

THE MUTED CITY: NEW YORK, NOISE CONTROL AND THE  
RECONFIGURATION OF URBAN SPACE.

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## ABSTRACT

*The Muted City* examines the problematization of noise in New York City from 1930 to 1989, focusing on the periods surrounding the city's adoption of its first comprehensive noise ordinance in 1936 and the law's first major revision in 1972. The dissertation situates noise in this specific urban context, moving between the scales of local history and microhistory in order to present an account of the ordinances and some of their broader social and cultural effects. To accomplish this, I use archival sources, newspaper and trade reports, and advertising and popular science materials to construct a narrative of the civic processes that led to the ordinances' adoption as well as the larger urban issues that shaped them, including urban renewal, gentrification, and (post)liberalization. These, in turn, foster analyses of how noise "bleeds" into the management of public space, where it intersects with race, class, ethnicity and gender to form criminalized categories of sound that are subject to police intervention as well as technological mediation. The dissertation concludes with a discussion of how these issues continue to resonate in the present moment, and an example of how New Yorkers have recently resisted the acoustic control of their city.

## RESUMÉ

*La ville en sourdine* examine la problématisation du bruit dans la ville de New York entre 1930 et 1989 avec une emphase particulière sur les périodes entourant l'adoption de la première ordonnance générale sur le bruit en 1936 et sa première révision majeure en 1972. La dissertation situe le bruit dans ce contexte urbain spécifique, alternant entre l'histoire locale et la micro histoire pour rendre compte des ordonnances et de quelques-uns de leurs effets sociaux et culturels. Pour ce faire, j'utilise des sources archivistiques, des rapports journalistiques et sur le commerce, en plus de matériaux publicitaires et de science populaire pour construire une narration des processus civiques qui ont mené à l'adoption des ordonnances et des problèmes urbains plus généraux qui les ont façonnées, incluant le renouveau urbain, la gentrification et la (néo)libéralisation. Ces considérations, à leur tour, amènent à analyser la manière dont le bruit s'infiltré dans la gestion des espaces publics, où il interagit avec la race, la classe, l'ethnicité et le genre pour former des catégories criminalisées de bruit, sujettes à intervention policière et à médiation technologique. La dissertation se conclut sur une discussion qui fait résonner ces problèmes dans le présent et sur un exemple récent de la manière dont les new-yorkais ont opposé résistance au contrôle acoustique de leur ville.

For my mother, for reading to me.



## TABLE OF CONTENTS

Acknowledgements.....	i
Preface.....	ii
Introduction.....	1
Chapter One	
The “War on Noise:” Sound and Space in La Guardia’s New York.....	25
Chapter Two	
New York’s Sound Device Ordinance and the Liberalization of the Public Sphere.....	63
Chapter Three	
Noise and Urban Renewal: The Postwar City.....	100
Chapter Four	
From Urban Noise to the Urban Crisis: New York as Acoustic Slum.....	135
Chapter Five	
Noise in Transit: The Spatial Foundations of Boombox Culture.....	158
Conclusion .....	197
Bibliography.....	207

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## PREFACE

As the sole author of this dissertation, I am responsible for all of its components, including the identification and design of the research program, all aspects of the research process, and the analysis of the research data. The project did not involve the use of human subjects and therefore was not subject to research ethics review. Excerpts of the dissertation have been previously published in two scholarly journals, as follows:

Chapter one:

Radovac, Lilian. "The 'War on Noise': Sound and Space in La Guardia's New York." *American Quarterly* 63, no. 3 (Fall 2011): 733-760.

Conclusion:

Radovac, Lilian. "Mic Check: Occupy Wall Street and the Space of Audition." *Communication and Critical/Cultural Studies* 11, no. 1 (Winter 2014): 34-41.

In addition, an excerpt from chapter two is forthcoming in:

Radovac, Lilian. "Muting Dissent: New York City's Sound Device Ordinance and the Liberalization of the Public Sphere." *Radical History Review* 121 (January 2015): 32-50.

## INTRODUCTION

This project began with one of those simple, nagging questions. Why, a little more than a year after the al-Qaeda attacks that brought down the World Trade Centre, did the City of New York decide to mount a major offensive on noise? Reading the early reports of Mayor Michael Bloomberg's first anti-noise crackdown from the relative quiet of Montreal, it seemed strange to me that a matter as apparently trivial as sound should have become a municipal priority when rescue workers were still searching for victims' remains and the United States was at already war with one country and on the cusp of war with another.

In the context of the then-present, it seemed clear to me that New York's priorities were shaped by a constellation of equally pressing social and cultural forces, not least among them gentrification. As real estate development swept across rezoned neighbourhoods in Lower Manhattan and parts of Brooklyn, new property owners found themselves living cheek-by-jowl with the bars, nightclubs and streetlife that had greeted their arrival, but which now aroused complaints that the Bloomberg administration seemed particularly attentive to. On October 4, 2002, the city launched Operation Silent Night, a "zero tolerance" anti-noise campaign that targetted fourteen designated areas of the city with the goal of improving their "quality of life." As Bloomberg declared, "The number one complaint to the NYPD's Quality of Life Hotline is not squeegee men. It's not prostitution. It's not drug dealing. Far and away, the most vexing

concern for New Yorkers is that there is too much disruptive noise in our communities.”<sup>1</sup> The campaign was expanded the following year, and eventually led to a full-fledged revision of New York’s noise code, which was passed by City Council on December 21, 2005.<sup>2</sup>

Being both an urbanist and a news junkie, I followed the reports of Bloomberg’s activities closely and became fascinated by the to-and-fro of the public debate, which pitted the New York Nightlife Association against the Mayor, and its noisy residents against its quieter ones. At the same time, I noticed the effects of the city’s rezoning policies, which dissolved the boundaries that had been drawn by the 1916 Zoning Act in order to facilitate mixed-use development, a shift that had unintended consequences for the heterotopic cultural spaces that grew within the shell of the old system as the city’s industrial past faded into memory. I also wondered what kind of city New York was in the process of becoming: if not the “city that never sleeps,” then what? And, again, why?

The question prompted me to explore the history of New York’s noise code, with an eye—and an ear—toward understanding what forces had led to its creation in 1936 and to its first major revision in 1972. If the 2005 version was steeped in so many layers of context and meaning, then surely those earlier moments had something interesting to reveal as well? Looking back, I couldn’t have imagined how circuitous the journey I was about to undertake would be, or that it would lead to questions and conclusions that veered far off course from the

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<sup>1</sup> Michael R. Bloomberg, “Improving Our Quality of Life: Operation Silent Night,” News from the Blue Room, Office of the Mayor, October 7, 2002, [http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?pageID=nyc\\_blue\\_room&catID=1194&doc\\_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2002b%2Fweekly%2Fweekly\\_100702.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.b270a4a1d51bb3017bce0ed101c789a0/index.jsp?pageID=nyc_blue_room&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2002b%2Fweekly%2Fweekly_100702.html&cc=unused1978&rc=1194&ndi=1).

<sup>2</sup> Winnie Hu, “City Noise Code Gets Stricter; Fancy Meters Will Aid Ears,” *New York Times*, December 22, 2005, B4.

faint hypotheses I set out with. I also didn't anticipate how rich the terrain I had started to explore would prove to be, or ultimately, how rewarding.

*Resonating: Situating Noise in the Field*

There has been no shortage of scholarly work on noise during the last forty years. Beginning with Jacques Attali's *Noise: The Political Economy of Music* and R. Murray Schafer's *The Tuning of the World*, both originally published in 1977, the field of sound studies has been shaped in large part by investigations of unwanted sound, so much so that noise studies has emerged as a recently christened subfield.<sup>3</sup> That noise occupies a central place as an object of study in the field is hardly surprising, since a great deal of our understanding of sound is refracted through dichotomies that position noise in opposition to other categories of auditory experience. There is, first, the relationship between noise and silence, an apparently natural binary that, as Douglas Kahn reminds us, the work of John Cage and other composers was intended to collapse.<sup>4</sup> Fresh from Harvard's anechoic chamber, Cage pronounced that "there is no such thing as absolute silence," and his seminal composition *4'33"* forced the audience to instead consider the conventions of listening that were imposed by the concert hall.<sup>5</sup> Cage's work also underscored the opposition between noise and music, a schism that for much of the history of Western art music has rested on the distinction between organized and disorganized

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<sup>3</sup> Greg Hainge, *Noise Matters: Towards an Ontology of Noise* (New York: Bloomsbury Academic, 2013), 7.

<sup>4</sup> Douglas Kahn, "John Cage: Silence and Silencing," *The Musical Quarterly* 81, no. 4 (Winter, 1997), 556-598.

<sup>5</sup> Douglas Kahn, *Noise, Water, Meat: A History of Sound in the Arts* (Cambridge, MA: MIT Press, 1999), 163.

sound, or what his collaborator James Tenney once described as “the real world’s textures.”<sup>6</sup>

Attali grounds this distinction in the *embourgeoisement* of sound, which transformed the general violence of noise into music: “a channelization of noise and a simulacrum of sacrifice, a sublimation to create order and political integration.”<sup>7</sup> Again, the disciplining function of the concert hall looms large, as does the figure of the avant garde composer, whose efforts to destabilize this space stand at the centre of Kahn’s work.

Critical sound studies rejects these dualisms, and in so doing opens up sound as a space of inquiry that transcends the disciplinary confines of musicology and is attentive to the social, cultural, and historical textures of the “real.” In this space, noise is the meeting point for a larger matrix of forces that simultaneously produced and was produced by modernity, a process that is interrogated by several of the canonical works in the field. Emily Thompson grounds the emergence of architectural acoustics in the flux of social, aesthetic and technological meanings that surrounded noise in the early twentieth century, demonstrating “how musicians and engineers created a new culture out of the noise of the modern world.”<sup>8</sup> Similarly, Karin Bijsterveld frames her investigation of twentieth century noise abatement as a “paradox of control” that is the result of wider historical and cultural processes which implicate technology, psychology, anthropology and politics as well as music.<sup>9</sup> Of course, many of these efforts as well as my own are informed by Jonathan Sterne’s relentlessly contextual investigation of the audile techniques that produced the modern listening subject, which have no particular fidelity to

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<sup>6</sup> James Tenney and Ciaran Maher, “James Tenney on Intention, Harmony and Phenomenology—A Different View of the Larger Picture,” *MusicWorks* 77, (2000), 25.

<sup>7</sup> Jacques Attali, *Noise: The Political Economy of Music* (Minneapolis: University of Minnesota Press, 1985) 26.

<sup>8</sup> Emily Thompson, *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America, 1900-1933* (Cambridge, MA: MIT Press, 2002), 9.

<sup>9</sup> Karin Bijsterveld, *Mechanical Sound: Technology, Culture, and Public Problems of Noise in the Twentieth Century* (Cambridge, MA: MIT Press, 2008) 253-254.

static or essentialized conceptions of sound, let alone noise.<sup>10</sup> (As I discuss at greater length in chapter two, Sterne's grounding of audio technologies in the embodied dispositions of users, which are themselves socially situated although never fully determined, also forms a key part of my analysis.)

The imperative to account for the historical and cultural contexts of sound has resulted in several excellent works that foreground the construction of noise as a category of difference, and to which *The Muted City* owes a large debt. John Picker's *Victorian Soundscapes* examines how noise was bound up with class and ethnicity in the context of nineteenth-century London, serving as a barometer of the precarious position of the emergent middle class as well as the surge of xenophobia that was unleashed by the rapidly industrializing city.<sup>11</sup> In *Listening to Nineteenth-Century America*, Mark M. Smith's rendering of the shifting soundscapes of antebellum America, he listens for the echoes of African American slaves, among others, framing both noise and silence as sonic strategies of cultural expression and physical survival.<sup>12</sup> Mary Chapman, in turn, documents the strategic uses of noise by participants in the American suffrage movement, revealing not only their value as a form of feminist intervention but also the conflicts they generated between the movement's liberal and radical factions.<sup>13</sup> In each of these works, the authors demonstrate how noise is racialized, gendered and classed at different historical moments, highlighting the tensions and fractures that exist beneath their surfaces and further troubling the notion of a singular hearing subject.

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<sup>10</sup> See Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction*, (Durham: Duke University Press, 2003).

<sup>11</sup> See John M. Picker, *Victorian Soundscapes* (New York: Oxford University Press, 2003), esp. 41-81.

<sup>12</sup> Mark M. Smith, *Listening to Nineteenth-Century America* (Chapel Hill, NC: University of North Carolina Press, 2001).

<sup>13</sup> See Mary Chapman, *Making Noise, Making News: Suffrage Print Culture and U.S. Modernism* (New York, Oxford University Press, 2014), esp. 1-26.



If sound is necessarily historical and cultural, then it is also unquestionably spatial, and my approach to noise borrows from analyses that foreground this aspect of aurality. Some of the deepest roots of sound studies lie in the spatially grounded explorations of the World Soundscape Project (WSP), which, in works like Schafer's *The Tuning of the World* and Barry Truax's later *Acoustic Communication*, pioneered the soundscape as both a theory and practice of sound in which noise is a central concern.<sup>14</sup> However, although their work has created important conditions of possibility for the field, it is often stubbornly unreflexive about its own position in the soundscape, and urban soundscapes in particular, an issue I take up in depth in chapter four. Instead, I draw inspiration from more nuanced studies of sound-sites, including Clare Corbould's essay on the sounds of interwar Harlem, Jennifer Stoever's work on the Hispanic soundscapes of postwar New York, and Shannon Mattern's studies of the sonic architectures of public libraries.<sup>15</sup> I also make use of scholarship that endeavours to theorize the spatial conditions of sound: Barry Blesser and Linda-Ruth Salter's work on the social spatiality of aural architecture, and their concept of the "acoustic arena" in particular have been essential to my thinking, as have the analyses of the "acoustic territories" that Brandon Labelle advances in his work.<sup>16</sup> In all cases, attention to the materiality of sound functions as a necessary corrective to assertions about its ephemerality, which, I argue, often serve to mask the socio-spatial conditions of its production.

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<sup>14</sup> See R. Murray Schafer, *The Tuning of the World* (New York: A.A. Knopf, 1977); Barry Truax, *Acoustic Communication* (Norwood, N.J.: Ablex Publishing Corporation, 1984).

<sup>15</sup> Clare Corbould, "Streets, Sounds and Identity in Interwar Harlem," *Journal of Social History* 40, no. 4 (2007): 859-894; Jennifer Stoever-Ackerman, "Splicing the Sonic Color-Line: Tony Schwartz Remixes Postwar Nueva York," *Social Text* 28, no. 1 (2010): 59-86; Shannon Mattern, "Resonant Texts: Sounds of the Contemporary American Public Library," *The Senses & Society* 2, no. 3 (Fall 2007): 277-302.

<sup>16</sup> Barry Blesser and Linda-Ruth Salter, *Spaces Speak, Are You Listening?: Experiencing Aural Architecture* (Cambridge, MA: MIT Press, 2007); Brandon LaBelle, *Acoustic Territories: Sound Culture and Everyday Life* (New York: Continuum, 2010).

*The Muted City* draws from each of these scholarly tributaries, but it also covers territory that has remained largely—and surprisingly—uncharted. As a form of sound that is regulated primarily at the municipal level, noise is both an urban problem and, geographically speaking, a *local* one. While national and international bodies have made efforts to define and regulate noise, in virtually all cases this legislation derives from local city ordinances. For example, New York City’s 1936 noise ordinance, which was the first comprehensive noise code in the United States, served as both the inspiration and template for the first national American antinoise organization, the National Noise Abatement Council, which was founded in 1940. Similarly, while antinoise movements have often involved an international conversation between the world’s cities—frequently New York, London and Paris but also Montreal, Vancouver, Vienna and Mumbai—their implementation remains the responsibility of local authorities, who must work with, and within, the material resources that are available to them.

The urban context of noise regulation raises a second, although related issue. As a matter of municipal law, noise is inextricably linked to processes of local political governance and, by extension, to the issue of urban policing, both of which have been largely overlooked in existing studies. This is an important gap, since it impacts on the core issue of the definition of noise. Noise has been variously defined as unwanted sound, or, in the language of New York’s noise code, unnecessary sound, which raises the question of how to separate wanted or necessary sounds from their opposite. In the context of municipal regulation the distinction rests on the legal status that is accorded to different categories of sound, which are differentiated in part in order to pry them away from the constitutional protections granted to free speech and other forms of permissible aural expression. Therefore, noise is a form of criminalized sound: i.e., sound that leads to summonses and fines, to the confiscation of property, and, in certain cases, to

arrests, mass detentions, and to jail. Once differentiated as “noise,” sound becomes a matter for the police and the state, a connection that becomes resoundingly clear when noise ordinances are used to silence political speech.

If we approach noise as criminalized sound then we are both intellectually and ethically obliged to consider sound in the context of social difference, and to be attentive to the ways in which the sonic realm reflects larger forces of marginalization, exclusion, and oppression. It is one thing to acknowledge that sound is cultural, but it is another to work to understand how the management of sound impacts individuals and communities that do not possess the means, whether social, economic or otherwise, to access power. Thus, any examination of noise should be prepared to undertake an intersectional analysis that is sensitive to issues of race, class, gender, and other vectors of difference, as well as to the profoundly unequal nature of the bodies and institutions that are charged with creating and defending differentiated categories of sound.<sup>17</sup>

Acoustically and metaphorically, sound cannot exist in a vacuum. It also does not exist apart from broader discourses about urban planning, governance, and economics, all of which are shaped by concrete political processes and ideological interventions. To think about noise is to think about bodies, spaces, and practices and their relationship to one another, and these relationships are delimited by both formal and informal regulations. As George Lipsitz reminds us, sounds are heard in the context of spatial segregation: between classes, races, and ethnic communities, and also between public and private spheres and the insides and outsides of

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<sup>17</sup> See Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” in *The University of Chicago Legal Forum* 140 (1989), 139–167; also, Audre Lorde, “Age, Race, Class, and Sex: Women Redefining Difference,” in *Sister Outsider: Essays and Speeches* (Trumansburg, NY: Crossing Press, 1984), 114–123.

buildings and institutions.<sup>18</sup> Sound, then, is a barometer of “we-ness,” a category that is fluid and fleeting and yet is also constructed in tangible and materially grounded ways. Therefore, I contend that the study of noise is as much the province of urban studies as of communication and cultural studies, and this work attempts to forge pathways—or at least, desire lines—between the three fields.

*Approaching: Methods and Methodology*

*The Muted City* begins with the premise that noise, as a form of criminalized sound, is the result of processes of problematization, which Michel Foucault describes as “the transformation of the difficulties and obstacles of a practice into a general problem for which one proposes diverse practical solutions.”<sup>19</sup> In this sense, noise is akin to the category of madness or delinquency in that it is a meeting point of certain practices and behaviours (although not others) that are rendered both coherent and problematic. At the same time, problematization is itself a part of the process of critical inquiry, which seeks to account for “how and why certain things (behaviours, phenomena, processes) became a problem.”<sup>20</sup> Therefore, analyzing how sounds become noise is also an act of problematization, which assumes the complexity and contingency of the object of inquiry. Following from Foucault, the dissertation adopts historical inquiry as its primary method, an approach that is further guided by two compatible directives. The first is Ludwig Wittgenstein’s exhortation in *Philosophical Investigations*--“don’t think, but look!”—which implores the researcher to begin with empirical observations and to then deduce theoretical

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<sup>18</sup> George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011), 25-70.

<sup>19</sup> Michel Foucault, "Polemics, Politics and Problematizations," in *Essential Works of Foucault, Volume 1: Ethics, Subjectivity and Truth*, ed. Paul Rabinow (New York: New Press, 1997), 389.

<sup>20</sup> Michel Foucault and Joseph Pearson, *Fearless Speech* (Los Angeles, CA: Semiotext(e), 2001) 171.

similarities, relationships, and differences.<sup>21</sup> The second is Siegfried Kracauer's characterization of his own interest in history as "a compassionate interest—an antiquarian interest, as it were—in certain moments of the past," a description that gestures toward the role of empathy in historical research, which is an essential complement to analytical rigour.<sup>22</sup>

I begin exploring the problematization of noise by considering two historical events: the adoption of two noise codes by the City of New York, one in 1936 and the second in 1972. In both cases, I approach these apparently singular events as a confluence of social, spatial, economic and technological forces that flow through and around them, bridging the past and present. These flows have both a temporal and a spatial dimension: in the first case, they help to answer basic questions about why the codes were adopted and what happened after they were. However, I also view them in terms of relations of proximity: that is, I ask what was happening around them, in areas that may, on the surface, have had little direct bearing on sound. It is tempting to use cartographic terms to describe this kind of analysis—tracing, charting, mapping—but a more fitting analogy comes from the field of audio engineering.

In conventional approaches to multi-track sound recording, the producer's primary task is to isolate the elements of a musical performance into separate and distinct audio tracks, so as to more precisely control the volume levels and other features of each element. This is accomplished by acoustically separating the performers in both time (recording different tracks in sequence) and space (by recording individual performances in separate, soundproofed booths.) If the producer fails to sufficiently isolate the performances, echoes of the different performances will "bleed" into each other's tracks, which impacts their ability to arrange the sound in the

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<sup>21</sup> Ludwig Wittgenstein, *Philosophical Investigations* (Oxford: Basil Blackwell, 1953) 66.

<sup>22</sup> Siegfried Kracauer and Paul Oskar Kristeller, *History: The Last Things Before the Last* (Princeton: Markus Wiener Publishers, 1995), 6.

process of mixing. In *The Muted City*, I invert the traditional imperative to avoid bleed, and instead assume that the sounds that spill between tracks have value—that they are not merely noise--and, because of this, that they will have something useful to tell us about the relationship of the constituent elements and therefore about the event as a whole.

The approach I take, then, is to analyze what is happening around the 1936 and 1972 noise codes with an eye towards understanding the problematization of noise at those historical conjunctures, as well how these problematizations have informed the ways we think about noise in the present moment. To accomplish this, I undertake a historical analysis whose scope is defined in two general ways. The first is through periodization: the first section of the dissertation focuses on events between 1930 and 1948, and the second between 1966 and 1989. Except for passing mentions, I do not deal with earlier antinoise ordinances, and I leave aside Bloomberg's legislation in 2005, which would have required a different methodological approach. The second way that I define the boundaries of the project is geographical. Rather than investigate noise as a national or international problem, I limit my focus to a single municipality that encompasses the five constituent boroughs of New York City. This choice of territorial boundary is quite pragmatic, in that it mirrors the political jurisdiction of the New York City Council and other governing bodies as well as those of the law enforcement agencies that are responsible for policing the code. However, it also deliberately privileges the local as a unit of analytical scale, which is an important part of my larger methodological approach.

Many of the key texts on noise, and on sound generally, take a macro-spatial approach to sound, examining acoustic phenomena as they are experienced across multiple sites and contexts. This is especially true of work that is rooted in media studies, which has traditionally investigated forms of mass communications such as radio and television as national or at least

regional concerns. Radio studies, for example, tends to replicate the spatial organization of nationalized networks in its analytical scale, which makes perfect sense when that mode of organization and its effects are the primary object of study.<sup>23</sup> Similarly, much of the work that is aligned with science and technology studies (e.g., Bijsterveld, Thompson, Sterne) explores questions about the use of sound technologies that exceed local boundaries, as do most accounts of musical and artistic practices (e.g., Kahn, Hainge). Noise, however, points toward questions that emerge from the relatively smaller scale of spatialized audition: while an entire nation can listen to a radio broadcast, only those of us within earshot can hear the noise from a nightclub or an especially loud garbage truck. Although not unmediated, these sounds are spatially anchored in such a way that they are experienced as being intensely local, which in turn engenders solutions to noise that are implemented at the same level of scale.

Because of this, an investigation of noise invites an analytical approach that is attentive to the smaller details of acoustic experience, and which therefore dwells in the spaces of the particular before proceeding to the general. I therefore approach historical inquiry as a dialogue between two scales of analysis: local history and microhistory. In the first case, I situate noise in the local urban context of New York City—its local laws, systems of governance, demographics, transportation networks, and so forth. As a world city that has successfully branded itself, to use Mariam Greenberg's term, as a set of internationally circulating ideas and discourses, it's easy to forget that New York also functions as a local municipality, which is responsible for the more mundane activities of building construction, traffic management, and garbage removal, among

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<sup>23</sup> As examples, see Bruce Lenthall, *Radio's America: The Great Depression and the Rise of Modern Mass Culture* (Chicago: University of Chicago Press, 2007); Susan J. Douglas, *Listening In: Radio and the American Imagination* (Minneapolis: University of Minnesota Press, 2004), and Douglas B. Craig, *Fireside Politics: Radio and Political Culture in the United States, 1920-1940* (Baltimore: Johns Hopkins University Press, 2000).

others.<sup>24</sup> Noise ordinances, for all their wider social and cultural significance, fall squarely within this everyday civic realm, and so my first task was to reconstruct the events that led to their adoption and implementation.

This process of reconstruction turned out to be more difficult than I originally imagined, as I quickly discovered that the city's municipal archives are remarkably decentralized. The research process brought me to five different archives over a period of several years: the City Hall Library, the La Guardia and Wagner Archives, the General Research Division of the main branch of the New York Public Library as well as its Manuscripts and Archives Division, and the Tamiment Library at New York University. Although all of these sites yielded important findings, there were still frustrating gaps in the historical record, particularly during the interwar period. The reasons for this were explained by the chief archivist at the LGWA, Douglas Di Carlo, who took the time to talk with me on a quiet Friday afternoon during my last research visit. According to him, the city only began the task of preserving its own archival record on microfilm in 1968, a project that was extended to digital formats in 2003. Therefore, available materials are spotty between 1955 and 1967, and largely absent prior to 1955. (As Di Carlo put it, they're "probably sitting in boxes in a warehouse somewhere on Long Island.")

Upon returning home, I discovered a recording of a press conference given by Mayor John Lindsay in 1966, which announced the formation of a task force on Municipal Archives. The city registrar, G. Michael Morris, spoke of the importance of creating a city archive, "specifically noting that there has been a great deal of theft in the past. He [said] items have been mutilated and sold. Important documents have been stored improperly—near steam and water

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<sup>24</sup> Miriam Greenberg, *Branding New York: How a City in Crisis Was Sold to the World*, (New York: Routledge, 2008) 19-40.



pipes and subject to fire hazards. They have been inaccessible to researchers.”<sup>25</sup> That many remain so speaks to the gap between the funds that are allocated to public services in New York, of which municipal record-keeping is one, and the larger flows of private, philanthropic capital that flow through the city and into certain civic projects but not others. (It also points to the continuing politicization of New York’s public records, which has seen recent mayors transfer their papers and artifacts to private storage facilities rather than to the Municipal Archives, which they are mandated to do by law.<sup>26</sup>) I’m still slightly incredulous that a city of New York’s size and wealth has not yet managed to bridge this divide, but this fact speaks to precisely the political and economic themes addressed in this dissertation and particularly its second half. It also called for additional research strategies to uncover the basic historical facts of noise control in the city.

To bridge the gaps in the municipal record, I rely on the *New York Times* historical archive to establish narrative continuity. The paper’s coverage of the City Council’s activities as well as of policing drives and public protest is exhaustive, particularly during La Guardia’s tenure, and the level of detail it reports—dates, committee members, speakers’ lists—provided important markers with which to orient myself in the archives. Wherever possible, I have bolstered these reports with primary sources (for example, La Guardia administration press releases which were often quoted verbatim, or the original text of ordinances) or with alternative press accounts from tabloids, trade journals, and political newsletters, but in some cases, the *Times*’ coverage is the only source that was accessible to a non-resident researcher. I also use the reports as evidence of how noise issues were discursively constructed for the *Times*’ local

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<sup>25</sup> “Mayor’s Task Force on Municipal Archives,” New York City Municipal Archives: WNYC Collection, July 8, 1966, <http://www.wnyc.org/story/mayors-task-force-on-municipal-archives/>

<sup>26</sup> David M. Herszenhorn, “Giuliani’s Papers Go to Private Group, Not City,” *New York Times*, January 25, 2002.

readership, which, broadly speaking, has consisted of educated, predominantly white, middle- to upper-class New Yorkers who have traditionally been courted by municipal officials, and for whose benefit civic legislation is generally intended. However, these accounts sometimes also offer important clues about how sound was experienced beyond the traditional demographic of the *Times*' readership, which provided an entry point into a different level of analytical scale.

Although *The Muted City* is primarily a work of urban communication history, it is also informed by many of the imperatives of microhistorical analysis. Although not a microhistory per se, it approaches local history from a broadly ethnographic perspective, which is a key characteristic of microhistorical research. Giovanni Levi defines microhistory as "a practice [that] is essentially based on the reduction of the scale of observation, on a microscopic analysis and an intensive study of the documentary material," the goal of which is to "reveal factors previously unobserved."<sup>27</sup> In this sense, it is informed by Clifford Geertz's strategy of thick description, which privileges the analysis of "extremely small matters" in "homely contexts," rather than the macrosocial objects of conventional historical and sociological studies.<sup>28</sup> While I use newspaper and archival materials to first construct a coherent narrative of events, I also mine them for historical details that reveal, often unintentionally, glimpses of people and practices that are generally overlooked in macroscopic accounts. The audible presence of women, and especially African American women, in the city's streets not only highlights their participation in the interwar public sphere but also flies in the face of gendered assumptions about the "dangers" of public space. Similarly, accounts of the sounds of disco emanating from portable stereos in the 1970s destabilize revisionist histories of hip hop, which exscribe female and LGBTQ

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<sup>27</sup> Giovanni Levi, "Microhistory," in *New Perspectives on Historical Writing*, ed. Peter Burke, (University Park, PA: Pennsylvania State University Press, 1992), 99-101.

<sup>28</sup> Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973) 21.

listeners from the formative years of boombox culture. However, microscopic observation can also tell us a great deal about dominant cultures, which all too often escape such consideration: thus, I make a point of noticing, and noting, ethnographic details about city magistrates, theatre managers, and *New York Times* columnists, as well as at least one composer.

For Levi, one of the limitations of microhistory is that researchers tend to “stop short, as if frightened, at the very threshold of social history.”<sup>29</sup> *The Muted City* avoids this problem by weaving microhistorical observations into a wider account of the management of a particular city, which in turn reveals strategies that have been deployed far beyond its boundaries. The framing of noise as a quality of life problem served to explicitly link sound to the control of public space, which occasioned solutions in the form of new protest management techniques and theories of urban policing. These strategies are the product of a set of intensely local conditions that emerged in New York City at particular historical moments, but they have subsequently been adopted by municipalities across the United States and, increasingly, around the world. Soon after leaving office in 2013, former mayor Bloomberg established Bloomberg Associates, a consulting firm and “urban SWAT team” whose stated mission is to advise international city governments on “how to manage growth while... improving the quality of life of their citizens.”<sup>30</sup> Its existence demonstrates that local ideas and strategies can and do have global echoes, but in order for them to resonate there must first be a source sound, and a context in which it is heard.

To summarize, *The Muted City* seeks to understand how noise was problematized in New York City in the historical periods defined by two city noise ordinances. The dissertation

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<sup>29</sup> Levi, “Microhistory,” 109.

<sup>30</sup> Michael Barbaro, “Bloomberg Focuses on Rest (as in Rest of the World),” *New York Times*, December 14, 2003; “Mission,” Bloomberg Associates, website, <http://www.bloomberassociates.org/mission/> (accessed September 1, 2014).

situates noise in this specific urban context, moving back and forth between the scales of local history and microhistory in order to present a historical account of the ordinances and some of their broader social and cultural effects. To accomplish this, I use archival materials, newspaper and trade reports, and popular science and advertising sources to construct a narrative of the civic processes that led to the adoption of the ordinances as well as the larger urban issues that shaped them, including urban renewal, gentrification, and (post)liberalization. These, in turn, foster analyses of how noise “bleeds” into the management of public space, where it intersects with race, class, ethnicity and gender to form criminalized categories of sound that are subject to police intervention as well as technological mediation. The work concludes with a brief discussion of how these issues continue to resonate in the present moment, and an example of how New Yorkers have recently resisted the acoustic control of their city.

*Mixing: Chapter Summary*

*The Muted City* is divided into two main sections, which roughly correspond to the periods immediately preceding and following the Second World War. The first part of each section focuses on the events surrounding a specific noise ordinance and how these were shaped by issues relating to urban planning and development and the social and political contexts in which they arose, and the second on how the ordinances were directed against new sound technologies that amplified the presence of marginalized communities in the context of the outdoor public sphere. In each case, I trace the legislative arc of the ordinance and establish its larger political and spatial setting, then turn my attention to questions of implementation and how these impacted specific aural and technological practices. The two sections are followed by a brief epilogue, which considers the present-day use of the ordinance and its contestation.

The first chapter chronicles Mayor Fiorello La Guardia's "war on noise," which formally began with the announcement of a city-wide antinoise drive in 1935 and ended when he left office in 1945. The chapter focuses on the city's adoption of its first comprehensive noise ordinance, which was passed by the Board of Aldermen in 1936, and traces the how the law came into being as well as the new powers it gave the city to control sonic disorder. The chapter connects the ordinance to the 1930 report of New York City's Noise Abatement Commission (NAC), whose work was interrupted by the sudden resignation of the sponsoring mayor, James Walker. In contrast to previous accounts, I show that the project of noise control was quickly revived after La Guardia's 1934 election, and I document the ways in which reconstituted antinoise groups successfully lobbied his administration to make noise a central plank in his urban rehabilitation campaign.

The chapter also connects sound to the city's rapid development in the years preceding the Great Depression and to La Guardia's efforts to launch the process of urban renewal, which included the city's first slum clearance projects and the legal regulation of street-based commercial and recreational activities. Against this larger backdrop, the sounds that became regulated as "noise" point towards spatial practices that were incompatible with the city's larger goal of modernization: the drone of organ grinders, the shouts of push cart vendors and "junk men," the shrieks of unsupervised children playing in the streets, all of which were either banned outright under the new ordinance or contained in city-approved venues. As I show, the sounds of the city's relentless reconstruction, which drove one wealthy couple to distraction, persisted in spite of La Guardia's war to annoy another generation of citizens.

The second chapter presents a detailed examination of one of the noise code's subarticles, a provision against the use of loudspeakers in public places, and traces its impact on the city's

soundscape from its adoption in 1930 until its first major revision in 1948. The loudspeaker ordinance was among the NAC's recommendations and the only one that was implemented by Mayor Walker prior to his resignation. In its original version, the ordinance was meant to silence the clamour of shops on New York's Radio Row, which had taken to advertising the new products by directing their speakers towards the public sidewalks. The 1930 ordinance succeeded in muting this practice, albeit temporarily, but it failed to stem a culture of mass public listening that was facilitated by the new technology of public address (PA) systems.

I survey the emergence of the PA system as a political communication tool in the early 1920s and document its technological and commercial development, which resulted in the systems becoming smaller and increasingly portable. By the time La Guardia took office in 1934, the systems had become an essential part of local election campaigns (including La Guardia's own) as well as street protests and demonstrations, and therefore a source of increasing complaints. With this in mind, I document La Guardia's revision of the 1930 ordinance to include PA systems and its adoption by fiat in 1934, two years before the broader ordinance was passed. I also reconstruct the way the ordinance was used by the city to police the activities of radical organizations and minor political parties, and chronicle the use of permit denials to limit their ability to address the listening public. The legal conflicts their use caused crested in the wake of a riot that occurred during a meeting of German American Bund, which resulted in what I term an "aural panic" over the use of amplified sound by radical groups. I then show how these concerns were nationalized during the Second World War and how the solutions that federal bodies proposed created the conditions for the liberalization of the local public sphere. The chapter concludes with a discussion of legal challenges to the ordinance that were

mounted by a coalition of minor political parties, and illustrates how their failure shaped the soundscape of Cold War New York.

Chapter three brings us into the post-war era and documents the conditions that led to a revival of antinoise activism in the mid-1960s and the subsequent adoption of a revised noise code in 1972. I begin with an interim report by the Committee for a Quiet City, Inc. (CQCI), a 1960 document that functions as a way station for the later ordinance. The CQCI notes that public enthusiasm for municipal noise control initiatives flagged during the 1950s, not because noise had ceased to be a source of complaints but because residents refused to commit additional public resources to the problem. The report gestures toward the foundations of New York City's fiscal crisis, which saw a steady disinvestment from public services and infrastructure even as the city forged ahead with massive slum clearance and urban renewal programs. The problematization of these issues as an "urban crisis" forms the backdrop for this chapter, in which I link unregulated real estate development and mounting perceptions of urban decline to the return of noise as a pressing municipal issue.

The chapter also documents the post-war housing crisis in New York and the rush to build new housing stock for the fleeing white middle class, the result of which was a explosion of new construction and a flood of notoriously poorly soundproofed apartments. It is this soundscape, I argue, that sets the scene for the formation of the Citizens for a Quieter City (CQC) in 1965, which played a key role in the process of drafting the 1972 noise code. Using materials from the CQC collection housed at the Manuscripts and Archives Division of the New York Public Library, I document some of the group's activities and analyze how they discursively frame antinoise activism as a reaction against modern urban planning methods, drawing parallels with the urban reform movement led by Jane Jacobs. I also link their work to

New York's emergence as a post-Fordist, "creative" city, and show how the group's membership and mission reflects the plight of the knowledge workers the city was struggling to retain.

Chapter four moves to the 1970s and documents the work of the Mayor's Task Force on Noise Control (TFNC), which produced a report that served as the foundation for a full-scale revision of the city's noise code. I place particular emphasis on the intersection between discourses about urban noise and the urban crisis, and examine how issues of race and class intersect with both. I then trace the influence of the CQC on the early writings of the composer R. Murray Schafer and the later World Soundscape Project, and explore how their critique of modernism bleeds into the more dystopian view of urban culture that characterizes urban crisis narratives. This, I argue, is the spatial bias that lies at the core of acoustic ecology, and one whose influence on the larger project of sound studies *The Muted City* is intended to counter. The chapter concludes with a discussion of the 1972 code, the opposition it aroused, and its failures, which the city attempted to mask by focusing once again on the problem of amplified sound.

The fifth and final chapter returns to the regulation of amplified sound devices, and explores the expansion of the acoustic territory covered by New York's noise ordinance to include the public transit system. The amended ordinance, which was passed by City Council in November of 1972, points to how amplified sound is articulated to the urban crisis and problematized as noise when it is used by racialized communities in the context of public space. The chapter chronicles a second aural panic around the portable stereo, which brought amplified music into the city's streets, buses and subways and whose facilitation of mobile listening practices spilled across the boundaries of the city's segregated spaces, creating the conditions for the development of boombox culture.



I begin by presenting a brief history of the transistor radio and its association with white teenaged users of both genders, who were the original targets of New Yorkers' noise complaints. I then document how these complaints were increasingly directed against black male teenagers in the early 1970s, an association that explicitly linked sound to white middle-class fears of urban crime. I also explore the etymology of the term "boombox," which I connect to audio products that emphasized bass response and facilitated the mobilization of music associated with local black radio stations and discotheques prior to its use as a marketing term for stereo-cassette players, and which crystallized around media coverage of a South Bronx murder. This prompted an invigorated panic around the public use of the devices and a series of transit police crackdowns on their use under Mayor Ed Koch, who was elected on a law-and-order platform that targetted graffiti and other quality of life crimes. The chapter concludes with a discussion of two responses to the problem of racialized noise: broken windows policing, which was tested in the local transit system before being expanded to the city as a whole, and the Sony Walkman, which offered a technological solution to the boombox that was designed to "revolutionize" the culture of public listening in New York and beyond.

The conclusion serves as an epilogue that revisits the city's sound device ordinance in 2011, when it was used to deny Occupy Wall Street protesters the right to use megaphones and other amplified devices during their occupation of Zuccotti Park. I briefly document the first days of the event, when NYPD officers raided the camp and assaulted protesters who refused to stop using their megaphones, and explore the occupiers' subsequent use of the human microphone to communicate with each other in spite of the law. I end with a discussion of Hannah Arendt's concept of the "space of appearance," which recognized the role of spoken, rather than written, speech in the formation of a democratic commons, and reframe the concept

as a “space of audition,” which concretely links the right to make noise to the right to participate in the urban public sphere.

### *Coda*

I hope that *The Muted City* suggests ways to think about sound that extend beyond the existing concerns of noise studies and into broader areas of cultural and historical inquiry. Perhaps, as Attali argues, composers play a prophetic role in anticipating larger social and economic transformations, and certainly we can discern echoes of those wider forces in their works and in the modes of their production. However, the acoustic worlds that modernist composers and contemporary sound artists alike inhabit are still spaces that are first shaped by the rather more mundane sounds of everyday life, which are the product of local discourses, dispositions and practices that create the soundscapes that they—or should I say we?—draw inspiration from. Moreover, whatever influence our interventions into the soundscape may have, whether musical or scholarly, it pales in comparison to the impact of a highway, the commercial application of a transistor, or a police operations directive, which not only define the ways that we collectively experience urban sound but also create the very conditions of its possibility. That we experience those conditions differently, sometimes profoundly so, is part of what, for me, makes the “real world’s” textures as rich and revealing as any intentional representation of them. John Cage wouldn’t have disagreed, although there was only so much room for them in the space of his compositions.

In 1973, Cage performed a version of *4’33”* in a series of four outdoor locations in Manhattan, which were filmed by the video artist Nam June Paik. Instead of taking place in a theatrical setting, the performance space is defined by the presence of Cage holding up a

microphone to record “silent” movements of varying intervals at each site, the first of which was in Harlem. Standing on 3<sup>rd</sup> Avenue between 104<sup>th</sup> and 105<sup>th</sup> Streets, Cage announces to the gathering crowd, “The time length given is 1’49”. I will be silent during that period so that we can listen to the sounds of this environment.” He then falls silent. Several members of the crowd, however, do not, and Cage looks momentarily flustered as Paik takes his videocamera microphone and approaches a young African American man who is listening to a portable radio. “Do you like this street song?” Paik asks him, “What do you like: this music more or this street song more?” The young man responds, “The music, you know. I dig the music more, you understand, because the music is what’s happening. And all this here. . .” Now, he gestures toward the street that Cage is still intently recording. “All this here, all the buses and airplanes and stuff, you know, and fire engines, they don’t have to make all that noise! You know?” He points to the street again. “At night, you try to sleep... They don’t have to make all that noise!”<sup>31</sup>

Paik thanks the young man and Cage ends the recording, setting off for the location of the second movement in another part of the city near the Harlem River. *The Muted City* begins its work at this sonic crossroads: instead of moving on with Cage to the next site, it elects to stay and keep listening.

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<sup>31</sup> Nam June Paik, *A Tribute to John Cage*, video, 62:45, New Television Workshop and TV Lab at WNET/Thirteen, 1973.

## CHAPTER ONE

### THE WAR ON NOISE: SOUND AND SPACE IN LA GUARDIA'S NEW YORK

In December of 1939, a noise complaint was brought before the New York City courts. The Lewises, who resided at Fourteen Sutton Place South and were known within society circles, filed charges against the Merritt-Chapman & Scott Construction Company for allegedly violating the city's anti-noise ordinance. The company had been contracted by the city to lay concrete for the nearby East River Drive, and the Lewises had suffered for weeks from the noise generated by its concrete mixers, pile drivers, and steam derricks. When the company's work began to spill over into the evening hours, the Lewises reached their breaking point and brought their case to the Yorkville municipal courthouse in Manhattan.<sup>1</sup>

Under the city's new noise ordinance, the legal question to be decided centered on whether the sounds of construction that had so disturbed the Lewises constituted necessary or unnecessary noise. The company's chief engineer, who was individually named in the complaint, testified that noise was in fact necessary to the completion of the project, and further, that the deadline imposed by a federal grant program had forced the company to prolong the normal workday.<sup>2</sup> In turn, the Lewises argued that the noise had made their lives unbearable, interrupting their sleep and jeopardizing their health. "Now we hear they're going to work on

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<sup>1</sup> "Sutton Place Couple, Racked by Noise of East River Construction Job, Told to Wine and Dine on Contractor," *New York Times*, December 5, 1939, 29.

<sup>2</sup> Ibid.

Christmas,” Mr. Lewis pleaded. “I don’t care if the silt is right or not. We’re not in Russia and we still have Sundays and holidays here.”<sup>3</sup>

After hearing the testimony of the two parties, the presiding judge, Henry H. Curran, ruled in the company’s favor: by the terms set out by the ordinance, the offending noise was judged to be necessary, and as such the court could find neither the engineer nor the company liable. However, Curran did not let the case rest there. Sympathizing with the Lewises, he announced that he would make “legal history” by “sentencing” the couple to a grand night out at the construction company’s expense. From his remarks:

You go out to dinner this evening. Have a good dinner—the best in town—and with the dinner have burgundy. I’d suggest Clos Vougeot, 1923—that’s the best you can get. Have all the trimmings—caviar, and I hope you get Finnish caviar, not Russian. Then go see ‘Life With Father’ or ‘The Man Who Came to Dinner’—they’re about the best shows in town. After the show, stop at a club and have another bit of a snack and a drink, and then go to a good hotel with smiles on your faces and have a good night’s rest away from the noise. Then come back here tomorrow morning with the bill—just an oral bill, for we’ll take your word for it—and Mr. Van Veen [here the judge looked over at the official] will see that the bill is paid.<sup>4</sup>

Delighted with the ruling, the Lewises followed all but one of Curran’s instructions. They dined at the Colony Restaurant, where they had “sweet martinis, Beluga caviar, lobster Newburgh, duck à la presse with wild rice, salad de saison, the prescribed burgundy, pêche Melba and demi-tasse.”<sup>5</sup> Although they declined to take in a play—reportedly because Mr. Lewis thought it would be rude to fall asleep during “a good show”—they duly made

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<sup>3</sup> "Horace Is Invoked to End Noise Case," *New York Times*, December 6, 1939, 25.

<sup>4</sup> Ibid.

<sup>5</sup> "Sutton Place Couple, Racked by Noise of East River Construction Job, Told to Wine and Dine on Contractor," 29.

reservations at the Waldorf-Astoria Hotel, where they requested “a good room—high and quiet” and received a two-room suite.<sup>6</sup> The next day, they dutifully presented a bill for \$65.32 to the court. Upon accepting the receipt, Curran, quoting Horace, remarked to the couple: ““What tongue hangs fire when quickened by the bowl/ What wretch so poor that wine expands his soul.’ Did wine expand you? Wine expanded your bill. I’m glad. I think you should be founders and charter members of the Rip Van Winkle club made up of members obliged to be kept awake by unnecessary noises.”<sup>7</sup>

Other members of the court, however, were unconvinced of the legal precedent Curran was confident of setting. Walter Binger, the Commissioner of Borough Works for Manhattan as well as the city official in charge of the construction project, pointedly observed that ham and eggs would have been a sufficient meal for any member of his department, and then stated that neither the city nor the contractor could reasonably be expected to pay the Lewises’ bill.<sup>8</sup> After an interval of confusion, which saw a personal check sent first from Binger to the Lewises and then from the Lewises back to Curran, the bill was finally paid by Curran himself, who, plainly aware of growing media scrutiny, made a donation to the Salvation Army for the same amount.<sup>9</sup>

At first glance, the accounts of this court case offer an amusing glimpse into the workings of a pre-World War Two Manhattan courtroom and the antics of one of its more colorful judges. Upon closer inspection, however, they also reveal much about the relationship between sound, culture, and urban space. At the time of the Lewises’ case, New York City was in the midst of a “war” on noise, which had commenced in 1935 and was waged by Mayor

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<sup>6</sup> Ibid.

<sup>7</sup> "Horace Is Invoked to End Noise Case," 25.

<sup>8</sup> "Sutton Place Couple, Racked by Noise of East River Construction Job, Told to Wine and Dine on Contractor," 29.

<sup>9</sup> "Curran Pays Bill for Noise Antidote," *New York Times*, December 9, 1939, 9.

Fiorello H. La Guardia and his Police Commissioner, Lewis Valentine, for the rest of the decade and half of the next. Still hobbled by the Great Depression but also firmly entrenched in a period of rapid and, for some, brutal revitalization, the city brought sound to the forefront of a wide-ranging campaign to rehabilitate, reorganize, and transform urban life.

As Raymond Smilor and Emily Thompson have shown, the war on noise had important precedents, the first in the anti-noise activism of Julia Barnett Rice and her group the Society for the Suppression of Unnecessary Noise (SSUN), which fought throughout the 1900s and 1910s for the introduction of noise laws that would protect the sensitive and the infirm from the ravages of urban din.<sup>10</sup> In both its mandate and strategy, Rice's campaign reflected the character of the waning Gilded Age: Rice, the wife of businessman Sir Isaac Rice, launched what began as a one-woman campaign from their mansion on Riverside Drive, calling on friends and acquaintances who made up New York's patrician class to assist in the drafting of new municipal bylaws to limit the sounds of tugboat whistles and fireworks and to create quiet zones around hospitals and schools. These were private and, in the first case, personal complaints that entered the public realm by dint of Rice's considerable political influence, and they rested on the assumption that the city's most vulnerable residents, as stand-ins for the fragile upper classes, had to be protected from the poor manners of their noisier neighbors. In this sense, they echoed the noise abatement efforts of the Victorian period, which pitted the refined sensibilities of an emerging professional class against the habitus of a burgeoning population of urban industrial workers.<sup>11</sup>

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<sup>10</sup> Emily Thompson, *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America, 1900-1933* (Cambridge, MA: MIT Press, 2002); Raymond Wesley Smilor, "Confronting the Industrial Environment: The Noise Problem in America, 1893-1932" (The University of Texas at Austin, 1978).

<sup>11</sup> John M. Picker, *Victorian Soundscapes* (New York: Oxford University Press, 2003).

A second and quite different precedent can be found in New York's Noise Abatement Commission (NAC), founded in 1929 and aborted in 1932, which undertook a landmark study of urban noise that framed unwanted sound as a primarily technological problem.<sup>12</sup> If Rice's campaign was an example of Gilded Era urban reform, then the NAC clearly reflected the modernist ideals of the interwar period. Here, a government-sponsored commission enlisted a team of medical and scientific experts, headed by Dr. Shirley Wynne, to quantify the problem of noise and to propose a range of administrative and technological measures that would solve it. Armed with questionnaires, audio recorders, and newly invented decibel meters, the NAC's members fanned out across the city and determined that the sounds of automobile traffic, mass transit, and construction—in other words, of urban progress itself—were the city's worst noise offenders. Rather than attempt to ban the sounds outright, the NAC proposed that they be muted with improved building materials and new approaches to industrial design, which would protect the ears of the citizenry without unduly interfering with the march of progress.

The anti-noise movement of the Depression, by contrast, while sharing key themes with its predecessors, differed from them in one crucial respect: it framed noise not only as a behavioral or technological problem, but also as a symptom and even a cause of urban disorder. This required that noise be conceived as a spatial problem, which necessitated a different set of strategies to bring under control. These included new judicial measures, increased policing and surveillance, and, ultimately, the reconfiguration of urban space by municipal officials and urban planners as a means of protecting the stability of the city's suddenly volatile social relations. The goal of the war on noise was to change not only how citizens sounded in the context of cities but also how they lived within them on the level of spatial practice, which in the context of the

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<sup>12</sup> Smilor, "Confronting the Industrial Environment: The Noise Problem in America, 1893-1932," 236-39.



Depression was a largely defensive measure against the destabilizing effects of economic contraction. As I will show in the following pages, *La Guardia's* campaign would provide a blueprint for later anti-noise campaigns spearheaded by Mayors Rudolf Giuliani and Michael Bloomberg, which marshaled the considerable resources of the city of New York to intervene in aural conflicts on behalf of the city's most privileged residents.

### *The Ordinance*

The legal basis of both the Lewises' complaint and its dismissal was New York City's 1936 noise ordinance, which was the first of three comprehensive noise codes to be passed by the city. Prior to 1936, New York's noise bylaws consisted of a series of discrete clauses which had accrued over several decades in different sections of the Administrative Code: definitions of public nuisance and disorderly conduct were set out in the General Laws; the noises of bells, boats, and animals were regulated by the Sanitary Code; restrictions on peddlers, junkmen and motor vehicles fell under the general Code of Ordinances; while those concerning itinerant musicians fell under Licenses. However, these bylaws were at best sporadically amended, with the result that new sources of noise that arose from technological developments such as sound amplification or motorized transportation were largely absent from the Code. Further, most did not prescribe consistent penalties for noise offenses, which led to substantial variation in the way that noise complaints were handled by police and the courts.<sup>13</sup>

One of the goals of the city's Noise Abatement Commission, which had studied the problem of urban noise under the aegis of Mayor James Walker, was to update the Administrative Code with a series of new anti-noise regulations based on the recommendations

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<sup>13</sup> Paul Blanshard and Irving Ben Cooper, *Laws and Ordinances Relating to the Control of Noise* (City of New York: Office of the Commissioner of Accounts, 1935).

issued in its final report.<sup>14</sup> Interrupted by the sudden resignation of Walker after a corruption scandal, this task would fall to his successor, Fiorello La Guardia, who would champion the cause of noise abatement throughout his three terms as mayor.<sup>15</sup> La Guardia's first foray into anti-noise activism came in 1934, when he approved a previously drafted amendment to the Code of Ordinances that restricted the use of "radios, phonographs, and other sound devices" in public places. Although the amendment did not impose penalties for the incorrect use of these devices, it did require the issuance of a permit from the city's Police Commissioner, to be granted "at his sole discretion, and upon such terms and in accordance with such rules as he may prescribe."<sup>16</sup> This gave the Commissioner greater latitude over the policing of city noise, a move that prefigured later approaches to the problem.

The following year, La Guardia unveiled a comprehensive noise abatement campaign that began with a citywide anti-noise drive. In a radio address on the subject, the mayor announced his intention to curb "noise nuisances," thereby making "New York City not only a good place to live in but also a good place to sleep in."<sup>17</sup> The campaign, which was described by the Mayor's office as a "war on noise," formally began on August 10, 1935 with the announcement of a multi-pronged offensive that was expected to last until the end of the year.<sup>18</sup> These included the appointment of a Noise Abatement Commissioner, the adoption of noise reduction measures by the city's emergency and sanitation services, an education and enforcement campaign, and,

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<sup>14</sup> Noise Abatement Commission, *City Noise; the Report of the Commission Appointed by Dr. Shirley W. Wynne, Commissioner of Health, to Study Noise in New York City and to Develop Means of Abating It*, ed. Edward F. Brown [and others] (New York: Noise Abatement Commission, Dept. of Health, 1930).

<sup>15</sup> "Civic Groups Open New Drive on Noise," *New York Times*, May 19, 1934, 15.

<sup>16</sup> Blanshard and Cooper, *Laws and Ordinances Relating to the Control of Noise*.

<sup>17</sup> "Mayor La Guardia's Plea and Proclamation in War on Noise," *New York Times*, October 1, 1935, 13.

<sup>18</sup> "'Noiseless Nights' Decreed Here by La Guardia During October," *New York Times*, August 11, 1935, 1.

ultimately, the creation of a new noise ordinance that substantially expanded the legal definition of noise as well the enforcement powers of the police.

At the outset of the campaign, La Guardia issued a series of mayoral orders that were designed to stand in for absent legislation: one against “ashcan noise,” for example, which permitted him to issue a directive to the city’s sanitation department to handle ash and garbage cans more quietly; another against the use of political campaign trucks after 10:30 PM; and a third against the sounding of automobile horns between the hours of 11:00 p.m. and 7:00 a.m.<sup>19</sup> As parallel strategies, taxi drivers were required to sign a pledge to abstain from the needless honking of their horns as a condition of receiving new licenses, and a moratorium was declared on the issuing of new cabaret licenses in residential zones.<sup>20</sup> These measures allowed the city to embark on a “Noiseless Nights” campaign, which La Guardia proclaimed on September 30, 1935:

I, F. H. La Guardia, Mayor of the City of New York, do hereby designate and proclaim the hours between 11 P.M. and & 7 A.M. during the month of October as a period in which all citizens of the City of New York shall refrain, in a spirit of cooperation, courtesy, and neighborliness, from making any noise which might interfere with the peace and quiet of other citizens as far as is humanly possible.<sup>21</sup>

With his decrees in place, La Guardia directed Commissioner Valentine to issue formal warnings to violators throughout the month of October, which were widely reported in local newspapers

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<sup>19</sup> "Mayor Puts a Ban on Ash-Can Noise," *New York Times*, September 15, 1935, 1.

<sup>20</sup> "Taxi Men to Sign Anti-Noise Pledge," *New York Times*, January 5, 1936, 1.

<sup>21</sup> Fiorello H. La Guardia, "Noise Abatement Campaign: Miscellaneous Press Releases," (City of New York: Office of the Mayor, 1935-36).

and resulted in the issuing of 20,334 warnings by month's end.<sup>22</sup> Meanwhile, the city moved forward with the process of drafting a noise ordinance that would enshrine the aims of the drive in municipal law.

Sponsored by Alderman Murray Stand and passed by the Board of Aldermen on April 21, 1936, the ordinance specifically banned fourteen types of noise, including the sounding of motor horns except as danger signals, the playing of radios and musical instruments at loud volume in residential areas, the discharge of engine exhaust except through a muffler, the shouting of street peddlers and hawkers, and building construction at night and on Sundays "except in case of urgent necessity." In addition, the ordinance prohibited in all cases the making of "any unreasonably loud, disturbing and unnecessary noise in any manner whatsoever," a provision that created the first legal definition of noise as a category that was distinct from that of public nuisance or disorderly conduct. These provisions were supported by a clear system of graduated fines for noise offenses: \$1 for the first infraction, \$2 for the second, \$4 for the third, and \$10 for the fourth, all prohibitive sums at the height of the Depression.<sup>23</sup>

After the bill was signed into law, La Guardia directed Valentine to renew the war on noise with a citywide enforcement campaign, which began with warnings and led eventually to arrests.<sup>24</sup> By the end of the year, police officials reported that the number of charges laid against noise offenders had increased dramatically, jumping from 172 summonses in the month of

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<sup>22</sup> "'Noiseless Nights' Decreed Here by La Guardia During October," 1; "Drive on Noise to Go On: Mayor Gives Pledge in Citing Increase in Summonses," *New York Times*, October 29, 1937, 23.

<sup>23</sup> "City Law to Punish the Noisy Drafted," *New York Times*, March 29, 1936, N1.

<sup>24</sup> "New War on Noise Ordered by Mayor: La Guardia Reminds Valentine Drive Was Not Conceived as 'Nine-Day Wonder'," *New York Times*, August 3, 1936, 17; Victor H. Bernstein, "Anti-Noise Drive Is Revived: La Guardia Urges More Police Action as the Roar of Summer Traffic Mounts," *New York Times*, August 9, 1936, E7.

October to 1,527 by year's end.<sup>25</sup> In 1937, the number of summonses rose to 9,976, and in 1938, to 16,356, with over 293,000 warnings being issued the same year.<sup>26</sup> Many of these were reported in the city's newspapers during the years that followed, and over time a soundscape of interwar New York becomes clearly audible: scissor-grinders and street preachers in Harlem, jukebox operators and strikers in Brooklyn, and, throughout the city, itinerant musicians, taxi cab drivers, and nightclub owners.

La Guardia's war on noise would continue until he left office in 1945, making it one of his administration's most consistent and highly publicized priorities, a fact that has been largely overlooked by historians. A dearth of existing research may be one explanation for this, as, presumably, is the perception that noise abatement ranked low on the scale of La Guardia's political accomplishments. The campaign is also noticeably absent from most accounts of urban noise control, and when it does arise it is mentioned only in passing, leaving its significance unexplained.<sup>27</sup> Aside from merely filling in a historical gap, consideration of La Guardia's campaign is essential to understanding how noise abatement efforts have evolved over time, and how now commonplace approaches to controlling urban sound came into being. According to Thompson, the work of the NAC faded into obscurity after Walker's resignation, a casualty of political turmoil and the evaporation of funds that was caused by the stock market collapse in 1929.<sup>28</sup> Although the Commission was disbanded, the noise control efforts they called for did not cease during the Depression but instead shifted course, reorienting from capital-intensive

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<sup>25</sup> William R. Conklin, "Anti-Noise Rule Widely Enforced: Arrests Show Sharp Increase and Many Warnings Are Given by Police," *ibid.*, December 20, E10.

<sup>26</sup> "Drive on Noise to Go On: Mayor Gives Pledge in Citing Increase in Summonses," 23.

<sup>27</sup> George Prochnik, *In Pursuit of Silence: Listening for Meaning in a World of Noise* (New York: Doubleday, 2010), 201.

<sup>28</sup> Emily Thompson, "Noise and Noise Abatement in the Modern City," in *Sense of the City: An Alternate Approach to Urbanism*, ed. Mirko Zardini (Montréal: Canadian Centre for Architecture; Lars Müller Publishers, 2005), 197.

measures that depended on private sector investment such as architectural and industrial design, towards public sector strategies such as licensing and policing. In fact, it is precisely this shift from private to public, and from preventative to punitive, that characterizes the ebbs and flows of urban noise control in subsequent decades.

The common thread that unites La Guardia's approach with that of the NAC is the construction of urban noise as an "object to be contemplated" and a problem to be solved, whether by scientists and engineers or by judges and police officers.<sup>29</sup> In both cases, the ephemeral nature of sound is brought into the domain of rationality in part by making it visible, which is a precondition for making it controllable.<sup>30</sup> By visually representing sound in the form of noise maps, decibel readings, and police reports, noise is brought into what Henri Lefebvre terms "conceived space": the space of "scientists, planners, urbanists, technocratic subdividers and social engineers" but also of policing and the state.<sup>31</sup> Prior to launching the Noiseless Nights campaign, La Guardia directed every member of the New York City Police Department to report the details and circumstances of every noise offense, in writing, to their Commanding Officers, "who will retain these reports in such a manner that when called upon they can immediately furnish statistics of their activities."<sup>32</sup> These statistics, which were aggregated by borough and presented in chart form, were provided to the press in daily briefings and became a key part of its coverage of the campaign, as well as a measure of its success. In this respect, the war on noise

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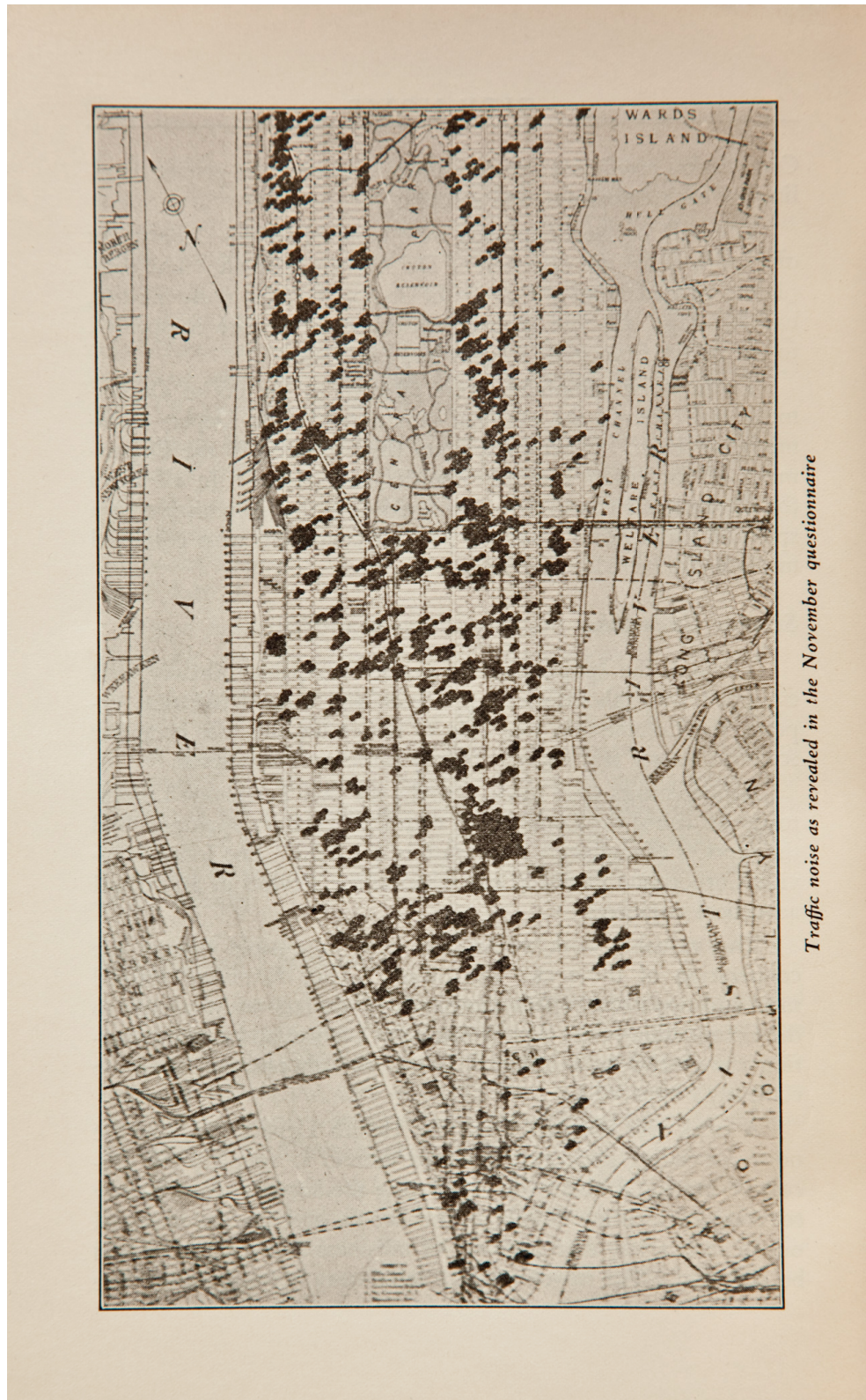
<sup>29</sup> Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction* (Durham: Duke University Press, 2003), 9.

<sup>30</sup> Smilor, "Confronting the Industrial Environment: The Noise Problem in America, 1893-1932," 228.

<sup>31</sup> Henri Lefebvre, *The Production of Space* (Cambridge, MA: Blackwell, 1991), 38.

<sup>32</sup> La Guardia, "Noise Abatement Campaign: Miscellaneous Press Releases."





**Figure 1.** "Traffic Noise as revealed in the November questionnaire." Noise map produced by the Noise Abatement Commission. Edward Brown et al. eds., *City Noise* (New York: Department of Health, 1930), 30.

employed a nascent form of crime mapping, which would become a central tool in subsequent quality of life campaigns.

### *The Judge*

The judge who presided over the Lewises' complaint was Major Henry Curran, a New York City Magistrate who had been appointed to the bench by La Guardia.<sup>33</sup> Curran had earned a reputation as one of the city's more colorful public officials, which he crafted over a long career in public service and cemented in a memoir he published shortly after hearing the Lewises' case. A Fusionist Republican and self-described "highbrow," Curran served variously as a New York City Alderman, the Borough President of Manhattan, a Federal Immigration Commissioner, and, briefly, La Guardia's Deputy Mayor before his appointment as City Magistrate.<sup>34</sup> However, it was his role as a champion of quiet in Depression-era New York that earned him his greatest notoriety as a public figure, as well as a place in the history of urban noise control.

Curran's involvement with anti-noise activism began with the formation of the group the League for Less Noise (LLN) in 1935.<sup>35</sup> The League was a continuation of an earlier group, the Noise Abatement Council, which was formed by a consortium of civic organizations in May of 1934 and headed by a former director of the Noise Abatement Commission, Edward Fisher Brown.<sup>36</sup> The stated goal of the Council was to revive interest in the recommendations of the NAC, which had languished since Walker's resignation, and specifically to lobby for implementation of the anti-noise laws it had proposed. As Brown told reporters, "with the new

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<sup>33</sup> "Jonah J. Goldstein Sworn in as Judge: Curran New Magistrate," *New York Times*, May 23, 1936, 3.

<sup>34</sup> Henry H. Curran, *Pillar to Post* (New York: Charles Scribner's Sons, 1941).

<sup>35</sup> "La Guardia Backs Anti-Noise Drive: Message to First Meeting in Movement Urges Ending of 'Bedlam' in New York ", *New York Times*, May 17, 1935, 23.

<sup>36</sup> "Civic Groups Open New Drive on Noise," 15.



deal at City Hall and with emphasis being placed on public health, it is believed that civic organizations again have an opportunity to press for this legislation".<sup>37</sup> Beyond securing mayoral approval of the ban on loudspeakers, however, the Council would have little impact, and the following year it was incorporated into the larger and more active League for Less Noise.<sup>38</sup> As with the SSUN before it, the LLN's membership was composed of members of the city's civic and business elites, over 100 organizations in all, and included representatives of the Police and Health Departments, the Academy of Medicine, commercial and real estate organizations as well as company executives. At its inaugural meeting, the group unanimously elected Ernest H. Peabody, the president of the Peabody Engineering Corporation, to the position of President, and Curran, who attended in Mayor La Guardia's stead, as Vice President of the organization.<sup>39</sup>

The League's first order of business was to organize a conference on the subject of noise, which was held on May 17, 1935. Speakers included former Health Commissioner Shirley W. Wynne, who had spearheaded the earlier NAC, and a host of medical and academic experts on the health effects of noise, who together called for an end to New York's "bedlam."<sup>40</sup> The group had already secured a commitment from the city, and La Guardia sent a message of support with Curran that stated: "I heartily approve of the formation of the League for Less Noise."<sup>41</sup> In the months that followed, the League played a central role in the war on noise, by turns advising the Mayor and exhorting him to do still more for their shared cause. Perhaps its most important contribution was facilitating a trans-Atlantic dialogue with European anti-noise organizations,

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<sup>37</sup> Ibid.

<sup>38</sup> "La Guardia Backs Anti-Noise Drive: Message to First Meeting in Movement Urges Ending of 'Bedlam' in New York," 23.

<sup>39</sup> "Anti-Noise Group Elects: E.H. Peabody President -- Curran and Wynne Get Posts," *New York Times*, July 5, 1935, 35.

<sup>40</sup> "La Guardia Backs Anti-Noise Drive: Message to First Meeting in Movement Urges Ending of 'Bedlam' in New York," 23.

<sup>41</sup> Ibid.

whose efforts had resulted in successful legislation against the unnecessary honking of automobile horns.<sup>42</sup> In fact, the League's first project was to lobby La Guardia for an amendment to the Administrative Code outlawing the same, which was modeled on a Paris ordinance and adopted the following year.<sup>43</sup> The League also hosted lectures by European anti-noise activists, who brought word of successful noise abatement developments in England, France, Germany, and beyond<sup>44</sup>.

Curran, meanwhile, was appointed as the city's "unofficial" Noise Abatement Commissioner, and together with La Guardia and Father Knickerbocker (the star of the city's educational campaign), he became the public face of the movement for urban quiet. It was in this capacity that he was sent to London on a fact-finding mission, after which he reported that the English metropolis had all but eliminated the problem of urban noise.<sup>45</sup> In articles written for the *New York Times*, he admonished New Yorkers for being too patient with the din of their "dreadful" city, while in a speech he gave at a meeting of the Woman's Forum, he harkened back to the pleas of Julia Rice and the SSUN by insisting that noise was not merely a problem of physical well-being but of poor manners as well.<sup>46</sup> Quiet, in Curran's conception, was an urban right, one that European capitals had apparently already achieved and which New Yorkers had

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<sup>42</sup> Karin Bijsterveld, "The Diabolical Symphony of the Mechanical Age: Technology and Symbolism of Sound in European and North American Noise Abatement Campaigns, 1900-40," in *The Auditory Culture Reader*, ed. Michael Bull and Les Back (New York: Berg, 2003), 180-81.

<sup>43</sup> Blanshard and Cooper, *Laws and Ordinances Relating to the Control of Noise*.

<sup>44</sup> George A. Soper, "Noise Combated in Cities Abroad: Leagues Formed to Abate Din -- Research and New Laws Aid Education Work," *New York Times*, November 24, 1935, E12.

<sup>45</sup> "Curran Returns for Fight on Noise: Plans to Attack Obnoxious Sounds One by One -- Auto Horns and Drills First," *New York Times*, August 23, 1935, 17.

<sup>46</sup> "Safety Aim Is Seen in Anti-Noise Drive: Better Manners an Objective Also, Major Curran Says at Woman's Forum," *New York Times*, October 19, 1935, 19.



**Figure 2.** New York's Father Knickerbocker was enlisted to aid La Guardia's anti-noise drive, calling for "Quiet, Please!" in this promotional campaign. In Fiorello H. La Guardia, "Noise Abatement Campaign: Miscellaneous Press Releases," (City of New York: Office of the Mayor, 1935). Courtesy New York Public Library.

yet to learn was possible. Moreover, noise was a grave aesthetic affront, which defiled not only the ears but the entire human sensorium:

We New Yorkers carry patience to a fault when we put up with some of the nuisances which we create among ourselves. We do not take very good care of our

own five senses. A trip in the subway turns our sense of touch into something other than poetry. A good look at some of our civic statues makes our eyes grow sad. A slight sniff of an occasional bouquet-de-slaughter house brings a specific kind of distress to our noses that has nothing to do with hay fever. A taste or two of prohibition home brew has darkened the lives of some of us beyond repair.<sup>47</sup>

Curran brought his superior sense of aesthetics to the city court, where he began hearing noise complaints in his capacity as Magistrate, and, as in the Lewises' case, his playful demeanor ensured that they received ample news coverage. Curran, who fancied himself not only a gourmand and literary critic but also a connoisseur of serious music, often took it upon himself to advise offenders on the aesthetic value of offending sounds, and, in cases involving street musicians and peddlers, he even requested that the instruments be played in court so that their sounds could be judged as "music" or "noise."<sup>48</sup> In the case of a scissor-grinder who had been brought before another magistrate's court on charges of violating the noise ordinance with his bell, Curran provided the plaintiff with "a short dissertation" on bells, which he was instructed to give to the judge: "Take the bells to court with you and ring it before the judge, so that he can tell whether it is a good bell or a bad bell. Then ask the judge if he ever heard those gentle bells of St. Mary's or the deep clangor of Big Ben or the chimes of Christmas Eve as they ring all around our twirling world".<sup>49</sup> Despite Curran's intervention, the scissor-grinder was found guilty and received a suspended sentence. By contrast, Curran advised a young saxophonist who had written to him to ask when he was legally permitted to rehearse that:

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<sup>47</sup> "Curran Returns for Fight on Noise: Plans to Attack Obnoxious Sounds One by One -- Auto Horns and Drills First," 19.

<sup>48</sup> Curran, *Pillar to Post*.

<sup>49</sup> "Curran Defends a Scissors-Grinder's Bell, but Court, in Audition, Denies It Is Musical," *New York Times*, March 8, 1939, 19.

[t]here is something about the saxophone that makes the most ordinary people either burst into tears or cheerfully do murder. I don't know what it is but I have seen a good dog, at the first sound of that instrument, turn his nose skyward and howl bitterly and would not be comforted. I have seen two-fisted tomcats run for their lives at the first sound of the saxophone.<sup>50</sup>

According to the saxophonist, who immediately protested to the *Times*, his question about the noise ordinance remained unanswered.

Curran's careful appraisal of the good and bad qualities of sound reveal that the term "noise" is the final verdict in a process of aesthetic judgment that is always and necessarily social. As with all forms of perception, the meaning that is accorded to different sounds varies on the basis of who hears them, when they are heard, and in what social and sensory contexts; or, as Hillel Schwartz notes, "[b]y its very definition, noise is an issue less of tone or decibel than of social temperament, class background, and cultural desire, all historically conditioned."<sup>51</sup> In Curran's rulings and even more plainly in his writings, there exists an overriding concern with aesthetic quality, and therefore with the performance of social distinction: the bell of the scissor-grinder is "good," while the saxophone is not, just as Finnish caviar is preferable to Russian, and a good wine to a bad one.<sup>52</sup> In the context of the economic polarization of the Depression, such displays of connoisseurship on the part of a public official seem insensitive at best and faintly ridiculous at worst, but they also serve to underscore the central role of taste and class in the evaluation of sounds' necessity, and, by extension, in their role in the everyday life of cities. Curran's pronouncements echo the aristocratic tones of the noise abatement campaigns of the

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<sup>50</sup> Curran, *Pillar to Post*, 351-52.

<sup>51</sup> Hillel Schwartz, "Beyond Tone and Decibel: The History of Noise," *The Chronicle of Higher Education* 44, no. 18 (1998): B8.

<sup>52</sup> Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Cambridge, MA: Harvard University Press, 1984).

nineteenth century, which were as much about reinforcing social distinctions that had become increasingly blurred as they were about sound. In the case of twentieth century New York, increased physical proximity between the upper and lower classes required the reinscription of boundaries between them, both on the level of spatial segregation through zoning and land use regulation as well as sensory segregation in the arena of aesthetic practice. Although the NAC had determined that the worst of the city's noises emanated not from saxophones or poorly tuned bells but from sources such as construction and automobile traffic, Curran's speeches on the aesthetic value of New York's sounds created an important discursive link to other historical moments, when they more clearly marked the separate social spheres of its residents.

### *The Mayor*

Although much has been written about La Guardia's long tenure as Mayor, scant attention has been paid to the anti-noise campaign he personally directed. Noise was one of multiple urban blights that he was determined to eradicate, and as he made clear in numerous public statements, he approached noise as an aural barometer of the chaos of New York City. Certainly, the office he inherited from Walker and the city he was charged with managing were in deep disarray, and the ravages of the Depression had taken a toll on both. At the time that La Guardia took office, the city budget was in shambles and its departments riven by graft, and one of his first tasks as Mayor was to balance the city's books while simultaneously cracking down on the common practice of bribery. Beyond the confines of City Hall, the Depression had thrown one in four New Yorkers out of work, and the city's parks were filling with tent cities populated by individuals who could no longer afford their tenement rents. Further, New York was just emerging from the era of Prohibition, and the mafia networks which had coalesced and

strengthened around the sale of bootleg liquor had dispersed into smaller gambling rackets. Incensed by the “tin horns and chiselers” who had fanned out into virtually every neighborhood in the city, La Guardia set out to rid New York of an entire substratum of economic activity that was permeated by criminal elements.<sup>53</sup>

La Guardia’s response to the difficulties the city faced was characteristic of his complex and often contradictory political sensibility. At once a reformer and a Republican, a labor supporter and an anti-Communist, a “man-of-the-people” and a cultural elitist, the solutions he proposed were viewed by his detractors and even some of his supporters as a program of near-dictatorial reforms. During the first years of the war on noise, La Guardia benefitted from a municipal political structure that was newly free of Tammany control, and which therefore afforded him a degree of power that was both resented but also largely unchecked. In collusion with Commissioner Valentine, he implemented many urban reforms by mayoral fiat, a strategy that caused little alarm as it was perceived to be directed against the criminal, sexual, or economic underclass. He balanced this law-and-order approach to urban governance against a Progressive agenda, which put into place many of the elements of the modern welfare state including rent controls, unemployment relief benefits, government-sponsored health care, and a commitment to the principles of collective bargaining. However, these reforms were accompanied by a crackdown on crime that was wide enough to include virtually all disorderly activity.<sup>54</sup>

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<sup>53</sup> Thomas Kessner, *Fiorello H. La Guardia and the Making of Modern New York* (New York: McGraw-Hill, 1989); H. Paul Jeffers, *The Napoleon of New York: Mayor Fiorello La Guardia* (New York: John Wiley & Sons, 2002).

<sup>54</sup> Kessner, *Fiorello H. La Guardia and the Making of Modern New York*; Jeffers, *The Napoleon of New York: Mayor Fiorello La Guardia*.



The war on noise, then, was part of a larger cleanup of the city that La Guardia often described in terms of reorganization. In a speech given a week prior to his election, he declared: “I was selected as the candidate for mayor not because of my political virtues, but because of my political vices. I pledge a nonpolitical administration, and I have only one purpose: to rehabilitate, reorganize, and preserve the city.”<sup>55</sup> Despite La Guardia’s insistence that his program was above politics, it was nevertheless steeped in the ideologies and prejudices that marked the period, the red scare chief among them. As the Lewises’ beleaguered reference to Communist Russia reminds us, New York in the 1930s was the American epicenter of radical leftist politics as well as the backlash against them. La Guardia was a fierce labor supporter, but he saw trade unionism as a bulwark against the more radical strains of socialism and anarchism that had gained an unprecedented level of support among the city’s working and cultural classes.<sup>56</sup> La Guardia was deeply conscious of the threat of violence, both real and imagined, that these groups posed, and with Valentine, he placed agitators under a program of continuous police surveillance and assembled a “Red Squad” to control demonstrations which had the potential to turn violent.<sup>57</sup> In this context, noise laws provided police with a means of constraining or disrupting political protests in a surreptitious manner: that is, not by prohibiting them, which La Guardia was keenly aware would arouse opposition, but by restricting the use of sound as a tool of political expression.

Noise complaints were used as a pretext to arrest strikers and other labor activists, whose right to picket was trumped by the imperative to prevent disorder. This balancing act was itself a process of negotiation that played out in New York’s courts over the course of the decade, as

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<sup>55</sup> Jeffers, *The Napoleon of New York: Mayor Fiorello La Guardia*, 238-39.

<sup>56</sup> Michael Denning, *The Cultural Front: The Laboring of American Culture in the Twentieth Century*, The Haymarket Series (New York: Verso, 1996).

<sup>57</sup> Jeffers, *The Napoleon of New York: Mayor Fiorello La Guardia*, 236.



labor rights were first recognized and then limited. In the case of a 1937 strike against the newspaper *The Brooklyn Daily Eagle*, the disruptive potential of picket lines was especially high as strikers picketed not only the offices of the paper but the businesses which advertised in it as well.<sup>58</sup> As the raucousness of labor protests spilled out from the city's industrial districts and threatened Midtown, business leaders lobbied the city and state governments to modify labor legislation so as to limit strikers' access to the area.

Meanwhile, *Daily Eagle* workers were subjected to an intimidation campaign that included arrests for conspiracy and for violation of the city's noise ordinance, ostensibly for addressing a crowd through a loudspeaker. When attorneys argued that the strikers had in fact secured a permit for the loudspeaker, as required by law, the magistrate asserted that the permit was for "talks on politics and not about strikes" and found the defendants guilty.<sup>59</sup> Soon afterward, the New York State Court of Appeals issued a ruling that codified unlawful picketing tactics, which included gathering in "mass formation" and "when there is shouting or use of loudspeakers in front of a picketed place of business."<sup>60</sup> The ruling was precisely in line with La Guardia's own views on the matter, which equated noise with political radicalism and which he summarized in an address to the American Student Union:

He cautioned the students against the idea that by 'making a noise' they would demonstrate that they were progressive or liberal. He advised them to distinguish between 'actual intellectual leadership and ordinary everyday hell-raising,' and

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<sup>58</sup> "Hearing Is Ordered in Eagle Strike Case: Magistrate Pinto to Take up Charges Monday--One Striker Guilty under Noise Law," *New York Times*, November 4, 1937, 19.

<sup>59</sup> Ibid.

<sup>60</sup> "Picketing," *New York Times*, December 9, 1937, 24.

between 'being liberal and just being ill-mannered.' He added that in his earlier days he had sinned himself in the last respect.<sup>61</sup>

In this sense, La Guardia espoused a form of sonic liberalism, which was respectful of existing political institutions, muted in its calls to action, and orderly above all. Noise, he knew, represented a threat of radical change to the political structures he was content to reform, and therefore to the whole of his Progressive agenda. As Jacques Attali explains, "every noise evokes an image of subversion," and La Guardia was clearly attuned to its disruptive and potentially revolutionary character.<sup>62</sup>

The fear of radical violence coalesced not only with class politics but also with race, which were deeply intertwined in interwar New York. The neighborhood of Harlem, which had blossomed into the nation's largest African American community and the site of the Harlem Renaissance, was economically devastated by the Depression, far more so than most other areas of the city.<sup>63</sup> Tensions between community residents and white police and business owners simmered throughout the decade and twice erupted during La Guardia's first term as Mayor, first in a melee that followed the police shooting of a black resident in 1934 and then in the Harlem Riot of 1935. Although La Guardia was, by some accounts, attentive to issues of racial discrimination and made genuine efforts to address the concerns of Harlemites in the wake of the riots, he nevertheless viewed these events as a consequence of radical agitation and therefore as justification for asserting increased control over the neighborhood's streets.<sup>64</sup> The war on noise followed closely on the heels of the March 19th riot, and, judging from newspaper reports,

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<sup>61</sup> "Mayor Chides Foes for 'Obstruction': Decries Liberals' 'Noise,'" *New York Times*, December 28, 1938, 44.

<sup>62</sup> Jacques Attali, *Noise: The Political Economy of Music* (Minneapolis: University of Minnesota Press, 1985), 122.

<sup>63</sup> Kessner, *Fiorello H. La Guardia and the Making of Modern New York*.

<sup>64</sup> *Ibid.*

Harlem was disproportionately well represented in the number of summonses it received. In fact, many of the sounds that had defined the neighborhood—those of street preachers, soapboxers, pushcart vendors—became key targets of the campaign, which was facilitated by a substantially increased police presence in the area.<sup>65</sup>

As Clare Corbould has observed, Harlem was uniquely defined by its sounds, which included the new genre of urban jazz but also encompassed a broader approach to aural space that was shaped by conditions of overcrowding and the cultural practices of recent arrivals from the rural South, the West Indies, and, to the east, Puerto Rico.<sup>66</sup> For La Guardia, who had been the Congressional Representative for East Harlem prior to its transformation, the neighborhood's aural culture was part of what made it strange to him, and therefore impossible to fully understand. By all accounts, he despised jazz, not only because it offended his aesthetic sensibilities, which had been shaped by years of classical music instruction, but also because it seemed a gateway to the “dives, “ “easy sex,” and “social problems” that he was determined to stamp out.<sup>67</sup> Worse, he heard syncopation itself as a form of “improvised disorder,” which mirrored the chaos that threatened to erupt in the streets at a moment's notice.<sup>68</sup> Although La Guardia did seek to improve the social conditions that plagued the area, he also sought to purify its culture, the value of which was beyond his comprehension.<sup>69</sup>

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<sup>65</sup> "Convicted for Loud Preaching," *New York Times*, June 10, 1936, 10.

<sup>66</sup> Clare Corbould, "Streets, Sounds and Identity in Interwar Harlem," *Journal of Social History* 40, no. 4 (2007).

<sup>67</sup> Kessner, *Fiorello H. La Guardia and the Making of Modern New York*, 371.

<sup>68</sup> *Ibid.*, 109.

<sup>69</sup> Vito Marcantonio, La Guardia's protégé and Congressional successor, would take a markedly different approach to the aural culture of East Harlem. In 1946, Marcantonio fought against a de facto curfew that had been imposed on the neighborhood's social clubs by police, ostensibly because of noise complaints but more likely as a pretext for cracking down on political activity. According to Matthew Murtagh, Marcantonio successfully framed the case as a civil rights issue,

In addition to anxieties about race, class, and leftist radicalism, concerns about immigration and the ethnic composition of New York simmered throughout the decade and were explicitly linked to the war on noise. La Guardia was himself the product of an “ethnic” family, being the child of a Jewish mother and Italian father (albeit one who was raised Episcopalian), and as his biographers have noted he was deeply conflicted about his own identity as an American. Born in New York City but raised in rural Arizona, he developed a strongly assimilationist position on the issue of immigration, insisting on the one hand that immigrants were an essential part of the fabric of American life but on the other that they had a responsibility to adopt the customs and values of the cultural majority.<sup>70</sup> This stance is evident in one of the key themes of the war on noise, which was directed against the cultural practices of ethnic New Yorkers who were singled out in the proclamation that announced the 1935 anti-noise drive: “Impromptu quartettes on street corners and carousing groups in the early hours of the morning will find hostile audiences in patrolmen on their beat. Imported customs, such as serenading under windows, will be taboo.”<sup>71</sup>

Unsurprisingly, then, one of the primary targets of the war on noise was the city’s organ grinders. The practice of organ-grinding had already been the target of anti-noise crusaders in Victorian England, who successfully fought for new bylaws to eliminate the barrel organ’s droning, repetitive sounds from the streets of London. As John Picker notes, their campaign was both classist and deeply xenophobic, conflating the sounds that so troubled the ears of England’s emerging middle class with the marginalized social status of its impoverished and foreign-born

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arguing that his district had been subjected to harassment and “malicious prejudices.” The curfew was subsequently lifted.

<sup>70</sup> Kessner, *Fiorello H. La Guardia and the Making of Modern New York*.

<sup>71</sup> “Mayor Orders End of Noises at Night; Day Drive Is Next,” *New York Times*, October 1, 1935, 1.

practitioners.<sup>72</sup> While the barrel organ had largely disappeared from London's streets by the late nineteenth century, inspiring a wave of fin-de-siècle nostalgia among the city's residents, the instrument continued to be heard in New York's streets, where German and later Italian émigrés made a meager living by playing them well into the new century. Still, by the 1930s the practice was already well in decline, the population of organ grinders having dwindled from 1500 in the



**Figure 3.** One of the last organ grinders legally permitted to perform in New York City. Photograph by Samuel H. Gottscho. “Organ Grinder and Monkey, Washington Heights.” (New York, NY: 1935.) Courtesy Museum of the City of New York, Gottscho-Schleisner Collection. 58.62.7.

<sup>72</sup> Picker, *Victorian Soundscapes*, 41-81.

1890s to 300 in the 1920s to several dozen in the mid-1930s.<sup>73</sup> In part, the decline was a consequence of earlier city ordinances that had branded the practice a public nuisance and implemented a licensing system that reduced their numbers considerably. Nevertheless, organ grinders who paid the \$10 licensing fee remained audible in Harlem, Washington Heights, and the Lower East Side until December 31, 1935, when La Guardia summarily revoked their licenses and forbade the issuance of new ones.<sup>74</sup>

La Guardia's biographers have noted a personal dimension to the mayor's hatred of organ grinders, which have roots in his experiences as a youth in Prescott, Arizona. Having observed La Guardia's father conversing with an organ grinder of Italian descent, the neighborhood children subjected him to a volley of xenophobic taunts. According to Thomas Kessner's account:

Fiorello was playing with friends one day when a strange-looking man came to town leading a red-capped monkey and carrying a hand organ. Passers-by would flip pennies at the man as the kids gathered round, ridiculing the old Italian. 'A dago with a monkey!' they screamed. 'I can still hear their cries,' La Guardia wrote a half century later. 'Hey, Fiorello, you're a dago too. Where's your monkey?'<sup>75</sup>

That these experiences stayed with La Guardia is hardly a surprise; however, the fervor with which he sought to banish organ grinders from the streets of New York betrays his discomfort with cultural practices that were rooted in the peasant traditions of immigrant communities, and his conviction that these were antithetical to a legitimately American identity. Because of it, La

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<sup>73</sup> Harold C. Schonberg, "A Turn of the Crank: The Hurdy-Gurdy Sound Is No Longer Heard in New York City," *New York Times*, December 24, 1961, X13.

<sup>74</sup> "La Guardia Backs Hand-Organ Ban: Sees 'Licensed Begging,'" *New York Times*, January 26, 1936, 13.

<sup>75</sup> Kessner, *Fiorello H. La Guardia and the Making of Modern New York*, 12.

Guardia approached noise abatement as one component of a broader civilizing process, the goal of which was to cleanse immigrant groups of the more distasteful vestiges of their ethnic heritage in order to modernize their habits and facilitate their Americanization.<sup>76</sup> Notably, La Guardia legitimized his campaign by insisting that organ grinders had “outlived their purpose,” as their social function had been replaced on the one hand by the advent of the phonograph and radio and, on the other, by city-sponsored public concerts, which he himself had implemented. “As far as music is concerned,” he said in response to a petition to reinstate the licensing system, “the organ grinder no longer fills a needed want.”<sup>77</sup> Although arguably true, it was also the case that the city had supplanted the traditional role of street musicians by incorporating music into a larger social and spatial program, one that was designed to “calm, uplift, and inspire” residents who had previously been left to their own aesthetic devices.

### *The Construction Project*

The construction work that had given rise to the Lewises’ complaint was a \$699,000 federal contract that was awarded to the Merritt-Chapman & Scott Corporation to lay concrete for the new East River Drive.<sup>78</sup> The drive was slated to become a nine-mile parkway on the east side of Manhattan and part of the Manhattan Loop, which would serve to connect the newly constructed Triborough Bridge to the borough of Queens. Work on the project commenced in 1934 but would not be completed until the mid-1950s, by which time the parkway had been renamed Franklin D. Roosevelt, or FDR Drive, after the president who had authorized the funding

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<sup>76</sup> Norbert Elias, *The Civilizing Process: Sociogenetic and Psychogenetic Investigations* (Malden, MA: Blackwell Publishers, 2000).

<sup>77</sup> “La Guardia Backs Hand-Organ Ban: Sees ‘Licensed Begging,’” 3.

<sup>78</sup> “Sutton Place Couple, Racked by Noise of East River Construction Job, Told to Wine and Dine on Contractor,” 29.



programs that financed it. The East River Drive project was part of a massive urban development campaign that brought the engineer Robert Moses from Albany to New York City, where he was appointed by La Guardia as both Parks Commissioner and head of the Triborough Bridge Authority in 1933.<sup>79</sup> Together, they worked to build a citywide system of parks, swimming pools, and other recreational spaces that were animated by their shared Progressive vision of a more beautiful and livable city; at the same time, Moses began constructing the bridges, tunnels, and parkways that would connect the island of Manhattan to the boroughs and beyond, anticipating the infinitely larger project of suburbanization that began in earnest after the Second World War.

For La Guardia, urban redevelopment was above all a means of putting thousands of unemployed New Yorkers back to work, while at the same time modernizing the city in advance of the 1939 World's Fair. The campaign was jointly funded by the Civil Works Association, the Works Progress Administration, and the Public Works Administration, which provided billions of dollars in federal financing for local development, a disproportionate share of which (\$1.1 billion during the first five years of La Guardia's mayoralty alone) was granted to projects in New York City.<sup>80</sup> La Guardia's modernization project was at root a process of spatial rehabilitation, the goal of which was to erase the disorder that characterized the poorest sections of the city, and, in so doing, to transform the way that New Yorkers used urban space. As Daniel Bluestone has noted, this was essentially an economic appropriation of public space, which had previously been characterized by the activities of the poor and working class and which La

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<sup>79</sup> Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York* (New York: Vintage Books, 1975), 360.

<sup>80</sup> Thomas Kessner, "Fiorello H. LaGuardia and the Challenge of Democratic Planning," in *The Landscape of Modernity: Essays on New York City, 1900-1940*, ed. David Ward and Olivier Zunz (New York: Russell Sage Foundation, 1992), 321.



Guardia and his supporters envisioned in terms of middle-class cultural norms.<sup>81</sup> Indeed, his political program was nothing if not an attempt to expand the city's emergent middle class, first by protecting their labor and then by protecting their sensibilities.

Notably, La Guardia's redevelopment campaign followed closely on the heels of a wave of gentrification that had transformed large swaths of the city in the 1920s, including the neighborhood the Lewises called home. The building that Mr. James C. Lewis and his eternally unnamed wife lived in was constructed in 1929, at the tail end of a real estate boom that had engulfed New York's East Side. Formerly a working-class neighborhood dotted with industries that used the East River as a transportation artery, the area saw its first wave of redevelopment in the 1870s, soon after the completion of Central Park. According to Steven Gaines' account, a shipping magnate by the name of Effingham B. Sutton correctly predicted that the city's wealthiest residents would soon run out of upscale apartment houses on Fifth Avenue and seek out suitable properties on neighboring streets. Convinced of their future worth, he assembled a small group of investors to build a block-long row of single-family townhouses between 57th and 58th Streets, along what was then called Avenue A, including one that he would live in himself. Unfortunately, Sutton did not see an immediate return on his investment and he was forced to declare bankruptcy, dying soon afterwards in 1897. However, his vision of the area as a future enclave for wealthy New Yorkers who were not quite wealthy enough to acquire property further west did come to pass, albeit several years later than Sutton had hoped. As a posthumous tribute to his foresight, New York's Board of Aldermen renamed the stretch of Avenue A he had tried to develop "Sutton Place."<sup>82</sup>

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<sup>81</sup> Daniel Bluestone, "The Pushcart Evil," *ibid.*, ed. David Ward and Olivier Zunz.

<sup>82</sup> Steven Gaines, *The Sky's the Limit: Passion and Property in Manhattan* (New York: Little, Brown and Company, 2005), 99-100.



**Figure 4.** The view from the corner of 56<sup>th</sup> Street and Sutton Place South, the location of the Lewises' luxury apartment house, during the real estate boom of the late 1920s. Photograph by Percy Loomis Sperr. "Manhattan: Sutton Place - 56th Street." *Photographic Views of New York City, 1870s-1970s / Manhattan*. (New York, NY: 1927; 1928.) Courtesy Milstein Division of United States History, Local History & Genealogy, The New York Public Library, Astor, Lenox and Tilden Foundations. 723484F.

By the time the Lewises purchased their apartment at Fourteen Sutton Place South, the street had undergone several phases of gentrification that began with a group of writers and artists who took up residence in a cluster of cold-water flats they called “The Arc.” In large part because of them, the area became known as a fashionable bohemian quarter, and, with the help of considerably wealthier bohemians than the Arc’s original inhabitants, including Mrs. Anne Vanderbilt and Miss Anne Morgan, the daughter of J. P Morgan, it once again came to the attention of real estate investors during the boom years of the 1920s. Rebranded as a playground for the “artsy, rebel” rich, Sutton Place and the nearby Beekman Place exploded in a flurry of luxury apartment-house construction headed by some of the city’s leading architects. In less than a decade, the East Side had been transformed from a slum into the location of some of the most desirable real estate in the city.<sup>83</sup>

The neighborhood’s transformation was temporarily halted by the Great Depression, which slowed the rate of development and left the area split between its original working-class inhabitants and its newer, tonier residents. This divide between rich and poor reflected the extreme stratification of wealth that had characterized much of New York during the Roaring Twenties and locked the area in an uncomfortable state of socioeconomic polarization. (In fact, so emblematic was Sutton Place of the condition that it became the setting of the 1935 Broadway play and subsequent 1937 film “Dead End,” which was set at the corner of 53rd Street and the East River, the juncture at which Sutton Place South begins its northward ascent.) In essence, the East Side spent much of the Depression in a state of suspended gentrification, which contributed to a sense of precariousness among its propertied class. To protect their neighborhood’s newly elite identity, residents lobbied to rename further stretches of Avenue A

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<sup>83</sup> Ibid., 100-02.

York Avenue, divesting it of its earlier associations with industrial production and the working class. They also asked the Board of Estimate to rezone the area between the Queensboro Bridge and Mitchell Place for exclusively residential use, which would result in the demolition of “antiquated” industrial buildings whose valuable land was later redeveloped. And when plans were announced to begin work on the East River Drive, residents fought the proposal until they received assurances from the city that their properties would not be adversely affected by its construction.

As construction on the project began, the city simultaneously embarked on a massive slum clearance program which targeted the eastern portion of the Lower East Side. Although the endeavor was only partially successful, leaving most of the neighborhood untouched, the program nevertheless facilitated the construction of the southern section of the parkway and the its first public housing projects, which were built there soon afterwards. At the same time, the city moved forward with plans to eliminate pushcart peddlers from city streets, first by licensing them and later by building a series of enclosed market buildings where they would be required to sell their wares.<sup>84</sup> Taken together, these measures functioned as a process of spatial containment, which brought various unregulated uses of space under the purview of municipal regulation and concentrated them in city-managed structures and locations. These were most often promoted in terms of Progressive ideals of health, safety, and cultural uplift, but they were also shaped by the economic interests of business and real estate associations which acted as an “urban growth machine” to lobby City Hall for strict controls on street-based economic activity.<sup>85</sup> Notably, these were the same organizations that had formed the Noise Abatement Council in 1934—e.g.,

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<sup>84</sup> Bluestone, “The Pushcart Evil.”

<sup>85</sup> Ronald Kramer, “Moral Panics and Urban Growth Machines: Official Reactions to Graffiti in New York City, 1990-2005,” *Qualitative Sociology* 33, no. 3 (2010): 304.

the Fifth Avenue Association, the Thirty-Fourth Street Mid-Town Association, the Central Mercantile Association, the New York Board of Trade, the New York Chamber of Commerce, the Merchants Association—and which had aggressively lobbied for municipal zoning laws that would prevent the encroachment of immigrants and the working class into the elite commercial districts of Midtown.<sup>86</sup>

Consequently, noise abatement figured prominently, and at times quite directly, in the spatial reconfiguration of New York, and several of its measures were directed against activities that were associated with the street-based economy, including itinerant musicians, pushcart sellers, and junkmen.<sup>87</sup> The last group, which made their living by collecting discarded goods for resale in poorer states and international markets, was especially heavily targeted by La Guardia's campaign, ostensibly because their shouts and "junkbells" contributed to the clamor of the city's streets. By the early 1940s, the noise ordinance had succeeded in decimating the profession, as it made the junkmen's primary means of securing goods—essentially, advertising through sound—illegal. In a last-ditch effort to save their livelihoods, the men formed the United Junkmen's Association of Brooklyn, which attempted to mobilize its members against the ordinance. According to the chairman, "[i]f we can't holler 'junk, rags, furniture, old clo', ' how can the housewives know we are there? If we cannot ring on our junkbells, how can they hear us?'"<sup>88</sup> Judging from newspaper reports, the Association was well aware of the economic basis of the city's reorganization. As it tried in vain to fight the noise ordinance, it also struggled to recast the profession in terms that were more palatable to middle-class sensibilities.

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<sup>86</sup> "Civic Groups Open New Drive on Noise"; Bluestone, "'The Pushcart Evil.'"

<sup>87</sup> *Resumé of New York City Anti-Noise Ordinances*, (City of New York: Police Department Noise Abatement Program, 1937).

<sup>88</sup> Meyer Berger, "About New York," *New York Times*, April 3, 1940, 28.



If you stick with us you will be recognized as decent gentlemen. You will be able to make maybe a couple pennies and bring home a loaf bread; a bottle milk to support your family. [ . . . ] [I]f a housewife has got an item wort' three dollars and she wants, maybe, six dollars, be always a gentleman; a credit to the profession. Don't say to this woman 'The Hell wit' it.' Don't do this. Tip your hat. Be nice. Don't even slam the door. Say "Lady, t'ank you just the same.' This you got to do if you don't want the public to look on us like low class. We must be gentlemen, and we'll make money, even in a crisis.<sup>89</sup>

Of course, their efforts were in vain, but the record of them provides a rare and telling glimpse of the other side of the war on noise.

Even the construction of public playgrounds, a benign enough endeavor, was linked to the need to control public space. The announcement of the 1935 anti-noise drive inspired a flood of written complaints, over 15,000 of which were delivered to City Hall.<sup>90</sup> Among the sources of annoyance was the sound of children playing, as was reported by the *Times*:

A major contribution to the uproar of the city's streets is the noise of children roller-skating, or otherwise playing, with the loud screams inseparable from the recreation of the young. [ . . . ] "We're building playgrounds as fast as we can," says the spokesman for the Mayor. "Eventually, there may be room for all the children to play in them".<sup>91</sup>

Here, the segregation and concentration of land uses—in this case, of public recreation—is tied to the control of sound, and once again to issues of class, race, and ethnicity. The cacophony of

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<sup>89</sup> Ibid.

<sup>90</sup> "The City Cries out for an End of Noise: A Flood of Complaint and Approval Starts Off the Mayor's Campaign for a Quieter Town," *New York Times*, September 29, 1935, E12.

<sup>91</sup> Ibid.

children playing in the streets would have predominated in areas that were characterized by greater residential density and which were underserved by public parks: the Lower East Side, for example, or Harlem. Tellingly, Moses did little to improve the socioeconomic conditions of either community, as he deliberately favored white middle- and upper-class neighborhoods in his building plans and famously discouraged African Americans from using the facilities he constructed.<sup>92</sup> Nevertheless, the suggestion that even children needed to be managed by the city, and, correspondingly, that the sounds they made were a problem to be solved, speaks volumes about the pervasiveness of the desire to rationalize every facet of urban life.

Ironically, the explosion of urban development headed by La Guardia and Moses created its own noise problems, which shattered the peace of upscale residential streets like Sutton Place and drove at least two of its residents to try to use the city's legislation against itself. However, while the Lewises' did not win their case, they did receive the acknowledgment and sympathies of the court, which validated their status as victims of noise. This was not the first time that residents of the area had received such consideration; several years before, when the construction of the East River Drive was still in its earliest stages, city officials met with area residents to hear their concerns about the disruption that the project would cause to their elite neighborhood. In response, engineers drafted plans that would minimize noise both during the construction process and after the project's completion, including landscaping and traffic control measures.<sup>93</sup> Knowing this, it is impossible not to wonder, if only rhetorically, whether other New Yorkers received similar consideration. Were residents of the Lower East Side consulted about the slum clearance process? Were Harlemites asked what effect a ban on pushcart peddling would have

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<sup>92</sup> Caro, *The Power Broker: Robert Moses and the Fall of New York*, 510-14.

<sup>93</sup> "Land Owners Fight East River Drive Plan; Want It Roofed, If Built, to Stifle Noise," *New York Times*, September 20, 1936, N9.

on the street life of their neighborhood? Was the advice of the Junkmen's Association solicited alongside that of the Fifth Avenue Association when the city drafted its noise ordinance? Certainly, the war on noise affected New Yorkers in vastly different ways, for the simple reason that New Yorkers, like all city-dwellers, inhabit their city in vastly different ways.

By placing sound at the center of a municipal campaign to control disorder, La Guardia presaged later approaches to urban management that would conflate the everyday annoyances of city life with criminal acts. Echoing Attali's assertion that "noise is a simulacrum of murder," La Guardia's administration held that the sound of an amplified voice on a picket line veered dangerously close to the chaos of a full-fledged riot, and that the need to prevent the one justified the forceful silencing of the other.<sup>94</sup> By equating the sounds of protest, begging, or even certain kinds of music with the commission of violent crimes, La Guardia's war on noise foreshadowed the "broken windows" theory of urban policing, which became the founding doctrine of Rudolf Giuliani's notorious crackdown on crime in the 1990s.<sup>95</sup> Citing La Guardia's administration as a wellspring of inspiration for his own, Giuliani would make noise a "quality of life" issue, which masked the connection between sound and the African American, Latino/a, and homeless communities whose neighborhoods were the targets of his zero tolerance approach to policing.<sup>96</sup>

Similarly, La Guardia's war on noise was waged in a larger context of spatial reconfiguration that foreshadowed the postwar redevelopment programs that destroyed entire neighborhoods and dispersed the communities that had resided there. Whether in the massive

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<sup>94</sup> Attali, *Noise: The Political Economy of Music*, 26.

<sup>95</sup> George L. Kelling and Catherine M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (New York: The Free Press, 1996).

<sup>96</sup> Andrea McArdle and Tanya Erzen, *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (New York: New York University Press, 2001), 19-49.



urban renewal projects directed by an unchecked Robert Moses or the private sector developments favored and facilitated by the Giuliani and Bloomberg administrations, marginalized communities have been alternately contained and displaced to make way for new capital flows into their neighborhoods. Those that remain have been subjected to increasingly stringent constraints on their aural and spatial practices, such as those deployed by Mayor Bloomberg's Operation Silent Night, which targeted newly gentrified districts as a precursor to revamping the city's noise code.<sup>97</sup> In this sense, noise control has been a central strategy in securing the borders of what Neil Smith terms "the revanchist city," as disputes over sound necessarily reflect social struggles over space.<sup>98</sup> Acknowledging this relationship is a vital first step toward understanding the cultural dimensions of sound, which only become audible in the context of lived space.

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<sup>97</sup> Mayor Michael R. Bloomberg, "Improving Our Quality of Life: Operation Silent Night," press release, Office of the Mayor (City of New York, 2002).

<sup>98</sup> Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (New York: Routledge, 1996).

## CHAPTER TWO

### NEW YORK'S SOUND DEVICE ORDINANCE AND THE LIBERALIZATION OF THE PUBLIC SPHERE

Outside, facing the city, the arena displays a lifeless wall; inside is a wall of people. The spectators turn their backs to the city. They have been lifted out of its structure of walls and streets and, for the duration of their time in the arena, they do not care about anything which happens there; they have left behind all their associations, rules and habits. Their remaining together in large numbers for a stated period of time is secure and their excitement has been promised them. But only under one definite condition: the discharge must take place inside the arena.—Elias Canetti, *Crowds and Power*

As the *Brooklyn Daily Eagle* strikers were well aware, the 1936 noise ordinance contained a provision that restricted the use of loudspeakers in public places. The law preceded the general ordinance by several years and remains on the books almost eighty years later, which underscores its continuing importance to the city's management of sound, and amplified speech in particular. The law also highlights the way that sound technologies are implicated by the problematization of noise and the role they play in shaping the public sphere, which are among the central themes of this chapter. On the one hand, the regulation of amplified public speech is rooted in cities' long-standing desire to control noise as a means of preventing annoyance and social disorder. On the other, noise is not a singular or stable phenomenon but a constantly shifting assemblage of social, cultural, and political forces, which align in different ways at different historical moments. For this reason, noise invites and merits analyses that are sensitive to both its historical dimensions and geographical contexts, and which in turn reveal the specificities of the impulse towards

regulation as well as its effects. It also demands an analytical approach that combines a healthy dose of skepticism about claims that anything involving the act of hearing is “natural” or beyond ideology with a genuine curiosity about why particular people at particular points in time hear things the way they do.

The sound technologies that are implicated by regulatory discourses about noise call for a similarly nuanced investigation. In Jonathan Sterne's discussion of Pierre Bourdieu's concept of habitus, he proposes a "social praxeology of technology" that attends to the conscious construction of the research object and to the specificity of technological practices.<sup>1</sup> Technology is not a "thing," Sterne reminds us, but a crystallization of historicized and deeply embodied operations, techniques and dispositions that are profoundly contextual. Only by situating technologies in a larger field of power relations, social structures and capital forms does it become possible to see how power enables certain practices while disabling others, thereby shaping what technologies are and how they are used at different conjunctures.

In the case of New York City's sound devices law, a conjunctural approach reveals that the ordinance was shaped by the social, political and technological forces that dominated the period between its adoption in 1930 and its first major legal challenge in 1948. First, the commercial dissemination of loudspeaker technology and its use in public address systems created a new form of mass communication that dramatically expanded the acoustic range of political speech, in the process transforming the size and character of public assemblies. Second, the desire of city administrations to constrain the activities of radical political movements on both the left and right led to the use of the ordinance to limit the territory that these movements could reach

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<sup>1</sup> Jonathan Sterne, "Bourdieu, Technique And Technology," *Cultural Studies* 17, nos. 3-4 (May-July 2003), 384-385.

through permit denials and other legal restrictions, particularly during the second Red Scare.<sup>2</sup> Thirdly, the rise of national network radio intersected with the regulation of amplified public speech to create the conditions for the postwar liberalization of the public sphere, which was accomplished in part by relocating political speech from the streets of the city to spatially and sonically contained indoor venues.

### *Public Address Systems and New York's First Sound Device Ordinance*

New York City's restrictions on amplified sound devices did not originate as a ban on public speech. Rather, they took a somewhat more circuitous route through the invention of the loudspeaker and its use in commercial advertising. In 1930, New York City's Noise Abatement Commission (NAC) submitted the first of a series of recommendations to Mayor James Walker, which aimed to end the city's bedlam. Appointed by Walker in 1929, the NAC was tasked with finding solutions to the problem of city noise, and the committee dutifully studied noise levels in various parts of the city to determine what the worst offenders were.<sup>3</sup> Although the largest number of complaints by far concerned traffic and transportation noise, 12% of residents identified the new technology of radio loudspeakers as a primary source of annoyance, particularly in the area surrounding Greenwich Street's Radio Row.<sup>4</sup> The loudspeaker had been invented in the 1860s, but the technology only became commercially viable in the mid-1920s, when it was marketed as a component in phonograph players and home radio sets. By 1930, Greenwich Street and its tributaries had become crowded with radio shops, which advertised their

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<sup>2</sup> My periodization of the American Red Scares follows from Larry Ceplair, *Anti-Communism in Twentieth-Century America: A Critical History* (Santa Barbara, CA: Praeger, 2011).

<sup>3</sup> Emily Thompson, *The Soundscape of Modernity: Architectural Acoustics and the Culture of Listening in America, 1900-1933* (Cambridge, MA: MIT Press, 2002), 157-158.

<sup>4</sup> Edward Brown et al., eds., *City Noise*, Noise Abatement Commission (New York City, NY: Department of Health, 1930), 27.

wares by placing loudspeakers on the sidewalks in front of their buildings and broadcasting the sounds to passersby.<sup>5</sup>

While the cost of radios was still beyond the reach of the average New Yorker, the shops became a meeting place for residents who gathered to listen to sports broadcasts, music programs and the news, and crowds routinely assembled to hear political speeches and election results. The noise of the shops became a nuisance to nearby businesses and residents, however, and their complaints prompted the NAC to draft an amendment to the New York City Code of Ordinances that forbade the use of loudspeakers on sidewalks and certain other public places except when granted a permit by the Police Commissioner.<sup>6</sup> Specifically, the ordinance banned the use of loudspeakers in front of or outside buildings, through windows or doorways, or from any structure “abutting on or adjacent to a public street or place.”<sup>7</sup>

The loudspeaker ordinance was passed unanimously by the Board of Aldermen on May 20, 1930, and the city’s press breathed an audible sigh of relief.<sup>8</sup> To aid enforcement of the law, Mayor Walker unleashed a squad of 110 “voluntary workers” to monitor shopkeepers’ compliance and alert the New York City Police Department (NYPD) to infractions, which were punished with arrests and steep fines.<sup>9</sup> The NAC also encouraged residents to report violations, instructing “if a citizen is disturbed by such illegally operated loudspeakers, notify the policeman on the beat or precinct headquarters.”<sup>10</sup> Their reports flooded in, and within a week the first charges under the new law were laid against a man named Joseph Krauss, which, the city hoped,

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<sup>5</sup> “Bedlam on Radio Row,” *New York Times*, May 25, 1930, 144.

<sup>6</sup> Brown, *City Noise*, 207.

<sup>7</sup> “The Anti-Noise Ordinances Which New York Has Passed,” *New York Times*, November 19, 1933, XX3.

<sup>8</sup> “Ordinance Forbids Street Amplifiers,” *New York Times*, May 21, 1930, 35.

<sup>9</sup> “110 Volunteers Patrol City in Drive on Noise,” *New York Times*, July 25, 1930, 1

<sup>10</sup> “New York Citizens Urged to Report All Unnecessary Disturbing Noises,” *The Christian Science Monitor*, May 26, 1931, 2.

would serve as a warning to other shop-owners who might have been tempted to flout the law.<sup>11</sup> For the moment, few did.

Although the NAC ordinance succeeded in temporarily silencing Radio Row, its language failed to anticipate another use of the loudspeaker, which, in 1930, was not yet prevalent enough to warrant the attention of city authorities. A few years later, however, its use as a component in public address systems would also become a target of municipal regulation. The public address, or PA system, is a hybridized form of technology that married the nineteenth century invention of the microphone, which had long been used in telephony and wireless radio broadcasting, to the amplification capabilities of the loudspeaker. First used for political speech in 1915 during a remote address by California Governor Hiram Johnson, the PA system came into its own in 1920, when it was used to amplify speeches at the Republican and Democratic national conventions.<sup>12</sup> The PA system's role as a "magnifier" of political speech was highlighted in both press accounts and the advertising campaigns of its primary commercial manufacturer, the Western Electric Corporation, as was its potentially transformative impact on the formation of an expanded hearing public. In its coverage of President Warren Harding's 1921 inaugural address, the *Times* breathlessly reported (on the basis of an industry trade publication) that "no less than a revolution" had been effected in the political arena:

In other years, many people who came to Washington for the inauguration didn't bother to go to the Capitol at all—they were content to see the parade. But this year people seemed to understand, would be different. They came to the Capitol in full confidence that they would be able to hear as well as to see, and they did. When the President began reading his inaugural address, it was immediately noticeable that he was heard by all present. In previous years even those who were fortunate enough to get within 100 feet of the

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<sup>11</sup> "First Loud-Speaker Operator Convicted Here Under Law Against Unnecessary Street Noise *New York Times*, June 5, 1930, 2.

<sup>12</sup> "Coliseum Audience to Hear Every Word," *Boston Daily Globe*, June 6, 1920, 15.

inaugural stand couldn't hear the speaker—they merely saw his lips move and noted his actions. But this time all heard and all understood. Whenever President Harding came to a passage in his speech that brought applause, the applause came from all parts of the crowd at the same time. In this, Mr. Harding was having an experience unknown to former Presidents.<sup>13</sup>

Similarly, Western Electric trumpeted the capacity of the PA system to dramatically enlarge the acoustic territory of public speech. In an ad that appeared in *Popular Science Monthly*, the company declared that “Today, even the edge of the crowd can hear,” contrasting a drawing of a crowd of “a few hundreds” that had heard the speeches of Abraham Lincoln with one of “unlimited thousands” that “now hear presidents.” Another ad featured a drawing of a teeming audience whose circumference is measured by a compass: “Widen the hearing circle,” the copy reads, “Let all in the hall hear every word with front-row ease.”

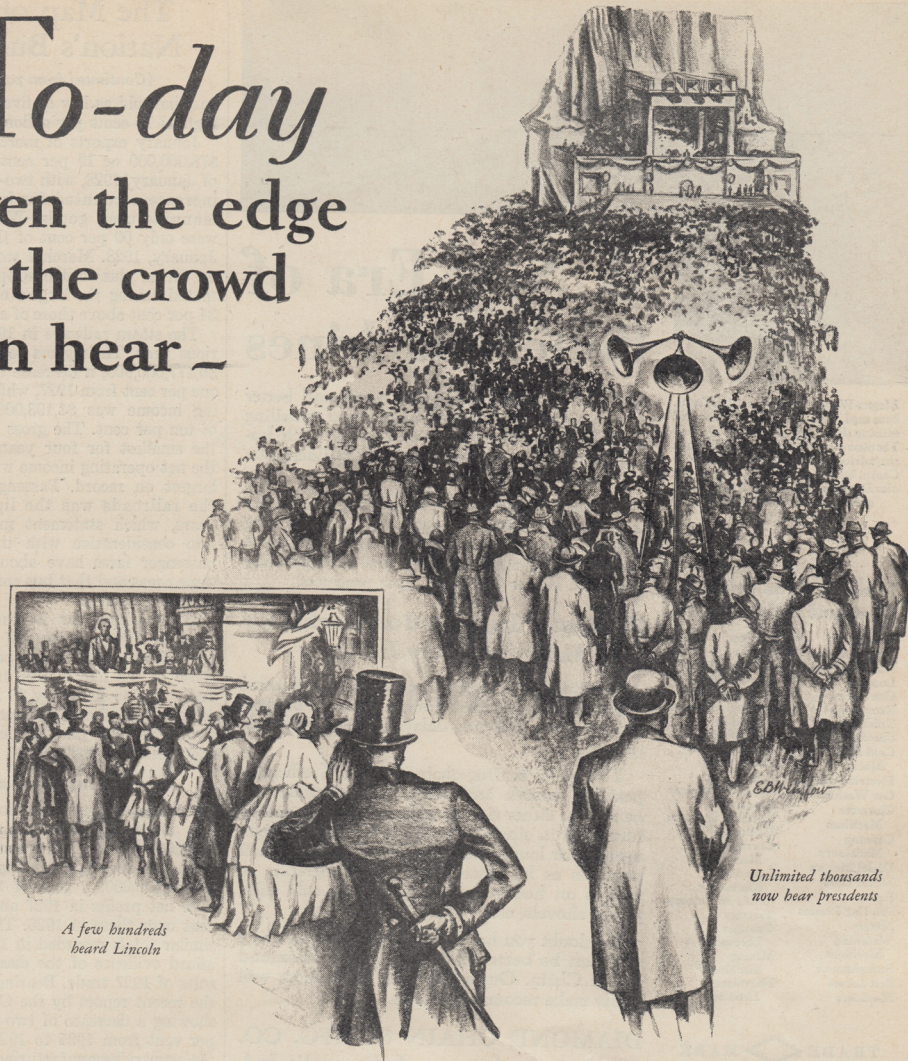
The ads render the “revolutionary” character of PA technology in clear visual terms: by expanding the acoustic territory of public address, it brought a new mass audience into being. Of course, large public gatherings were by no means new: as the American population expanded during the nineteenth century, political events became increasingly crowded affairs that demanded novel approaches to oratory. At tent meetings and stump speeches as well as rallies and parades, politicians addressed audiences that were growing rapidly in size as well as geographical scope. However, as the ads underscore, real-time political speech was constrained by the physical limitations of the human voice, which could be enlarged using vocal projection techniques or enhanced by acoustic design, but would still fail to reach still the majority of attendees. What was different after Harding's speech was the possibility that the crowds that assembled for political events could also be *listeners*, and that their attention could be directed towards orators in ever

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<sup>13</sup> “Harding Amplifier Fills Three Rooms,” *New York Times*, May 1, 1921, 37.



To-day  
even the edge  
of the crowd  
can hear —



*A few hundreds  
heard Lincoln*

*Unlimited thousands  
now hear presidents*

At present-day inaugurations of Presidents of the United States, everybody in the vast crowd assembled at Washington is able to hear every word of the ceremony. A Western Electric Public Address System, with its loud-speaking horns above the speaker's stand and at strategic points in the crowd, makes this possible.

This apparatus amplifies sound and distributes it to all parts of a city park or square or an indoor auditorium. In convention halls of hotels, it brings the speaker's voice loud and clear to people in the rear seats.

The Public Address System has a growing use in hotels, in amusement parks, in hospitals, where music or other entertainment can thereby be distributed from a single source to any number of places or rooms. The equipment is adapted to a wide range of

requirements... A product of the telephone art, the Public Address System is electrically and mechanically dependable. It is made by Western Electric and sold by Graybar Electric—two names that mean quality and service in things electrical.

**Western Electric**  
PUBLIC ADDRESS SYSTEMS

*Distributed by* GRAYBAR Electric Company

**Figure 5.** "Today even the edge of the crowd can hear," Western Electric advertisement, 1929, *Popular Science Monthly*, April 1929, 109.



larger numbers. Barry Blesser and Linda-Ruth Salter refer to this territoriality of hearing as an “acoustic arena,” a term that highlights both the spatial dimensions of acoustic perception and its materiality as a site that constitutes and defines an audience.<sup>14</sup> (It also foregrounds the role of hearing in the formation of the public sphere, which, in Hannah Arendt's formulation, is constituted by the spoken rather than the written word.<sup>15</sup>) Aided by the loudspeaker, PA manufacturers claimed, the capacity of the modern acoustic arena was potentially infinite.

Western Electric's advertising campaign also highlights the evolution of the PA system as a commercial product, which, over the course of the 1920s, saw the technology shift from rare uses by major political parties to a wider range of commercial establishments. At the time of Harding's inaugural address, the systems were still massive and highly temperamental devices: the “plant,” as reporters called the PA system, “consisted of a system of a given point, or a piece of metal the motors, generators, wires, transmitters, amplifiers and other electrical equipment, weighing several tons and filling three rooms.”<sup>16</sup> Worse, it could be disabled by a drop of water “the size of the head of pin,” a vulnerability requiring that every piece of the equipment be furnished in duplicate in case of breakdown, as well the employment of a team of sound men to monitor the horns of multiple loudspeakers throughout the venue.<sup>17</sup> The whole affair required days of sound tests in preparation for Harding's speech and likely cost thousands of dollars, an expense that kept the technology out of the reach of all but the highest echelons of the American political establishment.

As early as 1923, Western Electric engineers were designing smaller and, in relative terms,

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<sup>14</sup> Barry Blesser and Linda-Ruth Salter, *Spaces Speak, Are You Listening? Experiencing Aural Architecture* (Cambridge, MA: MIT Press, 2007), 26-27.

<sup>15</sup> Hannah Arendt and Margaret Canovan, *The Human Condition* (Chicago: University of Chicago Press, 1998), 3.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

182 THE AMERICAN CITY

# WIDEN THE HEARING CIRCLE



## FRONT-ROW HEARING IN EVERY ROW

Make public meetings really public. Let all in the hall hear every word with front-row ease. Do this by installing the Western Electric Public Address System.

This equipment picks up, amplifies and distributes sound throughout an auditorium, and to any desired number of rooms. Horns on the outside of the building bring the speaker's voice to overflow crowds or if necessary to gatherings of listeners in a distant public square.

Voices are reproduced clearly, naturally. Made by the makers of Bell telephones, the apparatus itself is reliable mechanically as well as electrically.

Send the coupon. You'll be interested to find out just how Public Address can serve your city.

GRAYBAR ELECTRIC CO., AC-11-30  
Graybar Building, New York, N. Y.  
Gentlemen: Please send us the story of the  
Public Address System.

NAME.....

ADDRESS.....

CITY..... STATE.....

## Western Electric

PUBLIC ADDRESS AND MUSIC REPRODUCTION SYSTEMS  
*Distributed by GRAYBAR Electric Company*

Why not remember to mention THE AMERICAN CITY?

**Figure 6.** "Widen the hearing circle," Western Electric advertisement, 1930, *American City*, June 1930, 182. simpler PA systems intended for commercial use. In a paper presented at a meeting of the American Institute of Electrical Engineers, I.W. Green and J. B. Maxfield identified the

importance of flexibility to commercial users, who would be reluctant to invest in the systems unless they were able to accommodate a variety of audience sizes and, therefore, a greater range of architectural spaces. Their improved system consisted of four functional components: a transmitter unit or microphone, a preliminary amplifier, a power amplifier and a receiver-projector unit, or loudspeaker, each of which faithfully reproduced its own input.<sup>18</sup> (Later, these would be reduced to three: microphone-amplifier-speaker.) These improvements helped to bring the price point of the systems low enough for Western Electric to seize upon their wider commercial potential, and by 1929, the company was marketing the devices to hospitals, schools, prisons, sports arenas, and hotels.<sup>19</sup>

Although PA systems never became a consumer good in the manner of radio sets and phonograph players, the drive towards greater flexibility—and portability—helped them to reach new markets in the early 1930s. In 1932, Bell Telephone Laboratories designed a miniature public address system which housed an amplifier, loudspeaker and control unit in a suitcase-sized case that weighed seventy pounds. As a *Times* reporter noted, not without concern, the unit was ideally suited to the street-corner political orators, or “spellbinders,” who fanned out across the city during each election cycle: “[w]hen the orator arrives at his indoor or outdoor meeting, all he does is to set the case down in a good place, plug in on the electric light line, pin the tiny microphone on his lapel, step up on the platform, and commence talking.”<sup>20</sup> By 1933, the systems were being featured in *American City* magazine, and popular science journals began to offer do-it-

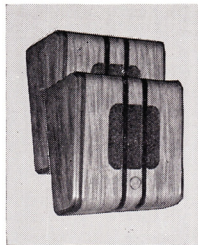
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<sup>18</sup> I.W. Green and J.P. Maxfield, “Public Address Systems,” *Journal of the American Institute of Electrical Engineers* 42, no. 4 (1923): 347-358.

<sup>19</sup> “Penn Installing Loud Speakers in Stadium So All Spectators Can Follow Every Play,” *New York Times*, April 13, 1926, 21.

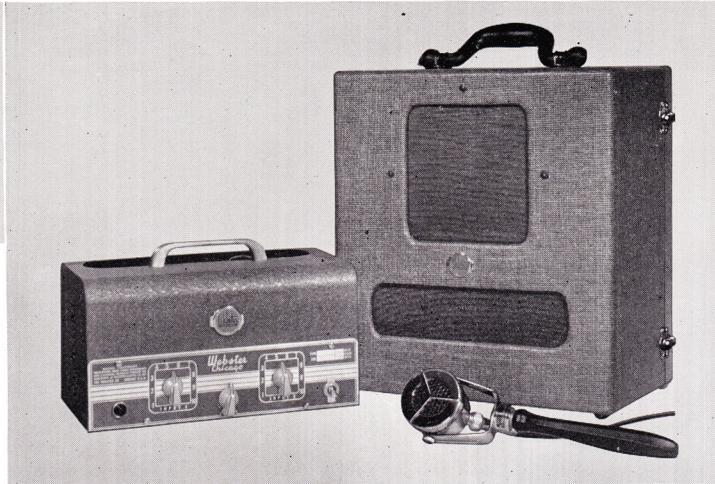
<sup>20</sup> “More Power for Spellbinders,” *New York Times*, October 30, 1932, XX6.

## 8 WATT AMPLIFIER SYSTEMS



W-2908

- Microphone and Phono Mixing
- Base Reflex Speaker Case
- Snap-Lock Input Plugs



PX-808 Portable System

- Variable Output Transformer
- Portable and Fixed Systems
- Light Weight, Compact



PX-808 (rear view)

**Figure 7.** 8-Watt amplifier systems," Webster-Chicago Catalog no. 139 (1939). Courtesy Preservation Sound

yourself instructions for amateur users.<sup>21</sup> Promotional materials by specialty manufacturers emphasized the compactness and portability of the systems as well as their suitability for mobile use, as they could now be easily mounted on the backs of trucks.

Candidates in New York City's 1933 municipal elections seized on sound trucks as a medium for political campaigning, and they rolled through the city's working class districts and eventually even through Midtown, blasting music and campaign speeches well into the late night hours.<sup>22</sup> Meanwhile, labor unions and a growing number of minority political organizations began using the devices for speeches at street demonstrations and on picket lines, which grew steadily in both number and size.

<sup>21</sup> "Compact Portable Public-Address System," *Popular Mechanics* (November 1932): 804; Walter J. Bronson, "Anyone Can Build This Inexpensive Portable Public-Address System," *Popular Science* (July 1935): 53-54.

<sup>22</sup> "City Registration Fair on First Day," *New York Times*, October 9, 1934, 1.



The rise of sound trucks as a political campaign tool is chronicled by Ronda L. Sewald, who correctly notes that their power to reach voters was harnessed by many candidates running for national political office, including the early adopter Louisiana Senator Huey Long.<sup>23</sup> However, she is less attentive to the importance of sound trucks to minor political parties, which increasingly relied on them as the major parties gravitated to radio for political advertising. Among these street orators was Congressman Vito Marcantonio, who inherited La Guardia's East Harlem congressional seat after his mentor became mayor and used sound trucks to mobilize his primarily Italian- and African-American and Puerto Rican constituency. According to biographer Gerald Meyer, Marcantonio used the devices to replicate the Italian tradition of the *festa*, or feast day, which turned his campaign speeches into boisterous outdoor spectacles that affirmed "the streets and public places belonged to the community residents."<sup>24</sup> As a former La Guardia staffer recalled,

[Marcantonio] took over the microphone and there ensued what can only be described as a mass phenomenon. He started slowly and spoke for some time. Then abruptly he struck his heel on the [sound] truck bed; it made a loud hollow noise and the crowd stirred. The cadence of his talk increased and soon the heel struck again. Again the pace quickened....His voice rose and now the heel struck more often with the beginnings of a real tempo. It began to sound like a train leaving the station. The crowd mirrored his growing excitement. At the climax, Marc was shouting at the top of his lungs and he was stamping his foot as hard and as rapidly as a flamenco dancer. The crowd pulsed to the rhythm and at last found release in a tumultuous, prolonged roar of applause. Because it was good theater, it was also great politics.<sup>25</sup>

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<sup>23</sup> Ronda L. Sewald, "Forced Listening: The Contested Use of Loudspeakers for Commercial and Political Messages in the Public Soundscape," *American Quarterly* 63, no. 3 (Fall 2011): 761-780.

<sup>24</sup> Gerald Meyer, *Vito Marcantonio: Radical Politician, 1902-1954* (Albany, NY: State University of New York Press, 1989), 101.

<sup>25</sup> Ernest L. Cuneo, *Life with Fiorello: A Memoir* (New York: Macmillan, 1955) 124-25.

This account foregrounds the difference between what Douglas B. Craig calls “old-time political oratory” and the quieter, more reserved speaking style that was favored by network radio.<sup>26</sup> If Franklin Delano Roosevelt was the master of the fireside chat, then Marcantonio was a virtuoso at street speech, a skill that he deftly articulated to his leftist political aims. For an urban and predominantly migrant proletariat that lived three to a room in East Harlem tenements, the street, and public space more broadly, was the primary site of political participation, and Marcantonio was well attuned to the importance of its acoustic dimensions. While some observers had heralded the death of the political orator as early as 1929, in East Harlem and many other districts of New York City, street speech remained central to the public sphere, ensuring that sound trucks would continue to serve a purpose and a constituency even into the television age.<sup>27</sup>

### *The Roots of Amplified Street Speech*

Broadly speaking, American public address can be viewed through the lens of two different traditions: the indoor lectures of the early nineteenth century Lyceum movement, and the outdoor assemblies of public meetings and parades, which correspond with Michael McGerr’s distinction between educational and spectacular campaign styles. However, there are also points of overlap and intersection between the two. An adult education movement that paralleled the spread of public children’s education, Lyceums brought liberal speech first to the “middling classes,” and were later appropriated by German-American socialists to instruct the urban working classes in Marxist analysis and union organization.<sup>28</sup> By the late nineteenth century, a network of Labor

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<sup>26</sup> Douglas B. Craig, *Fireside Politics: Radio and Political Culture in the United States, 1920-1940* (Baltimore: Johns Hopkins University Press, 2000), 170.

<sup>27</sup> *Ibid.*, 169.

<sup>28</sup> Kenneth Cmiel, *Democratic Eloquence: The Fight Over Popular Speech in Nineteenth-Century America* (New York: W. Morrow, 1990).

Lyceums had been established across the cities of the Northeast and Midwest, and, due in part to efforts by the Socialist Labor Party (SLP) to mobilize the growing number of Yiddish speaking émigrés, they quickly spawned a parallel network that served the Jewish-American community.<sup>29</sup> As Ruth Hunter recounts in her essay-memoir, the Labor Lyceums were a vital part of working class communities, which served many of the functions of the synagogue for non-Orthodox Jews.

For both parents and children the Labor Lyceum became our home away from home, a center for learning, political education and debate, cultural events, celebrations, and friendships. The Labor Lyceum housed a delicatessen, the branch office of the *Forward* newspaper, meeting rooms (including our *shule* classroom, where we studied Yiddish every day after school), and a large auditorium with a stage.<sup>30</sup>

In addition to this community-building function, they hosted lectures by speakers including Abraham Cahan, a founding editor of the *Jewish Daily Forward*, and by more radical figures like Emma Goldman, who was among a smaller but nevertheless significant number of female lecturers on the socialist circuit.<sup>31</sup> Here, elements of the liberal tradition merged with a populist approach to public speaking that foregrounded the affective dimensions of political speech; however, even the most raucous speeches were contained within indoor venues with a limited amount of seating ranging from several dozen to several hundred at most, and whose audiences could therefore be easily reached using traditional vocal projection techniques.

Street speech emerged in the context of labour activism in the late nineteenth century and became a key organizing strategy for the anarcho-syndicalist International Workers of the World

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<sup>29</sup> Tony Michels, *A Fire in Their Hearts: Yiddish Socialists in New York* (Cambridge, MA: Harvard University Press, 2005), 69-70.

<sup>30</sup> Ruth Hunter, "From Red Diapers to Protest Banners," in *Red Diapers: Growing Up in the Communist Left*, eds. Judy Kaplan and Linn Shapiro (Urbana: University of Illinois Press, 1998), 30.

<sup>31</sup> Michels, *A Fire in Their Hearts*, 82-87.

(IWW), whose Free Speech fights have been documented by Don Mitchell, Matthew May and others.<sup>32</sup> The IWW sought to organize workers “as a class” beyond the traditional settings of the factory and sweatshop, and particularly from within the ranks of temporary labourers and the unemployed. To reach these and other non-traditional workers, the IWW adopted the practice of “soapboxing” on street corners, using wooden crates, chairs, and other furniture as temporary stages from which to address crowds outside employment agencies and other public sites. These spontaneous outdoor assemblies resulted in a spate of municipal ordinances that banned street-speaking outright, and the IWW fought these by flooding local jails with soapboxers, a tactic that helped the union to publicize its cause and garnered a great deal of public sympathy. In his account of the street oratory of migratory farm labourers (a collectivity he terms the Hobo Orator Union), May underscores the IWW’s use of street-corner speech not merely as a communicative means to an end (i.e., an organizing tool) but as a political activity, and ontology, in its own right. As he notes, what’s most important about the IWW’s street speech is not the content of the speech per se but, how, as an embodied practice, it “speak[s] forth the being of the union in modes of collective behavior that prevent and ward off the state,” which differed from the more liberal approaches of the SLP.<sup>33</sup> It also foregrounds the importance of public spaces in the mobilization of marginalized communities.

Similarly, the suffrage movement used street speech to further the cause of women’s rights in the years preceding WWI, a tactic that revealed the different mobilization strategies of middle-class and working-class feminists. In her account of the New York City-based Progressive Union

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<sup>32</sup> Don Mitchell, *The Right to the City: Social Justice and the Fight for Public Space* (New York: Guilford Press, 2003).

<sup>33</sup> Matthew Scott May, *Soapbox Rebellion: The Hobo Orator Union and the Free Speech Fights of the Industrial Workers of the World, 1909-1916* (Tuscaloosa, AL: University of Alabama Press, 2013) 48.



(PU), Mary Chapman highlights the use of street speech and of noise more broadly as a militant sonic and spatial tactic.<sup>34</sup> Inspired by the British Woman's Social Political Union, PU members rejected the "ladylike" approaches favoured by mainstream suffrage groups, and instead appropriated accusations that speaking in public was "mannish" and therefore unseemly. As Mary Wing told those assembled for a suffragist countermeeting outside Carnegie Hall:

The suffragists believe in milder and more conciliatory methods—sitting in comfortable parlors and halls, don't you know, wagging their heads and declaring that it really is a shame how men monopolize the vote. They are mostly rich women, and can afford to hold hall parties and pity themselves. We on the other hand believe in standing on street corners and fighting our way to recognition, forcing the men to think about us. We glory in the reproach that we are theatrical. Dignity to the winds!<sup>35</sup>

In much the same way that the IWW challenged capitalism in spatial as well as rhetorical terms, PU members challenged patriarchy as much by occupying the public space of the streets as by calling for social reforms. Further, suffragettes were among the first protest movements to use Thomas Edison's acoustic "megaphone" to address the crowds that gathered for spontaneous assemblies, a tactic that members used to address street meetings from soapboxes, window ledges, and the trunks of automobiles.<sup>36</sup> By extending women's allegedly "weaker" voices into outdoor urban spaces, where they competed with the sounds of traffic, construction and the heckling of anti-suffragists, PU members anticipated the electronic amplification of public speech several years later.

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<sup>34</sup> Mary Chapman, *Making Noise, Making News: U.S. Suffrage Print Culture and Literary Modernism* (New York: Oxford University Press, 2014) 33-34.

<sup>35</sup> Mary Tyng, quoted in Chapman, *Making Noise, Making News*, 34.

<sup>36</sup> *Ibid.*, 35.

A distinct but equally important tradition is that of street preaching, a genre of public speech that coalesced in New York and other northern cities with the arrival of thousands of southern African Americans during the Great Migration. These migrants fuelled a rise in autonomous churches and religious sects which replicated aspects of the ecclesiastical cultures of the South while giving them a distinctly urban character; they also underscored the regional and class divisions that existed between many northern blacks and their southern counterparts.<sup>37</sup> The new sects met in storefront churches that flourished in African American neighbourhoods in north Manhattan and Brooklyn and were characterized by forms of emotional worship that were generally considered a nuisance by the storefronts' middle-class northern neighbours, and particularly by the leadership of the established black churches.<sup>38</sup> Street preaching accompanied the emergence of these new sects, and was often practiced by ministers who would later go on to establish storefront churches. As Wallace Best notes, these preachers ministered "not only outside accepted ecclesiastical boundaries, but outside the confines of a physical religious space altogether."<sup>39</sup> Notably, many of these preachers were women, who built large and devoted followings among the poorest of the southern migrants, and at least one, Father Clarence Cobbs, was widely assumed to be gay.<sup>40</sup> This suggests that the streets of cities like New York resonated with a diversity of voices that was largely absent from the mainstream political sphere.

In contrast to the restrained discourse of the original Lyceums, the expanded audience for street lectures demanded more vigorous oratorical techniques. To begin with, the outdoor speaker

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<sup>37</sup> Wallace Best, "The South and the City: Black Southern Migrants, Storefront Churches, and the Rise of a Religious Diaspora," in *Repositioning North American Migration History: New Directions in Modern Continental Migration, Citizenship, and Community*, ed. Marc S. Rodriguez (Rochester, NY: University of Rochester Press, 2005), 302-327.

<sup>38</sup> Ibid., 308-310, 319.

<sup>39</sup> Ibid., 319.

<sup>40</sup> Ibid.

had to compete with the sounds of traffic, construction, and hecklers, who were unrestrained by the audience etiquette that was expected at indoor meetings. Volume was therefore essential, whether it was produced bodily or electronically, as was the ability to extemporize in the face of interruptions. Further, speakers had to accommodate the mobile and transitory nature of the intended audience, the members of which were often en route to other destinations. To capture and sustain their attention, if only briefly, outdoor speeches had to be shorter and more theatrical than their indoor counterparts. Writing about the experience of open-air meetings at New York City's Rutgers Square, Tony Michels observes that "the best soapboxers did not dwell on a single point too long, but jumped from one idea to the next without spending more than a couple of minutes on each."<sup>41</sup> Further, the boundary between the speaker and the street audience was substantially more porous than that of the lecture hall. Out of doors, the crowd "did not necessarily wait to ask questions or state opinions: they might interject whenever they wanted to and sometimes even take the stand themselves."<sup>42</sup> This required a more spectacular approach to public speaking, one that added kinetics and emotion to the construction of rational arguments. These aspects of public oratory figured prominently in press accounts, and in mounting criticisms of the practice.

These traditions informed and shaped the street cultures of the interwar period, and helped to define a new kind of orator, the spellbinder, who occupied a central position on the American political stage. As Kenneth Cmiel notes, the term was first coined at an 1888 meeting of Republican campaign speakers in New York, which the press termed "the Spellbinders' Dinner," and by the 1890s it was the descriptor of choice for modern stump speaking.<sup>43</sup> The stump speech

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<sup>41</sup> Michels, *A Fire in Their Hearts*, 89-90.

<sup>42</sup> Ibid., 89.

<sup>43</sup> Cmiel, *Democratic Eloquence*, 248.

was an early form of mass political communication, which married the campaign speech with the technology of the railroad. Political candidates conducted national speaking tours on campaign trains, which criss-crossed an increasingly national political sphere. In contrast to the hours-long debates of the Civil War era epitomized by the Lincoln-Douglas debates, the speeches given from the backs of campaign trains had to be delivered loudly and quickly, and the candidates were forced to contend with the same distractible audiences that were a hallmark of the outdoor socialist meetings.<sup>44</sup> By the turn of the century, a new spellbinding industry had emerged to accommodate both a vastly increased number of outdoor venues and the need for greater theatrical skills on the part of orators, which essentially contracted out public speaking to a new class of professionals. By the 1920s the practice was widely viewed as a nuisance by the press, as well as one that was increasingly associated with—and tainted by—the left.

As Douglas B. Craig observes, the emergence of network radio in the late 1920s inspired hopes that the days of the spellbinder were numbered.<sup>45</sup> Samuel Blythe and other commenters of the period believed that the domestication of political communication would civilize the growing mass audience, a process that entailed both an aural dimension and a spatial one. By this time, the microphone had given rise to a new set of physical techniques that shifted the embodied aspects of vocal production away from their roots in the lecture hall and theatre and into the more disciplined—and constrained—space of the broadcast studio.<sup>46</sup> This “mic” technique was heard in the intimate singing style of crooners like Bing Crosby and Rudy Vallee, who reduced their degree of vocal projection relative to that of earlier recording artists, who still shouted into the horns that transcribed their voices into record grooves. It was also heard in the fireside chats of

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<sup>44</sup> Ibid.

<sup>45</sup> Craig, *Fireside Politics*, 168.

<sup>46</sup> Ibid., 168-170.

Franklin D. Roosevelt, who became the undisputed master of the new radio oratory.<sup>47</sup> In terms of performance—and both approaches are, ultimately, performative—the difference is in the main a matter of scale, as one presumes a large architectural space and the other the more intimate setting of both the site of acoustic production (the studio) and the site of reception (the domestic home.) The technology of the voice is, at root, an articulation of the body to a space via some form of technology, whether that technology is architectural (in the case of theatres), transportational (in the case of railway trains), or electronic (in the case of the recording studio), or some combination thereof. Radio, it was hoped, would reverse the course of political rhetoric, directing it away from the techniques of the co-present mass audience and back toward the more civilized forms of expression housed in the early, pre-socialist years of the Lyceums. It would soon become apparent that this was wishful thinking.

#### *La Guardia's Sound Device Ordinance and the Policing of Public Speech*

By the time Mayor Fiorello La Guardia took office in January, 1934, the streets of New York were alive with the sounds of amplified public speech.<sup>48</sup> After Walker's resignation in a corruption scandal, members of the NAC immediately began lobbying the new mayor to implement the anti-noise reforms they had proposed in their orphaned final report. Their efforts would inspire La Guardia's "war on noise," which began in earnest the following year and lasted until he left office in 1945.<sup>49</sup> However, the first shot in the war was fired in November, 1934, when he resolved to mute the blare of portable PA systems. Swamped by complaints about the

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<sup>47</sup> Bruce Lenthall, *Radio's America: The Great Depression and the Rise of Modern Mass Culture*. (Chicago, IL: University of Chicago Press, 2007), 88-90.

<sup>48</sup> James A. Hagerty, "LaGuardia Still Strong," *New York Times*, November 6, 1933, 1.

<sup>49</sup> Lilian Radovac, "The 'War on Noise': Sound and Space in La Guardia's New York," *American Quarterly* 63, no. 3 (Fall 2011): 733-760.

noise of the 1933 election, to which his own campaign had contributed, La Guardia ordered his Police Commissioner, Lewis Valentine, to draft an amendment to the Code of Ordinances to further restrict the use of loudspeakers in public places.<sup>50</sup> The proposed ordinance was adopted on December 18, 1934 and featured a number of key changes to the 1930 law, which are summarized in its first clause:

No person shall use or operate, or cause to be used or operated in front or outside of any building, place or premises, nor in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to a public street or place, *nor in or upon any vehicle operated, standing or being in or upon any public street, park or place where the sounds therefrom may be heard upon any street, park or public place, nor from any stand, platform or any other structure, nor from any aeroplane or any other device used for flying, flying over the city, nor on a boat on the waters within the jurisdiction of the city of New York, nor anywhere on the public streets, any radio devices or apparatus, or any device or apparatus for the amplification of any sounds from any radio, phonograph, or other sound making or sound producing device, or any device or apparatus for the reproduction or amplification of the human voice* without a permit from the police commissioner, *to be issued in his sole discretion, and upon such terms and in accordance with such rules as he may prescribe.* [Amendments in italics.]<sup>51</sup>

The amended material, as noted above, demonstrates the ordinance's shift from the original targeting of radio shops to amplified public speech, most plainly in the clause that is specifically directed at sound devices for the amplification of the human voice. Further, while the original ordinance was limited to sounds emanating from or nearby buildings, the amended version includes temporary structures such as the reviewing stands and platforms used at political rallies as well as automobiles and other vehicles. And, while the police commissioner is responsible for

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<sup>50</sup> "Curb On Amplifiers In Streets Ordered," *New York Times*, November 19, 1934, 4.

<sup>51</sup> Paul Blanshard and Irving Ben Cooper, *Laws and Ordinances Relating to the Control of Noise*, (New York City, NY: Officer of the Commissioner of Accounts, 1935), 8.

the issuance of sound device permits in both instances, his power is expanded in the amended version, which grants him not only the authority to issue or withhold a permit but also to set additional terms according to unspecified rules.

The vastly expanded power granted to Commissioner Valentine was perfectly in keeping with La Guardia's zero tolerance approach to city policing. In his quest to modernize New York, he gave the NYPD license to crack down on virtually all forms of urban disorder, and the war on noise served as a convenient pretext to rid the city of undesirable uses of public space. The amended loudspeaker ordinance gave La Guardia a new tool with which to police not only noise infractions, but also the use of the aural space of the streets by political organizations he deemed to fall outside the bounds of acceptable liberal discourse, which he himself defined. In campaign speeches, La Guardia equated noisy speech with political radicalism, and in the streets he extended the analogy to contain the revolutionary fervor of the city.<sup>52</sup>

The first reported use of the loudspeaker ordinance to prevent public speech came a year after its approval in 1930, when the NYPD denied a loudspeaker permit for an anti-fascist demonstration in front of the offices of the *Il Progresso Italo-Americano* newspaper.<sup>53</sup> However, it was only after the adoption of La Guardia's amended version that the ordinance became a central part of the city's regulatory arsenal against public protest. Over the next six years, loudspeaker permits were denied to the organizers of the United May Day Committee for a planned May Day celebration in Union Square;<sup>54</sup> to striking employees of the *Brooklyn Daily Eagle*;<sup>55</sup> to the American Labor Party candidate Michael Quill for a speech during his 1939

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<sup>52</sup> Radovac, "The 'War on Noise'," 746-747.

<sup>53</sup> "Anti-Fascisti Are Foiled," *New York Times*, January 2, 1931, 10.

<sup>54</sup> "Protest Union Sq. Ruling," *New York Times*, April 13, 1937, 30.

<sup>55</sup> Radovac, "The 'War on Noise'," 746.

election campaign, which he gave anyway;<sup>56</sup> and to the Socialist Party for an anti-war demonstration.<sup>57</sup> These permit denials were routinely challenged on constitutional grounds and often overturned by city magistrates. However, the ordinance itself remained firmly in place, as it does to this day.

Bolstered by zoning regulations and the strengthening of existing permit requirements for public parades and demonstrations, which by 1935 were banned outright on Fifth Avenue south of 60th Street, increasingly large areas of Manhattan were declared off-limits for all but commercial uses.<sup>58</sup> When protests were re-routed to alternate sites such as Riverside Drive and Central Park West, they were fought by new coalitions of residents' and merchants' associations, which, in lieu of outright bans, seized on the loudspeaker ordinance as a judicial tool with which to prevent protest. As the decade wore on, Commissioner Valentine denied permit requests more frequently, and, judging from newspaper reports, disproportionately when they were made by left-wing organizations.

One such case serves as an illustrative example. On October 27<sup>th</sup>, 1935, the American League Against War and Fascism (ALAWF) staged one of a series of "peace parades," in this case to protest the Italian invasion of Ethiopia.<sup>59</sup> A crowd of 15,000 New Yorkers set off on a march from Lenox Avenue and 119<sup>th</sup> Street in Lower Harlem led by the Universal African Legion, the paramilitary arm of Marcus Garvey's Universal Negro Improvement Association (now headed by Henrietta Vinton Davis). They were followed by a coalition of leftist and anti-

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<sup>56</sup> "Quill Makes Speech Without a Permit: Operator of Amplifier Truck Gets Summons," *New York Times*, November 7, 1939, 6.

<sup>57</sup> "Socialists Get Court Writ," *New York Times*, September 21, 1939, 21.

<sup>58</sup> "May Day Parades: Use of Business Section of Fifth Avenue Limited Since 1933," *New York Times*, May 1, 1935, 20.

<sup>59</sup> "Manifesto and Program of the American League Against War and Fascism," *Daily Worker* 11, no. 156 (June 30, 1934): 4.



fascist organizations, including the American League of Ex-Servicemen, the Anti-Fascist Association of Teachers and Employees of City College and the Young Communist League, and bolstered by 2,000 followers of the African American preacher Father “Jealous” Divine.<sup>60</sup> The marchers turned west on 110<sup>th</sup> Street and continued south on Central Park West until they reached their destination at 63<sup>rd</sup> Street. There, a full slate of speakers lined up to take their place at the microphone. The mic was connected to loudspeakers mounted on the back of a truck that was parked between the Ethical Culture School and an adjacent apartment building, just below the windows of its residents. While some cheered the protesters on by throwing handfuls of confetti from their balconies, others presumably seethed at their inability to prevent the speakers from being heard.<sup>61</sup>

When the ALAWF announced their intention to hold the Peace Parade, a group of neighborhood residents immediately protested the planned route, which had been diverted to Central Park West from Fifth Avenue, the traditional artery for demonstrations and parades.<sup>62</sup> Asserting that the marchers were “radicals who would disturb their peace,” these residents formed the West of Central Park Association (WCPA) to lobby for their cause, which focused on barring the marchers from using loudspeakers at the rally that would conclude the parade. The ALAWF had already secured a permit from the city, as required by the sound device ordinance, but the WCPA protested to Commissioner Valentine, who revoked the permit the day before the parade. Congressman Marcantonio and Waldo McNutt, the director of the American Civil Liberties Union, quickly intervened, asserting that the refusal of a permit would deny protesters their constitutional right to free speech and that they would take legal action if necessary. The permit

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<sup>60</sup> “15,000 March Here in ‘Peace Parade’,” *New York Times*, October 27, 1935, N1.

<sup>61</sup> *Ibid.*

<sup>62</sup> “Parade Route Settled: Peace Group Gets Permit to Use Central Park West Saturday,” *New York Times*, October 22, 1935, 15.

was eventually granted, but only after McNutt obtained a show of cause order from a Justice of the Supreme Court.<sup>63</sup>

Despite the concerns of the WCPA, the parade was both peaceful and festive. The *Times* reporter noted the “gold braid and green arm trimmings” on the uniforms of the Universal African Legion marchers; the large American flags carried by the Ex-Servicemen, to which dollar bills and copies of their magazine were attached; the confetti that rained down on the marchers from supporters, “creating a mardi gras effect.” The sounds of the parade also figure prominently in the account: whinnying, misbehaving horses; “vigorous” arguments between supporters and opponents; and the sounds of Father Divine’s followers, who “arrived at the truck reviewing stand dancing and singing to the music of a conglomerate band, including a woman saxophonist and a woman trumpeter.” The long list of speakers is duly noted, and included Communist Party officials, union representatives and church leaders who addressed the crowd from the reviewing stand.<sup>64</sup> However, their speeches are only one component of a larger sonic event that is rooted in a noisy, street-based public sphere.

The peace parade fight underscores the central role played by the portable PA system at street assemblies during the mid- to late-1930s, particularly those in support of left-wing parties and causes, and in the city’s larger soundscape. It also highlights the conflicts their use caused between demonstrators and non-participants, especially in neighborhoods adjacent to Midtown, and the relative power of merchants’ and residents’ associations in contesting their use. These conflicts reveal the ambiguous legal status of the sound device ordinance, which encouraged the NYPD to use permit denials to control demonstrations but raised concerns about the violation of protesters’ First Amendment rights, a contradiction that remained largely unresolved. Taken

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<sup>63</sup> “15,000 March Here in ‘Peace Parade,’” N1.

<sup>64</sup> Ibid.

together, these issues show that the apparently simple “problem” of amplified noise in New York’s streets was in fact a space of ongoing contestation, involving various political actors and constituencies that the city had not yet managed to reconcile.

### *The Bund Riot and the Liberalization of the Public Sphere*

There is one reported case in which the use of loudspeakers was denied to a right-wing group, and it is by far the most influential. In early 1939, the German American Bund announced its intentions to hold a rally at Madison Square Garden.<sup>65</sup> Led by “Bundesfuhrer” Fritz Kuhn, the Bund was the largest domestic Nazi organization in the United States, with 25,000 dues-paying members and a paramilitary guard of 8,000.<sup>66</sup> The organization made a point of making its presence felt in the streets of New York, appropriating the tradition of the public parade to show off their uniformed storm troopers as well as a bobbing sea of Nazi and American flags. Such occupations of the public space of the streets provided a clear target for anti-fascist protesters, which included Jewish groups and the American Legion as well as communist and socialist organizations. According to news reports, the groups clashed regularly in the second half of the 1930s, with anti-fascist organizations turning out en masse whenever the Bund staged a march or

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<sup>65</sup> J. Wheeler Hill, Internal Memorandum [N.D.], Box 3671, Folder 11, Microfilm 0140, Nazi Bund Meeting (1), La Guardia and Wagner Archives, La Guardia Community College.

<sup>66</sup> Arnie Bernstein, *Swastika Nation: Fritz Kuhn and the Rise and Fall of the German-American Bund* (New York, NY: St. Martin's Press, 2013).



**Figure 8.** German American Bund parade in New York City on East 86th St., October 30, 1937. Courtesy Library of Congress, Prints and Photographs Division, LC-USZ62-117148

a public parade. Invariably, these encounters led to physical confrontations between protesters, which the NYPD was charged with preventing.<sup>67</sup>

When the Bund announced its February 20<sup>th</sup> rally, a coalition of anti-fascist groups led by the Trotskyist Socialist Workers' Party (SWP) called for a counter-demonstration, and for days in advance of the meeting news reports documented Mayor La Guardia's statements on the policing of the event.<sup>68</sup> Although La Guardia had no sympathy for the Bund, he also refused to ban the

<sup>67</sup> "11300 Police Guard 800 Nazi Paraders," *New York Times*, October 31, 1937, 7.

<sup>68</sup> "Demonstrate Against Fascist Garden Rally on Feb 20!" *The Socialist Appeal*, February 17, 1939, 1.

event despite the pleas of anti-fascist groups, insisting that to do so would violate the First Amendment and therefore replicate the policies of the authoritarian regimes the Bund supported.<sup>69</sup> Instead, he negotiated the contradiction between the liberal ideal of free speech and growing demands to oppose the ideology of the Bund by deploying a strategy of sonic and spatial containment.

In essence, La Guardia sought to limit the territory of the acoustic arena that the Bund intended to fill. In addition to deploying 1,700 police officers around Madison Square Garden to create an impenetrable boundary between Bund members and anti-fascist protesters, La Guardia announced that the group would be forbidden from using loudspeakers to broadcast the proceedings to listeners gathered outside the Garden.<sup>70</sup> This was a common practice at political events in the 1930s, the purpose of which was to accommodate overflow crowds and prevent rioting by those who were unable to secure tickets.<sup>71</sup> In the exceptional case of the Bund rally, La Guardia refused to allow the sounds of the proceedings to extend beyond the confines of the venue, asserting that “the right of free speech be respected as long as the meeting is conducted with propriety and within the walls of Madison Square Garden.” His deputy mayor, Newbold Morris, put it somewhat more bluntly: “The Bund will have to do its ‘Bunding’ inside.”<sup>72</sup>

La Guardia was apparently less concerned with the rights of anti-fascist protesters, who were denied a permit for their sidewalk demonstration, which they held illegally. In the hours leading up to the rally, the NYPD cleared loiterers from the surrounding streets and broke up a parade of several hundred Bund members, intent on preventing clashes between the two groups. According to reports in the *Times* and the SWP newspaper *The Socialist Appeal*, police only

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<sup>69</sup> “Mayor to Permit Big Bund Meeting,” *New York Times*, February 18, 1939, 12.

<sup>70</sup> “1,300 Will Police Big Bund Meeting,” *New York Times*, Feb 20, 1939, 13.

<sup>71</sup> “Crowds Rush Gates, Battle 500 Police,” *New York Times*, November 1, 1932, 1.

<sup>72</sup> “1,300 Will Police Big Bund Meeting,” 13.





**AN OVERCROWDED**  
**Madison Square**  
**Garden**  
**WILL SEE A**

**MASS**  
**Demonstration**  
*for True Americanism*  
**AND**  
**George Washington Birthday Exercises**  
**Monday, February 20, 1939**  
 at 8 p. m.  
**Be Sure of Your Seat      Get Your Tickets Now!**

The Bund is an Organization of American Citizens unequivocally committed to the Defense of the Flag, Constitution and Sovereignty of these United States and therefore to the Defense of the right and duty to proportionate representation in the conduct of the Nation of the more than 100,000,000 Aryan (WHITE GENTILE) Americans, as being the ONLY means of preserving the Independence and the Christian Culture and Civilization of this our Country!

**German American Bund**

**Figure 9.** German American Bund rally flyer. Box 3671, Folder 11, Microfilm 0140, Nazi Bund Meeting (1), La Guardia and Wagner Archives, La Guardia Community College.

relented when they were faced with at least 50,000 counter-demonstrators, who tried repeatedly to break through police lines and were eventually permitted to assemble on Fifty-First Street east of Eighth Avenue, which was blocked to traffic. A cacophony of shouting, chanting, and scuffling ensued, which a nearby theater attempted to drown out by directing its orchestra to play tunes from the scheduled show at full blast while a male chorus belted out “The Star Spangled Banner.” Meanwhile, an even bigger ruckus was caused when an amplified voice began denouncing the Bund at high volume, which police later determined came from a second floor room in a nearby rooming house rented by two men who gave the names of Karl Flieger and Murray Wein. There, a twenty-inch gramophone record had been connected to loudspeakers and a timer that was set to begin playback at 7:55 pm, five minutes before the scheduled start of the rally.<sup>73</sup>

Vastly outnumbered, the police were unable to prevent the counter-demonstration from occurring (although they did make numerous arrests for disorderly conduct), but this was not their primary goal. Rather, their mission was to prevent violent conflict from occurring between Bund supporters and anti-fascist demonstrators, which they attempted to achieve by preventing aural contact between the two groups. Ensconced within the walls of Madison Square Garden, Bund members were insulated from the chants and shouts of the demonstrators gathered outside. Meanwhile, in the streets, anti-fascists were unable to hear the sounds of the rally taking place indoors, the proceedings of which would normally have extended into the public space of the city. The police were successful up to the point that the rally ended, when violence broke out between exiting Bund members and the waiting counter-demonstrators. It took nearly six hours for the NYPD to clear the streets, but by midnight, Midtown was quiet again.<sup>74</sup>

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<sup>73</sup> “22,000 Nazis Hold Rally in Garden,” *New York Times*, February 21, 1939, 1, 5; “50,000 Anti-Nazis Answer S.W.P. Call,” *Socialist Appeal* 3, no. 10 (February 24, 1939): 1-3.

<sup>74</sup> Ibid.

The Bund riot clearly illustrates the tension between liberal conceptions of free speech and the embodied expression of that speech in the public spaces of the city. Street speech strives to reach listeners whose attention is, at least initially, involuntary: the person on their way to or from work, the loiterer, the tourist, the passerby. The issue of amplification is key because it extends speech into public space, without particular regard for the acoustic boundaries provided by doors and walls. Unlike the Bund rally inside Madison Square Garden, which addressed listeners who had chosen to attend an event in a private space that had been temporarily assigned to that purpose, the streets in which counter-protestors assembled were a permeable arena that allowed for accidental encounters between speakers and their supporters and a wider audience. This combination of volume and happenstance is what makes amplified street speech an interventionist political form, and its location in public space is what gives it its potentially radical inflection. It is also what makes one person's free speech another person's noise.

The 1939 Bund rally led to a national outcry about the specter of violent public protest, which, according to a 1940 Gallup poll, was already shifting from a preoccupation with right-wing organizations to a fear of communist influence.<sup>75</sup> There were calls for a public inquiry into La Guardia's handling of the event, which he ignored, but concerns about the melee inspired a report by the Council for Democracy (CFD) that explicitly addressed the issue of sound.<sup>76</sup> In place of the blanket suppression of speech, the CFD proposed a "general standard for distinguishing between a mob and a genuinely democratic group or meeting." Among its recommendations: "Municipal authorities should see that the halls are not too small for the meetings; that there will be no overflow outside; that loudspeakers make it possible for people to

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<sup>75</sup> George Gallup, "The Gallup Poll: Communist Activity Considered More Dangerous Than Nazis," *The Washington Post*, January 5, 1940, 2.

<sup>76</sup> Council for Democracy, *Freedom of Assembly and Anti-Democratic Groups: A Memorandum of The Council For Democracy*, (Washington, DC: American Council on Public Affairs, 1941).



be heard while speaking normally,” the goal being to remind the audience that “this is an orderly and usual public meeting.” In this formulation, the role of the PA system was not to amplify the volume of speech but to contain it, more in the manner of radio broadcasting than street-based public address. Further, the CFD advocated that counter-protesters “should be obliged to enter a hall and hold an orderly protest meeting inside,” a move that would separate listeners into spatially distinct assemblies that preempted the possibility of either aural or ideological conflict, just as La Guardia had envisioned on the night of the Bund rally.<sup>77</sup>

The CFD report reflects a mounting aural panic that conflated concerns about noise with growing fears about mass social movements, which were exacerbated by the United States' entry into the Second World War. The benign mass audience depicted in the advertising of Western Electric was now painted in more sinister tones, and with the country on a wartime footing little additional justification was needed to restrict public assembly. Sound was framed as a potential threat to the security of the nation, as evidenced by the activities of the first national noise organization, the National Noise Abatement Council (NNAC). Formed in 1940, the NNAC identified noise as a weapon that was used by Axis powers and enemies at home to undermine the psychological wellbeing of Americans; to counter the assault, the organization proposed that La Guardia's anti-noise campaign be nationalized to protect the country's nerves.<sup>78</sup> The CFD proposed a different course of action: the liberalization of the public sphere, a process that was based on limits to the rights to free speech and assembly that could withstand First Amendment challenges. These strategies, which Don Mitchell and Lynn Staeheli term “liberal speech

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<sup>77</sup> Council for Democracy, *Freedom of Assembly*, 23-24.

<sup>78</sup> National Noise Abatement Council, *Stop Needless Noise* (New York: The Council, 1943), 1-16.

regimes,” function as a form of geographic containment that is accomplished aurally as well as spatially.<sup>79</sup>

The emerging liberal consensus on political speech was not uncontested. As Sewald notes, New York’s sound device ordinance was subject to a series of legal challenges that occurred in the wake of a federal Supreme Court ruling on the constitutionality of restrictions to amplified speech.<sup>80</sup> In *Saia vs. New York*, the court considered the case of a Jehovah’s Witness who was arrested, convicted and fined for violating a Lockport, New York ordinance prohibiting the use of loudspeakers without a permit from the police commissioner. Samuel Saia appealed his conviction, and on June 7<sup>th</sup>, 1948 the court ruled in his favor, holding that the ordinance constituted a form of previous restraint on his First Amendment right to free speech. Although Saia was a street preacher and not a politician, the court took into consideration the potentially chilling effect of noise ordinances on political speech. As Justice Douglas explained in his majority opinion:

Loudspeakers are today indispensable instruments of effective public speech. The sound truck has become an accepted method of political campaigning. It is the way people are reached. Must a candidate for governor or the Congress depend on the whim or caprice of the Chief of Police in order to use his sound truck for campaigning? Must he prove to the satisfaction of that official that his noise will not be annoying to people? [ . . . ]

Any abuses which loudspeakers create can be controlled by narrowly drawn statutes. When a city allows an official to ban them in his uncontrolled discretion, it sanctions a device for suppression of free communication of ideas. In this case, a permit is denied

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<sup>79</sup> Don Mitchell and Lynn A. Staeheli, “Permitting Protest: Parsing the Fine Geography of Dissent in America,” *International Journal of Urban and Regional Research* 9, no. 4 (December 2005): 800-801.

<sup>80</sup> Sewald, “Forced Listening,” 328-331.

because some persons were said to have found the sound annoying. In the next one, a permit may be denied because some people find the ideas annoying. Annoyance at ideas can be cloaked in annoyance at sound. The power of censorship inherent in this type of ordinance reveals its vice.<sup>81</sup>

The court's decision threw New York City's loudspeaker ordinance into legal limbo, and within days a coalition of labor unions, left-wing and civil rights organizations staged a series of amplified protests that they hoped would serve as test cases.<sup>82</sup> The following month, the NYPD's legal bureau began drafting a new sound device ordinance that was presented to City Council in September.<sup>83</sup>

The new legislation incorporated several substantive changes. It formalized the permit application process and introduced a volume measurement requirement, to be submitted in decibels "or any other efficient method of measuring sound." It also set additional limits on the time and place of loudspeaker use, banning it entirely between the hours of 10:00 PM and 9:00 AM and within 500 feet of any hospital, school, courthouse or church. Most importantly, it balanced the right to amplified public speech against the right of citizens to "the safe, comfortable, convenient, and peaceful enjoyment of any public street or park," and specifically cited overcrowding as a condition that would deprive them of this right.<sup>84</sup> In this way, the crowds that gathered for street demonstrations became a de facto threat to public health, which allowed the city to counter their claims to free speech.

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<sup>81</sup> *Saia v. New York*, 334 U.S. 558; 68 S. Ct. 1148 (1948).

<sup>82</sup> "Test of Sound Truck Ban is Noisy Despite Polite Police and Pickets," *New York Times*, June 11, 1948, 1.

<sup>83</sup> "Sound Truck Curb Up For Revision," *New York Times*, August 12, 1948, 42.

<sup>84</sup> "Permissible Scope of Sound-Truck Ordinances," *Yale Law Journal* 58, no. 2 (1949): 335-340.

At a September 21<sup>st</sup> hearing sponsored by the council's General Welfare Committee, a delegation led by Communist and American Labor Party candidate Simon W. Gerson voiced strong opposition to the proposed ordinance, charging that the measures would "limit the right of free assemblage, abridge the constitutional right of free speech and put in the hands of the Police Department another and more subtle weapon to gag the Third Party [ . . . ] campaign in this city."<sup>85</sup> Gerson's legal notes underscore the nature of the new threat: "Attacks particularly on minority parties. Minor candidates can't buy much [air] time; can't buy ads. Sound trucks therefore the weapon of the peoples [sic] parties. The sound truck is truly the weapon of the little man. Therefore, caution req."<sup>86</sup> This argument was repeated at the October 1<sup>st</sup> Council vote, when a larger delegation that included union and SWP leaders urged Mayor William O'Dwyer to veto the legislation. He did not, but three council members, all representatives of minority parties, cast votes against it: Benjamin J. Davis Jr., Communist Party, Manhattan; Eugene P. Connally, American Labor Party, Manhattan; and Michael J. Quill, American Labor Party, the Bronx.<sup>87</sup>

Leftist organizations vowed to continue the fight against the sound device ordinance, but their efforts were undermined by larger historical forces which conspired to mute the sounds of dissent. La Guardia's former Parks Commissioner, Robert Moses, was building the infrastructural foundations of suburbanization, which drew the working class away from Manhattan's streets and into developments like Levittown. The Red Scare, already operative in the work of the Dies Committee and La Guardia's Red Squad, provided ideological cover for further restrictions on public assembly, including a Supreme Court ruling the following year that preserved the right of

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<sup>85</sup> Brooklyn Communist Election Campaign Committee, Press Release, September 20, 1948, Box 2, Folder 5, City Council Campaign: Loudspeaker Bill (Local), Simon W. Gerson Papers, The Tamiment Library, New York University.

<sup>86</sup> Note [N.D.], Box 2, Folder 5, City Council Campaign: Loudspeaker Bill (Local), Simon W. Gerson Papers, The Tamiment Library, New York University.

<sup>87</sup> "Sound Truck Curb Voted By Council," *New York Times*, September 22, 1948, 33.

cities to regulate sound trucks.<sup>88</sup> Finally, the dominance of network radio and then television broadcasting gave the political establishment a way of reaching mass audiences that, as Gerson correctly predicted, was beyond the economic reach of minority political organizations.<sup>89</sup> These forces coalesced around the technology of portable PA systems and further legitimized restrictions against their use. The result of this conjuncture of forces was the relocation of political life from the disorderly spaces of the streets to acoustically contained indoor venues, and a discernibly muted urban public sphere.

In the weeks immediately following the City Council vote, the streets of New York were already eerily quiet. In November 1948, Meyer Berger set out for Times Square to cover the announcement of presidential election results, and was disappointed to find a “thinly populated” crowd of only a few thousand people assembled there. Worse, “such crowds as did assemble were voiceless, and without spirit.” Berger catalogued the changes in the soundscape from four years before: “The early crowd had no tongue—no horns, no bells, no placards. There was no shrillness. The crowds moved in sober streams.” Times Square shopkeepers had boarded up their windows for nothing, as “up to 9 P.M. there was no straining against these barriers.” Even the police officers assigned to the square to keep order were left “shaking their heads.” Noting the impact of radio and television coverage of the election, Berger wistfully pronounced “the holiday tradition on election night is about dead.”<sup>90</sup> So too, during the Cold War years, was the radical voice of his city.

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<sup>88</sup> Paul Jeffers, *The Napoleon of New York: Mayor Fiorello La Guardia* (New York: John Wiley & Sons, 2002), 236.

<sup>89</sup> Mary Jean Robinson, “Voice of the City: The Rise and Fall of WNYC-TV” (PhD dissertation, New York University, 2008), 132-133.

<sup>90</sup> Meyer Berger, “Election Night Crowd in Times Sq. Is Thin, Silent and Without Spirit,” *New York Times*, November 3, 1948, 16.

Of course, there is nothing about the portable PA system or amplification in general that is inherently radical, just as there is nothing inherently liberal about radios or televisions. However, as technologies their uses were shaped by the social and political forces at work in American urban centers as well as the economic imperatives that alternately facilitated and restricted their development. Municipal regulations did not target amplified public speech merely because it was loud, but because it was used by political organizations that fell outside the bounds of acceptable liberal discourse. As an affordable and increasingly residual technology, the PA system remained accessible to the movements that Herbert Menzel has described as "novel, original, suppressed, minority, conspiratorial, or otherwise 'deviant'."<sup>91</sup> In this sense, its uses shifted from the realm of mass communication, as originally envisioned by its manufacturers, to a form of "quasi-mass communication," which Menzel defines as the province of the street-corner orator, the missionary and the door-to-door canvasser, among others.<sup>92</sup> The political soundscape would shift again in the 1960s, when the commercial dissemination of the transistor put the battery-powered megaphone into the hands of militant social movements. During the early years of the Cold War, however, the sounds of dissenting speech in New York's public spaces were all but silenced.

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<sup>91</sup> Herbert Menzel, "Quasi-Mass Communication: A Neglected Area," *The Public Opinion Quarterly* 35, no. 3 (Autumn 1971): 408.

<sup>92</sup> *Ibid.*, 406-407.

## CHAPTER THREE

### NOISE AND URBAN RENEWAL: THE POSTWAR CITY

Early one morning in April 1964, Robert Alex Baron was roused from his sleep by a strange new sound. His Manhattan apartment, which he shared with his wife and daughter, was suddenly enveloped by a loud, low drone which shook the floors and walls and seemed to come up through the coils of his mattress and into the marrow of his bones. Awake, he went to the window to see where the noise was coming from, and from this vantage point he saw the culprit: directly across the street, on the southwest corner of Fifty-fifth Street and Sixth Avenue, stood a battery of industrial-grade air compressors surrounded by a makeshift fence.<sup>1</sup>

As Baron soon discovered, his neighbourhood was the site of a new open-cut subway extension project sponsored by the Metropolitan Transit Authority, the purpose of which was to excavate a six-block long tunnel underneath the Avenue of the Americas for a new spur line to Fifty-seventh Street.<sup>2</sup> The construction work would continue for a period of almost three years, beginning at 7:00 AM each morning and lasting until 4:30 PM in the afternoon, as permitted by the city's noise ordinance. For Baron, a former actor and Broadway theatre manager who spent much of his workday at home, there was no escape from the noise that made the daylight hours unbearable. At his wit's end, he called the construction company, the Transit Authority, his City Councilman's office, and even the police, all to no avail. After exhausting all normal avenues,

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<sup>1</sup> Robert A. Baron, *The Tyranny of Noise* (New York: St. Martin's Press, 1970), 3-6.

<sup>2</sup> John Sibley, "New Subway Spur Is Due for Completion in 1967," *New York Times*, December 5, 1964, 33.



he founded the Upper Sixth Avenue Residents' Association in protest, and, when even their efforts failed, he joined forces with other aggrieved New Yorkers to create the Citizens for a Quieter City (CQC).<sup>3</sup>

In the early 1960s, Manhattan was in the throes of a construction boom that marked the high point of New York's post-war redevelopment. Robert Moses, who had begun his career under Mayor La Guardia, was now the city's Construction Coordinator and almost singularly responsible for the city's transformation, which saw entire neighbourhoods demolished to make way for urban renewal projects and a latticework of expressways that jutted out from the city centre to the sprawling new suburbs beyond them. Meanwhile, Manhattan was grappling with a severe housing shortage, which prompted a wave of new apartment construction for low and high-income residents alike. To Baron's ears, the city would have sounded like a symphony of bulldozers, piledrivers, and cement-mixers as well as air compressors, all conspiring to destroy the serenity of urban life. This theme would become the *raison d'être* of the CQC, and, over the next eight years, it would profoundly shape the way that New York City dealt with the issue of noise.

The modernization of New York City that began under Mayor La Guardia in the 1930s resumed in earnest after the Second World War, although not quite in the way that La Guardia and his supporters imagined. The vision of the city that had been endorsed by the Regional Plan Association in 1929 had slowly permeated municipal planning policy, extending its economic infrastructure beyond the traditional perimeter of Manhattan and the inner boroughs to new suburban reaches on Long Island, New Jersey, and beyond. As the consequences of the 1916 Zoning Act began to have a tangible impact on the city's spatial organization, these regions

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<sup>3</sup> Baron, 6-9.

positioned themselves as the beneficiaries of Manhattan's distaste for manufacturing activity, and as early as the 1920s they welcomed industries which had become increasingly concerned about the spatial and economic constraints of doing business in Manhattan.<sup>4</sup> When World War Two ended, having finally jolted the US economy out of the Great Depression, the suburbanization of industry was quickly followed by the suburbanization of the white working class, who were targetted by the developers of the first planned housing community in Levittown, New York.<sup>5</sup>

By the 1950s, the consequences of an approach to regional planning that siphoned off industrial activity and its workers from urban centres were being felt in cities across the United States, which lost both the consumer spending and tax revenues of the emerging middle class. In New York City, the result was an increased polarization between the very rich, toward whom urban planning policy had been disproportionately directed, and, the very poor, who had little choice but to remain in the city and were forcibly concentrated in neighbourhoods at the northern and southern reaches of Manhattan, central Brooklyn, and the Bronx. Viewed in retrospect, World War Two was a temporary interruption in the larger project of urban renewal, which sought to remove the "blight" of poverty from the urban landscape either by managing it, in the form of housing projects, or by simply eradicating the built environments within which the urban poor lived.<sup>6</sup> However, the political constraints on urban renewal that had been in place in the 1930s—i.e., the limitations that had placed on Moses by La Guardia—all but disappeared after

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<sup>4</sup> "Suburban Growth Expands City Limits," *New York Times*, June 27, 1926, RE18.

<sup>5</sup> Richard Plunz, *A History of Housing in New York City: Dwelling Type and Social Change in the American Metropolis* (New York: Columbia University Press, 1990), 275.

<sup>6</sup> Jane Jacobs, *The Death and Life of Great American Cities* (New York: Random House, 2002), 353-354.

the war, paving the way for a reconfiguration of New York that would transform how people lived, worked, and sounded in the city.

*Mayor Wagner's Committee for a Quiet City*

After a period of decline during and immediately following the Second World War, noise abatement resurfaced as a political issue in New York City in the mid-1950s. As in the interwar period, the issue was first taken up by a municipal commission, and as with the Noise Abatement Commission (NAC), its findings would have little immediate impact. In November of 1955, Mayor Robert F. Wagner formed the Committee for a Quiet City, Inc. (CQCI), which was charged with investigating the continuing clamour of post-war New York. The report the commission produced reflected the changes that had transformed New York's soundscape in the years since the 1936 ordinance: namely, the reconfiguration of the city by the automobile and the proliferation of expressways that had enabled the suburbanization of the city.<sup>7</sup> As cars flowed into Manhattan in ever increasing numbers from the surrounding regions, automobile traffic and the sounding of car horns in particular emerged as the chief noise complaint identified by the committee, and its work dovetailed with ongoing lobbying efforts by the League for Less Noise to eliminate horn-blowing in the city.<sup>8</sup> This led to an increase in fines for honking infractions and a year-long police enforcement drive<sup>9</sup>; beyond this, however, no substantial changes were made to the city's noise ordinance, and the issue once again faded into the background of municipal politics.

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<sup>7</sup> Committee for a Quiet City, Inc. and Robert W. Watt, *Final Report and Recommendations of the Committee for a Quiet City, Inc.* (New York: The Committee, 1960), 4-6.

<sup>8</sup> *Ibid.*, 13.

<sup>9</sup> "Silent-City Drive to Begin on Horns," *New York Times*, November 22, 1955, 18.

Nevertheless, the CQCI's final report provides a useful summary of the issues that concerned noise reformers in the immediate postwar period, and, as importantly, the difficulties they encountered in trying to enact municipal change. The document begins with a sympathetic reference to the NAC's final report, which detailed the frustrations of studying a problem that no one was sufficiently motivated to actually solve.<sup>10</sup> In the case of the CQCI, the primary obstacle was financial: as its author explained, noise abatement costs money, whether in police-hours, housing and equipment design, or the administrative costs associated with noise abatement committees, and even during the boom years of the 1950s the city was unwilling or unable to commit long-term funding to these activities.<sup>11</sup> In an internal survey commissioned by the committee, noise ranked as the third most pressing urban issue for respondents, behind fire services and garbage collection; however, only 1% of respondents supported the use of public money—i.e., their own taxes—for noise abatement, which put the city in a difficult position.<sup>12</sup> Further, the committee reported that most noise complainants were unwilling to “lift a finger” to reduce urban noise in their own communities and expected the city to eradicate noise in all corners of the city unaided by citizen participation and without public funds.<sup>13</sup> Again recalling the failure of their pre-war predecessors, the CQCI observed: “They, too, became the whipping boy for everyone with every factual or fancy noise complaint and were inundated with public demands for the immediate suppression of every conceivable sound in the audio range.”<sup>14</sup>

The perception that noise could magically be eliminated was not helped by the lobbying efforts of the League for Less Noise and a sister organization, the Sheridan Anti-Noise League,

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<sup>10</sup> Watt, Final Report, 1-2.

<sup>11</sup> Ibid., 11.

<sup>12</sup> Ibid., 27-28.

<sup>13</sup> Ibid., 19.

<sup>14</sup> Ibid., 26.

which once again turned to Europe as a model for urban noise control. As in the 1930s, European capitals were held up as exemplars of “quiet” cities that had already triumphed over horn-blowing and other urban noises. Just as Henry Curran had touted London after a visit in 1935, Mayor Wagner announced that Paris had solved the honking problem once and for all by imposing a new ban on the practice, and asserted that New York merely had to follow suit.<sup>15</sup> To begin with, the assertion is an interesting example of interurban competition, which plays out between London, Paris, and New York throughout the twentieth century and which, in this case, is rooted in competing ideals of urban quiet that were transitory and best and illusory at worst. Further, as the CQCI noted, the assertion betrays a distinct historical amnesia, and overlooks the fact that all three cities had targetted horn-blowing and other noises during the inter-war period and had claimed varying degrees of victory against the practice.<sup>16</sup> Although the CQCI overlooked *La Guardia’s* antinoise drive (likely because it left no report for them to consult), it was nevertheless conscious of being part of a larger historical trajectory of noise abatement that waxed and waned over time. In fact, one of the committee’s more whimsical actions was to deposit a noise abatement time capsule at the Chemical Corn Exchange Bank at Fifth Avenue and Thirty-Fourth Street, the contents of which were to remain sealed until 1976.<sup>17</sup> In one sense, the group was surprisingly prescient, since it would take a little less than twenty years for noise to return as a major municipal issue. In another sense, however, the group may have been too optimistic for its own good, since there is no record of the time capsule ever being opened.

By 1957, the League for Less Noise and the Sheridan Anti-Noise League had merged with the CQCI to present a united front against what all three hoped would be an on-going

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<sup>15</sup> "Anti-Noise Campaign," *New York Times*, November 19, 1955, C18.

<sup>16</sup> Watt, Final Report, 31.

<sup>17</sup> "Anti-Noise Report Sealed in Box to Tell 1976 How 1956 Sounded," *New York Times*, April 14, 1956, 19.

campaign against urban noise.<sup>18</sup> However, as the CQCI's report makes clear, by 1960 the issue had once again faded into the background of municipal politics, largely as a consequence of New Yorkers' "apathy" and a lack of funding for further efforts. In the absence of a continuing police enforcement campaign, horn-blowing returned to the city's soundscape much as it had after La Guardia's crackdown, if to a marginally lesser degree. However, even as the CQCI was winding down, new noise issues were brewing, ones that would soon lead to a renewed effort to combat the city's intractable problem.

### *Sound and the Housing Crisis*

By the early 1960s, noise control had become an issue for a completely different reason, one that was catalyzed by a growing housing crisis and the city's efforts to manage it. If the noise abatement efforts of the 1930s had been largely directed against the scourge of street noises, and those of the 1950s against those of the automobile, then those of the 1960s arose from a widening cacophony of sounds that conspired to penetrate the walls of the middle-class New Yorker's home.

In fact, housing in New York City had been an issue since the late 1920s, when a swelling urban population and a decrease in new construction reduced the availability of affordable housing during a period of economic crisis. However, it was in the months immediately following the Second World War that the term "housing crisis" began to appear regularly in the city's newspapers, which drew attention to the dire lack of urban

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<sup>18</sup> "Anti-Noise Groups Join: 3 Bodies Combine Activities--Drive Starts Next Month," *New York Times*, May 27, 1957, 32.

accommodations that greeted returning veterans.<sup>19</sup> It is in this interregnum between the Depression and the prosperity of the 1950s that we find the seeds of New York City's later urban crisis, many of which have direct relevance to the issue of noise.

In a report submitted to the New York State Legislature in 1946, it was found that four out of five returning New York City veterans couldn't afford to rent apartments in their city, despite the fact that they had full-time employment and a stated preference to rent accommodations rather than purchase homes.<sup>20</sup> According to the study, these vets were trapped in an economic "no-man's land," in that they could not afford market-rate housing but at the same time earned too much to qualify for the city's public housing programs.<sup>21</sup> As one reporter observed, the situation was so dire that it

led impartial observers more and more to the conclusion that adequate shelter for the vast majority of American families in the income brackets below \$2,500 or \$3,000 never again can be provided for in larger cities without substantial and continuing government assistance.<sup>22</sup>

As officials in all three levels of government struggled to find solutions to what was already a nation-wide problem, vets and their families "doubled up" with relatives or moved into tenements in the city's poorest neighbourhoods, many of which had already been designated as slums and slated for demolition. Meanwhile, the National Association of Real Estate Boards was aggressively lobbying government agencies to abandon New Deal-era housing regulations,

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<sup>19</sup> "Temporary Housing Units Demanded of City in Crisis," *New York Times*, September 17, 1945, 1.

<sup>20</sup> Leo Egan, "Finds OPA Rentals Bar New Housing to Veterans Here: Joint Legislative Committee Says 4 of 5 Cannot Meet \$82 3-Room Ceiling Shortage to Last Years," *New York Times*, March 18, 1946, 1.

<sup>21</sup> *Ibid.*, 22.

<sup>22</sup> Lee Cooper, "Housing Outlook Grim for Lower-Income Group," *New York Times*, August 8, 1948, E7.



which it decried as “socialistic” and even “communistic” interventions in a free real estate market. If left to their own devices, the group promised, developers would produce vast tracts of affordable new housing that would more than adequately accommodate the needs of veterans and their families.<sup>23</sup>

By the 1950s, the “realty men” had largely succeeded in their quest to loosen the grip of government regulation, and with Moses’ considerable help, the result was the relocation of much of the white working class of New York City.<sup>24</sup> However, suburbanization did little to ameliorate the housing crisis in Manhattan, where the cost of real estate soared and availability of new units remained low. Increasingly, the city’s housing supply was economically polarized, with old housing stock in its “slums” as well as new public housing projects being inhabited by the city’s poor and remaining working class, and a growing share of the rest being reserved for the upper-middle class and wealthy.<sup>25</sup> New apartment construction, particularly, was increasingly geared toward the luxury market, since profit margins were higher than for middle-income units. However, the drive to increase profitability also led developers to use cheaper building materials, sometimes in flagrant violation of the city’s Building Code, which they lobbied hard to amend.<sup>26</sup>

The result of developers’ speculation and building practices was a stock of new urban housing that had all of the amenities of the luxury market—e.g., air conditioning, appliances, views, etc.—but which leaked sound through uninsulated floors and ceilings and paper-thin

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<sup>23</sup> “Housing Crisis Laid to Realty Men; Philosophy Is Called ‘Un-American,’” *New York Times*, November 23, 1946, 20.

<sup>24</sup> Cooper, E7.

<sup>25</sup> Charles Grutzner, “Homes in City Far Too Few for Middle-Income Renters,” *New York Times*, May 11, 1952, 1.

<sup>26</sup> Paul Gardner, “New Apartments Please Tenants except for Wall-to-Wall Noise: New Apartments, but, Oh, That Din,” *New York Times*, September 18, 1960, 14.

walls. In contrast to older housing stock, which had been built using traditional lath and plaster methods that provided superior sound absorption but were now labelled “backward,” noise permeated these units from within and without, exposing residents to the sounds of their neighbours’ arguments, children, television sets, and kitchen appliances as well as to the sounds of the streets beyond their windows.<sup>27</sup> By the early 1960s, tenants complained en masse that their apartments were unlivable, and some even withheld their rent in protest.<sup>28</sup> However, the city’s continuing housing shortage left many with little choice but to stay where they were, so the task of solving the apartment noise problem fell to a still another municipal committee, this one charged with making revisions to the city’s Building Code.

What is striking about the way that noise intersects with housing in the 1960s is the degree to which living conditions that had previously been associated with New York’s working and underclasses came to define the experience of middle-class life in the city. Due to the housing crisis, economically privileged New Yorkers began to experience certain of the negative effects of population density that had marred the reputation of apartment housing earlier in the century. With land values soaring, real estate developers sought to maximize the profitable space of new apartment buildings by reducing ceiling heights, eliminating space between floors, and doing away with “wasted” space such as entrance halls, galleries, and foyers.<sup>29</sup>

Unfortunately, each of these design features functioned to reduce the transmission of sound in multi-family dwellings, and their removal contributed to an increase in noise complaints.

Further, Manhattan apartments grew steadily smaller as a result of the crisis, even at the higher

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<sup>27</sup> George Barrett, “Builders Must Scrap Old Methods to Get Recovery, U.N. Body Says: Building Methods Called Backward,” *New York Times*, January 23, 1949, 1.

<sup>28</sup> Gardner, R1.

<sup>29</sup> Mary Anne Guitart, “Good Gracious! Living in the Decibel Arms,” *New York Times*, December 1, 1963, 55-56.

reaches of the real estate market, as well as substantially more expensive; this meant that the everyday noises of inhabitants were concentrated in smaller living quarters, and that a larger number of units were constructed within the same amount of building space.<sup>30</sup> As a consequence, middle and even upper-income New Yorkers found themselves living in conditions of greater acoustic proximity to one other than their forbearers had been accustomed to, with the inevitable result of unwanted contact with their neighbours in the form of noise.

It was not only the buildings themselves that facilitated the transmission of sound, but also the ways in which tastes in home decor changed during the postwar period that ensured that noise would resurface as an urban problem. If the prewar New York apartment house was larger and better constructed than its postwar counterpart, it was also draped in heavy curtains, carpets, and plush upholstery, which functioned to absorb interior noise. By contrast, the *décor* ideal of the 1960s was the “slim, spare line,” which rejected the fabrics and flourishes of the pre-war period as *démodé* and therefore left already noisy apartments bereft of some of their sound absorbing qualities.<sup>31</sup> With remarkable consistency, noise complaints during the 1960s centred on the sounds of women walking in high heels, which pierced through bare floorboards and then resonated throughout Manhattanites stylishly spartan homes.

Thus, a class of urbanites which had been raised in conditions of relative quietude found themselves living in circumstances that collapsed the sensory distance between themselves and others. The constant ambient awareness of the lives of other people that is a hallmark of high population density figured prominently in accounts of the problem and became articulated to concerns about privacy, which is a value that can only be inculcated in the context of an excess

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<sup>30</sup> Thomas W. Ennis, "Clamor over Noise: Protests on New Apartments Bring Request for Acoustical Standards," *New York Times*, May 26, 1963, 1.

<sup>31</sup> Guitar, 56.

of space.<sup>32</sup> These concerns were raised with landlords and occasionally police officers but also with city officials, and since the complaints came from neighbourhoods on the Upper East Side rather than Harlem or the Bronx, they were heard and acted upon. Just as the work of the CQCI was wrapping up, Mayor Wagner convened a City Council Committee on Buildings, chaired by Robert A. Low, and directed it to tackle the problem of apartment noise.

### *The Building Code*

The original purpose of the Committee on Buildings was to explore ways of updating New York's pre-war Building Code that would not require a fullscale revision every time. The project was part of a broader campaign by the Wagner administration to streamline city services, with the goal of increasing efficiency and ultimately, reducing cost.<sup>33</sup> A team of researchers based at the Polytechnic Institute of Brooklyn and headed by its dean, Charles Schaffner, was tasked with studying the issue in February of 1961; by September of the same year, the team issued a report recommending a complete overhaul of the code and its rationale.<sup>34</sup>

Initially, the proposed changes to the code centred on shifting its emphasis from mandating product specifications—i.e., the use of particular building materials—to outlining general performance standards.<sup>35</sup> This was in large part a response to lobbying efforts by real estate developers and representatives of the building industry, who for several years had pushed to open up the code to new materials such as plastic and gypsum, which were touted as cheaper

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<sup>32</sup> "Noise, Neighbors and the Law," *New York Times*, September 20, 1959, SMA70.

<sup>33</sup> "Builders' Advice Sought on Code: Mayor Urges Industry Aid in Modernizing Law with Little Delay or Expense," *New York Times*, May 6, 1960, 10.

<sup>34</sup> Charles G. Bennett, "City Building Law Ordered Revised," *New York Times*, September 26, 1961, 41.

<sup>35</sup> "A City Is for Building," *New York Times*, July 9, 1965, 28.

alternatives to prewar lath and plaster methods.<sup>36</sup> Their argument was that if the code set out general performance standards, it could better accommodate the development of new construction materials, which, providing they passed performance tests, would not be held up by the need to amend the code.

However, as noise complaints by the city's new apartment dwellers mounted and began to receive attention in the press, the issue of noise control became central to the work of the Buildings Committee.<sup>37</sup> If nothing else, the Committee provided Wagner with a way to reassure complainants that the city was doing something to address the issue, which provided some political cover in the months prior to a municipal election. It also held out the promise that changes in the ways that residential buildings were constructed would substantially ameliorate the noise problems that New Yorkers were suffering, while simultaneously encouraging the development of new units that would reverse the decades-long housing crisis.

The revision of the Building Code was expected to take three years. However, conflicts between various stakeholders in the construction industry and, particularly, with developers and the city's construction unions, ensured that the process would be repeatedly delayed and the final results compromised.<sup>38</sup> Nevertheless, when the new code was finally passed in October of 1968, almost three years after Wagner's exit as mayor, it included the first noise control provisions in a building code anywhere in the United States.<sup>39</sup> However, the code did little to placate residents or anti-noise activists, who had waited seven years for relief and received none that they could

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<sup>36</sup> "Reform Pressed in Housing Codes: Architects Join Engineers and Builders in Drive for Uniform Laws," *New York Times*, April 17, 1960, R5.

<sup>37</sup> "City Code to Limit Apartment Noises," *New York Times*, September 12, 1963, 1.

<sup>38</sup> Glenn Fowler, "Broad Revisions of Building Code Proposed to City: Changes Would Allow Wider Freedom in Architecture," *New York Times*, July 9, 1965, 12.

<sup>39</sup> Joseph P. Fried, "Revised Building Code Approved by City Council," *New York Times*, October 23, 1968, 43.

feel in an immediate, tangible way. Because of this, the focus of noise control shifted from interior apartment noise to a broader concern with exterior urban sound, which required wider-ranging strategies and solutions than the new Building Code was able to offer.

### *The Formation of the Citizens for a Quieter City*

In the intervening period, Robert A. Baron emerged as a leading anti-noise campaigner, first as President of the Upper Sixth Avenue Neighbourhood Association, which he founded in 1965, and subsequently as Vice President of the Citizens for a Quieter City (CQC), which he co-founded in January of 1967. In the interim, Baron had joined the British Noise Abatement Society and attended several anti-noise conferences in the United Kingdom, and he used the information he gathered there to enlist several prominent New Yorkers, including Jerome Nathanson of the New York Society of Ethical Culture, attorney and writer John Wharton, and the otolaryngologist Dr. Samuel Rosen to the cause of fighting urban noise throughout New York City.<sup>40</sup>

The group's first endeavour was to lobby to strengthen the noise control provisions of the new Building Code, which had been weakened during the seven years of negotiations that had passed since Wagner convened the Buildings Committee. Although they succeeded in protecting the core of the provisions contained in Article 1208 of the code, which set out standards for noise transmission between apartments in multiple-dwelling structures, they failed in their efforts to include provisions to reduce the amount of exterior noise that permeated residential buildings via external windows and doors.<sup>41</sup> (As Committee Chair Low told the *Times*, "there wasn't much

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<sup>40</sup> Baron, 12.

<sup>41</sup> Mayor's Task Force on Noise Control, *Toward a Quieter City: A Report of the Mayor's Task Force on Noise Control* (New York City: New York Board of Trade, 1970), 25.

we could do about exterior noise.”<sup>42</sup>) After discussions with the city’s new mayor, John V. Lindsay, who was loath to see the Building Code delayed further, it was agreed that these and other noise issues would be deferred to still another municipal committee. On February 14, 1967, Lindsay convened the Mayor’s Task Force on Noise Control (TFNC), which was chaired by the Executive Vice President of the New York Board of Trade Neil H. Anderson, and of which Baron and Rosen were original members.<sup>43</sup>

Initially, the group’s mandate was twofold: to (a) “establish maximum acceptable levels of noise that will protect the individual in his home, at his work, and in public places”, and (b) “maximize utilization of our advanced technology and our current resources towards abatement of noises.” The TFNC identified five broad categories of noise that caused New Yorkers the greatest level of annoyance: transportation noise, including cars and car horns, trucks, subway trains, helicopters, and low-flying airplanes; garbage collection and sanitation services; the sirens of police and emergency vehicles; construction noise; and air conditioners. Of secondary importance were complaints about the noise generated by television sets, radios, “hi-fi” systems and “canned” music, and “neighbour noise,” particularly in the context of multiple-family dwellings.<sup>44</sup>

Of these, the Task Force placed particular emphasis on the problem of city garbage collection, so much so that a headline in the *Times* declared that it would “act to silence refuse

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<sup>42</sup> Charles G. Bennett, "New Building Code Is Voted to Put City in the '21st Century'," *New York Times*, June 29, 1968, 33.

<sup>43</sup> New York Task Force on Noise Control, "Mayor Appoints Task Force on Noise Control; Neil H. Anderson Named Chairman," press release, February 15, 1967, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 6, Folder: Mayor's Noise Task Force, 1-2.

<sup>44</sup> *Ibid.*, 2.



trucks.”<sup>45</sup> This goal was shared by the CQC, who worked in collaboration with the TFNC to make sanitation a central issue in the first phase of their work. While Anderson arranged meetings with the city’s Sanitation Commissioner, Samuel Kearing Jr., to discuss the possibility of muffling the hydraulic pumps of the city’s garbage trucks, Baron set out in search of the prototype for the world’s first “quiet” garbage can.

### *The Quiet Garbage Can*

This was not the first effort to silence the urban garbage can. In the early 1910s, a city directive allowing nighttime waste collection resulted in a flurry of complaints about the scourge of “ashcan noise,” which prompted calls for quieter collection methods.<sup>46</sup> The issue arose again in the late 1920s, when a survey commissioned by the NAC identified garbage removal as one of New Yorkers’ most persistent noise complaints. The published version of the commission’s report illustrated the problem with a full-page cartoon that had previously appeared in *The New Yorker* magazine, which featured a sanitation worker with a metal ashcan raised high above his head, on the brink of hurling it against a solid brick wall.<sup>47</sup>

The cartoon was intended to inject a note of humour into the subject of noise abatement, but it also illustrates a recurring theme in the representation of sanitation noise at different moments in New York’s history. In *City Noise*, the ashman is depicted as muscular, dark-skinned (or “swarthy,” to use the language of the day), and distinctly menacing, with dark eyes that glare back at the reader with undisguised contempt. Worse, the caricature is given bestial

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<sup>45</sup> David Bird, “City Panel on Noise Gets Chief; Acts to Silence Refuse Trucks,” *New York Times*, February 15, 1967, 46.

<sup>46</sup> “Midnight Refuse Removal: New Service to Be Tested in Manhattan, Brooklyn, and the Bronx,” *New York Times*, April 19, 1911, 20.

<sup>47</sup> Noise Abatement Commission, *City Noise*, 85.



By Ralph Barton in *The New Yorker*

THE SORT OF THING THAT BRINGS JOY TO THE ASHMAN'S  
BLACK HEART

A WHOLE, NICE, NEW, BIG, TWENTY-STORY, CO-OPERATIVE APARTMENT HOUSE  
TO WAKE UP AT SIX IN THE MORNING

**Figure 10.** "The Ashman's Black Heart." *New Yorker* cartoon in the report of the Noise Abatement Commission. Edward Brown et al. eds., *City Noise* (New York: Department of Health, 1930), 85.



features, including fangs and claws that take the place of fingernails. This devilishness was meant to convey the ashman's utter disregard for the peace and quiet of New York's citizens, but when coupled with his crudely ethnic characteristics and in the context of the economic polarization of the 1920s, this element of caricature also serves as a form of commentary about the city's working class. In 1930, the battle over urban noise was framed as a conflict between the crude sensibilities of blue-collar workers and the rather more vulnerable ears of the city's wealthier classes, a conflict that would encompass construction and various forms of industrial labour but would be most perfectly symbolized by the city sanitation worker.

In the late 1960s, sanitation was bound up with a steadily shrinking municipal budget and Mayor Lindsay's subsequent attempts to rein in spending by challenging the power of municipal unions. These efforts led to increased labour strife, as the union representing the city's garbage collectors, the Uniform Sanitationmen's Association (USA), resisted proposals to roll back wage increases and pension benefits, and the conflict culminated in a ten-day long garbage strike in February of 1968. The garbage strike marked a low point in the city's increasingly tense labour relations: Lindsay declared a "state of emergency" and ordered the USA's president arrested, then filed an unsuccessful request to call out the National Guard to remove the mountains of trash that were piling up throughout the city.<sup>48</sup> Meanwhile, the impact of the strike was felt by virtually every New Yorker, who, although finally free of the noise of clattering garbage cans, was now forced to contend with the consequences of this silence, stench chief among them. Predictably, sanitation workers bore the brunt of New Yorkers' frustration, and the strike deepened the class antagonisms that had come to characterize Lindsay's mayoralty and which played out on the level of regional geography. The "bridge and tunnel set" had taken Manhattan

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<sup>48</sup> H. Lanier Hickman, *American Alchemy: The History of Solid Waste Management in the United States* (Santa Barbara, CA: Forester Press, 2003), 520-521.

hostage, and although the USA won many of their bargaining demands, their action stoked the resentment of its increasingly white-collar workforce.<sup>49</sup>

It was in this social context that the CQC began work on reducing the noise of city sanitation services. In 1968, Baron unveiled the prototype for a “quiet garbage can,” which was based on a design by the Bethlehem Steel Company. The standard metal can was outfitted with asphalt, felt, and rubber soundproofing materials, and an arrangement was made for its manufacture with the Dover Stamping Company. The can was to sell for \$7.50, \$1.50 more than traditional cans, and Baron was confident that New Yorkers would accept the increased cost as a fair price for tranquility.<sup>50</sup>

The quiet garbage can was also discussed with representatives of the Sanitation Department, who were invited to attend meetings of the TFNC. Records of these meetings reveal much about the conflicting goals of Task Force members and city officials, as well as the way noise control intersected with broader urban issues at the time. To begin with, there was a significant gap between the goals of Task Force members and their understanding of the day-to-day operations of the Sanitation Department, which had to contend with budget and scheduling constraints as well as the desire of New York’s residents not to be disturbed by the sounds of garbage collection. Further, a conflict arose between the desire to silence garbage cans and city regulations which mandated that the containers had to be both rat-proof and fire resistant. The TFNC’s initial suggestion was that the regulations be changed to allow the city to shift to using plastic garbage cans or bags, which would instantly diminish the noise that their handling created. However, they were reminded by the Sanitation Commissioner of the reason for the

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<sup>49</sup> "Fragrant Days in Fun City," *Time Magazine*, February 16, 1968.

<sup>50</sup> "Old Garbage Cans That Clang in Night May Die with Thud," *New York Times*, April 19, 1968, 49.



**Figure 11.** Robert A. Baron posing with the “quiet” garbage can. In Anthony Bailey, "Noise Is a Slow Agent of Death," *New York Times Magazine*, November 23, 1969, 133.

regulations: namely, that it was a common practice in some low-income neighbourhoods to light bonfires in garbage cans, which made their material a public safety issue.<sup>51</sup>

<sup>51</sup> Mayor's Task Force on Noise Control, Meeting Minutes, April 5, 1967, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 6, Folder: Mayor's Noise Task Force.

For this reason, Baron's prototype was still made of metal; even so, it served as a useful promotional device for the CQC and the larger project of noise control in New York City.

Baron, whose prior theatrical experience gave him a flair for the dramatic as well as a solid grounding in how to mount a public relations campaign, set about promoting the quiet garbage can in a variety of local and national media, including print, radio, and television. Both man and can were highlighted in a feature article on city noise that appeared in the *New York Times Magazine*, which contained a large photograph of Baron posing with his prototype against a backdrop that included a noise meter and a poster of a CQC ad that ran in the city's newspapers, which read "Noise pollution won't kill you. It can only drive you nuts or makes you deaf."<sup>52</sup> Soon afterwards, Baron took the prototype with him to California for a taping of *The Tonight Show* with Johnny Carson; when the segment aired, both achieved national prominence.

Of course, the version of the quiet garbage can Baron commissioned never took off, although the standard metal can would eventually be replaced by the substantially quieter plastic alternative. Nevertheless, the prototype served as a useful promotional device and brought the CQC a measure of national acclaim. It also served as a potent symbol of the sensory conflicts between different classes of New York's residents. With the displacement of industrial production and blue-collar workers to the region's outer boroughs and suburbs, Manhattan came increasingly to be defined by a new "creative" economy based on financial and cultural production, one that was far removed from the infrastructure and services and that were necessary to support it.

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<sup>52</sup> Anthony Bailey, "Noise Is a Slow Agent of Death," *New York Times Magazine*, November 23, 1969, 133.

*The CQC and Urban Reform*

New York City's class divisions were reflected in the executive and membership of the CQC, which included physicians, academics, municipal politicians, cultural workers, and members of the business community. Conspicuously absent were residents who worked in manufacturing, retail, the service industry, or the city. In fact, the organization's records demonstrate that involvement with the CQC closely mirrored Manhattan's evolving character as a centre of post-Fordist cultural production. Volunteers were divided into eighteen categories based on their job titles and skill sets, as follows:

- Arts
- Audiologist (Speech Therapists and Doctors)
- Clergy
- Education
- Engineer
- Foreign Language
- Grab-bag
- Housewives (*sic*)
- Lawyers and Law Students
- Media: Film-makers, Journalists, TV
- Musician
- Noise Measurement
- Photographers
- Professionals—Dr.s, Execs, etc.
- Social Workers
- Students
- Typists, Secretaries, Receptionists
- Public Relations and Writing<sup>53</sup>

Certainly, these categories reflect the skills that would be useful to any organization seeking to influence the political process and public opinion, and in this sense they are fairly pragmatic. However, they also reveal the character of grassroots political organizations of the period, which

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<sup>53</sup> "Volunteer Folder List," 1971, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 10, Folder: Volunteer Files.

were dominated by members of the city's professional and cultural classes. As David A. Johnson observes in his reflections on the work of the earlier Regional Planning Association, urban reform movements tend toward precisely this kind of membership, and must therefore be vigilant about its effects. "Reform groups have tended to come from the upwardly mobile, upper-middle-class income stratum, of which they are a relatively small subset," he notes.<sup>54</sup> Therefore, "values and goals of the upper class and upper middle class have found more support in reform plans than have values and goals of lower and lower middle classes."<sup>55</sup> In the case of the CQC, this relationship plays out in the opposition between "noise makers" and "noise victims," whose antithetical relationship extends to the basic matter of membership.

The volunteer list also demonstrates the growing role of urban cultural workers in the composition of the antinoise movement, one that has roots that extend back to the Victorian period but which resurface in interesting ways in the postwar era. Following larger economic shifts that were reconfiguring New York as a newly "neoliberal city," artists, writers, and educators became increasingly central to the local economy and to the city's international image.<sup>56</sup> Echoing how the aggrieved intellectual class of the early industrial era suffered from the street noises of London, the labour of New York's cultural producers required a degree of quietude that was often difficult to achieve. The spatially undifferentiated nature of cultural production, which is not addressed by traditional zoning or building codes, invariably leads to conflicts with other uses of urban space, and the preponderance of volunteer categories associated with education, media, and the arts reflects a materially based aural antagonism

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<sup>54</sup> David A. Johnson, *Planning the Great Metropolis: The 1929 Regional Plan of New York and Its Environs* (New York: E & FN Spon, 1996), 283.

<sup>55</sup> *Ibid.*, 283-284.

<sup>56</sup> Miriam Greenberg, *Branding New York: How a City in Crisis Was Sold to the World* (New York: Routledge, 2008), 26-28.



between different sectors of urban workers. At the same time, the cultural producers represented by the CQC enjoyed the privilege of vastly greater cultural capital, which the organization deliberately mobilized to achieve their goals.

The irony is that much of the noise that the CQC had mobilized against derived from construction projects that were themselves fuelled by the city's economic transformation. The urban revitalization schemes championed by Moses and several successive city administrations were designed to erase the aging remnants of Manhattan's industrial past and to replace them with structures that would facilitate residential and commercial development for the city's burgeoning creative class. These projects included the traditional preserves of retail and finance but also extended to cultural infrastructure, most notably in the redevelopment of Lincoln Square.

When Baron awoke to the sounds of air compressors outside his family's apartment, he was hearing construction work that was indirectly linked to the Lincoln Square urban renewal project. A working-class and predominantly Latino/a neighbourhood adjacent to the better-known Hell's Kitchen, the area had been designated as a slum by the city and slated for clearance in 1955.<sup>57</sup> The city's plans coincided with a wave of concern about New York's aging housing stock, which filled local newspapers with stories about the dangers aging buildings posed to residents and which dovetailed with the real estate industry's push for redevelopment. The vision that emerged for the imperiled neighbourhood was of a massive urban renewal project that would draw several of the city's most successful arts institutions, including the Metropolitan Opera, the New York Philharmonic, the New York City Ballet, and a new Fordham University campus into a "superblock" surrounded by upscale apartment houses and middle-income housing

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<sup>57</sup> Joseph C. Ingraham, "Slum-Razing Plan Offers Fordham Midtown Campus," *New York Times*, April 8, 1955, 1.

projects.<sup>58</sup> The newly christened Lincoln Centre would anchor the revival of the city's West Side and have an impact as far east as the Barons' Sixth Avenue home.<sup>59</sup>

Of course, redevelopment involves two incredibly noisy activities--demolition and construction—which entail not only putting up new buildings but also altering local infrastructure to accommodate increased population density and traffic flows.<sup>60</sup> In the case of Lincoln Square, the project called for improvements to public transit service in Midtown, which included the new Sixth Avenue subway spur that aroused Baron's activism. As a resident of an area in transition—drawn there, presumably, by its proximity to the Broadway theatres he worked for and its relative affordability—Baron was subjected to sounds that would benefit future residents but were intolerable to those who already lived and worked there. In this sense, the CQC initially functioned as a protest group for the New York's emerging creative class, who were, unwittingly, the first gentrifiers of Lincoln Square. Like their low-income neighbours, these residents were subjected to the physical and aural disruption of their community, but while the poor were left to fend for themselves, Baron and his peers possessed the knowledge, political resources, and, most importantly, status as property-owners to fight back against the city.

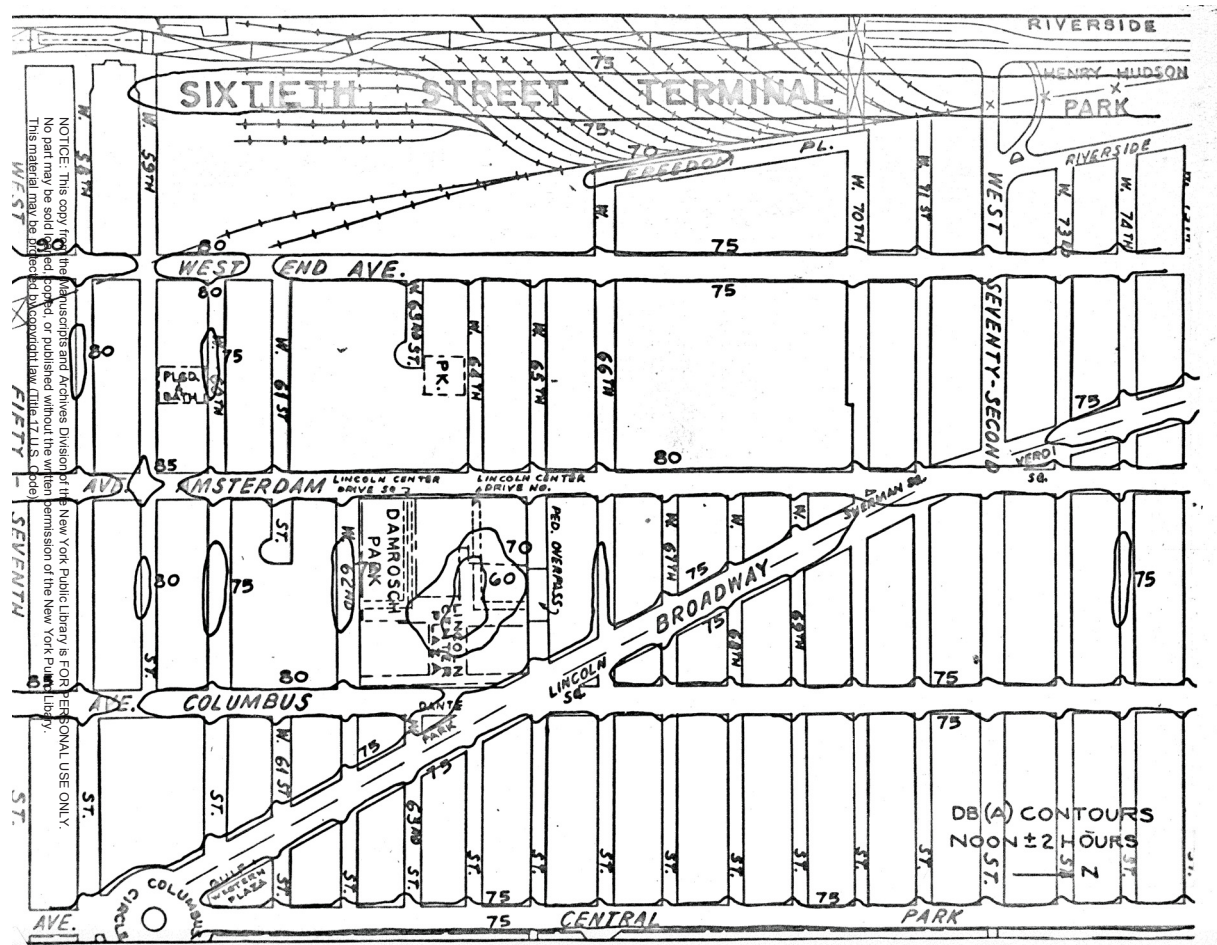
This aspect of the CQC's mandate extended beyond Baron's initial efforts on behalf of Upper Sixth Avenue's residents and small businesses into a much larger campaign against construction noise, and eventually developed into a full-fledged attempt at aural intervention. As the redevelopment of Lincoln Square continued throughout the mid- and late- 1960s, the CQC's rising stature as an anti-noise organization led the group to conceive of a new project, Project Quiet City, that would focus on combating noise on the middle West Side.

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<sup>58</sup> Jacobs, 242.

<sup>59</sup> "The West Side's Rebirth," *New York Times*, August 11, 1960, 26.

<sup>60</sup> Martin Arnold, "Crowding Feared near Lincoln Sq: 2 Groups Ask City Study of Housing," *New York Times*, January 5, 1962, 18.



**Figure 12.** Project Quiet City Noise Contours Map. Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 7, Folder: PQC Progress Report.

## Project Quiet City

Project Quiet City (PQC) was launched on July 1, 1970, when the CQC received a \$300,000 grant from the Ford Foundation to mount a two-year pilot noise abatement project on New York's middle West Side. Headed by Baron, the PQC targetted a sixty-block area that extended north from 59<sup>th</sup> Street to 74<sup>th</sup> Street and west from Central Park West to the Hudson River, and encompassed an estimated 25,000 to 30,000 residents. The newly built Lincoln Center stood at the centre of the target area, which included schools, hospitals, and railyards as well as

residential housing inhabited by a “cross-section of income and ethnic groups.”<sup>61</sup> According to Baron, the PQC’s primary objective was to “sensitize” the community to the problem of urban noise, and to focus especially on the noise problems that were generated by the area’s continuing redevelopment.<sup>62</sup>

The PQC began its work by conducting a survey of residents’ attitudes about noise, which revealed that only 14% of respondents were as concerned about noise as they were about other neighbourhood issues. These included a lack of affordable housing and facilities for senior citizens, the poor quality of local schools, street cleanliness, personal safety, and a perceived rise in drug abuse, all of which outranked noise as sources of concern.<sup>63</sup> The PQC took the anemic response as evidence of a “common belief that noise is the inevitable result of progress,” and commenced an education campaign that included a complaint centre, community meetings, door-to-door canvassing, arts events, a “sound-off fair” for children, and a major anti-noise conference, the ultimate goal of which was to “make noise visible.”<sup>64</sup>

Meanwhile, the group conducted a noise measurement survey, which used decibel meters to determine that residents were being subjected to “undesirable noise exposures.”<sup>65</sup> These were classified according to self-reported levels of annoyance by residents, with the most offensive being:

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<sup>61</sup> "Project Quiet City: Progress Report," January 1971, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 7, Folder: PQC Progress Report, 1-7.

<sup>62</sup> "Ford Foundation Interim Report (Draft)," June 30, 1971, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 7, Folder: PQC Progress Report, 1-25.

<sup>63</sup> "Final Report: Project Quiet City," March 1, 1973, p. 5-6, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 7, Folder: PQC Progress Report, 1-28.

<sup>64</sup> *Ibid.*, 6.

<sup>65</sup> *Ibid.*

1. Fire engine, ambulance, and police sirens
2. Horn blowing
3. Construction noise (tied with horn blowing)
4. Garbage trucks
5. Motorcycles and hot rods

While the PQC set out to reduce noise in all of these categories, its most concerted efforts were directed at the numerous construction projects that were planned for the area. These included the addition of staff housing facilities at the Roosevelt Hospital, work on the new Martin Luther King Jr. and La Guardia high schools, construction of the Amsterdam Housing Annex, a new Mormon Church and affiliated luxury apartment complex, construction of a subway station at Seventy-Second Street, and a West Side sewer project.<sup>66</sup> In each case, and with varying degrees of success, the PQC approached developers and construction companies to encourage them to use “silenced” equipment such as pile drivers and air compressors, and to make a concerted effort to inform neighbouring residents of construction schedules. Meanwhile, the group pressed insurance companies to tie mortgage financing to noise abatement and environmental control, an idea that was briefly considered by one of the PQC’s sponsors, the Equitable Life Assurance Company, but which eventually fizzled.<sup>67</sup>

The group was somewhat more successful in its effort to reduce siren noise, as it persuaded the city to purchase new two-tone “musical” emergency signals for 1000 police cars in its fleet.<sup>68</sup> However, their attempt to launch a local anti-horn blowing campaign met with resistance from the captain of the local police precinct, who suggested that the “the community would not support diverting men in a high-crime area to horn law enforcement.” Instead, he helpfully offered to authorize his force to ticket “Johns” who honked their car horns as a way of

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<sup>66</sup> "Ford Foundation Interim Report (Draft)," 13-14.

<sup>67</sup> "Project Quiet City: Progress Report, 4.

<sup>68</sup> "Final Report: Project Quiet City, 15.

attracting local prostitutes.<sup>69</sup> Undaunted, the PQC persuaded the management of the Lincoln Centre to include an anti-horn honking notice in its event programs, which politely requested that patrons consider the deleterious effects of noise on area residents.

By far, the most successful of the PQC's activities were its promotional events, which were covered by all three radio and television networks and led to appearances on the *Dick Cavett Show*.<sup>70</sup> The group's inaugural luncheon received extensive coverage in local newspapers, while its 1972 Quiet Week campaign was introduced by a proclamation by Mayor Lindsay, which declared that "noise is an affront to the dignity of man."<sup>71</sup> An event called "Noise and the Arts" featured a program of poetry, dance, and musical performances, including the world premiere of the "Concerto for Jackhammer," a medley of pieces by Haydn and Respighi performed by a trio of garbage can, auto horn, and the aforementioned jackhammer.<sup>72</sup> Again, Baron's expertise in theater and publicity was on full display, and the events had a festive, faintly countercultural touch that ensured they would attract media attention. However, they ultimately did little to help the PQC achieve its stated goal of sensitizing the community to noise control issues.

In the group's final progress report for the Ford Foundation, Baron restated the questions that had informed the PQC's initial mandate: "How is an urban community sensitized to the problem of urban noise? Would an informed citizenry seek to help themselves and demand

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<sup>69</sup> Ibid., 16.

<sup>70</sup> "Ford Foundation Interim Report (Draft), 16-17.

<sup>71</sup> "Quiet Week Program, 1972," Promotional Pamphlet, Citizens for a Quieter City Records; Manuscripts and Archives Division, New York Public Library, New York.

<sup>72</sup> "Program: Noise and the Arts," May 13, 1972, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 8, Folder: Quiet Week.

noise abatement programs?”<sup>73</sup> After two years of work, the group reluctantly admitted that it had failed to provide conclusive answers to these questions. A second attitudinal survey conducted at the close of the project showed an increase in the number of respondents who considered noise to be a significant urban issue, from 14% to 28%, as well as a 27% increase in respondents’ level of annoyance.<sup>74</sup> However, the survey also revealed a decline in the level of optimism respondents felt about the potential success of noise abatement efforts, and only a marginal decrease in actual noise levels in the area.<sup>75</sup> In the end, the PQC succeeded in sensitizing a minority of its constituency to noise issues, but they were unable to substantially improve the aural conditions in which they lived.

The report cited many of the same obstacles that had faced both the NAC in the early 1930s and the CQCI in the 1950s: i.e., administrative problems, inadequate funding, public apathy. However, the group also placed blame on the community residents whose interests they had set out to champion. According to Baron, the middle West Side was a uniquely “difficult target area,” which, despite its “strong social conscience” was also hampered by the “realities of enclaves which encase the three dominant socio-economic groups in this diversified neighbourhood.”<sup>76</sup> In these polite terms, Baron identified a lingering disconnect between the members of the PQC, only a small fraction of whom lived in the target area, and the low-income and African American and Latino/a residents who remained there despite the steady encroachment of high-rise towers they could not afford to live in.

Throughout the duration of their project, the PQC toyed with the idea of conducting studies that would explain the difference in annoyance levels between low-income and middle-

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<sup>73</sup> "Final Report: Project Quiet City," 4.

<sup>74</sup> Ibid., 17-18.

<sup>75</sup> Ibid., 19.

<sup>76</sup> Ibid., 22.



to upper-income residents, and even went so far as to consult the sociologist Samuel Klausner, then a professor at Columbia University, who advised the group that the perception of noise was in large part an interpretive process, one based on the “social structure in which a recipient is embedded.”<sup>77</sup> However, although the group was determined to “develop the concern and desire for noise abatement” among these residents, they made few concrete efforts to involve them in the project itself.<sup>78</sup> In fact, Baron noted that despite their outreach to community residents (which records show consisted of a single meeting with the Lower West Side Community Corporation and the translation of one promotional flyer into Spanish), the majority of the 25 volunteers the group recruited to the project were from outside the target area.<sup>79</sup> Further, the group declined to hire staff from within the community, citing concerns that “a local staff member involved with the community may not be able to devote the concentrated effort necessary” to the project.<sup>80</sup> Although it is impossible to know precisely why area residents did not flock to Baron’s cause (since no one thought to ask them), the absence of their direct involvement in the day-to-day operations of the PQC suggests that their concerns were neither represented nor understood by its leaders. Nevertheless, the responses to the group’s initial survey make these concerns quite clear: for marginalized residents, noise paled in comparison with urban safety and housing issues, and even after a two-year long educational campaign, their civic priorities remained virtually unchanged.

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<sup>77</sup> Samuel Klausner, "Socio-Cultural Analysis of Noise," [n.d.] Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 2, Folder: Commerce Technical Advisory Board on Noise Abatement.

<sup>78</sup> "Final Report: Project Quiet City," 6.

<sup>79</sup> "Ford Foundation Interim Report (Draft)," 10.

<sup>80</sup> "Final Report: Project Quiet City," 22.

*The Quieter City*

As with earlier anti-noise organizations, the disconnect between the CQC and marginalized urban residents can be traced to the ideals they held about urban life. For Julia Rice and the SSUN, the ideal was a state of quasi-pastoral civility; for La Guardia, it was an orderly and assimilated modernity; while for Baron, the ideal lay somewhere between the two. On the one hand, the enemies of silence were technology, progress, and industry, which conspired to rob urban residents of their tranquility and, eventually, their peace of mind. At the same time, the solution to the problem of noise lay in these same entities, which had to be forced to produce the quieter products and services that would improve the urban soundscape.

In his book, *The Tyranny of Noise*, Baron cites an interview with the author and activist Norman Cousins:

Silence is not nothingness or the absence of sound. It is a prime condition for human serenity and the natural environment of contemplation. A life without regular periods of silence is a life without essential nourishment for both the spirit and the functioning intelligence. Silence offers the vital element of privacy, without which an individual becomes something less than himself....We live at a time when thought alone represents the difference between sanity and total madness. One of the prime requirements of such thought is privacy and a little silence, at least now and then.<sup>81</sup>

The passage appears in a number of the CQC's promotional materials and is prominently featured in a pamphlet for Quiet Week, and it expresses both the rationale of the group and something about the zeitgeist of the time.

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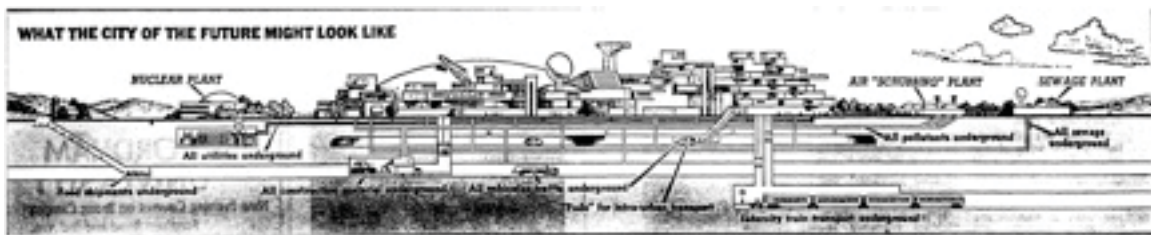
<sup>81</sup> Baron, 98.

The war against urban noise was, in one sense, a war against the basic services and infrastructure that are required to sustain urbanity itself: transportation, emergency services, sanitation, construction. The garbage trucks that prevent the city from drowning its own filth, as became worryingly possible during the 1968 garbage strike, also disturb the sleep of the residents who rely on them. Similarly, the automobiles and trucks that make mobility and trade possible—to say nothing of the commute to the suburbs upon which the post-war economy was based—also lead to the din of engines and horns as vehicles carrying both passengers and goods crowd into the narrow hub of the city. The sirens that are the bane of any urban resident are designed to temporarily arrest the working flows of the city, an act that would be unthinkable in virtually any circumstance other than the saving of life.

Even the project of urban renewal, as misguided and devastating as it plainly was, was based on the recognition that cities sometimes need to rebuild themselves—to restore or replace aging housing stock, to buttress roads and bridges, and to accommodate new industries and types of commerce—and this is not a process that happens quietly. While the transformation of Lincoln Square was neither necessary nor beneficial for many of its original residents, emergency repairs to Manhattan's steam system, which extends along a network of hundred year old asbestos-laden pipes just under the city's surface, is substantially more so. Still, it is work that generates noise, and which despite its value contributes to the cacophony of a functioning city.

As the CQC worked to mute this din, they joined a growing number of citizens who were concerned about the various forms of effluent that cities produce: noise, in this case, but also air and water pollution, which had emerged as central issues in a nascent urban environmental movement. However, the desire to protect not only physical health but also the serenity upon

which intellectual life depended united the goals of nineteenth-century noise reformers with a uniquely twentieth-century conception of urban life. This marriage is most spectacularly expressed in the work of Dr. Athelstan Spilhaus, a geologist who, like Baron, sought to use technology against itself to cure the ills of the city. In the late 1960s, Spilhaus devised an “experimental city” that would house all transportation, utilities, industrial activity, and infrastructure deep underground, while residential and creative activities would take place under a geodesic dome above ground. Between the two urban levels, an elaborate filtration system would work to purify the pollution that was produced underneath, leading to a “smokeless, noiseless, and trafficless city” that nevertheless preserved its basic functionality.<sup>82</sup>



**Figure 13.** The Minnesota Experimental City.

The Minnesota Experimental City, as the project came to be called, received substantial federal funding but was never built, due in large part to citizen protests.<sup>83</sup> However, in 1967, when Spilhaus gave a well-attended lecture at the annual meeting of the American Association for the Advancement of Science, the idea briefly captured the imagination of New Yorkers, and of at least one member of the CQC, who left an unmarked clipping about the talk in the

<sup>82</sup> Walter Sullivan, "Science: A Smokeless, Noiseless, Trafficless City," *New York Times*, December 31, 1967, 97.

<sup>83</sup> Todd A. Wildermuth, *Yesterday's City of Tomorrow: The Minnesota Experimental City and Green Urbanism*, Dissertation Abstracts International. 69-11. Thesis (Ph.D.)--University of Illinois at Urbana-Champaign, 2008.

organization's files. In the *Times* article, Spilhaus predicted that "the chief role of the city will ultimately be 'metaphysical,' offering a forum for the exchange of ideas, learning, and culture rather than goods."<sup>84</sup> With noise, traffic, and pollution banished to a carefully engineered netherworld, urban citizens would finally be free to engage in the creative and intellectual endeavours that Norman Cousins envisioned, undisturbed by the lower functions of urban life.

As a utopian concept, the experimental city provides a useful illustration of both the rise of the creative class, whose tranquility the CQC fought for, and of New York's shift from an industrial economic base to a post-Fordist one. While Spilhaus's dual city-world never came to pass, it would serve as an inspiration for urban reformers who envisioned a cleaner, quieter, and more liveable city. Several years after his New York appearance, Spilhaus appeared in *The Tyranny of Noise*, in which he joined Baron in critiquing the acoustical properties of the postwar metropolis.<sup>85</sup> Behind the glittering glass facades of modernist architecture, he observed, was a sensory environment that was as intolerable as a boiler factory. "Only the stone deaf could have enjoyed the visual experience," he sniffed, a problem that once again fell to city government to try to solve.

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<sup>84</sup> Sullivan, 97.

<sup>85</sup> Baron, 26.

## CHAPTER FOUR

### FROM URBAN NOISE TO THE URBAN CRISIS: THE CITY AS ACOUSTIC SLUM

Like its 1936 predecessor, the 1972 noise code was the result of a multi-year process that involved several municipal committees, a spate of political lobbying, and at least one abject failure. An offshoot of the similarly fraught process that led to the adoption of the city's revised Building Code in 1968, the drive for an updated noise ordinance was spearheaded by Mayor John Lindsay during his first of two terms of office. Heeding critics who charged that the Building Code had not gone far enough to ameliorate the city's noise problem, Lindsay assembled a Mayor's Task Force on Noise Control (TFNC), whose advisors included two members of the Citizens for a Quieter City (CQC). Whereas the provisions of the building code were limited to building design and construction, the TFNC solicited input on all facets of urban noise. As the *New York Times* noted, the battle over noise was shifting focus, away from the interiors of new apartment buildings and into the outdoor spaces of the city.<sup>1</sup>

In total, the process of revamping the noise code spanned seven years, from the last year of the Wagner administration until well into Lindsay's second term of office. Noise reemerged as both a technical problem and a symptom of urban disorder against the backdrop of a city that was increasingly framed in terms of discourses of decline and blight. In contrast to La Guardia's New York however, which benefitted from large amounts of federal funding, the city was now in

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<sup>1</sup> Peter Millones, "Focus of Battle on Noise is Quietly Shifting," *New York Times*, April 5, 1970, 1.

fiscal decline, a condition that hampered the efforts of the Lindsay administration to operationalize many (although by no means all) of its policies. Further, in marked contrast to La Guardia's government by fiat, the process of enacting civic change became mired in lengthy negotiations and, in the case of at least one constituency—the city's construction industry—of outright resistance. Meanwhile, new sound technologies and the appropriation of those technologies by some of the city's most marginalized residents created a radically different public sphere, one that transgressed New York's increasingly segregated spatial boundaries. The result was a problematization of urban noise that both echoed and departed from that of the interwar period.

### *Towards a New Noise Code*

As noted earlier, the explosion of post-war apartment house construction led to increasing complaints about the lack of soundproofing between units in multi-family dwellings, a problem that stemmed in part from the desire of developers and construction companies to keep costs low. In a speech given before the council's Buildings Committee, Robert A. Baron identified himself as a suffering resident of a post-war building in which the walls were so thin that his wife mistook the voices of their neighbours for his own. These concerns were addressed, to a point, by a revised version of the Building Code, which was passed by city council on October 22, 1968, after years of committee work and public consultation. In addition to expanding the list of building materials that were permitted by the city, Section 1208 of the code implemented new soundproofing measures that were designed to limit the transmission of sound between units of all new multi-family dwellings. Specifically, the code set requirements that floors, ceilings and



walls meet specific Sound Transmission Class (STC) ratings that were the first of their kind.<sup>2</sup>

The new measures were only required of new construction projects, however, and they were frequently undermined by poor construction site supervision and out-and-out bribery.<sup>3</sup> The code also fell short of the hopes of the CQC, which envisioned more stringent limits that were in keeping with European regulations.

The building code's long legislative process as well as its failings served to highlight noise as a key municipal concern, and it did so by underscoring the acoustic permeability of the domestic home. New Yorkers had a right to the peaceful enjoyment of their apartments, critics insisted, which were inundated by the sounds of traffic, construction, and garrulous neighbours, as well as their expanding number of home appliances. In contrast to the hearing subjects of La Guardia's city, who were assaulted by urban noise in an undifferentiated public space, Lindsay's hearers were positioned as domestic subjects, whose sonic experience of the city was rooted in vulnerable private enclaves. The sounds that assaulted them did not surround them as much as seep in through the fissures and gaps of their dwellings, which failed in their function to provide sanctuary from the din of the city outside. On this point, Baron didn't mince words: "It has been a travesty on the American way of life that the harassed citizen has not been able to shut the door of his post-war apartment and keep out the disturbing noises of his neighbors, and the noises from the street, and from the sky."<sup>4</sup> Ironically, the sounds that most plagued them were those that emanated from the construction of still more apartments, whose high-rise densities dwarfed

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<sup>2</sup> Mayor's Task Force on Noise Control, *Toward a Quieter City: A Report of the Mayor's Task Force on Noise Control* (New York City: New York Board of Trade, 1970), 25.

<sup>3</sup> David K. Shipler, "Building Industry Here Scored by Housing Chief," *New York Times*, July 7, 1972, 1-2.

<sup>4</sup> Statement by Robert Alex Baron, Resident of New York City, Before the New York City Council During Hearings on the Proposed Building Code Local Law INT. No. 436, [n.d.], Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 5, Folder: Building Code, 1.

the walk-ups of the prewar era and required an apparatus of machinery (e.g., elevators, incinerators, ventilation units) that produced an even greater amount of ambient noise. These concerns over substandard housing informed the language of noise control, which appropriated the discourse of slum clearance and levied it against the city's soundscape. Without immediate action, Baron insisted, New York would become a vast "metropolitan acoustic slum," one that would leave middle-class residents with no choice but to flee the city. "One of the powerful forces driving people to move out of the city is noise and the inability to escape it. [...] It's one thing if we want to design-in future slums, it's another if we want to preserve our urban society."<sup>5</sup>

Like the earlier NAC, the CQC formed during a period of intensive urban development, both public and private, and it initially targetted the sounds of construction and maintenance. Baron's personal noise complaints, which he recounted in speeches and articles as well as the introductory chapter of his book, *The Tyranny of Noise*, exemplified the plight of the New Yorker living in a slum clearance or redevelopment area, where massive construction projects lasted for months, if not years. The group's surveys resemble those published in the NAC's 1930 report, *City Noise*, which showed that complaints about entertainment or neighbor noise ranked low in comparison to construction and transportation noise, and this ratio remained fairly constant throughout the group's history.<sup>6</sup> Home appliances were also represented, although these complaints are fewer in number, as was the noise of "hi fi" audio systems, which again formed a minority of complaints. The anti-noise solutions the CQC proposed were primarily geared toward these noise sources, and like the NAC, they focused on making improvements to the

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<sup>5</sup> Ibid., 3.

<sup>6</sup> Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 2, Folder: Complaints.

technologies that produced them: e.g., quieter air compressors, garbage cans, etc. What they did not do, at least initially, was demand behavioural changes on the part of their fellow New Yorkers, or imagine a city that was more pastoral than urban. This figured in the group's choice name, which deliberately called for a "quieter," rather than a "quiet" city.<sup>7</sup>

The CQC's aims reflect the soundscape of mid-1960s New York, which was still dominated by the clamour of Robert Moses' highway-building and urban renewal schemes. As documented by Robert A. Caro, Moses acquired an unprecedented level of political and economic power in the post-war period, and, unchecked by an equally dominant figure like La Guardia, he was able to marshal the resources for multiple and massive projects throughout the city.<sup>8</sup> His well-documented indifference to the effects of these "bulldozer renewal" projects on the New York's inhabitants, particularly in its poorest sections, is mirrored by his lack of regard for the ways in which they would impact its soundscape and reduce its livability for those who happened to be in the path of multi-year projects such as the Lincoln Center.<sup>9</sup> Since working and poverty-class residents had no political voice, and were therefore simply displaced, the New Yorkers who were most vocal in their complaints were members of the white middle class, whose property investments that gave them a recognized political stake in affected neighbourhoods.

Emily Thompson observes that the noise control movements of the 1960s and 70s were animated by emerging ecological discourses, and these certainly played a major role, particularly

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<sup>7</sup> Anthony Bailey, "Noise is a Slow Agent of Death," *New York Times*, November 23, 1969, 131.

<sup>8</sup> Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York*, (New York: Knopf, 1974).

<sup>9</sup> Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York* (New York: Oxford University Press, 2010), 21.

in the 1970s.<sup>10</sup> However, the social movement that most directly informed the formation of the CQC was the anti-urban renewal movement led by Jane Jacobs in the early 1960s, which was galvanized by the demolition of Penn Station. Both are urban reform movements, which created citizen coalitions led by the educated middle class to oppose municipal policies, and both, in different ways, tried to lessen the impact of urban renewal on the city. In contrast to the NAC, which was a government appointed commission, and the League for Less Noise, which was a lobby group that represented Midtown merchants' associations, the reform movements of the early 60s were positioned as outsiders in relation to the municipal government bodies they sought to influence. In this sense they were people's movements, but ones that sought to ameliorate the worst effects of municipal power rather than radically alter their foundations, a difference that became starker in the late 1960s, when the student and Black Power movements were in the ascendancy. They were also overwhelmingly white and, in the case of the CQC, exclusively male.

These movements occasioned a shift in New York's political scene, away from the technocratic administration of Robert Wagner and toward the more liberal government of John Lindsay. Two years after taking office, Lindsay announced the formation of the Mayor's Task Force on Noise Control (TFNC), whose membership included CQC Chair Dr. Samuel Rosen and on which Vice-President Baron sat as a guest.<sup>11</sup> Although the rest of the TFNC was composed of the same mix of business leaders, engineers, and health professionals that populated the NAC, the participation of the CQC members demonstrates at least a token inclusion of the citizen's

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<sup>10</sup> Emily Thompson, "Noise and Noise Abatement in the Modern City," in *Sense of the City: An Alternate Approach to Urbanism*, eds. Mirko Zardini and Wolfgang Schivelbusch (Montreal, QC: Canadian Centre for Architecture, 2005), 198.

<sup>11</sup> David Bird, "City Panel on Noise Gets Chief; Acts to Silence Refuse Trucks," *New York Times*, February 15, 1967, 46.

groups that had helped him and other liberals to win office in 1966. That said, the process that played out over the next several years shows the obstacles that reform movements encountered when they were able to secure a place at the political table, and the outsized influence of the consortium of business, real estate and construction industry interests that dominated municipal policy-making.

*The Sounds of Crisis: Noise, Race and the City*

By 1968, the language of noise abatement had merged with narratives about the urban crisis, creating a set of public relations discourses that played on New Yorkers' fears of urban decline. When Baron declared that the city was on the precipice of becoming an "acoustic slum," the claim was reported in the *New York Times* and featured in the lead paragraph of a story in the *New York Daily News*.<sup>12</sup> In several later speeches and in his 1971 book, *The Tyranny of Noise*, Baron extended the analogy even further, asserting that there was a direct link between urban noise levels and rising violence in urban ghettos.<sup>13</sup> This equation of noise with violence echoes the order maintenance discourses of the interwar period, but in the late 1960s the link was explicitly racialized, which gave longer standing concerns about poverty among minority communities an acoustic dimension. Although the link served as a persuasive mobilizing tool, it also constructed noise as a concern that masked the socio-political causes of urban poverty in much the same way that the sound of air conditioners flattens out residential and office noise.

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<sup>12</sup> Owen Fitzgerald, "Ask Stronger Noise Curbs in Code," *New York Daily News*, November 4, 1967, 1.

<sup>13</sup> Robert Alex Baron, *The Tyranny of Noise*, (New York: St. Martin's Press, 1970), 115-16.



"Cuth" Social

25 NEW YORK POST, MONDAY, NOVEMBER 18, 1968

## "Recently, I have come to feel that the conditions of our cities have made all people second-class citizens, in some respects." Mrs. Mary Pegram

(Note: Mrs. Mary Pegram is a social worker in a large metropolitan area, with an intimate knowledge of the problems of the central city. Her views concerning the ways in which urban decay affects all of us follow:)

"As a social worker, and a black woman, I feel the agonies of second-class citizenship very deeply. Recently, I have come to feel that the conditions of our cities have made all people second-class citizens, in some respects."

"I visit cities and walk through their streets, breathing air that's not fit for anyone to breathe; I hear the constant rumble of traffic and I feel its vibration in the soles of my feet; I see the grime caked on windows, walls, sidewalks, and parked cars and shudder as I realize that this dirt is going into our lungs; then I think that life in today's cities is no picnic... for anyone... black or white. You're a second-class citizen when you live like this.

"Take the very simple things like trying to get around in the city, shopping in the stores, or just trying to find a place to relax and see what problems they have become.

"Passing any corner where people wait for public transportation, you can see crowds. And they're not all black.

"And I know that everybody is afraid to walk the streets after dark. All you have to do is pick up the latest paper to know why.

"I drive along the roads near rivers and see all the stuff that floats on the water and smell the sickening odor. It's everybody's river and it flows by luxury apartment buildings as well as slum dwellings.

"There's nothing first class about any of it, for any of us.

"Life is hard enough for both black and white without the extra burdens that city life brings today.

"So we've got to ease those burdens. If we can make our cities free of filth, free of the overwhelming problems that affect everyone, I believe we'd find a new spirit of pride and optimism in this country.

And with that spirit, we'll all become first-class citizens, in every respect."

The future of our cities depends on what we do now. Today.

It's a job that must rest primarily with government. But it's a job that also needs the help of business and labor and private citizens... inside and outside the slum. White and non-white alike. Concerted action now can be effective.

That's why we ask you to act directly and vigorously in this crisis. Perhaps you can join a project where you work. Or join a civic group. Or find others who think as you do and start a group yourself. There are ways you can help even as a single individual.

As businessmen, we are dismayed at the economic consequences should we fail to heed this call to action. As men, we are appalled at the prospect of greater personal tragedy.

What about you? Whoever you are, whatever you do, you, in your own way can help.

For suggestions about kinds of constructive action you can take, send for the free booklet, "Whose Crisis? ... Yours."

**Institute of Life Insurance**  
277 Park Avenue  
New York, New York 10017  
On behalf of the Life Insurance Companies in America



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Figure 14. Insurance Companies of America campaign ad. *New York Post*, November 18, 1968, 25.

The crisis theme was amplified by the Insurance Companies of America, which placed a full-page ad in local and national newspapers that called for an alliance of government, business and citizen action to counter the urban crisis.<sup>14</sup> The ad, which appeared in the *New York Post* on November 18, 1968, featured an African-American social worker named Mrs. Mary Pegram who worked in an unspecified “large metropolitan area.” The headline is taken from her comments on the impact of urban decay on residents, and reads: “Recently, I have come to feel that the conditions of our cities have made all people second-class citizens in some respects.” She goes on to list a litany of urban problems, including air pollution, grime, and noise, and concludes that “life in today’s cities is no picnic... for anyone... black or white.” In fact, eight of the nine paragraphs of quoted material emphasize the apparently race-blind nature of urban decline, and is echoed by the insurance companies’ urgent call to action, which targets “white and non-white [citizens] alike.”<sup>15</sup> The ad simultaneously frames the urban crisis as a compendium of quality of life issues that impact citizens of all classes and races equally, and as a racialized problem. (In this sense, it echoes earlier noise abatement efforts which insisted that noise was a problem for all classes.) The ad also places noise at the centre of the urban crisis, a fact that was duly noted by the CQC member who underlined the relevant text and kept the ad on file.

#### *Dr. Rosen’s Acoustic Shangri-La*

The racialization of noise and its negative social impact in urban settings stands in contrast to the CQC’s romanticization of sound in non-urban contexts, which is most clearly evidenced in the work of one of its founding members, Dr. Samuel Rosen. Rosen, a New York-based otolaryngologist who pioneered the use of the Stapes surgical technique to restore hearing to

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<sup>14</sup> "Display Ad," *New York Post*, November 18, 1968, 25.

<sup>15</sup> Ibid.



partially deaf patients, also spent several years studying the rural Mabaan tribe in south-eastern Sudan. His research findings showed that elderly tribe members suffered dramatically less prebycusis, or age-related hearing loss, than their urban Western counterparts.<sup>16</sup> Based on this observation, he speculates that lower levels of noise account for the tribes' virtually non-existent rates of high blood pressure and heart disease, ailments that only struck them when they migrated to the city of Khartoum. Rosen's Sudanese research was published in several medical journals and received coverage in the popular press, including a feature article in *Life Magazine* that described the Mabaan village of Boing as Rosen's "Shangri-La."<sup>17</sup> Through his involvement in the CQC, Rosen was appointed as a member of the TFNC and his work was later presented to Congressional hearings on noise.

Although Rosen made no scientific claims for a causal link between the absence of noise and the Mabaans' health and longevity, he did raise the possibility that their relocation to "civilized" urban centres had a deleterious effect on both.<sup>18</sup> This possible correlation became an important educational and mobilization tool for the CQC, and it dovetailed perfectly with wider concerns about the urban crisis.<sup>19</sup> It also drew a clear boundary between the realities of African American life in the United States and its idealized equivalent in rural Africa. Notably, it is civilization that has a deleterious effect on black and brown people, not specific social or economic conditions such as institutional racism, deindustrialization, or segregationist real estate practices, and it certainly wasn't the failures of urban renewal programs that concentrated poverty and inequality in housing projects such as those Moses built throughout New York City.

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<sup>16</sup> Samuel Rosen. *The Autobiography of Dr. Samuel Rosen*, (New York: Knopf, 1973) 211.

<sup>17</sup> Albert Rosenfeld, "Special Report: Dr. Rosen's Shangri-La," *Life Magazine*, July 27, 1962, 8.

<sup>18</sup> Ibid.

<sup>19</sup> Robert A. Baron, "Noise and Urban Man," *American Journal of Public Health and the Nation's Health* 58, no. 11 (1968): 2065-66.

Instead, it was noise, which had the potential to damage the city's newly reurbanized middle class as severely as its minority populations, who merely served as canaries in a blighted and cacophonous coal mine.

*Anti-Urbanism and R. Murray Schafer*

Rosen's work, along with that of the CQC, had a lasting influence on the Canadian composer R. Murray Schafer, who went on to become a founding member of the World Soundscape Project (WSP) and a seminal figure in soundscape studies and the acoustic ecology movement. Rosen's research is cited in several of Schafer's early publications, including the 1970 pamphlet *The Book of Noise* and the first edition of *The Tuning of the World* (later reprinted as *The Soundscape: The Tuning of the World*), as well as the later WSP publication *Acoustic Communication* by Barry Truax. In addition, the CQC as an organization and the TFNC's final report both appear in the *Book of Noise*'s short bibliography. These traces demonstrate that the work of New York's antinoise movement directly informs Schafer's central thesis, which rests on the premise that modern, industrial cities are damaging "lo-fi" soundscapes that should be refashioned into more humane "hi-fi" acoustic environments. Given Schafer's continuing influence on sound studies this point bears further discussion.

In an article he wrote for the *Vancouver Sun* in 1969, Schafer describes the modern urban environment as a "huge sound sewer."<sup>20</sup> The piece is a prelude to a larger body of work that frames the modern city as an acoustic problem, and poses the sonic education of the urban citizenry as a solution. One of the central points of Schafer's argument—and, by extension, that of his collaborators in the WSP—is that cities are "lo-fi" environments that are dominated by

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<sup>20</sup> R. Murray Schafer, "The City as a Sonic Sewer," *The Vancouver Sun*, March 11, 1969, 6.

overcrowded signals, which results in masking and a lack of acoustic clarity.<sup>21</sup> In other words, cities are characterized by a low signal-to-noise ratio, which makes it difficult for any individual sound to rise above the ambient noise level unless it is made louder by amplification or other means, which in turn exacerbates the problem. The primary focus of Schafer's intervention are the technologies associated with industrialization and their aftermath: the steam engine, the railway, the motor, the pneumatic drill, the air conditioner, the jet engine.<sup>22</sup> These "flat line" sounds are the same ones that the NAC and the CQC identified as the major culprits behind unacceptable urban noise levels, and, as with Schafer, they were viewed as the acoustic effluent of unrestrained technological progress. However, Schafer's project is also concerned with the design of cities as acoustic environments, and it is here that the connection between his work and that of the CQC and other urban reform movements becomes most clear.

The contradiction that lies at the heart of Schafer's work is that he doesn't seem to actually like cities all that much. Certainly, he can't abide the increased densities and proximities that characterize the post-war North American city. In part, this is a reaction against modernist urban planning, whose architects were so consumed with the future-directed vision of the cities they were building that they were unconcerned with the consequences of that vision for their present inhabitants. However, there is also a marked distaste in Schafer's work for the noisy and sometimes disorderly rhythms of city life that Jane Jacobs describes in terms of a "sidewalk ballet," as well as a palpable degree of reactionary elitism.<sup>23</sup> These tendencies are gestured toward in the work of the WSP, but they are most evident in two pieces from the edited

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<sup>21</sup> Barry Truax and the World Soundscape Project, *The World Soundscape Project's Handbook for Acoustic Ecology*, (Burnaby, B.C.: A.R.C. Publications, 1978), 71.

<sup>22</sup> R. Murray Schafer. *The New Soundscape; A Handbook for the Modern Music Teacher*, (Don Mills, O.N.: BMI Canada Ltd, 1969) 57.

<sup>23</sup> Jane Jacobs, *The Death and Life of Great American Cities* (New York: Modern Library, 1993) 65-66.

collection *On Canadian Music*. In “North/White,” the program note to his 1973 composition of the same name, Schafer flatly asserts that “there are few true Canadians, and they are not to be found in cities.”<sup>24</sup> Here, as in much of his work, the authentic experience of nordicity is contrasted to urban life, and particularly that of the postwar American metropolis. The “idea of North,” a reference to Glenn Gould’s radio documentary of the same name, is thus juxtaposed with an idea of South, which is at once a symbol of civilization (in the sense of industrialization and development) and an allusion to the negative qualities associated with the Global South. Again, themes of density and proximity are central, as is the threat of excess and decadence that informs his Apollonian aesthetic stance, and these are rooted in a critique of urban modes of habitation. “[Canadians] do not sweat in discotheques, eat barbequed meatballs, or watch late movies on television,” he continues. “They do not live in high-rise apartments, preferring a clean space to neighbour’s spaghetti.”<sup>25</sup>

The high-rise apartment building, for Schafer, is the epitome of what is wrong and afflicted about the post-war city, and not merely because it is inadequately soundproofed. The apartment building structures urban living on the basis of the principle of density, and therefore proximity between residents. For the sensitive urbanite, it is too sensorily permeable, not only to sound but to odors (Schafer has a particular aversion to the smells of Italian cuisine) and, more broadly, to the cognitive awareness of the presence of other people. In his 1975 poem-manifesto, “Music in the Cold,” Schafer admits, “[m]y landscape is not a peoplescape. I am afraid of people,” and bristles at the accusation that “your cities are too small – too out of touch.”<sup>26</sup>

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<sup>24</sup> R. Murray Schafer, “North/White,” in *R. Murray Schafer on Canadian Music*, (Bancroft, O.N., Arcana Editions, 1984) 63.

<sup>25</sup> Ibid.

<sup>26</sup> R. Murray Schafer, “Music in the Cold” in *R. Murray Schafer on Canadian Music*, (Bancroft, O.N., Arcana Editions, 1984) 66, 67.

Helplessly, he narrates the arrival first of Southerners, “accustomed to the hotter environments of city business,” and then their henchmen, the immigrants, whose only purpose is to “rape” the land.<sup>27</sup> Schafer summarizes the fallen northern city in a single stanza, which binds sound to a racialized conception of space:

Meanwhile, the population had increased and begun to turn brown.  
 There were sunlamps everywhere.  
 A loudspeaker dangled from every lamp-post providing a relaxed background of  
 “moozie” [Muzak] through the streets.  
 Tall women in bikinis ran the country.  
 Men drank too much and stayed in bed most of the time.<sup>28</sup>

In fairness, “Music in the Cold” is a product of the wave of Canadian cultural nationalism that was at its peak in the 1960s and 70s (and to which which Schafer’s career owes a great debt), as well as a personal rumination on the life he and his wife had taken up after moving to Ontario’s Montego Valley. However, the poem clearly betrays Schafer’s anti-urban bias as well as his vision of a perfect, unpeopled acoustic environment. It also exposes the ideological underpinnings of his work, which are more directly stated elsewhere.

In *The Book of Noise*, Schafer follows Baron in speculating about the acoustic causes of social and political unrest, particularly in the context of the inner city. He first defines noise as “disorderly sound, without purpose,” which contributes to the “multiplicatory toxicology” of urban life. He then asserts that noise “may be compared with disorderly or confused action - i.e. anarchy.” While acknowledging that “it would be hasty to assume noise is responsible for all the social turbulence of modern life,” he nevertheless insists that “much of that turbulence exists in the core of cities where the noise is most intense.” What is most troubling about Schafer’s

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<sup>27</sup> Ibid., 67; Schafer, “North/White,” 62.

<sup>28</sup> Schafer, “Music in the Cold,” 71.

observations is that they are steeped in a set of assumptions about human behavior that render the socio-economic causes of dissent inaudible. If an excess of sound is what causes student radicalism or inner city uprisings, then presumably they can be contained merely by altering the acoustic design of the urban soundscape rather than by dealing with the socio-economic conditions that are threaded through them. In this sense, Schafer's work itself functions as a form of masking, which cancels out issues such as race, class, and gender or the myriad other historical forces that shape urban cultures. Certainly, it depoliticizes the experience of the city and normalizes the discourse of urban crisis and decline, and in so doing mutes the experiences of gendered, classed and racialized hearing subjects. In the place of politics, Schafer offers aesthetics, which is the preserve of the "sensitive" listener. The only hope for the sonic sewer that is the modern, industrial city is the education of residents who are not yet attuned to the acoustic causes of their own despair. Predictably, this task falls to those whose vulnerable ears are already sufficiently sensitive: composers, soundscape artists, and acoustic engineers, as in the case of the WSP, or, to the members of the professional and emergent creative class, as in the case of the CQC. In both cases, the average, insensitive citizen must be instructed in the ways of acoustic ecology, often at the expense of their own civic interests.<sup>29</sup>

### *The Report of the Task Force on Noise Control*

After almost three years of work, the TFNC released its final report on January 12, 1970. The document, titled *Towards a Quieter City*, is a slim volume in comparison to the NAC's 1930 *City Noise*, consisting of a letter of recommendations by committee chair Neil Anderson, a short preface, and five subcommittee reports (medical, building, legal, technical, and public relations).

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<sup>29</sup> R. Murray Schafer, *The Book of Noise* (Wellington NZ: Price Milburn, 1970), 23.

Celebrated by city officials as “a fine contribution to the art of urbanology,” the report proposes a range of solutions to the city’s noise problem: among them, recommendations to prohibit excessive truck noise and to implement a permitting system for construction equipment; calls for legislators to consider ambient noise levels as well as isolated sound events; the implementation of regular city noise surveys; and, most significantly, linking noise restrictions to specific decibel level measurements.<sup>30</sup> Some of the TFNC’s recommendations had already been enacted in other legislation—the 1968 Building Code, for example, or the creation of a new Bureau of Noise Abatement within the Environmental Protection Administration—and the committee called for further refinements to the language of these laws. Beyond these concrete measures, the report challenges the city to “recognize noise control as an essential element of basic City planning and development” in a clear effort to bring sound into the traditionally visual domains of planning.<sup>31</sup>

Several of the arguments the TFNC mobilizes in support of its recommendations have direct bearing on the broader political and economic context of noise control in the early 1970s. To begin with, it links noise to increased urbanization, and to the concentration of large populations crowded into “tightly-knit megalopolises” such as the New York metropolitan area.<sup>32</sup> In this setting, the “silent desperation” of city residents in the face of the deterioration of the urban environment invariably leads to anxiety, aggression, and even rage.<sup>33</sup> Although the report shies from using the term “crisis,” preferring to speak of “urgency” rather than emergency, it nevertheless embeds noise in a larger narrative of urban blight and decline. It also directly links noise to suburbanization and white flight in its first page, which states: “The economic

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<sup>30</sup> Mayor’s Task Force on Noise Control, *Toward a Quieter City: A Report of the Mayor’s Task Force on Noise Control* (New York City: New York Board of Trade, 1970).

<sup>31</sup> *Ibid.*, 6.

<sup>32</sup> *Ibid.*, 14.

<sup>33</sup> *Ibid.*, 22-23.



health of the City suffers [from noise] as well. New York based businesses find that the noisy environment hampers work and inhibits employee recruitment. This contributes to their movement to the quiet of the suburbs.”<sup>34</sup> Thus, noise is framed as the cause of the suburban exodus, rather than social or economic policy.

The report also defines the ideal contours of the government’s response, favouring a “creative partnership” between the public and private sectors that would enlist the support of local businesses, “such as real estate, construction and public utilities, which have the clearest fundamental stake in an improved City environment.”<sup>35</sup> However, the TFNC recommendations that are directed to the private sector are almost entirely voluntary in nature: the real estate or construction industries “should” use quieter equipment and materials, despite their increased cost, but there is nothing in the report that compels them to do so. The arrangement reflects the approach to public-private partnerships that defined the city’s post-war urban renewal program, which Samuel Zipp characterizes as a “local, liberal urban growth coalition” of housing reformers and corporate interests, the latter of which was disproportionately represented by the insurance and real estate industries.<sup>36</sup> The TFNC also encourages citizen participation in community organizations and consumer movements, a suggestion that reflects the influence of organizers like Jane Jacobs and Ralph Nader, but which nevertheless leaves the basic structure of corporate led public-private partnerships intact. This tripartite approach was cemented in many of the urban initiatives that grew out of Lyndon B. Johnson’s “war on poverty,” including the first federal programs that specifically tackled the urban crisis.

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<sup>34</sup> Ibid., 5.

<sup>35</sup> Ibid., 6.

<sup>36</sup> Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York* (New York: Oxford University Press, 2010), 20.

The TFNC report also addresses potential obstacles to the process of enacting new noise control legislation, although it does so gingerly. In the conclusion to the letter of recommendations, Anderson calls out unspecified “powerful private interests” for opposing citizen-led efforts to relocate a proposed helicopter port. It also calls “critical attention” to the construction industry, which it cites for “ignoring the availability of new, less noisy construction equipment.”<sup>37</sup> The industry, which had already played a key role in delaying and, ultimately, weakening the Building Code, would redouble its efforts when Mayor Lindsay set to work on a new city noise ordinance.

### *The 1972 Noise Code*

In April of 1971, a team of noise control experts and sound technicians set off in a white van to begin a twelve-day study of New York’s noise levels. Deployed by the city’s new Bureau of Noise Abatement, the van was equipped with a microphone that extended four feet above its roof and was attached to decibel meters that would record the sound pressure levels at 150 different locations across the city. The group was accompanied by BNA director Robert Bennin and the city’s Commissioner of Air Resources Robert Rickles, who stood and listened as they worked at the corner of Fifth Avenue and 53<sup>rd</sup> Street, near the centre of Midtown. “That’s lousy,” Bennin observed as the technicians recorded a reading of 85 dB. Rickles added: “That’s about the level at which noise can be harmful to the human ear if it is on a continuous basis.”<sup>38</sup> It was worse a few blocks south: the highest noise level the team recorded was in the area surrounding 46<sup>th</sup> Street and the Avenue of the Americas, where six air compressors on a

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<sup>37</sup> Mayor’s Task Force on Noise Control, *Towards a Quieter City*, 10.

<sup>38</sup> David Bird, “Decibel Tests Aim to Pinpoint Why it’s so Noisy Around Town,” *New York Times*, April 13, 1971, 35.



**Figure 15.** The Bureau of Noise Abatement's Noise Monitoring Van. Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 6, Folder: Mayor's Noise Task Force.

construction site generated a reading of 105 dB, just below the threshold at which sound causes physical pain.<sup>39</sup> Even so, some local residents were unfazed. Lenny Urciuoli, a local radio salesperson interviewed by the *Times*, shrugged when asked for comment: "You get used to it," he said.<sup>40</sup>

The noise study was intended to be the prelude to a new noise code, which Lindsay presented to City Council on July 7, 1971. As per the TFNC's recommendations, the code

<sup>39</sup> "Construction Din Greeted with a Shrug," *New York Times*, July 8, 1971, 42.

<sup>40</sup> Ibid.

included several major changes to the version La Guardia shepherded to passage twenty-five years before. It set specific decibel limits for construction equipment and other mechanical devices, including air conditioning units, emergency vehicle sirens, and city garbage trucks, and reduced the hours in which construction work was legally permitted to take place to between 7am and 6pm from Monday through Saturday. It also proposed a system of steep fines for corporate violators, of up to \$2,000 per day, and a bounty for citizens who reported infractions amounting to up to 50% of any levied fine. The proposed code's most promising innovation, however, was a directive to implement a system of "ambient noise quality zones" that would explicitly link sound to the city's zoning act and impose differentiated decibel level limits based on whether an area was designated as primarily commercial, industrial, or residential.<sup>41</sup>

The introduction of the code was followed by a series of public hearings, but even at this early stage it engendered both disappointment and fierce opposition. Councilman Theodore R. Weiss, the Chair of the city's Committee on Environmental Protection, faulted the code for ignoring transistor radios and public address systems, which Environmental Protection Administrator Jerome Kretchmer reminded him were already illegal.<sup>42</sup> CQC Vice-President Robert A. Baron protested that the decibel limits set by the code set weren't stringent enough, and the government watchdog group Citizens Union vowed to seek changes.<sup>43</sup> On the other side of the debate, utility companies voiced disapproval, and lawyers for Consolidated Edison

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<sup>41</sup> New York City, N.Y., Admin. Code ch. 57, §§ 1403.3-1.01 et seq. (October 4, 1972).

<sup>42</sup> David Bird, "City Noise Code Draws a Mixed Review," *New York Times*, September 10, 1971, 69.

<sup>43</sup> Citizens Union of the City of New York, "Proposed City Noise Code Endorsed by Citizens Union," press release, Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 7, Folder: Noise Code--NYC, p. 1.

presented a sheaf of amendments to weaken virtually all sections of the code.<sup>44</sup> The strongest opposition, however, came from representatives of the construction industry, which mounted a campaign that helped to delay the code's passage by over a year.

The construction industry and its unions were no fans of the Lindsay administration. Long-standing allegations of corruption within the industry resurfaced during negotiations around the building code, and violations of city ordinances were often facilitated by lax supervision and bribery. The TFNC alluded to the problem in its 1970 report, but Councilor Weiss minced no words: "What the industry really fears is that because of the citizen's complaint process of the new law it will no longer be possible for the industry to accept or pursue corruptions as part of the routine of conducting business."<sup>45</sup> The industry also seized on the provision to limit the construction workday, which, as Mr. and Mrs. Lewis had discovered in 1939, was often ignored irrespective of the ordinance. The industry's opposition went beyond substantive disagreements about local laws, however. New York's notoriously conservative construction unions despised Lindsay, and their antipathy boiled over during the "hardhat riots" of May 1970, which saw members of the New York Building and Construction Trades Council and other unions violently attack anti-war demonstrators and storm City Hall at a flag-lowering ceremony for the victims of Kent State.<sup>46</sup> At pro-war demonstrations that continued for weeks afterward, marchers carried signs branding the mayor a "a Commy rat, a faggot, a leftist, an

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<sup>44</sup> "Statement of Harry G. Woodbury Jr., Executive Vice President, Consolidated Edison Company of New York, Inc.," Citizens for A Quieter City, Inc. Records (1959-1977), Manuscripts and Archives Division, The New York Public Library, Box 7, Folder: Noise Code--NYC, 1-15.

<sup>45</sup> Deborah A. Hudson, "New NYC City Noise Code Draws Opposition," *Our Daily Planet* (October 1972), 4.

<sup>46</sup> Vincent J. Cannato, *The Ungovernable City: John Lindsay and His Struggle to Save New York* (New York: Basic Books, 2002), 448-451.

idiot, a neurotic, an anarchist, and a traitor,” while others burned him in effigy.<sup>47</sup> Emboldened by Republican President Richard Nixon, who courted its union leaders, the industry was in no mood to compromise.

The noise code finally passed on October 5, 1972, but immediately after Lindsay signed it into law he submitted an amendment to Council that would allow exemptions from the ban on nighttime construction work. Weiss protested that the amendment would “drastically weaken” the law by serving as a “cover” for routine repairs, but his protests were no match for the industry’s lobbying efforts.<sup>48</sup> Two months after the code went into effect, the *Times* reported numerous violations and “open defiance” of the law at construction sites across the city, as well as their rationale. While construction officials refused to speak with reporters, “residents say they have been told by men at the site that the possible fines do not bother the company because it stands to lose much more if it does not finish the job in time.”<sup>49</sup> Other provisions of the code were undermined by budget constraints, staffing shortages and red tape, and its most innovative element, the provision to enact ambient noise quality zones, was still being studied when Lindsay left office in 1974. In place of these more substantive measures, the city offered the press a photo-op of a renewed crackdown on the use of loudspeakers by music and clothing stores, which a spokesperson admitted was because such charges “will hold up easily” in administrative hearings.<sup>50</sup> However, reporters failed to mention that the loudspeaker ordinance had been in effect since 1930, or that complaints about their use had since then comprised only a small

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<sup>47</sup> Ibid., 452.

<sup>48</sup> “Mayor Urges Easing New Code Against Noisy Repairs at Night,” *New York Times*, October 15, 1972, 60.

<sup>49</sup> David Bird, “Construction Industry Flouts City's New Noise Code,” *New York Times*, January 1, 1973, 17.

<sup>50</sup> Edward Hudson, “City Starts Enforcing Noise Code by Citing Music Store,” *New York Times*, November 10, 1972, 43.

fraction of those caused by transportation noise or construction activities, as the CQC and the TFNC had demonstrated.



## CHAPTER FIVE

### NOISE IN TRANSIT: THE SPATIAL FOUNDATIONS OF BOOMBOX CULTURE

Hip hop lives in the world of sound - not the world of music - and that's why it's so revolutionary. What we as black people have always done is show that the world of sound is bigger than white people think.—Max Roach, *SPIN*, October 1988

As in the 1930s, concerns about noise, urban disorder and the management of public space coalesced around portable sound technologies. Although the primary concerns of the CQC and the TFNC centred on the sounds of construction and transportation, the 1972 noise code also contained a provision to ban the use of portable sound devices on public transportation. Rather than amend the existing provision on sound devices contained in the city's Administrative Code, the Task Force included a separate article that specifically applied to the spaces that fell under the jurisdiction of the newly consolidated Metropolitan Transit Authority (MTA). By doing so, the TFNC framed the use of amplified sound in the context of public transportation as a problem that was distinct from that of street noise, and this framing highlights the conjuncture of race, youth, and mobility that informed legal restrictions on the use of portable audio devices while in transit.

At a public hearing held a year before city council adopted the noise code, city officials criticized the document for its omissions. Council member Theodore Weiss, who was the head of the Committee on Environmental Protection and also the hearing chair, highlighted the code's failure to set limits on the sounds of transistor radios and public address systems and charged that

the city had neglected the concerns of “the rank-and-file citizen, which the code does not deal with at all.”<sup>1</sup> In response, Environmental Protection Administrator Jerome Kretchmer explained that “these nuisances are already illegal under the city’s Administrative Code,” and as such that its enforcement would fall under the purview of the NYPD rather than the newly formed Bureau of Noise Abatement, as it had since the law’s adoption in the 1930s.<sup>2</sup> However, the older article did not set specific decibel limits on the use of amplified sound devices in public places, and Weiss correctly feared that this would leave the interpretation of unnecessary noise to the discretion of the individual police officer, which would lead to difficulties with enforcement. This concern remained unaddressed in the final version of the code, which left the existing article untouched.

What the new code did do, however, was add a provision banning the use of “any radio, phonograph, or tape recorder in or on any rapid transit railroad, omnibus or ferry in such a manner that the sound emanating from such sound reproduction device is audible to another person,” which meant that for the first time, sound devices were regulated in the spatial context of New York’s transit system.<sup>3</sup> The inclusion of this seemingly minor article is important for several reasons. The first is that it inscribed mounting concerns about the use of portable consumer audio devices into law. The second is that it brought the noise code into the domain of the newly consolidated—and depoliticized—MTA, which was no longer under the direct control of the Mayor’s office. The third is that it created a far stricter noise standard for amplified sound below ground than above, which gave transit police greater enforcement powers than were possessed by the NYPD. Because of this, New York’s transit system would become the staging

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<sup>1</sup> David Bird, “City Noise Code Draws a Mixed Review,” *New York Times*, September 10, 1971, 69.

<sup>2</sup> Ibid.

<sup>3</sup> New York City, N.Y., Noise Code § -4.03(c), (Oct. 4, 1972).

ground for newly emerging approaches to the policing of minor criminal offenses, or “quality of life” crimes, in which particular kinds of amplified sound played a central role. Once they had been perfected in this context, these approaches and the political ideologies on which they were based would be transposed onto the rest of the city.

*White Boxes: The Transistor Radio*

The transistor was invented by Bell Telephone laboratories in 1947, but its commercial use in portable radios and other audio devices wouldn’t become commonplace until 1960. As Michael Brian Schiffer has documented, portable—or “outdoor”—radios with vacuum tube amplifiers had been marketed as early as 1923 and revived in the late 1930s, and portable crystal sets were sold as children’s toys throughout this period.<sup>4</sup> However, these early portables didn’t catch on until the early 1950s, when subminiature tubes permitted both functional and affordable miniaturization. These “lunchbox” sets were marketed to families for use at picnics and other outdoor outings, but their short battery life (four to five hours on average) was an issue, and many sets were therefore designed for both AC and DC use. Transistor technology was first applied to portable audio devices in 1954 when Texas Instruments released the Regency TR-1, but their initial cost relative to tube sets remained prohibitively high until 1959, when Japanese manufacturers began selling the units for under \$30 in the U.S market.<sup>5</sup> These portables had a significantly better battery economy than tube sets, which they quickly supplanted, and they dovetailed with New York’s first youth-oriented “rock & roll” radio station, WINS, to create a new market of portable radio users that was distinct from the consumers of the previous decade.

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<sup>4</sup> Michael Brian Schiffer, *The Portable Radio in American Life* (Tucson AZ: University of Arizona Press, 1991) 63-86.

<sup>5</sup> *Ibid.*, 209.

Complaints about portable radio use began to appear in city newspapers in 1962, which suggests that they were by then a common and recognizable feature of the city's soundscape. They were also closely associated with use on public transit. A letter to the editor that appeared on August 17 cited the "obnoxious noises of those who play their radios on public transportation," and pleaded for new city legislation against their use to be drafted and passed.<sup>6</sup> Similarly, in a feature article about the unique sonic character of the city, *Times* music critic Harold Schonberg lambasted the "cretins [who] lovingly hug their shrieking transistor radios with a look of rapt idiocy," which he noted were disproportionately represented in taxi cabs and on buses.<sup>7</sup> By 1967, the problem was sufficiently widespread that the a *Times* op-ed remarked on a new "subhuman species" that consisted of young, slack-jawed males and females who used the devices to carry on "mating calls in sick transit glory."<sup>8</sup>

These complaints gesture towards the early users of the device, who were targeted by the advertising campaigns of its commercial manufacturers: white middle-class youth of both genders, and especially women. Unlike the domestic "hi-fi" audio system, which was marketed as a luxury good to older, middle-class men, the transistor radio was deliberately inclusive of the young women and teenagers who had previously been excluded from the marketing of audio devices.<sup>9</sup> The portability of the devices was highlighted in terms of their lightness and ease of use, and they were offered in a range of bright colours that were designed to appeal to the aesthetic sensibilities of young teens. Girls particularly were also sold an ideal of teen romance in which the transistor radio played a central role, defining a separate acoustic space that was

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<sup>6</sup> Barry L. K. Coyne, "Radios in Public Carriers," *New York Times*, August 24, 1962, 24.

<sup>7</sup> Harold C. Schonberg, "The Sound of Sounds that is New York," *New York Times*, May 23, 1965, 42.

<sup>8</sup> "Sic Transistor," *New York Times*, October 6, 1967, 38.

<sup>9</sup> Keir Keightley, "'Turn It Down!' She Shrieked: Gender, Domestic Space, and High Fidelity, 1948-59," *Popular Music* 15, no. 2 (1996): 149-177.

removed from the watchful eyes, and ears, of parents; by 1967, they were the majority of the device's users.<sup>10</sup> Notably, the *Times* op-ed references a mix of pop and rock groups that comprised the transistor radio's soundtrack: the Beatles, the Monkees, "and the other Animals," a pop-oriented playlist that underscores the white, mixed gender teen audience of AM radio.<sup>11</sup>

### *Transit and Public Space*

These complaints led to the first effort to ban portable radios in New York's public transit system in 1966, which came in the form of a proposed bill by city council member Theodor Kupferman, who was also seeking the Democratic Party's congressional nomination at the time.<sup>12</sup> The bill was never passed, however, and similar regulation wouldn't see the light of day until the noise code was brought before council in 1972. Complaints continued to mount, however, and they dovetailed with a wider discourse about a looming "transit crisis," which focused on the decay of the city's once ground-breaking public transportation system.<sup>13</sup> In an op-ed that appeared on March 24, 1971, M.T.A. Chair William J. Ronan reflected on "the dilemma of urban mobility," which hinged on the need for public expenditures that had lagged in relation to the massive investment in highways and other automobile infrastructure. Faced with rising labour and maintenance costs, the M.T.A. was forced to consider raising transit fares, a fiscal solution that officials worried would cause ridership and therefore revenues to drop. "We cannot burden the straphanger with the full cost of operating our subway and commuter lines," Ronan warned.

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<sup>10</sup> R. Serge Denisoff, *Solid Gold: The Popular Record Industry* (New Brunswick, N.J.: Transaction Books, 1975) 432.

<sup>11</sup> "Sic Transistor," 38.

<sup>12</sup> "Ban on Radio-Playing In Subways Planned," *New York Times*, January 17, 1966, 19.

<sup>13</sup> Joe Austin, *Taking the Train: How Graffiti Art Became an Urban Crisis in New York City* (New York: Columbia University Press, 2001), 134-136.

“What we need now is the public commitment and the fiscal priorities to see this commitment through. We have no choice.”<sup>14</sup>

Due to the city’s ongoing budget issues, the commitment to public transportation Ronan sought was not forthcoming, and public complaints about the neglected system coalesced around the interrelated problems of crime, graffiti and noise. All three issues were framed in deeply racist terms, which in turn reflected the racialization of public spaces and services. As in other American cities, the decline of the city’s manufacturing sector, coupled with the suburbanization of much of the white working-class, had gutted New York’s tax base, which was simultaneously faced with an aging public infrastructure. As Samuel Zipp observes, the urban renewal projects of the 1950s and 60s were motivated by a desire to bring the (white) middle class back to the city centre, but these reurbanized residents were faced with civic spaces that were used by an increasingly racialized poverty class.<sup>15</sup> According to public workers interviewed for a series on the city’s declining park system, these spaces were “written off by city government in part because they are used increasingly by the city’s poor and racial minorities.”<sup>16</sup> One resident, Mrs. Ribaud, reflected on the changes: “It’s the poorer element. I don’t have to tell you, there are more blacks, particularly on the weekends. They can’t go out to the beach; they come here. And the whites don’t come if the blacks do.”<sup>17</sup>

The same social forces were at work in New York’s public transit system, and were exacerbated by the toll taken by the automobile and a resulting decline in ridership. By 1975,

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<sup>14</sup> William J. Ronan, “The New Urban Witchcraft: A Villain Gives His Views on the Magic Behind Transportation,” *New York Times*, March 24, 1971, 43.

<sup>15</sup> Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York* (Oxford: Oxford University Press, 2010) 5-7.

<sup>16</sup> “New York City Park System Stands as a Tattered Remnant of Its Past,” *New York Times*, October 13, 1980; B1.

<sup>17</sup> Ibid.

ridership had fallen to less than 1.1 billion per annum, its lowest since 1918 and a marked decrease from the immediate post-war period, when ridership topped 2 billion.<sup>18</sup> Plagued by operating deficits, transit officials blamed fare increases and service cuts for the decline, but the public perception that the system was characterized by “too much crime, grime, raucous noise and graffiti” was also a factor. The relationship between graffiti and public perceptions of urban crime has been well-documented by Joe Austin and others, but the role of sound has been largely overlooked. This is surprising given the central role of portable sound devices in the circulation of rap and hip hop culture in New York City in the late 1970s and 80s, as well as the backlash their use precipitated by police and politicians alike.

### *The Prehistory of the Boombox*

Complaints about the public sounds produced by portable radios were primarily directed at young, white users in the mid- to late-1960s. However, they shifted in the early 1970s, when they were increasingly directed towards young men of colour. Although the term “boombox” wouldn’t appear in newspapers until the early 1980s, the evolution of the term and its different uses over time clearly mark cultural and demographic shifts in the use of portable audio devices in New York and parallel changes in the marketing practices employed by audio manufacturers. Collectors generally trace the birth of the boombox to 1975 or 1976, when Japanese electronics manufacturers began to market portable, stereophonic cassette tape players to young consumers. However, the cultural formations of boombox listening, which are complicated by the imprecision of the terminologies used to describe them, both precede and diverge from this

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<sup>18</sup> Edward C. Burks, “Subway Ridership Lowest Since '18; Off 20% In Decade,” *New York Times*, April 6, 1975, 1.



established historical narrative, and show how portable audio technologies became something demonstrably different through the process of racialization.

A device called a “boombox” first appeared as a consumer audio product in December of 1970, when the Bell & Howell company unveiled a portable cassette player model it termed the “Bass Boom Box.” According to an industry announcement in *Billboard Magazine*, the device featured a removable cassette deck and two speakers housed in a cylindrical case with an attached carrying handle, one of which was an air suspension woofer. The company claimed the Bass Boom Box produced “a larger sound for a portable unit” and aimed the product at the “young market,” which was defined in part by a preference for “the big sound of today’s bass-dominated music.”<sup>19</sup> The youth market for portables was still associated with women, the traditional consumers of pop and some styles of rock music in the 1960s, which is reflected by Bell & Howell’s subsequent marketing campaign for the unit. In an audio showcase piece that appeared in the September 1971 issue of *Popular Science Monthly*, a capsule description of the product is accompanied by a photo of a smiling teenage girl who is in the process of inserting a cassette tape into the machine.<sup>20</sup> Meanwhile, a write-up in *Better Homes and Gardens* in January of the same year aims the product not at teenagers but their mothers, promising that “the unit has the power to project music for a whole group of picnickers.”<sup>21</sup>

It appears that the Bass Boom Box never caught on, which was likely due to its hefty price tag. At \$79.95, the unit was priced too high for the teenaged market, although some teens

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<sup>19</sup> “Tape CARtridge: Bell & Howell New Portable,” *Billboard* 82, no. 49 (December 5, 1970): 21.

<sup>20</sup> “Little Boom Box,” *Popular Science Monthly*, September 1971, 76.

<sup>21</sup> “Get Big Sound From Tape Cassettes,” *Better Homes and Gardens* 49, no. 1 (January 1971): 268.



**Figure 16.** The Bell & Howell "Bass Boom Box."  
*Popular Science Monthly*, September 1971, 76.

presumably received them as Christmas gifts from their middle-class parents. At the same time, portables were still considered an inferior product by audiophiles, and the market for cassette tapes, while growing, remained at an early stage of development. Nevertheless, the device cemented what would become one of the later boombox's defining characteristics: increased bass response. As the copy in *Popular Science Monthly* noted, the popular music styles of the early 1970s were increasingly bass oriented, a trend that was facilitated by the use of the FM radio band. The higher-end tone of 60s pop and rock singles gave way to a greater emphasis on bass frequencies in album-oriented rock, and the proliferation of R&B styles such as soul and funk produced a

greater demand for audio devices and formats that could accommodate lower frequencies. The Japanese imports that Miles Lightwood considers to be the first "urban boomboxes" were designed to meet this demand, and units like the JVC RC-550 featured a ten-inch woofer in addition to a four-inch mid-range and two-inch tweeter (although, like the Bell and Howell Bass

Boom Box, the device was still monophonic).<sup>22</sup> However, the JVC RC-550 wasn't patented in the United States until November 1978 or marketed commercially until the following month, so the devices likely weren't yet in general use in the American market.

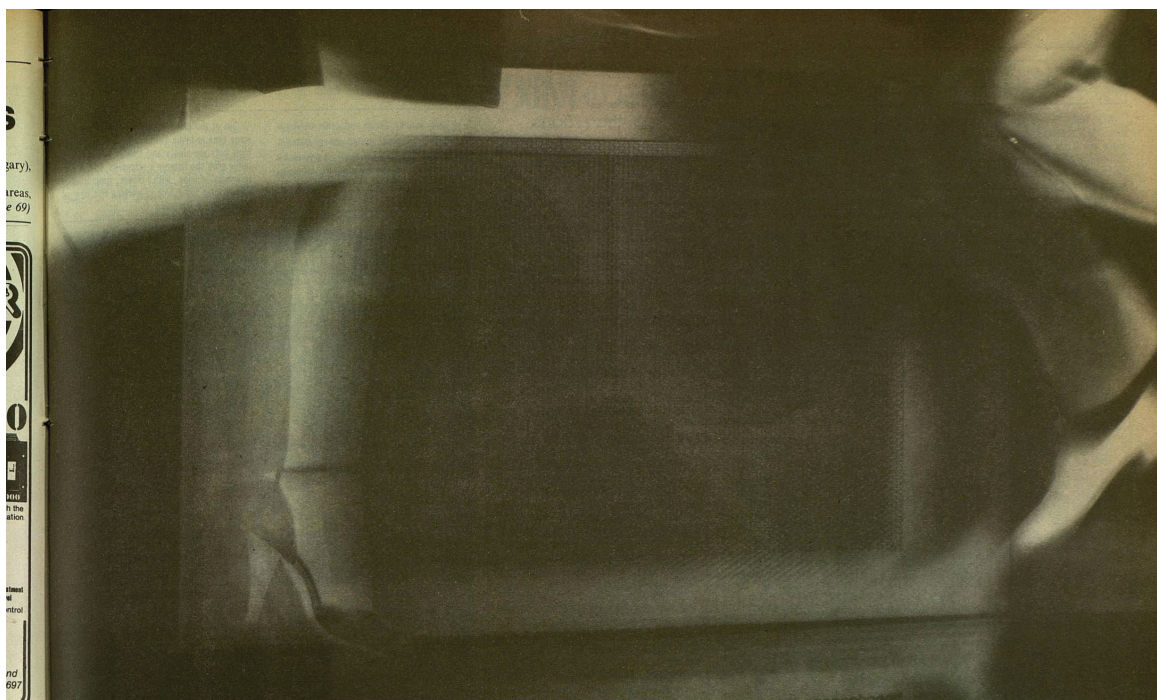
However, another product with the name "boom box" was in use at this time, and although it has been overlooked by boombox scholars it appears to have played a important role in shaping the practices associated with the later device as well as its terminology. In January of 1978, dbx, Inc. introduced the dbx 100 Boom Box, a "unique device [that] allows you to feel the music you would normally hear."<sup>23</sup> The dbx 100 was the first patented subharmonic synthesizer, which enhanced audio recordings by generating low-frequency bass that had been "left out" of the recording process. Essentially, the signal processor analyses the recording and copies the original waveform of the bass material, then amplifies it, adding bass notes an octave below that of the original recording. The language used by dbx to describe the Boom Box's functionality is interesting: it claims to "restore" bass frequencies that have been deliberately removed from recorded music, which implies a natural musical state that has been deliberately tampered with. More accurately, the low-end was removed to protect playback devices, which were generally incapable of handling extreme low-frequencies. Nevertheless, the dbx 100 was initially marketed as an add-on to domestic hi-fi systems, but it quickly found a more compatible niche in New York's burgeoning nightclub scene. As *Billboard* noted, the Boom Box had "major application to the disco market," and the company shifted its marketing strategy accordingly,

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<sup>22</sup> Miles Lightwood, quoted in Hunter Oatman-Stanford, "How Boomboxes Got So Badass," *Collectors Weekly*, posted December 16, 2013, <http://www.collectorsweekly.com/articles/how-boomboxes-got-so-badass/> (accessed August 15, 2010).

<sup>23</sup> "Classified Ad 118," *Los Angeles Times*, January 29, 1978, 193.





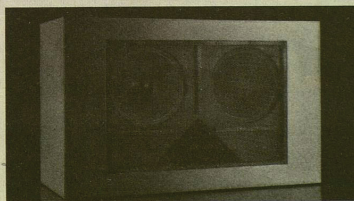
## INTRODUCING THE dbx SUBWOOFER SYSTEM. IT GIVES YOUR BOOM BOX\* MORE PUNCH THAN EVER.

Two years ago, dbx introduced the world to the Boom Box. And more bass than anyone had ever heard before.

And all that extra bass on the floor turned into extra dollars at the door. Now dbx introduces the first totally integrated subwoofer system in the world. To help you get every last ounce of impact out of your Boom Box. The dbx subwoofer system gives you flat response ( $\pm 3$  dB) from 23 to 200 Hz. At levels up to 120 dB S.P.L. And it gives you that kind of performance with a reliability and economy that no other system can match.

For instance. In other systems, the subwoofer is only the beginning. You can easily spend another \$1,000 to power it and protect it. You need amplifiers, high and low pass filters, rms and peak limiters and more. Not to mention the labor to design and install the system.

For \$1200 suggested retail, dbx gives you everything in one single unit. A 500 watt power amplifier. Plus selectable filters and all the protection circuitry you



THE dbx SUBWOOFER. The latest addition to the dbx sound enhancement series, which includes the Boom Box and the Dynamic Range Expander.

ours won't. Ever. Instead, it will reduce the level only as much as necessary to prevent damage.

For that gut thumping sound that draws in the crowds, install the new dbx subwoofer system.

For a personal demonstration, call (617) 964-3210 and ask for Janet O'Brien. dbx Incorporated, 71 Chapel Street, Newton, MA 02195. Tel. 617/964-3210.

need. And since all the components were specifically designed to work together, we could optimize them for each other.

For incredible performance.  
And incredible reliability.

In fact our system is so reliable, we guarantee it. As long as the unit is connected properly, it won't blow. Period. And unlike other systems, which can shut down under stress,

<b>Specifications:</b>	
Frequency response:	$\pm 3$ dB 23 Hz to 200 Hz (with low frequency filter in 20 Hz position, high frequency filter in "out" position).
Type of enclosure:	4th order Butterworth alignment, utilizing vented box and internal electronic equalization.
Size:	48" L x 30" H x 24" D
Weight:	210 lbs.
Cabinet Finish:	Black epoxy

**dbx**

\*The Boom Box is a registered trademark of dbx, Inc. Hear it in the Senator's Board Room, at Billboard's International Dance Music Forum.

Figure 17. dbx 100 Boom Box with Subwoofer System. *Billboard* 90, no. 9 (March 4, 1978): 32.

eventually furnishing clubs with a subwoofer speaker system that would safely maximize the bass potential of the Boom Box.<sup>24</sup>

Although the dbx 100 was not a portable audio device, it is relevant to the development of the urban boom box in two ways. First, it underscores the connection between bass frequencies and the etymology of the term, which was almost certainly in the ether as both consumers and manufacturers were forming usage practices for later devices. Secondly, and perhaps more importantly, it highlights the pivotal role of disco in the development of boombox culture, an association that is often under-appreciated in accounts of the formative years of rap and hip hop. As Tricia Rose notes, early hip hop culture was based on street-based performative interventions into recorded dance music, and the block parties that were deejayed by artists like DJ Kool Herc, Afrikaa Bambaata and others were based in local communities in the South Bronx, and less famously, in parts of Harlem and Brooklyn.<sup>25</sup> However, early hip hop practices were also shaped by black club scenes in Queens, Long Island and New Jersey, in which club deejays like Eddie Cheeba and DJ Hollywood rapped over music and disseminated their mixes to fans on eight-track and cassette complications. The audience for the street and club scenes differed in two key respects: the age of participants (as establishments that served liquor, club attendance was restricted to those 21 and over) and their class (black clubs generally enforced a dress code that banned jeans, sneakers and gang colours), which excluded the younger, poorer fans who frequented street parties instead. Despite these divisions, the mix tapes the clubs produced circulated freely and there was some overlap between the scenes, which saw bills that

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<sup>24</sup> “Boom Box from dbx,” *Billboard* 90, no. 9 (March 4, 1978): 32.

<sup>25</sup> Tricia Rose, *Black Noise: Rap Music and Black Culture in Contemporary America* (Hanover, NH: University Press of New England, 1994).

included DJ Hollywood, Cheeba, Melle Mel and Kurtis Blow, who attests to their influence on his own work and hip hop more broadly.<sup>26</sup>

The sounds of the R&B styles that came to be associated with disco were well represented on radio in the New York City market, including the former jazz station WBLS and WPIX-FM, which began airing the first disco show in 1974. As Joseph Schloss and Bill Bahng Boyer note, FM radio stations were central to the development of the boombox, but they preceded them by several years, and, presumably, New Yorkers were listening to them on portable radios well before speaker technology had caught up to their frequency demands.<sup>27</sup> High fidelity listening initially occurred in the context in nightclubs and block parties, where the technology of public address merged with the Jamaican sound systems used by DJ Kool Herc and other turntablists with roots in the Jamaican expatriate community, but the sonic limitations of portables didn't prevent listeners, and particularly young listeners of colour, from using the devices to bring the sounds into public spaces. In fact, these listening practices were already well established in the early 1970s and existed on a continuum with those of white teenagers.

*Black Boxes: The Racialization of Portable Audio*

By 1973, the racialized practice of listening to portable radios and, later, tape players in public spaces had entered the public discourse. Middle-class anxieties about the practice were once again expressed in newspaper columns and letters to the editor, and coalesced with a rising sense

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<sup>26</sup> Mark Skillz, quoted in Davey D, "Hip Hop History: Eddie Cheba & DJ Hollywood - The 'Disco Side' of Hip Hop," *Hip Hop and Politics*, posted November 4, 2013, <http://hiphopandpolitics.com/2013/11/04/hip-hop-history-eddie-cheba-dj-hollywood-disco-side-hip-hop/> (accessed August 20, 2014).

<sup>27</sup> Joseph Schloss and Bill Bahng Boyer, "Urban Echoes: The Boombox and Sonic Mobility in the 1980s," in *The Oxford Handbook of Mobile Music Studies*, vol. 1, eds. Sumanth Gopinath and Jason Stanyek (New York: Oxford University Press, 2014): 400.

of panic about the perceived dangers of public transit. One such complaint was narrated in a column by television journalist Arthur Unger on September 8, and bears discussing in depth. The column presents a first-person account of a confrontation between Unger and a group of three black male teenagers at the back of a Manhattan bus. (The bus route is unspecified, but Unger mentions in passing that it is travelling southbound on Fifth Avenue.) One of the teenagers holds “a large, black and chrome portable radio” in his lap, which was blaring what Unger describes as rock music. Unger approaches the group and asks them to turn down the radio, touching the hand of the teenager grasping its handle as he speaks. According to Unger, the teen “brushed my hand aside, looked right at me, and then through me. There was anger in his eyes, a sneer on his face. He carefully turned the volume up.”<sup>28</sup>

Unger sits back down and fantasizes about the things he would like to do but doesn't: throw the radio out the window; call the police; make a citizen's arrest. “After all,” he notes, “this was a disturbance of the peace and a violation of the noise code.” He holds back, wondering about the teenagers' sanity and potential for violence, even murder: “Was I ready to risk my life for a few moments of silence on the bus?” He also silently calls the bus driver to account for his willful neglect: “Why doesn't [he] do something about it? There he was, sitting behind his plastic partition, making believe he heard nothing so the problem would not be his.” As the bus trundles on, two other passengers, both women, try to cajole the teens into turning the radio down, and are met with curses and still more volume. Unger pulls the cord and disembarks, looking at the teen through the bus window. His eyes were “full of tears . . . tears of anger and resentment and hatred.” Unger shakes his head and the teen explodes ““What you

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<sup>28</sup> Arthur Unger, “Tuned in, Turned Off, Dropped Out,” *New York Times*, September 8, 1973, 31.





**Figure 18.** "Hate." Illustration by Edward Gorey, in Arthur Unger, "Tuned in, Turned Off, Dropped Out," *New York Times*, September 8, 1973, 31.

shaking your head at?’ he shouted furiously. ‘You white mother. You think you own the whole goddamn world, don’t you?’” He is still shouting as the bus pulls away.<sup>29</sup>

Unger’s account encapsulates all of the themes of the urban crisis and the corresponding aural panic that swirled around amplified sound in the mid-1970s. These themes are even clearer, however, in the illustration that accompanies the article. A figure of a skeleton, sketched in rough lines by the artist Edward Gorey, reclines against the lower border of the image frame. The skeleton is dressed in a t-shirt, blue jeans, and a pair a canvas hi-top sneakers bearing the round Chuck Taylor logo, and the exposed surfaces of its skull and forearms are drawn as coal-black rather than white. The figure balances a monophonic portable radio on its thigh, whose antennae extend upward to merge with a large, capitalized rendering of the word “hate” that occupies more than two-thirds of the image frame and its depiction of acoustic space. It’s difficult to say for sure, but the skeleton appears to be smiling.

In these accounts, the portable transistor radio is a symbol of racialized aural violence that is directed against a fearful white middle-class, and particularly against the members of the creative class whose return to the city had been facilitated by urban renewal policies. In this context, radio noise is framed as a bodily assault that occurs in the setting of under-serviced and under-policed public spaces, in which white riders are the victims. Sound is thus linked to fears of racial uprisings and “ghetto” violence, but here they have transgressed the red-lined boundaries of black and Puerto Rican neighbourhoods and permeated the transitory non-places of public transportation. As with public parks, which were civic spaces that middle-class New Yorkers shared with the racialized poor, the city’s transit system was a social space in which the city’s increasingly stratified communities were forced to encounter and co-exist with each other,

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<sup>29</sup> Ibid.

if only temporarily. Their different approaches to the role of sound in public places reflected their markedly different aural and spatial practices and dispositions, which crystallized around the technology of portable stereos.

These practices were discernible enough to merit a *Times* column in 1976, which surveys the impact of the devices on the city's soundscape. The piece references the "soul, disco and Latin rhythms" that were played using the devices, and highlights their use in parks, on buses, sidewalks, and "even underground," a detail that reveals the addition of eight-track and cassette players to their design. (Radio-only units would have had problems with reception in the subway system.) By this time, portable, battery-powered players accounted for one-half of all radios sold in New York City, and interviews with representatives of Panasonic and Sanyo reflect Japanese manufacturers dominance of the market.<sup>30</sup> What is interesting in light of this level of market saturation is that there still isn't a clear term with which to describe the units—they are variously described as radios, recorders, portable players, radio-tape players and stereo-cassettes. However, the devices are already defined on the basis of race, as the author observes: "generally speaking, the music-carriers of New York seem to be male and either black or of Hispanic origin." They are also firmly positioned in the realm of potential criminality, as the piece begins not with users' own accounts of the devices (these come later in the article), but with a description of the conflict they cause between "a portion of the population" and other citizens as well as a summary of the ordinances that restrict their use.<sup>31</sup>

The perceived link between portable stereos, race, and crime was cemented when in October 1978, when a thirteen year old boy, Luis Bonilla, was charged with the murder of

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<sup>30</sup> Leslie Maitland, "The Radio Band Increases in Volume Despite Frequency of Complaints," *New York Times*, August 10, 1976, 27.

<sup>31</sup> Ibid.

seventeen year old Israel Garcia in the lobby of a South Bronx tenement building.<sup>32</sup> Garcia, who was about to walk his dog, refused to hand over his portable radio to Bonilla during a robbery attempt and was shot twice in the back with a .22 caliber pistol. Bonilla was tried as an adult and became the youngest person to stand trial for murder in New York state history, but he was later found guilty of a lesser charge of manslaughter. As part of his defense, Bonilla's lawyers argued that the robbery was part of a gang initiation ritual, and this context coupled with Bonilla's age ensured that the story received national attention as well as extensive coverage in New York's tabloids.<sup>33</sup> It also reinforced the relationship between the use of portable audio devices and middle-class fears of urban crime, racial otherness and juvenile delinquency. In its report on the jury's July 29<sup>th</sup> verdict, the *Times* notes that the radio Garcia had carried was "known in street language as a 'music box,'" which may be the first iteration of the later "boombox." (The term possibly derives from a portable phonograph record player produced by RCA in 1968, the VZP-11 "Music Box," which was specifically aimed at the youth market.) By August, the term "box" was the descriptor of choice for portable audio devices used by black and brown listeners in the context of public space.<sup>34</sup>

### *Mayor Koch's Anti-Box Campaigns*

It is in the interval between the Bonilla trial and the first appearance of the term "boombox" in 1981 that a specific set of perceptions, practices and discourses crystallized around the use of a mobile audio technology that had been available since the 1950s and turned it

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<sup>32</sup> Robert D. McFadden, "Boy, Tried in Murder as Adult, Guilty of Lesser Crime," *New York Times*, July 28, 1979, 19.

<sup>33</sup> Douglas Montero, "Innocence Lost In a Fatal Shot; Another Killer 'Kid'," *New York Post*, June 5, 2005.

<sup>34</sup> Francis X. Clines, "About New York: Music From the 'Box' Is Their Forte--or Triple Forte," *New York Times*, August 14, 1979, B3.

**Panasonic lets the sound out of the box.  
Platinum Series™ stereo radio cassettes  
surround you with new Ambience Sound.™**

Now Panasonic Platinum Series AM/FM stereo cassette recorders have the miracle of Ambience Sound. Ambience is Panasonic's new dimension in sound that begins where stereo ends. Just flip the switch to Ambience. Suddenly you'll be surrounded by full, rich sound—not just from a left and a right speaker, but from in front, from behind and from all around, indoors or out. Ambience creates a presence that's so real, it's no wonder that when Earth, Wind & Fire carry a box, it's a Platinum Series with Ambience Sound.

There are lots of other extraordinary features that make Platinum Series stereo radio cassette recorders pure platinum. Like Dolby™ linear-scale tuning, LED meters, tape program sensors, and more. There are more than 15 Platinum Series models, ranging in size from a mini version all the way up to a gigantic 3-piece portable hi-fi system with 8-inch speakers and guitar jacks. And all have the musical power that has Earth, Wind & Fire saying "Go Platinum, Panasonic Platinum."

\*Dolby is a trademark of Dolby Laboratories Licensing Corporation. ©1981 Panasonic Corp.

**EARTH WIND & FIRE**

**Platinum Series  
Panasonic**  
just slightly ahead of our time.

Figure 19. "Panasonic Lets the Sound Out of the Box." *Ebony*, December 1981, 20.

into a distinct entity. Whereas portable transistor radios and early tape players were constructed as white, middle-class consumer audio devices whose use by youth of colour was invisible or incidental, the “Box” was, in this period, a device that was defined by the racialized identities, acoustics and arenas of its use. In turn, these elements were shaped by intensely local social, political and economic forces that had aligned in opposition to the liberal municipal policies of Lindsay and his successor, Abraham Beame, and which were mobilized by neoconservatives to create an aural panic around the devices’ use in public spaces. This would provide the fuel for an escalating crackdown that would shape urban policing strategies throughout the city and beyond.

Although the 1972 noise code included a provision that restricted the use of portable radios on public transit, it would take another six years for the bylaw to be operationalized in terms of police enforcement. The MTA police force functioned independently of the NYPD and was governed by its own administrative code, which wasn’t amended to include the portable radio ban until 1974.<sup>35</sup> Further, the MTA was hindered by operating deficits, which reduced the number of transit police and limited their enforcement activities. Several anti-crime sweeps were mounted in the early- to mid-1970s, including the city’s first crackdown on subway graffiti in 1972 (which Lindsay announced on the same day as the new noise code), but in the absence of sustained enforcement efforts their success was temporary.<sup>36</sup> Meanwhile, middle-class fears of subway crime increased, and were amplified by news reports that compared the transit system to everything up to the nine circles of hell.<sup>37</sup> Protests by MTA officials that the rate of violent

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<sup>35</sup> Maitland, “The Radio Band Increases in Volume,” 27.

<sup>36</sup> Edward Ranzal “Lindsay Signs Noise Code; Acts to Allow Night Work,” *New York Times*, October 5, 1972, 51.

<sup>37</sup> Ethan C. Eldon, “Our Subways: Worthy of a Second Dante,” *New York Times*, July 2, 1976, 22.



crime underground was demonstrably lower than it was in New York's streets were ignored, or, in some cases, taken as evidence that liberal municipal agencies were out of touch with the reality of life in the city.<sup>38</sup> Accurate or not, these fears fuelled the election of conservative Democrat Ed Koch as mayor in 1977, who promised an administration that would prioritize law-and-order policing both above ground and below.

Koch is known (and, in some circles, celebrated) for the anti-subway graffiti campaign he mounted in the mid-1980s, in which he famously joked that, if he has his way, he would protect the subway yards in which graffiti artists worked with wolves instead of dogs.<sup>39</sup> However, his first subway crime crackdown was on portable radios and tape players, which played a central but overlooked role in the policing of quality of life crimes. During his first year in office, Koch transferred responsibility for noise violations on public transit to the city's Environmental Control Board and worked with the MTA to implement the first of several crackdowns on the use of Boxes in subways. The three-week campaign began in October 1978, immediately following the Bonilla murder, and resulted in the issuance of 78 summonses by transit authority police and, Koch claimed, a 75% reduction in "unlawful radio playing." The reprieve was only temporary, it seems, since the crackdown continued intermittently for the next two years and resulted in 1,345 summonses being served in 1978 and another 1,200 in 1979.<sup>40</sup>

In May of 1980, Koch presided over a renewed anti-Box drive that was mounted as part of a larger city-wide anti-noise campaign. This crackdown was bolstered by a new confiscation policy that was disseminated in a May 6 police operations order, which gave officers the power

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<sup>38</sup> Roger Wilkins, "Violence Arouses Debate on Subway Safety and Policing," *New York Times* March 5, 1979, B4.

<sup>39</sup> Jonathan M. Soffer, *Ed Koch and the Rebuilding of New York City* (New York: Columbia University Press, 2010) 325-26.

<sup>40</sup> "Radio Playing in Subways Down," *New York Times*, November 10, 1978, B2.



to seize sound devices as evidence against those accused of creating unnecessary noise, as per the terms set out in the noise code. Ostensibly, the seizure would allow officers to prove that the device was operable and to demonstrate its volume at the time the summons was served, but the policy also functioned to justify the violation of citizens' fourth amendment protections against illegal search and seizure. Owners could reclaim their devices, but only after the charges had been dismissed or they paid the minimum \$25 fine.<sup>41</sup> Although further operational details of the crackdown were not reported, a July 19 letter to the editor indicates that the campaign was targetted at stations in predominantly African American and Hispanic neighbourhoods, including the South Bronx. The letter's author also notes, with more than a trace of irony, that the campaign was aided by constant announcements on the MTA's notoriously loud PA system: "It is difficult to judge which are louder -- the radios or the requests to turn them down."<sup>42</sup>

The transit sweeps continued in 1982 and widened in scope, beginning with a nighttime operation in Brooklyn. At 8:00 pm on June 5<sup>th</sup>, a complement of 330 transit officers was dispatched to the borough's 184 subway stations with orders to "make arrests for any and all offenses," including fare evasion, smoking and Box playing. By the time their shift ended at 4 AM the following day, they had served 530 summonses and made 117 arrests, five of which were for felony crimes. Reports note that the mass arrests caused a traffic jam outside Brooklyn's 84<sup>th</sup> Precinct, as buses carrying detainees from each of the borough's five transit police district offices converged on Gold Street.<sup>43</sup> Four additional sweeps occurred between June and November, culminating in a Queens campaign that resulted in 360 summonses and 120

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<sup>41</sup> Robert McG. Thomas Jr., "Police Confiscating Radios Blared in Public," *New York Times*, June 30, 1980, B7.

<sup>42</sup> Albert Kreindler, "Letter: Official Noisemakers in Our Subways," *New York Times*, July 19, 1980, 16.

<sup>43</sup> Robert McG. Thomas Jr., "Transit Police in Nighttime Sweep Arrest 117 in Brooklyn's Subways," *New York Times*, June 6, 1982, 37.

arrests. This time, the mass arrestees were taken to Shea stadium for booking, presumably to avoid the traffic disruptions caused by previous police actions. In total, the 1982 subway drive brought the number of summonses and arrests to 3,706, the vast majority of which were for minor infractions, including “loud radios.”<sup>44</sup>

### *The Sound of Broken Windows*

The interval between Koch’s first MTA box crackdown and the 1982 subway crime drive is significant for several reasons. The first is that it is during this period that the term “boombox” is coined by the major media. Although the commonly cited claim that the term was first used by the *New York Times* to describe radio-cassette players in 1981 is incorrect (the only appearance of the term that year was in an advertisement for the dbx product), it does appear in a January 1981 Consumer Electronics Show report in *Billboard*, and is first used to describe a particular model, the Sanyo MX960, at the end of the year.<sup>45</sup> The *Times*, by contrast, preferred the use of the term “Box” until 1983, as did the ad writers for Panasonic, which suggests that “boombox” was an industry term that derived from local usage and not the other way around. In both cases, the terms gesture toward mobile listening practices by black and brown youth in the context of urban public spaces. However, the term “boombox” is also constituted in part by the policing of these practices, and comes to define a convergence of forces that encompasses the struggle between the devices’ use and their repression. The unfolding of this process both parallels and intersects with the emergence of the broken windows theory of urban policing,

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<sup>44</sup> Robert D. McFadden, “Sweep by Police In City Subways Nets 120 Arrests,” *New York Times*, November 5, 1982, B4.

<sup>45</sup> Sam Sutherland, “Sound Business: Audio Reps Rally, Gloom Disappears,” 93, no. 3 (January 24, 1981): 69; Jill Flynn, “Get Ready for Action!” *Los Angeles Times*, November 29, 1981, M12-13.

which is generally associated with the administration of Rudolf Giuliani in the 1990s but was conceived in the 1970s and first implemented in the 1980s.<sup>46</sup>

The broken windows theory first appeared in an article published in the *Atlantic Monthly* in March, 1982.<sup>47</sup> However, elements of the theory as well as its political rationale emerged in the late 1960s as part of a larger movement to counter liberal responses to the urban crisis. In “The Privatized City,” Alice O’Connor traces the intellectual history of urban neo-conservatism through the activities of the Manhattan Institute, which served as a staging ground for the writers, academics and activists who championed zero tolerance policing.<sup>48</sup> James Q. Wilson, one of the co-authors of the *Atlantic* article, played a central role in this “conservative counter-intelligentsia,” first as a fellow at the Harvard-MIT Joint Center for Urban Studies and later as a contributing editor at *The Public Interest* as well as a Manhattan Institute fellow.<sup>49</sup> Along with Nathan Glazer, William Kristol and other conservatives, Wilson sought to reframe the socio-economic problems associated with the urban crisis in terms of moral pathology and political decadence, as exemplified by the Lindsay and Beame administrations. To achieve this, they framed New York City as “ground zero” in a now familiar attack on Great Society liberalism, as O’Connor explains:

Lindsay’s New York, in the highly selective view of *The Public Interest* editors, was a study in Great Society and countercultural excess: a city in the grip of thuggish “black militants” and given over to the demands of “the black and the poor;” a city that shunned its working- and middle-class white ethnics and their “law and order” concerns; a city in which even the homegrown intelligentsia felt under siege, its comparatively “highbrow”

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<sup>46</sup> Andrea McArdle and Tanya Erzen, eds. *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (New York: New York University Press, 2001).

<sup>47</sup> George L. Kelling and James Q. Wilson, “Broken Windows: The Police And Neighborhood Safety,” *Atlantic Monthly* 127 (March 1, 1982): 29-38.

<sup>48</sup> Alice O’Connor, “The Privatized City,” *Journal of Urban History* 34, no. 2: 333-353.

<sup>49</sup> *Ibid.*, 345.

cultural authority challenged by a decadent, out-of-touch liberal elite.<sup>50</sup>

Nathan Glazer articulated these larger political concerns to the issue of subway graffiti in a 1979 article for *The Public Interest*, in which he sketched the first, broad strokes of the broken windows theory.<sup>51</sup> The piece foregrounds the fear of the “average” New Yorker, and their sense of victimization in the face of deceptively benign forms of “youthful criminal behavior.” It also frames the city’s transit system as a microcosmic setting for larger conflicts:

The subway rider—whose blank demeanor, expressing an effort simply to pass through and survive what may be the shabbiest, noisiest, and generally most unpleasant mass-transportation experience in the developed world, has often been remarked upon—now has to suffer the knowledge that his subway car has recently seen the passage through it of the graffiti “artists” (as they call themselves and have come to be called by those, including the police, who know them best). He is assaulted continuously, not only by the evidence that every subway car has been vandalized, but by the inescapable knowledge that the environment he must endure for an hour or more a day is uncontrolled and uncontrollable, and that anyone can invade it to do whatever damage and mischief the mind suggests.<sup>52</sup>

The piece takes direct aim at Sanford D. Garelik, the former city council president and Lindsay running mate who was appointed to the position of transit police chief in 1975. Glazer positions Garelik as an ineffective liberal, who is more appreciative of the aesthetic sensibilities of graffiti artists than the concerns of New York’s victimized commuters. Glazer also connects graffiti to violent crimes, and coyly suggests that its purveyors will later graduate to this form of criminal activity. These accusations echoed earlier complaints about comments Garelik had made about

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<sup>50</sup> Ibid., 342.

<sup>51</sup> Nathan Glazer, “On Subway Graffiti in New York,” *The Public Interest* 0, no. 54 (Winter 1979): 3-11.

<sup>52</sup> Ibid., 4.

the psychological motivations of older commuters. According to a March 5 *Times* article, “Chief Garelik believes adult subway riders have an exaggerated fear of subway crime because of a ‘generation gap’ that causes them to feel threatened by being in an enclosed space with young people who are loud, long-haired and casually dressed.”<sup>53</sup> He also reflected on the affective investment that riders have in the transitory spaces of the MTA: “the system is familiar territory, and, like one's own neighborhood, is an intimate place to be defended.”<sup>54</sup> Garelik’s sensitivity to the socio-spatial dimensions of urban transit is derided by Glazer, who frames the issue in terms of political weakness in the face of urban decline and, by extension, as an abdication of responsibility for the safety of passengers. Notably, Garelik was fired as police chief the following year.

Glazer’s article is cited in Kelling and Wilson’s 1982 piece, which in turn was read by Mayor Koch. According to biographer Jonathan M. Soffer, Koch thought the broken windows theory was “brilliant,” and immediately sent a memo to NYPD police chief Robert McGuire, recommending that he begin implementing the theory as police strategy.<sup>55</sup> However, as a November 1981 interview with *New York Magazine* makes clear, Koch was already well versed in the theory and the broader political ideology on which it was based. Speaking of the “permissiveness” of the previous decade, Koch remarked:

When the police tried to enforce the law, they were asked, ‘Why are you bothering the prostitutes? It was the time of the victimless crime. What’s the matter with drinking in the street? Smoking pot? Playing radios? Remember? We had schools without walls. It was part of the time. Kids running around wild.’<sup>56</sup>

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<sup>53</sup> Wilkins, “Violence Arouses Debate,” B4.

<sup>54</sup> Ibid.

<sup>55</sup> Soffer, *Ed Koch and the Rebuilding of New York City*, 327.

<sup>56</sup> Nicholas Pileggi, “Wounded City: What’s Happened to our Life Here?” *New York* 14, no. 43 (November 2, 1981): 28

Although deficits continued to limit the resources Koch was able to commit to his law and order policies, he nevertheless increased the number of transit police officers to pre-fiscal crisis levels and made the safety of the transit system one of the central planks of his 1985 re-election campaign.<sup>57</sup> That same year, George L. Kelling, the co-author of the *Atlantic* piece and the later book *Fixing Broken Windows*, was hired as a consultant to the MTA. He was soon joined by William Bratton, Giuliani's pick for NYPD chief, who was appointed as Transit Police Chief in 1990.

In *Fixing Broken Windows*, Kelling states that the MTA was a "pilot project" to test new order maintenance strategies that would later be implemented in the city as a whole.<sup>58</sup> More accurately, it was the operational laboratory for the broken windows theory, which required wider political and judicial changes as well as new policing techniques. This project proceeded in earnest with Kelling's appointment and culminated with Bratton's tenure as MTA police chief, but it began with the Box crackdowns of 1978 and continued with a series of quality of life campaigns, including anti-graffiti drives, of the early 1980s. The primary difference between the two periods was that fiscal constraints limited the duration of the earlier campaigns, which required additional police staffing that the city could not afford to maintain. However, there is a clear ideological continuity throughout, which can be traced back to Koch's election and the publication of Glazer's piece the following year.

### *The Boombox as Defensive Audio*

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<sup>57</sup> Suzanne Daley, "Three in Mayoral Race Call Mass Transit A Key Issue, but Differ on Remedies," *New York Times*, August 27, 1985, B3.

<sup>58</sup> George L. Kelling and Catherine M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (New York: Martin Kessler Books, 1996), 114-15.

It is in this period that the Box of the 1970s is transformed into the boombox of the 1980s. As Schloss and Boyer note, the modern “urban” boombox is associated with certain technological specifications, including stereo capability, audio cassette recording, and size.<sup>59</sup> However, these elements were also shaped by socio-cultural transformations in the devices’ use that were a direct result of the policing techniques that were directed against them, which in turn recontextualized the practices and dispositions of users. In the 1970s, the Box was a technology that defined an acoustic arena that was about citizens’ occupation and enjoyment of the public spaces of the city. The music it amplified, whether classified as disco or early hip hop, was party music that celebrated the pleasures of rhythm and dancing, and its location out of doors defined a post-political public sphere. Like the dancefloors of discotheques, the cultural spaces the Box produced were therefore inclusive of female and LGBT participants as well as straight men, and its use in the public spaces of transit, parks and streets made it accessible to teenagers and adults who could not afford to patronize nightclubs.

The boombox, by contrast, was constituted in part by the increased policing of black, brown and poor listeners in public spaces, which effectively criminalized—and masculinized—its use. Together with the crackdown on subway graffiti, the Box sweeps of the late 1970s and early 80s were part of a systematic effort to remove the aural and visual presence of young men of colour from the shared territory of public transit, whose underground lines and surface routes violated the segregated boundaries of New York’s neighbourhoods. The aural practices that were normally confined to nightclubs and block parties located in “ghettos,” or simply in neighbourhoods that middle-class white residents were encouraged to avoid, were made mobile by a hybrid of audio technology and public transportation, and the resulting conflict between the

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<sup>59</sup> Schloss and Boyer, “Urban Echoes,” 401.



for better audio life  
TOSHIBA

# BOMBEAT

**カラダで聞け、ボムビート。**

その瞬間、繰り出すパンチの破壊力は200キロに迫るといふ。  
途方もないパワーを引っさげてリングに登場のボムビート11。  
出力は空前の10W。青春にためらいは不都合이다。  
カラダに突きささるステレオサウンドを全身で受け止めてほしい。

●ボリュームつまみで簡単にようようラジオセットの頂を見守る実用  
最大出力10W(5W+5W:ELA/D)で余勢たっぷりドライブ  
●コンボデッキも真の真の高精度チューブ走行の安定をはかるとも  
形ファイナール採用で、ワウフラッターは何と0.08%(WRMS)  
●コンサートホールのあの熱狂的な臨場感を再現する2つのメカニ  
(ステレオワイド)にプラス、より深くもまろくスベスワイド  
●自由にシステムアップでもOK。デューン・カール・スカル・150wアンプ  
と50wアンプの2つのタイプに選べる。外装スベスカー(別  
売)を接続すれば6スピーカーサウンド。外部スピーカー端子つ  
●たどこにコンボに準拠するMM形カートリッジ用イコライザー  
内蔵。レコードプレーヤー(別売)にダイレクトに接続すればステレオ  
コンボ。レコードを聞きながらの録音も思いのままにしたいもの

●見やすい、扱いやすいカセット正立・逆立・テープ走行は左右から  
と自然。カセット用いれこみアダプター方式のフライング  
●ニコキというチャンネルを逃がさない。ボタンひとつ押すだけの  
ワンタッチ録音。自動的に合わせてくれる自動と手動の2通りの録音  
●外形寸法:幅454×高さ206×奥行120mm/重量:6.7kg(交流電圧)  
東京FM/AM ステレオラジオカセット RT-8800S 66,800円

**ACTAS BOMBEAT 11**

●あなたにラジオ放送やレコード・テープから録音したものは個人として  
楽しむほかは、著作権者に無断で複製して使用できません。

アクタス・ボムビートバッグ・プレゼント実施中 東京ステレオラジオセットお買い上げの方にもれなくプレゼント。(期間:52年11月1日~53年11月30日)

Figure 20. Actas (Toshiba) Bombeat advertisement, mid-1980s.

static imperatives of white segregation and black mobility served to justify further police repression.

The city's adoption of quality of life policing initiatives, which disproportionately targetted black youth, aroused defensive responses that had both aural and spatial dimensions. As Rashad Shabazz observes, the spatiality of hip hop is, at root, "a struggle over the public space," one that foregrounds resistance to restrictions on black mobility but simultaneously privileges "hegemonic performances of masculinity."<sup>60</sup> As transit police cracked down on Box use, the units became bigger, louder, and more rugged, just as hip hop shifted away from its disco roots and toward a harder-edged sound. The addition of eight and ten inch woofers increased the devices' bass response, which allowed for the replication of low frequencies that the dbx Boom Box had made de rigeur on the dance floor. This facilitated what the jazz drummer Max Roach referred to as the "militant" sounds of mid-80s hip hop, which were initially less about the "word sense" of explicitly political lyrics than the "sound sense" of bass-driven beats by artists like Grandmaster Flash, Afrika Bambaataa and even L.L. Cool J, whose debut album, *Radio*, featured a photograph of the JVC RC-M90 on the cover.<sup>61</sup>

As the intensity of policing measures increased in the early 1980s, young black men were subjected to increasing levels of police violence, which led to the killing of subway graffiti artist Michael Stewart during a transit police sweep in September 1983. The arresting officers were indicted on homicide charges and eventually acquitted, but various judicial proceedings dragged out for seven years, keeping the case in the headlines as well as at the forefront of community efforts to mobilize against police brutality. Even before Stewart's death, civil liberties

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<sup>60</sup> Rashad Shabazz, "Masculinity and the Mic: Confronting The Uneven Geography of Hip-Hop," *Gender, Place and Culture* 21, no. 3 (January 2014): 370-386.

<sup>61</sup> Max Roach, quoted in Frank Owen, "Hip Hop BeBop," *Spin Magazine* 4, no. 7 (October 1988): 73.

organizations had protested against the use of mass arrests in the context of subway crime sweeps, but the Stewart case galvanized New York's black and hip hop communities, as did the trial the following year of Bernard Goetz, the transit passenger who shot four young black men during an alleged mugging, which he successfully claimed was an act of self-defense.<sup>62</sup> The escalation of violence was reflected in an increasingly militant local hip hop scene, which responded to the policing of the black public sphere with a militarized aesthetics of opposition. Although still dance music, late 80s hip hop repoliticized the post-political black public sphere, and the rechristened boombox played a key role in this process.

Nowhere is this process more apparent than in Spike Lee's 1989 film *Do the Right Thing*, which depicts the boombox as a technology of black male resistance to the criminalization of the black public sphere. The conflict between Bedford-Stuyvesant's black and white residents is personified by the character of Radio Raheem, who carries a Prosonic Super Jumbo J-1 through Bed-Stuy's streets, blasting the neighbourhood with the diegetic sounds of Public Enemy. The J-1 is a large boombox, measuring 31 X 20 X 16.5 inches and weighing in at 25 pounds, which the muscular Raheem wields without apparent effort. It also features two eight-inch woofers and a 20 watts per channel amplifier, which powers the dense and bass-heavy arrangements of Public Enemy's production team, the Bomb Squad. The mounting tension between the members of Bed-Stuy's Italian- and African-American communities, which is surveilled by the NYPD throughout the film, is illustrated in the scene in which Raheem plays his boombox at high volume in Sal's pizzeria, which Sal commands him to turn off. When Raheem refuses, Sal

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<sup>62</sup> McFadden, "Sweep by Police In City Subways Nets 120 Arrests," B4; Soffer, *Ed Koch and the Rebuilding of New York City*, 341-42.

silences the boombox with a baseball bat, which sets the stage for the film's awful climax: Raheem's murder by the NYPD and the retaliatory destruction of the pizzeria.<sup>63</sup>

Lee's film figures prominently, and rightly so, in accounts of both state-sponsored racism and hip hop history. However, what is sometimes lost in these accounts is the extent to which *Do the Right Thing* is a response to—and intervention in—local conditions and contexts. Lee deliberately sets the film in the spaces of a particular New York neighbourhood, Bed-Stuy, which comes to represent larger racial conflicts but remains rooted in the specificities of a single city block: Stuyvesant Avenue between Lexington and Quincy, which has since been renamed “Do the Right Thing” Way. The film also explicitly references the death of Michael Stewart by MTA police in its depiction of Radio Raheem's murder, which Spike Lee describes as the “Michael Stewart chokehold,” a detail that serves as both an homage to the man and an indictment of the political circumstances of his death.<sup>64</sup> But the film is also an intervention into the realm of municipal politics and the ideological underpinnings of broken windows policing strategies. In an interview he gave to the *Times* several days before the film opened in New York, Lee said that he was “pleased” that the film was being released during the lead-up to city elections in November.<sup>65</sup> According to the *Times*, “he hoped that the discussion it generated would help defeat Mayor Edward I. Koch, who, in his estimation, had been significantly responsible for what he said were the deteriorating relations between groups and races.”<sup>66</sup> After serving three terms in office, Koch was defeated by David Dinkins, the city's first African

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<sup>63</sup> Spike Lee, *Do the Right Thing*. (Universal City, CA: Universal City Studios, 2001).

<sup>64</sup> Marlene Glicksman, “Spike Lee's Bed-Stuy BBQ,” in *Spike Lee: Interviews*, Spike Lee and Cynthia Fuchs, eds. (Jackson: University Press of Mississippi, 2002) 17.

<sup>65</sup> Michael T. Kaufman, “In a New Film, Spike Lee Tries To Do the Right Thing,” *New York Times*, June 25, 1989, H1.

<sup>66</sup> Ibid.

American mayor, but the broken windows experiment continued underground until Giuliani's election four years later.

### *The Sony Walkman as Countertechnology*

As New York's police forces were enforcing the boundaries between segregated sounds and spaces, as well as the possibility of acoustic encounters in the non-places of public transit, the same forces that crystallized around the boombox shaped the uses of another form of sound technology. In December of 1979, Sony introduced the personal stereo to the American market. The TPS-L2 Soundabout was unveiled to Sony dealers on December 8, which, according to the head of Sony's audio product consumer division, Yutaka Okazaki, the company planned to market as a "silent disco player."<sup>67</sup> The disco reference was later scrapped and the name changed to the Walkman, but the basic concept remained unchanged: a hand-held stereo-cassette player that did not come with a loudspeaker. In place of speakers, the Soundabout included one set of lightweight headphones and two headphone jacks, which permitted the owner to share the sound with a second listener but not to amplify it. Without the headphones or a line-out to a separate audio system, the Walkman was completely inaudible, and this feature was central to its early marketing campaigns, which presented the device as a solution to the problem of the boombox.

In its first write-up of the Soundabout on December 20, 1979, the *Times* emphasized the device's lightness and "musically adequate fidelity."<sup>68</sup> However, the article also highlighted the privacy of the Soundabout's audio experience, which it set squarely in the context of the public transit system. "The Sony Soundabout (model TPS-L2) makes an ideal gift for commuters

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<sup>67</sup> Stephen Traiman, "Sony: Tiny Stereo Player," *Billboard* 91, no. 49 (December 8, 1979): 1.

<sup>68</sup> Hans Fantel, "Sound," *New York Times*, December 20, 1979, C7.

travelling by train, giving them the same chance to sweeten their daily trek as is enjoyed by automobile travellers riding to the tunes of their car stereo.” The piece also directly links the Soundabout to the Box, and to its spatially-embedded listening practices:

Unlike the raucous boxes carried now by indefatigable rock fans, it affords privacy both ways: Though heard at full volume by the listener, the music disturbs no one else. Conversely, the listener is sonically isolated and psychologically removed from his surroundings. Schubert on Conrail unquestionably helps in traversing the South Bronx.<sup>69</sup>

This brief description reveals a great deal about how the *Times* envisioned the ideal Soundabout user. The reference to Conrail, which operated several city commuter transit lines before they were transferred to the MTA, indicates that the listener is not a New York City resident but a suburban commuter, who is presumably travelling into the city for work. He—and the use of the universal masculine pronoun here is probably accurate—is riding on one of the Harlem or New Haven lines, which run south from Westchester and Fairfield counties respectively through the Bronx to the Harlem/125<sup>th</sup> Street Station, which then connect to Grand Central Station. And, as the *Times* imagines befits a resident of one of these wealthy and predominantly white suburbs, the user is insulating himself from the “rock” sounds of the South Bronx with early nineteenth-century classical music, the traditional content of the domestic hi-fi system.

The primary reason for the racial and class positioning of the Soundabout is price: as the *Times* notes, “at \$200, the Sony would most likely be reserved for someone at the top of your Christmas list.” The list price remained unchanged when the Soundabout was rebranded the Walkman in June of 1980, and a two-month backlog of reorder requests was filled. A July 7 *Times* article underscores the luxury status of the Walkman: it interviews the managers of

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<sup>69</sup> Ibid.



electronics departments at Macy's and Bloomingdales, who report being offered over \$300 for display samples; it features photos and quotes from predominantly white users, who "wouldn't be caught dead lugging around those cumbersome portable radio 'boxes'" and who have taken to greeting each other "like Mercedes-Benz owners honking when they pass each other on the road"; and it describes the device as "the thinking man's box," which is best suited for use listening to recordings of business meetings, French language instruction tapes, and light opera performances.<sup>70</sup>

By 1981, the race- and class-based distinction between consumers of different portable audio products was explicitly linked to wider discourses about Boxes and urban crime. An April 17<sup>th</sup> article draws a clear distinction between "Box people" and "headphone people": Box people are noisy, frightening and "engender instant hostility," whereas headphone people are "peaceful" and "non-threatening."<sup>71</sup> The article mentions Koch's Box crackdown in passing, referring to the complaints and police summonses that box users invited while riding subways and buses, as well as "dirty looks" from fellow passengers. The Walkman is framed as "a civilized alternative to the noise box," one that, following a thirty per cent drop in price, was no longer a "middle-class indulgence" and therefore merely the preserve of "status seekers" and "elitists." Now, according to an investment banker interviewed for the article, stock clerks as well as stockbrokers had equal access to the device, which apparently proved his theory that headphones were "a great leveler."<sup>72</sup>

Irrespective of its drop in price or of the introduction of cheaper versions produced by Panasonic, Aiwa and Toshiba, the early marketing campaigns for the Walkman firmly

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<sup>70</sup> Ron Alexander, "Stereo-to-Go--and Only You Can Hear It: For the Thinking Man," *New York Times*, July 7, 1980, B12.

<sup>71</sup> Georgia Dullea, "Private Music and Public Silence," *New York Times*, April 17, 1981, B4.

<sup>72</sup> Ibid.



established the brand identity of the device: a “silent” portable audio player that was marketed to adult white professionals who were also public transit users. Although the Walkman would later become associated with the national fitness craze, in the unique context of New York City the device provided sonic accompaniment for intra- and inter-city commutes that, in other cities, were spent in the private acoustic space of the automobile. Unlike residents of Miami or Los Angeles, the members of the class that had fled the cities for the red-lined segregation of the suburbs still had to encounter racialized minorities in the shared space of the transit system, in which Box use, like graffiti, had been criminalized but not yet eradicated. Against the backdrop of the transit crisis and the fear of crime it engendered, the Walkman was framed as a counter-technology to the amplified boombox and as a solution to the problem of racialized noise.

The distinction can be seen quite clearly in a Sony ad that appeared in *Newsweek* in June, 1981.<sup>73</sup> The two-page gatefold depicts a group of six Walkman users set against the backdrop of a New York City walk-up with a characteristic brownstone stoop. Each user is wearing the device and a pair of headphones, and all but one represents a targeted consumer: a rollerskating enthusiast, two punkish rock fans, a sporty cyclist, and a businessman. (The sixth user, an older, grandmotherly woman, appears to be there for comic effect.) All of the users are white adults, and all of them are looking at the businessman, who is striding down the street carrying a briefcase, which he holds in the same manner as a boombox. The ad copy exclaims, “There’s a revolution in the streets,” and while the statement most obviously refers to the device’s portability and privacy, it also references the transformation of public listening practices in the context of urban space and the reimagining of those spaces in deeply revanchist terms.

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<sup>73</sup> Sony advertisement, *Newsweek* 97 (June 8, 1981), 91-92.

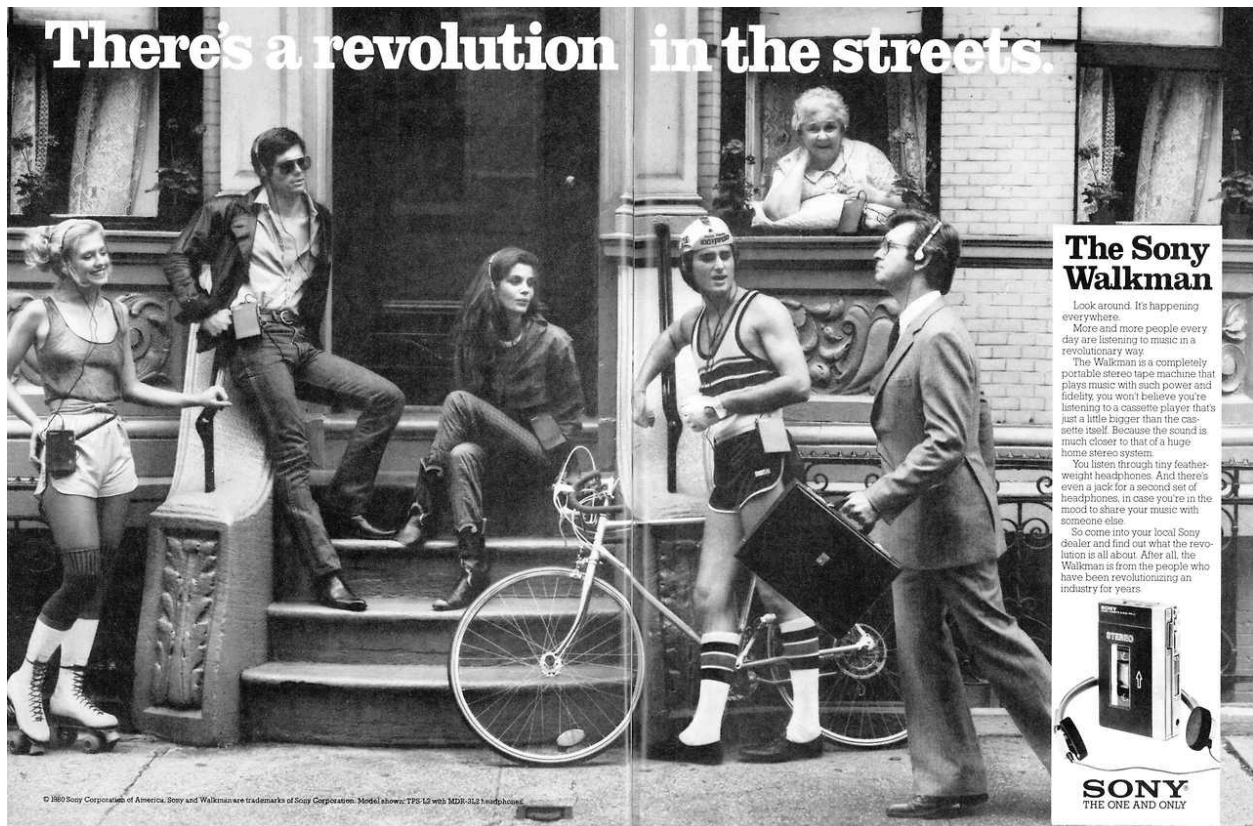


Figure 21. Sony Walkman advertisement, *Newsweek* 97 (June 8, 1981), 91-92.

Taken together, these accounts construct the Walkman as a reactionary counter-technology to the Box, a relationship that echoes Samuel L. Delany's distinction between the "white boxes" of computer technology and the "black boxes of modern street technology."<sup>74</sup> However, in this case the distinction doesn't rest on the semiotic surfaces of the objects, but on the social and spatial practices that they represent and enable in the larger context of the urban crisis. George Lipsitz describes these practices in terms of racially segregated spatial imaginaries, which "structure feelings as well as social institutions."<sup>75</sup> The white spatial imaginary "idealizes 'pure' and homogenous spaces, controlled environments, and predictable

<sup>74</sup> Mark Dery, "Black to the Future: Interviews with Samuel R. Delany, Greg Tate, and Tricia Rose," in *Flame Wars: The Discourse of Cyberculture*, ed. Mark Dery (Durham, NC: Duke University Press, 1994) 192.

<sup>75</sup> George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011), 29.

patterns of design and behavior”; it also “seeks to hide social problems rather than solve them.”<sup>76</sup>

Of necessity, the black spatial imaginary privileges “use value over exchange value, sociality over selfishness, and inclusion over exclusion,” and expresses these values in the context of “devalued spaces” and an aesthetics of movement between these spaces.<sup>77</sup>

The Walkman was initially marketed as a defensive technology that insulates the user from the fears stoked by urban crisis discourses: racial others, youth, poverty, crime. More so, it protects the Walkman user from the aural aggression of boombox users, whose potential for physical violence is first encountered through sound. The implicit threat lurking within the public spaces of the subways, parks and streets is mediated by the Walkman, which fills the gaps between police crackdowns and the failures of urban policing they represent. In this sense, the “privatized auditory bubble” that Michael Bull associates with personal stereo use can be viewed as a stop-gap measure that provided white New Yorkers with a sense of acoustic safety prior to the implementation of the broken windows theory.<sup>78</sup> However, the street revolution envisioned in Sony’s 1981 ad goes even beyond this, in that it reasserts the primacy of the white spatial imaginary by resegregating public space. Unlike Spike Lee’s depiction of Stuyvesant Avenue, Sony’s street has been cleansed of people of colour, its characters displaced by middle-class white equivalents. In place of Mookie and Tina, we see a white couple on the brownstone stoop. In place of Mother Sister, a white grandmother leans out of the first-floor window. In place of Radio Raheem, there is a white businessman silently carrying a briefcase, which not only supplants Raheem’s boombox but also serves as a symbol of the economic forces driving New

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<sup>76</sup> Ibid.

<sup>77</sup> George Lipsitz, “The Racialization of Space and the Spatialization of Race: Theorizing the Hidden Architecture of Landscape,” *Landscape Journal* 26, no. 1: 10.

<sup>78</sup> Michael Bull, *Sound Moves: iPod Culture and Urban Experience* (London: Routledge, 2007) 68.

York's gentrification. There is something almost jubilant about his frozen stride, and a palpable joy in the smiles that meet him as he walks. These are headphone people, to use the *Times*' distinction, and they have seemingly triumphed against the Box people.

## CONCLUSION

### *Epilogue: Mic Check!*

In the fall of 2011, observers of the Occupy Wall Street (OWS) protest camp became newly acquainted with New York City's sound devices bylaw. The municipal ordinance, which had been in place since 1930, prompted the occupiers' use of an acoustic form of amplification, the human microphone, to circumvent the need to receive police authorization for the use of megaphones and other public address technologies. The human mic subsequently went "viral," becoming an interventionist form of political speech deployed by activists at demonstrations and occupations around the world, even in places where amplification of public speech was legally permitted. Amidst these global echoes, its use in Zuccotti Park drew attention to the aural regulation of political speech in New York City and underscored the potential impact of such ordinances on citizens' rights to free speech and assembly.<sup>1</sup>

As used by OWS, the human mic played a central role in the formation of an auditory space that was animated by the principles of direct democracy which guided the movement. However, the practice also allowed the occupiers to confront and subvert the monopoly on amplified public speech that the government of the City of New York had possessed for nearly eighty years. Throughout this thesis, I have explored the history of the city's regulation of sound devices and have shown that its purpose was not merely to limit unnecessary noise, as is

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<sup>1</sup> For a discussion of Occupy Wall Street's use of the human microphone, see Lilian Radovac, "Mic Check: Occupy Wall Street and the Space of Audition," *Communication and Critical/Cultural Studies* 11, no. 1 (Winter 2014): 34-41.

generally assumed, but to contain and control radical uses of urban space. In this brief epilogue, I locate the ordinance in a continuing struggle over the rights to public speech and assembly, one that was shaped at historical junctures that both prefigure and echo our own.

### *Occupy Wall Street and the Space of Audition*

The sounds of the first OWS march to Zuccotti Park on September 17, 2011 and of the occupation that followed were initially indistinguishable from those of any other urban protest. The marchers shouted a typical array of chants as they walked and several of the protesters addressed the crowd using battery-powered megaphones, which were used sporadically during the first three days of the occupation, including at its inaugural general assembly on September 18th. That evening, the occupiers were warned by the New York Police Department that their use of “bullhorns” was illegal;<sup>2</sup> two days later, on the morning of September 20<sup>th</sup>, the NYPD moved in on the park and conducted their first arrests, one of which was of a protester, Justin Wedes, who refused an order to stop using a megaphone.<sup>3</sup> In his analysis of the formal qualities of the human mic, Michael Nardone reconstructs the formation of the practice in the days following the arrests, an initially haphazard process that was a direct response to the enforcement of the city’s sound device ban.<sup>4</sup> Denied the right to address the growing crowds that gathered at

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<sup>2</sup> Occupy Wall Street, “Second Communiqué: A Message From Occupied Wall Street,” posted September 19, 2011, <http://occupywallst.org/article/second-communicue-a-message-from-occupied-wall-t/> (accessed July 21, 2013).

<sup>3</sup> Nick Pinto, “Fourth Day of Occupy Wall Street Brings Arrests, Accusations of Excessive NYPD Force,” *Village Voice*, September 20, 2011, [http://blogs.villagevoice.com/runninscared/2011/09/occupy\\_wall\\_str\\_1.php](http://blogs.villagevoice.com/runninscared/2011/09/occupy_wall_str_1.php) (accessed July 10, 2013).

<sup>4</sup> Michael Nardone, “Repetition and Difference: On the Human Microphone as Interventionist Form,” *The Human Microphone*, posted April 25, 2012, [http://thehumanmicrophone.blogspot.ca/2012/04/repetition-and-difference-on-human\\_25.html](http://thehumanmicrophone.blogspot.ca/2012/04/repetition-and-difference-on-human_25.html) (accessed July 21, 2013).



Zuccotti, occupiers had to learn how to reconstitute themselves as a technology of sound amplification.

As several observers have noted, the human mic wasn't invented by OWS. Different versions of the practice were used during the protests at the Wisconsin State Capitol building in winter 2011,<sup>5</sup> by anti-globalization protesters in the early 2000s,<sup>6</sup> and during factory occupations in Argentina.<sup>7</sup> However, the particular iteration of the human mic that was used in Zuccotti Park is unique to OWS in that it coalesced into a communication tool that came to define the movement and facilitated its spread far beyond New York City. Jack Bratich likens OWS to a "meme-generator," of which the aural practice of the human mic is certainly one: within days of its use in Zuccotti Park, the technique spread through livestreams and YouTube videos to protest camps throughout the United States and other parts of the world, leading to an international chorus of "mic checks" even where the use of sound devices was legally permitted. This speaks to the importance of the organizational principles that the human mic was designed to operationalize: as Marco Deseriis explains, the practice was used in the context of the New York General Assembly (NYGA) to embody the horizontalist nature of the movement, and served to destabilize the hierarchical relationship between speaker and audience. In its earliest

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<sup>5</sup> Ted Sammons, "I didn't say look; I said listen": The People's Microphone, #OWS, and Beyond," *Sounding Out*, posted November 21, 2011, <http://soundstudiesblog.com/2011/11/21/i-didnt-say-look-i-said-listen-the-peoples-microphone-ows-and-beyond/> (accessed July 21, 2013).

<sup>6</sup> Ruth Milkman, Stephanie Luce and Penny Lewis, *Changing the Subject: A Bottom-Up Account of Occupy Wall Street in New York City* (New York City, NY: Joseph S. Murphy Institute for Worker Education and Labor Studies, 2013), 28.

<sup>7</sup> Jeff Sharlet, "Inside Occupy Wall Street: How a Bunch of Anarchists and Radicals With Nothing But Sleeping Bags Launched a Nationwide Movement," *Rolling Stone*, November 24, 2011, <http://www.rollingstone.com/politics/news/occupy-wall-street-welcome-to-the-occupation-20111110> (accessed July 10, 2013).



communiqués, the NYGA declared that “we speak as one,” a statement that anticipated the use of the human mic and articulated its guiding principles in the face of police repression.<sup>8</sup>

The language of the sound devices ordinance was modified after the 1948 Supreme Court challenge,<sup>9</sup> but its main provisions are virtually unchanged today. Appearing now as Section 10-108 of the New York City Administrative Code, the Police Commissioner remains directly responsible for the issuance of permits for sound amplification devices such as PA systems and their post-war cousin, the battery-powered megaphone, the use of which is regulated in virtually all public spaces in the city, including “streets, parks and places,” the air above the city and the waters within its jurisdiction, at all times of day and night. In order to be considered for a permit, applicants must provide the exact time, location and maximum volume level of the devices’ use, as well as “other pertinent information as the police commissioner may deem necessary.” Further, applicants are required to submit the application at least five days in advance of the event and, when approved, to pay a fee of \$45 per device for the first day of use, and \$5 per day thereafter for a total of no more than five days.<sup>10</sup>

Under these parameters, the permitted use of amplifying devices by OWS would have been impossible, even if organizers had deigned to apply for one (which, by all accounts, they did not.) The clandestine nature of the initial occupation (itself illegal in most urban spaces), its indefinite duration, and the spontaneous routes taken on many of its marches run counter to the spatial and temporal logic of the ordinance, which is designed to limit protesters’ use of public

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<sup>8</sup> Occupy Wall Street, “First Communiqué: We Occupy Wall Street,” posted September 19, 2011, <http://occupywallst.org/article/first-communique-we-occupy-wall-street/> (accessed July 21, 2013.)

<sup>9</sup> “Police Draft Law For Sound Trucks,” *New York Times*, July 23, 1948, 21.

<sup>10</sup> New York City Administrative Code, City of New York Website [http://www.nyc.gov/html/charter/html/misc/nyc\\_administrative\\_code.shtml](http://www.nyc.gov/html/charter/html/misc/nyc_administrative_code.shtml) (accessed July 22, 2013).

space to the greatest extent possible under the U.S. Constitution. In fact, it is precisely the First Amendment right to free speech that the current sound device ordinance is designed to circumvent. The permitting of sound devices is another part of the “liberalization of free speech,” a process that shifted the object of legal restrictions from the content to the geography of speech.<sup>11</sup> Rather than limit *what* is said by protesters, the goal of liberal speech regimes is to police *where*—and in the case of noise ordinances, *at what volume*—it is said, a goal that is accomplished by means of bureaucratic restrictions such as permit requirements instead of outright bans.<sup>12</sup>

By contrast, the NYPD alone holds the unfettered right to use amplified sound in the context of public space, a fact that was plainly audible when OWS was forcibly evicted from Zuccotti Park on November 15, 2011. In addition to battery-powered megaphones emblazoned with the force’s trademark blue stripe, the NYPD deployed three Long Range Acoustic Devices, or LRADs, to announce the eviction of the encampment and to disperse the remaining occupiers.<sup>13</sup> The LRAD is essentially a portable PA system, much like those used for political speech in the 1930s, except in its current form the device is used to convey police instructions at an extremely high and hyper-directional volume. First used domestically against G20 protesters in Pittsburgh, Pennsylvania in 2009, the LRAD’s purpose is ostensibly to ensure that protesters can hear law enforcement commands even over the din of shouts, chants and sirens that

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<sup>11</sup> Don Mitchell, “The Liberalization of Free Speech: Or, How Protest in Public Space is Silenced,” *Stanford Agora: An Online Journal of Legal Perspectives* 4 (2003). <http://agora.stanford.edu/agora/volume4/mitchell.shtml> (accessed July 20, 2013).

<sup>12</sup> Don Mitchell and Lynn A. Staeheli, “Permitting Protest: Parsing the Fine Geography of Dissent in America,” *International Journal of Urban and Regional Research* 9, no. 4 (December 2005): 800-801.

<sup>13</sup> “Luke Rudkowski Explains What Went Down During Occupy Wall Street Eviction,” YouTube video, 4:48, posted by PlanetEarthAwakens1, November 15, 2011, <http://youtu.be/03-211s7nis> (accessed July 20, 2013).

invariably accompany conflict with the police.<sup>14</sup> However, LRADs are also designed to function as “less lethal” crowd control weapons, and the extreme volume of the LRAD’s acoustic output (up to 162 decibels in crowd deterrent mode) can be heard as itself an act of aural violence.<sup>15</sup>

According to Jacques Attali, noise is a form of violence that harbors the potential to subvert and transform the existing social order; as such, it must be sublimated or controlled in order to ensure the peaceful operation of the state.<sup>16</sup> Or, to put it in Weberian terms, the state (in this case, the City of New York) claims the monopoly of the legitimate use of noise (amplified sound) within its territory in much the same way that it claims the monopoly of the legitimate use of physical force.<sup>17</sup> This monopoly is not total, of course: as Weber notes, “the right to use physical force is ascribed to other institutions or to individuals [but] only to the extent to which the state permits it.”<sup>18</sup> The state remains “the sole source of the ‘right’” in question; the alternative to this arrangement, according to Weber, is “anarchy.”<sup>19</sup> Thus, Attali concludes, “noise is a concern of power; when power founds its legitimacy on the fear it inspires, on its capacity to create social order, on its univocal monopoly of violence, it monopolizes noise.”<sup>20</sup>

This spatialized struggle over noise has two important consequences for public speech. The first is that the right to amplify speech can simply be denied—either summarily, as during the interwar period, or on the grounds that it may “divert the attention of pedestrians and vehicle

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<sup>14</sup> “LRAD (Long Range Acoustic Device) - Combat Footage of Pittsburgh G-20 Protests,” YouTube video, 5:03, posted by wolfgangcushing, September 26, 2009, [http://youtu.be/z7ORW\\_k8fKs](http://youtu.be/z7ORW_k8fKs) (accessed July 20, 2013).

<sup>15</sup> LRAD Corporation, *LRAD for Public Safety Applications Fact Sheet*, LRAD Corporation Website <http://www.lradx.com/site/content/view/323> (accessed July 20, 2013).

<sup>16</sup> Jacques Attali, *Noise: The Political Economy of Music*, trans. Brian Massumi (Minneapolis, MI: University of Minnesota Press, 1985), 33-34.

<sup>17</sup> Max Weber, *The Vocation Lectures*, ed. David S. Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis, IN: Hackett Publishers, 2004), 33.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Attali, *Noise*, 27.

operators” or otherwise disturb “the public peace or comfort,” as under the current Administrative Code. But isn’t this precisely the point of street protest—to disrupt the soundscape of everyday life and to address not only other protesters but also passersby? (As Mitchell notes, the kind of free speech that is constrained by permitting laws is that which is most effective—i.e., speech that is audible to the greatest possible number of people.<sup>21</sup>) Further, if the issuance of a sound device permit is contingent on a protest event falling within specific time frames or spaces that can be planned for in advance, then any form of amplified public speech that takes place in the context of spontaneous, open-ended actions such as OWS is by definition illegal, since such events cannot meet the conditions that are required to even submit an application. This gives the police license to target protesters with fines, arrests, and, in the case of the megaphone-wielding Justin Wedes, physical violence, all of which are effective ways of dissuading participation in public protest and undermining social movements.<sup>22</sup>

The second consequence follows from the first and is of still greater concern. For Hannah Arendt, the public realm, which she terms *the space of appearance*, is co-constituted by action and speech. Like the polis that serves as its metaphor, the space of appearance “is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be.”<sup>23</sup> This conception of speech is not the silent, abstracted object of liberal speech regimes, but the embodied and distinctly “un-quiet” experience of words that are spoken out loud and heard together with others.<sup>24</sup> Although Arendt uses visual terms, Judith Butler underscores that the

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<sup>21</sup> Mitchell, “The Liberalization of Free Speech.”

<sup>22</sup> Pinto, “Fourth Day of Occupy Wall Street Brings Arrests.”

<sup>23</sup> Hannah Arendt, *The Human Condition*, 2<sup>nd</sup> ed. (Chicago, IL: University of Chicago Press, 1998), 198.

<sup>24</sup> *Ibid.*, 15.

auditory dimension of this space is central: “We are not simply visual phenomena for each other – our voices must be registered, and so we must be heard; rather, who we are, bodily, is already a way of being “for” the other, appearing in ways that we cannot see, being a body for another in a way that I cannot be for myself, and so dispossessed, perspectively, by our very sociality.”<sup>25</sup> By denying the right to engage in un-quiet speech, the state also denies citizens the right to bring into being a public, political realm this is not already defined by the state; that is, it withholds the tools and conditions that citizens need in order to engage in a politics that is rooted in direct democracy. This is the fear that shadows Arendt’s assertion that “wherever the relevance of speech is at stake, matters become political by definition, for speech is what makes man [*sic*] a political being.”<sup>26</sup>

Thus, Arendt’s *space of appearance*, which is the space of the common and therefore of politics, is equally and necessarily a *space of audition*. The occupier-citizens of OWS understood this, and their actions at Zuccotti Park evidenced their determination to protect the new political space they had created. By using the human mic to collectively oppose the aural violence of the state, OWS was able to sustain a noisy public realm that, for a time, could not be silenced by force. As Arendt reminds us, there is an important distinction to be made between violence and power: unlike power, which is actualized by individuals acting and speaking in concert, “sheer violence is mute.”<sup>27</sup>

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<sup>25</sup> Judith Butler, “Bodies in Alliance and the Politics of the Street,” *#Occupy Los Angeles Reader* 1, no. 3 (November 2011): 2.

<sup>26</sup> Arendt, *Human Condition*, 3.

<sup>27</sup> *Ibid.*, 26.

### *Conclusion*

New York's sound device ordinance is a thread, then, that weaves through the history of noise control in the mid- to late-twentieth century and brings it into the twenty-first. It connects the work of the NAC to La Guardia's war on noise, to the rise and fall and rise again of street-based public speech, and to the early mobile listening practices of boombox users at the height of the urban crisis as well as the post-liberal responses to them. It precedes the city's first noise code and remains firmly in place after its third, even after major legal challenges. It also embeds sound in the particular places and practices of the city's residents, emphasizing the struggle between the interiority and exteriority of places and territories, and the inside and outside of listening communities. As Brandon Labelle reminds us, sound is a spatial object; it is also, for Levi and Revel, a process that involves "shifting relationships existing between constantly adapting configurations."<sup>28</sup> Which is to say that sound means differently at different moments, locations, and conjunctures, and that it does so even when the text of a legal ordinance remains stubbornly the same.

I have tried in *The Muted City* to use sound, and noise in particular, as a way to approach the urban soundscape a little bit differently—that is, I follow sounds and their archival traces to people and practices that would otherwise keep silent. There is a wonderful cast of characters here: radicals and reformers, bureaucrats and buffoons, street preachers and spellbinders, misfits and mayors, all of whom are part of a noisy urban ballet. There are also great swells of historical forces that they pull and push against, never on equal terms but they are still always, audibly there. I also listen for the way that noise disturbs these forces, sometimes deliberately but just as often not: the teenager rollerskating to disco in a neglected public park asserts her

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<sup>28</sup> Labelle, *Acoustic Territories*, 7; Levi, "On Microhistory," 114.

right to place just by being there and having fun, and this small act of defiance means just as much as the grand marches her grandparents set out on forty years before, or her daughters forty years after. It is the difference between a molar and a molecular politics, to use Deleuze and Guattari's terminology, and it is likely in the space in between that a contemporary urban commons is possible.

Thus, I have used sound to suggest a path toward a version of urban history that attends to both to the larger contours of that history—the realm of capital “P” politics and its various tributaries—and the smaller ones that “keep close to human experience.”<sup>29</sup> Before this project, not even La Guardia's biographers had thought to write about his “war” on noise. Is this because sound is still considered too trifling a matter when compared to the usual business of cities, or too ephemeral in relation to the visual content of traditional urban planning? Or has noise been overlooked because sound remains largely invisible in the city's archival records? Similarly, of the growing number of accounts of the boombox, this is one of few that hold that the device is not defined by a set of stylistic or technical specifications but by the racialized and spatialized practices that enabled its use. Moving back and forth between these two scales, from long-shots to close-ups and back again, the necessary layers of context emerge that make Sterne's social praxeology of technology possible.

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<sup>29</sup> Ibid., 116.



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City Hall Library, New York City Department of Records, New York City, N.Y.

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