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Who Controls What We See? Censorship and the Attack on Hollywood "Immorality"

upholding "traditional" American values — as defined by Christian civic leaders, politicians, and clergy. But, as Black reveals, clever filmmakers always found ways to subvert the Code and the will of censors.

Discussion Points

Should an institution that reaches millions of viewers each year, many of them children, be subject to some form of censorship? Who should decide what should or should not be seen? Does censorship challenge the constitutional right to free speech? What responsibility should Hollywood take, if any, for governing public morality?

Introduction to Article

One of the oldest clichés in the movie business is that audiences always get the films they want. But is that true? Do audiences really get to see what *they* want to see or are their choices limited by outside forces? What are those outside forces? Who controls what we see? Producers? Government agencies? Lobbying groups? Audiences?

Pick up any newspaper today and you are bound to read about some politician or religious or civic leader accusing Hollywood of promoting violence, crime, and sex, and demanding some form of censorship. Such cries are not new. Since the appearance of the first nickelodeons in 1905, authorities in all walks of life have repeatedly blamed movies and the industry that produced them for all that is wrong in America. Gregory Black explores the forces responsible for determining what audiences of the 1930s and 1940s were allowed to see and what they were not allowed to see. He explains how studio heads responded to threats of boycotts and federal censorship by instituting various self-censorship plans. From 1934 until its abolition in 1968, the censors who ran the Production Code Administration, the most powerful of these plans, influenced the social, political, sexual, and racial content of every American film. Designed by Catholic lay leaders, the Code was intended to pressure filmmakers into

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Hollywood Censored: The Production Code Administration and the Hollywood Film Industry, 1930–1940

Gregory D. Black

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In July 1934 an editorial in *The Commonwealth*, a semi-official organ of the Catholic church, declared that the "muck merchants" of Hollywood, that "fortress of filth" that had been destroying the moral fiber of the American people, had finally been brought to its knees by the Catholic church and its Legion of Decency. In less than a year the church had recruited millions of Americans of all religious denominations to pledge not to attend "immoral" movies. With a national depression already threatening Hollywood's financial stability, movie czar Will Hays, head of the Motion Picture Producers and Distributors of America (MPPDA), accepted the terms of surrender dictated by the church and its legions.

The truce struck between Hays and the Most Reverend John T. McNicholas, Archbishop of Cincinnati, and written and negotiated by Martin Quigley, publisher of *The Motion Picture Herald*, signaled a turning point in a 30-year battle among religious leaders, women's groups, civic organizations, municipal and state censorship boards, and the motion picture industry over the content of Hollywood films. The victory took the form of a new agency inside the MPPDA, the industry's trade

association. The Catholics demanded that Hays create a Production Code Administration (PCA) to enforce the censorship code adopted by the industry in 1930. The code, written by a Catholic priest, had not, in the opinion of the church, been enforced. The church demanded, and Hays agreed, that a staunch lay Catholic, namely Joseph I. Breen, would head the PCA and interpret the code.

To guarantee that Breen would have enforcement powers, the agreement forced every studio to submit scripts to the PCA before production. The studios agreed that no production would begin without script approval and that no film would be distributed without a PCA seal of approval. The MPPDA was given power to levy a \$25,000 fine against any violator.

But that was not all. The church demanded that Hollywood permanently withdraw from circulation films it viewed as "immoral" and that local theater owners be empowered to cancel any film currently in circulation if they judged it to be "immoral." The industry promptly withdrew a score of films, including Mae West's *She Done Him Wrong* (Paramount, 1933), *The Story of Temple Drake* (Paramount, 1933) (adapted from William Faulkner's *Sanctuary*), and Frank Borzage's filmed version of Ernest Hemingway's *A Farewell to Arms* (Paramount, 1932). Finally, the church demanded that any appeal of PCA decisions be resolved not by a jury of Hollywood producers, as in the past, but by Will Hays in New York.

The PCA, created to mollify religious critics and to disarm proponents of federal censorship, exercised a strong, often dominating influence on movie content for more than two decades. From 1934 until the mid-1950s Breen and his staff closely scrutinized every Hollywood script for offensive social, political, and sexual themes. Although the initial intent was to protect the public from sexual improprieties, Breen was determined to eliminate controversial subjects from the screen to maximize the worldwide appeal of Hollywood films. In the process he imposed on film producers and filmgoers a rigidly conservative view of politics and morality. As film historian Robert Sklar has observed, Breen and the code virtually "cut the movies off from many of the most important moral and social themes of the contemporary world."¹

Unfortunately most film history is written as if the code and the PCA did not exist. An understanding of Hollywood requires an appreciation of how self-censorship functioned in the studio production system. The fate of two productions from early 1934, Mae West's *Belle of the Nineties* (Paramount, 1934) and Ernst Lubitsch's *The Merry Widow* (MGM, 1934) illustrate the PCA's moral strictures. Two films that contained no moral violations, Walter Wanger's *The President Vanishes* (Paramount, 1934) and Warner Bros. production of *Black Fury* (Warner Bros., 1935), were

nevertheless considered "dangerous" by Breen and Hays and show how the PCA prevented films from making serious social or political comment.

By 1934 films had become a collaborative, corporate art form. The industry had come a long way from its beginning as a provider of cheap entertainment for urban immigrants at the turn of the century. Films quickly evolved into a form of mass entertainment that attracted viewers from every segment of American society. Box office success, it turned out, frequently resulted from sexually titillating themes and from stories that seemed to glorify gangsters and social deviants. This in turn brought increasing demands for regulation. Pennsylvania established the first state board for film censorship in 1911, and Ohio and Kansas followed in 1913. By 1915 a host of municipal and state censorship boards had been created to impose local community standards of morality on films by censoring films before their exhibition. The film industry challenged the legality of "prior censorship" in 1915. In a landmark decision that was to influence the content of films until the 1950s, the Supreme Court upheld the right of prior censorship by local communities when it ruled in *Mutual Film Corporation v. Ohio* that movies were not protected under freedom of speech provisions of either the state or federal constitutions.

By the mid-1920s eight states and more than 200 municipalities had enacted censorship boards. There was no real consistency: Pennsylvania was the most strict, Kansas the most pristine (the latter limiting screen kissing to a few seconds and banning scenes of smoking and drinking). The common denominator was that all the censorship boards were committed to eliminating portraits of changing moral standards, limiting scenes of crime (which they believed to be responsible for an increase in juvenile delinquency), and avoiding as much as possible any screen portrayal of civil strife, labor-management discord, or government corruption and injustice. The screen, these moral guardians held, was not a proper forum for discussing delicate sexual issues or for social or political commentary....

In the early 1920s the industry was rocked by a series of sensational scandals about the private lives of its stars, the most famous being the scandal involving Fatty Arbuckle. The dual forces of scandal and censorship forced the industry to unite under a common banner, the MPPDA. In 1922 industry leaders chose as their first president Will H. Hays, a prominent Republican politician and architect of Warren Harding's presidential victory. He symbolized the veritable puritan in Babylon. Teetotaler and elder in the Presbyterian church, Hays saw it as his mission to bring a Jewish-dominated film industry the respectability of mainstream middle America....

A front man for the industry, Hays served as the lightning rod for public complaints. Promoted by press agents as the movie czar, Hays was in fact no more than an employee of the moguls. As a public relations agent, he was an unqualified success; as a censor or regulator of movie content during the 1920s, he was a failure. Rejecting the notion of censorship by government, Hays embraced a system of industry self-regulation. In 1924 he introduced "The Formula," a series of rules designed to prevent "objectionable" plays and novels from being produced as films. Hays' formula did manage to keep some material off the screen, but he was dependent on voluntary compliance by the studios. A steady stream of "modern" films increased criticism of the industry. In 1927, the year in which sound first accompanied images on the silver screen, Hays created the Studio Relations Committee (SRC). Under the direction of Colonel Jason Joy, the SRC codified the most common demands of the municipal and state censorship boards into a single working document informally known as the "Don'ts and Be Carefuls." This document prohibited, among other things, profanity, nudity, drug trafficking, and white slavery in films and urged producers to exercise good taste in presenting such adult themes as criminal behavior, sexual relations, and violence. Still the studios interpreted these guidelines according to their own taste, however, and still the antimovie lobby fulminated and grew ever larger and more threatening.

Although reformers had favored cooperation with Hays in 1922, by the end of the decade they were convinced that Hays was ineffective and that federal intervention was necessary to control Hollywood. Until the early 1930s the opponents of Hollywood had been primarily an alliance of Protestant ministers and women's organizations. As traditional guardians of public morality, they claimed that Hollywood was directly responsible for the dramatic changes that had taken place in American society in the past three decades. Alarmed at an increasing divorce rate, a rise in juvenile delinquency, and a general flaunting of traditional values by young men and women, the ministers held the movies directly responsible for what they saw as America's moral collapse. . . .

If these moral guardians were upset by silent cinema, they were infuriated when films began to talk. The talkies opened up new dramatic possibilities, and the movies became more popular than ever. Now sexy starlets could rationalize their immoral behavior; criminals using hip slang could brag about flaunting law and order; and politicians could talk about bribery and corruption. Film dialogue could and did challenge conventional norms. In 1928 the New York censorship board cut more than 4,000 scenes from the more than 600 films submitted, and Chicago censors sliced more than 6,000 scenes. But even as the censors were snipping away at a furious pace, audiences were flocking to the theaters.

In 1922 the average weekly attendance at movie theaters in the United States stood at 40 million. By 1928 it had leaped to 65 million and by 1930 had reached the staggering figure of 90 million. . . .

The Catholic church, before 1930, played no part in the controversy over film content. Church leaders and lay activists consistently lobbied against Protestant efforts to pass censorship laws. Accepting entertainment as a feature of modern life, the church neither banned members from attendance nor restricted Sunday viewing. By 1930, however, a small group of Catholic laymen and priests was becoming more and more uncomfortable with what it perceived as the declining moral quality of films. Martin Quigley, a staunch lay Catholic and owner and publisher of the industry trade journal *The Motion Picture Herald*, took the first steps toward Catholic involvement. An advocate for theater owners, Quigley opposed government censorship and argued that block-booking was in the financial interests of small theater owners because it reduced the overall price they had to pay for individual films. Yet he shared the conviction of other reformers that movies were becoming "immoral" and was further convinced that movies had to avoid social, political, and economic subjects or face strict government censorship. To Quigley, movies had to be "harmless entertainment."

Convinced that the industry could regulate itself through the Hays office, Quigley began to think about a new code of behavior for the movie industry in the summer of 1929. Acting on the advice of his priest Father FitzGeorge Dinneen, who was a friend and confidant of Cardinal George W. Mundelein of Chicago, Quigley invited Father Daniel Lord, a Jesuit from St. Louis, to work with them.

Lord was a professor of dramatics at St. Louis University and editor of the widely read *The Queen's Work*, which preached morality and ethics to Catholic youth. As a boy, Lord wrote in his autobiography, he had been overwhelmed by D. W. Griffith's *The Birth of a Nation* (Epoch, 1915). He left the theater convinced that he had seen a new medium of communication powerful enough to "change our whole attitude toward life, civilization, and established customs." As a young priest he was selected to work as technical adviser to Cecil B. DeMille in *The King of Kings* (Pathé, 1927). When Quigley invited him to think about a new moral code for the industry, he leapt at the opportunity.²

Joseph I. Breen was another major figure in this small group of aroused Catholics. An active lay Catholic, Breen had been the press relations chief for the 1926 Eucharistic Congress in Chicago, where he was also public relations director of the Peabody Coal Company. Invited by Quigley to work with the group, Breen was to emerge in 1934 as the director of the PCA.

For several months Quigley, Breen, Lord, Father Dinneen, and Father Wilfred Parsons, editor of the influential Catholic publication *America*, exchanged ideas about a code of behavior for the movies.... After studying the various state and municipal censorship codes, the Hays office's "Don'ts and Be Carefuls," and the objections of Protestant reformers, Daniel Lord took on the task of writing a new movie code. What emerged is a fascinating combination of Catholic theology, conservative politics, and pop psychology that was to control the content of Hollywood films for the next two decades.

Although the code is most often discussed as a document that prohibited nudity, required married couples to sleep in twin beds, and effectively ruined the movie career of that saucy favorite Mae West, its authors intended it to control much more. Lord and his colleagues shared a common objective with Protestant film reformers: They all wanted entertainment films to emphasize that the church, the government, and the family were the cornerstones of an orderly society and that success and happiness resulted from respecting and working in this system. They believed that entertainment films should reinforce religious teachings that deviant behavior, whether criminal or sexual, costs violators the love and comforts of home, the intimacy of family, the solace of religion, and the protection of law. In short, they believed films should be twentieth century morality plays that illustrated proper behavior to the masses.

As Lord put it, Hollywood films were first and foremost "entertainment for the multitudes" and as such carried a "special *Moral Responsibility*" requisite of no other medium of entertainment or communication. Their universal popularity, cutting across social, political, and economic classes and penetrating communities from the most sophisticated to the most remote, meant that filmmakers could not be permitted the same freedom of expression allowed to producers of legitimate theater, authors of books, or even editors of newspapers....

In the late 1920s, when sound was combined with visually striking images, a sensation was created that Lord believed would be irresistible to the impressionable minds of children, the uneducated, the immature, and the unsophisticated. These very groups, Lord believed, represented a large majority of the national film audience. It was because this massive film audience was incapable of distinguishing between fantasy and reality – or so Lord and the film reformers believed – that self-regulation or control was necessary.

Therefore, the basic premise behind the code was that "no picture should lower the moral standards of those who see it." Recognizing that evil and sin were a legitimate part of drama, the code stressed that no film should create a feeling of "sympathy" for the criminal, the adulterer,

the immoralist, or the corrupter. No film should be so constructed as to "leave the question of right or wrong in doubt." Films must uphold, not question or challenge, the basic values of society. The sanctity of the home and marriage must be upheld. The concept of basic law must not be "belittled or ridiculed." Courts must be shown as just and fair, police as honest and efficient, and government as protective of all people. If corruption were a necessary part of any plot, it had to be restricted: a judge could be corrupt but not the court system; a policeman could be brutal but not the police force. Interestingly, Lord's code stated that "crime need not *always be punished, as long as the audience is made to know that it is wrong.*" What Lord wanted films to do was to illustrate clearly to audiences that "evil is wrong" and that "good is right."³

Quigley immediately took Lord's draft to Hays and began agitating for industry adoption. Quigley's strategy was to combine economic threat and moral pressure. He and Father Dinneen convinced Cardinal George Mundelein of Chicago to "sponsor" the code and to use his influence with the investment firm of Halsey-Stuart, a major industry investor, to pressure the industry to accept it. In a series of meetings in December 1929 and January 1930 with Cardinal Mundelein, Harold S. Stuart, Quigley, Lord, industry leaders, and members of the Hays office, the basic tenets of the code were accepted.

With the dramatic stock market crash only a few weeks behind them film corporation heads in New York were jittery, and Hays convinced them that the code would be good for business. It might quiet demands for federal censorship and undercut the campaign to eliminate blockbooking. It remained for Hays to convince Hollywood producers that the code made good sense from an entertainment, as well as an economic, point of view. With the full support of the corporate offices in New York, Hays set off for Los Angeles to "peddle a script" for movie behavior.⁴

Hays found the producers less than enthusiastic over the tone and content of Lord's code. A small group of producers, MGM's head of production Irving Thalberg, studio boss Jack Warner of Warner Bros., production head B. P. Schulberg of Paramount, and Sol Wurtzel of Fox, offered a counterproposal. The producers rejected Lord's basic argument that the movies had to be more restrictive in presenting material than other art forms. They maintained that films were simply "one vast reflection of every image in the stream of contemporary life." In their view, audiences supported movies that they liked and stayed away from those that they did not. No other guidelines were needed, it seemed to them, to determine what audiences would accept. The advent of sound, in their view, brought a wider, not more restrictive, latitude in subject

matter to the movies. The addition of screen dialogue, they held, would allow actors and actresses to "speak delicately and exactly" on sensitive subjects that could not be portrayed in silent films. Therefore, the producers countered, the talkies should be able to use "any book, play or title which had gained wide attention."⁵

The two documents could not have been any farther apart. From the producer's perspective Lord's code, representing reformers of all ilk, asked them to present a utopian view of life that denied reality. But Daniel Lord, convinced that the screen was undermining church teachings and destroying family life, wanted a partnership of the industry, church, and state that would advocate a fair, moral, and orderly society. Lord admitted that the world's imperfections were the stuff of good drama, but he saw no reason why films should not show simple and direct solutions to complex moral, political, economic, and philosophical issues. The producers countered that film was no different from any other means of entertainment and required no special restrictions. The American people, they argued, were the real censors, and the box office was their ballot box.

The fascinating aspect of this conflict is that Lord's position, backed by Hays, the Catholic church, and the financial backers of the industry, was adopted almost without a whimper. Why the industry would adopt a code that, if interpreted literally, would cut out important social, political, and economic themes and turn movies into defenders of the status quo remains a question. Why would the industry, enjoying an all-time high of 90 million paid admissions per week, agree to such severe restrictions on content and form?

There are several possibilities. One is that Will Hays wanted to extend his influence from New York to Hollywood. Since his appointment in 1922, Hays had little control over the Hollywood studios. This lack of control kept him in continual hot water with the reformers. When Quigley first approached Hays with Lord's code, Hays was supportive. He recognized immediately that this Catholic plan did not ask for federal intervention, demand outside censorship, or attach the financial cornerstone of the industry, block-booking. It placed movie regulation squarely in the Hays office, just where Will Hays believed it belonged. Furthermore, acceptance of the code by the industry might actually undercut the various religious reform groups. By accepting the Catholic code, Hays prevented, at least temporarily, a Catholic-Protestant antifilm coalition.

Adopting the code also made good economic sense. Although the industry was booming at the box office, the financial structure of the industry was always fragile. Any major interruption in the cash flow from the box office or from the bankers could bring the movie house of cards tumbling down.

With American Catholics making up around 20 percent of the population, and with that population being heavily concentrated in America's largest cities, the industry was especially sensitive to Catholic opinion. The industry likewise needed a steady flow of loans to finance its more than 500 features a year. Catholic threats to pressure bankers, combined with their implied threat of box office pressure, were not lost on Hays or the corporate headquarters in New York.

From the producer's point of view, the industry had lived and prospered with codes since 1911. The various efforts of Hays and the municipal and state censorship boards had been irritating but not destructive. Further, it should be noted that many also believed that Lord was basically right. Perhaps there was too much sex, too much crime, too much drinking, too much corruption, too much violence, and too little good taste in films. Furthermore, few people in Hollywood believed that the code meant exactly what it said. Even if it did, the producers insisted on one provision that gave them, not Hays, the final say over film content: If any studio felt that the Hays office interpreted the code improperly, a "jury" of producers, not MPPDA officials, would decide whether or not the offending scene would be cut. With that understanding, the code was formally adopted by the industry on March 31, 1930.

Hays gave the task of enforcing the code to Jason Joy and the SRC in Hollywood. Producers submitted scripts to Joy, who served as chief censor until 1932, and then to Dr. James Wingate, who served until the Legion of Decency crisis in 1934. Both men attempted to alter films to make them consistent with the code, but both experienced major problems.

Although industry leaders gloated in 1930 that the movies were "depression proof," a serious box office downturn started in 1931. Within a year theater attendance plunged from 90 million to 60 million per week in 1930. The studios responded in typical fashion: They tried to lure fans back into the theater with sensational movies. The crisis was so severe that by 1932 several studios faced bankruptcy, and as a frustrated Joy told Hays "...with box-office figures down, with high pressure being employed back home [New York corporate offices] to spur the studios to get more cash, it was almost inevitable that sex ... should be seized upon."⁶

Thus despite the code themes of sex, crime, and politics appeared in the movies with increasing frankness. Marlene Dietrich seduced an aging professor in *Der Blaue Engel* (UFA, 1930) and bedded a gangster in *Blonde Venus* (Paramount, 1932). Greta Garbo, rejected by her lover, turned openly to prostitution in *Susan Lenox*, *Her Fall and Rise* (MGM, 1931). In *Possessed* (MGM, 1931) Joan Crawford rose from a poor factory worker to a life of luxury as the mistress of an ambitious

politician. Joy challenged MGM producer Irving Thalberg over this last production, but Thalberg argued that because there was no nudity in the film and because the subject was handled in "good taste" there was no violation of the code. Joy admitted to Hays that there was little he could do to force Thalberg to make changes because, in his view, a jury would most certainly rule for Thalberg.

In 1932 Mae West emerged in Hollywood as the woman who best epitomized the sexual revolution of the past decade. West was kept by no man, did not need nudity to suggest sexuality, and both delighted and infuriated moviegoers with the way in which she flaunted tradition. As a stage performer in 1926, her Broadway production of *Sex* brought notoriety and a ten-day jail sentence for obscenity. Undeterred by what she considered bluenose repression, she followed with another smash hit, *Diamond Lil*. Hays immediately branded it unsuitable as a subject for a film. Nevertheless, in 1932 Paramount Studios, fighting off bankruptcy and desperate for a hit, brought West to Hollywood. In a special ruling the MPPDA Board of Directors gave Paramount permission to film *Diamond Lil* as a story that the studio released under the title *She Done Him Wrong*. Audiences loved West's humor, and within months she was starring again in *I'm No Angel* (Paramount, 1933). By 1934 more than 46 million people had seen the two films....

Although West received approval from industry censors, accolades from the critics, and adoration from millions, moral guardians contended that she represented a total collapse of moral standards. When Lord saw *She Done Him Wrong*, he was horrified. He wrote to Hays that he had written the code to prevent just such films. When Hays responded that fans and critics alike had praised the film, Lord demanded that Catholic youth boycott it. While a Mae West craze swept the nation, a groundswell among women's clubs and civic and religious organizations protested the screening of her films. *She Done Him Wrong* was banned in Atlanta; in Haverhill, Massachusetts the town clergy denounced West as "demoralizing, disgusting, suggestive and indecent."⁷

Along with West the popularity of the gangster films illustrated the problems of enforcing the code. In the early 1930s a series of flashy gangsters—Edward G. Robinson in *Little Caesar* (Warner Bros., 1930), James Cagney in *The Public Enemy* (Warner Bros., 1931), and Paul Muni in *Scarface* (UA, 1932)—murdered their way to the top of the gang world. Penetrating the dangerous, but seductive, urban underworld, movie gangsters spoke colorfully, their guns barked out their own form of law, and their cars, squealing around corners at breathtaking speed, epitomized life in the fast lane. In an era of depression, their reward was money, admiring friends, fancy clothes, and even fancier women. They

flaunted the traditions of hard work, sacrifice, and respect for institutions of authority. Robinson, Cagney, and Muni dominated each of these films, and despite the fact that their characters were killed in the last reel reformers believed that each film violated the code by creating "sympathy" for the criminal or taught the methods of successful crime to impressionable youth.

The films cut to the center of the controversy over what was acceptable on the screen.... To be sure, Joy found the gangster films to be violent but, in their overall tone, anticrime and infused with the strong moral lesson that the criminal was the enemy of society and always paid for his crimes in the end. Wingate, fully realizing that Mae West made any attempt at censorship look foolish and being quite aware that she could turn the most innocent-sounding dialogue in a script into blatant sexual innuendo, took her for what she was: a comic, a satirist poking fun at, in Joy's terms, the small, narrow, and picayunish. Although Joy and Wingate each fought with producers to eliminate violence, to cut overt sexuality, and to tame critical views of American life, neither believed that films had to be so restrictive as to eliminate the gangster, the adulterer, or the comic from the screen.

Others did, however. Lord, invited to Los Angeles to evaluate the effectiveness of the code after one year of operation, praised Joy's efforts but condemned the industry for drifting into subject areas that were "fundamentally dangerous" no matter "how delicate or clean the treatment." He urged the industry to move away from stories of "degenerates" and instead to fill the silver screen with uplifting stories of "business, industry, and commerce." He urged Hays to replace stories of gangsters and kept women with the biographies of American heroes such as Lindbergh, sports figures such as Babe Ruth or Bobby Jones, or political leaders such as Al Smith. The code that he had written in 1930, he told Hays, was not a document open to liberal interpretation. Unlike Jason Joy, Lord found no moral lessons in films about gangsters and kept women and, by 1933, was appalled by the sexual humor of Mae West.⁸

From his position in Los Angeles, Joseph Breen confirmed what many already felt: that "nobody out here cares a damn for the Code or any of its provisions." In frustration he wrote Father Wilfred Parsons that, in his opinion, Hays had sold them all "a first class bill of goods when he put over the Code on us." It may be that Hays thought "these lousy Jews out here would abide by the Code's provisions but if he did he should be censured for his lack of proper knowledge of the breed." The only standard of ethics understood in Hollywood was the box office, Breen told Parsons. Breen was convinced that if they were to be successful in reforming the industry it would have to be through box office pressure.⁹...

By the beginning of 1933 all three men conceded that the code was not working. . . . To make matters worse, in the spring a sensational book published by Henry James Forman, *Our Movie-Made Children*, openly accused movies of corrupting the nation's youth. Forman's book was a summary of nine other publications, each written by respected academics under the sponsorship of the Payne Fund. Although the academics had been careful to avoid making sweeping generalizations and stressed that films influenced individuals on different levels, Forman boldly charged that 72 percent of all movies were unfit for children and were "helping to shape a race of criminals." *Our Movie-Made Children* was a sensational indictment of the movie industry and became a national best seller.¹⁰ . . .

Sensing that Hays and the industry were now vulnerable to outside pressure, Quigley lobbied for increased Catholic involvement. His opening came with the announcement that the newly appointed apostolic delegate, Monsignor Amleto Giovanni Cicognani, would deliver a speech to the Catholic charities in New York. Meeting with Quigley only days before his speech, Cicognani agreed to incorporate into his speech a draft statement that Quigley had written calling for Catholic action against the movies. "What a massacre of innocence of youth is taking place hour by hour," said Cicognani. "Catholics are called by God, the Pope, the Bishops, and the priests to a united and vigorous campaign for the purification of the cinema, which has become a deadly menace to morals."¹¹

The speech kicked off the Legion of Decency campaign, which succeeded beyond Quigley's wildest dreams. Taking the speech as a papal directive, the American bishops . . . adopted a three-part plan to (1) create a pressure group; (2) boycott offensive films; and (3) support self-regulation and conformity with the production code. . . .

In a matter of a few months the legion counted more than 3 million pledges, and by the end of the year more than 7 million people of all religious denominations had joined the movement.

Although Quigley was delighted with the reaction to the campaign, he was concerned about the direction. . . . He was fearful that local boycotts would undercut support for reform among theater owners. He was even more fearful that a new Mae West movie would be released at the height of the decency campaign (*It Ain't No Sin* was in production) and, in part because of the campaign, become a smash hit. If all or any of those things happened, Quigley feared that the opportunity to clean up the movies would be lost.

Quigley and Joseph Breen went to McNicholas with an alternative plan: to allow Joseph Breen to enforce the code by incorporating a "voice

for morality" in each film that dealt with sin, to allow theater owners to cancel 10 percent of each block on moral grounds to pacify the anti-block-booking groups, to eliminate the "jury" system, to remove certain offensive films from circulation, and to attach a PCA seal to every film released after July 1934.

The alternative offered by Quigley and Breen was attractive to McNicholas because it took him out of the movie business. . . . Will Hays also endorsed Quigley's ideas. He recognized that Quigley offered a formula to mute criticism from the community and yet retain internal control over production and issues that appealed to the mass audience. Quigley's alternative to ad hoc "black lists" and boycotts was the subject of the letters exchanged by Hays and McNicholas in August 1934. After the exchange, Hays announced that the PCA would be under the direction of Joseph Breen.

Breen had been working for Hays in Los Angeles since 1931. In late 1933, Hays appointed Breen to the staff of the SRC. Although he was technically an assistant to James Wingate, Breen was effectively placed in control of Hollywood operations. When Breen was announced as the new director of the PCA he was well known to the Hollywood studios. In appearance Breen was a moral reformer placed in power by the Catholic church, a man with a mission determined to clean up what he saw as "filth" in the industry. But he was also an employee of the industry, a vital part of the studio production system. His job was not to prevent films from being made but to infuse entertainment films with a strong sense of moral value. He fully realized that the very studios that paid his salary were determined to challenge his authority, and he also knew that his power base — the Catholic church — was badly split. . . .

Could Breen succeed in enforcing the code with enough strictness to keep the antimovie lobby under control without reducing Hollywood's multimillion dollar fantasy world to pabulum? Would the producers accept the opinions of a journalist and public relations man turned moral reformer? Most important, would the public accept its entertainment infused with a strong dose of Catholic morality?

One of Breen's first actions as head of the PCA was to write a new definition of "moral compensating values" for the movies. This document is vital to understanding Breen's overlordship of the PCA. Breen went further than even Daniel Lord in advocating film as a vehicle to promote proper social and political behavior. Every film, according to Breen, must now contain "sufficient good" to compensate for any evil that might be depicted. Films that had crime or sin as a major part of the plot must contain "compensating moral value" to justify the subject matter. To Breen this meant that these films must have a good character who

spoke as a voice for morality, a character who clearly told the criminals or sinner that he or she was wrong. Each film must contain a stern moral lesson: regeneration, suffering, and punishment. He urged that whenever possible stars, not stringers, should play the characters who represented good. In building respect for the law, Breen held that the existing code was a "full mandate to enforce respect for all *law* and all *lawful* authority. Nothing "subversive of the fundamental law of the land" could be shown in a movie. "Communist propaganda is banned from the screen," he said. The screen was to promote "social spirit" and "patriotism" and not confuse audiences with a "cynical contempt for conventions" nor too vivid a recreation of the "realism of problems" encountered in life.¹²

Breen and his staff looked at each script with an eye toward its impact on "industry policy." This category was reserved for those films that, although technically within the code, were judged by Breen or Hays to be "dangerous" to the well-being of the industry. Undefined to allow as much latitude as possible, "industry policy" was invoked on those scripts that touched on social or political themes. Fearing loss of valuable markets, both domestic and international, the PCA used the code to limit studios in their selection and presentation of social criticism.

Moral guardians believed that no one was more in need of "compensating moral values" than Mae West. Martin Quigley was embarrassed when his *Motion Picture Herald* declared West one of the box office champions of 1933. Her popularity was as strong in small-town rural America as it was in the so-called sophisticated urban areas. The experience of D. W. Fiske, owner-manager of the Fiske Theater in Oak Grove, Louisiana, best summed up the uniqueness of West: "Did the best business of the year" (with *I'm No Angel*). "Whether they like her or not they all come out to see her. The church people clamor for clean pictures, but they all come out to see Mae West and stay away from the clean, sweet pictures...."¹³

While Quigley and Breen worked toward strengthening the enforcement of the production code, and while the Legion of Decency's boycott movement steam-rolled across the nation during the spring of 1934, Paramount studios was producing a new Mae West vehicle. *It Ain't No Sin* became a test case for Breen, Hays, and the PCA.

The basic plot was vintage West. The film is set in the 1890s, and West plays the role of Ruby Carter, a St. Louis riverboat queen. Her boyfriend is Tiger Kid, an ex-con and up-and-coming prize fighter. Ruby is hired by New Orleans gambler Ace Lamont as the headline act in his establishment, The Sensation House, and is soon the toast of New Orleans. When one of her many admirers asks her whether she is in New Orleans for good Ruby replies "I expect to be here, but not for good."¹⁴

When the first script arrived from Paramount, Breen pulled his entire staff into a day-long conference to pore over the material line by line. Unlike his predecessor James Wingate, he was shocked by the script and told Paramount that he was "compelled to reject in toto" the project. His objections were not a matter of cleaning up some bits of dialogue, Breen wrote, because in his view the script was a "vulgar and highly offensive yarn" and was "a glorification of prostitution and violent crime without any compensating moral values of any kind." The character West was to play, Breen wrote, "displays all the habits and practices of a prostitute, aids in the operation of a dishonest gambling house, drugs a prize-fighter, robs her employer, deliberately sets fire to his premises, and, in the end, goes off scot free in the company with her illicit lover who is a self-confessed criminal, a thief, and a murderer." He declared the script to be in total violation of the code.¹⁵

Breen's letter sent officials at Paramount, where production had already begun, into a panic. They assured Breen that he was "unnecessarily alarmed" over "a harmless comedy." Breen refused to budge and rejected revised scripts submitted in February and March. Paramount chose to ignore Breen and went forward with production. They submitted a completed film to Breen in June 1934, and he rejected it. He informed Paramount president Adolph Zukor that the "low moral tone" of the film was especially "dangerous when viewed in light of the industry's present position with the public."¹⁶

The battle lines were drawn. In Hollywood the studios were determined to make films without interference. In New York the corporate heads were not so sure. The real power in the film industry was in New York, not Hollywood. The corporate offices allowed studio heads a great deal of freedom as long as box office revenues produced a steady stream of profits. But these were trying times, and corporate leaders were uneasy. ... New York officials ordered the studios to tone down publicity on the film to avoid problems with "women's clubs" and "hinterland censors."¹⁷ Hays continued to pressure Zukor and finally convinced the mogul that the studio could have West, but only in a tightly restricted format. New York instructed Hollywood to cooperate with Breen. Mae West would be given an infusion of "compensating moral value." Breen demanded that the studio delete all references to Ruby's past as a prostitute, remove all references to her boyfriend Tiger Kid as an ex-con, remove scenes detailing a "five day affair" between Ruby and Tiger Kid, remove scenes of Ruby stealing jewels from her employer, remove any suggestion that Ruby and her employer were having an affair, and end the film with Ruby and Tiger Kid getting married.¹⁸

Breen believed that these changes infused a sense of compensating moral value into the film. He did not attempt to remove every sexual innuendo from the script, although he insisted that West appear as a "good character" and Tiger Kid as a bit of a dupe and that all criminal activity center on Ace Lamont. With this accomplished, he issued PCA Seal Number 136 to *It Ain't No Sin*. . . .

Although these changes did not please everyone, Breen worked quietly behind the scenes to let Catholic leaders know what he had done. Paramount did its part by having West grant a rare interview in which she stated her willingness to clean up her act. "I'm trying to do my best to comply with their wishes," she said. "If they thought I was a little too frank, I want to do as they suggest." And she did. Her next film, *Goin' To Town* (Paramount, 1935) was endorsed by the Legion of Decency, and Breen found the film to be devoid of "fundamentally questionable material" and "highly amusing." Predictably, perhaps, it was a box office bust.¹⁹ . . .

Films dealing with social and political topics were subjected to similar restructuring. Falling under the guidelines of "industry policy," Breen and Hays watched with great alarm for scripts that dealt with contemporary issues. Fearing critical reaction from state censorship boards, which were as sensitive to political commentary as they were to expressions of sexual immorality, both men were determined not to allow "social issues" films to damage foreign or domestic markets. Citing "industry policy," they used the code and the threat of external censorship to force producers into providing "harmless entertainment."

A major test came in September 1934, when independent producer Walter Wanger submitted a script for *The President Vanishes*. Wanger and Hays had clashed over another political film a year earlier. In 1933 Wanger had combined forces with newspaper magnate and Cosmopolitan Productions boss William Randolph Hearst to produce one of the most bizarre films in Hollywood history, *Gabriel Over the White House* (MGM, 1933). The film, intended by Hearst as a tribute to newly elected Franklin D. Roosevelt, called for the establishment of a benevolent dictatorship to solve the economic crisis facing America. When Hays saw the film he was dumbfounded. He called an emergency meeting of the MPPDA Board of Directors and forced them to watch the film. Why, he demanded to know, with the nation seemingly ready for radical solutions to the economic crisis, with the Republican Party humiliated in a national election, with Wall Street in shambles, and with the film industry sinking into a sea of red ink, would the industry produce a film calling for martial law and fascism? The next day Hays ordered *Gabriel Over the White House* back to the studio for a political reorientation. Despite the fact that more than \$30,000 was spent on retakes, *Gabriel Over the White House* played to American audiences

with most of its original message intact. "Fascism Over Hollywood," screamed the *Nation* in its review. A disgruntled Hays warned each studio that he would no longer tolerate code violations. If the studios refused to cooperate, Hays vowed to begin enforcing the code from New York.²⁰

In the midst of the legion crisis Wanger proposed *The President Vanishes*, a melodrama that featured a group of greedy American businessmen who conspire to lure America into a world war. Although the industrial "fat cats" publicly speak of patriotism, they speak with scorn for the principles of democratic government. The traditional political parties are befuddled. Only the American Communist Party urges workers not to be fooled into dying for capitalist profits, but the public is easily duped into demanding war. The president views this as folly but is helpless to stop the hysterical demands of the public. As Congress is about to pass a declaration of war, the president arranges for his own kidnapping. With attention being switched to finding the president, the conspirators begin bickering among themselves. Given time to come to its senses the public changes its view, and the president emerges from hiding and promises "Not one American boy will be sent to foreign soil to leave his blood there as a security for loans." The plot is uncovered, and democracy is restored.

Wanger envisioned an antiwar film that clearly took advantage of the public perception that munitionmakers and bankers had tricked Americans into World War I. As an antiwar film *The President Vanishes* paled in comparison to *All Quiet on the Western Front* (Universal, 1930), yet Breen was concerned about the script from the moment it arrived at the PCA. In a series of meetings and letters, he warned the producer not to characterize the vice president as a "drunkard" or a tool of a "gluttonous group of capitalists." He also worried about Wanger's descriptions of the conspirators: Andrew Cullen, a steel magnate; Martin Drew, a banker who supports the Grey Shirts; Hartley Grinnell, a newspaper owner who controls public opinion; George Milton, an oil man; and United States Senator Joseph Corcoran, a pawn in the hands of the conspirators.

From the standpoint of "industry policy," Breen wrote "I . . . question the advisability of your designating the heavies" as representatives of American industry. He suggested that Wanger could resolve the problem by making the "heavies" represent "a combination representing international munitions men with an international viewpoint." In his view this "should cut down on the criticism." Perhaps Breen believed the conspiracy thesis of America's entry into World War I. For whatever reason, he approved Wanger's script with only a few changes and gave a seal of approval to the film.²¹

When Hays saw the film in New York he was furious. He told Breen to withdraw the seal of approval because in his view the film was "communist

propaganda, subversive in its portrait of American government, contrary to the accepted principles of established law and order, and perhaps treasonable." Hays specifically wanted the following lines of a communist during a street rally removed: "Fellow workers ... it's the workers' blood they are after ... so that the capitalistic bloodsuckers can grow rich ... join the Communist Party." He ordered Breen to renew negotiations with Wanger and arranged an emergency meeting with the Board of Trustees and Paramount's Adolph Zukor.²²

Hays made his position clear. First he established who was in charge. He told Breen that Breen was to act "as programmed"; that is, he would tell Wanger what had to be done to the film. He was not to negotiate with the producer but to instruct him on the exact nature of the changes required. He pressured Zukor not to distribute the film until the required changes were made and told him "the screen has no right ... to present a distorted picture which condemns the banking industry per se as warmongers, which presents the Communist Party as the leading protagonist ... and which indicated such banality and corruption in our government and political machinery, that even the Secret Service of the nation cannot be trusted to protect the President of the United States." His suspicions were confirmed when *Newsweek* reported that "preview audiences noticed that certain characters resembled Andrew Mellon, John D. Rockefeller, and William Randolph Hearst."²³

Although Hays was often accused of never going to the movies, he saw *The President Vanishes* in his office several times. He disliked the film and insisted that no amount of editing could eliminate all his objections. Yet Hays was in a difficult position because Breen had given Wanger a seal, and the producer was threatening a legal action if the film were withdrawn. Therefore, Hays agreed to allow the film to play if the line about "capitalistic bloodsuckers" was removed and if several other cuts were made to tone down the film. Wanger agreed, and the film was released. ...

The President Vanishes, with its antiwar, anti-big business tone, was precisely the type of film that Hays, and the Catholic bishops, did not want the industry to make. Determined to be more strict with the studios, Breen and Hays did not have to wait long for another sensitive political topic to be proposed. Warner Bros. submitted a script for *Black Fury*, which dealt with labor problems in the coal industry, in the fall of 1934. Violence, poverty, and despair were the prevailing characteristics of the coalfields of America. Led by John L. Lewis, workers fought for basic rights and dignity in the most conservative industry in America. The subject matter, often front page news, was ripe for dramatization on the screen. But any view of America's coal industry would have to be presented in the strict constraints set by the PCA.

When the script arrived at the PCA, Breen and his staff were disturbed. Although *Black Fury* contained no violations of the code dealing with sexual immorality, it did raise controversial political issues. The first script clearly blamed the mine owner for the miserable working conditions that forced the workers into a strike. The owner reacted typically: He hired scabs and a private police force of thugs to protect his property. The police ruled with terror. Breen worried that this portrait, no matter how close to reality, would cause problems for Hollywood.

Citing "industry policy," Breen asked Warner Bros. to alter the film. He offered the studio a solution: to eliminate the critique of the mine owners and the idea of class struggle in the coal fields by presenting a humane mine owner and a conservative, legitimate union tricked into an unwanted and unnecessary strike by evil labor agitators. Breen suggested that the studio insert several lines of dialogue into the film that would state the conditions in the industry, although not perfect, were constantly improving. The legitimate union representative should state clearly that conditions are "reasonable ... and acceptable."²⁴

It was also vital to present the company president in a more positive manner. Breen suggested that several speeches be inserted into the script that would indicate to the audience that the owner was forced to hire strike breakers "very much against his will" to protect the investments of stockholders. He was further to state clearly to the private police force that under no circumstances were they to use violence against his workers. This would allow all the violence necessary for dramatic purposes to be the responsibility of the private police force. By virtue of these changes, *Black Fury* could dramatize a violent strike and workers being dispossessed. The responsibility for these conditions would not be placed on American business or American labor but rather on a police force of "thugs" run by a dishonest owner.²⁵ ...

Hays was delighted with the rewriting, which he told Breen was "progressing in exactly the proper way." The film that emerged on the screen was not the film that Warner Bros. had originally proposed. Yet Warner Bros. did manage, within the restrictions imposed, to illustrate many of the hardships of life in the mines. Although the mineshafts in the film look big enough for a good game of basketball, it is clear that the miners work hard for little pay. They live in neat little houses, but those houses are owned by the company, not the workers. Nevertheless, the point for Breen and Hays was that *Black Fury* did not place blame on industry or labor for the strike. *Black Fury* was not a social critique of American management or labor. The proof of that was that Breen's version of life in America's coalfields was endorsed by both the National Coal Association and John L. Lewis's United Mine Workers.²⁶

Throughout the rest of the decade Breen and Hays worked together to reconstruct political and social films. When MGM submitted a script based on Sinclair Lewis's *It Can't Happen Here*, Breen branded the script "inflammatory" and demanded so many changes that MGM backed out of the project. The studio ran into similar problems with Fritz Lang's *Fury* (MGM, 1936). Lang, who fled Nazi Germany in 1933, soon discovered that censorship existed in America. Lang proposed a powerful antilynching film. When Breen read the first script he informed MGM that *Fury* could not deal with racial prejudice, criticize Southern law enforcement officials, or be "a travesty of justice" story. After several rewrites, Breen accepted the script. The results were obvious to film critic Otis Ferguson, who wrote in the *New Republic* that *Fury* was "a desperate attempt to make love, lynching and the Hays office come out even." The movie code was at work, Ferguson noted, when the movie had the Southern sheriff stand "like Jesus Christ with a rifle" in front of his jail while the mob pelts him with stones.²⁷

Breen was unconcerned with the view of movie critics. He wrote to Hays in early 1937 that there was a "definite trend away from serious drama." He told his boss that he saw "no indication, anywhere, of any plans to produce pictures dealing with ... social or sociological questions."²⁸ ... By the end of the decade Breen's power was so entrenched that John Steinbeck's powerful critique of the American system, *The Grapes of Wrath*, could be brought to the screen without a whimper. With the politics having been written out in the script, Breen told Hays that the film was a modern day "covered wagon" epic. Like the pioneers, Breen saw the Joads going west in search of a better life, and although conditions depicted in the film were "shocking" they were all counterbalanced by "good images" and, most important, by an "uplifting ending."²⁹

As long as the industry was determined to reach the largest possible market it was susceptible to economic blackmail, whether it came in the form of a Legion of Decency, state censorship boards, American businessmen, or foreign governments. The goal of Hays, Breen, Lord, the Catholic church, and the entire movie reform movement was to eliminate controversial subjects and ideas from the screen. Yet as the *Nation* complained, if the movies were not allowed to "interpret morals, manners, economics, or politics," what was left? The lowest common denominator was the answer.³⁰

Worth M. Tippy, director of the Federal Council of Churches, who had been active in the film reform movement for years and had favored the Legion of Decency movement, was convinced by 1935 that Hays and the PCA were being too restrictive. PCA regulations would not allow a "notable and wholesome film" such as Fritz Lang's *M* (Nero Films, 1931) or *I Am A Fugitive From a Chain Gang* (Warner Bros., 1932) to

come to the screen. Was that the purpose of self-regulation, he asked? Further, he believed that the current enforcement of the code was "too preoccupied with sex." There was no room under the current administration to allow the cinema its rightful place in portraying the "moral standards which are emerging out of the present social ferment, and especially of the new concept of industrial and political responsibility." Hollywood had the right, Tippy wrote, to "portray vested evils and entrenched privileges in their true light" but could not do so under the current code.³¹

To do so would have required the industry to challenge various anti-movie groups and perhaps to sacrifice some markets, domestic and international, or to limit attendance at certain films to adults to make serious films dealing with serious topics. The industry chose instead to bow to the censors, to cooperate with the Legion of Decency movement, and to restrict films to the limiting formula established by the PCA. The formula was established and enforced not to protect the public from the industry but to protect the industry from the public. Although the studios sometimes fought for greater freedom of expression on the screen, the PCA remained the dominating force in determining screen content until the late 1940s and early 1950s, when a combination of factors – the rise of television with a parallel box office collapse, the effective deregulation of the industry by the federal government, a Supreme Court ruling granting freedom of expression to films, a determination by independent producers to challenge the authority of the PCA, and the impact of foreign films produced without PCA guidance – eliminated the PCA formula from the screen.

While it existed, the PCA formula was applied to some 20,000 films. Each script that came to the PCA office was different, and Breen and his staff negotiated each film with the studio that offered it. Although there are exceptions, and although sweeping generalizations blur the complexities, it seems clear that the goal of the PCA was to have each film clearly identify evil, make sin and crime appear as deviant behavior, have strong character "stars" play roles representing good, and dilute political and social comment. Convinced that films could educate, the purpose of the code and the PCA was to use popular entertainment films to reinforce conservative moral and political values.

Notes

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- 2 Daniel Lord, *Played By Ear* (Chicago, 1955), 273–6; 285–91.
- 3 "Suggested Code To Govern the Production of Motion Pictures," n.d., Lord Papers.

- 4 Will Hays, *The Memoirs of Will H. Hays* (Garden City, NY: Doubleday, 1955), 440.
- 5 "General Principles To Govern the Preparation of a Revised Code of Ethics for Talking Pictures," n.d., Lord Papers.
- 6 Joy to Hays, December 15, 1931, *Possessed*, PCA Files.
- 7 K.L. Russell to Hays, November 17, 1933, box 33, Hays Papers; Hays to Lord, February 28, 1933, Lord Papers.
- 8 Daniel Lord, "The Code - One Year Later," April 23, 1931, box 42, Hays Papers.
- 9 Breen to Parsons, October 10, 1932, box C-9, Parsons Papers.
- 10 Henry James Forman, *Our Movie-Made Children* (New York: Macmillan, 1933).
- 11 Parsons to Maguire, June 22, 1934 and Parsons to M. J. Ahern, August 10, 1934, box D-202/203, Parsons Papers.
- 12 "Compensating Moral Values," June 13, 1934, box 47, Hays Papers.
- 13 See *Motion Picture Herald*, July 29, 1933, January 20, 1934, February 24, 1934, March 17, 1934.
- 14 James Rorty, "It Ain't No Sin," *Nation*, August 1, 1934, 124-7.
- 15 Breen to Botsford, February 23, 1934, Breen to Files, March 6, 1934, and Breen to Botsford, March 7, 1934, *Belle of the Nineties*, PCA Files.
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- 17 *Variety*, October 3, 1933.
- 18 "Memo Conference at Paramount," *Variety*, June 6, 1934.
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- 20 Wingate to Thalberg, 8 February 1933, Hays to Files, March 6 and 7, 1933, Hays to Wingate, March 11, 1933, *Gabriel Over The White House*, PCA Files; "Facism Over Hollywood," *Nation*, April 26, 1933, 482-3.
- 21 Breen to The General (Hays), September 14, 1934, Breen to Wangert, September 19, 1934, and September 20, 1934, and Breen to Hays, November 9, 1934, *The President Vanishes*, PCA Files.
- 22 Hays to Maurice McKenzie, November 21, 1934 and Breen to Wangert, November 21, 1934, *The President Vanishes*, PCA Files.
- 23 *Newsweek*, December 15, 1934; Hays to Zukor, November 23, 1934, *The President Vanishes*, PCA Files.
- 24 Breen to Jack Warner, September 12, 1934, *Black Fury*, PCA Files.
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- 26 Hays to Breen, September 12, 1934, *Black Fury*, PCA Files.
- 27 Breen to Warner, June 18, 1936, *Black Fury*, PCA Files; Breen to Mayer, January 27, 1936, *BLACK FURY*, PCA Files; "Hollywood's Half a Loaf," *New Republic*, June 10, 1936, 130.
- 28 Elizabeth Yetman, "The Catholic Movie Censorship," *New Republic*, October 5, 1938, 234.
- 29 Breen to Hays, February 27, 1937, *Black Legion*, PCA Files.
- 30 "The Movie Boycott," *Nation*, July 11, 1934, 34.
- 31 Tippy to Quigley, March 20, 1935, box C-77, Parsons Papers.

Documents

Introduction to Documents

At the heart of the battle over censorship are two critical questions: What impact do movies have on viewers? Can audiences be trusted to decide for themselves - or their children - what they should or should not see? Americans have been debating these issues since at least 1907. The rapid growth of a new medium that bypassed traditional authorities - church, school, family, politicians - and spoke directly to millions of Americans generated anxiety and hope among national leaders. While some denounced movies as vicious and debasing, others believed they would revolutionize knowledge by making the entire world accessible to the average man, woman, and child. The following quotes offer us a brief glimpse into what early opponents and defenders of the movies thought about the power of the new medium and whether or not it should be censored.

Quotes from Censorship of the Theater and Moving Pictures

Lamar T. Beman (ed.)

Source: Most quotes are from Lamar T. Beman, ed., *Censorship of the Theater and Moving Pictures* (New York: H. W. Wilson, 1931). Sources other than from Beman are marked with *

The Power of the Movies

Much is being said about the "nickel show evil," so much, in fact, that the nickel show good is often forgotten. Like all new mechanical inventions, the moving picture must be gradually fitted into its place and its social value determined. Its possibilities are limitless. It is destined to revolutionize educational methods and to take its place in art and science. The great value of the moving picture is beyond argument. The people want it. It is here to stay.

Editorial, *Chicago Daily Socialist*, June 8, 1912*

The motion picture newspaper - the screen news weekly [i.e., newsreels], while it does not promise to supplant the newspaper, will at least supplement it to so

great a degree that it is bound to become a tremendous factor in the molding of public opinion. With its ability to present a living image to the audiences, to recreate happenings that the newspaper, even with its illustrations, can only suggest, it can affect the public more quickly than the press. Also it can reach the emotions more readily, for vision is the most direct route to them.

Hugo Riesenfeld, *New York Call*, May 9, 1920*

The motion picture has come to be recognized by people who are familiar with the industry as one of the greatest agencies for good and evil that exists today. The statistics show that one million people, or one-tenth of the population, see motion pictures each day of the year in the state of New York and about fifteen million in the United States. There is no avenue of communication equal to it. No method is known by which a message can be conveyed to so many people in so short a period of time. The power of the motion picture is understood by but few people. Its appeal is so direct and so easily understood by all people that its influence is incalculable. It attracts the attention of the children and of the illiterate and carries its own interpretation. The industry is young and has had a remarkable growth. Today, the motion picture is the principal amusement of the great majority of our people and the sole amusement of millions.

Annual Report, New York Motion Picture Commission, 1922, pp. 7-8

Thomas A. Edison declared before the Federal Trade Commission that the motion picture is the most perfect instrument for teaching. We get, he said, 80 or 90 percent of our knowledge through the eye. His statements are proved by actual tests on children in his laboratory. Similar statements were made by John J. Tigert, United States Commissioner of Education, and others.

Dearborn Independent, 26: 4, February 20, 1926

Through the movies the whole standards and ideals of a people can be changed. Through them can be spread foulmindedness as easily as cleanliness, obscenities as well as decencies. If we want to perpetuate fair play, orderliness, honesty, modesty, and humane attitudes, we can do it readily by this means. Apparently we have not yet realized the power of this instrument which science has placed in our hands for good or evil.

Joyce O. Hertzler, *Social Progress*, pp. 256-7

The clergy, educators, judges, and welfare workers of all kinds might as well lock up the churches, shut the books, close the courts, if they are going to permit the filthy motion pictures to continue. Juvenile delinquency has increased in the past eight or nine years, and I know it is owing to those

pictures. I am in a position to know, as I have the confidence of the young people who fall into our hands.

Ellen A. O'Grady, Deputy Police Commissioner of New York City, *National Humane Review*, 7: 106-7, June 1919

The motion picture is a great invention, and it has become a powerful factor for good or bad in our civilization. It has great educational power for good or bad. The business has been conducted, generally speaking, upon a low plane and in a decidedly sordid manner. Those who own and control the industry seem to have been of the opinion that the sensual, the sordid, the prurient, the phases of fast life, the ways of extravagance, the risqué, the paths of shady life, drew the greatest audiences and coined for them the most money, and apparently they have been out to get the coin, no matter what the effect upon the public, young or old. When thoughtful people have suggested or advocated official censorship, in the interest of good citizenship and wholesome morals, the owners of the industry have resented it.

Senator Henry L. Myers, *Congressional Record*, 62: 9656-7, June 29, 1922

Another evil which is becoming apparent upon the screen is the dissemination of propaganda which is inimical to American institutions. It is a well recognized fact of which the Department of Justice of the United States has taken cognizance, that there is a persistent effort upon the part of foreign producers and some producers in our own country, to produce films which teach lessons which are destructive of the fundamentals of our government. These films are encouraged by undesirable foreigners who gain admission to our shores and seek to undermine and revolutionize our form of government through insidious propaganda. The legitimate producers of films do not approve films of this character. Nevertheless, they are without power to prevent their being manufactured and exhibited here, and there is no way by which they can be suppressed except thru governmental agencies.

Annual Report, New York Motion Picture Commission, 1922, pp. 9-10

In speaking before the International Boys Work Conference, called by the Rotary International, Prof. Edward A. Ross of the University of Wisconsin, said, "Never has there been a generation so much in revolt against their elders as this. In my judgment this psychic revolt springs chiefly from the motion films, with some aid from the automobile. We have a generation of youth sex-excited, self-assertive, self-confident, and parent-critical. There can be no doubt that the arrival of over-mastering sex desire in the boy's life has been antedated by at least two or three years, thanks to stimulation from the films."

Educational Screen, 5: 35, January 1926

The following statistical tabulation, made by the secretary of the Pennsylvania Board of Censors, is indicative of the character of the pictures viewed by school children: "Fifty percent of the moving pictures are cheap melodrama or have to do with crime; 25 percent are comedy and are often vulgar; and about 5 percent are wholly good. Another authority holds that 25 percent show murders and suicides; 10 percent intemperate drinking and drunkenness; and 27 to 30 percent show robberies, gambling, poisoning, blackmailing, or crimes of the underworld." One need not reiterate facts so generally known. It is conceded that the moving picture depends for its sale upon its appeal to basic human motives. One need only examine a few representative titles to discern the motives appealed to. The following titles are illustrative: *Sinners in Silk*, *Unguarded Women*, *A Perfect Flapper*, *The Gilded Butterfly*, and *The Untamed Lady*. Box office success is the producer's criterion of the picture's merit. The bulk of moving pictures are neither artistic nor instructive.

Harvey C. Lehman and Paul A. Wittey, *Education*,
47: 43, September 1926

Any person brought up on the psychology of the movie world is unfit for life. The lower minds go to the movies, and the longer they go, the lower they will be.

Earl Barnes, *Educational Screen*, 5: 36, January 1926

We know now of instances where boys, after seeing moving pictures where murders are committed, have gone out from those places and later committed murders themselves. The purpose to murder was traced to the harmful moving picture.

J. Thomas Hefflin, *Congressional Record*,
71: 4469, October 11, 1929

I come to my main objection to the cinema. I regard it as standardizing the imagination of the white world, and standardizing it downwards; and as debauching the imagination of the brown, yellow, and black worlds.

C. C. Martindale, *Studies*, 18: 446, September 1929

Opponents of Censorship

A federal board of censors will mean nothing further than a central bureau which can uphold all the viciousness of the present system and stifle any movement which may bring a better day. Censorship in itself is

vicious. It is but the weapon of the reaction and for the powerful groups which benefit by the vices and exploitation of modern times.

Louis Gardy, *New York Call*, July 12, 1914*

It is an anomaly in a free country to guarantee freedom to speak, to publish, or to put anything upon the stage and to single out the moving pictures as subject for censorship.

Clarence Darrow, *City Club Bulletin*, 11: 188, June 3, 1918

Censorship costs more in surrendered intellectual freedom than it can possibly save in any theoretic check upon "temptation" – and, meantime, it may actually whet an interest in the very evils it struggles to suppress.

Charles Merz, *New Republic*, 33: 179, January 10, 1923

Our civilization rests on virtues which rise from the home, not on virtues imposed from above by authority. A censorship is at best a negative protection. Boys and girls brought up decently are not made into criminals by looking at a motion picture. We can by censorship eliminate some of the experiments in indecency which are put on the screen, but only a positive public opinion will demand and get good movies or good schools or good newspapers. The censorship idea can be overdone. If we assume that Americans are pallid degenerates who must be protected by authority from every temptation, we can logically proceed to censor everything and destroy self-reliance and character.

Independent, 114: 114, January 31, 1925

Stupid and vulgar as our motion pictures are today, they do not need the censorship of a committee of clerics. When public opinion, expressed at the box offices, convinces producers that shoddy is no longer in demand, they may decide to sell honest goods.

Editorial, *Independent*, 116: 408, April 10, 1926

I do not agree with those who claim that crime among youth is so largely due to what is shown in motion pictures. Of course, some of the weak-minded and the vicious have doubtless been stimulated to crime by something good or bad that they have seen in the movies. This may also be said of what they have read in the Bible, the newspapers, magazines, and all kinds of literature, or thru the misuse of automobiles, dancing, or music. But we must always keep in mind that far more good than evil has come out of all these things. Now I am here to say, after talking it over with court officers, who have

worked with me for years, that we have yet to find one case of crime among youth that could fairly be traced just to the movies. I do not recall more than two or three cases in my experience of over a quarter of a century on the bench, where there was even reasonable ground to believe that the cause of crime was due just to what the offender had seen in the movies. But I do know of thousands of children who have been elevated, inspired, and made happier because of the movies; who have been kept off the streets, out of the alleys, the vulgar story-telling of the barnyards, and a multitude of idle, evil associates by the wholesome appeals and opportunities of the movies. I also know that other agencies – against which no censorship, local or national, has ever been proposed – have done far more toward producing crime than the movies. If we did not have any motion pictures at all, we would have far more crime than we have. Nothing in the last 50 years of the most eventful history of all time has done more to reduce sin and crime and add to the happiness, education, and progress of the human race than motion pictures. And it is going to do more and more in this regard in the years to come.

Judge Ben B. Lindsey, House Hearings, 1926, pp. 255–6

One cannot legislate morality into people. Education, boycotting of the bad, encouragement of the fine in all things in life create a standard to which producers of all kinds must conform. Legislation to limit in any way art, education, or religion is never constructive and in the end defeats the very purpose it sets out to achieve.

Florence P. Kahn, *New York Times*, January 29, 1928

The National Board of Review, formerly the National Board of Censors, believes that the public is the best censor, and that the public alone can and will command production of good pictures. The Board believes that the instinct of people for that which is right is stronger than the instinct for evil things. And that thru freedom a far higher form of art can be produced than by censorship thru a self-appointed few who at heart hate that which they are censoring.

Frederic C. Howe, *New York Times*, January 26, 1929

Dr. Frederic C. Howe, the first chairman of the National Board of Review, said the Board was constantly pressed to fight the efforts of certain moralistic and evangelical groups that do not like anything related to the theatre and disliked anything that gave pleasure to any one other than themselves. The conflict that exists today, he said, is between the right to be happy in one's own way and that prescribed by law.

New York Times, January 26, 1929

Readings and Screenings

The most entertaining study of early film censorship is Thomas Doherty, *Pre-Code Hollywood: Sex, Immorality, and Insurrection in American Cinema, 1930–1934* (New York: Columbia University Press, 1999). Other books that examine censorship before and after the Code include Frances G. Couvares, ed., *Movie Censorship and American Culture* (Amherst, MA: University of Massachusetts Press, 2nd edition, 2006); Stephen Vaughn, *Freedom and Entertainment: Rating the Movies in an Age of New Media* (New York: Cambridge University Press, 2005); Lee Grieveson, *Policing Cinema: Movies and Censorship in Early-Twentieth-Century America* (Berkeley and Los Angeles, CA: University of California Press, 2004); Matthew Bernstein, ed., *Controlling Hollywood: Censorship and Regulation in the Studio Era* (New Brunswick, NJ: Rutgers University Press, 1999); Leonard J. Leff and Jerold L. Simmonds, *The Dame in the Kimono: Hollywood, Censorship, and the Production Code from the 1920s to the 1960s* (New York: Anchor Books, 1991); Mick LaSalle, *Complicated Women: Sex and Power in Pre-Code Hollywood* (New York: St. Martin's Press, 2001); Gregory D. Black, *Hollywood Censored: Morality Codes, Catholics, and the Movies* (New York: Cambridge University Press, 1994); Frank Walsh, *Sin and Censorship: The Catholic Church and the Motion Picture Industry* (New Haven, CN: Yale University Press, 1996); Gregory D. Black, *The Catholic Crusade Against the Movies, 1940–1975* (New York: Cambridge University Press, 1998). For an excellent biography of the person responsible for administering the Code, see Thomas Doherty, *Hollywood's Censor: Joseph I. Breen and the Production Code Administration* (New York: Columbia University Press, 2007).

Many of the controversial films discussed by Black, especially those produced during the Pre-Code era of 1930–1934, are available on DVD or streaming sources and offer excellent examples of movies that censors and critics considered dangerous. For films dealing with sexuality and "fallen women," see *Baby Face* (1933) and *She Done Him Wrong* (1933); for crime, see *Little Caesar* (1930), *The Public Enemy* (1931), and *Scarface* (1932); for politically controversial films, see *Gabriel Over the White House* (1933), *Heroes For Sale* (1933), and *The President Vanishes* (1934); for the brutality of the southern plantation system, see *Cabin in the Cotton* (1932). For an excellent case study of the outside pressures applied on filmmakers and the ways in which censors forced studios to tone down films they believed were too class conscious, read Francis R. Walsh, "The Films We Never Saw: American Movies View Organized Labor, 1934–1954," *Labor History*, 27 (Fall 1986), 564–80, and then screen the films *Black Fury* (1934) and *Grapes of Wrath* (1940).