

Wes Cowan: Our next story examines the origins of an American icon that gave birth to an empire. It's 1928. A mischievous mouse named Mickey bursts onto the silver screen. He's the toast of Hollywood, an overnight success who rockets a young animator named Walter Elias Disney to fame and fortune. Mickey mouse is soon recognized as a symbol of American culture the world over. At least, that's how the popular story goes. But in San Francisco, California, a man found an object that he thinks adds a new wrinkle to that story. Avid collector Jeff Kane came across this mouse at a toy fair.

Jeff Kane: I collect cartoon animals, toys in the '20s, '30s, '40s. And this one day I found this little funny-flex character about 4 1/2 inches tall, either a rat-like or mouse-like character, and right on his chest it said "Micky," m-i-c-k-y, no "e." and I thought that was a bit strange. This was a character I'd never seen before.

Wes: Could this tiny toy be the original Mickey Mouse? I'm Wes Cowan, and I've come to the city by the bay to take a look. As an auctioneer of Americana, I'm really intrigued by this case. So, Jeff, where is this toy you were telling me about?

Jeff: Well, Wes, I have it right here. Here he is here.

Wes: Oh, wow, look at that. Wooden body, little wire arms and legs that are posable. Take a look at that long tail. What I find really curious about this is this label on the chest. I thought that the song went "m-i-c, k-e-y," and this label says, "m-i-c-k-y."

Jeff: Well, that odd misspelling is what got me curious in the first place, and it got me wondering if this old toy could really be the very first original Mickey Mouse.

Wes: You know, why would you think that just because of the spelling?

Jeff: No, because right here, on the bottom, see that patent label?

Wes: Oh, yeah, look at that. August 17, 1926. Boy, that is early. Well, that gives me something to go on. Um, you mind if I take this little guy with me?

Jeff: Not at all.

Wes: To find out if Jeff owns the first Mickey Mouse, I need to hit the library to check some facts. Okay, here we go. The birth of Mickey Mouse is obscured in legend, much of it created by Walt Disney himself. Walt tells the story that he created Mickey Mouse on a train ride from New York to Los Angeles in 1928. Needing a star for his struggling company, Walt takes out pen and paper and draws a character wearing gloves, shoes, and red shorts with buttons. And he calls this mouse Mortimer. Well, Walt's wife apparently hated the name Mortimer and suggested Mickey. Some Disney historians downplay that romantic story, saying that Mickey Mouse emerged from a series of brainstorming meetings at Disney's studio. Whatever the truth, Disney's tiny star debuted in Steamboat Willie in 1928, the first of a string of hits for Disney studios and the birth of a multi-billion-dollar entertainment empire. Years later, Walt was quoted as saying, "just remember, this all started

with a mouse." Yeah but, which mouse? Could the mouse that inspired Disney have been Jeff's mouse, which may have been around two years earlier? I want to show our Micky to an expert on American Popular Culture Collectibles, my fellow history detective, Elyse Luray. Okay, Elyse, here is Jeff's mouse. What do you think?

Elyse: Cute. Okay, let's see. Wood and wire construction, very flexible, very common from this time period. It's a period piece from the late 1920s, but, you know, nothing unusual. He looks like a lot of characters from that time period.

Wes: Yeah, but how about the -- how about the label on the chest?

Elyse: Well, it's missing the "e," which you know. [laughs] But, it was very common in that time period for a lot of toys to have the name across the chest. That's nothing unusual.

Wes: Now, there's a patent date on the bottom, 1926, and so I'm wondering, could this be an early version of Mickey Mouse?

Elyse: Mickey was made in 1928, but really, toys from Disney didn't start appearing until about 1930. And usually you patent the character and then the toys come later. My advice is to go after the patent and get some information from that.

Wes: That's my next stop. I'm taking Elyse's suggestion and searching the web site of the U.S. Patent Office. But I only have the date. I need a patent number if I'm going to find the records. So, I call a regional patent and trademark depository library. I'm looking for a listing for a wooden toy mouse for the patent date, August 17, 1926. They've found it. On August 17, 1926, an invention was registered under "animal, toy." I punch in the number. The number checks out. It's our toy. And the inventor's not Walt Disney. It's someone named Rene Grove. Let's see. Assigning rights to the Performo toy company of Middletown, Pennsylvania. But it was made two years before Walt created his Mickey. But there is something missing. I can't find the name Micky anywhere. Maybe the Micky label was added at a later date. I make a follow-up call to find out if the name was trademarked. I'm looking for a trademark taken out by the Performo toy company. On February 8, 1927, the Performo toy company registered a trademark for the name "Micky." it seems Jeff's toy did come out two years before Walt Disney's Mickey Mouse, but was this Micky the source of Walt's inspiration? I've got to find out more about this little toy company and their Micky with no "e."

So I'm headed to Middletown, Pennsylvania. Middletown is a small industrial borough just outside the state capital of Harrisburg. Here, 80 years ago, the Performo Company picked the perfect time to enter the toy business. In the early 1900s, retailers first recognized children as a potential consumer market. At first, the demand for toys was met by Germany, the world's top toymaker. But during World War I, American embargoes on German products opened the doors for small companies like Performo. By 1926, the United States was the largest toy producer in the world. Here at the Middletown Area Historical Society, curator Maxine Dimeler shows me their collection of Performo wooden toys.

Maxine Dimeler: And here is our Performo toys that Rene Grove made.

Wes: So all of these were made by Performo.

Maxine: Yes, they were.

Wes: wow! Well, I certainly recognize this guy in the middle here. That is Performo's Micky.

Maxine: Oh, my goodness, yes. That was the most popular toy.

Wes: Maxine says the Micky toy is a source of Middletown pride, and she is certain where the inventor got the name. He held a contest for employees to pick a name, and one employee was selected with the best name, which was Micky. Maxine arranges an interview for me with former historical society secretary Elnor Overdeer. Elnor knew the inventor, Rene Grove, and has vivid memories of his Micky toy.

Elnor Overdeer: Children loved it, because you could twist it. You know, you could twist it any which way, and as long as you balanced it, it would stand. And that was -- that was the one thing that I learned because I was a very curious child.

Wes: Elnor then repeated a story that has become a town legend: that Walt Disney copied Performo's Micky, and that the Pennsylvania company then sued Disney.

Elnor: Rene Grove was never in favor of the lawsuit. It was his brother-in-law who was the manager of manufacturing who persisted in pursuing it.

Wes: Elnor says that the decision to take on Disney proved fatal.

Elnor: And when the decision was handed down, Walt Disney won the case and Rene Grove could never manufacture his Micky again.

Wes: So could this story of a legal showdown over the two mice be true? Hey, Lindsay, Wes. Listen, I want you to check out any records of a lawsuit. I call in some help from a researcher to track down any records of a court battle between the two companies. Meanwhile, I check the historical society's archives to look for any mention of this controversy. I find a small book called "early industries of Middletown, Pennsylvania," and the last chapter is on the Performo toy company, taken from an interview with inventor Rene Grove. "It is said that Walt Disney stole this idea from Rene Grove. Controversy arose over the Micky mouse toy, and Rene Grove decided to part from the Performo Toy Company. Litigation fees began to mount, and in 1935, the Performo Toy Company closed its doors." This account seems to support Elnor's story. I wonder what the court records say about this alleged legal battle. I figure it's time to check in with my researcher.

Wes: Hey, Lindsay. What did you find? Lindsay faxes me a copy of a letter from the Disney archives claiming they have no knowledge of any legal action with the Performo Toy Company. And it looks like it checks out. A nationwide search of court records turns up no evidence of legal conflict between the two companies. It seems more likely that Performo went the way of other manufactur-

ers during the depression. Hard times forced them to padlock their doors. So I still have no proof of any connection between Mickey Mouse and Performo's Micky. I think I'll take a different tack. Through friends in the business, I've contacted someone who might help this investigation. I've come to the private museum of toy designer, collector, and scholar Mel Birnkrant.

Mel Birnkrant: Welcome to mouse heaven.

Wes: Great to be here. Mel has one of the world's largest collections of early Disney collectibles and is a top expert on the art and imagery of comic characters. Mel tells me that the two Mickey toys were in direct competition in the American marketplace, but he doesn't think Disney copied Performo. He thinks it was the other way around.

Mel: And here's a Performo mouse... As he started to look in the early '30s.

Wes: A-ha, they put red shorts on him, and look at the little white buttons. It -- it really looks just like Disney's Mickey.

Mel: Yeah, I think Performo realized, if we can't beat 'em, let's join 'em. Let's try to look as much like that famous Mickey Mouse as we can. And they felt they had the right to. They had a mouse called Micky. Why not?

Wes: So, Mel, our little Micky didn't influence Disney at all.

Mel: Let me show you where Mickey came from. Follow me.

Wes: All right. What Mel showed me next gave me the final piece in this investigation. And the first thing I told Jeff was that this was not Disney's first Mickey Mouse.

Jeff: Okay.

Wes: But the story doesn't end there. Right before I came out here, I met with a toy collector named Mel. Then I told Jeff what Mel had said. It seems that neither Mickey was America's first celebrity mouse.

Mel: Mickey evolved from a whole series of generic mice that were in every cartoon before him. Wes, take a look at this. Here's Felix the Cat in 1922. Every Felix cartoon had mice like that in it. Here's Milton Mouse from Aesop's Movie Fables in 1920. And here's Ignatz Mouse. Sure looks a lot like that Mickey, doesn't he? He was in Krazy Kat cartoons and comic strip from 1914 on.

Wes: This is like ten years before.

Mel: Ten years before. These mice were everywhere.

Wes: But what made Mickey Mouse break through the pack?



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Mel: Two things: exquisite design and the fact that he was in the movies and that the movies were in sound.

Wes: So Disney's Mickey Mouse became a movie superstar and chased all the other mice away.

Mel: Wes, in this tale of two Mickeys, Performo's mouse didn't stand a chance.

Wes: So this isn't Disney's Mickey Mouse, but I do believe that it's the first Micky, without the "e," that was ever marketed to the public.

Jeff: I always thought there would be a story behind this -- this old toy, and it's nice finally to check it out.

Wes: It's a great story, and I really want to thank you for bringing it to my attention.

Wes: In the July 15, 1933, edition of the Middletown Gazette, the Performo Toy Company announced they were filing for bankruptcy. Meanwhile, Disney's Mickey Mouse toys dominated the marketplace. By 1935, Mickey Mouse merchandise earned more money than Mickey Mouse cartoons, a first in motion picture history.

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**Episode 2, 2005: Mouse Toy
San Francisco, California**

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