The Film Industry in the United States: A Brief Historical Overview

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Since the beginning of the twentieth century, American films and the film industry in the United States have played an important role in reflecting contemporary attitudes, values, beliefs, and concerns. Indeed, films are cultural and sociological documents unique to the twentieth century. Unlike previous centuries, which can be explored only through written records, visual documents, artifacts, and material culture objects, the twentieth century allows scholars and students to explore the past through moving audio-visual images.

Films are particularly useful in documenting contemporary American concerns during the first half of the twentieth century, because motion pictures were denied protection under the First Amendment. Film makers feared that government censors would cut their products beyond recognition and thus diminish their profit margins. To forestall government imposed censorship, the film industry decided to appeal to the largest possible market by reflecting rather, than challenging, contemporary attitudes and by pursuing self-regulation. The diverse nature of Americans movie audiences helped to reinforce Hollywood's "tendency to produce homogeneous products."[1]

The first public screening of a motion picture in the United States took place in New York City on April 23, 1896.[2] Initially, films were no more than an experimental novelty. They were short, unedited recordings, that portrayed a variety of movements without any narrative. Despite film's lack of sophistication, the new medium attracted an ever growing audience. By 1907, approximately 3,000 to 5,000 movie theaters, known as nickelodeons, operated in the United States. Within a year, their number doubled to approximately 8,000 to 10,000.[3]

While many Americans embraced films with enthusiasm, others feared the demoralizing and corrupting potential of motion pictures, particularly when film makers started to use the new medium to tell stories. In the early twentieth century, a growing number of self-appointed moral guardians blamed film makers for society's ills and "raised their voices against the evils of

contemporary movies."[4] Among them were reform minded civic groups, dominated by members of the middle-class and business elites, and religious leaders of all denominations, though most were "alienated Protestants", as well as Progressive reformers, including settlement house founder Jane Addams.[5] Their criticism was largely generated by the dramatic changes that had occurred in America as a result of industrialization, urbanization, and immigration.

Beginning in the late nineteenth century, an agricultural crisis had displaced many American farmers who left the countryside for jobs in the cities. There they were joined by 25 million immigrants, who differed greatly from the majority of previous immigrants. Most of the new immigrants came from southern and eastern Europe. They were predominantly Catholic, Jewish, and Orthodox. They were poor, lacked education, and often came to America without spouses or families. Another group of newcomers to the cities were 400,000 African Americans who migrated from the sharecropping farms of the rural South to the defense industries of the urban North during the "Great Migration" of World War I.

The influx of large numbers of migrants and immigrants increased the size and number of American cities and posed tremendous problems for urban residents. The population explosion led to overcrowding which sparked fire hazards and resulted in health and sanitation problems. In addition, cities were ill-prepared to cater to the recreational and leisure needs of their new residents. Fears that the newcomers would turn to prostitution and alcohol gave rise to the vice and temperance movements which fostered prohibition and sought to eradicate red light districts.

Concerns about the alleged decay of traditional American values and virtues also resulted in efforts to censor films. Movies had "quickly transcended ethnic, class, religious, and political lines to become the dominant institution of popular culture."[6] While film makers claimed that they merely provided the urban masses with harmless and cheap entertainment, critics charged that movies were "schools of vice and crime."[7] Chicago led the way, when city commissioners in 1907 established "America's first ordinance empowering censors to regulate the content of films."[8] In 1911, Pennsylvania followed suit and became the first state to create a State Board of Censors. Similar laws were adopted by Ohio and Kansas in 1913. Eventually, more than 150

cities passed ordinances that provided for the "preview and censorship" of films and banned those which were "lewd and indecent."[9]

The numerous municipal and state censorship statutes were confusing and costly. While censors generally agreed on "eliminating depictions of changing moral standards, limiting scenes of crime...and avoiding...any filmed portrayal of civil strife, labor-management discord, or government corruption and injustice," film makers were troubled by the variety and inconsistency of the codes.[10] Moreover, the absence of uniform censorship rules forced film makers to make costly post-production cuts. The mandated cuts often compromised the continuity of the film's narrative, which further threatened to decrease profits by lowering revenues from ticket sales. Film makers incurred additional expenses because most of the censorship boards "charged a fee to film distributors to have their films licensed for exhibition."[11]

Frustrated by the growing legal obstacles and financial burden, film makers struck back. In 1915, the Mutual Film Corporation challenged the constitutionality of Ohio's censorship law, charging that it "restrained trade" and violated free-speech.[12] In *Mutual Film Corporation v. Industrial Commission of Ohio* the Supreme Court rejected the argument, ruling unanimously that movies were "a business, pure and simple, originated and conducted for profit...and not to be regarded...as organs of public opinion."[13] The Mutual decision denied movies protection under the First Amendment until the Supreme Court reversed its judgment in the 1952 Miracle case.

The Supreme Court's 1915 ruling was a tremendous setback for the film industry, which had done previously very little to safeguard its products from government censorship. Industry leaders had made their first concerted effort in 1908. That year New York's mayor, in response to public protests caused by the showing of a controversial film about a murder trial, had "revoked the licenses of every motion picture theater" in the city, closing over 600 theaters.[14] Alarmed film makers approached Dr. Charles Sprague Smith, director of a New York City adult education and social research institute. Smith, who had conducted a study of movie theaters, had testified during the public hearing preceding the mayor's decision that "there were many things

in the city far worse than the movies."[15] Attracted by Smith's enlightened attitude, film makers asked him "to organize a group of public-spirited citizens to preview and evaluate films before they were released to the public."[16]

In 1909, Smith established the New York Board of Motion Picture Censorship, later known as the National Board of Review. The Board, composed of representatives from various civic groups, was chaired by vice reformer Frederic C. Howe. Arguing that government censorship was "impractical, undemocratic, un-American, politically dangerous, and...an unnecessary curtailment of freedom," the Board adopted the slogan "Selection Not Censorship" and advocated voluntary self-regulation.[17] Initially, the group of film reviewers was small, consisting of only nine "non-salaried social reformers."[18] Within a year, however, the majority of film producers, hoping to placate critics and stave off government censorship, submitted their movies to the Board. By 1910, the Board "was reviewing more than 80 percent of the films exhibited in the United States" and by 1915 "virtually the entire output of the county's movie industry was being reviewed prior to exhibition by 250 affiliated local organizations nationwide."[19] As the number of film submissions grew, so did the number of reviewers. By 1915, the Board, now charging each producer a fee, employed more than 100 reviewers.[20]

While film makers were eager to display the Board's seal of approval, they failed to silence their critics. In part, this criticism was generated by the Board's vague definition of what constituted a morally objectionable film. The Board prohibited the portrayal of obscenity, vulgarity, crime, violence, brutality, and blasphemy as well as the inclusion of morbid, malicious, or libelous scenes and those having "a deteriorating tendency on the basic moralities or necessary social standards."[21] The Board, however, failed to define each of these prohibitive standards. Indeed, many of the civic groups and individuals who co-operated with the Board became its most vocal critics. Among them was the General Federation of Women's Clubs, which withdrew from the Board, charging that it did nothing to stop "the stream of filthy film flows."[22] In a scathing critique, the women's organization characterized the Board as a "camouflage" for the film industry. It was, the women claimed, a "nauseating" attempt "to

furnish well-intentioned, reform-bent ladies with 'harmless busy work.'"[23] Other reformers were equally adamant in their criticism of the Board. William S. Chase of the Lord's Day Alliance, one of the most outspoken proponents of government film censorship, questioned in his *Catechism on Motion Pictures* the rather suspect financial dependence of the Board on the film industry.[24] While the Board remained officially unaffiliated with the movie producers and distributors, the film industry was its chief financial supporter.

To stem the growing criticism of the Board as well as the rising demand for government censorship, film makers established the National Association for the Motion Picture Industry (NAMPI)
in 1916. NAMPI, headed by William A. Brady, an independent producer, pursued a twofold strategy to avert legal censorship. First, Brady assured critics that NAMPI would provide film makers with a set of guidelines that clearly defined themes and topics considered morally objectionable. Second, Brady proposed to fight supporters of legal censorship with their own weapons, by advocating political lobbying and sponsoring bills designed to secure constitutional protection for film under the First Amendment. Implementing NAMPI's twofold strategy, however, proved to be more difficult than Brady had apparently anticipated.

It was not until March 7, 1921, that Brady announced the list of morally objectionable themes and topics. The "Thirteen Points," as the list came to be known, asked film makers to avoid the portrayal of "sex in an improper or suggestive form or manner," including white slavery, illicit or passionate love, and nudity as well as "suggestive bedroom and bathroom scenes and scenes of inciting dancing." The list also admonished film makers not to depict vice, crime, gambling, drunkenness, or violence or to "ridicule or deprecate public officials," religious beliefs, or members of the clergy.[25] Member companies who violated the code faced expulsion from NAMPI.[26]

Although the "Thirteen Points" managed to appease some critics, Brady's attempt to implement rigorous self-regulation failed to convince lawmakers. In April 1921, only one month following the publication of the "Thirteen Points," the film industry lost a major battle when the

New York state legislature adopted a stringent censorship bill. New York City had been the corporate and cultural capital of the film industry and many movie producers feared that the state's legislation would set the national standard for film censorship. Brady appealed to the lawmakers, asking them to grant the film industry "a year's grace period" to implement the "Thirteen Points," but to no avail.[27] Adoption of the New York censorship law illustrated that many Americans had lost faith in the film industry's willingness and ability to regulate itself.

Perhaps Brady's failure to sway legislators was also due to his pompous rhetoric, which alienated many politicians and further discredited the film industry. Following Brady's defeat in New York, the U.S. Senate considered a resolution that called for a Senate Judiciary Committee investigation into the political activities of the film industry. The call for the inquest was sparked by comments which Brady had made while campaigning against censorship legislation. On several occasions Brady had claimed that the film industry intended "to become a factor in the election of every candidate from alderman to President, from assemblyman to United States Senator."[28] Politicians in Washington did not take kindly to Brady's arrogant pronouncements, and film makers feared retaliation in the form of restrictive legislation. Their concerns were exacerbated by the fact that thirty-seven state legislatures were considering more than a hundred movie censorship bills in 1921.[29]

To make matters worse, a series of scandals involving popular movie stars contributed to growing public indignation with the film industry during the early 1920s. "America's Sweetheart" Mary Pickford, who was known for her "clean and girlish" image, was charged with collusion, fraud, and untruthful testimony after obtaining a quick divorce in Nevada and immediately marrying fellow actor Douglas Fairbanks. Comedian Roscoe "Fatty" Arbuckle, "second only to Charlie Chaplin" in popularity, was charged with manslaughter when a woman died after attending one of his parties that featured bootleg liquor. Other dubious affairs involved the mysterious murder of director William Desmond Taylor and the drug-induced death of actor Wallace Reid. The scandals, eagerly publicized by the tabloid press, provided supporters of censorship legislation with additional ammunition in their crusade to regulate the film industry.[30]

In addition to censorship laws, film makers also feared that anti-monopoly legislation would limit their work and diminish their profits. By the 1920s the film industry had become an important business sector of the American economy. Film makers generated annual profits of nearly half a billion dollars by the middle of that decade. Approximately 14,000 movie theaters, many of them dazzling palaces, had been constructed in cities throughout the nation, attracting 50 million spectators each week.[31] To meet growing audience demands and continue their money-making spree, film makers had started to move West. They were attracted by California's conducive work environment which included the absence of labor unions and a climate which allowed them to produce films year round. Hollywood emerged as the motion picture capital of the United States and the studio system was born.

Large film studios such as MGM, Paramount, Twentieth Century Fox, Warner Brothers, RKO, Universal, and Columbia Pictures soon started to control the movie industry through new business and marketing practices. They introduced "block booking," forcing local theater owners to buy all films produced by one studio, and "blind booking," selling theater owners films that had not been produced yet. Both "block booking" and "blind booking" depended to a large degree on the drawing power of popular actors. If theater owners wanted to book a film with the tremendously popular Mary Pickford, they had to book all of Paramount's films, even those with little audience appeal. Likewise, the studios used the drawing power of their star actors to pressure exhibitors to book films before they were even made. The emerging system provided the studios with control over the production, distribution, and exhibition of films. Since this business and marketing system depended to a large degree on the drawing power of certain actors, the studios invested a lot of money to groom and pamper their stars. To secure their financial investments, studios forced their stars to sign multi-year contracts, which bound popular actors to specific studios.

With so much money at stake, the Hollywood studios were eager to ensure the uninterrupted production and distribution of their films. Yet the film industry's trade

organization, NAMPI, and its spokesperson, Brady, had failed to safeguard movies from state censorship. Determined to protect their financial interests, industry leaders fired Brady, dissolved NAMPI, and in 1922 launched a new trade organization, the Motion Picture Producers and Distributors of America (MPPDA). To head the MPPDA, they recruited a politician from Washington, rather than a Hollywood insider. Their choice was Will H. Hays, a man beyond reproach, who would "lend dignity and respectability" to the film industry at "a hefty salary of more than $100,000 a year."[32] In March 1922, Hays became president of the newly formed MPPDA, which soon came to be known as the Hays Office. He remained at the helm of the MPPDA until his retirement in 1945.

Hays was a conservative, teetotaling, Presbyterian elder from Sullivan, Indiana, who had served as President Warren G. Harding's Postmaster General and as chair of the Republican National Committee in 1920. A "master politician," he was to fend off legislative efforts to establish state censorship board and to restore the badly battered public image of Hollywood.[33] From his office in New York, Hays mobilized public opinion to oppose censorship legislation. Under his leadership the MPPDA hired political and legal consultants and used films and the press to inform citizens about the dangers of government censorship.

Hays's efforts resulted in a resounding victory for the motion picture industry. In 1922, the Massachusetts state legislature was considering a bill that called for the creation of a film censorship board and put the question on the ballot. Following Hays's massive anti-censorship campaign, voters, in "the only state referendum on film censorship ever held in the United States," rejected the proposal.[34] Although film still lacked constitutional protection from censorship, no states established censorship boards after the Massachusetts referendum.

Despite the 1922 victory, Hays realized that constant vigilance was necessary to protect the film industry from drastic government interference, including censorship and anti-monopoly legislation. A champion of industry self-regulation, Hays was convinced that film makers could forestall legally imposed restrictions by establishing and maintaining "the highest possible moral and artistic standards of motion picture production."[35] His goal then was to prevent the

introduction of any bills that could potentially limit the movie industry. For this purpose he created the MPPDA's Public Relations Committee, which consisted of representative from more than "60 civic, public welfare, fraternal, religious, professional, and educational organizations."[36] The Committee sought to provide civic organizations that had been critical of the film industry with a forum to voice their complaints to the studios, rather than legislators.

In addition, Hays worked to "clean up" Hollywood's image, which had been tainted by the scandals of the early 1920s. Indeed, "General Hays--as his associates often called him in dubious honor of his one year as postmaster general," shared the public's concerns about the film industry's lack of moral standards.[37] He recalled that when he assumed his post as president of the MPPDA: "None could deny that the lusty infant which was the movies had by 1922 transgressed some of the religious, ethical, and social mores upon which our society was built."[38] To counter popular perceptions of Hollywood as the cess-pool of sin and debauchery, Hays asked the studios to incorporate a "morals clause" into their contracts and urged them "to downplay the lavish life-styles of the stars."[39] Working to improve Hollywood's image and stave off government censorship, Hays introduced two self-regulation codes: "The Formula" of 1924 and the list of "Don'ts and Be Carefuls" of 1927.[40] "The Formula," unlike the "Thirteen Points," was vague and did not specify morally objectionable themes and topics that film makers were to avoid. Instead, Hays hoped to control film content by eliminating "unfit" scripts prior to movie production. He drafted a list of questionable books and plays and asked studios to submit to his office summaries of scripts before shooting of the films started. To help producers identify suspect publications, Hays created the Studio Relations Committee, headed by Jason S. Joy, former director of the Public Relations Committee.

Hays vigorously promoted the idea that prevention, as prescribed by "The Formula," was the key to placating critics and blocking censorship legislation. Implementation of "The Formula", however, proved to be problematic. When Hays started to reject film proposals, the Authors' League of America accused him of violating antitrust legislation. Avoiding the negative publicity a public trial would have generated, Hays reached an agreement with the League.

Authors and playwrights could rewrite and resubmit their stories to the studios, but "their previous rejection was not to be advertised."[41]

More importantly, though, "The Formula" failed to garner enthusiasm among the motion picture producers. They regarded Hays as their paid public relations representative and were reluctant to let "the Presbyterian pope of Hollywood" dictate film content.[42] Since Hays had "no authority to reject objectionable material, or to impose penalties on members for its use," he depended solely on voluntary cooperation.[43]

Lacking any means of enforcing "The Formula", Hays tried to foster compliance by appealing to the producers's economic interests. He asked Joy, director of the Studio Relations Committee, to survey the various municipal and state censorship boards and compile a list of the most frequently cited reasons for censor-mandated film cuts. The resulting 1927 list of "Don'ts and Be Carefuls" was a catalogue of the most common concerns raised by censorship officials.[44] The eleven "Don'ts" urged film makers not to portray profanity, nudity, illegal drugs, sexual perversion, white slavery, miscegenation, venereal disease, childbirth, or children's sexual organs and to avoid ridiculing the clergy or offending any nation, race, or creed. The list of twenty-five "Be Carefuls" cautioned film makers to exercise "special care" and use "good taste" in the depiction of international relations, arson, crime and criminals, brutality, "hangings or electrocutions as legal punishment for crime," public characters and institutions, sedition, "cruelty to children and animals", prostitution, rape, seduction, "first-night scenes," "man and woman in bed together," surgical operations, use of drugs, law enforcement, or "excessive or lustful kissing." Hoping to silence their critics, and recognizing that "special care" and "good taste" could be broadly defined, industry leaders adopted the list of "Don'ts and Be Carefuls" in October of 1927.

Adoption of the list, however, did not ensure implementation. Hays appointed Joy to oversee Hollywood's compliance, but neither man had any means of enforcing the code and each studio interpreted the "guidelines according to its own inclination."[45] It became quickly apparent that the film makers made little effort to comply with the self-regulation standards they had

ratified. The majority of producers ignored or circumvented them, sending "in only parts of their scripts" and paying "little or no attention to Joy's criticism."[46] In 1929, Joy reported that he had only been consulted in the making of 20 percent of the feature films.[47] The list of "Don'ts and Be Carefuls," critics concluded, was "little more than window dressing."[48]

Ironically, film makers did not resist implementation of the "Don'ts and Be Carefuls" because they disagreed with Hays. On the contrary, they knew that compliance with the list was likely to reduce expensive post-production cuts. The studios that consulted Joy and incorporated his recommendations had usually few problems gaining approval of their films from state and city censors. What the studio heads feared, however, was that "too much sanitizing meant death at the box office."[49] Weighing the costs of implementing or disregarding the "Don'ts and Be Carefuls," the studios were torn between producing potentially bland movies that "would be 'Pollyanna-ish' and hence of little interest to anyone but Sunday-school teachers" or films that were sure to reap a profit because they satisfied the public's desire for exciting entertainment.[50] Early on movie producers found "that audiences seemed to enjoy risqué titles and daring scenes" and often advertised even "the most innocent movies...on the basis of sex appeal."[51] Indeed, bad publicity, generated by censor-mandated cuts, could prove to be an asset in the marketing of a film.

Hollywood's less than enthusiastic support for the list of "Don'ts and Be Carefuls" did little to defuse industry critics. In the late 1920s, they gathered momentum and renewed their calls for government intervention. Many of the civic groups, social reformers, and religious leaders who had been among the most vocal critics of Hollywood had become impatient with the industry's ineffective self-regulation efforts. Since the start of the decade, film makers had pledged to rid the movies of morally objectionable content. Yet, none of the three industry codes--the "Thirteen Points" of 1921, "The Formula" of 1924, or the 1927 list of "Don'ts and Be Carefuls"--achieved what Hollywood had promised and critics had hoped for. Film makers who had made millions by "selling vice, crime and sexual suggestion," critics concluded, could not be trusted to regulate themselves.[52] Even Hays, who had managed to appease the anti-movie lobby

since assuming the MPPDA's presidency in 1922, became the target of attacks. When his twenty-seven-year marriage ended in divorce in 1929, industry critics viewed it as further evidence of the morally corrupting force of Hollywood.[53]

Advocates of censorship legislation were particularly alarmed when talkies started to replace silent films by the end of the 1920s. Largely due to the popularity of sound, weekly movie attendance soared to 110 million by 1929.[54] While sound made movies more appealing, critics charged that it also made them more dangerous than ever. As Americans flocked in unprecedented numbers to the movies, those who "had been irritated by the mere pantomime of what they considered sinfulness became infuriated when they heard the words to match the actions."[55] Even Hays was troubled by "the coarse language in films," fearing that it might add fuel to the demands for government regulation of the industry.[56] Not surprisingly, the anti-movie lobby seized the opportunity to launch a massive assault on Hollywood and by 1930, most of the nation's forty-three state legislatures were considering film censorship bills.[57]

Calls for federal government intervention also reached a peak in the late 1920s, when crusaders for censorship were joined by proponents of antitrust legislation. In 1928, the Senate was considering the Brookhart bill which sought "to eliminate the industry practice of block-booking and blind-selling."[58] While the bill was defeated, President Herbert Hoover "contemplated antitrust action against the movie industry."[59] Hays met with Hoover in the summer of 1929, but efforts to sway his fellow Republican failed and the Justice Department announced "that criminal proceedings against offending studios could no longer be postponed."[60]

As the demands for government censorship and anti-trust legislation mounted, the stock market collapsed. The onset of the Great Depression posed yet another threat to Hollywood, which by 1929 had become "the nation's fifth largest industry."[61] Studios "trimmed salaries and production costs" to avoid bankruptcy and increasingly turned to investment bankers to finance their films.[62] Banks had started to underwrite Hollywood expenses in the late 1920s, when the industry made the costly conversion to sound. The economic crisis that followed in the aftermath

of the stock market collapse accelerated the film industry's growing dependence on bankers. The financiers, interested in securing their investments, urged studio executives "to forestall costly and unpredictable government censorship" as well as antitrust legislation.[63]

As the legal and economic pressures on the film industry grew, Hays once again proposed rigid and effective self-regulation. The result was the Motion Picture Production Code of 1930, which remained in effect until 1968, when it was replaced by the current ratings system.[64] Unlike the "Thirteen Points," "The Formula," and the list of "Don'ts a be Carefuls," which were drafted by the film industry, the Motion Picture Production Code was written by Catholic priests and laymen. The Catholic church's involvement in the drafting of the Code was the result of a fortuitous set of circumstances.

Prominent Catholics had long been "uncomfortable with what they perceived as the declining moral quality of films," however, they had not been vocal proponents of government censorship.[65] Indeed, Protestants had been the most numerous and ardent supporters of censorship legislation. In 1926, two Protestant ministers led a delegation of more than 200 representatives of the anti-movie lobby to the nation's capital, demanding federal legislation.[66] By 1929, Protestant criticism of the movies had become distinctly personal and anti-Semitic. The Methodist journal Churchman, for example, used virtually every issue to attack Hays, characterizing him as a "seller of swill" and accusing him of being "a smoke screen" for the "shrewd Hebrews who make the big money by selling crime and shame."[67] The growing personal attacks angered Hays, who retorted: "For six years I have been personally blamed for every mistake, every bad line and every bad shot in every picture...There is a limit to which I propose to stand for this."[68] Hays's patience was wearing thin and when Catholics approached him with a plan for industry self-regulation, he was willing to listen.

The chain of events that resulted in the drafting and adoption of the Motion Picture Production Code of 1930 was set into motion by Martin J. Quigley in October 1929. Quigley, a Catholic, was the publisher of *The Motion Picture Herald*, Hollywood's leading trade paper. As a Catholic, Quigley was troubled by the lack of proper moral standards in films. As a publisher,

however, he financed his paper with advertisements "that publicized movies in an often salacious manner."[69] Trying to reconcile his dilemma, Quigley met with Father FitzGeorge Dinneen, the Jesuit pastor of his Chicago parish, to draft a plan for "an effective system of self-regulation that would 'stop the sewage at the source.'"[70] They sent an outline of their proposal to one of Hays's assistants, Joseph Ignatius Breen, a former reporter, "devout Catholic, father of six children, and brother of a priest."[71]

Meanwhile, Quigley and Dinneen enlisted Reverend Daniel A. Lord, a Jesuit priest and professor of dramatics at St. Louis University, to turn their rough draft into the Motion Picture Production Code. Lord was a prolific author who had written hundreds of pamphlets, plays, books, and even musicals. Moreover, he had connections in Hollywood. In the early 1920s, director Cecil B. DeMille had recruited Lord as an advisor during the filming of The King of Kings (1927), a motion picture adaptation of the life of Christ. Lord had also played a small role in the film and while in Hollywood had met Hays.[72] Lord quickly revised the draft and in November 1929 Quigley presented it to Hays, who recalled that: "My eyes nearly popped out when I read it. This was the very thing I had been looking for."[73] Hays's support of the Code, however, guaranteed neither its adoption nor implementation by the film industry.

In early 1930, Hays, Quigley, and Lord held a series of meetings with the studio bosses to explain the Code and overcome Hollywood resistance to yet another self-regulation effort. Moreover, they secured the support of Cardinal George W. Mundelein, archbishop of Chicago, who had Hollywood connections, particularly with the Jewish studio boss William Fox. In 1924, the Fox studio had filmed "at no expense to the church, Mundelein's elevation to the cardinalate."[74] Two years later, when the first Eucharistic Congress was held in the United States, Mundelein asked Quigley to arrange for Fox to "make a movie of the congress."[75] Fox produced the film free of charge and Breen, who served as public relations director of the congress, distributed the movie to Catholic schools and organizations.[76] The rather peculiar alliance between the Jewish studio mogul and the Catholic church may have been due to Fox's financial association with investment banker Harold Stuart of Halsey, Stuart and Company. Fox

had built his business empire with the help of Stuart's investment company.[77] As a result, Stuart, who was a friend of Mundelein, had "considerable influence among studio executives."[78] In early 1930, Mundelein met with Stuart and impressed upon the banker that industry adoption of the Code was of utmost importance.

Economic considerations, public pressure, and the lobbying efforts of Hays and his Catholic allies convinced the movie producers that adoption of the Code was in their best interest. Film makers, however, wrested one concession from Code advocates. Demanding final say over film content, the producers insisted that if "any studio felt the Hays office interpreted the code improperly, a 'jury' of producers, not MPPDA officials, would decide whether or not the offending scene should be cut."[79] The film makers adopted the Code on March 31, 1930, banning the making of films that "lower the moral standards of those who see it" and encouraging the portrayal of "correct standards of life."[80]

In elaborate detail, the Code reiterated much of the "Thirteen Points," "The Formula," and the list of "Don'ts and Be Carefuls." And, like its precursors, the Code failed to provide Hays with any means of enforcement: "He could plead, beg, or reason with industry officials, but he could not ban specific films or demand that specific scenes be removed."[81] Hays's Catholic allies were disappointed and Lord concluded that the Code he had written was a failure.[82] In an effort to appease their critics and forestall drastic demands for government censorship and antitrust legislation, film makers modified the Code in October 1931. Studios were now required to submit scripts. The producers, however, had the final say and they "were very liberal in passing each other's pictures; it was like log-rolling of politicians."[83] Frustrated by the process, Jason Joy, who was charged with enforcing the Code, resigned from his post in 1932.[84] Not surprisingly, the movie industry continued to remain the target of criticism. In 1932, a Senate resolution called for an investigation of the motion picture industry and "by the end of the year almost forty national religious and educational groups had adopted resolutions calling for some form of federal regulation of the industry."[85]

As the old foes of the film industry mobilized, the economy continued to deteriorate and for the first time in its history, Hollywood faced declining revenues. Weekly movie attendance, which had soared to 110 million in 1929, dropped to 60 million by 1931.[86] By 1933, revenues had fallen by 40 percent and the industry had "closed the doors of a third of the nation's theaters."[87] Hollywood tried to lure audiences back into the theaters by cutting ticket prices and producing escapist musicals as well as films with lurid themes. A host of gangsters started to populate the screen, accompanied by "a proliferation of films dealing with divorce, adultery, prostitution, and promiscuous behavior."[88] Declining profits coupled with growing criticism of the surge of films featuring crime and sex, made Hollywood more vulnerable than ever to the attacks of censorship advocates.

In the end it was the industry's former ally, the Catholic Church, that forced film makers to implement the Motion Picture Production Code. In April of 1934 a group of bishops established the Legion of Decency "to warn Catholics against what it considered immoral films."[89] The Legion created its own set of film ratings, ranging from "morally unobjectionable" to "positively bad." More importantly, the Legion threatened economic boycotts of objectionable movies. Although Catholics constituted only a relatively small segment of the U.S. population, most of them had settled in cities and, thus, made up a significant portion of American movie audiences.

The economic hardships caused by the Depression and the Legion's threat of boycotts, led to the implementation of the Motion Picture Production Code. In June 1934, the MPPDA adopted a "Resolution for Uniform Interpretation" of the Code, abolished the jury of producers, and established the Production Code Administration (PCA).[90] The PCA, headed by Catholic Joseph Breen, was empowered to bar any film from exhibition in theaters "owned by or affiliated with any member company of the MPPDA."[91]

In the following month, the MPPDA added to Breen's power. It required "all films distributed by its members" to carry the PCA seal of approval and threatened to fine violators up to $25,000 for any infraction.[92]

Breen, who remained at the helm of the PCA until his retirement in 1954, administered the Code with an iron fist.[93] Scripts had to be approved prior to shooting and completed films had to be submitted for final clearance.[94] In addition, Breen "locked up many of the films made in the early 1930s, and they were not seen again publicly until the 1960s."[95] Among the "casualties" was *She Done him Wrong* (1933) starring the notorious Mae West and her rendition of the sexually suggestive song "A Guy What Takes His Time."[96] After Breen assumed control over film content, the anti-movie lobby lost its momentum and demands for government regulation of Hollywood dwindled.

While the threat of federal censorship legislation had loomed over the film industry since its inception, the national government attempted to regulate movie content only during World War I and World War II. In both wars, Washington called on film makers to help mobilize public opinion in support of U.S. involvement and enhance the nation's image overseas. Trying to avoid the negative connotations of the term "propaganda," both wartime administrations were reluctant to mandate the production of patriotic films and instead advocated industry self-regulation and self-restraint. Nevertheless, government officials exerted considerable pressure on film makers to force "voluntary" compliance during both wars.

By the time President Woodrow Wilson asked Congress for a declaration of war in April 2, 1917, the country's film industry had already mobilized. Film makers had produced numerous movies that depicted German atrocities, while portraying the British in a positive light. Wilson praised film makers for their display of patriotism, hoping to secure their continued support as "an engine of government propaganda."[97] To coordinate the nation's wartime propaganda, Wilson created the Committee on Public Information (CPI) on April 14, 1917. Journalist George Creel, who had worked as a writer for the Democratic National Committee in 1912 and 1916, served as its chair.

Between April 1917 and March 1919, the CPI, which soon came to be known as the Creel Committee, spearheaded a propaganda campaign that was without precedent in American history. The Creel Committee disseminated official government news releases, dispatched

speakers, staged exhibits and displays, and distributed hundreds of thousands of books, posters, and pamphlets. Its Film Division was in charge of producing and distributing visual images, including slides, photographs, and films.

In addition to these government funded programs, Creel tried to enlist American film makers to support the nation's war effort with appropriate movies. Creel insisted that collaboration was entirely voluntary, however, he cautioned the film industry that "failure to cooperate...would bring direct governmental censorship of the movies."[98] Although film makers had provided ample evidence for their patriotism in the movies they had made prior to America's entry into the war, Creel's warning was a reminder that the film industry was operating within precarious legal boundaries. While federally mandated censorship was an ever present threat to film makers during World War I, the industry faced its greatest challenge at the local and state level, where censorship board frequently banned movies that praised pacifism or denounced the war.

By the time the United States entered World War II, the film industry, still lacking constitutional protection, had learned to avert the threat of government censorship, largely through strict implementation of the Motion Picture Production Code. As the nation mobilized for another global war, Washington once again called on the support of film makers. In June 1942, President Franklin D. Roosevelt established the Office of War Information (OWI) to coordinate America's domestic and overseas propaganda. In the same month, the "Government Information Manual for the Motion Picture Industry" instructed Hollywood about its role in the war.[99]

The "Manual" was a detailed list of issues and topics film makers were to portray and those they were to avoid. It provided Hollywood with specific "suggestions" regarding the depiction of

America's enemies and allies, the home front, and the armed forces. Carefully phrased as a list of recommendations, rather than mandates, the "Manual" assured Hollywood that the government was merely trying "to help the motion picture industry in its endeavor to inform the American

people."[100] Similar to the CPI's efforts during World War I, the OWI proclaimed that it was pursuing a policy of voluntary cooperation and "preferred to convert Hollywood, not censor it."[101]

Despite the government's claim, the OWI played a very active role in "advising" Hollywood. OWI staff attended pre-production meetings, reviewed script proposals, and pressured the studios to make changes to conform with the "Manual." Moreover, the government denied export licenses to films it considered detrimental to the nation's war effort. "Since foreign exhibition often made the difference between profit and loss for a picture, studio executives found it quite expedient to follow OWI's advice."[102] Whether film makers were driven by fears of censorship, which entailed costly cuts that threatened to reduce revenues, or motivated by genuine patriotism, during both wars they made films that appealed to large numbers of Americans.

Since the end of World War II, motion pictures have become increasingly less accurate reflections of contemporary social, political, and cultural concerns. In part this was due to the Supreme Court's 1952 decision to grant film constitutional protection under the First Amendment. The decision was a product of the Supreme Court's effort to improve the nation's reputation in the cold war competition with the Soviet Union. In Burstyn v. Wilson, known as the Miracle decision, the justices ruled unanimously that the "importance of motion pictures as an organ of public opinion is not lessened by the fact that they are designed to entertain as well as inform."[103] Ironically, by the time the Supreme Court handed down its decision, film ceased to be the "organ of public opinion" that it had been during the first half of the twentieth century. Television rapidly "displaced the corner movie house as the seat of visual popular culture."[104] Between 1946 and 1956, average weekly movie attendance dropped from 90 to 47 million. At the same time, the number of families owning television sets jumped from 8,000 to nearly 35 million.[105]

Forced to compete with television and operating without the threat of censorship legislation, Hollywood liberalized the Motion Picture Production Code in 1956. While the

movies of the 1950s seem tame, compared to current features, they were definitely more daring than those produced during the previous decades. The revised Code of 1956 still banned vulgar language, but permitted passionate scenes if they were essential to the plot. Mature audiences could now see films with "adult content." In addition to liberalizing film content, Hollywood tried to pry Americans away from their television sets by introducing new technology, including wide-screens and 3-D films.

Demographic changes also affected the movie industry and film content in the years following World War II. As large numbers of Americans moved into the suburbs, many downtown movie palaces were forced to close their doors. Other theaters followed their prospective customers into the suburbs where they started to cater to a growing number of teenagers who populated the emerging malls. Beginning in the 1950s, Hollywood no longer made films that aimed at attracting the largest possible audience, instead it increasingly sought to appeal to the tastes of specific population groups. As a result, movies ceased to reflect the attitudes, values, beliefs, and concerns of large numbers of Americans. The "Golden Age" of Hollywood had passed, but movies made during the first half of the twentieth century still offer an enduring source of insight into America.

ENDNOTES

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[4] Ruth A.Inglis, *Freedom of the Movies: A Report on Self-Regulation from the Commission on Freedom of the Press* (Chicago: University of Chicago Press, 1947) p.64.

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[7] Wilbur F. Crafts, *National Perils and Hopes, A Study Based on Current Statistics and the Observations of a Cheerful Reformer* (Cleveland: O.F.M. Barton, 1910), p.39.

[8] Black, *Hollywood Censored*, p.10.

[9] Inglis, *Freedom of the Movies*, p.71.

[10] Black, *Hollywood Censored*, p.15.

[11] *Ibid*.

[12] *Ibid*., p.16.

[13] *Mutual Film Corporation v. Industrial Commission of Ohio*, 236 (1915) *U.S. Reports*, 230.

[14] Inglis, *Freedom of the Movies*, p.75 and Edward De Grazia and Roger K. Newman, *Banned Films: Movies, Censors, and The First Amendment* (New York: R.R. Bowker, 1982), p.12.

[15] Black, *Hollywood Censored*, p.13.

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[18] De Grazia, *Banned Films*, p.11.

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[23] *Ibid*.

[24] William S. Chase, *Catechism on Motion Pictures in Inter-state Commerce* (3d ed; New York: Lord's Day Alliance, 1922).

[25] See Appendix A.

[26] De Grazia, *Banned Films*, p.23.

[27] Black, *Hollywood Censored*, p.30.

[28] Inglis, *Freedom of the Movies*, p.87.

[29] *Ibid*., p.70.

[30] Inglis, *Freedom of the Movies*, p. 6; De Grazia, *Banned Films*, p.23; Stephen Vaughn, "Morality and Entertainment: The Origins of the Motion Picture Production Code," *The Journal of American History*, 77, 1 (June 1990), p.41; Mintz, *Hollywood's America*, p.14; Black, *Hollywood Censored*, p.31, and Frank Walsh, *Sin and Censorship: The Catholic Church and the Motion Picture Industry* (New Haven, CT: Yale University Press, 1996) pp. 24-26.

[31] Schumach, *Face on the Cutting Room Floor*, p.18.

[32] Inglis, *Freedom of the Movies*, pp.89-90 and Vaughn, "Morality and Entertainment," p.43.
[33] Walsh, *Sin and Censorship*, p.26.
[34] *Ibid*., p.28.
[35] See Appendix B.
[36] De Grazia, *Banned Films*, p.26.
[37] Kenneth MacGowan, *Behind the Screen: The History and Technique of the Motion Picture* (New York: Delacorte Press Book, 1965), p. 352.
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[39] Black, *Hollywood Censored*, p.31.
[40] See Appendix B and C.
[41] Inglis, *Freedom of the Movies*, p.113.
[42] MacGowan, *Behind the Screen*, p.355.
[43] De Grazia, *Banned Films*, p.30.
[44] See Appendix C.
[45] Black, *Hollywood Censored*, p.33.
[46] MacGowan, *Behind the Screen*, p.356.
[47] *Ibid*.
[48] Vaughn, "Morality and Entertainment," p.44.
[49] Walsh, *Sin and Censorship*, p.48.
[50] Inglis, *Freedom of the Movies*, p.111.
[51] *Ibid*., p.62 and p.64.
[52] MacGowan, *Behind the Screen*, p.356.
[53] Vaughn, "Morality and Entertainment," p.46.
[54] Mintz, *Hollywood's America*, p.15.
[55] Schumach, *Face on the Cutting Room Floor*, p.20.
[56] De Grazia, *Banned Films*, p.32.
[57] Vaughn, "Morality and Entertainment," p.45.
[58] Walsh, *Sin and Censorship*, p.49.
[59] Vaughn, "Morality and Entertainment," p.45.
[60] *Ibid*.
[61] Mintz, *Hollywood's America*, p.14.
[62] *Ibid*., p.16.
[63] Vaughn, "Morality and Entertainment," p.59.
[64] See Appendix D.
[65] Black, *Hollywood Censored*, p.35.
[66] *Ibid*., p.33.
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[68] Quoted in Walsh, *Sin and Censorship*, p.49.
[69] Vaughn, "Morality and Entertainment," p.47.
[70] Walsh, *Sin and Censorship*, p.58.
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[72] De Grazia, *Banned Films*, p.33.
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[74] Walsh, *Sin and Censorship*, p.57.

[75] *Ibid*., p.55.
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[77] Vaughn, "Morality and Entertainment," p.58.
[78] *Ibid*., p.48.
[79] Black, *Hollywood Censored*, p.43.
[80] See Appendix D.
[81] Black, *Hollywood Censored*, p.52.
[82] Vaughn, "Morality and Entertainment," p.60.
[83] Inglis, *Freedom of the Movies*, p.118.
[84] Black, *Hollywood Censored*, p.70.
[85] Inglis, *Freedom of the Movies*, p.119.
[86] Mintz, *Hollywood's America*, p.15 and Black, *Hollywood Censored*, p.53.
[87] Mintz, *Hollywood's America*, p.16.
[88] Black, *Hollywood Censored*, p.59.
[89] MacGowan, *Behind the Screen*, p.357.
[90] Lea Jacobs, "Industry Self-Regulation and the Problem of Textual Determination," *The Velvet Light Trap* 23 (Spring 1989), pp.5-6 and MacGowan, *Behind the Screen*, p.369.
[91] Jacobs, "Industry Self-Regulation," p.6.
[92] MacGowan, *Behind the Screen*, p.359.
[93] See Appendix E.
[94] Black, *Hollywood Censored*, p.181.
[95] Koppes and Black, *Hollywood Goes to War*, p.15.
[96] Black, *Hollywood Censored*, pp.74-75.
[97] De Grazia, *Banned Films*, p.19.
[98] *Ibid*., p.20.
[99] See Appendix F.
[100] Ibid.
[101] Koppes and Black, *Hollywood Goes to War*, p.63
[102] Ibid., p.viii.
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