From!

The Dame in the

Leonard J. Leff

Jerold L. Simmons

### Welcome Will Hays!

In the late teens of the twentieth century, America lost her innocence. The Great War not only tarnished her ideals but cast doubt on her national goals. Painters and poets, reporters and Rotarians, laborers and politicians—all experienced the bitter aftershock of the war. Some turned to God, some to pessimism, and some, especially in Hollywood, to the hot-cha-cha.

The California sun warmed the innocent and the corrupt, both of whom could overheat. By the 1920s, scandal seemed rife. ACTRESS DIES AT DRUNKEN PARTY, one 1921 headline shouted. FAMOUS COMEDIAN CHARGED WITH MURDER. For the Labor Day weekend, Fatty Arbuckle had taken a suite at the St. Francis Hotel in San Francisco. As the alcohol flowed, he disappeared into the bedroom with model Virginia Rappe. Hours later, the young woman became ill and, after a short hospitalization, died. The autopsy report led the city's district attorney to hold Arbuckle responsible. With kinky sex as the main attraction, the rape and murder trial of Fatty Arbuckle drove Hollywood from the entertainment section of American newspapers to the front page.

The Arbuckle affair was not the only "drunken party" of the decade. The murder of director William Desmond Taylor and the deaths of young actors Olive Thomas and Wallace Reid from narcotics abuse fed the suspicion that film artists were bohemians and debauchees, perhaps even criminals. The erotically appealing films that brought Sodom and Gomorrah to the provinces confirmed the suspicion. Bluenoses led the assault against the movies; yellow journalists followed; then came antagonistic legislators waving censorship proposals. In 1921 alone, solons in thirty-seven states introduced nearly one hundred bills designed to censor motion pictures. The rules

### The Dame in the Kimono

of the extant censor boards were mine fields. Women could not smoke on-screen in Kansas but could in Ohio; a pregnant woman could not appear on-screen in Pennsylvania but could in New York. All six cenappear on-screen in Pennsylvania but could in New York. All six cenappear on-screen in Pennsylvania but could in New York. All six cenappear on-screen in Pennsylvania but could in New York. All six censorship states—which controlled over thirty percent of the theater sorship states—condemned illegitimacy and sexual deviance. Afsects in America—condemned illegitimacy and sexual deviance. After producers cut their films, censors recut them. The outcome was mutilated prints and adverse publicity.

Local exhibitors bore the cost of censor cuts and the abuse of press and patrons. Why should producers care? Washington and Wall Street offered one answer: by 1922, the motion picture business had become an industry. Famous Players studios (later Paramount) had merged with a theater chain, while First National Exhibitors planned the construction of a Burbank studio. Other companies that wanted to integrate production, distribution, and exhibition understood the formula: expansion meant capital, capital meant Wall Street, and Wall Street meant conservative business practices. The movie companies, aware of the hazards of antitrust action, could not afford scandal or the federal probes of Hollywood high finance that might follow. Neither could they afford clean movies. They could afford—and very much needed—an astute public relations campaign that would content Washington and strengthen motion picture securities. With Wall Street assured that the industry was stable, Hollywood would never have to choose between Fatty Arbuckle and venture capital.

In 1922, the movie company presidents formed a trade association with Postmaster General Will Hays as head. An ex-Republican national chairman with White House connections, Hays was a booster national chairman with White House connections, Hays was a booster straight out of Babbitt. He was an elder of the Presbyterian Church and had a shrill voice that could assume an evangelical roar. He also had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had enormous ears and asked photographers to use "an ear-reduction had ear-reduction had enormous ears and asked photographers to use "an ear-reduction had ear

Within months of the formation of the Motion Picture Producers and Distributors of America (henceforth, "the Association"), Hays not only helped the moguls defeat a Massachusetts censorship law but also persuaded many industry critics to join the Association's Committee on Public Relations, an advisory group on "public demands and moral standards." He later created the "Formula," which made Association members "exercise every possible care that only books or plays which are of the right type are used for screen presentation." As the public continued to agitate for control over the industry, the General assured the National Council of Catholic Women, the Boy Scouts of America, and others that with their support he could purify the movies. Studio executives cheered him when he traveled west; after all, his gospel of Main Street morals promised to blunt the censors and warm the investment climate. Hollywood was "decorated with bunting and flags," Hays later recalled, "and big signs reading WELCOME WILL HAYS!"

Signs were elsewhere as well. Under Hays, Hollywood had instituted a morals clause that, as part of the standard employment contract, regulated performers' offscreen lives: "The artist agrees to conduct himself with due regard to public conventions and morals and agrees that he will not do or commit any act or thing that will tend to degrade him in society or bring him into public hatred, contempt, scorn or ridicule, or that will tend to shock, insult or offend the community or ridicule public morals or decency or prejudice the producer or the motion picture industry in general." Among many directors and actors, the prospect of sanitized movies, of artistic freedom tempered with restraint and self-regulation, evoked even more contempt than the morals clause. "We are against any kind of censorship, and particularly against Presbyterian censorship," Charlie Chaplin told friends at a private party. According to an FBI informant at the affair, the comedian also "showed his guests a pennant with the words: 'Welcome WILL HAYS,' which he had fastened over the door of the men's toilet in his studio."

Pace Chaplin, Hays did not want to turn the Little Tramp into the Little Puritan. Rather, he wanted Hollywood to become mature enough to bear censure, conservative enough to value goodwill, and shrewd enough to advocate middle-class morals. He also wanted Hollywood to see how the press and censors rewarded an absence of

Hays, among other accomplishments, was working to persuade self-control. the Department of Commerce to create a Motion Picture Section to protect the industry (and thirty-five percent of its revenues) from foreign censorship and other trade barriers; meanwhile, Hollywood used the Committee on Public Relations, the Formula, and, later, Uncle Sam as a shield against criticism of risqué, crowd-pleasing films. De Mille's "studies in diminishing draperies" and "It Girl" Clara Bow's teasing sexuality wowed the flappers. Erich von Stroheim's The Merry Widow brought moviegoers, among other pleasures, a sexual fetishist who died atop his bride on their honeymoon. For one scene in The Dancer of Paris, Dorothy MacKaill wore merely stones and beadwork; for the finale she donned cloak, loincloth, and breastplates—then stripped. In Black Paradise, Madge Bellamy showed "all of her legs and 82 percent of everything else," de rigueur for desert-island pictures awash with bare brown breasts. A callow David Selznick quit Metro-Goldwyn-Mayer because of a dispute with boss Hunt Stromberg over White Shadows in the South Seas: "David thought it an idyllic story; Hunt said he wanted lots of tits."

The handful of producers who cooperated with Hays found themselves handcuffed. In April 1927, Universal president Carl Laemmle confided in one executive that the company was losing business because of its reputation for "namby-pamby" movies: "Invariably they are too damned clean, and they [the public] stay away on account of are too damned clean, and they [the public] stay away on account of it." Pressured by his marketing staff for more competitive product, it." Pressured by his marketing staff for more competitive product, it. I am beginning Laemmle concluded that "much as I hate to admit it, I am beginning to think our clean-picture policy was a mistake." The studios that to think our clean-picture policy was a mistake. The studios that produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as The Merry Widow or Exclusive Rights (a crime produced such fare as T

The cost of the boards' dictums soon added over \$3 million each year to overhead. Faced with demands for cuts, technicians could patch sound-on-film prints with relative ease, but they could not alter sound-on-disc without expensive retakes. "Cutting has often resulted sound-on-disc without expensive retakes."

in the ruin of a picture to an extent where grosses on these pictures, in the six censorship states, have been negligible," Variety reported. "A recent case was Harry Langdon's The Chaser, from which five or six sequences were cut, spoiling the entire continuity." The East and West coasts wanted Hays to subdue the censors, but the General could not: according to one Association staff member in spring 1927, the boards were so proliferous that without drastic action "the motion picture industry will be hogtied and strangled in 25 states before May 1." With the need for self-regulation ever more apparent, Hays established the Studio Relations office. The distance between California (where the producers worked) and New York (where Hays worked) had helped scuttle previous forms of control; perhaps an administrator at the source would make Hollywood see how urgent matters had become. Hays appointee Jason Joy, conversant with censorship laws around the country, would read scenarios and scripts, then advise producers on potential problems with local authorities. Joy had an aura of the all-American man-he was tall and blond, with blue eyesand a reputation for courage, especially, as one of his classmates recalled, "in situations where unpopular causes were concerned." Now this former War Department public relations man would test that reputation in Hollywood.

Colonel Joy helped evolve three dozen proscriptions based on the rules of censor boards around the country. These "Don'ts and Be Carefuls" included pointed profanity, nudity, drug trafficking, sex perversion, white slavery, miscegenation, sex hygiene and venereal diseases, scenes of actual childbirth, children's sex organs, ridicule of the clergy, and offenses against a race, creed, or nation. (In another of his trade-practice initiatives, Hays continued to implore screenwriters and directors not to stereotype people who lived in lucrative foreign markets; accordingly, in A Woman Disputed United Artists would transform a German villain into a Russian.) Endorsed by the Motion Picture Association in October 1927, the Don'ts and Be Carefuls allowed Hays once more to claim that Hollywood had cleaned house. His office sent copies of the industry's code of ethics to every newspaper editor in the nation, along with a personally signed letter that promised a new era in screen history. Though Hays also forwarded the code to producers, many scribbled return to sender across

### The Dame in the Kimono

he envelope. Producers were always suspicious of outside interference, even from the East Coast company presidents. They also found the threat of censorship laws and board-imposed cuts remote from the world of film production. In 1929, they sent Joy only twenty pert of their scenarios.

The studios were running wild. MGM had a sweaty Joan Crawford drop her skirt for a hot Charleston in *Our Dancing Daughters*, while First National set afire a theater in *Paris* so that chorines ters, while First National set afire a theater in *Paris* so that chorines could flee the dressing rooms undressed. In *Mating Call*, Renée Adorée swam nude, then wore a sheer wet chemise homeward. *Mad Hour* swam the story of a drunken couple who awoke in a hotel double bed. "And if you don't hear those on the side lines at Burbank hollering, "And if you don't hear those on the side lines at Burbank hollering, "Make it hotter!" *Variety* noted in its review, "then you have no imag." Though some producers slapped EDUCATIONAL or DOCUMENTARY across Though some producers slapped EDUCATIONAL or DOCUMENTARY across the posters of "sex information" pictures, audiences read between the words.

words.

In February 1929, as religious organizations issued demands for control, Hays learned that press baron William Randolph Hearst would throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movement for fedwould throw his considerable influence behind the movie industry.

Brookhart was apparently reviving his bill to place the movie industry through the first saw the movie industry.

There During the first six months of the year,

Omens were everywhere. During the first six months of the year, state and municipal boards ordered a record number of deletions, over two thousand for crime and violence alone. "More than fifty percent of the United States, as far as attendance goes, is under censorship," of the United States, as far as attendance goes, is under censorship," Hays learned in April 1929. "More than sixty percent of the revenue derived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived from the sale of motion pictures comes from states and muderived f

against the industry. Worse, Hays could not seem to interest the Justice Department in negotiation or compromise. Civic and women's organizations were calling for federal controls, legislation was pending in both Congress and the states, and Hays, it appeared, was surrounded by hostile critics intent on the moral transformation of the movies.

Hays was rescued by Martin Quigley, the publisher of *Motion Picture Herald*. Quigley had married an heiress and constructed a power base on what one observer called "clever Irish politicking." A devout Catholic, he had been matchmaker for the Church and Hollywood when the 1926 Eucharistic Congress of Chicago was filmed; Hays' speech at that assembly "tied up the picture business for all time with the churches." Quigley wanted to harness the movies' power over American culture and morals. Though he had an iron conscience, he also understood that control over Hollywood could boost both the ad sales and influence of the *Herald*. Throughout the late 1920s, he scourged the West Coast producers and cultivated both the East Coast studio presidents and the Catholic hierarchy. And by 1929, when Hays chose euthanasia for the battered Don'ts and Be Carefuls, Quigley had convinced the industry that he was the moral barometer of the nation.

As the shadows of Hearst and Brookhart fell across Hollywood in summer 1929, Quigley conceived the notion of a code that would include not only rules and regulations but philosophy. Chicago censor board advisor Father FitzGeorge Dinneen pointed Quigley toward Father Daniel Lord, a St. Louis University professor who could write the document; but the Church stalled. Perhaps more "tied up" with the picture business than he wished—or aware of the backlash that a "Catholic code" could foster—Chicago prelate George Cardinal Mundelein saw controversy ahead and opposed the involvement of Father Lord or the Church. Quigley needed the Catholics; he feared that without pressure from them, the movie company presidents would not approve the code. Yet too close an association with a Catholic code could damage Quigley. He needed friends in both Rome and Hollywood to continue to walk the corridors of power. "I do not want the principal executives of the motion picture industry to feel that I am not giving major consideration to their interests," Quigley told

Lord. "I feel that I can be most helpful generally by being left in the position of mediator and not advocate for either side." Quigley batted the problem around with Joe Breen, a good fellow Catholic who was then a public relations man for Peabody Coal. As they sipped drinks, they talked "well into the mid-night" about "the gentleman on North State Street," Cardinal Mundelein. The bottom of the tumblers held the answer: when Quigley later assured Mundelein that the code would be an "industry code," one that would ban from pictures "things inimical to the Catholic Church," the Cardinal allowed Father Lord to

Basic to the Production Code Lord devised for Quigley were proceed. three working principles:

- 1. No picture should lower the moral standards of those who
- 2. Law, natural or divine, must not be belittled, ridiculed, nor must a sentiment be created against it.
- 3. As far as possible, life should not be misrepresented, at least not in such a way as to place in the mind of youth false values on life.\*

What followed elaborated the Quigley-Lord philosophy.

The Production Code termed movies "entertainment." Motion pictures could reshape "bodies and souls of human beings," and they could "affect spiritual or moral progress." But they were still entertainment. As such, those who produced them were bound to produce "correct entertainment" for the mass audience, "for the cultivated and the rude, the mature and the immature, the self-respecting and the criminal." Hollywood must not pander to that mass audience but honor the "moral responsibilities of the motion pictures."

Throughout the holidays, Quigley and Lord fussed over the Code. They not only made small changes in slant and diction, but plotted the route that the Code would travel from proposal to law. They pressed Cardinal Mundelein to meet with his banker, Harold Stuart, of Halsey, Stuart and Company, a Chicago investment banking firm with extensive interests in Hollywood. Lord called Stuart "the powerful man in the industry." Squeezed between God and mammon-Quigley thought—the producers would approve the Code.

Hays saw the Code in early 1930. "My eyes nearly popped out when I read it," he later wrote. "This was the very thing I had been looking for." The postmaster general who delivered the Committee on Public Relations and the Formula to America saw the Code as the way to silence the Hearsts and the Brookharts, and soon he and Quigley were bound for Hollywood, where the signs would not read WEL-COME WILL HAYS!

Hollywood loved her dancing daughters. Throughout autumn 1929, studios like Universal had badgered Jason Joy to approve pictures like Shanghai Gesture, a controversial amalgam of illegitimacy, miscegenation, white slavery, and murder. A Universal production chief told Joy "that his company is pretty much in the 'red' and that they need a 'red-hot smash' to pull it out." That argument had become a chestnut around Hollywood, one that Hays roasted when he and Quigley brought Father Lord west to convince Universal and the other studios to accept the Production Code.

Listening to Hays and Lord, immigrant producers probably felt a subtle pressure to assimilate, to nominally endorse the Judeo-Christian values of the Production Code and answer the prominent churchman whose censorship crusade had appealed to "Patriotic Gentile Americans." Morals alone could not win the producers' support, though. Several studio moguls had even devised their own, less restrictive code. Motion pictures, according to this extraordinary document, were not the creator of standards and values but merely their mirror. As such, the box office would hold Hollywood depravity in check: moviegoers would spend their dimes on pictures they liked, shun those they did not, and, gradually, those producers who offended public decency would fade away. It was an artful defense of screen and studio freedom—and, for Hays, a magnet for more censure of the industry.

The Production Code, like the counter-code, concerned morals; the adoption of either Code would concern money. Ever since Adolph Zukor had approached Kuhn, Loeb and Company for a loan to purchase theaters in 1919, the movie companies and the investment bank-

<sup>\*</sup> The complete text of the 1930 Production Code appears in the Appendix.

ers had been inseparable partners, and in the late 1920s the banks poured hundreds of thousands of dollars into the industry. The studios used the cash to absorb smaller competitors, monopolize firstrun outlets, and convert both production facilities and theaters to sound. As long as Hollywood turned a profit, firms like Halsey, Stuart and Kuhn, Loeb showed no desire to control picture content. In the clouded atmosphere following the October 1929 Wall Street crash, however, public protests and congressional legislation threatened the bankers' investments. Along with distributors and theater managers, the money men called for restraint, and the moguls acceded. An ad hoc committee of executives worked with Hays and Lord on the final draft of the Code, polishing the prose and adding a new section labeled "Particular Applications," which incorporated most of the Don'ts and Be Carefuls. Then, in February, the studio executives formally endorsed the new Production Code, and the following month the Association's Board of Directors made it Hollywood law.

In March 1930, America learned about the Production Code from Variety. That Variety scooped the Motion Picture Herald stung Quigley, who blamed Hays for the leak. Quigley was even more vexed when Hays formally announced the Production Code to the press. The newest code told producers to condemn criminality; to sanctify the marital vows and "not infer that low forms of sex relationship are the accepted or common thing"; to shun vulgarity, obscenity, and profanity; to clothe characters properly; to respect religion and national feelings; and to carefully treat "repellent subjects," including white slavery and brutal police interrogations. These "Particular Applications" of the Production Code were all that Hays released to the press; he nowhere mentioned the philosophy behind them or the names of Father Lord and Quigley. Perhaps he wanted to hide the Catholic traces on the "General Principles," or wished to streamline a complex document for public consumption. Whatever the reason, the element of secrecy that would henceforth surround Production Code enforcement was already in place.

While Hays ballyhooed the Code as moral lodestar and industry triumph, his critics demurred. The New Republic compared the Code to the Don'ts and Be Carefuls, and predicted Hollywood business-as accused Hays of attempting to "promote a nomi-

nal alliance with the church to camouflage an actual alliance with the devil." Others doubted that Hays or the producers would support the Production Code. "What with sound films making 'Damns,' clinking glasses, and machine-gun fire so obstreperously audible, Will H. Hays decided it was time to declare the motion picture industry moral again," commented a cynic in the Outlook and Independent. "With a few unctuous phrases, he has glorified Will H. Hays and American wholesomeness, cleansed the silver screen, twitched away those thorns in his flesh, the church leaders, and reassured—whom?" No one. "The new code of film ethics, in our opinion, means exactly nothing."

The Code nonetheless promised some changes in Hollywood. Not only were the proscriptions more comprehensive than the Don'ts and Be Carefuls, but Colonel Joy would attempt real enforcement. For three years, Joy had forecast the censor boards' cuts and trims; he sent the predictions to the studios as suggestions, in dire cases warnings, but never demands. Now Hays had transformed Joy the consultant into Joy the gatekeeper: the new rules bound Joy to review each member-company picture and to approve only those that observed the rigid standards of the Code.

Joy feared the worst. Filmmakers who wished to challenge his rulings could appeal to a committee of three West Coast producers, the so-called Hollywood Jury. With members chosen in rotation, each juror recognized that one of his own pictures might soon be reviewed by a new panel, perhaps one containing the very producer whose work lay before him. A Hollywood Jury that favored self-protection and screen freedom would surely rule against the Studio Relations office. Should it not, the producer could still appeal the verdict to the Association in New York.

The early months of the Production Code and the Studio Relations office dispelled many such fears. The "entire office has developed into a beehive," one staff member wrote Hays, whose solemn appeals had increased story and screenplay submissions from fortyeight in 1929 to more than twelve-hundred in 1930. Public criticism and demands for reform abated, and by October 1930, Quigley, whose role as Code author remained unknown, could commend the industry for its "serious and determined effort to maintain a wholesome screen." In the Association annual report, Hays noted that under the Code the studios had traded their "postwar preoccupation with morbidity and crime" for high-minded historical dramas and literary classics. The censor boards also remarked on the trend. "During the first six or seven months of this endeavor," Joy later observed, "the censors, with one or two exceptions . . . caught the spirit of the Code, and gave us the encouragement which had made it possible for us to keep the control of production under the Code." But many producers fidgeted. One complained that two-thirds of the stories he had under consideration "were based on 'Jack the Giant Killer' and the other third on 'Cinderella'"; the Code would permit nothing more sophisticated. Beyond the exaggeration lay studio concerns about the Code and the pledge to cooperate with Joy.

Whether the shotgun marriage between the Production Code and the producers could work depended on whether the Manhattan company presidents would control the Hollywood producers' urges. For some months, through a series of vigorous pronouncements about Code enforcement, the company presidents trained the gun on Hollywood. Toward the end of 1930, though, they relaxed their grip. With domestic attendance off almost ten percent and vital foreign markets burdened by new taxes and quota regulations, they suddenly ordered deep cuts in studio rosters and production costs. As Variety observed in December, "waste ceased being a mild misdemeanor and became a crime calling for capital punishment. And capital stepped in with a

The standard of measure was the box office. With unemployment approaching eight million, the producers could no longer take ruler." the automatic audience of the Jazz Age for granted. The lush days were over, and the mounting East Coast pressure sent Hollywood a message straight out of Darwin: those who produced runaway hits would keep their inflated salaries, swimming pools, and limousines; those who produced fizzles would join the soup lines. Hollywood had always been what writer Philip French called "a community torn by ruthless ambition and riddled with insecurity." In 1931, as attendance continued to slide, the cooperative spirit behind the initial suc-

In October 1930, Hays had hired Joe Breen as public relations cess of the Code dissolved. man for the Production Code. Breen commandeered some office space

at Ouigley Publications in Chicago, hired a clerk-stenographer, and strong-armed those who shaped opinion, from newspaper editors to Father Dinneen, whom Breen counted as "a great champion of the new Code." The Irishman could not always fathom Hollywood ormore important—Hays' reticence to clamp down on producers. The Association wanted to please everyone, from the censors to the producers. "I can understand the disposition to be charitable, and agreeable, and not offensive," Breen told one close pal, "but there are some things which crop up—and which have cropped up during the last eight or nine months, of which I have personal knowledge-which suggest to my mind that we ought to do a little fighting ourselves." Among the "we" were Hays and Joy, neither of whom evinced the iron resolve or stomach for confrontation that Breen was so eager to demonstrate.

The studios bombarded movie houses with images of sex and violence. The more sensational the pictures, the more competitive they were; the more competitive, the more profitable, or so the producers believed. In 1930-31, however, the New York censors alone made 468 cuts for indecency, 243 for inhuman acts, 1,129 for incitements to crime, and 1,165 for moral corruption. Other boards also scissored away, so much so that they lost the story. One censor admitted that his board had cut so much from The Easiest Way that on final viewing "we had to stop in the middle of it, because we thought we were looking at the wrong reels." Chicago censor Effie "Pinkie" Sigler made "wholesale" deletions in Waterloo Bridge, a 1931 Universal release about a bride turned prostitute, then told Joy that she had cut the picture merely to conform to the new Production Code.

Joy denounced such boards' "small, narrow, picayunish faultfinding attitudes," and occasionally sided with filmmakers; in particular, he devoted much time to protecting serious but controversial pictures from abusive cuts by local, state, and foreign censor boards. He found All Quiet on the Western Front full of "boldness and truthfulness" and helped Universal rally support for the film from such diverse sources as the Boy Scouts of America and (less successfully) various women's groups in Germany; he provided similar encouragement to Warners on IAm a Fugitive from a Chain Gang.

On such films as Little Caesar, which troubled the New York

and British Columbia boards, Joy acted more as advocate than censor. When New York demanded extensive cuts that would eliminate much of Caesar's violence, Joy warned the censors that they threatened to "destroy the moral value of the picture" and that "the more ghastly, the more ruthless, the criminal acts, the stronger will be the audience reaction against men of this kind." Joy wore down New York board director James Wingate on Little Caesar, and the violence escalated with other hood operas.

Public Enemy was a 1931 Darryl F. Zanuck feature for Warners. Zanuck wanted sex and violence, and a young assistant hired to follow Zanuck around the Warner lot recording his instructions to subordinates was particularly impressed with the single-minded devotion accorded Public Enemy. "He was all hyped up about it, and kept repeating to [director] Willie Wellman and his crew that they mustn't let a drop of sentimentality seep into the action. 'Everyone in this movie is tough, tough, tough,' he kept saying. 'People are going to say the characters are immoral, but they're not because they don't have any morals. They steal, they kill, they lie, they hump each other because that's the way they're made, and if you allow a decent human feeling or a pang of conscience to come into their makeup, you've lost 'em and changed the kind of movie we're making." Released in April 1931, Public Enemy demonstrated that the gangster cycle was far from over. During its first week at the Strand Theater on Broadway, Public Enemy surpassed the record set there three months earlier by Little Caesar. Over twenty-five gangland epics were in production, most pale imitations of Little Caesar and Public Enemy, but each violent and sensational. Outraged parents and church groups helped make gangster movies convenient scapegoats for a society apparently paralyzed by crime. Once the advocate of Little Caesar, Joy no longer pleaded with the censors for Hollywood clemency.

Locked factories, shuttered banks, and grim Hoovervilles became common across the urban landscape. Theater attendance declined, and Hollywood faced the full brunt of the Depression. The desperate Manhattan company presidents now let the producers call for the kimonos: for prostitutes and kept women, for sexual sin and secret fantasy, for My Sin, Dishonored, Street Girl, Hot Stuff, Lady of Descriptor The Purchase Price, and Tarnished Lady. While the pictures delivered less than the titles, they darkened public opinion and aroused those who supported federal regulation and censorship.

Joy understood that the odds against the Production Code were enormous: rowdy sex pictures could keep the wolf from studio doors. In search of rosy balance sheets—and blind to all but the wolf—hardpressed executives would choose the hot stuff. With a debacle at hand and Joy under siege, Hays opened the Association armory and found almost nothing. Then he remembered that Irishman in Chicago, so "willing to work" that he would "bite the legs" off those who crossed him. Hoping for a small public relations miracle, the General sent Joe Breen west to face down the producers.

### Appendix

# The Motion Picture Production Code

The Motion Picture Production Code was adopted by the Association of Motion Picture Producers, Inc. (the West Coast producers) in February 1930, and by the Motion Picture Producers and Distributors of America the following March. The initial document included a summary of the code version drafted by Daniel Lord and Martin Quigley as well as a "Resolution for Uniform Interpretation" (Hays Papers, 17 February 1930). Before Hays published the Code, the Association changed "the lower and baser element" to "the lower and baser emotions." In 1931, the "Resolution for Uniform Interpretation" was altered to require the submission of scripts, and in 1934, the Production Committee (the "Hollywood Jury") was eliminated so that appeals from decisions of the Code Administration went directly to the Association board.

After the *Motion Picture Herald* published the full text of the original Lord-Quigley document in 1934, the Hays Office sought to fuse the two versions by adding the philosophic sections authored by Lord and Quigley to the end of the 1930 summary released by Hays. In the process, the Lord-Quigley original became the "Reasons Supporting Preamble of Code," the "Reasons Underlying the General Principles," and the "Reasons Underlying Particular Applications." Over the years, the Association amended the Code several times and added major sections on crime (1938), costumes (1939), profanity (1939), and cruelty to animals (1940).

The undersigned members of the Association of Motion Picture

The Motion Picture Production Code

Producers, Inc. hereby subscribe to and agree faithfully to conform to the provisions of the following

#### CODE

### TO GOVERN THE MAKING OF TALKING, SYNCHRONIZED AND SILENT MOTION PICTURES

Formulated by

Association of Motion Picture Producers, Inc. and The Motion Picture Producers and Distributors of America, Inc.

Motion picture producers recognize the high trust and confidence which have been placed in them by the people of the world and which have made motion pictures a universal form of entertainment.

They recognize their responsibility to the public because of this trust and because entertainment and art are important influences in the life of a nation.

Hence, though regarding motion pictures primarily as entertainment without any explicit purpose of teaching or propaganda, they know that the motion picture within its own field of entertainment may be directly responsible for spiritual or moral progress, for higher types of social life, and for much correct thinking.

During the rapid transition from silent to talking pictures they have realized the necessity and the opportunity of subscribing to a Code to govern the production of talking pictures and of reacknowledging this responsibility.

On their part, they ask from the public and from public leaders a sympathetic understanding of their purposes and problems and a spirit of cooperation that will allow them the freedom and opportunity necessary to bring the motion picture to a still higher level of wholesome entertainment for all the people.

### GENERAL PRINCIPLES

- 1. No picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil
- 2. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented.

3. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.

#### PARTICULAR APPLICATIONS

### I—Crimes Against the Law

These shall never be presented in such a way as to throw sympathy with the crime as against law and justice or to inspire others with a desire for imitation.

- 1. Murder
  - a. The technique of murder must be presented in a way that will not inspire imitation.
  - b. Brutal killings are not to be presented in detail.
  - c. Revenge in modern times shall not be justified.
- 2. Methods of Crime should not be explicitly presented.
  - a. Theft, robbery, safe-cracking, and dynamiting of trains, mines, buildings, etc., should not be detailed in method.
- b. Arson must be subject to the same safeguards.
- c. The use of firearms should be restricted to essentials.
- d. Methods of smuggling should not be presented.
- 3. Illegal drug traffic must never be presented.
- 4. The use of liquor in American life, when not required by the plot or for proper characterization, will not be shown.

#### II—Sex

The sanctity of the institution of marriage and the home shall be upheld. Pictures shall not infer that low forms of sex relationship are the accepted or common thing.

- 1. Adultery, sometimes necessary plot material, must not be explicitly treated, or justified, or presented attractively.
- 2. Scenes of Passion
  - a. They should not be introduced when not essential to the plot.
- b. Excessive and lustful kissing, lustful embraces, suggestive postures and gestures, are not to be shown.
- c. In general passion should so be treated that the scenes do not stimulate the lower and baser element.
- 3. Seduction or Rape

- a. They should never be more than suggested, and only when essential for the plot, and even then never shown by explicit method.
- b. They are never the proper subject for comedy.
- 4. Sex perversion or any inference to it is forbidden.
- 5. White-slavery shall not be treated.
- 6. Miscegenation (sex relationships between the white and black races) is forbidden.
- 7. Sex hygiene and venereal diseases are not subjects for motion pictures.
- 8. Scenes of actual child birth, in fact or in silhouette, are never to be presented.
- 9. Children's sex organs are never to be exposed.

#### III-Vulgarity

The treatment of low, disgusting, unpleasant, though not necessarily evil, subjects should be subject always to the dictates of good taste and a regard for the sensibilities of the audience.

#### **IV**—Obscenity

Obscenity in word, gesture, reference, song, joke, or by suggestion (even when likely to be understood only by part of the audience) is forbidden.

### V-Profanity

Pointed profanity (this includes the words, God, Lord, Jesus, Christ—unless used reverently—Hell, S. O. B., damn, Gawd), or every other profane or vulgar expression however used, is forbidden.

### VI—Costume

- 1. Complete nudity is never permitted. This includes nudity in fact or in silhouette, or any lecherous or licentious notice thereof by other characters in the picture.
- 2. Undressing scenes should be avoided, and never used save where essential to the plot.
- 3. Indecent or undue exposure is forbidden.

4. Dancing costumes intended to permit undue exposure or indecent movements in the dance are forbidden.

### VII-Dances

- 1. Dances suggesting or representing sexual actions or indecent passion are forbidden.
- 2. Dances which emphasize indecent movements are to be regarded as obscene.

### VIII—Religion

- 1. No film or episode may throw ridicule on any religious
- 2. Ministers of religion in their character as ministers of religion should not be used as comic characters or as villains.
- 3. Ceremonies of any definite religion should be carefully and

### IX-Locations

The treatment of bedrooms must be governed by good taste and delicacy.

### X—National Feelings

- 1. The use of the Flag shall be consistently respectful.
- 2. The history, institutions, prominent people and citizenry of other nations shall be represented fairly.

### XI—Titles

Salacious, indecent, or obscene titles shall not be used.

### XII—Repellent Subjects

The following subjects must be treated within the careful limits of good taste:

- 1. Actual hangings or electrocutions as legal punishments for
- 2. Third Degree methods.
- 3. Brutality and possible gruesomeness.

- 4. Branding of people or animals.
- 5. Apparent cruelty to children or animals.
- 6. The sale of women, or a woman selling her virtue.
- 7. Surgical operations.

### RESOLUTION FOR UNIFORM INTERPRETATION 1930

The undersigned members of the Association of Motion Picture Producers, Inc. hereby subscribe to and agree faithfully to conform to the provisions of the following resolution:

WHEREAS, we, the undersigned have this day subscribed and agreed faithfully to conform to a

#### CODE

### TO GOVERN THE MAKING OF TALKING, SYNCHRONIZED AND SILENT MOTION PICTURES FORMULATED BY

Association of Motion Picture Producers, Inc., and The Motion Picture Producers and Distributors of America, Inc.

AND WHEREAS, a uniform interpretation of such Code is essential, and for the promotion of such uniform interpretation and consequent universal conformance by ourselves and the personnel of our respective studios it is believed necessary that additional facilities and procedure be established and maintained;

THEREFORE BE IT RESOLVED that we hereby agree to the following methods of operation:

- 1. When requested by production managers the Association of Motion Picture Producers, Inc. shall secure any facts, information or suggestions concerning the probable reception of stories or the manner in which in its opinion they may best be treated.
- 2. That each production manager may submit in confidence a copy of each or any script to the Association of Motion Picture Producers, Inc. The Association of Motion Picture Producers, Inc. will give the production manager for his guidance such confidential advice and suggestions as experience, research and information indicate, designating wherein in its judgment the script departs from the provisions of the Code, or wherein from experience or knowledge it is believed that exception will be taken to the story or treatment.
  - 3. Each production manager shall submit to the Association of

Motion Picture Producers, Inc. every picture he produces before the negative goes to the laboratory for printing. The Association of Motion Picture Producers, Inc. having seen the picture shall inform the production manager in writing whether in its opinion the picture conforms or does not conform to the Code, stating specifically wherein either by theme, treatment or incident the picture violates the provisions of the Code. In such latter event the picture shall not be released until the changes indicated by the Association of Motion Picture Producers, Inc. have been made; provided, however, that the production manager may appeal from such opinion of the Association to the Production Committee [Hollywood Jury] of the Association of Motion Picture Producers, Inc.

In the event the Production Committee concurs in the judgment of the Association and the production manager still believes that such picture conforms to the spirit and the letter of the Code, he may appeal to the Board of Directors of the Motion Picture Producers and Distributors of America, Inc. whose findings shall be final and such production manager and company shall be governed accordingly.

The Production Committee shall be constituted as follows:

Abrot	William R. Fraser Sol Lesser Irving Thalberg Ben Schulberg Charles Sullivan William Le Baron	Warren Doane John A. Waldron Joseph M. Schenck Carl Laemmle, Jr. J.L. Warner

The Board of Directors of the Association of Motion Picture Producers, Inc. may from time to time by unanimous vote make changes in the personnel of this Committee.

When a production manager appeals from a decision of the Association of Motion Picture Producers, Inc. he will so inform its Sectetary, who will in rotation designate from the above named Production Committee three members who will immediately examine the picture in question and render its opinion, as provided for above. The Secrelary of the Association of Motion Picture Producers, Inc., in designating the members of any such committee will not in the Association of Motion Picture Producers, Inc., in designating the members of any such committee will not in the Association of Motion Picture Producers, Inc., in designating the members of any such committee will not in the Association of Motion Picture Producers, Inc., in designating the members of any such committee will not in the Association of Motion Picture Producers, Inc., in designating the members of any such committee will not in the Association of Motion Picture Producers, Inc., in designation of Motion Picture Picture

from studios with business alliances with each other or with the studio whose picture is being examined. In the event any of the three so designated are unavoidably absent from the city, the member or members next in order will be selected, under the same provisions. Any such member so unavoidably out of the city when so designated shall be considered at the head of the list subject to the next call for service.

### REASONS SUPPORTING PREAMBLE OF CODE

I. Theatrical motion pictures, that is, pictures intended for the theatre as distinct from pictures intended for churches, schools, lecture halls, educational movements, social reform movements, etc., are primarily to be regarded as ENTERTAINMENT.

Mankind has always recognized the importance of entertainment and its value in rebuilding the bodies and souls of human beings.

But it has always recognized that entertainment can be of a character either HELPFUL or HARMFUL to the human race, and in consequence has clearly distinguished between:

- a. Entertainment which tends to improve the race, or at least to re-create and rebuild human beings exhausted with the realities of life; and
- b. Entertainment which tends to degrade human beings, or to lower their standards of life and living.

Hence the MORAL IMPORTANCE of entertainment is something which has been universally recognized. It enters intimately into the lives of men and women and affects them closely; it occupies their minds and affections during leisure hours; and ultimately touches the whole of their lives. A man may be judged by his standard of entertainment as easily as by the standard of his work.

So correct entertainment raises the whole standard of a nation. Wrong entertainment lowers the whole living conditions and

moral ideals of a race.

Note, for example, the healthy reactions to healthful sports, like baseball, golf; the unhealthy reactions to sports like cockfighting, bullfighting, bear baiting, etc.

Note, too, the effect on ancient nations of gladiatorial combats, the obscene plays of Roman times, etc.

II. Motion pictures are very important as ART.

Though a new art, possibly a combination art, it has the same object as the other arts, the presentation of human thought, emotion, and experience, in terms of an appeal to the soul through the senses.

Here, as in entertainment, Art enters intimately into the lives of human beings.

Art can be morally good, lifting men to higher levels. This has been done through good music, great painting, authentic fiction, poetry, drama.

Art can be morally evil in its effects. This is the case clearly enough with unclean art, indecent books, suggestive drama. The effect on the lives of men and women is obvious.

Note: It has often been argued that art in itself is unmoral, neither good nor bad. This is perhaps true of the THING which is music, painting, poetry, etc. But the thing is the PRODUCT of some person's mind, and the intention of that mind was either good or bad morally when it produced the thing. Besides, the thing has its EFFECT upon those who come into contact with it. In both these ways, that is, as a product of a mind and as the cause of definite effects, it has a deep moral significance and an unmistakable moral quality.

Hence: The motion pictures, which are the most popular of modern arts for the masses, have their moral quality from the intention of the minds which produce them and from their effects on the moral lives and reactions of their audiences. This gives them a most important morality.

- 1. They reproduce the morality of the men who use the pictures as a medium for the expression of their ideas and
- 2. They affect the moral standards of those who, through the screen, take in these ideas and ideals.

In the case of the motion pictures, this effect may be particularly emphasized because no art has so quick and so widespread an appeal the masses. It has become in an incredibly short period the art of

III. The motion picture, because of its importance as entertainment and because of the trust placed in it by the peoples of the world, has special MORAL OBLIGATIONS:

A. Most arts appeal to the mature. This art appeals at once to

every class, mature, immature, developed, undeveloped. law abiding, criminal. Music has its grades for different classes; so has literature and drama. This art of the motion picture, combining as it does the two fundamental appeals of looking at a picture and listening to a story. at once reaches every class of society.

- B. By reason of the mobility of a film and the ease of picture distribution, and because of the possibility of duplicating positives in large quantities, this art reaches places unpenetrated by other forms of art.
- C. Because of these two facts, it is difficult to produce films intended for only certain classes of people. The exhibitors' theatres are built for the masses, for the cultivated and the rude, the mature and the immature, the selfrespecting and the criminal. Films, unlike books and music, can with difficulty be confined to certain selected groups.
- D. The latitude given to film material cannot, in consequence, be as wide as the latitude given to book material. In addition:
  - a. A book describes; a film vividly presents. One presents on a cold page; the other by apparently living people.
  - b. A book reaches the mind through words merely; a film reaches the eyes and ears through the reproduction of actual events.
  - c. The reaction of a reader to a book depends largely on the keenness of the reader's imagination; the reaction to a film depends on the vividness of presentation.

Hence many things which might be described or suggested in a book could not possibly be presented in a film.

- E. This is also true when comparing the film with the newspaper.
  - a. Newspapers present by description, films by actual presentation.
  - b. Newspapers are after the fact and present things as having taken place; the film gives the events in the process of enactment and with apparent reality of life.

- F. Everything possible in a play is not possible in a film:
  - a. Because of the larger audience of the film, and its consequential mixed character. Psychologically, the larger the audience, the lower the moral mass resistance to suggestion.
  - b. Because through light, enlargement of character, presentation, scenic emphasis, etc., the screen story is brought closer to the audience than the play.
  - c. The enthusiasm for and interest in the film actors and actresses, developed beyond anything of the sort in history, makes the audience largely sympathetic toward the characters they portray and the stories in which they figure. Hence the audience is more ready to confuse actor and actress and the characters they portray, and it is most receptive of the emotions and ideals presented by their favorite stars.
- G. Small communities, remote from sophistication and from the hardening process which often takes place in the ethical and moral standards of groups in larger cities, are easily and readily reached by any sort of film.
- H. The grandeur of mass settings, large action, spectacular features, etc., affects and arouses more intensely the emotional side of the audience.

In general, the mobility, popularity, accessibility, emotional appeal, vividness, straightforward presentation of fact in the film make for more intimate contact with a larger audience and for greater emo-

Hence the larger moral responsibilities of the motion pictures.

## REASONS UNDERLYING THE GENERAL PRINCIPLES

I. No picture shall be produced which will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrong-doing, evil or sin.

- 1. When evil is made to appear attractive or alluring, and good is made to appear unattractive.
- 2. When the sympathy of the audience is thrown on the side of

The Motion Picture Production Code

crime, wrong-doing, evil, sin. The same thing is true of a film that would throw sympathy against goodness, honor, innocence, purity or honesty.

Note: Sympathy with a person who sins is not the same as sympathy with the sin or crime of which he is guilty. We may feel sorry for the plight of the murderer or even understand the circumstances which led him to his crime: We may not feel sympathy with the wrong which he has done. The presentation of evil is often essential for art or fiction or drama. This in itself is not wrong provided:

- a. That evil is not presented alluringly. Even if later in the film the evil is condemned or punished, it must not be allowed to appear so attractive that the audience's emotions are drawn to desire or approve so strongly that later the condemnation is forgotten and only the apparent joy of the sin remembered.
- b. That throughout, the audience feels sure that evil is wrong and good is right.

II. Correct standards of life shall, as far as possible, be presented.

A wide knowledge of life and of living is made possible through the film. When right standards are consistently presented, the motion picture exercises the most powerful influences. It builds character, develops right ideals, inculcates correct principles, and all this in attractive story form.

If motion pictures consistently hold up for admiration high types of characters and present stories that will affect lives for the better, they can become the most powerful natural force for the improvement of mankind.

III. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.

By natural law is understood the law which is written in the hearts of all mankind, the great underlying principles of right and justice dictated by conscience.

By human law is understood the law written by civilized na-

1. The presentation of crimes against the law is often necessary. tions. for the carrying out of the plot. But the presentation must not throw sympathy with the crime as against the law nor with the criminal as against those who punish him.

2. The courts of the land should not be presented as unjust. This does not mean that a single court may not be represented as unjust, much less that a single court official must not be presented this way. But the court system of the country must not suffer as a result of this presentation.

### REASONS UNDERLYING PARTICULAR APPLICATIONS

I. Sin and evil enter into the story of human beings and hence in themselves are valid dramatic material.

II. In the use of this material, it must be distinguished between sin which repels by its very nature, and sins which often attract.

- a. In the first class come murder, most theft, many legal crimes, lying, hypocrisy, cruelty, etc.
- b. In the second class come sex sins, sins and crimes of apparent heroism, such as banditry, daring thefts, leadership in evil, organized crime, revenge, etc.

The first class needs less care in treatment, as sins and crimes of this class are naturally unattractive. The audience instinctively condemns all such and is repelled.

Hence the important objective must be to avoid the hardening of the audience, especially of those who are young and impressionable, to the thought and fact of crime. People can become accustomed even to murder, cruelty, brutality, and repellent crimes, if these are too frequently repeated.

The second class needs great care in handling, as the response of human nature to their appeal is obvious. This is treated more fully below.

III. A careful distinction can be made between films intended for general distribution, and films intended for use in theatres restricted to a limited audience. Themes and plots quite appropriate for the latter would be altogether out of place and dangerous in the former.

Note: The practice of using a general theatre and limiting its patronage during the showing of a certain film to "Adults Only" is not completely satisfactory and is only partially effective.

However, maturer minds may easily understand and accept with-

The Motion Picture Production Code

out harm subject matter in plots which do younger people positive harm.

Hence: If there should be created a special type of theatre, catering exclusively to an adult audience, for plays of this character (plays with problem themes, difficult discussions and maturer treatment) it would seem to afford an outlet, which does not now exist, for pictures unsuitable for general distribution but permissible for exhibitions to a restricted audience.

### I. Crimes Against the Law

The treatment of crimes against the law must not:

- 1. Teach methods of crime.
- 2. Inspire potential criminals with a desire for imitation.
- 3. Make criminals seem heroic and justified.

Revenge in modern times shall not be justified. In lands and ages of less developed civilization and moral principles, revenge may sometimes be presented. This would be the case especially in places where no law exists to cover the crime because of which revenge is committed.

Because of its evil consequences, the drug traffic should not be presented in any form. The existence of the trade should not be brought to the attention of audiences.

The use of liquor should never be excessively presented. In scenes from American life, the necessities of plot and proper characterization alone justify its use. And in this case, it should be shown with moderation.

#### II. Sex

Out of regard for the sanctity of marriage and the home, the triangle, that is, the love of a third party for one already married, needs careful handling. The treatment should not throw sympathy against marriage as an institution.

Scenes of passion must be treated with an honest acknowledgment of human nature and its normal reactions. Many scenes cannot be presented without arousing dangerous emotions on the part of the immature, the young or the criminal classes.

Even within the limits of pure love, certain facts have been uni-

versally regarded by lawmakers as outside the limits of safe presenta-

In the case of impure love, the love which society has always regarded as wrong and which has been banned by divine law, the

- 1. Impure love must not be presented as attractive and beautiful.
- 2. It must not be the subject of comedy or farce, or treated as material for laughter.
- 3. It must not be presented in such a way as to arouse passion or morbid curiosity on the part of the audience.
- 4. It must not be made to seem right and permissible.
- 5. In general, it must not be detailed in method and manner.

### III. Vulgarity; IV. Obscenity; V. Profanity; hardly need further explanation than is contained in the Code.

#### VI. Costume

General principles:

- 1. The effect of nudity or semi-nudity upon the normal man or woman, and much more upon the young and upon immature persons, has been honestly recognized by all lawmakers and moralists.
- 2. Hence the fact that the nude or semi-nude body may be beautiful does not make its use in the films moral. For, in addition to its beauty, the effect of the nude or seminude body on the normal individual must be taken into consid-
- 3. Nudity or semi-nudity used simply to put a "punch" into a picture comes under the head of immoral actions. It is immoral in its effect on the average audience.
- 4. Nudity can never be permitted as being necessary for the plot. Semi-nudity must not result in undue or indecent
- 5. Transparent or translucent materials and silhouette are frequently more suggestive than actual exposure.

#### VII. Dances

Dancing in general is recognized as an art and as a beautiful form of expressing human emotions.

But dances which suggest or represent sexual actions, whether performed solo or with two or more; dances intended to excite the emotional reaction of an audience; dances with movement of the breasts, excessive body movements while the feet are stationary, violate decency and are wrong.

#### VIII. Religion

The reason why ministers of religion may not be comic characters or villains is simply because the attitude taken toward them may easily become the attitude taken toward religion in general. Religion is lowered in the minds of the audience because of the lowering of the audience's respect for a minister.

#### IX. Locations

Certain places are so closely and thoroughly associated with sexual life or with sexual sin that their use must be carefully limited.

### X. National Feelings

The just rights, history, and feelings of any nation are entitled to most careful consideration and respectful treatment.

#### XI. Titles

As the title of a picture is the brand on that particular type of goods, it must conform to the ethical practices of all such honest business.

### XII. Repellent Subjects

Such subjects are occasionally necessary for the plot. Their treatment must never offend good taste nor injure the sensibilities of an audience.

### Notes

Archival materials, personal interviews, contemporary newspapers, and other secondary works formed the research base for *The Dame in the Kimono*. The following notes provide sources for almost all quotations in the text; where only author and page number are listed below, the reader should consult the Selected Bibliography.

The authors have not cited—except when unattributed within the text—quotations from their personal (P) or telephone (T) interviews: Pandro Berman (T), 19 January 1986; Niven Busch (T), 8 December 1985; J.J. Cohn (P), Los Angeles, 23 May 1985; William Dozier (T), 11 May 1986; Philip Dunne (T), 3 November 1987; Rudi Fehr (T), 22 June 1979; James B. Harris (T), 16 September 1988; John Michael Hayes (P), Los Angeles, 14 May 1985; Stanley Kramer (T), 2 November 1987; Ely Landau (T), 19 May 1980; Arthur Laurents (T), 8 June 1986; Ernest Lehman (P), Los Angeles, 30 July 1981; Luigi Luraschi (P), London, 18 July 1985; Frank McCarthy (P), Los Angeles, 21 May 1985; Patrick J. Sullivan, S.J. (T), 16 November 1988; Daniel Taradash (P), Stillwater, Oklahoma, 4 April 1985; Jack Valenti (T), 18 November 1988; Al Van Schmus (P), Laguna Niguel, California, 18 May 1985, and (T), 2 July 1988; Jack Vizzard (P), Los Angeles, 14 August 1987; Robert M.W. Vogel (P), Los Angeles, 20 May 1985; Robert Watkins (P), Los Angeles, 12 August 1987.

The authors have generally not cited paraphrased facts and opinions; quotations from contemporary reviews or advertisements of motion pictures; quotations from novels or plays (for example, Gone With the Wind or Who's Afraid of Virginia Woolf?) on which films were based; or, unless otherwise indicated, quotations from the Production Code or from treatments, screenplays, or motion picture sound tracks.