROBIN HOOD," *Variety (Archive: 1905-2000)* 68, no. 9 (Oct 20, 1922): 40; Sime, "Pictures: ROBIN HOOD," *Variety (Archive: 1905-2000)* 68, no. 11 (Nov 03, 1922): 42.

¹⁷ Anon, "Pictures: FAIRBANKS' HUGE SETS," *Variety (Archive: 1905-2000)* 66, no. 9 (Apr 21, 1922): 46; Anon. "Pictures: \$1,250,000 ALREADY ON FAIRBANKS' FILM," *Variety (Archive: 1905-2000)* 67, no. 3 (Jun 09, 1922): 62; Anon, "Pictures: ANOTHER \$1,000,000 FILM," *Variety (Archive: 1905-2000)* 66, no. 6 (Mar 31, 1922): 45.

attachment to the film, noting “Fairbanks daredeviltry for his admirers, running along for 50 minutes” — a phrase which suggests scholarly distance kept for reasons of prestige.

This hesitation to entirely side with *Robin Hood* likely stems from the fact that there was something at stake. Fairbanks’ movie was in the middle of a very public battle with another film, Cosmopolitan Pictures’ *When Knighthood Was in Flower* (prod. William Randolph Hearst, 1922), and exhibitors expected the trades to tell them which way to go. *Knighthood*, as the papers truncated it, was also a “costume picture,” and one which had quite a lot put behind it. Not only was it aiming to capitalize on the star power of Marian Davies, but also to revive the “costume picture” genre and grant Cosmopolitan associated prestige. Hearst, meanwhile, had been readying for this comeback by “quietly combing the fields,” buying up the rights to as much related material as he could.¹⁸

Fairbanks jumped right into the middle of these machinations when he slated *Robin Hood* to roadshow simultaneously to *Knighthood*’s release. In Chicago they were set to premiere on the same day!¹⁹ Needless to say, Hearst was not happy, and the nationwide “fighting tooth and nail and cutting each other’s throats” (as *Variety* put it) became front page news, with Chicago at the epicenter.²⁰ First there was the matter of advertising. The Hearst papers got churning on that without problem, but United Artists had already bought most of the city’s available bulletin boards. To get around this, Hearst persuaded the Dodge automobile firm and a tobacco firm to hand over a total of 650 bulletin boards. As for the premiere, similar strings were pulled:

¹⁸ Anon, "Pictures: COSTUME PLAY PRICES UP; KNIGHTHOOD STARTS IT," *Variety* (Archive: 1905-2000) 68, no. 5 (Sep 22, 1922): 46.

¹⁹ Anon, "Pictures: KNIGHTHOOD BEATS ROBIN HOOD TO FIRST CHICAGO OPENING," *Variety* (Archive: 1905-2000) 68, no. 8 (Oct 13, 1922): 46.

²⁰ Anon, "Pictures: CHICAGO EXHIBITORS STAGE HARD BUSINESS BATTLE," *Variety* (Archive: 1905-2000) 68, no. 8 (Oct 13, 1922): 45.

backroom meetings with Paramount's Adolph Zukor and Metro Pictures' Marcus Loew ended with them agreeing to pull their movies from the Roosevelt so that *Knighthood* could show there with a five day head start on *Robin Hood*.²¹

The result was "the most expensive and extensive advertising campaign that has ever been organized for anything theatrical," and even though *Variety* forecasted that "with the extra advertising expenses...there is not a chance for *Knighthood* to make money," the weekly box office entry simply read "absolute capacity for every show with thousands turned away."²² The line at the premiere spanned two full city blocks.²³ *Robin Hood* felt the blow, failing to meet capacity on its opening day despite the appearance of Douglas and Mary themselves.²⁴ Furthermore, as Loop points out in his review, "one can't get away from the fact of the prices." Fairbanks' picture charged \$2 a ticket while *Knighthood* charged 60 cents.²⁵

I tell this story not just as a compelling narrative but because it is a reminder of what powerful distributors were capable of. United Artists was situated in a world of big fish with big connections. It was a little fish, and it was dying from birth. So, perhaps Fairbanks was right. Perhaps fighting dirty was the only way to survive. Yet then UA's stated reasons for existence are no longer credible, because it wasn't there for the industry or the exhibitor or the public, but for the owners. It was not Hearst or Kane tearing up a "Declaration of Principles" in this story, but good ol' Doug and his adorable smile.

²¹ Anon, "Pictures: KNIGHTHOOD BEATS ROBIN HOOD," 46.

²² Anon, "Pictures: KNIGHTHOOD IN CHI OPENS TREMENDOUSLY," *Variety (Archive: 1905-2000)* 68, no. 9 (Oct 20, 1922): 44; Anon, "Pictures: KNIGHTHOOD BEATS ROBIN HOOD," 46; Anon, "Pictures: BAD WEEK IN CHICAGO SAVED BY KNIGHTHOOD," *Variety (Archive: 1905-2000)* 68, no. 10 (Oct 27, 1922): 44.

²³ Anon, "Pictures: KNIGHTHOOD IN CHI OPENS TREMENDOUSLY," 44.

²⁴ Anon, "Pictures: BAD WEEK IN CHICAGO," 44.

²⁵ Loop, "Pictures: ROBIN HOOD," *Variety (Archive: 1905-2000)* 68, no. 9 (Oct 20, 1922): 40.

Roadblock

Remember at the start of this essay, when I quoted that morally righteous statement and mentioned “others like it?” One of those others was a campaign to convince independent exhibitors not to sign contracts with or sell their theaters to the major studios. Signed by Abrams:

*“If you sign these contracts, you shut your house to all the splendid offerings of the independent producers and are compelled to play a program of uncertain quality in competition with the biggest attractions on the screen. You’ve got no chance to win.”*²⁶

Once again, United Artists reinforces a divide and differentiates themselves from the other side. Theirs’ will be the “biggest attractions,” the majors’ are “a program of uncertain quality”. However, United Artists could not knock every ball out of the park, and as discussed, exhibitors were getting a little sick of paying high rates for theaters which might not fill up just in case his competitor tried to knock him out of business.²⁷ As an alternative to compulsory gambling on UA over and over, I’ll bet those steady programs started to sound good. And those who didn’t sell because United Artists told them not to were probably especially pissed off.

Fortunately for them, if they were in Michigan, they were also unionized. So when John Fairbanks decided to sell *Robin Hood* to a fraternity organization — an increasingly dangerous precedent that the majors were also playing with — in order to roadshow the film at Detroit’s Orpheum Theater, the Michigan Exhibitors Association (also referred to as the Michigan Motion Picture Theater Owners Association) decided to cue a boycott on all United Artists films.²⁸ Abrams immediately protested, crying that United Artists was not involved in Fairbanks’ actions and shouldn’t be punished for them. Once again, we see this question raised as to what United

²⁶ Abrams, “Chains and Chicanery,” 62.

²⁷ Anon, “Pictures: Fairbanks and Distribution,” *Variety (Archive: 1905-2000)* 72, no. 13 (Nov 15, 1923): 19.

²⁸ Anon, “Pictures: MICHIGAN EXHIBITORS TAKE STAND,” 39.

Artists actually is: is it a powerless distributor in constant struggle between producers and exhibitors; or is it something more akin to a movement, ideologically inseparable from the Big 4. Balio can be a bit of a United Artists apologist on this front, spending pages describing Abrams as “destined by the conditions of motion picture marketing to bear the animus of [producer or exhibitor] and sometimes both.” While he presents compelling evidence that Abrams was unhappy “robbing” (in Abrams’ own words) theater owners, he doesn’t address the fact that Abrams was nevertheless complicit. Instead, he paints Abrams as a helpless figure who cannot be held accountable for anything. This is not unlike how Fairbanks painted himself as helpless by pointing to UA’s financial bind and Griffith’s misbehavior and the rise of roadshows and the need to compete; and not unlike how Griffith painted himself as helpless by positing that being a director made it harder for him to maintain star power.²⁹ United Artists claimed to have a moral center, but it was effectively decentralized, and this meant that any member could do anything without being held accountable. This is why I don’t like the “United Artists didn’t even distribute this one” argument — because that just absolves Abrams from blame, and from there it’s a few steps until nobody is to blame. The only solution is to blame that “can do no wrong” structure, and thus blame everyone.

Besides, at a certain point Abrams’ blame shifting only hurt the company. “They have given us a real case against themselves,” explained a union member, “All we wanted from them was an assurance that they would not do it again and for them to admit that they had erred.”³⁰ Abrams did make an effort to resolve things; he took a trip to Michigan and back to no avail.³¹

²⁹ Balio, *United Artists: The Company Built by the Stars*, 46–47.

³⁰ Anon, “Pictures: MICHIGAN EXHIBITORS CALL LEGAL “BOYCOTT” ON BIG 4,” *Variety (Archive: 1905-2000)* 49, no. 3 (Dec 08, 1922): 39.

³¹ Anon. “Pictures: MICH. HOUSE REPORTED BOOKING “ROBIN HOOD,” *Variety (Archive: 1905-2000)* 69, no. 8 (Jan 12, 1923): 39, <https://search.proquest.com/docview/1505627962?accountid=14522>.

Yet the boycott continued, as he clearly would not meet their demands: he would not take responsibility. It wasn't until February that *Variety* published a headline reading "ABRAMS GIVES IN." Abrams is therein described signing a "peace treaty" accepting fault and agreeing not to do it again. It took two months and an estimated loss of almost \$100,000 for Abrams to swallow his pride like so.³²

Conclusion: Journalistic Immunity

To put these trials into perspective, UA lost about \$140,000 in 1922 and profited just \$68,000 in 1923. \$100,000 would have made a difference. However, that doesn't mean that money wasn't changing hands: all this happened in two years which carried annual grosses of over \$7 million each.³³ Remember: although it got itself into all sorts of drama and committed all kinds of abuses, United Artists' superpower was the ability to sweep it under the rug of glamour.

The trades may have been slow to impress, but the papers were absolutely starstruck. I'm not exaggerating: the *Los Angeles Times* described *Robin Hood* as "the most artistic picture in ocular narrative."³⁴ A big part of the charm put over these critics was due to the spectacle of the roadshow. Even in Chicago, with all of the lost traction that *Knighthood* dealt the picture, the *Tribune* printed a kind of ethnography of the premiere in which they described "everybody in town who hadn't anything else to do — and some who had — [parking] themselves in front of the theater to see Douglas and Mary arrive".³⁵ The fact that the premiere was not filled to occupancy was not noted by the *Tribune*, even in contrast with the massive spectacle *Knighthood*

³² Anon. "Pictures: ABRAMS GIVES IN," *Variety (Archive: 1905-2000)* 69, no. 13 (Feb 15, 1923): 47, <https://search.proquest.com/docview/1505614970?accountid=14522>.

³³ Balio, *United Artists: The Company Built by the Stars*, 283.

³⁴ Schallert, Edwin. "ROBIN HOOD" SUPERB FILM." *Los Angeles Times (1886-1922)*, Oct 19, 1922.

³⁵ Tinee, Mae. "Brave, Merry Outlaw is at Cohan Grand." *Chicago Daily Tribune (1872-1922)*, Oct 16, 1922.

brought to the Roosevelt just five days earlier. Doug took one step on the stage and made it all invisible.

In Los Angeles, where the massive roadshow would go on to sap all potential for first run theaters to make a profit, the big story was the opening of the Egyptian Theatre in Hollywood, and how “everybody from starland was there.” As for the film, after heaping praise for page after page, it finally calmed down to make observations like that “certain [musical] phrases may be reiterated a trifle too frequently.” However, thematically, this criticism was buried.³⁶

The most high-brow that the papers got, as well as the most similar to the trades, had to do with the intersection between such high production values and a story which would still be considered “low art”. The LA Times acknowledged that “absolutely unalloyed, perhaps, *Robin Hood* is not,” and then went on to add that it makes up for it in “life color, action, and beauty.”³⁷ One piece from the New York Times meditated on this theme at length, specifically in a response to a letter claiming that Fairbanks “is not...an actor in any but [the] most restricted sense” and that *Robin Hood* was ultimately all spectacle (recalling Sime). The Times responded, interestingly, in twofold: first in the words of a reporter who notes that “trappings do not make a picture,” but still stands in defense of spectacle (keeping *Robin Hood* at arm’s length as per high/low distinctions); and second, with a letter by someone effusively declaring *Robin Hood* to be an “immortal masterpiece”. Thus, the conversation moves from “should we praise *Robin Hood*” to “how should we praise it?”³⁸

³⁶ Schallert, Edwin. "ROBIN HOOD" SUPERB FILM." *Los Angeles Times* (1886-1922), Oct 19, 1922.

³⁷ Ibid.

³⁸ Anon. "SCREEN." *New York Times* (1857-1922), Nov 12, 1922.
<https://search.proquest.com/docview/98711631?accountid=14522>.

These are the charismatic effects of United Artists. Its (or their) dedication to the new is as infectious as Chaplin's whimsy. Yet it is vital that we do not forget all that we overlook by focusing solely on the banner UA flew, and on the dream which was pitched to the film industry on the day they were (or it was) founded. We must do this not only because skepticism in the face of moral capital is important, but as a reminder to build systems that can be held accountable and hold its members accountable. So long as we keep that in mind, we may yet have a Robin Hood Picture that actually gives to the poor instead of stealing from them.

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