THE NEW MOTION PICTURE RATING CODE AND ITS EFFECTS ON TEENAGE AUDIENCES

Thesis for the Degree of M. A.
MICHIGAN STATE UNIVERSITY
JAMES R. RESPRESS
1973

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ABSTRACT

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By

James R. Respress

The purpose of this study was to establish how effective the new motion picture rating code is in helping the teenager select the films he or she sees. The new rating code is directed toward children and teenagers up to the age of eighteen. The Motion Picture Association of America has emphasized that the code is extremely effective in shielding children from material not suited for them. This study will show quite the contrary in many respects. In addition to student and association views, this study deals with the theatre owner/manager, who has to bear the brunt of public pressure exhibiting films produced today.

The study is divided into six chapters. Chapter I is an introduction to censorship as it applies to the mass media in general, but with major emphasis on the entertainment motion picture.

The conception and rational for self-regulation in the motion picture industry in the United States from 1900

to the late 1950s is analyzed in Chapter II. The Motion Picture Producers and Distributor Association's self-regulation code, established in 1922, is also discussed in detail. Dramatic changes in the American motion picture is traced from the teens through the fifties.

The revolution of "new wave" films in the sixties and changes in the old motion picture are studied in detail in Chapter III.

The present motion picture Rating Code was established in 1968 and is studied and analyzed in Chapter IV. The association introduced the letters, "G," "M," "R," and "X" for the first time as symbols of a new rating game. The goal was to provide adults with a guide to movies that were suitable or unsuitable for children. A number of changes have been made since 1968 and are discussed in this chapter.

The methods of data collection and findings are reported in Chapter V. Questionnaires were mailed to 900 high school students in 30 states and to 106 theatre owners across the country. The results of the interviews and the questionnaires are summarized and objectively reported in this chapter.

The conclusions reached in the study are found in Chapter VI. They are as follows: (1) the Code is effective for approximately 25 per cent of all teenagers; (2) teenagers have no problem gaining access to restricted

films; (3) teenagers are aware of the Code and its meaning; (4) approximately 30 per cent of the parents utilize the Code in selecting films for teenagers; (5) a higher percentage of blacks prefer restricted films; (6) theatre owners are not pleased with the present rating system; and (7) many theatre owners fear prosecution from local and state officials for exhibition of restricted films.

The new motion picture rating system is still in use and is constantly being modified to meet its full objectives.

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A THESIS

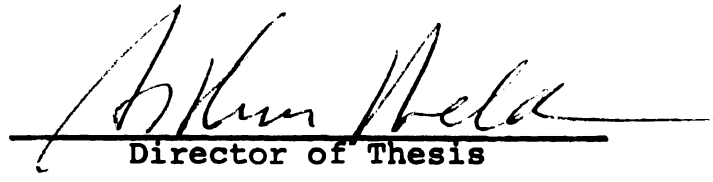
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CHAPTER I

INTRODUCTION

Since its inception some seventy-seven years ago, the movies have probably been the most attractive, popular, and worried over of all the media of communication. The movies' extraordinary power to capture reality and give it representation in the most simply understood terms has not only guaranteed this medium a large following, but convinced many persons that it has some special capacity for harm. This power of the film in our mass society has aroused a strong censorship interest that has loomed over the movies since their beginning in this country. There is no other medium, in my estimation, that has been subject to the intensity of the variety of moral measurements and restraints as have the movies.

The movies had somewhat of a stormy infancy, but an effective combination of state and local censor boards, organized religious pressure, and the film industry's own code of self-regulation succeeded in curbing much of the screen's potential for offensive and threatening depiction.

As a result of this combination, an entire generation of Americans grew up with the clean and wholesome "family" film; an artistically immature, morally safe, and highly profitable piece of entertainment. In the 1950s, this long life of stability and affluence was interrupted by two events that would eventually lead to radical change in the content of movies. One of these was the advent of television; the other, the inclusion of movies within the constitutional guarantees of free speech. Television had a devastating economic effect on the motion picture business. Television sets increased four-fold in the 1950s and theater admissions fell by 50 per cent. Television succeeded in displacing the movies completely as the prime supplier of American "family" entertainment. This left the movies to search for a new social and cultural identity as well as new income. Also, during this period of the early 1950s, the movies were acquiring a new freedom in the law. In the now famous Miracle, case, the United States Supreme Court held that the movies, which had never before been considered anything more than a business enterprise in the law, were a medium of speech entitled to protection under the First Amendment of the Constitution.

The industry should perhaps thank these two developments. Because of the results of the two, movies have never been freer in the eyes of the law nor more provocative in content. These new liberties and economic

imperatives have made possible films of quality and maturity that were all too uncommon before; but this new freedom opened the floodgates to unprecedented excesses of nudity, erotica, and violence. These elements have come to play an increasing role over the years, in movies produced for the general everyday audience: These have been aptly named "exploitation," "sexploitation," and the pseudo-masochistic features we have today. These types have become an established and gainful sector in America's film business.

Movies, unlike the other media, all of which are controlled to some degree by advertising, deal with a content that was previously limited almost exclusively to the elite channels of the hard cover book and the theater. The movies raised in a somewhat acute form, a larger question of how a free-speech society could co-exist with a mass democratic society. Popular sovereignty and unfettered expression, seldom mixing easily at any time, are particularly apt to be an unstable combination when the speech in question involves sex and morality, which touch so often upon elemental hopes, fears, and frustrations.

However, in our dedication to the proposition of democracy, we are allowed certain predilections. We may not be able to have freedom <u>at the expense</u> of responsibility, but we can and do love it more. This means, in the concrete, that whenever occasions arise in which it is

permissible to give the benefit of the doubt to one side or the other, our natural drift is always toward freedom; and because we are conscious of the tryannies of the past from which we sought to escape, we are willing to bear the consequences of many insults to the body of society so long as the liberty to act is not impaired. Restraints, now, even in favor of order, are always suspect.

From the above attitude, it is easy to rationalize self-indulgence. By a strange anomaly, we are in one sense a massively regulated people, whereas, on the other hand, we are steeped in self-gratifications almost beyond belief. For most of us, the maintenance of a middle ground is as difficult as trying to pick up a puddle of mercury between the tips of our fingers.

One thing is perfectly clear, however. In a climate of permissiveness, like the present, there is nobody of respected opinion that forms a consensus on the side of controls. Instead, one will hear remarks regarding the subject from both sides, be it congress or the film industry, that are very much like those coming from the general public. Examples of this type of thinking is prevalent in Washington with our government and with the Motion Picture Association personnel. Senator Margaret Chase (R-Maine) introduces legislation to curb the permissiveness in films with backing of religious organizations; on the other hand we have the Motion Picture

Association lobbying in Congress to keep the motion picture industry free of federal regulation.

One may be confronted, for instance, with the indignant demand as to "who is going to protect us from the protectors?" Built into the very marrow of our society is the answer to this shallow conundrum, that our remedy lies in a system of checks and balances.

In a like manner, it is said, "If it doesn't hurt them, it won't hurt me," meaning, of course, that what is sauce for the censors is sauce for the ganders. There is some merit in this thought. However, it is my feeling that it is not the state of the question. The problem is not with this scene or that, or with whether any particular individual is going to "hurt" anybody. An individual all that susceptible is probably going to be hurt anyway. No. The problem is with the cumulative process in which a tyranny is set up of sordid competition for lowest common denominators, in which writer is set against writer, and creative mind against creative mind in a contest first for the bold, then the shocking, then the sickly fringe, and then lastly the corrupt. It is degrading to society as a whole to be party to a race into the lurid.

It is also the nature of the Americans to repel any attempt by anyone to tell an adult what he can see or read. Aside from the fact that there is an improper amalgam here, since reading and seeing are not always the same thing, the point is more importantly a prime example

of poor thinking, in that it attempts to confound self-regulation with a dictatorial desire to regulate others. Even a child today could see that if the editor of the New York Times deletes certain news that he judges not fit to print, he is not thereby "telling adults what they can or cannot read." There is a certain fitness in what the editor does that is so obvious that it almost takes a deliberate act of naiveté to twist it out of shape.

More aptly, today, some will argue that the techniques employed by the movie industry are fatuously called "self-regulation." The argument could go as follows: "If Mike Nichols did not voluntarily make alterations in his own film, how can the editing of 'Carnal Knowledge' be described as 'self-control?'" There is only one flaw to the basic question. The film is not Nichol's. Surely it bears his signature, but that is what he has sold. Had he, in a spurt of altruism, put up his own money as well as his time and talents, then he would be completely at liberty to gamble with his very own product. But when he is only surrogate for the resources of others, then it is facetious for one to attribute to him the prerogative of ownership. The executive, who is the proxy for the investor, has every right to exercise quality controls directly or through designees, and this is properly called "self-regulation."

At the present time, management is using violent evasive tactics to avoid this function and is attempting

to put discretion back into the laps of the patrons. In place of the defunct Code, which served from 1930 through 1968, the Motion Picture Association of America has initiated a system of classification, whereby the motion picture industry claims it has discharged its obligations toward the public by "informing" it. The Motion Picture Industry has informed the public, "We will no longer be your babysitters."[40]

A new legal concept has been broached that may someday be applicable to this situation and that is the idea of "obtrusiveness."[2] According to this theory, to disseminate publicly material that is near pornographic and to make it both notorious and available, may be the equivalent of morally forcing it on the society. Some say that too much of a fuss is made about sex and not enough attention is given to violence, which is what threatens to destroy all of us. Those who argue this point will look back at our Puritan background and claim that the suppression of sex produced a psychological gap that had to be filled with something else and that something else was brutality.[2] A number of prominent social scientists say we are turning into barbarians. A little more pleasure in each other would make us more sentimentally disposed and would melt away the urge for violence. Perhaps this is why it was taken up, as a last resort, by the "flower children" of our generation. But the contradiction of the whole idea lies in the fact that today, when we have more

freedom in the area of sex than ever, not only in books, magazines, the theater and the screen, but in our private lives as well and even in the attitudes toward homosexuality and other forms of "non-normal" sex, we are at the same time more violent than ever before, with unrest in our schools and streets, with assassinations, and the Vietnam War. The malignancy that we feel is ours is global and afflicts countries that can never be accused of having been puritanical. Had not the psychiatrists been trying to warn us and to tell us that violence is sex, only extended; and that sadism and masochism are only sicknesses in the order of sexuality. The common denominator between sex and violence may very well be self-indulgence. This is what they both seem to share.

The new classification system, which was founded in November, 1968, and rates all films "G," "PG," "R," or "X," in terms of suitability of the material for various levels of audiences has created a scheme in which just about anything is possible in motion pictures. Jack Valenti, who introduced this system, is a realist and knows this system is imperfect and emphasized it in a article written in Harper's Bazaar, that,

> You cannot get perfection in this work, my friends. The rating system is not perfect. No program that deals in subjective opinion can ever be 100 per cent correct. But the rating system is the sanest approach free men can devise to inform parents about the suitability of movies for their children. Our concern in the motion picture industry is to give information to parents and young people, so that parents can help their children in their movie going decisions.

> That is the sole objective of our film rating program . . . that adults are deemed capable of making their own decisions on attending movies is a principle basic to the entire American democratic system. The ratings do not suggest whether a movie goer may like or dislike a picture. Who could determine that except the individual? Pre-digested opinions exist only in dictatorships.[35]

There is definitely a gap that involves the public and the movies today. Perhaps it can be stated through a question which comes mainly from older persons. "Why can't we have movies like we used to have when I went to the theater all the time?"

Many of these same persons seem aware of the sharp edged changes that have occurred over the past decade in other phases of American society. Yet, they still look upon the movie as it was perhaps twenty to thirty years ago. The truth is, the movies could not stand still when the world was moving.

A study on the new rating system was completed in 1970 by Richard Randall of Wisconsin. Randall's contention in this study was that enforcement of the age restrictions on admission to rated films was the weakest link in the new rating procedure. Randall's study dealt with the teenage audience in New York City and in his findings, several facts were revealed in regard to the system. The first: teenagers do gain admittance to R and X rated films unaccompanied by adults. Secondly, theatre personnel such as ticket sellers, doormen, and some managers tolerate the system and allow the underaged to see restricted films.

Third, Randall found a high level of "self-enforcement," of the age restriction on admission to R and X films by teenagers themselves.

But Randall's study is a limited one. The present researcher, who has a deep interest in motion picture exhibition practices, wished to expand it into the wide-open area which Randall left unexplored, and which has not been examined by theirs.

It was my desire to find out what teenagers across the country were thinking when using the code to select their films. The code is aimed at the parents in hopes that it will help them in selecting films for their youngsters. But, a visible symbol (G, GP, R, X) is tagged on to every MPAA rated film and in actuality the last two, R and X, are prohibited films for most teenagers. Did the teenagers use this new code for selection of films or was it an added frustration to the already frustrated teen? What other outside influences affected their movie selection--parents, religion, self-enforcement, theatres, etc.?

In addition to the students, theatre managers/owners seemed to be creating some problems by not supporting their own system of self-regulation. A research project in itself could be done on theatre exhibitor problems; but the present study confined itself to areas including understanding of the code by parents, the manager's policies on admission to R and X rated films, changes they would like to see in the system, etc.

In approaching this problem and ways to properly gather data, the mail questionnaire was selected on the basis of cost, and favorable attitude of school administrators who cooperated in the first test of the questionnaire. A total of 900 students were questioned in the survey across 30 states. Theatre owners numbered 106 located in all 50 states.

This study also solicited views of Motion Picture Industry personnel in person and by correspondence. In addition to a large number of local theatre managers interviewed a number of high school students in the Lansing area were interviewed.

This research was compiled and written in the Lansing, Michigan area, and theatres mentioned are located in the Lansing market. In addition to theatres named, specific film titles are given. These films played theatres in the Lansing area during late 1971 and early 1972.

CHAPTER II

HISTORICAL BACKGROUND

The unveiling of movies in America, if one attempted to fix it with any precision, would probably be on April 14, 1894, when Thomas Edison's Kinetoscope made its commercial debut in a Broadway parlor in New York City.[5] By 1896, the Kinetoscope was expanded by a device called the "magic lantern." Under the original design only one person could peek into the machine and see the movie. The lantern allowed the "movies" to be projected on a screen and allowed a much larger group to watch.

The movies began their debut on the American scene by filling out Vaudeville shows or were added as added attractions with carnivals and amusement parks. Movies began to expand rapidly around 1902 and every sizable town in this country had its own five-cent theatre--the nichelodeon.

The early American films, or any produced during this period, simply depicted motion rather than attempting to tell a story or convey an idea. Though not very exciting the people thought they were sensational. A kiss

by May Irwin and John C. Rice ran fifty feet and thrilled thousands, but was decried as a "lyric of the stockyard."[4] This type of excitement stirred the movie makers by showing them the direction in which huge profits might be made. In 1903 The Great Train Robbery led the way to longer films which in turn opened the door to a tide of lurid westerns and slapstick comedies.[16]

Ventures into exotic subjects were attempted, and the sensationalism of a few of these productions focused moralistic attention to the new medium. Also, during this period (1903-1904), with the screen achieving a steady audience which was being drawn largely from the working classes and immigrants in the cities,[8] the film mediums' potential for molding the thoughts and actions of the masses became disturbingly apparent to many persons. Nor did discord within the industry do anything to improve its image as cut-throat practices frequently bordered on criminal behavior, with accusations of theft and pirating not uncommon.[26] Movies were being increasingly as a disreputable and possibly subversive enterprise.

The first recorded protest against a movie, involving an entertainment film called Dalorita in the Passion Dance, which according to the January 22, 1962 issue of Variety was the rage of the peep-show parlor on the Boardwalk in Atlantic City. This occurred only two weeks after Edison introduced his Kinetoscope. The

pantomine of a bride's wedding night preparation was closed down by a court order in New York, with the judge denouncing it as an "outrage upon public decency."[4] In 1901, the Children's Society of New York brought about the arraignment of a theatre manager because his establishment was allegedly packed with youngsters watching The Great Thaw Trial. In 1902, a group in Rhode Island, members of the Murphy clan, threatened to descend on a Providence theatre and close Murphy's Wake, which featured an inbiding "corpse" in the title role.[18] In 1903, the mayor of New York attempted to close all nichelodeons as immoral places of amusement.[4]

In 1900, the moral views of very large segments of the American populace and the clerical ban imposed by some protestant groups upon movie going were concentrated almost entirely on the subject of sex, although the portrayal of gambling and drinking and other vices was regarded as objectionable. Discussions of sex and exposures of feminine limbs were strictly taboo, and for women and girls to appear on the stage in low-necked evening gowns was accepted in most homes as prima facie evidence of "looseness," to use one of the mildest phrases of the period.[5] Stage girls presenting themselves in tights were past redemption; one-piece bathing suits were unknown either in the legitimate theatre of the period or on the beaches; even ballet dancers and chorus girls wore corsets almost as stiff as armor plate.[5]

However, so insistent was the hunger for entertainment and the desire for the delights of play-acting, that as the nineteenth century drew to a close more and more young people, broaderminded and more daring than their forebearers, crept through the barriers erected by religious prejudice and enjoyed for themselves the plays presented by repertoire troupes. "Uncle Tom's Cabin," accepted as an exception to the evils of the stage, was a powerful factor in ameliorating the clerical attitude. Even rigid Baptists, Methodists, and Presbyterians approved of its propoganda against slavery and permitted themselves to enjoy the emotions aroused by "Uncle Tom" troupes that played around the country.[16]

Throughout the 1890s church restrictions were relaxed--not formally by the authorities, but informally by the members[27]--so by 1900 Americans were restlessly searching for entertainment. They knew they wanted something; but they did not know what the something was, they merely knew it must be enjoyable and the price must be low. They had welcomed the phono- and kineto-parlors as places of amusement within reach of them economically; and when moving pictures reached the "show shops," [a term given to some of the small nichelodeons that would hold about ten people] the masses soon overcame their suspicions of dark rooms and their skepticisms of the showmen's treachery, and flooded the ticket-sellers with their dimes and nickels.

Sex pictures were unknown in American studios during this early period in America, though some European studios were experimenting with this taboo subject in 1906.[20] Any film touching on sex, to be exhibited in the United States had to convey a wholesome, moral lesson.[22]

Several states made official attempts to curb movies. The first attempts employed local business-licensing laws. In Delaware, owners of movie houses were subject to heavy license fees on the ground that their business constituted a "circus" within the meaning of existing statutes.[15] A similar result was obtained in New York, where movies were grouped with "public cartmen, hawkers, ticket speculators, and bowling alleys."[26] In Deer River, Minnesota, an annual merchant's license fee of $200.00 was deemed not excessive for a town of 1,000 because movie houses were "among those pursuits which are liable to degenerate and menace the good order and morals of the people.[15]

It may be said that these early and sundry measures failed either to have much effect on the content of movies or still the protests against them. Local censorship of films was introduced in 1907, and in 1909 the first tentative attempt at a national system was begun.[4] In December, 1908, Mayor McClellan of New York ordered police to close every movie house in New York City. This attempt was annulled by a court injunction, but in an attempt to forestall any further such action in the future the

People's Institute, a body concerned with social research and adult education, agreed to review films and allot classification marks or symbols.[28] The Institute set up an advisory committee which the film producers (all production was still being handled in the east) organized in the Motion Picture Patents Company and pledged themselves to obey, subject to the right of appeal to the General Committee of the Institute.

The advisory committee, which began work during 1909, was called the National Board of Censorship.[28] Its decisions and its seal were used in New York and all over the country, although after a few years it ceased to have much effect. The Board's attitude from the beginning was firmly against any type of formal censorship and in turn devoted much of its energies to combating censorship proposals, both federal and state. Its preview policy was largely linked to a campaign for better films and it consequently tended to concentrate more on classification rather than censorship. This attitude was crystallized in its change of name in 1916 from National Board of Censorship to the National Board of Review.[27] It became a purely previewing board issuing lists of films in various categories for the guidance of subscribers and the public.

The Board in 1920 promoted a model ordinance providing that cities and states should not allow films to be shown which had been banned by the Board. New York State adopted this model and Florida followed suit in 1921,

but had to drop later when the state found it unconstitutional.[27] The Board was not strong enough to overcome the growing pressure from more public organizations for more official censorship. The Board's official censorship function was taken over in 1922 when Will Hays took office as head of the Motion Picture Producers and Distributors of America (MPPDA).[13]

Prior to Hays' taking office the story of self-regulation in the American film industry was one of confusion. The National Board of Censorship relied on voluntary agreement for the observation of its rulings, but this was not strong enough to cause any appreciable difference in the type of film shown or in the attitude of the censorious bodies attacking the industry.

The National Association of the Motion Picture Industry, set up in 1916 as part of the industry's campaign against censorship, brought forth in 1919 a constitutional amendment providing for freedom on the screen.[13] This constitutional amendment was defeated in Congressional Committee, and in turn the association suggested that they censor themselves [producers]. This resulted in the publication in March, 1921 of the "Thirteen Points," a list of subjects most frequently objected to by censor boards throughout the country.[13] The thirteen points were intended to exclude scenes from pictures:

1. Dealt with sex in an improper manner;
2. Were based on white slavery;
3. Made vice attractive;
4. Exhibited nakedness;
5. Had prolonged passionate love scenes;
6. Were predominently concerned with the underworld;
7. Made gambling and drunkedness attractive;
8. Might instruct the weak in methods of community suicide;
9. Ridiculed public officials;
10. Offended religious beliefs;
11. Emphasized violence;
12. Portrayed vulgar postures and gestures; and
13. Used salacious subtitles or advertising.[13]

But without the machinery to enforce them, the "Thirteen Points" remained only a pious hope and weak bargaining counter in the campaign against censorship waged in America by the Association.

Back stepping to 1916-17 for a moment; World War I had broken out and with the transfer of hundreds of thousands of American servicemen to France, left scarcely a family in America untouched, the thoughts and desires of ordinary life were superseded by serious considerations of the tragic drama in progress "over there." The spontaneous, enthusiastic, lighthearted adoration of movies gave way to acceptance of the screen as a means of relief from

the worries and the horrors of the day. Movies here to date had been an entertainment; now they became an emotional safety valve. People looked to the theatre as to an old friend who would give them relief from heart-aching and the screen, always sensitive to public feelings, responded with films glorifying the participation of the American soldiers and their allies in the struggle. The families of soldiers were comforted and sustained by romantic portrayals of the heroism of their loved ones in the trenches, and they fairly clung to the screen in the dark days of 1918, when the lists of dead, wounded, and missing brought their quota of pain into an increasing number of homes.

Many turned to the screen for entertainment, but those producing for the screen were having many problems during this period also. During the World War I period the demand for film features was extremely high. Many of the larger film companies attempted to purchase only the best scenarios for production, often amateur scenarist would send in scripts that were rejected, later they would see films which they thought resembled their rejected manuscript and assumed that the movie company had swindled them. Others, less innocent, brought suit for plagiarism against producers, and to avoid litigation and unpleasant publicity, the producers fell into a habit of settling such cases as cheaply as possible. This was, in effect,

submission to blackmail, and the producers soon found themselves involved in cases which could not be settled simply. A good example of this is when a woman in the south brought the situation to a head by declaring that C. B. Demille and Jeanie MacPherson had stolen from her the plot for the "Ten Commandments" and demanded several thousand dollars in damages. The integrity of the lady was undermined and the whole thing cost Demille $20,000 to clear himself.

By 1922, the pressure was becoming acute. Already four states had enacted film censorship statutes: Pennsylvania in 1911,[28] Kansas and Ohio in 1913,[2] and Maryland in 1916.[15] In 1921 Florida passed a law requiring all movie theatres to conform to the rulings of the National Board of Review in New York (ruled unconstitutional in 1922).[28] Also, in 1921, New York passed a film censorship act against the combined opposition of the National Board of Review and the National Association of the Motion Picture Industry.[15] In August, 1921, as the New York Censorship Board began its work, Senator Myers, from that state, introduced into the United States Senate a resolution requesting the Senate Judiciary Committee investigate the political activities of the film industry arising out of the state legislature by the National Board of Review and the National Association of the Motion Picture Industry in connection with censorship proposals.[4]

During early 1922, censorship bills were discussed in thirty-six states.[2]

By December, 1921, the film industry had become sufficiently alarmed to ask Will H. Hays, Federal Postmaster General and well experienced in politics, to head a new organization which would embrace mostly the industry and control the type of films produced. Hays said he would give the offer serious consideration.[16]

Few people, however, realize the importance of the year 1922, which marked the formation of the first trade association of the motion picture industry; namely, the Motion Picture Producers and Distributors of America, Inc. The abuses bringing this organization about may be inferred from the report made by the Cleveland, Ohio Chamber of Commerce dealing with motion picture censorship;

Early in 1922, the producers and distributors of motion pictures, realizing that the moral tone of their productions must be raised in order to retain continued public approval, organized an association known as the Motion Picture Producers and Distributors of America, Inc. The honorable Will H. Hays, then Postmasters General, resigned his position in the cabinet and became president of the new organization on January 14, 1922. Its purposes, as set forth in its articles of Associations is as follows:

> The object for which the corporation is to be created is to foster the common interests of those engaged in the motion picture industry in the US, by establishing and maintaining the highest possible moral and artistic standards in motion picture production by

> developing the educational as well as the entertainment value and the general usefulness of the motion picture by diffusing accurate and reliable information with reference to the industry by reforming abuses relative to the industry, by securing freedom from unjust or unlawful exactions, and by other lawful and proper means.[29]

Hays foresaw difficulties in maintaining the actual allegiance to the Association of its member companies and to be required as a term of his acceptance that the member companies should be bound together, to the Association, and to Hays personally, by a complex system of interlocking contracts which in effect prevented members from resigning and gave Hays practically dictatorial powers.[16]

Also, in 1922 the Federal Council of the Churches of Christ in America issued its first critical pronouncement against the motion picture industry in an article entitled, "The Motion Picture Problem" by Charles N. Lathrop.[5] In this article Mr. Lathrop argued for a written definition of what constituted immorality in films and for some way of bringing pressure to bear upon producers. He also felt, Civic groups differed too much among themselves to be effective; even the most intelligent members of the groups conferred that producers had divergent opinions; and parents disagreed upon the films which might to harm to the morals of their children. Under these conditions, the only solution was some statement of principles to which the producers might be made to subscribe.

The industry had acted none to soon. Another state, Virginia, had passed a censorship statute while the

MPPDA was being formed, and a tremendous amount of censorship legislature had been introduced in various state legislators.[2] Hays decided that of the states which had bills pending, Massachusetts was the most important, and he embarked on a fierce campaign to defeat its bill. Hays put forth the argument against state censorship and in favor of self-regulation; he sent out agents to make the industry's viewpoint to the press, to public meetings and to citizens' groups.[24] All of this had such good effect that Massachusetts rejected the proposed censorship bill by 553,000 votes to 208,000 in a referendum held November 10, 1922.[2]

The Massachusetts success had the hoped for result. Apart from some minor provisions in Louisiana and Connecticut, no censorship law was passed in any other state.[16] The motion picture industry, with this victory, had won its breathing space, but it still had to justify the aims of the MPPDA, for although public pressure was checked, it still existed and there was no likelihood of it allowing the industry to retain its previous anarchic freedom.

Five years were destined to pass, however, before Hays realized that he needed more than the original "Gentleman's Agreement" to enforce the thirteen points established by the old National Association of the Motion Picture Industry Committee in 1921. In the period of five years from 1922-27, the spate of novels, plays, and films

inspired by the new morality of the Jazz Age, and the private lives of famous film personalities, gave greater scope to the censorious reform groups.[16] Hays' first positive step to combat this was the "Formula." This was a resolution passed by the Board of Directors of the MPPDA February 26, 1924.[16] The preamble read as follows:

> Whereas, the members of the MPPDA, INC., in their continuing effort "to establish and maintain the highest possible moral and artistic standards of motion picture production" are engaged in a special effort to prevent the prevalent type of book and play from becoming the prevalent type of picture; to exercise every possible care that only books or plays which are of the right type are used for screen presentation; to avoid the picturization of books or plays which can be produced only after such changes as to leave the producer subject to a change of deception; to avoid using titles which are indicative of a kind of picture which should not be produced, or by their suggestiveness seek to obtain attendance by deception, a thing equally reprehensible; and to prevent misleading, salacious or dishonest advertising. . . .[22]

The members of the association undertook not to produce, distribute or exhibit any films by whom so ever made which "because of the unfit character, title, story, exploitation or picture itself, do not meet the requirements of this preamble."[22] There were no sanctions and the only requirement for implementing the resolution was the requirement that all plays, novels, and stories should be submitted to the MPPDA before they were filmed.[22] Although the Hays Formula created a tentative control over scripts, it was not very effective and the strain was increased still more when sound was introduced in 1926. The filming of Somerset Maugham's Sadie Thompson

and Sidney Howard's They Knew What They Wanted was announced by the producers as being without the approval of the MPPDA.[16] This lead to other plays and novels being produced which had been rejected by the MPPDA, The Plastic Age, The Constant Nymph, and White Cargo were produced by non-members of the MPPDA,[16] but were not shown in theatres controlled by member companies of the MPPDA.

The pressure on the Formula and the need to keep a permanent eye on the producers in California caused Hays to send his top man, Colonel Jason J. Joy, out to Hollywood in December, 1926 to form a Studio Relations Committee.[22] This committee was attached to the Association of Motion Picture Producers, Inc. [AMPP], an independent organization set up in 1924, comprising at that time eleven companies which were members of the MPPDA and one which was not.[16] The AMPP was an organization of producers and had no formal relationship with the MPPDA, but because it was composed of the studios; i.e., the actual production centers, Hays found it more effective to work through the AMPP.[22]

Joy established contacts with the studios and advised them on the attitudes of censorship boards around the nation. This was so effective that on June 8, 1927 that members of the AAMP agreed to a resolution incorporating the thirteen points and new self-imposed regulations in a contract which was signed by all producers then

members of the association.[37] This resolution was (in substance) as follows:

The Association of Motion Picture Producers, Inc., with the MPPD of America, resolved that since the sphere of influence of motion pictures had so widened and the standards of production so improved, they would adopt certain standards for the further improvement of films and for service to society. To accomplish these ends, they would exclude:

1. Profanity
2. Suggestive nudity
3. Illegal drug traffic
4. White slavery
5. Miscegenation
6. Venereal disease
7. Childbirth
8. Ridicule to the clergy
9. Willful offense to any nation, race or creed.

Also included was care in the treatment of such subjects as the flag, international relations, religion, arson, use of firearms, all types of crime, brutality, third degree methods, capital punishment, sympathy for criminals, attitude toward public institutions, sedition, sex relations of any kind, surgical operations, use of drugs and law enforcement or enforcement officers.[22]

A total of seventeen studios signed the resolution, undertaking the responsibility of carrying out its provisions in good faith.[32]

These lists came to be known as the "don'ts and the be carefuls," and Joy continued to consult with the studios about their implementation. But, as before, the lack of enforcement detracted from the usefulness of the lists except as window dressing. In January, 1929, Joy sent a memo to Hays outlining the short comings of the existing system.[13] They were:

1. Less than half of the members of the AAMP were co-operating.
2. Some companies did not carry out or enforce Joy's recommendations.
3. There was no system of previewing films to make sure that modifications ordered by Joy's office had been carried out.
4. "Ad libbing" could not be controlled by Joy.
5. The "don'ts and be carefuls" were negative.

As a result of this memo, work was begun on the drafting of a new code, based on the don'ts and be carefuls, by Martin Quigley, a Catholic publisher, and Daniel Lord S. J., which was completed and submitted to the producers in Hollywood in February, 1930 and ratified by a meeting of the directors of the MPPDA on March 31, 1930.[27]

The code was a list of prohibitions rather more elaborate than its predecessor, and enforcement was more efficient. The members of the AAMP resolved that every film produced by a member company should be submitted to the Studio Relations Committee before being sent to the labs for printing. If the film violated the code, the producer was required not to release the print until the necessary changes were made. An appeal by a company or producer were sent to a jury of three members of the AMPP Production Committee which comprised seventeen studio executives--one from each member company. This committee was later called the Hollywood Jury.[22] Any appeals from the jury went directly to the Board of Directors of the MPPDA. In December, 1931 the Studio Relations Committee was given power itself to appeal from the Hollywood Jury to the MPPDA[13] (previously, appeal could only be made by producers), but in any case this was not very important since the jury was seldom used. It was used ten times in a three year period. The Studio Relations Committee never exercised this right.[13]

In 1932, Colonel Joy left the Hays office and was replaced by James Wingate, who was in turn replaced by Joseph I. Breen in November, 1933.[16]

Everybody in the business of making pictures was resolute in his determination that the code should be upheld--by the other guy. The country was slowly sinking under water into the great Depression, the studios were

disintegrating into bankruptcy, a buck was hard to come by, and if people wanted a speck of titillation, well, what the hell, a laugh in a time like this, and a person needed it to keep from going crazy. If this is what the people wanted--a little excitement or a little raciness-who was going to say he could tell the great American public what it could or could not see?

Jason Joy never had the full cooperation of studio executives and often in his trips across the nation, had a tendency to influence the censorship issue that his organization was attempting to control. An article in the July 13, 1932 issue of The Christian Century described a trip Joy had made to various censor boards of the country and his success in persuading them to accept such gangster pictures as Scarface. According to The Christian Century's October 14, 1933 issue, Colonel Joy had neglected to state that censor boards had been established to protect children from just such pictures. The following excerpts speaks for themselves:

> "The Strange Love of Molly Louvain" and "State's Attorney" were passed by some of the boards only after earnest consideration and discussions with us. In each of these were representatives of public offices mixed up with sex items. . . .
>
> The number of such [that is, sex] pictures in any one period should be determined by their acceptability upon the part of the audiences. An overdose of this theme is bad economics--a word which needs no emphasis from me. . . . Risque situations, double entendre, and exposures to titillate the audiences . . . should be reserved for the naughty farce and light comedy types of stories. Over-exposure, particularly of the female figure, should be "selective" and not general in its

> use. . . . The partial exposure of Jane's breasts in an early sequence of "Tarzan" puts us "on the spot" with the censors. . . . It was not a flagrant exposure in itself but was assumed to have been deliberately dragged in to titillate the audiences (and build her up to stimulate the sex instincts of Tarzan). On the other hand . . . the rather complete exposure of Ivy Parson in her bedroom scenes in "Dr. Jekyll and Mr. Hyde" was expected as being legitimate. . . .
>
> I did not neglect to discuss with the censors the score or more of pictures . . . which have not yet been presented to them. I am sure that these visits have helped to prepare a more favorable reception for them. . . . Every censor seemed prepared to pre-judge unfavorably such pictures as . . . "Street of Women," "Week End Marriage," "Westward Passage," and "Merrily We Go To Hell." . . . In the case of some of these pictures the censors are now, because of my description of the producers' plans, really looking forward in favorable anticipation. . . .
>
> I urge that . . . the temptation to inject relatively unimportant censorable material in pictures <u>be foregone until times are better</u> [italics ours]. . . .
>
> A man of ability, character, and personality has been added to our New York office to assist your representatives in dealing with the various censor boards in the east. We will supply this man . . . with every argument that occurs to us as being helpful on each picture as it is shipped. . . .

<u>The Christian Century</u> went on to say that if any reader wishes to render a practical service in the cause of better movies, he will take this column and bring it to the attention of his nearest board of censors. It may enlighten them to learn how the Hays' office regards them and proposes to get by them.

Jason Joy's ride was short and sweet. He was absorbed into an elegant job at 20th Century Fox, and a successor was picked from the ranks of the opposition. The Industry reached into the most powerful censoring body in the country, the New York State Censorship Bureau, and selected a Doctor James Wingate.[13] Wingate soon took

refuge in the Hollywood Athletic Club where about all he was allowed to do was work out on the barbells. The Industry went plunging along making the Little Ceasars and the Mae West epics as if nothing had happened.

Before progressing further with changes in self-regulation in the motion picture industry lets digress and take a look at the trends in films from the end of World War I through 1930. One will be able to observe these trends and how they would arouse the local, state, and federal advocates of censorship into action to stem the tide of immorality in movies.

World War I changed the thinking of many Americans, this was especially true with troops returning from the war. Bolshevism was the new home theme and a steady and emphatic stream of movies pointed out the need for laborer and employer to get together and cooperate against their mutual foe. The movie The Right to Happiness posed the question, "Which would you rather have in this country--destruction under the Red flag or construction and co-operation under the American flag?"[16] This was only one of the films that suggested that a post-war industrial nation settle down. Also, in the 1919-21 period, the pre-war type of movie, with its emphasis on religion, parental love, self-sacrifice, duty, devotion to home and family, and contentment with one's lot, was making its last stand in such films as Humoresque, Madame X, The Little Shepard of Kingdom Come, Way Down East, Broken Blossoms, Over the

Hill, and Eyes of Youth.[16] Their values were based upon virtues soon to be mocked and openly defied in the Jazz Age.

The new materialistic standards and the rebellion against out moded dogmas were first manifested on the screen in two signal "hits" of the blundering post-war year of 1919, The Miracle Man and Male and Female.[16] The Miracle Man frankly and shockingly depicted the hero (Thomas Meighan) as a racketeer and crass materialist who seeks only easy graft. The film openly acknowledged sex magnetism and the "sheer brute instinct which holds Rose to Burhe."[5] Such outspokenness and emphasis on sex were indicative of the new frame of mind, which dealt in "essentials." The exposure of racketeering, a new phenomena in American life, with its exploitation of honest people for selfish ends, was in itself a significant disclosure of popular interests. Despite the spiritual note on which the film closed, The Miracle Man was a patent of the new, hard order of things in which principles were being discarded for material things.

Even more suggestive of the new era was the significantly titled Male and Female. The film was an adaptation of James Barrie's The Admirable Crichton,[16] it related the intimate adventures of a lady and a butler on a desert isle. The main stars were Gloria Swanson and Thomas Meighan.[16] The film emphasized the supremacy of sex over

class barriers, condoning marital infidelity, "spice," and sensation for their own sake. More doing in its subject matter than any other picture Hollywood had produced, bolder in its attacks on the genteel tradition, this film ushered in the new movie showmanship. Throughout it played on the audience's senses with luxurious settings, cave-man love scenes, and sensual display. Cecille B. DeMille, the director, pointed out, "The ruined woman is as out of style as the Victorian who used to faint."[28]

In the years 1919-30, hundreds of films like The Miracle Man and Male and Female, attacked the genteel tradition, flaunted sex, advocated new morals, condoned illicit and illegal relationships, set up new ideals, established a new tempo in living, and broke down pre-war class distinctions with the new emphasis on money, luxurious, and material success.[16] Refinement went out as aggressiveness came in. Films set the pace for the nation as cynicism and disillusionment marked the gradual decline of an old order and the upsurge of a new.

The breakdown of the old order on the screen was signaled first and most markedly by the pictures of Cecil B. DeMille which condoned the loosening of marriage bonds and questioned responsibilities until now conceded to be necessary in home life.[28] The promiscuity and new attitude toward marriage presented in Male and Female were carried further in his series of domestic dramas that reversed the previous moral order. Don't Change Your

Husband (1919)[16] told how a young and beautiful wife (played by Gloria Swanson), goes to the seashore to arouse her neglectful business-engrossed husband played by Elliot Dexter. While there Swanson meets a "home wrecker," played by Lew Cody, and divorces her husband to marry him, only to discover he nags her constantly. They stay married for five years and encounter financial problems. Her former husband has become very successful in the meantime and on meeting, they become reconciled and remarry. Ostensibly an argument against divorce, the film promulgated the new notions that a woman had a right to break her marriage bonds as she saw fit.

Other DeMille films, For Better, For Worse (1919), Something to Think About (1920), Why Change Your Wife (1920), Forbidden Fruit (1921), The Affairs of Anatol (1921), Fool's Paradise (1922), Adam's Rib (1923),[16] formed a glittering array of problem plays of sex intrigue among the wealthy. These films disregarded the sanctity of the home and of woman's duty, at all costs, to be a loyal wife and mother, and subordinated all problems to the new major interest of the Jazz age, sex.

Reinforcing these DeMille films were the hundreds of domestic dramas by other producers that stemmed from these, all tended to emphasize the importance of love in marriage and woman's right to independence. Wives became the heroines in all sorts of situations. Movies taught

them to keep up their appearance and "style" after marriage, convinced them then that they had the right to love and attention after marriage, and finally began to suggest that legal bonds should not prevent wives from having an independent life of their own. Films such as Bluebeards Eighth Wife, Other Men's Wives, Scrambled Wives, The Marriage Flapper, and Week-end Wives[16] mirrored the increasing daring and independence of the women engaged in flirtations and growing ever more astute in using "her chastity as a fence between her and men."[24]

A new note in continental sophistication and marital laxity was brought to the screen in the films of Von Stroheim, His films were sly thrusts at traditions and sentiments, and their gleeful acceptance by the public indicated how rightly attuned they were to the national state of mind, despite the March 1922 issue of Photoplay Magazine[3] which said Stroheims "foolish wives" was "an insult to every American." Von Stroheim did not treat sex so frivolously as other directors, the underlying tone of even his lightest works was earnest.[28] His insistance upon sex as a serious matter to be openly acknowledged rather than mockingly and teasingly exhibited was one of the reasons for the vast amount of antagonism, and praise, that his films inspired.

As the importance of love in marriage grew and sex became ever more predominant, films began to emphasize

that disappointment and repression in marital relations were valid reasons for a married woman to have a fling at love and romance. Marriage became an open sesame to freedom rather than a responsibility.[5] Elinor Glynn became the popular author of the day, and her novels were adapted regularly to the screen. Three Weeks,[16] perhaps the most popular of the movies based on her work, told the story of a queen who, bitterly disappointed in marriage, allows herself one romantic interlude. This film opened the door to hundreds of similar movies which thumbed their noses at "Victorian" codes as they justified adventures outside the bounds of marriage.

Story-book films, such as The Shiek, The Mark of Zorro,[16] grew fewer in number as the Jazz age wore on and America grew more hardened and reckless. The farcical treatments of situations that would have been tragedies in pre-war days no longer appeared shocking, and movies had to become even more daring if they were to titillate their audiences. Marital fidelity was now even ridiculed; adultery and philandering among mature married people were not only frankly condoned but made fashionable and attractive.

Lubitsch's films in particular were attuned to this attitude.[28] In risqué and teasing terms his films all dealt with the flirtations and playfulness of the rich and carefree. Lubitsch's characters were always mature men

and women of the world who engaged in their little games with full knowledge of what they were doing. Sinfulness was now a spicy social sport rather than the road to a dire fate. Films such as The Marriage Circle, Forbidden Paradise, Kiss Me Again, and Lady Windermere's Fan were high-water marks of this movie fad.[16] The Marriage Circle with its humor and its sophistication, portraying the promiscuity in high society between other mens' wives and other wives' husbands, all engaging freely in the interplay, became a model for other movie makers and even for the natural way of living.[16]

One film of the era, bluntly called Sex moralized, "don't do anything to another woman's husband that you would not have done to your own,"[16] and included the usual scenes of "wild parties, amorous adventures, and--despite prohibition--drinking orgies."

In such films marriage as an institution broke down completely. Desires for family life and its responsibilities were looked upon as old-fashioned. The woman in the house became a whimsicality,[9] and wide-eyed Mary Pickford an emblem of the past. Marriage was regarded as a license for escapades, divorce was viewed as the path to even greater freedom. Divorcees and widows, like wives, were considered far more interesting than young girls. The new films of the era often time and time again showed divorcees victorious in their lives despite their unconventional position in society. The Impossible Mrs. Bellew and

Divorce Coupons were two of the films that glorified the divorcee.[16] Divorce was also offered as an excuse for frivolity and excitement in such films as On to Reno, Reno Divorce, and Beware of Widows.[16]

Once marriage and the home had broken down on the screen, there was a breakdown in morals all along the line. Impropriety, promiscuity, illicit sex relations, and bad manners generally were shown as prevailing among married and unmarried alike.[21] Movies of the Jazz Age reflected the vogue of hip flasks, cocktail parties, speakeasies, petting parties, necking, recklesness and defiance of all laws, written or unwritten. Morality having been proved to be a useless asset, lovemaking and excitement for its own sake became the chief pursuits of the nations, at least in the nation represented by movies.

Thus DeMilles' remarkable set of Jazz Age films helped to set new styles in social behavior and reflected the new standards of living. The old order crumbled away entirely. The screen became flooded with dancing mothers, flaming youth, jazz babies, cake eaters and flappers. Revolutions in etiquette, culture and conduct generally broke out in this new film domain of electrified apartments, seductive bath tubs, hilarious speakeasies, etc. Movies, like the tabloids and sex and confession magazines of the era gave their all to the task of giving America sensations.

Movie producers tried to out do each other by adding more "hot mamas," bathing beauties, and Volstead Violators. Modesty and virginity became absurd as love-making took on the appearance of a wrestling match.

Films also featured the lust for youth as beauty packs, bobbed hair, and short skirts were essential in pictures. Films flattered the masses' new taste for finery and culture, fed the romantic desire for "freedom," and stumped for the necessary business psychology of the day by demonstrating the great American dogma that any man can achieve success by high-pressure salesmanship.[11]

The mockery of ethics, of the old "inner goodness" of the film heroes and heroines, was paralleled by the new regard for material object. A burning ambition to be identified with the rich, a deep reverance for material goods, characterized American attitudes. Such things as silk stockings, country clubs, resorts, sports, college were paraded across the screen in films such as Brown of Harvard, The Quarterback, and The Flirt, which were typical of films dealing with "higher learning."[28]

The worship of money, hard-boiled materialism, irresponsibility, living for the moment and violent lust for excitement found a background for the large-scale racketeering and other criminal activity that broke out after World War I. At first movies featured racketeering and crooks for their dramatic possibilities, blaming

crime on personal afflictions, annomosities, and the desire for sheer adventure. Lon Chaney made his debut during this era in the film The Penalty[16] and the stream of film that followed made him famous for his characterizations of the underworld ruler. The underworld became inhibited by the smart set, the gangster was revealed as an enviable hero, quick and intelligent, refined, influential politically and powerful financially. Movies like the tabloids glorified his life, showing it full of excitement, adventure, beautiful women and plenty of money.

As gangsterism became a more critical problem toward the close of the twenties, an increasing number of gangster films reached the screen. These films were extremely realistic; The Big City, Tenderloin, and Chicago After Midnight[16] emphasized the fact that the complexities of city life made racketeering possible. Josef von Sternberg's The Docks of New York acidly depicted the underworld as aggressive and ruthless or a plague to society.[28]

The American film had become by 1929 a more powerful social agency then ever. Reflecting current states of mind, it also deeply influenced them. Its persuasiveness won not only the people of America but countries abroad.[11] Hollywood, nationally and internationally supreme, was very nearly Americanizing the world. Maurice Maeterlinch wrote the August, 1921 issue of Photoplay Magazine that

> At no time in history has there been such a means of influencing the spirit of men and particularly of women and children. . . . All ideas of dirty, justice, love, right, wrong, happiness, honor, luxury, beauty. All ideas regarding the goal of life . . . are ideas implanted by movies.

The Code was a small piece of Americana that was important in its own way. In miniature, it was the summation of all of the past out of which we came, but translated into American idiom. It has often been said that it was the capsulization of the Judaeo-Christian system of morality. No doubt it was, but stylistically it was pure USA, even to the point that the method was exported back to certain parts of Europe, and even to the Orient. The Japanese system is based almost identically on the Code.[11] Lastly, it is Americana of a certain period. It was the product of the age of Babbitt, and of the Crash. It could never happen again. Therefore, it is important that it not disappear into oblivion.

One thing which, is generally forgotten in accounting for the inception of the Code is that the mood of the times was one of severe backlash. Psychologically, it is very important to recognize this. From the end of World War I until the great stock market crash of 1929, the country had embarked on a prolonged binge, which was saying, in a manner of speaking, that we did have here a lasting dwelling place. There were two fallout consequences of World War I that had almost endless shock waves. For one thing, it brought to an end the last crumbling

remnants of the feudal system, during which kings fell like tenpins, or turned to mere figureheads. It was the end of the patriarchal and the patrimonial structure of society, which grew up out of the fact that, for centuries, man was a "landed" creature. This idea prevailed right up through the hierarchial scale through princes and popes to the abiding father figure of them all: God. This was one thing that began to come to an end with the Armistice of November 11, 1918. From that date on there was a great turnaway from tradition.

Concomitantly there was, as it were, a celebration of freedom over this fact. The Industrial Revolution, which was greatly accelerated by the demands of World War I, came full circle and finally into its own. It presented itself as being able to cope with and control man's environment. Instead of tossing the sponge over unseen and unknown forces in his ambiance, man was now able to take his contemplation off and after life and pitch into the here and now, with a feeling of responsibility for himself. This called for a party. And so there came the flapper and the jazz age and speakeasies in defiance of Prohibition and a great speculative fling on Wall Street--and there were the movies. They were impudent about life; and saucy about claiming it, and the devil take the hindmost.[19]

With the crash, the party was over. In the littered debris of confetti and tickertape, an enormous sense of guilt set in. In a mood of sobriety, a chastened citizenry reacted against those symbols of its great debauch and began to punish them. The Securities and Exchange Commission was made into a powerful bureau to control excesses in the stock market. And the FBI was resurrected from mothballs under the then young Director J. Edgar Hoover.

Movies were more wily. They promised to control themselves. Since this solution seemed more coordinate with the American ideals of freedom and of the undesirability of censorship, the gesture of goodwill was accepted generally by the public.

As mentioned the Code was written by Martin Quigley and Daniel Lord S. J., this was prepared under the direction of Will Hays with the counsel and guidance of leaders representing several branches of the motion picture industry. The task of formulating the code was an enormous one, since it had to be so designed as to embody the basic principles of Christian morality without touching upon the theological beliefs of anyone denomination. Mr. Hays' years of close contact with many religious leaders and public groups fitted him ideally for such a task.[22]

The Production Code was written in a rather broad form of regulations which could be variously interpreted

to apply to specific problems. This was a wise move for it provided the code with the necessary flexibility to cover all issues and all situations which might be reasonably be expected to arise in the consideration of story developments and film portrayals--a flexibility which would have been impossible had the code been written in such a form as to attempt to cover every contingency in advance.

This 1930 Code incorporated the moral features which both Protestants and Catholics had been striving for, and, at the same time, satisfied the political censorship requirements.[22]

The new moral principles had particular references to story content and stressed the importance of the story's thesis in the moral evaluation of the finished picture. Charles N. Lathrop had urged the consideration of these very factors in his book, The Motion Picture Problem, in which he advocated the adoption of such measures in these words:

> The scenario writing is a very important factor in determining the character of motion pictures. The producers have been severely criticized for spending so much money for star actors and actresses and so comparatively little on the preparation of their scenarios, thus not securing the services of the competent. The criticism of scenarios before production has been tried, but without much success. So much depends on the staging of the pictures and the details of acting that a picture may be made or marred in the production process. However, the subjects treated and the personal standards . . . portrayed are important considerations.[22]

Thus the gist of the changes incorporated in the industry's plan for self-regulation lay in the inclusion of moral principles for guidance in studying the morality of story content and thesis. The absence of these principles during the work of the trade association from 1922 to 1930 appears to have been responsible for the inability of the industry to satisfy public demand for morality. It is evident upon a reading of the "13 Points" and the 1927 "Resolution" these were concerned primarily with the details of action and dialogue rather than with a control of the philosophy inherent in the thesis of the basic story.

The motion picture industry in 1930 was at the crossroads. It was fully equipped for the realization of its object of self-regulation. It was in a position, for the first time in its short history, to satisfy public groups. Yet, thus favorably equipped, and with a leader to urge them in the right direction the producers defeated the efforts of the trade association.

A period of deceptive followed the formulation of the Production Code. From 1930 to 1931 the press was more or less quiescent; the public groups expectant. The Producers Association appointed a Producer Appeals Board for the purpose of conferring on code matters.[22] This board had the power of deciding whether the Code rulings were to be upheld or overruled in each specific case.

The idea of the Board was adequate in itself, but it failed to take into consideration the economic consideration which would defeat the purposes of the Code. Often the round table discussion which followed in the wake of each ruling made by the Production Code officer, were settled in only one way. Example: Producer A made it clear to Producer B that if Producer B would pass Producer A's picture now, Producer A would pass Producer B's picture when it came along. So changes demanded under the Production Code were frequently overruled and ignored.[13]

Why did the producers thus ignore the Code? The reasons were many. Businessmen, whether they make pictures or other products, are traditionally conservative for the simple reason that change costs money. The producers were not at all sure that this new Production Code really represented what their public wanted. It was rather severe to them, or at least, it seemed so in comparison with the very liberal literary standards of the studios at the time. Add to this the fact that as far back as time itself there has been warfare between the church and the literary world whenever the latter overstepped the boundaries drawn by the standards of conduct set by the former, and it is easily seen that ready acquiescence to church pressure was not a response to be expected in the course of ordinary events. The producers felt that if the Code proved an impractical document, it would have to be improved at the cost of thousands, and even hundreds of

thousands of dollars. They were afraid that if stories were made to conform to the rigid standards set by the code, the public might balk at seeing them--that it might refuse to accept preachments or Pollyana philosophy with its amusement fare. For this was the light in which the producers regarded the Code at that time. Therefore, they preferred to make few, if any, changes in an entertainment which was bringing them huge profits as it was. It was reasonable in the face of this fact, to expect that the producers would hesitate to make changes suggested by the Code.

The response, or lack of response, of the movie audiences to the industry's few tentative attempts to make clean movies, did much, too, at the time to confirm the opinion of the producers that the Production Code was but a visionary document not practically suited to the industry's problems, against the economic problem of the screen. What the producers failed to see, and what the public groups and Mr. Hays saw only too clearly, was that for the very reason that the motion picture was a medium of unprecendented emotional appeal and force, a change was not only necessary, but inevitable. Millions of young people were seeing the films, and, in the cases of some pictures, at least, an immoral philosophy was being popularized through this mighty medium.[6] There are no statistics as to the actual harm which these pictures did, along with contemporary literature advocating "liberal"

standards, it is safe to assume that the young man and the young woman of the late twenties did not escape wholly unscathed from the immoral propaganda of that period, of which the film represented one of the most potent and articulate forms.

That the Hays office itself felt at that time the public groups were demanding more than was reasonable in reform is mirrored by former Governor Carl E. Milliken of Maine, Secretary of the Producers Association in New York, in remarks to the New York Times:

> Since men differ in their interpretations of Holy Writ, there is no reason to expect that any form of entertainment, code or no code, self-disciplined or otherwise, will ever be free from criticism . . . it is inevitable that the church should always have a higher standard than such a secular endeavor will perfectly attain.[13]

At that period, the demands of the church were apparently far removed from the demands of the movie audience which seemed to prefer its pictures on the liberal side.[27]

With this state of affairs existing, the only check to which the producers could be made to subscribe was that of "federal" censorship, for the simple economic reason that it would have cost money to ignore censorship requirements. To make changes in a picture after it was finished was extremely costly. Cutting out certain scenes and dialogue could, more often than not, ruin the picture too, all of which meant loss to the producer. By living up to the censorship requirements, he could not only save

himself the cost of retakes but also insure himself of better box office value by saving the vital parts of the picture from the censor's scissors.

Hays also was concerned about the high costs of production especially when a producer would not follow the code and the film was often restricted from viewing by the church. He was concerned not only with the producer but also the local theatre manager. Would the manager of a small theatre reflect a taste in film subjects higher than that exhibited by the producers. This consideration applied to the family with children. Hays wondered if the managers would play the "garbage" film with children in the audience. He had no power to stop them.[15]

What did Will Hays see as he sat at his desk and read the figures about those productions that were to arouse praise among the fastidious? He saw that:

> The Scarlet Letter was produced with the recommendation of Protestant clergymen, and after production was attacked by other Protestant clergymen, because in it a clergyman showed a human weakness.[27]
>
> The King of Kings, made with the cooperation of Jewish leaders, was so vigorously attacked by Jewish organizations that it had to be extensively altered.[27]
>
> Disraeli was received with plandits by all the better film people [critics], and lost a fortune.[27]
>
> Abraham Lincoln had a similar fate.[27]

Such facts as above disturbed Will Hays, who worked genuinely hard toward organizing support for better films as better films would have made them promising investments. Could the economic aspect of the motion

picture and its cultural-moral aspect be brought into harmony? This was a nagging question to Hays and he often liked to cite the film, The Man Who Played God, which started as a dismal failure, but was turned by praise, especially from the pulpit, into success.[22]

Consequently, the Code was more or less ignored by the producers who generally overruled the efforts of the Production Code office to enforce its tenets, though censorship requirements were generally met.[17]

The Producers Association was functioning as a veritable clearing house for censorship information, so that the industry had at its fingertips the latest word in censorship deletions. In addition, the records of all censorship cuts went to the studios for their guidance. With these warning signals posted throughout the industry and in the Association office, it was possible to foretell what scenes and dialogue would conform to censorship requirements.[37]

As proof that censorship alone was inadequate to satisfy demands of the public groups, after a year of hopeful waiting the press broke again with protests, complaints and tirades against the motion picture industry. The national assemblies of the Episcopalian, Presbyterian, Baptist, Methodist, Congregational, and other churches passed resolutions condemning motion picture immorality. The Christian Century published a number of articles and editorials analyzing the effect of immoral movies on

children and young people. Following this action, the Motion Picture Research Council inaugurated the Payne Fund Studies for the same purpose, conducted by social scientists at seven universities. Their findings provided the basis subsequently for the widely publicized book by Henry James Forman, entitled Our Movie Made Children.[6]

Critics did have a reason for complaint against the movies. Here are a few from 1932:

The Advertisements are shameless enough claimed the Reverend Clifford Grey Trombley, of Lancaster, Pennsylvania, and proceeded to point this up in his book, Shamelessness of the Movies.[17]

> Allow me . . . to present to you a list of some typical advertisements of the movies which have recently appeared in the Lancaster newspapers . . .
>
> "What does a traveling hubby do after he kisses his wife goodby? . . . Is a traveling husband entitled to a wife, and a sweetheart?"
>
> "Social secretary tells all. The bold facts, shocking but true. Reveals the private affairs of New York's fastest stepping crowd of millionnaires, from boudoirs to speakeasies."
>
> "Each kiss a new surrender, each woman a new affair. . . . Women barred their doors, but gave him a secret key."
>
> "Alluring, pursued by many men. Experimenting with love, wild passions, gay parties. It tells who really pays for those ladies known as expensive."

This, however, said the Reverend Trombley, was not all, because the films themselves gave more "dirt" than was promised. He offered these examples:

> A man who has broken up a home and did not marry the woman afterwards, falls in love with another woman and breaks up another home.
>
> Four lovers, two sets, one woman stealing the lover of the other woman, with subtle hints of all night hotel engagements.

At the conclusion of these remarks the Reverend concludes that the moving picture is one of the gravest menaces the country has ever faced.

A doctor writes in the Journal of American Medical Association,[17] "There is no doubt that the American picture has become the school of delinquency."

The Catholics echo another warning. The Most Reverend John J. Cantwell writes in the Ecclesiastical Review (February, 1934):[27]

> Previous to the coming of the talking picture, the American made motion picture sinned chiefly because of its vulgarity. . . . With the coming of the talking picture has come greater and more far-reaching influence. The pictures now impress not only by sight but with animated sound as well. An examination of the number of motion pictures recently released . . . suggests that the entire motion picture industry has set itself to the task of seeing which company can produce the most vicious film.

After flaying the industry for the immoral philosophy taught and for the flippant Broadway playwrights whose stories are in part to blame for the final product, Reverend Cantwell takes ten pictures selected at random, all of them offensive. One is based on seduction, rape, and prostitution, another deals with aphrodisiac drugs, rape and revenge; another is the story of a mother who becomes a prostitute in order to provide luxury for her

son, yet another adultery is justified. Reverend Cantwell concludes with, "It may well be sustained that 25 per cent of all pictures made in Hollywood in the course of a year are definitely bad and offensive."[27]

It is evident from the foregoing that censorship, with all of its cutting, did not improve the morals of the movies, and if they were to be really reformed, the motion picture Production Code, providing control of the source materials, would have to be enforced.

There was another side to the problem, however, as revealed by the press record of those who had a good word to say for the movies, in the summer of 1932:

Trenton Times, September 19, 1932:[13]

> Fortunately the motion picture industry itself has been responding in recent months to the growing demand for less emphasis upon the sordid side of American civilization. There has been a noticeable increase in the number of screen productions designed to satisfy the most discriminating critic.

Chattanooga News:

> A large number of worthwhile pictures which have appeared here lately . . . were in differently patronized by the public. . . . We are weary of blaming the movie producers for the tendency of the movies toward filth and shabbiness. Obviously it is the public taste which needs evaluating.

Indianapolis Star:

> Another service to the public as well as the motion picture industry itself has been rendered by MPPDA. . . . Will Hays . . . attacked "hopped up" advertising which emphasizes sex themes and other undesirable forms of press agentry at a gathering of executives. . . . The Hays organization in the past has shown its power to command the respect of the industry in fighting for higher moral and ethical codes.

Professor J. T. Grade, Harvard University:

> Motion pictures can and do inspire men and women to higher standards of life . . . nine out of ten people who see good pictures leave the theatre dwelling on the possibilities of betterment in their own homes, in their own speech and their language.

At the same time the Better Film Council and W. Ward Marsh of the Cleveland Plain Dealer pointed to a positive program for reform.

The opinion of both was that the hope of uplifting the standards of the screen lay in proving that good films were better business than bad, for no producer would deliberately choose to make objectionable pictures if good ones paid better. Not tirades from critics looking for evils, but education to make the public patronize the good films would be the plan of the Better Films Council. W. Ward Marsh, the motion picture critic for the Cleveland Plain Dealer put the whole matter succinctly:

> I have grown weary of the constant carping against the movies. Genuinely good ones too often are permitted to starve at the box office. The elevation of the moral tone must come from within the industry, and it only comes in proportion to the demands set by the public, not by the reformer, not by the constant clamoring minority, but by the public at large . . .[13]

Doctor Fred Eastman, in a pamphlet entitled "Better Motion Pictures"[27] admits that the churches, the schools, and the homes failed, in the past, to develop public taste. He says:

> This answer points an accusing finger directly at us. The element of truth in it strikes home. However, schools and churches are beginning to recognize more and more their responsibility at this point. Many

> schools have organized motion picture appreciation classes. . . . In many churches Better Film Councils have been organized; church groups are cooperating with the local library in providing and reviewing service for the people of the community.

What is the situation that causes so many parents and other citizens acute alarm? Take the gangster films of the 1930-33 era for instance. Lillian Gish was interviewed by an Altantic Monthly Reporter in January, 1933 and she gave her views on the current state of the film art and gangster pictures in particular:

> If I had children I should not care to have them attend those pictures. What is dangerous about them is the actors who are cast for gang leaders are in their own personalities attractive, and through that fact are admired by boys.[13]

The article went on to state that the general public believed that criminals were created watching these movies. Sex would be a much more difficult matter to deal with. Hays had hoped that the new code established in 1930 would curb sex, but it apparently had not been communicated to the producers in Hollywood.

It appears from the records of 1930-32 that the economic resistance of producers against the Code had its origins in the fact that dirt in the movies was proving "pay dirt" and that while but 25 per cent of the total product of the industry was on the sensationally smutty side, that 25 per cent was paying for the industry's losses on the clean 75 per cent which nobody seemed to support.

Of all the pictures that were occasionally cited as "having brought on the Code single-handedly," the two most frequently mentioned were The Story of Temple Drake and Convention City.[16] They can be taken as symbols of a small hoard of other films that continued to be thrown, like pies, into the face of a public suffering in the throes of deep Depression. Temple Drake would probably top the list of the ten most feared pictures of 1933. It was based on what was then considered to be the scandalous novel of William Faulkner, Sanctuary. It was the story of a "wild" girl from a family of good stock, who gets involved with a group of primitive moonshiners in a backwoods hide-away. The leader, Popeye, later called Trigger in the movies takes to this girl, and rapes her in an unnatural manner. He then brings her to Memphis and puts her in bondage, until she kills him in self-defense. She is made to pay for her great orgy by confessing her shame on a witness stand in order to exonerate one of the moonshiner's falsely accused of an earlier murder. The quality of her bloodlines come to surface and the respectable lawyer who really loves her is proud of her.

Two things are remembered about Temple Drake. The most vivid is the rape, which occurs in a corncrib, with the clear inference that Trigger violates her with a cob or ear of corn. The second factor that still smoulders in the memory is the torrid nature of the affair in Madam Reba's house. What the impact of the sequence was all

about was this: A girl abandons herself for her lusts and "goes earth," in the sense that one may use the phrase "goes ape." Here is a girl who has temporarily turned away from "soul realities," and who lets herself get totally immersed in carnality. This particular sequence would be the very quintessence of the point we have tried to make as being central to any understanding of the Code. To a critic or reviewer in 1933, with any lingering convictions about religion and the nature of the human frame, this is ultimate diabilism. The factor of abandonment to the flesh is further irritated by the sly inference that the girl is a slave of a supermagical tool owned by Trigger. There is a little ambiance here, since it seems that the act of raping her with a corn cob would suggest impotence. A lost statistic of the time shows that the principal offenders of the Hollywood menage were Paramount Studios, with twelve entries in the bawdy race, and the First National-Warners, with the same number.[37]

In an answer to the claim made by producers that they were justified, because of the profit involved, in "giving the public what it wants," Doctor Fred Eastman states:

> To assume that church, school and home bear the entire responsibility for the character of public taste . . . seems to disclaim any share of that responsibility for the motion pictures themselves. It intimates that the pictures exist to perform one function only: make profits. These assumptions are contrary to the facts. We have seen that the movies themselves are a school of manners, morals and conduct and that certain movie

> men admit it. They admit that they help teach the public to like what the movies like. The development of discriminating public taste is part of the movie's job.[27]

Other changes taking place, however, were to throw the balance of favor of the religious groups. The depression had become a grim fact, and the pressure of the poverty which came in its wake was to dampen to a great extent the appeal of the "fleshpots." Hunger, terror, and uncertainty turned thousands of people to the churches for comfort. A more serious attitude toward life in general was but a natural reaction of the hard times. In this mood people were ready to listen to the exhortations of their religious leaders to return to Christian standards, to demand a higher level of entertainment. The time was ripe for moral revolution. Thus, 1932-33 marked the era in which the pendulum was to begin its swing back to morality. The denunciations against immorality found a bulls eye target in the current film fare. The movies were heroes and heroines blithely "sowing their oats" were suddenly "behind the times." To an impoverished country which had become religious and serious minded, the sex attitudes of the post-war period became grotesquely unreal and out dated. The movie industry, on its last legs financially, was vulnerable to attack.[16]

In September, 1933, the New York Board of Censors released a report on their operation for their prior fifteen months. The report had several interesting bits

of information regarding censorship in a particular state bureau. The censorship board seem to be all caught up with what cuts to make on a film released in 1933 called "Cock of the Air." The instructions for cutting the questionable sequence was as follows: "Eliminate views of Roger sensually contemplating bed."[13] The editorial staff of Nation Magazine said in one of their columns that "this scene is something we would like to have seen. We should, indeed, like to know just how it is done. A man who can ogle a bed must be talented beyond the ordinary."[9]

For the more serious student of film in 1933 the report contained a statistical study of the censors' activity. There seemed to be something like 38 per cent of all material in "feature" films eliminated, and that 44 per cent of the eliminations have to do with sex, 29 per cent violence, 16 per cent with crime, 5 per cent with government, 3 per cent with religion, and the rest with miscellaneous topics.[9] The Nation staff analyzed these figures on specific eliminations and it "appeared that most of those involving sex were merely silly, eccentric, and sporadic deletions which have no effect whatever upon the general atmosphere of the film." The Nation went on to give its total view of the report in the final words:

> It must be confessed, however, that the general impression produced by a reading of the record of the censors activity is not of something particularly sinister but an elaborate, solemn, and organized

> piece of silliness. Glancing through the report one comes to the conclusion that the State Board of Censors exists primarily for the purposes of preventing the movie-makers from presenting three things which they are tirelessly determined to present: (a) infants so displayed that the sex is evident, (b) gentlemen who rest their hands upon the posteriors of their lady friends, and (c) incomplete phrases which end when the speak silently forms his lips in the position necessary for uttering the sportsmans name for a female dog. We do not know how much the activities of the Board of Censors cost the State of New York but whatever the sum, it is obviously too much.

When you come right down to it, the Code, in its first whirl, was pretty much of a Protestant affair. True, the document itself had been written by two Catholics: Martin Quigley, and influential publisher of motion picture trade journals and a graduate of Niagara University and Catholic University of America; and Father Daniel Lord, a Jesuit priest from St. Louis, Missouri.[18] To the contributions of these two men, certain facts were added by Will Hays, who did not want to abandon the "don'ts and be carefuls" altogether. What resulted, of course, was a mongrealization between a philosophical document and a proscription list.[13]

The officers of the Association were too canny, however, to hand over the operation lock, stock and barrel to the Catholics. The Romans were structured and would have taken away the play with the ease of the Green Bay Packers. This would have defeated the Protestants. Therefore, the management of the Code stayed with a tight little knot inside the Association composed of Will Hays, an elder in the Presbytarian Church; Francis Harmon, a

vice-president and what one could call with acrimony, a "Professional Protestant"; Jason Joy, who was some kind of divine or divinity student; and Geoff Shurlock, who passed for an Episcopalian. And Joe Breen, which is a story in itself.[19] Breen graduated from St. Joseph College in Philadelphia. He emosed his way into the American Consular Service as a minor secretary in Jamaica. Then, somehow, to Budapest, where he was involved in the American Aid Mission. From Budapest he went to Ireland, where he claimed he was arrested by the British for his part in formenting sedition and condemned to death. The American Foreign Service secured his release. He found his way to Chicago, where he found his true center of gravity. He became a newspaper reporter in the days of the Great Chicago School, the days of Ben Hecht, Heywood Brown, and others. By luck and design he secured himself the post of Public Relations Director of the famous Eucharistic Congress in Chicago. He was definitely churchy. Two more steps brought him closer to his ultimate goal. Working as director of press relations for the Chicago World's Fair, this led him to an acquaintance with Martin Quigley, who induced Breen to enter his office to work on matters pertaining to the Code in New York. Joe was hired by Hays and was immediately sent to Hollywood to be, technically, a publicity man for the Association, but actually to be the eyes and ears of Hays with reference to Code work.[37]

It was too much to expect of human nature to think that the picture makers would lift themselves by their own bootstraps up to the levels of high idealism. Even men of good will, who actually desired the Code were being dragged off by the weight of common community practice into a dank marshland.

In a meeting with Quigley and Monsignor John Corrigan, Breen pointed out that the only organization with the potential for precipitating a unified public opinion was the Church.[37] Already, small segments of it had taken the initiative. In Chicago, a Jesuit priest by the name of Fitz George Dineen had started a movement to prescribe evil movies,[7] which he had labeled with a catchy little title of Legion of Decency. At the same time in New York, the International Federation of Catholic Alumnae were publishing review of "recommended" pictures, and in St. Louis, the nationally circulated periodical Queen Work was beginning to list five "condemned" pictures each month.[13] What was needed now was a coordination of these fragmentary movements by the Episcopacy of the United States. This body was to meet in its annual synod in November. At that time, it should be proposed that the hierarchy take over sponsorship of the Production Code of the Motion Picture Industry, and lend its influence to the enforcement of it. This meant the boycotting of certain pictures, and even the picketing of the worst offenders. The result would be the only sanction the producers would heed: economic.[27]

The Code was touted as a voluntary system of self-regulation. What Breen had proposed was that the Industry be put in a position of being forced to regulate itself voluntarily.[37] It was Monsignor Corrigan who undertook the responsibility of approaching Archbishop McNichols, the Dominican Ordinary of Cincinnati, who, in turn most likely proposed the whole idea to be assembled Synod of Bishops in November, 1933. The plan was accepted, and Archbishop McNichols, was named the first Chairman of the Bishop's Committee, which turned into the Legion of Decency in April, 1934.[27] What ensued is often called the Bishops' Revolt.

The Most Reverend Amleto Cicognani, Apostolic Delegate before the Charities Convention in New York, may be credited with having put the torch of religious fervor to the dry tinder of public disgust.[27]

An Episcopal Committee on Motion Pictures was appointed by the American Bishops at their annual meeting in November, 1933. That fall and winter the plans for a comprehensive campaign were carefully and painstakingly worked out. In April, 1934,[27] this Committee declared war on the films through the Legion of Decency, with its headquarters in New York City. The far reaching effects of the Legion of Decency boycott in which Protestant and Jewish groups joined, may be traced in the press reports of those days:

Chicago Daily Tribune, June 5, 1934:

> Urging that "some censorship or morals" be put upon the motion picture industry, Cardinal Mundelein formally brought the Chicago Diocese yesterday into the nation-wide fight now being waged by the Catholic Church against indecent films coming out of Hollywood.

Chicago Daily Tribune, June 6, 1934:

> Protestant leaders praised the leadership taken by Cardinal Mundelein. . . . They announced their delight in the broad form of the Catholic campaign in which, they said, Protestants, Catholics and Jews will be able to join wholeheartedly. . . .[13]

Father Dineen secured the support of Cardinal Munderlein in Chicago. The Chicago Legion enrolled 500,000 Catholic women to campaign against theatres. The Jesuit from American Magazine, Wilfred Parsons, S. J., obtained the endorsement of Cardinal Hayes of New York. Bishop Michael J. Gallagher of Detroit turned loose Monsignor Hunt, pastor of the cathedral in that city, in a bitter vandetta against scandalous films. Detroit Catholics started using bumper stickers proclaiming "We Demand Clean Movies."[27]

The part played by the various great Protestant groups in boosting this movement was neither frivolous nor sycophantic. The only human factor of interest in this connection is that which is recalled by Monsignor John Devlin, the Hollywood representative of the Legion of Decency. He points out that the Protestant backing was strong until, in 1936, Pope Pius XI issued his encyclical on the movies.[37] With this, Protestant interest melted away, Warner Bros. had a heavily concentrated chain of

theatres in the Philadelphia area. On top of that they were indiscreet enough to put up a large and offensive billboard opposite the residence of the fiery prelate of that city, his Eminence, Denis Cardinal Dougherty. Every morning when this man climbed into his limousine to go to his downtown office, the provacative sign caught his eye. As a man of prudence, he turned his head away as long as he thought he could. But when the display did not disappear, he one day felt he had had enough. Climbing into his pulpit, he categorically forbade all Catholics within his jurisdiction to attend any movies, under pain of mortal sin. There is reason to think to this day the prohibition has never been rescinded.[27]

The Catholic drive had manifested itself in fifty dioces. Some estimated placed the number who had signed the pledge of the Legion of Decency, which was a pledge to boycott offensive films, at 2,000,000, with every likelihood of a five million within a short period.[37] (The total eventually reached eleven million at the height of campaign.)[17] In Massachusetts, plans for a specific boycott of indecent pictures by cooperation of 1,695,000 Catholics received approval of the Arch Bishop of Boston, William Cardinal O'Connell. The Dallas Dioces joined the fight. Also, 15,000 in San Pedro, California.[27]

Doctor Harold G. Campbell, Superintendent of City Schools of New York City, ordered an immediate investigation of pictures shown to school children, in July, 1934.[6]

Doctor M. E. Dodd, President of the Southern Baptist Convention, called upon 12,000 Baptist ministers to join the crusade. The committee of Ten of the Chicago Church Foundation, a Protestant group, pledged cooperation. Support was ordered by the United Presbyterian Assembly, the Massachusetts Civic League, the Christian Endeavor Union, the Oregon Methodist Conference, and the National Conference of Jews and Christians.[27]

The Legion of Decency boycott exerted an irresistable economic pressure. This pressure came at a time when the movie industry was practically bankrupt; when each ticket at the box office counted in the balance. Millions of movie goers no longer appeared at theatre box offices, and thus it came about that the producer again for economic reasons, were ready to accept the motion picture Production Code set up for the industry in 1930.

On July 7, 1934 the Motion Picture Research Council[8] released the following facts from a report compiled by Henry James Forman which summarized the Payne Fund Studies which had been underway for four years. Their findings were as follows:

1. Seventy-seven million Americans attend movies every week.
2. Four out of every eleven are under twenty-one years of age.
3. One out of every seven is under four years of age.

4. This means that an average of one movie a week for every school child in the United States.
5. Two-thirds of these children are going to evening shows.
6. Attending one movie is equal to losing three hours sleep for a child even though he may go to bed at the usual time.
7. The effects of a movie are felt in a child's sleep even four or five nights after a movie.
8. Fatigue from movies makes a child more restless, nervous, and less self-controlled.
9. Horror pictures often sow the seeds of nervous disorders which are long-lived.
10. Seventy-five per cent of all motion pictures deal with crime, sex, and love.
11. Life as displayed by the movies is usually set in a scene of luxury and extravagance, driven on by motives of self-seeking, and leading to crime, indulgence, and illicit love.
12. Would you choose the above forms for your children and the nation's children?
13. Children between eight and ten remember 60 per cent of what you do after seeing a movie, and many older ones remember more than you do.
14. Children are much more stirred up emotionally by movies than grown ups are because they do not realize it is only a movie.

15. Passionate and emotional movies lead a child up to a pitch of action with little self-control left.
16. Children just learning how to do things tend to copy what they see in dress, attitudes of mind, in love-making and crime.
17. Delinquent boys gave thirty-two different techniques of crime they learned from movies.
18. The standards of life as shown in movies are just the opposite of those we hold up to children at home, school, or church.
19. Movies sent to other countries show Americans as dishonest, immoral, greedy, interested only in wealth, dissipation, luxury, and illicit love.

A number of persons were writing about the effects movies had on children during this period and unfortunately those studies undertaken at that time were the only comprehensive ones ever produced.

On July 12, 1934, Will Hays and the Board of Directors of the Association of Motion Picture Producers, Inc., of Hollywood, concluded action ammending and amplifying the Production Code Administration.[13] The Production Code Administration came into vital being with a fighting Irishman, Joseph I. Breen at its head. His appointment garnered the following press comment:

Terre Haute Star, July 17, 1934:

Something is being done about it now out in Hollywood, be sure of that. Joe Breen, the two fisted assistant

> to Mr. Hays once of the Philadelphia North American, and at heart a good newspaper man, now has his coat off and what he is saying about what is fit and what is unfit for the screen carries a terrific punch to the cowering, ill founded direction and scripwriting coming out of Hollywood. For years they have been scoffing the Hays rule . . . Mr. Breen has been appointed umpire of the movies, assigned to preview each picture and to order the product cut, remade, or discarded. He will be guided by the Code that for four years has been available to producers and accepted by them, but lately regarded by many directors as irksome and in the way of progress and profit . . . smut, glossed vice, faked romance, unhealthy sex appeal, will not pass Joe Breen, if he can spot them. He is that kind of an editor.

One of the first steps taken by Breen was to have the Board of Directors of the MPPDA abolish his Studio Relations Committee and form the Production Code Administration. The Hollywood Jury was abolished, leaving only an appeal directly from the Production Code Administration (PCA) to the MPPDA.

This notice of change appeared in Variety on July 15, 1934:[37]

> Producers Appeals Board is abolished. Joe Breen is supreme pontiff of picture morals from now on. Only appeal from Breen ruling is to the Hays directorate in New York.
>
> This is the unanimous dictum of the major companies after long session in the Hays office deliberating over means to satisfy church pressure.
>
> Switch of all moral problems from the West to the East is revealed to have been motivated by an understanding that the crusaders have lost patience with the studio heads, but still believe in the judgment and good intentions of the Eastern executives. Inference is also being broadly drawn that there will be comparatively few reversals of Breen's future judgment. Haysites tonight describe Breen as in a position where his word from now on will be the industry's law. . . .

Hays comments on the new control of films:

> It is recognized that the solution of the problem of the right kind of screen entertainment rests solely with the quality of the product and these strengthened arrangements are directed to discharging that responsibility more effectively.[13]

With all these radical changes going into effect, the Bishops decides to give industry another chance to fulfill its promise of code enforcement and called off the boycott on June 4, 1934, two and one-half months after it went into effect.[37]

Hollywood Citizen News, July 26, 1934:

> The future of this decency drive, so far as the Protestants are concerned, can be determined only by what takes place in Hollywood. If Mr. Breen succeeds and the producers support him, and what is done is not a temporary effect, there will be no more drastic action. We would like to see Mr. Breen succeed.

No company belonging to the MPPDA was to distribute or release any film whether produced by it or by a producer distributing through its facilities unless it had received a certificate of approval signed by the Director of the Production Code Administration and bearing the PCA's seal. Every print of every film shown was to bear the Code seal. On July 3, 1934, a penal sanction was added: "Those that failed to comply with the provisions would render the offending member liable to the payment to the MPPDA of $25,000 as liquidated damages." The fine was never imposed, but the existence of the provision undoubtedly strengthened the position of the PCA.[13]

The Code was originally applicable only to films produced, released or shown by member companies of the MPPDA and AMPP, but in 1935 its procedure was made available to non-members.[37] The latter, were not liable to its sanctions, except insofar as a rejected film would not be distributed or shown by an association member.

Times were tough for the movies in the early thirties with the backlash against their product and a devastating depression. The movies were one word to many people--sin. The nation's censor boards were clamping down on films in their states and many producers were running scared. But, admidst all the gloom some writers tempted to poke fun at the censors and sin in general. In the August,1, 1934 issue of Nation Magazine, James Rarty wrote the following enlightening piece about sin in the movies.

> The movies are accused of corrupting the morals of American men, women, and children. But consider who makes the accusation--a "Legion of Decency" already numbering hundreds of thousands of people and rapidly growing; by autumn it is expected that there will be at least 12,000,000 Legionnaires of Decency--8,000,000 Catholics and 4,000,000 members of other denominations.
>
> By their own admission these crusaders are themselves unstained; the movies have utterly failed to corrupt them. Presumably the criterion of membership in the Legion is the scriptural text, "Let him who is without sin cast the first stone." Otherwise the crusade would be un-Christian and immoral. Surely one does not mobilize sinners to do God's work. Hence, considering the number and purity of the accusers, the movies must be acquitted out of hand. The conclusion is inescapable: America may be "smothered in goods," we may have excess productive capacity in industry and agriculture, but our moral economy is still one of city. The labors of Cecil De Mille, Greta Garbo,

Clara Bow, Jean Harlow, Lupe Velez, even that great good/bad woman Mae West, have been utterly ineffective. Man does not live by bread alone. We are facing a sin shortage of alarming proportions. Relatively, America is still as innocent as a new-born babe.

It is possible, of course, that this shortage is more apparent than real--that it is largely based on the misunderstanding created by the efforts of the Hays office to have its cake and eat it too. For instance, the title of Miss West's forthcoming picture was announced as "It Ain't No Sin." If this title had been retained we would confidently expect that the Legion of Decency would set up headquarters opposite every theater exhibiting this picture, with a bigger, brighter Neon sign proclaiming "Tis Too." Which indicates the tragic confusion of purposes underlying the whole controversy.

Stung by the ingratitude of her public, Miss West is rumored to have said: "If I was a home girl, I'd be broken hearted," It is further rumored that Miss West, when sternly instructed to take the kick out of her current product burst into tears. Like the Georgia mules that wouldn't plow under the cotton, the gallent trouper balked stock still in the farrow rather than abate her customary zeal in giving the sinners what they wanted.

Sudden as it seemed, this new attack upon the movies did not spring full-born from the brow of Mrs. Grundy. It started over a year ago when some eighteen assorted sociological, psychologists, and educators issued a nine-volume report of the findings of a four-year study of the effect of the movies upon children. The study was financed by the Payne Fund and instigated by another privately subsidized organization known as the Motion Picture Research Council. By a curious coincidence, the director of the Council is William H. Short, and certain unregenerate movie people have intimated that Mr. Short's object was to intensify the shortage indicated in the title of this article. The conclusions of the social scientists as summarized by Mr. Forman were briefly, that sure enough the movies were not so good for the little tots; that the big tots as they reached puberty learned about women from Mae West and about men from Clark Gable; that the movie industry is, in effect, an educational apparatus rivaling in influence the school, the church, and the home; that at least three-quarters of the subject matter of current movies is sex, love, and crime--the apposition of "sex" and "love" is consistently adhered to; that many high school and college boys and girls confess they learned elements of practical love technique from the movies; that many juvenile delinquents

> and adult criminals have been movie fans and that some of them think the movies started then on the downward path; finally that the movies are a powerful instrument of propaganda--for and against war, for and against racial minorities. (The movie is also used consistently to carry propaganda against radical political and economic movements but this fact was not brought out.)
>
> Some of the studies were about as silly-scientifically as Walt Disney; for example the experiments in which a number of helpless boys and girls out of an orphanage, when exposed to the armors of screen lovers, promptly boosted the needle of the pscho-galvanometer. The "scientific norm" in these experiments was the reaction of the financee of one of the experiments to a kiss administered in the laboratory.

The first Production Code Administration "Seal" was issued to "The World Moves on" for 20th Century Fox. The date, July 11, 1934.[13] The system of financing the Code Administration is based on a scale of sliding fees which has been unchanged over the course of years. In general, one can say that the price for Code "certification" ranges from $84 for the least expensive, to $3,000 at the other end, for work done on films with a gross negative cost in excess of $1.5 million. But traditionally the Code office has never been paid until the actual issuance of the Seal. If it had to reject a film, it did not receive a single cent, even though it might have done a considerable amount of work on it.[37]

There has always been an "Appeal" over the heads of the Code staff to the Board of Directors of the Motion Picture Association in New York. This review group is made up of the company presidents, to which have been added in more recent years representatives of world exhibition, and representatives of the independent

producers. The decision of the Appeals Board is final. It is the true guts of the whole structure, for it is the way the Code decisions are made more strict or more lenient. In theory, it was a well devised system, since it followed the American scheme of checks and balances. It was the Industry's protection against an excess of zeal on the part of its regulators; but it was also its Achilles heel, since it created a device whereby the Industry could strike the posture of sanctimony while actually being self-serving. To defy the Board meant to run the risk of being fined $25,000, but for anti-trust reasons, the Industry was always very chary about trying to levy this penalty. It may have been assessed against United Artists in the case of The Moon is Blue and against Howard Hughes in the case of The Outlaw, but in neither case was the sum collected. United Artists left the Association and Hughes sued it. Hughes lost; United Artists returned eventually; and the fine was abolished.[19]

Those were the days before the free-form type of movies with fractured time sequences, came into the popularity that they enjoy today. Pictures were constructed with the rigidity of a sonnet, so they could be summarized according to formula. The heart of the story was "the problem." The body of the story had to do with the steps taken to solve the problem. If the problem was unsolved, the story was a tragedy (in the Aristotelian sense). If the problem was solved, the story was, in the Greek usage

of the word, a comedy. A comedy in the classic sense is not necessarily funny. It only means a happy ending.

From the point of view of the Code, the morality or the immorality of a story had little to do with the problem. It has to do with the quality of the steps taken to solve the problem. These were either right or wrong. If they were wrong, they should be labeled as such. It should not be left up to the discretion of the immature mind to decide for itself whether the characters had acted rightly or wrongly. This was too important a consideration to leave to luck, Therefore, the quality of the solutions used in the plot would be spelled out in words of one syllable. This device was largely invented by Joe Breen, and was called the "Voice for Morality."[37] The nearest equivalent of the Voice of Morality would be the Greek chorus. If this device seems slightly awkward now, and slightly bald-faced in its lack of trust of the audience, it must be remembered that the only other medium of mass family entertainment at that time was the radio. The movie theatre was not the sophisticated place it is now. It was the most influential of all the entertainment media of its time, and was frequented by audiences of every mental color in the spectrum, from sage to just plain stupid.[8] Even the Bible, which did not stop to comment on the morality of the conduct of its cast of characters, enjoyed more relative liberty in reporting its stories. But then, the Bible was limited in its reading audience pretty much

to adults. The motto in those days was to try to make pictures "reasonably acceptable to reasonable people."[16] That phrase had a nice ring to it, and was almost beyond challenge, since it seemed to put the complainer in the wrong camp. As this phrase wore out, another substitute grew up and took its place. It was that Hollywood would try to make films that would "neither offend the innocent, nor frustrate the intelligent."[16] The key to all this intricate approach to story doctoring was, however, the problem. Unless the problem of a story could be stated with clarity and succinctness, there was no proper handling of the material as a whole.[12]

To protect their investments, the banks insisted that the various picture makers get a letter of clearance from the Code office, stating that the script was at least basically acceptable, before they would release funds to finance production.[16]

In 1936, the Federal Council of Churches of Christ in America[37] issued a progress report on the state of the film for a two year period since Joseph Breen had been appointed director of the Production Code Administration. The report went on to say:

> Motion pictures have squirmed for three years under the corrective influence of the hair-brush and soap Legion of Decency. For two years, they have been roundly spanked, there language tubbed and scrubbed by a production code within the industry. In spite of their heroic efforts, it hasn't been good enough.

The report went on to charge the film industry of the following infractions:

1. False picturing of the love and ethics of true marriage.
2. Lack of depth, sincerity and integrity in picturing the ideals of life.
3. Overdone drinking scenes to an extent amounting to educating of youth in tippling.
4. Glorification of gambling.

Gambling filled much space in the report and fire fell heavily on audiences lured indulged in by neighborhood theatres. "In the 'bank nights' and other ways of stimulating attendance at theatres, not only is the craze for gambling fed, but there also develops a tendency to use cheap features instead of more desirable features."

Publication of this report caused private comment but there was no panic in Hollywood.

The Report went on to criticize Will Hays and Joseph Breen as men who wield tremendous power without, indeed, having such power authorized. Also, the Report said, "There is a disquieting trend at the present in many films, trailers and in exhibitors publicity to go as far as possible in suggestiveness."

Passionate love scenes were one of the main gripes Critics of movies had. An attempt was made by the MPPDA to level off this criticism and set a hard and fast rule

on the length of a kiss. A kiss was allowed to last ten seconds, not a fraction more.[9]

A particularly ingenious invention was used by a director to defeat the supposed ten second limit on kisses. What this craftsman did was to train his camera on his two lovers and let them go the full ten seconds. It was a nice warm open mouth kiss. When the "time limit" had expired, the director let the camera travel slowly away from the blissful pair, and, in what is called a "continuing Pan," passed a pool of water in which it picked up their reflections kissing upside down. With this we had the equivalent of a new time span in which to survey them topsy-turvy, still locked in their rapturous embrace. When the ten seconds were up, the director allowed the camera to drift past the pool, and to catch their reflection in a conveniently placed mirror. This time, of course, they were right side up again. The audience was allowed to feast its eyes on the two for another time count. Then, if this was not enough, the shelf above the mirror was a long row of bottles, over which the camera panned, picking up in each the diminutive image of the romantic pair, on into a dissolve that created the effect of infinity.[19]

It was interesting to note that there were no reversals on Breen's decision by the Board of Directors in New York on the few occasions in which an appeal from the Code ruling was made. It is also of interest to observe that the entertainment value of pictures has

increased with the continued enforcement of the Production Code. Further evidence of satisfaction with the work of the Production Code Administration appeared in the Brooklyn Tablet of March 16, 1935.[27] Reverend John T. McNichols the Episcopal Committee of Motion Pictures took the opportunity to express its gratification for the marked improvement in films, and to encourage all those who realized the menace of immoral films to continue their vigilance so that the ground gained might not be lost.

The final acclaim, however, was published in the Los Angeles Times on July 3, 1936,[27] in which recognition of the success of the Legion of Decency campaign was expressed by Pope Pius XI in these words:

> It is an exceedingly great comfort to us to note the outstanding success of the crusade. Because of your vigilence and because of the pressure which has been brought to bear by public opinion, the motion picture has shown improvements from the moral standpoint; crime and vice are portrayed less frequently; sin is no longer openly approved or acclaimed; false ideals of life no longer are presented in so flagrant a manner to the impressionable minds of youth. In particular, you, venerable bretheren of the US, will be able to assist with justice that the industry in your country has recognized and accepted its responsibilities before society.

Terry Ramsay writes in the July 11, 1936 issue of the Motion Picture Herald regarding the Pope's message:

> Signal success in the greatest of the social adjustments of the motion picture achieved for it by the American industry in its adoption and operation under the Production Code . . . is recorded in terms destined to become historic in the encyclical letter discussing the screen by Pope Pius XI.

> Within the motion picture industry, the encyclical is to be seen as of significant recognition, and approval, of the Production Code adopted in March of 1930, concerning which the letters observes: "It is promised in this agreement that no film which lowers the moral standards of spectators, which casts discredit on natural or human law or arouses sympathy for their violation will be produced."

Another tough subject came up, this had to do with the touchy subject of the treatment of animals in pictures. The theory was that animals could not speak for themselves. They trusted man and could be taken advantage of. Therefore, it behooved man, acting as human, not to degrade himself by mistreating them. Thus, the society that took the responsibility of overseeing the treatment of animals in pictures wisely took the title of the "American Humane Association."[37] It had to do with man, as much as with the animals. It had been the habit, in the roughshod pioneering days of the movies, to maltreat animals in a callous manner. A device of wires, called the "running W," was rigged around a horse's leg, with the trigger in the hands of the wrangler. Then the horse would be set into a full gallop, his front legs would be yanked out from under him, and he would fall headlong, frequently breaking his neck.[19] The whole question came to a head in 1939, when Darryl Zanuck made Jesse James for Fox. According to eyewitness reports, a blindfolded horse was placed in a greased rocker-roller chute constructed on the edge of a cliff. It was prodded forward by the rider and the members of the cast. As the animal got past the fulcrum point, the

chute tilted, and the horse catapulted into space, hindmost first, with its front feet in the air. It fell about seventy feet into a stream, came to the surface twice, and drowned. Those who saw the film will remember the scene as one of breathtaking highlights. The uproar that followed was backed by the powerful Hearst organization, and evoked 50,000 signatures of protest, according to the American Humane Association representative in Hollywood. In vain did Zanuck protest that the killing was "accidental," arguing that he himself was a polo player and loved horses.[37] The operation of the American Humane Association was incorporated into the Code, and made one of its subsidiary functions.[19] Henceforth, horses were taught to fall on command; but since they were prepared for the moment of impact, they were able to protect themselves. Great trouble was taken to prepare the ground at the spot of tumble. A shallow pit was dug, and the floor was lined with empty cardboard ice-cream cartons. These were then covered over with loose dirt, when the horse hit the area, the cartons caved in but acted as a cushion.

This time there was no back sliding by the industry. A slip at this time would have meant its annihilation. The efforts of Breen exceeded the hopes of everyone concerned, and that the Production Code was an effective instrument is markedly apparent from a statement appearing in Harrisons Reports, December 15, 1934:[37]

> In the last few months the moral tone of pictures had improved to an almost unbelievable degree. Along with the moral tone, there has been a great improvement also in their entertainment values. The person responsible for this is Joseph Breen, the unofficial representative of the self-regulated censorship system which has been adopted by the producers as the result of the pressure brought on in the industry by the Legion of Decency. The obscenity that was found in 4 out of 5 pictures before last June has disappeared in the pictures that have been released since August. Since July 15th he has approved 217 pictures; 176 of these were passed by the censorship boards throughout the country without eliminations. Compare this record with the record prior to July of this year and you will realize the improvement that has been made in the moral tone of the pictures in so short a time.

In the midst of the reams of changes demanded by censor boards in every quarter of the county and of the globe, one wry item seeps to the surface. On January 12, 1934, a letter from a Mr. George Cole of the Paramount Distributing Office in Kansas City was addressed to the MPA, pointing out that he had prevailed on the Governor of that state to persuade his censor board to be "a little more tolerant on the question of liquor in pictures in the State of Kansas. . . . Anything in a picture that will tend to ridicule prohibition or the drys will certainly be removed. . . . The State of Kansas is considered extremely dry."[37] While all the world was agitated about sex and criminality, the central USA could see morality equated with only one thing: drinking.

The Hays office had tremendous power over the film industry in the late thirties. It seemed that Joseph Breen's stern leadership had gotten the film companies back into line. A column in the July 8, 1938 issue of

Nation Magazine gives an example of the power of the Hays office:

> Everyone is aware of the existence of this behind-the scenes censorship. If it happens that Will Hays doesn't like a movie but can't find that it violates the motion picture production code for which he is the watchdog, he can pick up the telephone, call up, lets say, Louis B. Mayer, and say he thinks such and such a film will have a bad effect on business; he suggests that Mayer do something to minimize the danger. Mr. Mayer then calls up Schench of Loew's, Kent of Fox, and Freeman of Paramount, and presto! Three of the most powerful theatre chains refuse to run the film. Of course, this method has its imperfections, for if a film has a good first-run box office, it is very hard to kill.[19]

By the end of the thirties the movie industry was back on its feet and was on its way to economic recovery. There were still some complaints being made public about the content of films, but the majority came from the Catholics. In the April 14, 1939 issue of Commonweal, Blanche Jennings Thompson expressed her feelings about the movies of that particular day:

> On Saturday and Sunday, youth goes to the movies. He does not choose intelligently or fastidiously; he just goes "to the show." Saturday afternoon movies in particular, have become an established custom. Some children sit through two or three shows, partly to get worth of their money, and partly to relive again the horrors and excitement of the moment when the gangsters "git" the cop or the cop "gits" the gangster--it matters little which. They enjoy Donald Duck or the Three Little Pigs, but their real joy is in violence and bloodshed. Just now a current fad for pugnaciousness and brutality on the screen is having its effect upon children. "The Dead-End Kids," the "Little Tough Guys" and their like are showing their influence upon both speech and manners. It is true that the tough guys are finally reformed, and that the caption "Crime Doesn't Pay" is flashed in large letters at the end of the gangster film, but before that happens the child has learned from a play-by-play description how

> to enter a house illegally, how-to-locate valuables, to escape the law, and to cover up incriminating evidence. That he learns his lesson well can be discovered by a little study of the juvenile criminal records.[8]

In Hollywood in 1940, the shadow of the Hays office fell long and wide, to the average producer, director or writer, the office only meant one thing: censorhip. This is the term a lot of the Hollywood producers were calling the Production Code in 1940. The procedures implemented by Breen in 1934 were apparently paying off, this is judged by the steady decline in the number of local cuts and rejections throughout the country, and by comparative contentment of such organizations as the Legion of Decency, the record of the Production Code Administration, under Breen, was one of notable achievement.

Producers did complain in 1939, basically on unreleased films prior to Breen taking office in 1934. It was Breen's position to screen and scrutinize films made prior to the PCA seal for release.[37] Producers felt that these films made prior to the seal should have to be scrutinized anew before being re-issued. An example of this is with the film A Farewell to Arms produced in 1932[19] and released earlier without a seal. Scenes that were permitted prior to Breen's administrative position had to be re-edited to meet his standards.

Another complaint was that the more powerful studios were able "to get away with murder," while the weaker ones had to toe the line.[19] Breen said to this

remark, "Every picture is an individual problem, and every problem is worked out by individuals from the production side and the Hays side of the business."[37] Walter Wanger, a producer said, "If these individuals [I presume production] happen to understand and like one censor, they are sure to arrive at results more satisfactory to all concerned than if they are not so friendly and so mutually understanding." Wanger went on to say, "Nowhere in the Code, do we read: Thou shalt not offend anyone, anywhere, at anytime. Yet this is our film lands first commandment, and the greatest of all."[8] Regardless of the charges thrown at them the Hays office or MPPDA continued to run Hollywood with an iron fist. It may have been true that the film industry did not want to offend anyone, but would soon be changed in the late forties with films on anti-semetism and some loosening of the Code itself.

In 1943, the MPPDA had a new rival in its field, the Office of War Information.[19] The OWI wanted to take a second look at films prior to their release to the public. The purpose of the OWI review according to MPPDA, is to provide a "standard procedure" for transmitting "voluntary propaganda requirements" to motion picture producers.[37] These requirements have been reduced to a kind of flexible and developing OWI code. The reasons given for review are technical. The OWI wanted to review all scripts in advance and make deletions similar to what the Production Code People were doing. The studios were not in favor of this

threat, many felt they were tied down heavily with the MPPDA and defended that agency.[19] Also, many producers felt that this might be some type of "trick or move on the federal government's part to slap censorship on the film industry."[37] In response to the remarks by Hollywood Film Daily reported that State Department officials "recently passed along some rather definite instructions on foreign affairs to Hollywood."[37] The whole story of the State Department's involvement with the making of For Whom the Bell Tolls made it quite evident that the department did not believe in freedom of speech when it came to diplomatic questions. Warner Brothers, Paramount, and Twentieth Century-Fox dropped projected films that dealt with the North African invasion by the allies on hints from the State Department.[21] It is impossible to tell how far this involvement went as there is little available written about it, but we do know that Paramount resisted with the Hemingway film, but to what extent no one knows.

A writer for the Nation Magazine supported the OWI stand in the issue of self-regulation vs. government review. The article went on to say, "the OWI, despite its limitations, is much more enlightened and more moved by good-will toward men than the Hays office."[19] An example was given: The Hays office has managed to ignore the Negro pressure, preferring apparently the Southern white market to the Northern Negro market on a straight box office basis. The OWI, whether influenced by man power

needs in wartime or a conscious liberalism, brought about a better attitude toward Negroes, overturning the unwritten Code according to which Negroes were always either funny or menial. That is a point scored for the OWI, but it would be a mistake to chalk it up for censorship.

The problem of government review hung over the heads of the MPPDA throughout the war. The OWI never did gain full cooperation of studios, on the review aspects. The MPPDA and self-regulation continued along its merry way.

Geoffrey Shurlock began exploding paper tigers such as temperance societies, political censor boards, the American Humane Association, the Legion of Decency, and all other public pressure groups that made great growling noises and threatened to hinder the film makers from flowing over the cliffs. Shurlock claimed that their bark was worse than their bite and exposed them by defying them. The only problem was that these were the groups that were supposed to be Shurlock's final support and strength in shoring up the Code. Shurlock felt he had the producers right where he wanted them. They were down to bedrock of themselves, they could find a sense of their own integrity, or they could make spectacles of themselves for the whole world to see.

> If the Catholic Church, or the Protestants, for that matter, is so weak that it cannot stand to see a little vice, then we cannot preserve it by hiding our heads in the sand. Let the producer have his scene. If people don't like it, he'll know.[37]

Most people thought that the issue with "Blue Moon" was one of "blue" language. The New York Times stated for reasons this film fell into disfavor with the custodians of the Code "obviously" was the absolute lack of inhibition with which sex was discussed. It cited such "taboo" words as "virgin," "seduce," and "pregnant," which, according to the paper, were used "with bland insouciance and cool forthrightness."[17]

This was not the problem. Within the group of film makers, there was a consciousness of being daring in taking this enterprise in hand. The star, William Holden, was quoted as saying that Preminger, and himself entered into an agreement before the picture went into production that the screenplay would not be submitted to the Code office for approval. Holden said, "I didn't see anything unmoral about the picture."[37] At any rate the script, in fact, was sent to the Code office in the waning days of 1952, and after considerable soul searching, a letter was returned to the studio by way of a New Year's present. True, the letter contained such minuscule prohibitions as "The broken expression 'son of a bitch' is unacceptable"; and "the reference to marijuana should be ommitted"; but other lines got closer to the heart of the matter. There was dialogue like "Men are usually bored with virgins," and " . . . godliness does not appeal to me," followed by "steaks-liquor--and sex. In that order." Elsewhere there was the line, "I always feel uncomfortable in a high moral

plane." It was the flavor of talk such as this that created the question.[37]

More specifically, the problem arose from the plot. The premise of the story was this. Maggie McNamara, a talkative aspiring television actress has allowed herself to be picked up by a successful architect, William Holden. He has just had a spat with the girl upstairs, Dawn Addams, daughter of the charming scamp, David Niven. It seems that Dawn had come home the night before, only to find her father under the influence of alcohol and preparing to bed down with his current lady friend. Coming downstairs, she had appealed to Holden for a place to sleep. He surrendered his bed in a chivalrous manner and slept on a couch in the living room. In the great spate of misunderstandings that followed this arrangement, Holden categorically denied that mobility or moral principle had anything to do with his decency. He had drawn back because the girl had forced the issued on his malehood, taking away from him the right to choose the time, the place and the circumstances. To prove his point, he had gone out and found Maggie McNamara. Right here lay the root of the problem. Inferentially, the story was saying that "free love" was something outside the scope of morality altogether, was a matter of moral indifference. Had the architect chosen to pursue the opportunity on his own terms that was his business. What came into contention here was the Code clause that stated, "Pictures shall not infer that two forms of sex

relationship are the accepted or common thing" (see Appendix A). Philosophically this was one of the most important provisions in the entire Code document. If "free love" were a common place, and were something widely accepted, it was only a small segment in the conclusions that it was acceptable. This then became a matter of condoning evil in principle, which in turn became a question of embracing corrupt standards.[37]

The plot went on to take another twist. David Niven, our swinger, came storming upstairs in the role of the outraged father to beat-up Holden, when he heard that his daughter had slept in an alien bed. However, as he discovers that nothing happened, he is a first nonplused and then chagrined that the girl's vanity has been sorely wounded. He decides that he ought to beat the architect for compromising the girl by <u>not</u> making a pass at her.

This element in the plot did nothing but bruise an already sore point. But the main item was yet to come. Circulating like a vestal virgin in the midst of all these complications was the aggressively chaste figure of Maggie McNamara. So emphatic does she become about her virtue that William Holden eventually accuses her of being a "professional virgin." When she asks him what that means, he tells her that she is always advertising her virginity. She wants to know, indignantly, what is wrong with that. He says that those who advertise usually have something to sell. This, incidentally, is probably the most remembered

dialogue in the piece. The only trouble was that, to the devotees of sexual continence, the figure of Maggie McNamera is the main rooting interest. The architect is someone to be looked at with interest and envy, but not cheered on. He has to be overcome. But (this was the key to the entire controversy) when he so patently tops Maggie, he is made to seem to win. She, on the other hand, is made to seem eccentric for being "clean," an oddball for clinging to her virtue in the midst of this "characteristically" loose way of life. In dealing with Preminger, Breen encouraged Preminger to make the picture according to dictates of his "integrity" and "taste."[37] Actually those who could not understand the objections against the film were looking at the story from the opposite end of the telescope. The audience believed the character portrayed by Maggie McNamera. The audiences were not overpowered by the character of William Holden. Audiences realized that the girl was being a bit extravagent and a bit too aggressive about her virtue, but on the whole they knew she was right, and Holden wrong. Such was the way Preminger argued. Preminger argued that it was Maggie, the virtuous girl, who wins, in the sense that she gets her man because he is decent, and without giving the previous commodity in her loins away. Thus, virtue triumphs.

The straw that broke the camel's back with Martin Quigley and Geoff Shurlock was the film Interrupted Melody.

There was nothing in the picture about which to be apprehensive. Basically it was biographical, being the life story of the opera singer Marjorie Lawrence, who at the height of her career is struck down with polio. It was filled with glorious music and animated by noble emotions, such as her stirring struggles to rejoin the human race and to find her voice again. The high point was the low point in the life of the opera singer. In utter desolation, she determines to try suicide. Wheeling herself into the bathroom in her hospital chair, she makes a pitiful effort to reach up into the medicine cabinet and lay her hands on a bottle of sleeping capsules. The bottle, just off the tips of her fingers, tumbles into the sink and spills out its tablets. As her frantic hands scoop up the loose pills, we see in close up the label on the bottle, lest there be any doubt of her intentions. As she is drawing a hurried glass of water for herself, her husband bursts into the room discovers her, and brutally wrests the pills out of her clenched fists. She overturns on the floor, and lies sobbing pitifully. So stunning was the sequence that you could have cut the silence with a knife. Quigley blew up with this and wanted to know "where the Production Code Administration was when <u>that</u> scene was shot? On vacation."[19] In the Code there was a certain provision covering the depiction of narcotics. Traditionally, it had been interpreted to exclude drugs of all sorts, including sleeping pills. It is doubtful that its original

intention extended beyond opium or heroin or other such destructive habit forming drugs, but since the motion picture theatre was not discriminate in its audience, it was thought better not to bring to the attention of children the uses to which any "illegal drugs" could be put. To show then a woman attempting to commit suicide (painlessly) with sleeping pills was a departure from respected practice.

The Motion Picture Industry had struck up sort of an informal code with Harry J. Anslinger, Commissioner of Narcotics for the U.S. Treasury Department. It was Anslinger's philosophy that the less said about narcotics the better. To bring the subject out into the open was only to stimulate morbid curiosity and to increase the problem of addiction. There were rumors out that the Industry was going to change its approach to use of drugs in the Code. To this he objected, and his objection was backed by a handful of hard core facts. His agents had unearthed a serious problem of dope addiction in one of the big studios and was ready to splash the news into the headlines across the country.[37] It would have been a serious blow to the prestige of the Industry, perhaps causing another period of revulsion against films. The Industry could ill afford the hurt at the box office. Therefore, it was remored that Anslinger had proposed a bargain to the Industry.[37] He would handle the dope problem at the major studio with tact and without

flamboyance, if only the company presidents would leave the "dope clause" in the Code intact. So when the question of the sleeping pills arose in the case of Interrupted Melody, Shurlock said, "If the people of this country are so near to suicide that the mere sight of Seconal will drive them to destruction like the lemmings, then we cannot save them merely by hiding the sight of pills from the screen. Why, my God, anybody can get a bottle on prescription from his doctor! We're being made to look ridiculous."[37]

The standards of conduct for which the Code stood were labeled "middle class morality."[19] Somehow this was made to sound cheap, as though the bourgeois were not as sound in their instincts as either the aristrocracy or the proletariat.

In the late forties and early fifties the picture business needed a refining force in its midst. As a medium which reached for the greatest common denominator, it frequently succeeded only in finding the lowest common denominator.

If a subject were found that was annoying, it was automatically included among those things which the Code prohibited. The legalistic question was simply not asked. It put a man on the spot. It was destructive of the spirit of the Code. The Code was a catch all and was not limited to the narrow confines of the words that were written down. It was primarily a buffer against the

embarrassing. To attempt to bring it down to chapter and verse was a declaration of a new concept of the Code. It was to diminish its size, its scope, its original function.

The Legion of Decency was narrower in its focus than the Code. The Legion was concerned with the theological man and was founded on revelation. The Code had more liberty. It was concerned with the ethical man and it is philosophical rather than theological. The functions of the two could not always be expected to mesh.

The secular press which was clearly more sensitive in the early fifties than in the later sixties was aghast at the brassiness of "The Moon is Blue." A trade magazine [Box Office] said that to hear for the first time from the motion picture screen such words as "virgin" and "seduce" is a shock even for the most sophisticated.[19] Motion Picture Daily warned exhibitors: "If your audiences are prepared to take . . . outspokeness they will be amused. If your audiences are of a different stripe, you'd better see this before your house falls in on you."[37] The Catholic Hierarchy did not see the situation as good naturedly as some of the journeymen in the Legion of Decency. The Cardinal's Residence in New York issued a proclamation against the picture, saying that it openly spurned the Code and was an attempt to ignore and override the moral law and to challenge the ideals of morally wholesome standards in public entertainment. It was labeled as "an occasion of sin," and Catholics were not only reminded of

their obligation to avoid it, but of their pledge to refrain from attendance at the theatres that flout decency by exhibiting such a picture. The Archbishop of Philadelphia, John F. O'Hara, issued a similar edict and strove strongly to keep the film out of that city. The President of the Archdiocesan Council of San Francisco wrote the Code Administration, "Whoever was brazen enough and had the temerity to proceed lacking approval of the established standards of the Code reviewers is a direct challenge to the public."[37]

A final action occurred. The picture was refused acceptance by the Maryland Board of Censors, but the case was returned, upsetting the Board of Censors, and ordering them to license the film. The judge who handed down the decision, Judge Herman Moser, said that the film, "is a light comedy telling a tale of wide-eyed, brash, puppy-like innocence routing or converting to its side the forces of evil it encounters."[4] The film, The Moon is Blue did not receive a certificate until 1961, eight years later. United Artists came back into the Association at that time.[7]

In the autumn of 1956, Baby Doll arrived.

Elia Kazan claims that the material for this film was derived from a fifteen year old vignette by Tennessee Williams called 27 Wagons Full of Cotton, but this was stretching it. It was some type of creativity by Williams, in conjunction with Elia Kazan.[37]

What is the plot? Daily Variety, in its' November 3, 1956 issue, capsulates it as a story of

> . . . an immature teenager (Carroll Baker) married to middle-aged Karl Malden, who owns a cotton gin lying idle. When their on-credit furniture is carried away, Malden sets fire to the syndicate cotton gin that had taken all his business. Suspecting Malden, Eli Wallach--owner of the gin--carts his cotton to Malden's gin and then proceeds to seduce Miss Baker, who signs a note confessing that Malden committed the arson. Malden, who has agreed not to touch his young wife until one year after their marriage (which is about over when the movie starts) finds Miss Baker and Wallach together in the house and goes berserk with jealousy.

What this story was all about, in theme, was revenge; but the type of revenge that is typical of the Sicilian mind. Once, Wallach, the Latin, has his piece of paper implicating Malden, he taunts the fellow until he is almost insane with the thought that he has been robbed of the sex for which he waited so long. He takes out a shotgun and drunkedly starts to shoot at anything in sight. Then he is led off under arrest by the sheriff and his "friends," whom he had counted on to protect him from the wily outsider. In its depths, however, this story makes other commentaries. It is a sly exposure of the Tobacco Road mentality of the South. It lays naked the arrogance by which trashy whites try to sustain the status quo economically, and the cruelty to which they will go to keep it in tact. It shows the evil masonry of the stupid, and its importance to cope with innovations. It is a social document of power.

The script came into the Code office in 1955, and a number of elements were clouding the moral equations of the planned film. The problem was not with the basic plot nor with the theme, but with the terms in which this story was told. It was steeped in a heavy sexuality, especially in the areas of the frustration and the lust of Karl Malden, and in the vividly detailed and protracted sequences of the "seduction" of Baby Doll by Wallach. The entire plot to awaken her sexuality in order to make her subservient (and sign the confession about the arson) was as "raw" as had been attempted in American pictures, at least up to that time. In September, 1956 when the rough print was previewed for the Code Board, they took exception to several items, and especially to the eroticism of the so-called swinger scene. Wallach had cornered Baby Doll, who sucked her thumb when she slept and carressed the mouth of coke bottle with her lips in a manner hardly to be misinterpreted, in a garden swing she purred as he stroked her skin until she went into reactions that were nothing if not orgasm. Kazan resisted the Code Administration in their interpretation of the scene. He finally got the scene intact.[37]

There is another famous scene of Wallach falling asleep in Baby Doll's crib in the attic. At first, the Code Board felt it seemed to convey the idea that a sex affair was consummated here, but Kazan argued that this would be physically absurd, since there was no room for

gymnastics of any sort. The Board bought this content and approved the film, ignoring such miniscules as "wop" and double-meaning gestures of defiance, and even an embarrassing scene of a hound dog, sitting straight on into the camera, with his conspicuous waterworks palpitating right under the viewer's nose.[37] The Legion of Decency saw the film in a different light though. Word got to Cardinal Spellman, who without even seeing the film, flew up into his pulpit, and condemned it in the strongest terms. He imposed an interdict on it, exhorting Catholic people not to see it " . . . under pain of sin." Spellman also added, "It is the moral and patriotic duty of every local citizen to defend America from dangers which threaten our beloved country from beyond our boundaries, but also the dangers which confront us at home." Kazan replied, "I disagree that Baby Doll is immoral. I am outraged by the charge that it is unpatriotic, and I fail to understand this."[21]

The Legion itself, echoing the mood of the Cardinal, released a hotheaded condemnation of Baby Doll as follows:

> The subject matter of this film is morally repellent both in theme and treatment. It dwells almost without variation on relief upon carnal suggestiveness in action, dialogue, and costuming. Its unmitigated emphasis on lust and the various scenes of cruelty are degrading and corruptive. As such, it is grievously offensive to Christian and traditional standards of morality and decency. The subject matter of the film indicates an open disregard of the Code by its Administrators.[21]

Martin Quigley, in his Motion Picture Daily charged that the film contained violations of all three

of the General Principles of the Code in its ability to lower the moral standards of many who will see it, in its almost total disregard of "correct standards of life," and in its ridicule of both natural and human law.[37]

The situation was compounded when James A. Pike, then Dean of the Cathedral Church of St. John the Devine (New York Episcopal Headquarters) scorned Cardinal Spellman's attack by calling it "the efforts of a minority group to impose its wishes on the city."[21] This was an evidence of individualism raising its ugly head.

The picture was advertised in Paris with the single blurb "Condemned by Cardinal Spellman." This brought out the Catholic crowds, Cardinal Feltin refused to go along with Spellman's decision of condemnation, and gave the film a 4-A classification which is "strictly for adults, with some reservations."[21]

British Jesuit Father J. A. V. Burke, Director of the Catholic Film Institute, gave it as his view that the film was "a powerful denunciation of social and racial intolerance and as such is something for thoughtful people to see."[37] Burke was suspended for taking this action. Burke said that Spellman had asked a fellow British Cardinal to back his action in the name of church unity, and the British prelate had obliged. Burke was sacked as head of the Film Institute.

There were three areas in which the film showed a capacity for making people blind. The first was very close

to home. It would seem that Kazan, by some witchery, had created the suggestion that something else went on in that crib in place of "ordinary" sex. This went over many of the Code Board's heads when they passed it, but Shurlock did not miss it, and in the movie crowd, the word was out that Baby Doll had given Wallach a "blow job," while in that crib.[37] That obviously was what all the Coke bottle and thumb sucking symbols may have been about. Neither did it escape the film critics in papers across the country. It also, apparently, made the Legion of Decency opaque. That they should have blundered into a coarse personal attack, calling the Code conduct "open disregard" of the document, showed an insensitiveness to the growing reality of the new breed of movie makers. The third area of misunderstanding that Baby Doll was able to produce (and this is probably the most important of all), had to do with Kazan's statement that he could not understand what the issue had to do with patriotism. An understanding of what was moving the Cardinal in particular, and the Legion can be brought into better focus by backstepping a few years and taking a look at the controversial picture The Miracle. This controversial picture had immense impact on American culture. The brief that was used by the Supreme Court and written by Bosley Crowther in this case is as follows:

> A poor, simple minded girl is tending a herd of goats on a mountain side one day, when a bearded stranger passes. Suddenly it strikes her fancy that he is St. Joseph, her favorite saint, and that he has come to take her to heaven, where she will be happy and free. While she pleads with him to transport her, the stranger gently plies the girl with wine, and when she is in a state of tumult, he apparently ravishes her.
>
> The girl awakens later, finds the stranger gone, and climbs down the mountain not knowing whether he was real or but a dream. She meets an old priest . . .[5]

This does not give us the factors which would explain the great flareup of feelings provoked by this picture. Some critics said it was just pleasant allegory, conveying the idea that the Godhead lies in all human beings. Rosellini, the maker of this film, claimed that the "miracle" was that a demented girl regains her sanity in her eternal love, which springs up at the birth of her child.[19] Thus the inference is clear. This film was taken by many--not limited to the United States, but in Europe as well--to be an effort to secularize the story of the Virgin Birth. Worse yet, it gave the appearance of being an attempt to reduce this tenderly held belief to the level of mockery.

The highlights of what happened in the case of "The Miracle" can be sketched easily by using the Supreme Court document which set forth its final opinion.[5]

The film was passed by American Customs and was twice licensed by New York State, once without English subtitles, and a second time as part of a trilogy with English subtitles. In December, 1950, it was released

at the Paris Theatre in Manhatten.[37] It was promptly attacked by the Legion of Decency as "sacriligious and blasphemous."[18] On December 27, the trilogy entitled "Ways of Love" was selected by the New York Film Critics as the best foreign language film of the year.[37] Prior to this, Edward T. McCaffrey, Commissioner of Licenses for New York City ordered the film withdrawn from exhibition on the grounds that it was "officially and personally blasphemous." There was a threat of the risk of suspension of the license to operate the Paris Theatre. The New York Supreme Court judged that the Commissioner had exceeded his authority in that he had no powers of movie censorship, and the program was restored to the theatre.[5]

The theatre was picketed several times and several days later a statement by Cardinal Spellman condemning the picture, and calling on "all right thinking citizens" to unite to tighten censorship laws, was read at all masses held in the Cathedral.[18]

The real and burried feelings about the matter, however, came to the surface in an editorial in the Motion Picture Herald, Martin Quigley's periodical, Quigley probed into the heart of the suspension. "It's thinly veiled symbolism is an attack not only on Christian faith, but on all religion." It was produced in that period of Rosselini's life when, claimed Quigley, he was flirting with the extreme left, and some of his associates, including Anna Magnani, were active Leftists.[37]

Fundamentally, the story was "repugnant to the American instincts." It is at this point that we can return to Elia Kazan and "Baby Doll" and cater to his puzzlement. The idea for "The Miracle" could only have had a logical birthplace in Soviet Russia, although it was possibly too daring for even the Communists. Thus we see the core of the issue. The Catholic Church had pulled out all stops in the case of "The Miracle." In its attempts to employ naked civil power, it was defeated.[18]

The Legion, in some qualified but real sense, was a continuation of the tradition of the "Index" of forbidden books, and, in a more limited manner, of the inquisition. Therefore, the movie Storm Center touched them where they lived.[37]

This is the story of a small town idealistic librarian who has a dream of opening a children's branch of her revered institution. She (Bette Davis) lays the plans for building her library and one day, a life long friend, Judge Ellerbe, visits the library and in browsing among the shelves finds a book titled The Communist Dream. With heavy heart he brings the news to the city fathers who in turn give Bette an ultimatum. Take the controversial book off the shelves and she will get the money to build her new library. She refuses, and the dilemma is joined. The Gordian knot is cut for them by a prococius boy, Freddie Slater, who had been a favorite of Bette's and to whom she had opened up the wealth and the wonders

of the world of books. He becomes caught up in the raging tide between town and librarian and is agitated to the point of distraction. He climbs into the library one night and while scanning the troublesome books, begins to hallucinate. The books turn into nests of snakes. He sets the whole building aflame. The shock of the holocaust brings sobriety to the citizens. The boy is rescued, and Bette comes back fighting, determined to build the library even if she has to do it with bare hands. The Legion of Decency knowing, however, that in a pluralistic society they would be walking into a certain blackjacking to condemn the picture, employed for the first time a new device, called the "Separate Classification." In thus rating the picture, they expressed their pique in the wording of their accompanying comment:

> The highly propagandistic nature of this controversial film (book burning, anti-communism, civil liberties) offers a warped, over-simplified and strongly emotional solution to a complex problem of American life. Its spacious arguments tend seriously to be misleading and misrepresentative by reasons of inept and distorted presentation.

The "Separate Classification" was defined in an appended note as that which was given to certain films which, while not morally offensive, require some analysis and explanation as a protection to the uninformed against wrong interpretations and false conclusions.

The action taken by the Legion had very little effect in Hollywood. The Motion Picture Industry Council, a representative group made up of various factors in the

film business and headed by Lou Greenspan, held a session and drafted the following resolution which it cast back into the face of the Legion:

> We do not question the Legion's right to offer moral and religious leadership nor do we approve or disapprove the film at issue. However, we believe that by implication and inference, this action by the Legion goes beyond normal criticism and spiritual advise and is a form of censorship with the purpose of dictating and controlling the content of motion pictures contrary to American principles of freedom of thought and expression. The public chastisement of the Legion was uncommon, and was beginning to be another sign of the times.[37]

Although "Tom Jones" ruptured just about every second precept of the Code, it was clear from the whoops of joy with which it was received by audiences everywhere that the moldy old Code could be honored more in the breach than in the observance. The producing company of Tom Jones had gone ahead and produced the picture anyway, and as luck would have it, had shown it to the Legion of Decency before bringing it to the Code. The Legion had, surprisingly, withheld from condemning it, with the civilized comment:

> This film is an earthy satire about the manners and morals in 18th century England. Although the film may appear frequently coarse, it is saved from being offensive by reason of its fast paced and exceptional comic treatment and its honest portrayal of the period.[37]

Other producers tried getting around the Code in Hollywood, one of them was Billy Wilder.[2] The picture was Kiss Me, Stupid. Right from the start, Wilder made it clear that he was not fooling around. The town in which

the story was set was called Climax, Nevada.[2] It was the tale of an attractive scamp, Dean Martin, on his way back to Los Angeles from a singing engagement in Las Vegas when his car is sidetracked and sabotaged by two aspiring songwriters who own the local gas station. Dino is worried over the prospect of having to spend the night in this strange hick town, because if he has to go for a night without sex, it gives him a headache. To keep him happy, a local waitress named Polly the Pistol is acquired from the local tavern, gently named the Belly Button. In a night time of confusion, the wife of the songwriter switches places with Polly, and Dino goes to bed with the wrong party. Two weeks later the songwriter hears his tune being sung by Dino on television. When the naive fellow wants to know how this happened, his wife says fondly, "Kiss me, Stupid."

It was not merely a question of the plot, with its implication of what in the old crass days of the Code used to be called "screwing for the jewels."[37] It was the whole atmosphere of what the London Times eventually called "cheery bad taste." But, in the final analysis of the point; Geoff Shurlock said, "I'm going to pass it." It was the end of an era for the Code.[37]

It was not long before the Legion of Decency turned is public tongue on the film like a flamethrower. In an unusually wordy opinion it declared:

> Satire on the foibles of its people has always been a sign of the healthiness of a society. Through humor the weaknesses of men can be exposed to a salutary recognition by all--and, many times, much more effectively than by preachment. Mr. Wilder's earlier film, "The Apartment," was an example of such effective comic satire.
>
> In the case of "Kiss Me, Stupid," however, not only has Mr. Wilder failed to create a genuine satire out of a situation comedy about an amateur composer who attempts to sell his songs to a big-named singer in exchange for the adulterous attentions of his alleged "wife," but he has regretably produced a thoroughly sordid piece of realism which is aesthetically as well as morally repulsive. Crude and suggestive dialogue, a leering treatment of marital and extra-marital sex, a prurient preoccupation with lechery compound the film's bold condonation of immorality.[37]

To make matters worse, the Legion appended a press release to its condemnation in which it made a highly personalized attack on the Code Administration itself. First, it noted its "astonishment" that a film "so patently indecent and immoral" should have received a seal of approval by the Code office. It then leveled a broadside:

> It is difficult to understand how such approval is but the final betrayal of the trust which has been placed by so many in the organized industry's regulation. Moreover, the release of this film by Lopert Films, a wholly owned subsidiary of United Artists, at any time, but particularly during the holiday season of Chanukah and Christmas is a commercial decision bereft of respect for the Judaeo-Christian sensibilities of the majority of the American people.[37]

It was during this period also that the Legion coined a new phrase, in which it has accused the movies of indulging in "moral brinksmanship."[29] When the Legion itself pretended to show a solicitude for the sensibilities of Jews during the Chanukah season, then the thinness of its own fabric was clearly beginning to show.

There was a basic reason for Shurlock passing this picture, in his words:

> I passed this picture with both eyes open, I did it to precipitate a crisis. Now maybe we've got it. Somebody had to rupture the Code in so conspicuous a manner that they have to do something about it. Because if this is the kind of movies they want to make, if the companies are going to put up money for this kind of stuff, and then expect me to try and stop them, they're crazy.[37]

Motivated by his association with Wilder's film, Shurlock automatically gravitated to the side of "taking a chance" whenever a controversial scene cropped up in a film. A prime example of "taking a chance" occurred in the case of the great money maker Goldfinger, the third in the fabulous James Bond series. Shurlock had laughed off the first two entries, Dr. No, and From Russia With Love, and in doing so, had shown both wit and perception. "It's only a little fucking," he said. "What's all the shouting about?" "My God, what do women think they are, that to give them a little what-comes-naturally brings the sky down on everybody's heads--like something out of chicken little? This deification of the female waterworks is too much."[37]

When the time came to make Goldfinger, however, the producers were beginning to feel the pinch of their own inventiveness. Having expended all outlandishness on the first two productions, it was incumbent on them now to top themselves, even though this be at the expense of straining taste along with credulity.

The gimmick in this particular story was an attempt to rob all the gold in Ft. Knox. If the villains only knew, they could have done it legally through the stock market. Instead, they enlisted the services of a lesbian like character called Pussy Galore and her all-girl circus of aerial acrobats. Even Shurlock winced at the boldness of this cuteness.[37] The Board also squirmmed at the obviousness of a line at the opening of the picture. Bond is in bed with a luscious creature when the phone rings, and he is summoned by headquarters. Speaking into the phone while looking wistfully at the actress, Shirley Eaton, Sean Connery explains that he cannot come now, because "something big has just come up."

The picture passed without a cut. Thus, ended the first attempt of self-regulation by the motion picture industry. Self-regulation in the coming years was to be liberal in every respect as will be seen in the next two chapters. The young motion picture industry was beginning to grow up and face reality.

CHAPTER III

FILM CLASSIFICATION: CHANGES AND TRENDS TO VOLUNTEER CLASSIFICATION SYSTEM-- 1965-1968

We saw under the old code, which functioned under what had become popularly known as the "Hays Office," film producers by following the structures of the old code, produced mass entertainment. Hollywood took great pride in the fact that its pictures were fit for the entire family. Although critics might decried the lack of artistry and experimentation in the typical Hollywood product, this orientation to the mass audience made economic sense. Films, like other forms of mass media, brought the highest return for dollars invested when they could reach the widest possible audience.

Following World War II, the family entertainment offered by a growing television industry began to cut into film audiences and box office receipts spiraled downward. In 1948, the major film companies lost control of their theatre holdings as a result of anti-trust action. With more theatres thus freed to show pictures without the Code

Seal, competition from foreign films and independent producers became a major factor in Hollywood's economic crisis.[10]

The product of the foreign film makers offered levels of candor and frankness which Hollywood could match only by tacitly winking at the Code or ignoring it altogether. In 1953 a major crack in the structure appeared with Otto Preminger's release of The Moon is Blue, a mild sex comedy by today's standards, without benefit of a Code Seal.[31] This weakening process continued up until the advent of the new code in 1966. By special exceptions, for example as seen in Chapter I, Who's Afraid of Virginia Wolfe? and Alfie were granted Code Seals, even though the former contained language expressly prohibited and the latter an abortion scene which was also taboo at the time.

In the late 1950s, when Eric Johnston, then President of the MPAA dropped a hint to the trade press that the film industry was giving classification some preliminary thought, an uproar within the ranks followed.[37] In addition to Johnston, another leader in the film industry, production Code Administrator, Geoffrey Shurlock for one, saw a need for some kind of industry-operated film classification long before the step was finally taken. Resistence in the industry at least until the 1960s was widespread.[16] Apparently for financial reasons, film makers disliked the idea of supporting any system which would tend to split their audiences.

Perhaps more central to the issue, however, was the fear that voluntary classification might produce just the result it is intended to prevent. Fred Hitt, writing on the subject of film classification in Saturday Review, (December 19, 1959) posed the problem this way, "If Hollywood sets up a voluntary classification system, and it breaks down at the theater level (which it probably will) this would be taken by the public as a violation of a trust, and again, would point the way to more censorship." This dilemma expresses one of the central problems facing the self-regulator, namely, the tendency for government to take over on the grounds that it can do a better job. With respect to film classification, acceptance of the principle by the film industry could furnish ammunition to the argument that only a compulsory system can accomplish the intended objectives.

In September of 1966, the New Motion Picture Code of Self-Regulation went into effect.[37] This move gave the Production Code Administration the authority to label certain films as "suggested for Mature Audiences."[37] Actually, the Motion Picture Association did not consider the system, at that time, as a form of classification, since the ultimate responsibility rested with the parent in the home. Jack Valenti, President of the MPAA, put it this way, "What we are saying is: Look, Mr. parent, this may not be a picture you want your child to see!"[40]

Compliance, by studios, with the Code in the early days of the new system was much like today. The Seal approval is secured through voluntary submission of films for Code approval, and through the cooperation of exhibitors in restricting showings to films which have received the Code Seal. In 1966, before the designated rating code (G, PG, R, X), itself, the Code approval of a film appeared on the screen in the form of a flattened circle with a movie reel inside. This was utilized to notify the public that a particular picture had met the Code Administration's requirements.[1] Similary, the tag "Suggested for Mature Audiences" appeared in the advertisements for films so designated.[1]

In addition to inaugurating a form of classification, the new production code stripped away many of the prohibitions of the old code under which Hollywood had been operating for thirty-six years, and substituted for the long list of taboos of its predecessor ten more generalized guidelines. An indication of the liberalization that had taken place may be gained by comparing the first general principle of the old code with the introductory statement of the new code (Appendices A and B). The old code begins by stating that "no picture shall be produced which will lower the moral standard of those who see it." The new code states that it is designed, "to keep in closer harmony with the mores, the culture, the moral sense, and the expectations of our society."

In announcing the new code, Valenti said that it had two major purposes: "To encourage artistic expression by expanding artistic freedom and to assure that the freedom that encourages the artist remains responsible and sensitive to the standards of the larger society."[35]

A third objective, however, has variously been acknowledged. In reporting cooperative plans of the Motion Picture Association of America and the National Association of Theater Owners to publicize the Code, for example, Variety reported that these efforts are seen as "an extension of the industry's current effort to get as much information as possible to the public about the content of individual motion pictures and thereby to set the tide of municipal classification ordinances around the country."[32]

In 1966 as classification of motion pictures began in earnest, the censoring and licensing of motion pictures by states and municipal boards began fading out. The controlling case in this regard was the Freedman v. Maryland case held in 1965.[2] In Freedman v. Maryland, the Supreme Court dealt with the procedures of licensing for the first time. This particular case involved the conviction and $25.00 fine of a Baltimore theatre manager for showing a film without first obtaining a license from the Maryland Board of Censors. With the backing of the Times Film Corporation, the distributor, Freedman had notified the Board that he intended to exhibit the film without a license. He was arrested after the first performance.

The film itself, Revenge at Daybreak, a story of the Irish Revolution, presented no question of obscenity. Freedman's claim was freedom from criminal prosecution for showing a constitutionally protected film--that is, a film free from obscenity. The real aim in this case was nothing less than the elimination of licensing as a practical matter. Freedman argued that authority of the State of Maryland to exclude certain films in advance and its cognate authority to punish for exhibiting an unlicensed film were both "exhausted when legitimacy of the film sought to be exhibited is conceded."[2]

In deciding for Freedman, the Supreme Court was unanimous, yet the theory of seven Justices in an Opinion written by Justice Brennan was not that criminal punishment for showing an unlicensed, yet innocent film, was itself invalid. Rather, the State's requirement that all exhibited films must first be licensed failed because it operated as part of a larger statutory scheme that did not "provide adequate safeguards against undue inhibition of expression."[29] Justice Brennan then called attention to the hazards licensing systems presented to free speech.

> The administration of a censorship system for motion pictures presents peculiar dangers to constitutionally protected speech. Unlike prosecution for obscenity, a censorship proceeding puts the initial burden on the exhibitor or distributor. Because the censor's business is to censor, there inheres the danger that he may well be less responsive than a court, part of an independent branch of government, to the constitutionally protected interests in free expression. And if it is made unduly onerous, by

> reason of delay or otherwise, to seek judicial review, the censor's determination may in practice be final.
>
> Applying the settled rule of our cases, we hold that a non-criminal process which requires the prior submission of a film to a censor avoids constitutional uniformity, only if it takes place under procedural safeguards designed to obviate the dangers of a censorship system.[2]

In the Freedman case, the Maryland censorship apparatus failed by the following three measures: One, it failed to provide for prompt judicial review of the censor's ruling; second, it failed to provide that the censors must either license a film or take the matter into court where they themselves would carry the burden of proving the film unprotected expression; and third, it failed to provide for prompt judicial determination and the merits.[2]

In a final move by the Court, Justice Brennan said that "films differ from other forms of expression" and added that the nature of the motion picture industry may suggest different time limits for judicial determination. One possible scheme would be to:

> Allow the exhibitor or distributor to submit his film early enough to ensure an orderly final disposition of the case before the scheduled exhibition date--far enough in advance so that the exhibitor could safely advertise the opening on a normal basis. Failing such a scheme or sufficiently early submission under such a scheme, the statute would have to require adjudication considerably more prompt than has been the case under the Maryland statute.[2]

The Court had made its decision within the framework of a licensing system and, in doing so, recognized the exercise of licensing power. The Court's aim was

reform rather than liquidation. Freedman had based his attack on the submission requirement in the Maryland law.[29] This requirement, when coupled within the criminal sanction for exhibiting without a permit, is the essence of a licensing system. Yet in the end, the Court refused to consider the submission requirements at all, except to acknowledge that procedural deficiencies in the licensing apparatus could be challenged by ignoring them.

While the Supreme Court did not actually bar pre-exhibition censorship, it spelled out certain safeguards which effectively pulled the teeth of boards in existence. Henceforth, the burden of proof that a film is censorable must rest with the censor, there must be a court ruling before a film can be banned; the burden of instituting such proceedings must also rest with the censor, who must either issue a license or seek an injunction against the exhibitor; and finally, this procedure must take place in the shortest time as mentioned above.[14]

In the months following the Freedman decision, state censor boards went out of business in New York, Virginia, and Kansas.[2] The State of Maryland enacted special legislation to meet the standards set forth in the Freedman decision and was upheld by that state's highest court, but the powers of the reconstituted boards were severely restricted and Maryland, too, soon abandoned its state censor board.[29]

Classification has come into being more and more in the past several years. Classification legislation has been introduced or enacted in a variety of municipalities and state legislatures. In its 1967 Annual Report, the Motion Picture Association of America noted that during the last half of 1966 and first half of 1967 classification proposals had been defeated in state assemblies of New Jersey, Rhode Island, Texas, and Alaska and the legality of such ordinances was successfully challenged in the cities of Birmingham and Seattle. A partial list of other states that have considered classification bills in previous years prior to 1967 would include New York, Maryland, Massachusetts, Illinois, and the District of Columbia.[32] There are two major cities at the present time with classification ordinances presently on the books, but not heavily enforced, Dallas and Chicago.[2]

Interest in classification entered the national scene largely through the efforts of Senator Margaret Chase Smith (R, Maine) to establish a Senate Select Committee on Film Classification. It would have conducted an investigation of the question as a "possible aid to the Congress in enacting remedial legislation contemplating limitations upon the exhibition of certain motion pictures to minors." Senator Smith first introduced the resolution in March of 1966 and reintroduced it on January 11, 1967 (Senate Resolution 9). The resolution was referred to the Committee on Commerce and shelved.

Because it only prevents exhibition to children or adolescents, classification is often considered a kind of middle ground between general censorship and no censorship at all. It was for this reason it appeared to be receiving increased attention from legislatives in 1966-1967 and censors. The Dallas Motion Picture Classification Board, which was set up after the Freedman case, is a prototype of municipal licensing limited to classification. However, among the major general licensing systems, only those of Chicago and Milwaukee would classify and classified films. Censors on boards, after the Freedman decision, were not authorized to classify films and found themselves in the quandary of being constitutionally forbidden to use children as a frame of reference for general censorship.[2] This embarrassment was met in part by development of substitutes for classification. Detroit, for example, limited certain films to "art theatres" which had no children's admission. The licensing bureau's permits for films shown at the "art" houses were conditional requiring that the film must be resubmitted if it was to be later scheduled for general distribution.[2] Board members in Virginia occasionally put pressure on exhibitors to advertise particular films as "for adults only."[14] Being from that state and having worked in theatres there, I can testify that advertisements often had little to do with actually limiting the audience to adults, since many exhibitors made no attempt to enforce it.

Age classification is the labeling of movies as suitable or unsuitable for children and youth on the theory that some films, though not harmful to adults, may be injurious to the less mature. This is the theory the Motion Picture Association of America used in establishing its voluntary rating system in 1968. The MPAA states its main objective in its case for such a system as:

> One does not rate for adults per se, it assumes as American society does, that the adult is capable of making his own decisions. The system is not a substitute for the parent. The parent is the responsible person to decide on children's movie going. All that the voluntary rating system does, and all that we (the MPAA) believe it should do, is to indicate some helpful guidelines for parents to assist them in making choices as to the suitability of films for their children.[36]

In the past history of motion pictures in the United States, prior to the Motion Picture Association initiation into the field, there were basically two types of ratings: (1) Government or non-governmental, or (2) Advisory or compulsory. Advisory non-governmental classification is the most common form in the United States. This includes ratings of the Film Board of National Organizations "Green Sheet," the National Catholic Office for Motion Pictures, and other private sources, such as PTA magazines, Consumer Reports, and some local organizations. There are still a few exhibitors in the United States, who operate all porno movies, and are not members of the National Association of Theater Owners, who restrict audiences to adults only.[32] There are several theatres in the Lansing area that fit this category. The Sceen

Drive In Theatre in Durand, which has a strict policy on age limits, also the Crest and the M-78 Drive In Theatres have a similar policy. The M-78 is a NATO member, but usually will not show any "X" rated film that has not been submitted to the Motion Picture Association for rating, whereas the other operators (Sceen and Crest) exhibit the X or XX films that are distributed out of New York or San Francisco. The producers and distributors are outside the auspices of the MPAA and affix their own seals to their films. A great deal of this material is pure trash and any respectable exhibitor would not play it. This is a case of self-implied age classification as mentioned above and there is no ordinance to cover such a movie.

Still to this day, the United States remains the only major western nation without some form of systematic compulsory classification of movies.[29] Today, in the United States there are only two governmental classification units existing in Chicago and Dallas, and they are at the point where all that their role consists of is answering complaints.[2]

In American law there is ample precedent for denying youth certain privileges, driving automobiles, purchasing alcoholic beverages, and so forth, which are allowed adults. Nevertheless, movie classification does raise the question of the child's rights under the First Amendment of the Constitution. Though the Supreme Court, to date, has not yet defined these rights, some members of

the court have recognized "the legitimate interest and indeed exigent interest of states and localities throughout the nation in preventing the dissemination of material deemed harmful to children. Yet this material cannot justify the total suppression of material."[35] The MPAA on this point, in regards to the children's First Amendment rights, has stated "that nothing has been defined in this area and the parents need to know";[34] yet a youngster is denied the right to see the film of his choice, but can still purchase a copy of Playboy at the corner drug store. It could be said his movie rights have been denied, but not freedom of access to literature.

In an early case, Prince v. Massachusetts, the Court upheld a child-labor law which prevented juveniles from selling religious pamphlets from door to door. The statute's interference with the parent's right to bring up his child or with the child's First Amendment freedoms were held not so great as to overcome the state's interest in the welfare of children; thus, the state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare, and this includes to some extent matters of conscience and religious conviction.[2]

Prior to the Motion Picture Associations Voluntary Rating system of November 1, 1968, there had been few reported cases involving classification. There are a

couple of cases we can take a look at, one being Dallas. Dallas in 1965, was attempting to obtain the right to classify and license also. The Supreme Court found that classification of films was a reasonable means to the end of preventing incitement to crime, delinquency, and sexual promiscuity on the part of young people. Designating some films as not suitable for youth did not violate constitutional guarantees of free expression, nor did the court believe the city had to show evidence of a causal relationship between certain films and criminal, delinquent, or promiscuous behavior. The legislature inference of a causal connection from data available to the Dallas City Council was not "so unreasonable or arbitrary as to be invalid."[34] Thus it appears that doctrinal problems presented by classification are less likely to involve the power to classify than the particulars of classification such as objectives and standards, age limits and the enforcement of restrictive orders.

Obviously, standards that were used in classifying films would have been more restrictive than those used in general licensing, where these two powers coexisted. Such classification standards could be confined to erotica and nudity and thus present, in effect, a "variable" concept of obscenity, or they could have gone further and included new subject areas. The classification provision of the Chicago censorship ordinance, which is still on the books, is of the former type, limited to erotica and nudity where

"the picture, considered as a whole, has the dominant effect of substantially arousing sexual desires in any person less than seventeen years of age, or if the picture is indecent, or is contrary to contemporary community standards in the description or representation of nudity or sex."[29]

A good example of the broader kind of classification is found in a New York State Board of Regents proposal introduced in the 1965 session of the New York Legislative but not acted upon. The State Motion Picture Division would have been authorized to classify a film as acceptable for children under sixteen unless it contained, "scenes of nudity, sexual relationships, violence, terror, horror, brutality, sadism, drug addiction, lewdness, lasciviousness, physical torture, scenes which are disgusting, scenes which engender disregard for law or other scenes which are destructive of proper social relationships in a manner, or to an extent which would be detrimental to the health, morals, safety and well being of a minor under the age of sixteen years."[30] It may be a good thing this classification system failed and the new MPAA rating system was adopted as the children of New York would not have been able to see anything under these conditions.

Another example of far ranging classification is that contained in a proposed revision to the Chicago licensing ordinance. The proposal appears to be a lesser attempt to set up operational legal standards rather than

a philosophical statement of the ideals of classification, as such, the proposal still reflects the wide gap that lies between these two goals. A film would be unsuitable for children if "taken as a whole in treatment of sex, violence, or any other area of human concern to which such children or juveniles in their characteristic states of emotional immaturity are pecularly sensitive, such film tends, to an important and dangerous degree, to be disturbing, or precipitous of latent impulses toward destructive or anti-social acts."[34]

American law has no tradition that defines terror, horror, violence, sadism, or most other standards of the type contained in the New York Regents' proposal. Yet, because age classification does not directly place an added burden on adult freedom of expression and because a child's First Amendment rights are not as great as those of an adult, more latitude could have been allowed in setting standards for classification then was allowed in general licensing.

In an early case, a classification provision of Chicago's former licensing ordinance was held to be unconstitutionally vague for failing to give censors a rational guide.[30] Under the provision, a film was to be given an adults-only permit if it tended "to create a harmful impression on the minds of children where such tendency as to the minds of adults would not exist if exhibited only to persons of mature age."[30]

However, in the Dallas litigation, the Fifth Circuit Court of Appeals held that the general standard "not suitable for young persons," which proscribed "brutality, criminal violence, or deprivity,"[34] along with certain types of erotica, was limited to the control of obscenity. So restricted, the general standard was not unconstitutionally vague. Moreover, the test for obscenity in classification was whether or not a film was "one which, to the average young person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest, substantially goes beyond the customary limits of candor in description or representation of such matter to the average young person and is utterly without redeeming social importance."[2]

The designation of "children" may also raise a constitutional question; though any age line establishing a minor's incompetence in adult activity is bound to be arbitrary to a degree, such a line for movie viewing obviously cannot be set too high. In the Chicago case, the classification provision was found unconstitutional on the alternative ground that an age limit of twenty-one was unreasonable. Under it, for example, a twenty year old married male would be prevented from seeing a film that might not be suitable for a girl of twelve. In 1965, most of the existing or proposed classification systems set an age limit of sixteen or seventeen years.[30] Most systems

also provided for exemptions if a "child" was accompanied by a parent or guardian.

Another area of trouble in the early days, and still a major problem today, is the liability of exhibitors in the enforcement of classification ratings. Responsibility for determining the age of youthful customers is not a new thing for proprietors, having been borne for many years by owners of bars, clubs, and restaurants selling alcoholic beverages. In Chicago, for example, issuance of an adults-only permit means that "it shall be unlawful for any persons exhibiting said picture to knowingly allow any persons under the age of seventeen years"[30] to see the film.

Penalties imposed on exhibitors, prior to 1968, who committed offenses under a classification ordinance may have presented a free speech question if they imposed the showing of films that would not have been obscene to an adult audience. A provision in the Dallas ordinance for revocation or suspension of a special exhibitor's license to show films "not suited" for young persons, in the event that the exhibitor had violated terms of the classification ordinance, was held to abridge guarantees of the First Amendment.[34] According to the Court, the provision failed to give adequate protection for exhibition of non-obscene films to an adult audience.

Arguments over compulsory film classification divide roughly along the same lines as arguments over other forms of information control. On the one hand,

civil libertarians emphasize the evils of censorship; on the other, the proponents of stricter controls stress the overriding need for social responsibility. In its forty-sixth annual report issued in 1967, the American Civil Liberties Union opposed compulsory film classification "because it acts as a prior restraint on production and distribution" but was not unopposed to the film industry's "SMA" label since this procedure does not interfere with free expression. The ACLU Report also stressed the freedom of the family to make its own choices:

> Parents rather than official government agencies should decide what movies their children may see . . . the different views of parents on this matter are so numerous as to make impossible a consistency wise policy on this subject. We deny that anyone is expert enough irrevocably to decide what another person's child may see.[41]

A spokesman in favor of the compulsory classification system is Ira H. Carmen, Professor of Political Science at Ball State University and author of "Movies, Censorship, and the Law." He argues that in view of the increasing sensationalism of motion pictures, which includes nudity, portrayals of the most intimate sexual acts, and use of the vilest profanity, basic regulatory reforms are justifiable:

> The First Amendment guarantees free speech to each member of the American political community. But this privilege can be the basis of an adult citizenry if it is misused, abused or corrupted. In short, free speech is impossible without ground rules. Only then consists of society's right to be free from the revulsions of obscenity. With respect to the motion picture and its role in the community, this means that

> adults may be kept from seeing films whose dominant appeal relates to the prurient interests of the average person. For the child, this should mean immunization from everything that is obscene. Regardless of other competing values that a movie might enhance.[2]

In researching the area of classification, it was found that many advocates of classification frequently cited its widespread usage in other countries such as Britain, France, and Italy as an argument in their favor. These advocates reason that classification enables film makers to consciously mold their products to suit adult tastes with the result that superior artistic products emerge. From this point of view, classification seems preferable to other forms of control. Arthur Knight, film critic for the Saturday Review, put it this way," I am unwilling to hazard the adult artist's freedom to communicate with adult audiences simply for the sake of protecting minors--particularly since we know from the classification in other countries that the same protection can be guaranteed by other and less totalitarian means . . . ."[34]

There is an adverse side to the argument, however, and that is classification, in some cases, may actually promote excesses and lead to more sensational films than would otherwise be available to adults. In a statement to the New York Legislature in 1962, the Council of Motion Picture Organizations, Inc., expressed the opinion that classification would stimulate the unscrupulous producer to exploit the "adults only" label and to

rationalize the treatment of subjects not presently shown on the grounds that only adults would be able to see them.[41] The Council also felt that some of the objectionable films emanating from Europe proved its points.

Another point in contention centered on the continued controversy as to the possible effects of films and other media on human behavior. Each party to this dispute was able to produce expert testimony to support its own side. The ACLU took the position that age classification is justifiable only if "the effect of the material provided beyond a reasonable doubt, would directly cause criminal behavior."[47] So long as the doubt remains, in other words, the issue in this case must be resolved in favor of freedom of expression. Ira Carmen countered with the argument that the science of human behavior may well be beyond man's best efforts. "Why should possible dangers be ignored," he asked, "simply because the behavioral sciences have not yet discovered how to grab human action with the precision of the laboratory scientist?"[2]

It should be noted in this connection, however, that under the existing Supreme Court doctrine only obscenity is censorable. As seen earlier, the United States Court of Appeals pointed out in the Dallas case that portrayals of violence and brutality apparently cannot be used as a basis for film classification, even though they may be just as likely to stimulate anti-social acts.

Carmen's reply to this criticism, and it will not convince everyone, is that "an attempt must be made to isolate the most objectionable material."[2]

An editorial in the Providence Journal in regard to the proposed Rhode Island classification statute spoke satirically to this point:

> The assembly act . . . will rescue parents from the ordeal of deciding what movies their junior teenagers may see. They can leave the worring up to Big Brother. Or can they? The only kind of movie or play to which Big Brother legally may take offense must have sex in it. It can be full of horror scenes, or displays of sadism, greed or any of the basic human vices, and Big Brother won't care; but if there is too much sex in it, it's censored for youngsters.[42]

The Motion Picture Association of America had always been at pains to point out that compulsory film classification really wasn't necessary before starting a rating system of its own, because film ratings were always available to the public from a variety of private organizations such as the Protestant Motion Picture Council, the American Jewish Committee, the National Catholic Office for Motion Pictures (formerly the Legion of Decency), and others. The Motion Picture Association, moreover, had for years sponsored the Green Sheet, a monthly publication devoted to the description of film content, and classification of motion pictures. The Green Sheet was published by the Film Estimate Board of National Organizations, which is composed of the above organizations, plus a number of others. When the motion picture industry

instituted its own system in 1966 with the SMA rating, many critics felt the industry had a much stronger case.

Obviously in 1966, it was too early to predict how effective the New Code would be, or whether it would blunt the movement toward film classification by government fiat. Some of the factors involved with the hopeful success of the new rating system in 1966 were, the MPAA membership consisted of eight major producers, if it was to operate as an effective regulatory force within the industry, it was clear that the MPAA would have to persuade independent and foreign producers to submit their films to the Production Code Administration.[37] Similarly, the co-operation of theatres was a must. According to film industry personnel, 95 to 98 per cent of the pictures shown by the National Association of Theater Owners had the Code Seal.[1] But not all theatre owners belong to NATO. In assessing the MPAA's overall influence, New York Times film critic Bosley Crowther wrote in September, 1968, that:

> . . . the film industry is now so splintered and demonopolized that Valenti's association has only limited authority and control. So many films are distributed outside the cover of the MPAA that its absurd to pretend to be the guardian of more than 60 or 70 per cent of the films shown.[34]

Crowther also felt that the answer to the question of whether sufficient cooperation could be achieved would ultimately rest with the public. Variety noted in February, 1967, that the MPAA might be able to make its seal so well known,

> . . . that parents--and legislators--searching through the ad columns would automatically know that a film without a seal is one that they should examine further before letting the kiddies rush off to see it. This could have the further effect of encouraging independent producers to submit all films they think could obtain Code approval, for fear that they would lose part of their potential audience if they didn't.[43]

To this end, the MPAA launched an extensive campaign of public education and promotion.

In 1967, while the long range potential of the Code remained in doubt, Mr. Valenti's experience in the short run indicated that cooperation is not always easy to achieve even among the MPAA members. Several motion pictures during this period point this out. They are: Who's Afraid of Virginia Wolfe?, Blow-Up, Alfie, and Don't Make Waves.

In May of 1966, Jack Valenti, who had been a Special Assistant to Lyndon Johnson, was made President of the Motion Picture Association. Valenti forcast his career as dedicating himself to artistic freedom and "creative excellence."[37]

When he came to the Code, he left little doubt about where he stood.

No sooner had Valenti taken his place at the head of the table when he was struck his first blow. Who's Afraid of Virginia Wolfe?

The script itself had been submitted to the Code back in 1963 and in that space-setting report, a hundred citations, objections, and admonitions were listed in

words, phrases, sentences, and situations in the Edward Albe play. The script was replete with such tidbits as "goddamns," "bastards," and "for Christ's sake," but also contained other juicy morsels such as the phrases "monkey nipples" and "angel tits."[37] It is intention that makes vulgarity; anyone with one eye in the back of the head could see that the dimensions of this important play are not co-extensive with the crudities. The story, basically, is on the order of a Greek tragedy, and has to do with a New England History Professor, George, and his wife, Martha, the daughter of the college president. Returning home late one night from a faculty party, they have brought along a young couple for a night cap. The four proceed to drink heavily, and the intoxication brings on a convulsion of truth telling that almost tears both couples to shreds. This savage honesty leads to confessions regarding a fantasy the professor and his wife have nurtured, that they have a non-existent son. The burden of the story seems to be that if we disgorge our falsehoods, no matter how painfully, we can face the dawn of a new reality with at least the hope of love beginning. When Valenti saw this picture he was completely caught off guard. What he beheld was a scene of Elizabeth Taylor looking straight into the camera and yelling "screw you." Add to this a scene of a dance in a local juke joint that was so extreme as to be an expression of agony rather than lust; and one begins to get a measure of the disconcertment of

Mr. Valenti. Undoubtedly he had not seen as many films of current vintage as he might have, and so his surprise was compounded.

The Code rejected the film.[37] Warner Bros. had 7 1/2 million on the film; what was it to do now, eat it? The fact that the studio had put itself in that position with full consciousness and had taken the risk was justified by the fact that the play had won the Drama Critics Award in 1963 and had been seen by countless thousands on the legitimate stage without any undue uproar.

Valenti was in no easy spot. The company presidents used some style. In executive session, they ruled on Warners Appeal from the Production Code's (mandatory) rejection of this film, and permitted it to have their blessing, with certain saving graces. First some concessions were made by way of editing. The "screw you," was deleted, and replaced by a protection shot in which Liz yells "Goddam you."[37] Other cuts were made but most importantly, Warners introduced a new "first" into the system. It advertised the film as "Suggested for Mature Audiences" (not actually the first, the British-produced, Columbia-distributed Georgy Girl was first), but even more, it agreed to insert a clause into all contracts with exhibitors making it incumbent on the retail end to police the box office. The stipulation was that no one under eighteen could see this film unless accompanied by a parent.[44] The word was that this promise was kept, at

least initially, by theatre owners, and created an illusion of seriousness and of high tone about the picture.

In an elegantly worded statement accompanying the approval of the picture by the Board of Directors, the Movie Industry took the burden to its own breast. It said:

> This exemption means exactly that--approval of material in a specific, important film, which would not be approved for a film of lesser quality, or a film determined to exploit language for language's sake. This exemption does not mean that the floodgates are open for language or other material. Indeed exemption means precisely the opposite. We desire to allow excellence to be displayed and we insist that films, under whatever guise, which go beyond rational measures of community standards will not bear a Seal of Approval.[44]

Along about this time the Legion of Decency had wisely decided to take the flavor of militancy out of its name, and had changed over to the title of National Catholic Office for Motion Pictures. This abbreviated into NCOMP. The NCOMP, expected to be Warner Brothers' severest critic, screened the film for a special review panel of over eighty experts, and everyday viewers, and took out its finest pen and rated it "A-IV" (morally unobjectionable for adults, with reservations). One of the consequences of this liberal action by the NCOMP was a flareup of indignation on the part of conservative Catholics. A group of California Catholics in La Jolla petitioned bishops, and newspapers to help them get rid of the "NCOMPetents" and "to clean house."[37]

What Valenti saw coming with changes to the Code were not altogether pretty. There was a holdover

provision from the old days that read, "Brothels in any clear identification as such may not be shown." Any intelligent meaning had been squashed out of this clause by The World of Suzie Wong, but it had been the root of such hyprocrisies as calling the fun house in Mamie Stover a social club, in which the sailors in Hawaii had to buy tickets to "talk" with the hostesses. Another provision was the one "children's sex organs are never to be exposed. This provision shall not apply to infants." More troublesome were those clauses which represented blanket prohibitions, such as " . . . a story must not indicate that an abortion has been performed."[37] This clause apparently reflected a certain amount of Catholic theology, and was dangerous to tinker with but the days of blanket taboos were past.

Valenti's second blow came in the shape of Alfie. Fundamentally, Alfie was a morality play, and to borrow the catch phrase from the popular song, was that nettlesome clause concerning abortion. It carried a strong and eloquent message against the bad life. The bad life, in this case, is a life of sex without love. Alfie was a cockney Don Juan who collected women like ornithologists gather their specimens. He used them, and threw them aside. Alfie took, and gave nothing back. This led to a life of emptiness that, in the eyes of the producer-director Lewis Gilbert was little better than the life of a dog. To emphasize this point, he framed the film with

this symbol. In the very closing shot, he had Alfie straying off down the street, without "me piece of mind" with a little cur, his counterpart, trotting after him. And in the early frames, he forecasts what is coming by showing a scene of two mongrels perilously close to the suggestion that they were mounting each other. This bit, of course, was in proximity to a sequence of Alfie having to go with a married woman in a parked car; lest there be any doubt as to what he is doing, he finishes the scene by throwing out her panties.

The Code office did not receive a script on this particular picture, and the first time anyone was aware of its contents was at the screening.[37]

The old blanket taboo--abortion--was rearing its head in this case. The abortion scene had been protracted and extremely graphic. But it was Alfie in the end peering down in stark horror at the pitiful remains of an embryo, his child, that had just been taken from his friend's wife. The shock led him to a scene in which, for the first time in his life perhaps, he exhibited feelings toward another human entity. It was a powerful therapeutic encounter, and showed the fact of abortion in all its shabby, cruel reality. In the end Valenti felt that an Appeal be taken in the case of Alfie.[37] If nothing else, there was a clear cut violation of the Code in the fact of abortion. To keep the central question uncomplicated, Paramount compromised on a few of the more glaring details.

It agreed to remove the hint of the dogs in the act of sex and left only a preliminary shot of them sniffing intimately at each other. It agreed to take out the shot of Alfie throwing the panties at the girl, as being too specific.[37] Several other shots were eliminated.

Paramount, while conceding the technical violation, wanted another exemption just like Warner Bros. The Board of Directors saw to it for Paramount. On August 2, 1966, they granted an exception, labeling the film SMA. Many will recall that Alfie competed strongly for next spring's Oscar, and was called a "highly moral film" by the Protestant publication The Christian Century.[44] The NCOMP rated it "A-IV" with the comment that "in spite of the light treatment of immoral situations, the film develops the theme that an individual must accept responsibility of his actions."[32]

Valenti worked into the fall of 1966 devising a new code and presented the new streamlined document to the Code Board of Directors on September 20, 1966 (Appendix B). They also accepted SMA as a fact of life. The premium was put upon art, not on conformity.

A company, any company, could go ahead and make anything it wanted. If the film was too bold it fit even under the SMA, it could be bumped upstairs into the company's subsidiary, which could be held in reserve for "special situations." Thus, it behooved the Code Administrators to move cautiously, lest they force the studios to

seek the sanctuary of the subsidiaries too frequently, and thus create a plethora of pictures being circulated over the head of the Code. This would eventually alienate the Code Board, and finally reduce it to zero. As a matter of survival, the Code Administration, was incumbent on its staff to stretch the meaning of "blatant" on the top side, lest too many films get away from the system and render it extinct.[37] The SMA was beginning to creak because of the way it was being forced to include not only the outrageous, but even the near pornographic.

In the year ending September 25, 1967, and one year since the new, revised Code had been put into use, certain changes had been taking place, all having a direct connection with the leakage that was occurring in the area of quality control.

Mainly, there was a process of depersonalization going on in the film companies. The trend toward conglomerates that was so pronounced in the economy as a whole was touching the studios in a special manner. Paramount was taken over by Gulf and Western, United Artists had been absorbed into the Huge Transamerica Corporation. Universal International, already a subsidiary of MCA was to receive flirtations from Westinghouse, and later from Firestone Rubber. An important position was taken in MGM by people from Scheley Industries. Avco, the aviation conglomerate, was about to take over Embassy Films. The result of all this was a diffusion of interest at the top. Harry Warner,

in the old days, used to use the phrase that a "fish stinks from its head."[16] With the diminishing of clear and sharp leadership in the industry, authority was seized by individual picture makers at the actual shop level. Directors became tyrannous in their demands and in their assertions of rights. They pushed for liberties that were sometimes all out of proportion to their talents, so that men of secondary ability were forced to substitute shock for skill, and to pawn off boldness for inventiveness. And since anything innovative was the vogue, the public gave the appearance of standing behind these men, making them seem like pioneers in the opening of brave new worlds. The dam now broke.

The picture makers, a substantial number of them anyway, having more or less high graded the veins of "normal" sex and what one might call normal violence, began to erupt toward the peripheries and to exploit the weird and the sick and the fringe of human experience.[37] The Code Administration was instructed by Valenti to forget the "blatant" criterion for the application of the SMA.[37] A new semantic definition of this label was found. It was to be considered a sort of "early warning system" to parents who might want to be put on the alert regarding the suitability of the film for their children.[17] The responsibility of controlling the recreational fare of their charges still rested with them. The movie industry was bailing out and trying to disclaim accountability.

The result of all the new films with outrageous sex, violence, etc.; a total of 60 per cent of all films processed by the Code in 1967 was in this category of SMA.[17] Weakness at the policing level produced impudence at the film making level.[37]

The veritable blizzard of cases now descended on the theatres over the country, and theatre screens were filled with every thinkable subject in a splurge that can only be described as exhibitionism. The material ranged through "The Fox," a well regarded import from Canada, based on a novelette by D. H. Lawrence with elements of lesbian love making and masturbation; all the way up to "I Am Curious (Yellow)," the Swedish import.

The Federal Government attempted to have this film declared obscene, and it was blocked from entering the United States by customs officials. It was declared obscene under the meaning of the present law by a jury in the Southern District of New York; reversed by a split panel of five judges in an appeal to the Second Circuit.[19] After due consideration, the Treasury Department decided not to carry the issue any further, and the action lapsed. The film went into general release. There were many other cases. In the 1968 Academy Awards Bob Hope summed it all up with the statements, "Last year we gave you the dirty words. This year we gave you the pictures to go with them."[37]

When Robert F. Kennedy was assassinated there was a moment of rage and revulsion throughout the country. The feeling spilled over onto whatever was violent and whatever was opposed to public order. Certain films came under critical scrutiny and were unclaimed for elements of savagery. Most frequently blamed were the "Italian Westerns," a fad in which men were knocked over like ten pins, and sadism abounded. They were easy targets of criticism, because no one was around to defend them, and the distributors were laughing all the way to the bank. The next two most mentioned candidates in this unpopularity derby were both from MGM, Point Blank, which was poisoned by the mental violence that was generated by the action of Lee Marvin, and The Dirty Dozen, a film directed by Robert Aldrich, which terminates in a mass incineration of helpless human beings.[37]

By the end of 1968, the handwriting was on the wall. Valenti had declared that he would not preside over a futility.[37] For two and a half years he had struggled to put some sense in censorship. But fate, and the force of events, coupled with the defects of human nature, had reduced the venerable old Code to the condition of smashed pulp. It was useless in this day and age and was silently put away.

CHAPTER IV

THE NEW VOLUNTEER FILM CLASSIFICATION SYSTEM 1968-1972

In the past couple of years, the American motion picture, consonant with the entire American nation, has witnessed tremendous changes. The film, like all life and all art and all forms of expression, has reached out to explore more widely and deeply and with more sophistication into the relationship of man to his fellows and to society. The film has lifted itself from narrower confines of earlier times. In the process it has gained wider recognition for its artistry and has won and earned for itself greater creative freedom. The film of today does not appeal to the mass audience, but appeals to many audiences; selective, discriminating, more educated and more demanding audiences.

Motion pictures, books and other art forms do not create a social revolution. They mirror it. One does not change the problem by breaking the mirror. The motion picture industry has a responsibility to its patrons and

should have special concern for children. Parents were finding it more and more difficult amidst the ranging variety and diversity of films, some dealing with themes and subjects new to the screen, to choose those suitable for children and young persons. What troubled parents was how to guide their children's attendance with more assurance.

It was out of the concern in the industry for children that the rating system was born.[35] Its framework was conceived and approved during September 1968 and went into operation on November 1, 1968, under the joint sponsorship of the Motion Picture Association, the National Association of Theatre Owners, and the International Film Importers and Distributors of America.[35]

The rating program was not established to recommend movies or to ban or censor them. It does not rate for quality or the lack of quality. It gives each film a rating based on the suitability of the viewing of a given movie by young people. It was not, and was never intended to be, a surrogate for parental judgment. The rating program was designed with one single primary purpose in mind: To furnish straightforward and reliable guidelines for parents on the movie going of their children. It was intended as an alerting flag to parents at a time when it counted most, when a decision was being made on the attendance of children.[35]

The present rating system consists of two broad divisions, unrestricted for children and restricted for children, with two separate categories in each. There are limitations for persons under seventeen (some states eighteen) in the restricted category. The MPAA devised and divided the categories solely on standards of suitability for children, as follows:

G--All ages permitted. General audiences.

PG--All ages permitted. Parental guidance suggested (supercedes GP, originally M).

R--Restricted--under seventeen (some states eighteen) requires accompanying parent or adult guardian.

X--No one under seventeen (some states eighteen) admitted.

An X rating may be self-applied by a producer or a distributor who chooses not to submit his picture to the administration. No other rating may be self-applied.

The X rating does not mean obscenity or pornography or any other label. It means one thing and one thing only and that is the picture is unsuitable for viewing by children. It is obvious that there are great pictures, good pictures, and poor ones in the X category, but the rating comes from the suitability of viewing by children and nothing else. The MPAA says those that indict the X

film as "pornographic" per se are uninformed about the objective of the rating system.[46]

The MPAA is backed with many measures to strengthen the operation of the rating system. A few are: rating symbols must be displayed in all motion pictures, in advertising, and are posted at theatres.

The program also specifically provides that if an unrestricted film is booked on a double bill with a restricted picture, the entire program shall be governed by the most restrictive rating (see Appendix B).

The rating system includes strong measures to prevent the showing of trailers not suitable for children during the exhibition of pictures they might attend. This was one of MPAA's key actions to prevent children from being exposed to unsuitable material.

In February, 1970, in order to minimize abuse, the MPAA strengthened the trailer policy and now provides three distinct categories of trailers which are as follows:

1. Trailers for G or PG rated films can be played with films rated in all categories;
2. Trailers for R and X rated films to be played with R and X rated films only;
3. Trailers for R and X rated films must be made suitable to play with audiences attending G rated films.[8]

By providing these three choices of trailers, the policy allows ample choice to the theatre to show a trailer that will fit the audience attending the picture being displayed. So, if a trailer for an R or X rated film appears on the same program with a G rated film, it will be a specially edited trailer from which material that might be offensive for children's viewing has been eliminated.

As a further precaution to assure correct matching the trailers rated to be seen with unrestricted films are shipped to theatres in a wrapping of different colors than the wrapping for restricted trailers for R and X rated films (Green Band Trailers).

Under the regulations advertising for motion pictures submitted to the Code and Rating Administration for approval and rating or rating only, is required to be submitted to the Association's Advertising Code Administration to meet the standards of the advertising code.

In March of 1969, the MPAA changed the original rating of M, (Suggested for Mature Audiences, parental discretion advised) to GP, a survey taken by a survey firm having showed the MPAA that the M was the least understood of the four rating symbols and had a tendency to confuse parents as to its meaning.[46] The change to GP did not help parents any better; if anything more confusion was raised. We will look at this problem later on in this chapter.

At the same time the M was being changed to GP, the age limit for films rated R and X was being raised from 16 to 17 (18 in several states) as a means to strengthen the system. The MPAA also took a hard look at the G rating to assure that these films are indeed suitable for all ages.

While performing the functions of assisting parents, the system at the same time preserves and safeguards creative expression in films from being slapped down or trampled on.

Who are the raters? The MPAA has made a concerted effort to create a representative group in constituting the Code and Rating Administration. The members, including both men and women, are drawn from a wide range of ages, educational backgrounds, religious affiliations, and geographical sections of the country.[46]

The administration has nine members. Five permanent members, and two fellows, appointed to reflect the young film generation, are located in Los Angeles, where all final judgments on ratings are made. Four members comprise the Eastern Rating Board, which services pictures rated in New York.[34]

Dr. Aaron Stern, a former practicing psychiatrist and faculty member at Columbia University in New York is the present Chief Administrator on the Code.[34]

The Production Code Administration, functioning since 1934, formed the nucleus when the Code and Rating

Administration was established in 1968 to review and rate pictures.

The total experience of members of the rating staff, including service on the Production Code Administration, ranges from one year to more than thirty-seven years. The background of the members covers a wide range of diverse and talented accomplishments and assets.

Since the beginning of the rating system on November 1, 1968, the Code and Rating Administration has reviewed and rated a total of 1,282 films.[47]

This figure tends to lend support to the Association's position that Producers and Distributors are beating down the door to have their films rated by the Association. Members of the Association have distributed 396 films, or approximately 60 per cent, and non-members 259 films, or approximately 40 per cent.[47] The facilities are available to non-members on exactly the same basis as to member companies (see Appendix B).

In evolving the new system, the MPAA debated whether to write out precise and detailed standards. They decided overwhelmingly against it. Why? According to Jack Valenti:

> Art and drama are subjective and cannot be measured out like a cup of sugar. How does one spell out that this much violence might make a film unsuitable for a child, but not that much? Or this treatment of sex or that? Or this language but not that? Each film, is an individual creation unlike any other. It must be treated as a creative entity and not like a bunch of bananas. Violence, sex aberations from the social

> norm, human conduct, all these are subject to personal judgment, taste and view point.[35]

Valenti went on to say,

> It is hard to separate art from life. Movies are no better and no worse than we ourselves are. The film, like other arts, is a mirror we hold up to ourselves to reflect our image at any given period in history. If the film mirrors a tormented image, it is still the image of humankind that it shows back. We may not recognize ourselves in the glass or pretend not to, but it remains our visage. . . .[35]

The MPAA strongly believes that one of the greatest merits of the voluntary system is its flexibility, its freedom to move with the times, with the changing patterns and not be anchored by static standards to a past whose triumph was that it gave birth to the future.[47]

There is no surer manner to wreck the system than a consistent misrating of pictures. This is evident in the negative reaction by various critics and religious organizations. The rating system had been in effect for little more than a year before the National Catholic Office for Motion Pictures warned that the system was being abused by the movie industry and that a lot of "raunchy" pictures were beginning to show up in the GP category--pictures that children could freely see.[34] This warning went unheeded and in April, 1971, the Catholic Office joined by the Film Commission of the National Council of Churches, withdrew its support of the MPAA ratings.[48] One of the basic reasons for withdrawal from the system, according to Rev. Patrick Sullivan of the NCOMP was " . . . the public confidence in the system had become seriously eroded, and

that its confidence will not be restored until the ratings become more reliable, more local theatres seriously enforce the ratings, and advertising reflects more concern with informing the public and less with exploiting sex and violence."[48]

The Lutheran film board quickly said basically the same thing in withdrawing support.[48]

The MPAA realizes there are differences of opinion over specific ratings for specific pictures. Yet, only a dozen or so ratings out of 1,282 have given rise to any serious controversy on conflict.

The Association pays close attention to public opinion and the response of the public[46] according to Valenti. The organization maintains active consultation with representatives of the three major religious groups in the United States: Protestant, Catholic, and Jewish. "We deem it especially important to know what parents as movie goers are thinking in terms of films for their children," says Valenti. "In addition, we welcome their constructive ideas for improvement. It is their interests we seek to serve."[46]

There is public concern in regard to the rating system. A good example is a letter written by a Holland, Michigan, housewife to Susan Stark, Film Critic for the Detroit Free Press:

> Why doesn't the Motion Picture Association of America assign different classifications to the movies which

> may be shockingly realistic or thought provoking (Midnight Cowboy and Putney Swope) and those which are clearly sexploitation or violence, with no social value. To rate them all "X" is folly.

Miss Starks answers the above letter:

> The MPAA does make some distinction, although it's barely discernable to all but the most searching. Films like the ones you mention are generally submitted by their distributors to the MPAA rating board and get an official "X" rating. The fly-by-night outfits that make sleazy sexploitation pictures generally don't submit their product to the MPAA at all. Hence, get the automatic and unofficial "X" they hope will attract thrill seekers. How to distinguish one "X" from another "X", I don't know, but if enough people take the problem to Jack Valenti, President of the MPAA at 522 Fifth Avenue, N.Y. 10036, maybe we can get a satisfactory resolution.[33]

Newspapers and critics have been questioned heavily to why certain decisions are made in regards to the rating system. In a conversation with the writer, Miss Stark of the Free Press mentioned the fact that the public is concerned with what is taking place in our films today, but asked what can she do other than mirror their reflections in her column and inform them of the source of the problem and hope the public corresponds with exhibitors and informs the MPAA of their concern with the system.[49] This is one method for gauging public opinion and initiating a change in the system.

Movie goers have expressed widespread confusion and disappointment with the system. Parents seeking guidance in selecting films for their children have disagreed with many of the ratings. Exhibitors feel they have been put on the spot to answer the numerous complaints of

patrons who are dissatisfied with the ratings. They say they do not have the answers because the classifications were more or less forced on them. They continue to give at least lip service to the plan because, many of them admit privately, they are under compulsion from their national organization, the National Association of Theatre Owners, to support it until something better is worked out with the Motion Picture Association of America.

What the sponsors of the film rating system did not foresee was that a flock of producers, mostly the fast buck promoters new to the industry, would take advantage of the X rating to flood the market with sex trash, that could attract big business merely on the strength of the classification generally accepted today as the mark of the pornographic film.

Foreign producers, who are now supplying at least half of the films released in the United States, were quick to take the cue and grind out the dirtiest quickies they could concoct and rush them over. In addition to the arty cinemas, which capitalize on the notoriety that pornographic films arouse, a lot of exhibitors played these pictures either to get aboard the smut bandwagon or because no other product was available to them. Encouraged by the hefty grosses of some of their all out sex films, the foreign producers stepped up their output of this type of film. An American exhibitor who attended the 1971 Cannes Film Festival reported that a majority of the pictures

shown there were sheer pornography going beyond anything yet seen over here.[34] All of them, of course, were made hopefully for American release under an X rating. Add this to the domestic output and it is easy to see why a lot of neighborhood theatres which used to draw family trade now have become unkept dives showing literally nothing but stag films for any adult sucker, or child that can sneak in, and buy a ticket.

Many responsible exhibitors have not been fooled and many of these do not like the situation. A special synonym for the lewd attractions has come into common use. It is "garbage." Exhibitors not only use the word among themselves, but some even let the customers know how they feel about it. One straightforward theatre operator, in answering the question this writer put to him about his opinion on a current film he was playing, replied; "It's pure garbage, but that's what most of you people are buying. And as long as you pay for garbage, you'll get garbage."[50]

One of the main reasons the MPAA film rating system is unsatisfactory and ineffective is because it does not control the production of movies. There is no film rating system for film makers. Self-regulation by the film industry has been preached and tried from the very beginning of the MPAA, with the best results, though not entirely successful, under the pioneer Will H. Hays regime; actually the Joe Breen office. It could not

succeed 100 per cent either then or now without unanimous integrity, more uniformity of good taste, and unselfish cooperation between the producers association and the national exhibitors association (NATO).

It must also be recognized, first of all, that it is futile for adults, even parents, to prescribe what kinds of films are suitable for young people. Many fifteen year olds today are more worldly wise than their parents. The age limits of the categories used in film ratings also have little usefulness because a lot of fourteen year olds are smarter and better conditioned mentally and emotionally than a lot of eighteen year olds. Furthermore, it is difficult for theatres to enforce the age restrictions.

Then there is the matter of prior restraint affecting creative talent, which constantly is clamoring for freedom of expression. Imposing censorship at the source on the film makers would bring new howls. On the other hand, it is possible to implement more freedom of action on the part of concerned citizens to crack down on those who are producing the trashy films and that is what seems to be developing as a last resort.

Opinion will certainly differ on what is obscene, offensive or in bad taste. Even on films that do not involve sex or violence, professional reviewers and critics, who are supposed to be knowledgeable and authoritative in such matters, often disagree sharply with each other; so laymen also are bound to disagree occasionally.

ıt when large numbers of outraged citizens, the paying ustomers, act in a body to oppose a questionable show, as id a group in Chadron, Nebraska, against "Myra Brecken-idge,"[34] which was an X rated sexploitation film from wentieth Century Fox, their action is about as sincere, :eliable, and objective as you can get, and action of this nature deserves priority attention.

It is imperative that something be done to lift the movie business out of its present confused and floundering predicament that is playing into the hands of censorship advocates. Nobody wants censorship, Federal, state, or local, because it is impossible for any individual, or a board of seven or nine, to determine to everyone's satisfaction what is sufficiently obscene or violent to make it censorable. Furthermore, waging wars with censors can be very annoying and expensive.

An increasing number of communities, unhappy with both the film rating system and censors, are taking matters into their own hands and applying various kinds of firm persuasion calculated to get results. An initial step is to work on the theatre managers/owners to stop booking films that are obviously offensive. Many independent exhibitors admit they have adopted a policy of yanking a picture that arouses a dozen or more complaints after the opening day. Some circuits and film-buying combines automatically reject X products.

In areas where exhibitors do not respond to izen's requests, stronger pressures are employed. A l to the theatre operator from the Mayor or Police ef, reporting the complaints being received, frequently ngs quick action. Few exhibitors think it worth while risk arrest, expensive litigation, possible loss of cense, and the bad publicity that goes with it, in fying the authorities.

Some recent films have been boycotted by word of outh. Most significant of all, perhaps, is that news- apers and broadcasting, heeding public clamor, are starting to reject advertising from theatres which have been raided for showing obscene films or presenting any attraction that is deemed in extreme bad taste. A case in point with regard to cancellation of advertising for X rated films recently hit close to home in Detroit, Michigan. On March 22, 1972, the Detroit News publicly noted they would no longer display advertising, reviews, or promotional material of X rated motion pictures and unrated films which it considers "of a pornographic nature." The News went on to say,

> We anticipate no movie cleanup as a result of our decision although we are the largest newspaper in the country to have taken such a step. We recognize that other advertising vehicles are available to the exhibitors, both within and outside Detroit. No picture advertisements will be accepted for any X rated or non-rated picture, but theatres which show only X rated movies periodically will be allowed to list the theatre name; picture, cast, the X rating and the performance hours in the daily "movie guide."

he **News** editorial added,

> Perhaps the only result will be in our own satisfaction in a modest declaration against the theory that makes hard core sex, joyeurism and sadistic violence the prime ingredient of art and entertainment in the 1970's . . . our answer is that in our view, a sick motion picture industry is using pornography and an appeal to prurience to bolster theatre attendance; quite simply we do not want to assist them in the process.[38]

This amounts to a form of censorship that deprives theatres of both advertising and publicity space; and they cannot fight the ban very well because the public seems to be on the side of the press.

"The rating program cannot continue to work if newspapers use it as a device to deprive parents of valuable information. The rating system will collapse," according to Jack Valenti in an address to the American Association of Advertising Agencies on November 6, 1970.

Of the 1,758 daily newspapers in the United States, with a total circulation of more than 62 million, all but 28 would print advertisements for X rated films. The 28, entirely within their discretion, could refuse, just as it is within the discretion of the other 1,730 dailies to accept advertisements for X rated films. Eleven newspapers extend the ban to R rated films as well. According to Valenti, some of the newspapers have turned their backs on the rating system, by simply refusing to publish advertisements for R or X films, without any rationale. These papers do not examine the content of the advertising to judge its acceptability, but by fiat they exclude it.

Under a fair and reasonable policy each advertisement, would of course be judged on its own merits or demerits for acceptance or rejection under a newspaper's established standards. Instead these papers apparently make a decision, sight unseen, not only on the advertising but on pictures they appear to know little or nothing about. Mr. Valenti feels they tend to lump together in the same rating category films that are as different in artistry, excellence and context as for instance "Midnight Cowboy," the X rated Academy Award Winner as the best picture of 1969, and some of the foreign sex films.

Valenti must have had the Detroit News in mind in the following statement:

> None of us in the film industry seeks to attack the motive of a newspaper whose desire is to drive out the tawdray, the cheap and the trashy. I agree with them. We in the film industry share a distaste for this kind of film. I have spoken out against film makers who create and exploit garbage, against those exhibitors who exploit such films in neighborhood theatres, against the mindless hypocrisy of the public which patronizes these films. If the advertising is in itself offensive, I would not deny the newspaper the right to bar that specific ad. Few people would. But I cannot understand why a newspaper, with no discretion and no examination of specific ads, closes the door to all the ads for a movie simply because it has a particular rating.[46]

In my opinion the newspapers cannot condemn an entire industry because of concern or dismay over a few of its products. Is it right to shun an entire neighborhood because one resident does not live up to community standards? Should all newspapers be condemned because a few may possess neither taste nor integrity? To paraphrase

Edmund Burke, I know of no way to draw up an indictment against an entire society or industry, whether it be the newspaper industry or the motion pictures industry. A possible solution for newspapers and the MPAA is to watch advertising more closely. Newspapers should not accept any movie advertising unless it has been approved by the Advertising Code Board of the Association. The main source of damage against the rating system is the unrated films and their advertising. People could not care less about any system regardless of how valid it is when reviewing some of the movie ads. People see the unrated MPAA X or double XX and then hold its rating against the entire industry. The National Association of Theatre Owners (NATO) seems to be quite concerned about the independent pictures that are unrated, but are being shown by their members and NATO could bring significant pressure against these fly-by-night operators and put them out of business.

The MPAA should also take a much closer look at its advertising practices in the future and ban deceptive advertising from being released by its members.

In large measure, as mentioned earlier, the exhibitors hold the key to the problem. By refusing to play the unrated X and other objectionable films, they can discourage the making of such pictures. From a representative array of exhibitors surveyed for this report, and who have wrestled with the rating system conscientiously

since the plan was launched, the following typical views were obtained:

1. Ratings are no longer accepted by the majority of movie goers as a reliable guide.
2. The X rating has lost much of its appeal at the box office.
3. Ratings often have the opposite of the intended effect, such as an X drawing prurient thrill-seekers to garbage that disappoints them, while G or PG keep away fans who would enjoy the films.
4. Difference in tastes, morality, etc., create many disagreements with ratings causing a loss of faith in the system.
5. In newspapers, radio, and TV advertising, many G and PG films are so blatantly plugged that they give the impression of being R or X pictures, and vice versa.
6. The classification system has led many fans to select pictures on the basis of ratings (see Chapter V) rather than the story, stars, and other values. This is one of the worst things that could happen to the motion picture business.
7. See one nudie film and you have seen them all, so even adults appear to be gradually becoming self-conscious about sneaking in to see this skin and sex slop.

8. The movie going public needs and wants more than one letter or two letter tags as guides to their selection of screen entertainment. They want enough information about films so that they can form their own judgments and make their own decisions on what to patronize.
9. Producers and distributors can help by giving out reliable advance publicity about films. It is misleading to over-publicize, for instance, a nudity scene that runs for less than fifteen seconds on the screen, yet this is done all the time, aided and abetted by the columnists who should know better. It is also wrong to use a kaleidoscope of violence in TV spot announcements of pictures aimed at the juvenile trade.
10. Theatre managers should receive more informative and usable promotion material in press books, and these exploitative ads should reach them at least three weeks, not three days, in advance of the opening dates of the pictures. Catch lines are okay as long as they go, but they do not go far enough in telling the potential patron what he wants to know before plunking down his cash at the box office. In fact, by the use of exclamatory words and brutality art work for every picture, showmen misinform the public about many attractions,

> and films in general get the bad name of being in a rut. Freshness and ingenuity are the crying need of movie ad writers, artists, and makers of spot announcements.

Quite a few exhibitors are finding that contests of various kinds, especially radio tie ups, requiring contestants to know something about the nature of the film, are drawing more customers than exclamatory ads. The informative details are distributed in handbills passed out in theatres, as well as in the contest announcements over the air, and it is a good way to give fans a sufficient description of the films to enable them to place their own ratings on the attractions.

There are several areas in the ten points that are reflected by the Motion Picture Association and other sources. In the first observation in regard to the ratings not being accepted any longer as a reliable source by movie goers, the MPAA cites research studies recently completed on public attitudes of the system. The first research was completed for the Motion Picture Association by the Opinion Research Corporation of Princeton, New Jersey, during the fall of 1971. The corporation directed a specific study on the effect of the rating system on the decision of adults to see movies. <u>It did not cover children</u>. Children are barred under the rating system from X rated films and may attend an R rated film only in

the company of a parent or an adult guardian. The following is what the survey analyst found:

> A rating of R or X either has no effect on people's desires to see the movie or actually makes them less likely to want to see it.
>
> A movie rated G, on the other hand, is much more likely to attract people than is either an R or X rating.

Those who report "no effect" or say that they would "very" or "fairly" like to see a G rated movie came to 72 per cent.

A total of 31 per cent said an X rating would have no effect on their decision to attend, while 39 per cent reported it was "fairly" or "very" unlikely they would want to see an X rated movie. Only 13 per cent said they would be "very" or "fairly" likely to want to see an X rated film. More women than men say that a G rating has a positive effect on their decision to see a movie and that an R or X rating has a negative effect.

The G rating, according to the survey, is a magnet to attract audiences, the R or X ratings much less so. The highest grossing pictures in the United States during the survey was "Airport," rated G.[47]

Moreover, this same survey by the Opinion Research Corporation gave hard evidence that the rating system is appreciated and favored by the public. Among movie goers, nearly two-thirds of adults, 18 and over, and nearly three-fourths of teenagers, aged 12 to 17, found the rating

system "very useful" or "fairly useful" in deciding what pictures young people should see.

An independent poll taken in Utah by the Intermountain Polling Research Associates of Salt Lake City verified the ORC survey. The Utah results reported that 75.3 per cent of the Utah public found the ratings to be "very" and "somewhat" helpful. We will get into more of this in depth in Chapter V with the high school students and theatre owners.

In October of 1971, Jack Valenti was keynote speaker at the National Association of Theatre Owners annual convention and further enhanced the public's pleasure with the rating system. In his comments,

> The rating system program has impressed the public, particularly those who go to movies and those who have young children . . . of the movie going public 18 and over, more than one-half finds the rating system "very useful to fairly useful" in helping to decide what films children should see; one-third finds it "not useful," and 10 per cent have no opinion. I say again: in this most difficult art of voluntary rating of motion pictures for the benefit of parents, so they can guide the movie going of their children, the rating program is behaving with integrity, with a decent regard for mothers and fathers, and with a record of accuracy that is splendid by any gauge you choose to apply.

Public pressure might play a large part when an exhibitor decides to play an X rated film, but there is an internal source that is starting to give theatre management a bit of pressure--projectionists. Michael Urell, a spokesman for the Motion Picture Projectionists of Detroit Local 199 says,

> We can tell they're starting to go sour at the box office, people just aren't as interested in that junk any more . . . the way they were at first. There is still a hard core of viewers, but the general public has become disgusted with the whole thing.[51]

Projectionists in Michigan are seeking an amendment to a state law which holds them responsible for what movies are shown. Urell said, "The old law was drawn up to protect against the old fashioned smokers and stated that projectionists should be held liable but that doesn't apply today."[51]

Urell said that when some of the unrated flesh films are shown, projectionists are sometimes caught in the middle. He recalled that one projectionist in Highland Park, Michigan, quit after being arrested three times. He got a bit tired of sitting around in jail waiting to be bailed out.[51]

Archie Shelley, business agent for the 199 Local said that projectionists are paid $150-$195 per week and some work at more than one threatre.

> According to the Union contract, they have to run what the theatre books and the only alternative is to quit. We did have a few old timers who did just that when they were asked to show some of the junk that's out today. Frankly, we'd like to see all that stuff thrown out.[52]

Urell said movies at some drive-in theatres can be seen by anyone standing, walking, or driving along nearby roads. He believes some theatre owners apparently are becoming apprehensive over the quality of their films.

In at least one case, the projectionists was asked to put out of focus any sex scenes shown before midnight.[51]

Drive-ins have been the target of much of the controversy in the ratings battle. A number of legislators in various states have introduced bills in their respective legislatures to ban the X film from drive-ins. Representative Alex Pilch, Democrat from Dearborn, has introduced a bill in the Michigan legislature that would ban X rated films from drive-in theatres

> . . . whose screens are visible to passersby, especially teenagers. Stopping the showing of these films at outdoor theatres might well be the first step toward breaking down the legal never, never land that obscenity finds itself in due to some court rulings.[39]

It is my feeling Pilch is going after the wrong target crowd--teenagers. They have no trouble getting into drive-ins.

Charles Champlin of the Los Angeles Times has agreed that the ratings are largely concerned with sex and allow excessively violent films to be seen by children. Champlin's most overriding complaint of the rating system has been and still is the rating administration's insensitivity to violence. He feels the raters simply do not take violence seriously and they never have.[53] Violence was one of the themes on which the religious groups broke with the MPAA in 1971, as it is one of the two subjects which most often causes parents to regard the ratings as untrustworthy. The raters apparently do not take violence

seriously enough. Two John Wayne movies will be used as examples. In the first, "True Grit," rated G, how does one explain the "G" with the slicing off of a man's finger, the terrifying rattle snakes, the stabbings and shootings? In Wayne's latest GP movie, "The Cowboys" rated PG, he is slowly shot to death by rustlers, then avenged when a group of children torture one rustler and kill them all.

In the past few months, a striking new consensus has emerged on movie violence, indeed, on ultra-violence, to borrow a term from the stylish sadists of "A Clockwork Orange." Movie makers have found ultra-violent, ultra-profitable, the movie audience has found it enjoyable and an influential majority of reviewers and critics has found it intellectually attractive and artistically valid.

There are inherent built-in problems with the four-year-old rating system, the first most obvious problem is the overly harsh restrictions it imposes on movie attendance; these restrictions do deny teenagers access to some films that they might find particularly meaningful. An example is "Panic in Needle Park," rated R. The second problem is more or less secretive and is revealed by Stephen Forbes, a fellow on the Code Board in an article from the New York Times.[54] Forbes states, "The board actually has several secret duties in addition to classifying films. As in the days of industry censors. Will Hays and Joe Breen, board members participate in re-editing films and even in reshaping scripts." In other

words, the board circumscribes the right of adults as well as those of minors; it restricts the creative freedom of film makers, and the adult audiences' freedom to see what it chooses. According to Forbes the members of the rating board serves as "unofficial censors of American films."[54]

According to Forber's article, studios still submit scripts to the board, and the board sends back letters threatening stiff restrictions, itemizing deletions, and recommending exactly which "sensitive" scenes should be played. Forber stated that many scripts are re-written to take account of the board's objections, these are resubmitted perhaps as many as three to four times. Forber continued by saying, "individual board members admitted they were harsher on scripts than on finished films; their aim was 'to get out as much as we can.' Films are emasculated before shooting even begins." "Approximately 50 per cent of all films in release today were first re-edited at the direction of the rating board in order to make them more suitable for mass consumption," according to Estelle Changas in a second article in the Times regarding the rating board's action. Ms. Changas was also a fellow during 1971. She mentioned such prominent films as--"Little Big Man," "The Last Picture Show," "The Hospital," "Straw Dogs," "Macbeth," and "Dirty Harry."[55]

This last-minute editing sometimes involves only a few seconds of film, sometimes a good deal more. Regardless of how small, the clumsy editing affects the rhythm, continuity, and impact of individual scenes. At its worst, the board's censorship can alter the meaning of a film. According to Forber's article, one of the things that accounts for the board's formidable power is the existence of the prohibitive X rating. Partly because the MPAA has never clarified the fact that the X was meant to be a respectable rating for a legitimate adult film--preferring to allow people to interpret it as an "undesirable" rating, a label for pornography or a brand of shame--the X rating has become box office poison.

According to Changas' article, "Approximately 50 per cent of theatres around the country refuse to play any X films (whether 'Midnight Cowboy' or 'Midnight Plowboy')."

The studios are therefore understandably desperate to avoid an X rating, and apparently the board plays on this desperation. As I see it, by threatening an X on a projected or completed film, the board intimidates and terrifies the studio, and so can press even for major deletions.

Ms. Changas recalls that the board wields the X very freely especially with scripts. In the month of October, 1970, for example, six of the nine scripts submitted by the major studios were threatened with an X

rating, and in each case several page's worth of changes were required.

New rating chief Aaron Stern has perhaps unfortunately persuaded some observers that his psychiatric training will enable him to administer the rating system more objectively than in the past. The recent out cries against violence, John Wayne films are a good example, will give Stern an added rationale for controlling film content.

Unfortunately, Stern's guidelines have never been published; so it seems that rating criteria must have been formulated privately. Stern did describe in a recent Hollywood Reporter interview what could be shown in a love scene in a GP rated picture: "You can have a love scene, but as soon as you start to unbutton or unzip you must cut. Afterward, you can show the two in bed, clothed. Anything else you are going out of the GP rating."[56]

Former board member Evelyn Renold announced at the Los Angeles International Film Exposition in November, 1971, no nudity of any sort was permitted in unrestricted films; even the discreet and humane "Garden of the Finzi-Cortinis" was rated R because of a few seconds of bare breast.[56]

The motion picture industry has always chosen to fight censorship in a curious way--by pre-empting the government's role and doing the censoring itself. The present rating system represents an attempt by the industry to play the game in the censor's ball park and under their rules.

There is going to be problems with any new system and the Motion Picture Association will undoubtedly encounter further problems with the system in time to come. It is imperative that the Motion Picture Association take a long, hard look at what they have set up and at least make public the policies regarding the producing and exhibition of films. There has to be some clear cut guidelines made available to cover both the producer and the exhibitor. It is doubtful if these policies will be forth coming voluntarily from the MPAA, but will be brought forth by federal legislation or Supreme Court decisions.

CHAPTER V

FINDINGS AND OBSERVATION OF TEENAGE AUDIENCE AND THEATRE SURVEY

In 1970, Richard Randall, a social scientist from the University of Wisconsin ran a study on the new ratings system that intrigued this researcher after reading it. Randall's hypothesis was that he felt that enforcement of the age restrictions on admission to rated films was the weakest link in the rating procedure. The conclusions listed are based on both his observations of admission practices and interviews with theatre personnel. A trained observer directly observed the admission practices for R and X films in forty theatres in the metropolitan New York area during July and August of 1969. Observations were made on all evenings of the week covering the time range from 5:15 p.m. to 11:20 p.m. and on Sunday afternoons from 2:00 p.m. to 3:40 p.m., although most of the observing was done between 7:00 p.m. and 9:00 p.m. weekdays. Thirty-one of the theatres were showing R films, two were showing films rated X by the MPAA Code and Rating Office, and seven were showing self-rated X films. The observer was

stationed outside the theatres where he could observe both the ticket selling office and doorman. He made judgments regarding the customer's ages and recorded the theatre's response to each prospective customer whose age in his judgment was questionable. Four categories of questionable age were recorded: clearly under age; probably under age; marginal; and probably over minimum age. Three types of action by the theatre were recorded: admitted without questioning; admitted after questioning; and not admitted after questioning.

Two hundred and sixty-nine prospective customers were observed about whom the observer felt it was questionable whether they met minimum age requirements. Thirty-six of these were classified as clearly or probably under age, 107 as marginal, and 126 as probably over the minimum age. Of the 37 who were clearly or probably under age, half were admitted after questioning, approximately a quarter were not admitted after questioning. Of the 107 who were judged marginal in age, nearly three-quarters were admitted without questioning, and about half of those who were questioned were admitted. Of the 126 who were judged to be probably over the minimum age, over 90 per cent were admitted without questioning and all but one of the remaining 10 per cent were admitted after questioning.

Randall found that enforcement of the age limits was more rigorous for the X rated films than for the R rated films. All of the prospective patrons who were

clearly under age were not admitted to the X films and one-sixth of those who appeared marginal in age were not admitted. The degree of enforcement of the age restrictions varied greatly, although at several theatres there was evidence of determined enforcement of the ratings.[29]

Randall also interviewed ticket sellers, doormen, and some managers. Understanding of the rating system and the meaning of individual ratings are generally imperfect and often garbled on the part of ticket sellers and doormen. Randall found this is less often the case with respect to theatre managers. The ticket sellers and doormen appeared to be uninterested or inhibited in the enforcement of age restrictions, and also appeared to be poorly instructed by the management regarding the rating system and enforcement policy. In general, the weakness of the enforcement of age restrictions on admission seems to lie in the motivation of the ticket sellers and doormen.[29]

Drive-in theatres tend to present special problems in enforcement of age restrictions on admittance, since the process of checking ages is so difficult in such theatres. In addition the delays occasioned by the cumbersome checking process causes waiting cars to back up on the highway at times and creates a potential hazard.

Randall also observed indirectly a high level of "self-enforcement" of the age restrictions on admission to R and X rated movies, that is, underage persons did not usually attempt to enter the theatres. Accurate counts of

all patrons were kept at 34 theatres; slightly over 3,100 patrons were observed, only 8 per cent fell into the "clearly under" category, 4 per cent into the "probably under" category, 3.5 per cent were in the "marginal" category, and 4.1 per cent in the "probably over" category. Thus, a few underage persons attempted to view these restricted movies.[29]

Randall's small investigation into this new era of self-regulation posed a problem for the present investigation. The Code's effectiveness in preventing children from viewing R and X rated films is a big question. Actually there are two questions connected with this mode of thought and they are: (1) What effect does coding this type of film have on the habits of the high school age movie goer? (2) Does the exhibitor apply his own code and standards on films to better himself commercially?

Why deal with the teenage audience in the first place? Mainly they are the major bulk of our young movie audience today (13-18 years of age). The R and X ratings have the greatest effect on the teenager because he is in that period of physical and emotional change that all teenagers go through; and it is possible that restrictions placed on films add further frustration to the already frustrated teenager. The Code is set up to prevent the teenager from viewing R and X rated films, but does it really prevent them from seeing the latest X rated film? Do the parents have any influence on their viewing habits?

Do theatres actually prohibit teenagers across the country from viewing R or X movies when the Code says no? Does the teenager's religious affiliation influence or discourage them from viewing R and X rated films? These are examples of several of the questions on the questionnaires mailed to high schools across the country (see Appendix F).

In formulating a hypothesis in regard to teenagers' use of the Code, this writer had strong feelings on the positive side in favor of the Code. It was my feeling that teenagers utilized the Code for selection of their movie fare. It was also my thinking that parents played a large part in the selection of their children's film fare. This was primarily due to positive input from the MPAA.

A total of 900 student questionnaires were sent to thirty high schools in thirty states. Both rural and urban schools were selected on an equal basis of fifteen each, with thirty questionnaires sent to each school. The states were drawn by a simple random selection. Urban schools were selected on a random basis from the states. Schools for both rural and urban mailings were selected from a deck of computer cards which had listed the state and a number. The computer card deck was not in alphabetical order but scrambled. Rural schools were pulled first. The remaining cards were scrambled and the urban cards were then selected. Typical card selection for rural would be as follows: Maine, Wyoming, etc. Urban cards listed Michigan as first card pulled, Colorado second, etc.

This was the simplest and quickest method in obtaining desired areas to sample urban and rural questionnaires. This researcher was neither aware of the ethnic make-up of the schools, nor interested in that factor in regard to this study at this time. Once the state was selected for either urban or rural, a breakdown of major school systems was undertaken. In the case of selection for urban schools, all school systems with high schools with over 1,000 in graduating classes were selected. Upon selection all schools were listed and two schools were selected, one primary and one for follow-up purposes, these were selected on a random basis. The same process was used for rural schools, except that graduating-class size was limited to 100 or fewer students. After selection of the schools to participate in the research, questionnaires and placement letters to head counselors were developed, asking for their participating and cooperation in this study (see Appendix C). The student questionnaires were written, and attached to each questionnaire was a letter (see Appendices D and F), requesting the students' help in completing the desired information. Also, included was a description of the present rating system. Instructions to the person handling the questionnaires at the schools were included in the placement letters, stating that the questionnaires were to be distributed among junior and senior level students. The placement letter, all student questionnaires

and letters were mailed at one time, with a self-addressed envelope for returning the completed questionnaires.

Schools were selected from the following cities and towns, on a scientific random basis and are designated as either rural (r) or urban (u) in regard to this study:

Table 1.--Cities/Towns Used in School Survey.

Detroit, Michigan (u)
Presque Isle, Maine (r)
Thermopolis, Wyoming (r)
Denver, Colorado (u)
Chicago, Illinois (u)
Seattle, Washington (u)
New York, New York (u)
Eagle, Alaska (r)
Phoenix, Arizona (u)
Bristow, Oklahoma (r)
Salt Lake City, Utah (u)
Superior, Nebraska (r)
Glasgow, Montana (r)
Mathews, Virginia (r)
Mediapolis, Iowa (r)
Charleston, Mississippi (r)
Santa Cruz, New Mexico (r)
Miami, Florida (r)
Anderson, Indiana (u)
Dallas, Texas (u)
Augusta, Georgia (u)
Los Angeles, California (u)
Knoxville, Tennessee (u)
Truman, Minnesota (r)
Philadelphia, Pennsylvania (u)
Northfield, Vermont (r)
Washington, D.C. (u)
Wausau, Wisconsin (r)
Jefferson, Kentucky (r)
Burton, Arkansas (r)

Out of the total of 900 questionnaires mailed, 531 were answered and returned. A total of 120 questionnaire packets were returned unanswered for several reasons:

school closed (end of year); school regulation prohibiting participation without clearance from local school board; and simple lack of time on the part of the administrator/ teachers to handle. Two hundred forty-nine questionnaires were not returned by the schools and no explanation was offered, making a total of 369 questionnaires not being completed.

Twenty schools returned questionnaires, with rural schools numbering thirteen of those completing the questionnaires.

The total time period for the completion of the mailing and completion and return of the questionnaires, was two months.

Of the total of 531 completed questionnaires, various factors can be brought out, with regard to age and sex:

Table 2.--Total Number of Returned Questionnaires by Age.

Number	Age
1	14 years old
6	15 years old
31	16 years old
244	17 years old
218	18 years old
23	19 years old
8	age unanswered
531	

There were a total of 227 males and 299 females participating with 8 questionnaires left blank. In a further breakdown of the above figures, urban males constituted 97 out of the 227 total males, with the remaining 130 being rural. Rural females accounted for 169 of the 299 total females, with the remaining 130 urban. Further breakdown indicates that 1952 caucasians and 61 blacks in the urban schools completed the questionnaires, and 279 caucasians and 11 blacks completed the questionnaires in rural schools, with 26 students checking the category of "other" under the urban listing (see Table 3).

Table 3.--Total Participants by Sex, Race, Title, Locale.

Race Breakdown Urban/Rural		Males	Females	Blank
Total		227	299	8
Urban		97	130	
Rural		130	169	
Urban (Caucasian)	152			
Rural (Caucasian)	289			
Urban (Black)	61			
Rural (Black)	11			
Urban (Other)	13			
Rural (Other)	5			

One hundred six questionnaires were mailed to theatre owners/managers across the country. The fourteen item questionnaire was addressed to the president or owner of selected threatre chains. The selection of theatre chains was done on a random basis from the International Motion Picture Almanac, which had a total listing of 206 theatre chains. Out of the 106 questionnaires, I had hoped to obtain at least a 50 per cent return. This return was achieved in the first week following the initial mailing, and in the end seventy-two questionnaires were returned, amounting to 67.9 per cent of the total mailed.

All cover letters of explanation were addressed to a specific person, and it is my opinion that this aided in the high return (see Appendix E).

In addition to completing the questionnaires, many of the managers or owners added their own comments in letter form, which not only supported the questionnaire but pointed out areas where additional sources of information could be obtained.

This second survey represented interests in all forty-eight states on the mainland, plus Hawaii, and included such organizations as the Walter Reade Circuit with theatres across the country, ABC Theatres, Fox Theatres, and many small chain owners.

In both the student questionnaire and theatre questionnaire, the questions were laid out with the

recipient only having to check a given block (Appendices F and G). The student questionnaire had one open-ended question, where the subject could give his own views. The theatre questionnaire offered one major open-ended question and two alternate choices. It was in the open-ended questions that most of the in-depth information was brought forth, as we will see in detail later in the chapter.

In breaking down the questionnaires for analysis, there were some interesting areas which were totally new to me. One of these areas was in the number of students who were not aware of the new code at all. Question No. 1 read: "Were you familiar with the new motion picture rating code (G, GP, R, X)?" Out of the total, 516 replied yes and 14 replied no, with 1 unanswered. In further analysis, it was found that 6 of the 14 were rural, with 3 of those coming from Alaska. The remaining eight were from predominantly black, inner city schools of Detroit and Chicago. Even though the number is so small that it is practically insignificant in this research, it was interesting to find that some students are still unaware of a system that is taking dead aim at them. Junior and senior high school students are for the most part well informed on this subject as school publications such as "Senior Scholastic" and "Weekly Reader" as well as parent-teacher magazines publish the latest information on current films and do fairly accurate reviews for the students.

A large number of the students say they are familiar with the rating code; but being familiar with it and knowing how to use it are entirely different things. There is considerable confusion over what the code really is. The following examples will attempt to point out the misinterpretation of the code itself:

> The rating code tells how interesting the film should be.
>
> Well, if it's a G, I'm usually not interested because it's not very realistic.
>
> The G, GP, R, X have nothing to do with the story behind the plot, the code is "rubbish."
>
> Its not a good guide to the movie's content.
>
> I look at titles and pre-views not the ratings generally.
>
> The G rated shows have a reputation of being kiddy shows.
>
> Some are poorly rated when they have good acting.
>
> I don't know how they decide on the ratings. Some of the X rated films are as bad as the Rs.
>
> I like movies period and cannot decide which code it should be until I have seen it.
>
> If it is a good movie, why shouldn't I make my own rating for the movie.

It was my assumption from the beginning of the research that if misunderstanding of the code was to be found it would come from the rural areas. About 95 per cent of the misinterpretation came from the rural areas with the remaining coming from predominantly black city schools. Most of the rural schools had no daily town newspaper, but a weekly was available. Also, as school

newspaper is published on an average of once per month in most rural schools, dissemination of information on the new code to rural schools would have to take the form of the school journals, such as "Senior Scholastic" or outside newspapers. It is a known fact that rural theatre managers tend to allow all people into their theatres and will not play the restricted films due to public pressure. The theatre management could disseminate this information regarding the new code, but very few do according to the ones I have spoken with. Most theatre managers in small rural towns attempt to hold down costs and will buy small blocks in their weekly paper, but usually all that is printed is the title of the picture. They very seldom display the code explanation sheets available from the MPAA or National Screen Service. Most managers in small markets say they know their towns and play only family films. Why should the public be denied the right to know how a movie is rated? The truth is, many people do not really care about the ratings, most go to see a film because there is nothing else to do in small towns or even the same in the inner city. High school age kids, especially, fall into this category. They are always claiming to have nothing to do. This was true in this writer's case, he being from a small, rural town in the South. The theatre was the only entertainment and often individuals would attend three to four nights a week to find something to do.

Saturday night is still the big night (everyone goes regardless of what is playing).

Several respondents voiced their opinion in the claim that they seldom had a use for the new code:

> I select the movies I go to by whether they are western, drama, adventure, etc., and by which actors are in them. [The "star system" is not dead in rural areas.]
>
> When I go to the show, I just go to be going. I may not even know what is on.
>
> I don't think they're that fair or even necessary.

Even if people, regardless of their age, wanted to use the code, it would not be available to them in many instances. As mentioned earlier, rural theatre managers tend to play the code down. There is little information found in the weekly rural paper; and code information is not displayed in theatres. In a way, this may seem like the small rural theatre manager's problem, but it is as big in the urban areas. Most urban managers use National Screen Service Press Books or material from the distributors. All of the films approved by the Code Board have the symbol appearing in their advertising, and most large urban papers will print the code symbols and an explanation of each. In addition to this material, approximately 95 per cent of all theatre owners are members of the National Association of Theatre Owners (NATO),[36] which does set some legal standards for their industry, and lobby quite heavily in the theatre owners' favor when needed. If the theatre owner were truly interested in educating his

public, and he should be, NATO could and would provide him with information on the rating system. All high schools and a lot of junior high schools publish their own school newspapers; and the manager could disseminate his information through them. After all, these are his major customers and the ones he will prohibit by age from entering his theatre. Rural managers should place a great deal of emphasis on dissemination of information on the code if they are going to get tough on admission to the theatre. If they initiate a policy of no entrance on R or X rated features without a good explanation to their public, they may find themselves with a boycott on their hands when G and GP films are shown. The small theatre manager also has other outlets for dissemination of information in regard to the code. Some of these are local radio, church bulletins, town bulletin boards, and special National Screen Service trailers for in-theatre use. Most small-market radio stations can always use this type of information; and if the theatre is a regular advertiser the station may even give public service space. Religion has always been and still is a big factor in rural areas, and just about all churches publish a Sunday bulletin. Religion has certainly been a foe of movies since their inception and theatre managers could alleviate a great deal of pressure by cooperating with it. The local manager, rural or urban, has access to billboards and should utilize them to the fullest extent to inform the

public on what the symbols indicate and what the new rating code is.

American teenagers have little problem when it comes to seeing R rated films. The second question of the student questionnaire read:

"Have you seen an R rated movie?"

A total of 458 answered yes, sixty-three had never seen an R film and ten did not know. There are a number of states that have a seventeen age limit as cut off for teenagers to attend R films. This may allow for the large number of students being able to see R films; however, some students responded with the following:

> Because here in our community it is easy to see any grade of show, regardless of your age, usually the ID is not checked.
>
> Because I can get a phony ID.
>
> You can get into any movie in our neighborhood.

Drive-in theatres will often book triple features, with G and GP movies filling the remaining slots for an R rated show. The G/GP will bring a lot of family trade and the R is usually scheduled as the late feature, supposedly when all the small kids in the car are asleep. This is one method the drive-in theatres use in getting around having to check identification.

In reply to this question which read:

"Have you ever seen an X rated movie?"

the number of yes answers dropped to 284, with 231 no answers. There seems to be a tougher policy on admission

policies regarding the X films. Students have their own opinions in regard to this:

> If it is rated X I don't usually go.
>
> If it is rated R or X, I usually don't go.
>
> I am not interested in seeing X rated pictures, but I do enjoy GP films.

Several of these statements also support Randall's theory of "self-enforcement."[29] In essence the young do observe age restrictions on admission to R and X rated films and usually will not attempt to enter the theatre. This theory also works in reverse with teenagers who are attempting to beat the system by obtaining admission to the R or X rated movies. Several responses from students, as well as theatre owners, show the disregard for a volunteer system of regulation:

> The rating code is rather unorthodox and is someone elses rationale and not mine.
>
> Because on the whole, the films that I have seen that have been rated, would not agree with my ratings.
>
> I don't think it is valid because all people of the same age are not the same maturity.
>
> I disagree with it.
>
> Who the hell cares what their version of good taste covers or doesn't.
>
> I don't think there is anything to this rating system, it rates movies for X, but for what reason--"Sweet, Sweetback" was rated X and was no more of an adult film than "Fantasia."
>
> I feel that my mind can take anything the movie producers put down.
>
> I figure I have good enough taste to choose the films I want to see and spend money on.

> The ratings are irrelevant to me, really I'm more interested in the subject matter of the movies, rather than the number of curse words or naked bodies.
>
> I feel a person should be able to select for himself and if a kid under age wants to get in bad enough, he will.

Theatre owners have a tendency to feel much the same way as the students in their feelings toward the rating system, but with a little more of a sophisticated approach. In the question, "Are you satisfied with the present film rating system? Why or why not?" fifty-four owners responded that they were <u>not</u> satisfied with the system; fifteen were satisfied; and four had no comment. The majority of the owner's complaints centered around the symbols themselves:

> GP rating is no good.
>
> GP is not understood and ratings board is too permissive with GP.
>
> GP is badly abused.
>
> Don't use the X rating. Seems to mean smut to many parents.
>
> GP ambiguous at times.
>
> R and GP ratings do not properly classify and tend to confuse.
>
> GP causes too much trouble--letter should be changed so we don't have thought of general patronage.
>
> The Code Board has been too liberal in ratings, many GP should have been R--this will stop.
>
> Prefer a better rating system.
>
> Gives a false image in the GP rating and X is now a condemned symbol.

Some of the theatre owners' criticism does look negative, the reasoning behind this being; they have as hard a time facing change as anyone else in many respects. Many owners have a strong desire to make this system work or face the dilemma of official federal censorship. Some of the owners did give the following negative responses:

> I can't see stopping the kids from seeing R and X movies of sex only, and let them see all kinds of blood and murder . . .
>
> . . . as far as I know sex never killed too many people. My theatre managers say they just look forward to an X rated show, so they don't have to put up with the damn kids. If I could get away with it, I'd run all X rated shows and say the hell with the kids.

With an attitude like this toward children, it might be better for this owner to switch to another trade.

Students and theatre owners have some recourse if they feel a correction is needed in the system. Students can let their feelings be known to the Motion Picture Association; and theatres have a national organization behind them and can also help bring pressure on the MPAA for change by expressing their displeasure. Theatre owners are in an excellent position to bring pressure on the industry because they can refuse to run or buy their products.

In response to the question on the theatre survey "In which of the following categories would you like to see more films made?" the majority of answers fell in the G and GP category. Some owners still wanted the R and X films but they were in the minority. Sixty-two wanted

more G and GP films and one group replied that they would like to see "more pictures produced in all categories except X, since there is a shortage of pictures." Some of the other owners had the following comments:

> Just good pictures.
>
> G-GP--The public wants them--bring in more young people.
>
> G-Balanced programming for all.
>
> GP-it offers a broader audience.
>
> X-because I say to heck with the kids. All they want to do is wreck the theatre. So I'd rather not have them.
>
> G-GP so we can open our doors to all people without having to police the attendance.
>
> G-GP-R-X, there is room and need for more quality films in all areas.
>
> G-GP-Lets stop shocking everyone and start entertaining again.
>
> All-More people go to R and X pictures today than G-Families do not go together like they used to.
>
> G-GP-R and X rating films eliminate a numerically important audience.
>
> Would prefer "G" but this rating, with rare exception is "kiss of death" . . . would actually prefer GP rating, with closer supervision of the language used at times of production. I believe this will be the general trend of the future, most of the public are now conditioned to the adult fare of the (GP) rated type . . . R rating hurts, would prefer no rating and let public influence content of pictures with their dollars. Most teenagers have no desire to attend X rated sex movies and . . . do not attend. Have great respect for the teenage judgment, much more than for many, many, many (too many) adults.

The students surveyed echoed the above quote to a large degree when they named the types of films they preferred to see. Question No. 4 of the student survey asked,

"Which type of movie would you rather see?"

Twenty-five students said they preferred G, 170 preferred GP, 238 liked R films and 73 preferred X rated films. There were 25 unanswered. Students had a variety of reasons for liking or disliking various types of films:

> I like just about any kind of movie, and if they are R or X it makes them more interesting.
>
> The R and X have more action in them.
>
> X movies have no plot or story just a bunch of sex which should be kept to yourself.
>
> If its a G I'm usually not interested because its not very realistic.
>
> I've seen R films that are nicer than some shown on TV.
>
> I don't go to G rated ones because they are usually silly humor.
>
> I don't think I should go to X rated movies.
>
> I use the code because I like to watch dirtier shows sometimes than other times.
>
> If it is an X rated movie, you can be sure it will have a lot of vulgarity in it.
>
> If its rated R or X its a pretty good movie.
>
> Generally X rated movies don't appeal to me, nor do G rated films
>
> I can't see any sense in going to X rated films. I'd rather enjoy myself.

It is an interesting fact that of the 73 people who preferred X rated films, 47 were inner-city blacks. I do not know the reason behind this, but have inferred from conversations with several blacks from inner-city school programs that the heavy desire for X films may be the desire or curiosity about sex in the films. These same people said it was relatively easy to obtain access to X rated films in the Detroit area; and the kids have little to do, and many of the neighborhood theatres play strictly sex fare.

Many students misinterpret the rating symbols, especially the "G" as being too childish or stupid. Many teenagers have a tendency to think G films are "sissy" and "only for their little brothers." Many adults have also attached the same or similar connotation and will often bypass a good G film to see an R or X. This raises an interesting point, which was passed to the theatre owners as follows:

> In conversations with theatre owners/managers, many of them feel the movie goer is often "confused" by the rating a film receives and often passes up seeing excellent films because of it. Do you agree with this?

Thirty-eight said no, 35 responded with a yes. Their reasons were varied:

> Only with the GP rating.
>
> Some adults refuse to go to any R or X rated films. They miss some excellent films as a result.

> Many pass up a picture that is rated G because they think its meant for kids under 12 . . . thus missing some wonderful pictures.
>
> Yes, they are confused and no, they do not pass up seeing films because of this.

People desire to have mature and realistic motion pictures for their own viewing, but then turn around and select their evening's film entertainment by the rating intended for guidance of their children. This is unfortunate, and the film loses, regardless of the audience it was intended for.

Does the average parent understand the rating system well enough to make an accurate decision in selecting films for other children? A similar question was asked the theatre owners:

> "From your position, does the average parent understand the rating system used in movies today?"

Thirty-six responded that parents did understand the system, whereas, 31 said parents did not understand the system. Some of them qualified their answers:

> Yes, they understand, but there is some confusion with the GP.
>
> Yes, with gratification, locally the media and exhibitors have mounted a large and long campaign to educate the public.
>
> Yes, they understand the G and X rating but confused about the GP and R.

GP is the largest category by far, with 37 per cent of all the films rated, and probably the most misunderstood.

* * *

In the earlier part of this chapter, it was reported that Randall's study found that theatres were lax on admission standards. In question No. 5 of the student questionnaire, the student was asked,

> "If you have attended an R or X rated film, was your ID checked?"

A total of 389 responded that they had never been checked, while 88 responded yes and 47 did not recall. These figures would support Randall's statement. However, in the theatre survey, a similar question was posed,

> "Much has been written and said about theatres not enforcing attendance rules of R and X rated films. Do you require ID checks on teenagers when these films are screened in your theatre(s)?"

The theatre owners responded with 68 yes replies and 4 said no. They were explicit in their response:

> We operate theatres in the larger cities in seven states of the mid-south area. Some states, including Tennessee and Mississippi have laws restricting the showing of R and X rated films to person under 17 or 18 years, whether accompanied by parent or not. Our employees check identification cards of <u>all persons</u> who remotely might be under age. In this respect, our operation is the tightest of any in the country and as a result we suffer by the reduced attendance. In Jackson, Mississippi, we will not admit parents with "babes in arms" to R rated movies since it is against the law.
>
> Very careful on X rated.
>
> If questionable as to child's age.
>
> We must rely on employees to do enforcing.
>
> Definitely.
>
> On X rated only.

> I have only small town theatres--and ticket sellers know what age most of the kids are.
>
> We have enforced this so much that we have caused some people to get upset with us. They feel the parent should make the decision and in a way, I agree.
>
> But not for the reason what a film may be rated R or X.
>
> If there is any questions, keep in mind that the cashier or doormen have no economic reason to let 16 year olds see an R or X rated film, but they are human and make errors.

Lastly, too many theatres simply do not enforce the R or X ratings. Theatre owners are businessmen too, and when a customer appears at the box office with money in his hand, chances are all too good that he will be admitted.

Producer Phillip Roth (Summer of "42"), said in a Life magazine interview that he has stood outside theatres showing his picture and watched children obviously under age be admitted without question. "One theatre owner even took black masking tape and covered the R on the poster outside his theatre," said Roth.[34]

Getting into X and R rated movies for teens in the Lansing area is just as easy as getting into a high school football game, according to a couple of eighteen year olds who have tried it. While doing a story for the Lansing State Journal, Katie Stebbins and Doug Klein, both members of the Journal's teen staff, made a tour of the area's walk-in and drive-in theatres to test their theory.[38]

All of the films they attended were R which in Michigan means no one under the age of eighteen is allowed

inside unless accompanied by a parent or adult. Katie and Doug established the following facts about the rating system in the Lansing area:

1. Box office personnel rarely check identification.
2. The Butterfield Theatres (Campus, Gladmer, State, Michigan) are extremely easy; no ID checks.
3. Thirteen-year-olds were sold tickets to R rated films with no ID check.
4. There is more concern over whether you are wearing proper clothes and footwear, than your age.
5. Lansing and Meridian Mall Theatres "rushed" customers through with no ID check or questions.
6. The Spartan Twin Theatres were the only exception--Kati said, "People there are more strict about letting kids under eighteen in."
7. Drive-ins were also quick to sell tickets with no questions asked. "The ability to drive a car is apparently used as proof of maturity, rather than the age limit of eighteen," Doug said.

Lansing area teens seems to be confused about the movie rating system. Most teens felt that if ratings were not enforced they were not much good.

Some patrons use ratings to obtain some ideas of the movies' subject matter, and some people use them as indication of a film's quality. From this comes the stereotype: all X films are dirty.

Lansing fits basically into the pattern found in the teenage survey around the nation. Katie and Doug found several theatres more interested in dress codes than in the film code. This has gotten to be a problem in many college towns as high school and college kids tend to shun shoes and often shirts in warm weather. The basic observation made by the State Journal goes along with a national trend in many respects as seen in this chapter.

* * *

How effective is the new code? Do the students use it in selecting their films? What are their reasons for using or not using the Code? According to the student survey, 308 students said they did not use the Code. There were a variety of categories involved in their decision; some of these were: other sources to draw their own conclusion on a given film, the distaste for the present rating system, the ability of the student to achieve admission to R or X films without identification checks, etc.

The students had comments regarding each of the above areas. First the use of sources for selection of films:

> No, I just go to see the ones that seem good by reading the newspapers.
>
> No, I usually go on popular opinion.
>
> No, I use Consumer's Guide Rating System.

No, if the movie seems like its good, I check upon it to see if its that good (ask some friends, read reviews, etc.) then go, or I just go because I, myself, think it might be good. I go to see what I can learn, more than for entertainment. I like films with a message or a point behind it, not skin flicks.

No, if I've read the book and like it, I will go and see the show no matter what the rating is.

Not usually, I usually see those recommended by friends or those I think should be good.

No, I go by the opinion of friends, people on television shows, etc.

No, I see the movie if its widely publicized.

No, I read reviews, listen to what others around me think. I care very little about what the rating board terms the film.

No, I go by ratings and my interest in film. Ratings make little difference.

I read or hear criticisms about the film and then decide.

If I like the title on the advertisement, I usually go, it doesn't matter what the rating is.

In my opinion each of us at some time in our movie selection may have felt much the same as the students. A large percentage of students mentioned that they did utilize reviews of either the newspapers or magazines.

Another area mentioned quite frequently by students as a basis for selecting their film fare is the preview. Several students gave their comments in regard to previews:

I attend movies because they have been recommended to me by friends or because the previews appeal to me.

No, I don't use the symbols because you usually obtain whether you want to attend or not by the previews.

I look at titles and previews rather than ratings, generally.

No, I go whenever the movie sounds good or the previews are good.

No, I can tell by the name and previews if I want to see it.

No, if I like the previews, I go to see it.

No, if I think I'll like it I go see it. Theatre previews and some reviews have some influence.

Previews still play a large part in the selection of films at a particular theatre. According to National Screen Service, the largest supplier of trailers, there has been a substantial drop in the past two years in the use of trailers. National Screen attributes this drop to theatre owners switching to the Green Band Trailers which are produced for specific audiences in mind. An example of when a manager would use a Green Band trailer is when he is advertising an X rated film during a G rated film program. Green Band Trailers carry only the picture's title, cast, and rating would be given. Trailers have taken the same approach as films in recent years and often show every explicit detail of sex and violence of the film.

A question in regard to the trailer situation was posed to the theatre owners as follows:

"Have you encountered the problem of showing R or X rated trailers during the showing of a G rated film?"

Thirty-two said they had encountered problems, 40 said they had no problems. Several comments were given by the owners to this particular problem:

Do not show any trailers.

Do not show, when our current attraction is rated G, we do not; (a) show regular trailers for R rated pictures, only the title and cast; (b) show any nudity in trailers.

No X rated trailers shown when current films is G.

No our strict policy requires that no R or X rated trailers is shown with G or GP films at anytime.

Not particularly, special trailers are made to deal with the situation.

We avoid the situation.

No, we screen all trailers before showing and thereby eliminate any problems, if not suitable in our opinion, we delete.

We censor our trailers.

No, God help a manager who does, very carefully supervised.

No, but avoid it, we use Green Band trailers--made especially to avoid this problem.

We just don't show--except as title cards.

Theatre owners may be hurting themselves by not using trailers, as they are a cheap source of advertising to a captive audience. Indoor theatres are the ones most frequently not utilizing trailers and often they could use some incentive to have a patron return. Drive-ins seem to be the largest purchasers of trailers and probably will continue to be. Managers and owners seem to be looking for ways to cut costs in presentations, but in my estimation deletion of trailers is not one of those areas in which it should be done.

* * *

Some students stressed their distaste with the present rating system, and gave various reasons in this area, why they would not use the system:

No, because most movies are overrated.

No, I don't know how they decide on the ratings. Some of the R rated films are as bad as the Xs.

No, I disagree with the ratings. A G can have blood thirsty killings without showing the nude body and a movie of love and war could be rated R.

No, because most of them are rated R or X anyway except for Walt Disney Productions.

No, "Midnight Cowboy" was fantastic, all the time it was X.

No, because they aren't always the type of guide that really guides.

No, I go to see movies that I think will interest me and I don't care about any code some committee thought up.

* * *

The students had a variety of reasons why they used the new Code. There were a number of categories into which their thinking fell; some of these are religious, taste in films, parents and their own moral convictions:

I do use the rating code because my parents would kill me if I went to one rated X.

Yes, parents.

Yes, to see if my parents will let me go.

Yes, it is meant to be used so my parents use it.

But, parents apparently have little control over the subject their teenagers are seeing at the movies. Do parents specify what movies a teenager can see? According to 448 respondents, parents have little or no say in regard to what their teenagers see. One would think the opposite; but only seventy-six students responded that their parents specified the movies they could attend. Today's teenagers are extremely mobile and once out of the house often do as they please, including seeing movies they wish to see.

Another question asked,

> "Do your parents specify what movies you <u>cannot</u> attend?"

A total of 410 students answered that parents did not specify what they could not attend. One hundred eighteen responded that parents did specify the movies they could not attend and 80 students said that parents used the rating code when doing so. Thirty students said parents gave other explanations as to why they could not attend a particular movie and eight said parents offered no explanation.

Students also added several negative comments in regard to using the new Code:

> No, judging from pictures I've seen the Code can't be used as an accurate method of selecting movies.
>
> No, I do not use or think these ratings are valid, youth today are not influenced by just a rating.

No, it really depends on what movie is playing. I do not go by the film rating on any movie I see. I don't really see any sense in having the rating because most films are not that bad at least the ones I have seen weren't that bad. They were kind of dumb in my opinion.

Because I figure you can't pay that much attention to the Code . . .

The most out-spoken teenagers in this survey were 16 and 17 years of age and probably the ones that had been denied permission to see an R or X rated film.

* * *

Students gave a variety of reasons why they do not use the Code. Some are fairly substantial, while others display the lack of understanding of purpose of the Code:

No, because it doesn't affect me in anyway.

No, I go to the type of movies I think are interesting, no matter what rating.

No, the rating has no effect on how well the movie is made.

No, because I just go see it, if its dirty or not dirty.

No, because I go to see certain actors play roles, not because of nudity or whatever.

No, most likely a lot of bull.

No, if I went to see the film, I go regardless of the rating. Ratings don't have that much influence on me although X's don't appeal to me.

Not really, because what may be an R to one person may be a GP to another.

My boyfriend and the couple we double with decide. I have no voice in the choice at all.

No, because I pick most movies by casting, title and background.

No, I can attend any rated movie without parental guidance [14 year old].

No, because some GP movies are worse than R rated movies, therefore, if I want to see a movie I go no matter what the rating is if there is nothing else going on.

No, because there is only one movie house in town, and if I want to go to the show, I really don't have any choice.

No, because I look for a good story in a movie, not the cussing or the amount of sex in it.

No, very few of the movies are worth thinking about anyway. "Two for a Penny" was an experience.

No, whatever looks exciting and interesting such as "American Wilderness."

Because most movies have harder ratings like X just to get more attendance.

The last quote came from a 17 year old girl in Iowa and was one of the seven people who said that film ratings were boosted or changed upward in order to build up attendance. This kind of response was also given by four students from Mississippi and two from Vermont. Changing rating symbols is a known practice with some of the small-town operators; but most of the operators and managers that I have spoken with say this is not common as far as they know. The National Association of Theatre Owners (NATO) also discourages such practices. The only solution readily available to the patron who observes that an owner is changing symbols is to write NATO or the MPAA.

* * *

How many use the Code in selecting their film fare? The response to that was 185 who said they used it for varied reasons, including some of the same reasons that students gave for not using the Code, religion, taste in films, parents, etc. Others said that they used it for selecting films in order to see films of a more mature nature, and their comments were as follows:

> Yes, G's are too baby like.
>
> Yes, because G and GP movies are too childish, X have no plot.
>
> Yes, because if its X it must be good.
>
> Yes, because most X rated movies are sickening.
>
> Yes, it gives some indication of the age level for which the movie was intended.
>
> Yes, because if it is an X then it is restricted for children and that means to me that it is going to be a fresh film with relations.
>
> Yes, because R/X rated ones are sometimes really stupid, just sex in them.
>
> Yes, my feelings are most G movies are for young audiences. X ratings seem unappealing.
>
> Yes, because I figure the more restricted the film is the greater your chance of seeing an undisturbed movie without children screaming, laughing, etc.
>
> Yes, I don't care for G movies because too many children are usually running around the theatre.

Anyone who is a serious movie goer will attest to how distracting children can become in a theatre. A spokesman for ABC Mid-South Theatres said that R and X movies have done wonders for babysitters in the State of

Mississippi, as theatres in Jackson, Mississippi, will not admit parents with "babes in arms" to R or X rated movies. Another factor involved is the taking of younger brothers and sisters to the movies, which will sometimes cause teenagers a great deal of frustration.

Student comments show a general dislike for the G rating. Some say they like the R and X rated pictures:

> Yes, because R and X rated movies are supposedly more intellectual.
>
> Yes, because if its rated R or X its a pretty good movie.
>
> Yes, because sometimes the R movies can be the best.
>
> Yes, sometimes because the films that are rated R/X are sometimes the best films.
>
> Yes, because I think the X rated Code pictures are the best.
>
> Yes, because the R and X rated films have more action in them.
>
> Yes, most people think R and X rated are the best, that's how you usually choose them.

It is fairly obvious that the students who made the above comments were not fully informed on the system, interpreting the X and R ratings as synonomous with mature, intellectual or enlightening. The choice of the R or X may also be a status symbol with some teenagers, as many are testing their maturity and being able to converse with their peers in matters of sex.

Modesty is a point that surfaced in this survey:

Yes, I don't care to see X rated movies, they rather offend me, other movies are O.K. (mostly).

Yes, because I consider certain immodesty wrong.

Yes in some ways, I use the code depending on the company I'm with--male or female.

Yes, if going to the show with my boyfriend, I try to pick a picture in which I will be comfortable in seeing with him.

Yes, because X rated films contain more sex than I care to see. It does influence my choice.

Yes, because when I attend movies it is on a date and I'd rather not be embarrassed by an R or X.

Yes, I don't care to see sex on the screen, it doesn't suit my taste.

Not for myself, but if I have a date I use the Code.

Depends on if I am going on a date or with the guys.

Especially when going with a boy. Neither party would like an X movie because they're usually sickening.

Yes, because the film you go see you want to be enjoyable not one that is so bad that you can't enjoy with a friend or somebody.

When I'm with a date, I wouldn't take her to an X rated, but when I'm with other guys I'll go to X movies.

One might say there are a lot of prude teenagers around. It is good to see that a teenager still has respect for his date today. It is interesting that all of the above statements did come from rural schools, and may reflect their close ties to the home, church and small schools where everyone knows everyone else. A factor that is true in all rural schools to a degree was the hesitancy to discuss sex openly.

Some students realize the limitations placed on them by the Code and abide by it, and made the following enlightening comments:

> If I am not allowed by the Code, I would obey it and not go.
>
> Yes, because if the movie is R or X I can't go.
>
> Yes, I have to see if I think the movie is fit.
>
> Yes, sometimes if I want to go to a movie and its rated R. I might find someone older to go with me.
>
> Yes, it is meant to be used and my parents use it.
>
> Yes, X rated movies stop me from going to see them.
>
> Yes, because if the theatre checks ID's, I can't get into X rated films. I would rather not try to get in and cause trouble so I don't go to those.
>
> Yes, because being only 17 a lot of places I can't go to see an R or X movie.
>
> Yes, I don't think I should go to X rated movies.
>
> Yes, because if they're all that bad, I do not wish to see them.

* * *

It was my opinion before starting this research that religion played a large role in the teenager's selection of movies. The question was asked of the students in the following manner:

> "Does your church or religious affiliation influence you in selecting the movies you see?"

A total of 309 students said no; 104 said religion did have some influence. The religious breakdown for the students is as follows: 92 Catholics, 267 Protestants,

4 Jewish, 42 none, and 123 other. Included in the "other" category are 25 Mormons. The majority of those whose religion still affects movie attendance were found to be Catholic. Seventy-one Catholic respondents answered the above question yes. The remaining thirty-three were Protestants. One surprise was the twenty-five Mormons from Salt Lake City who said their religion had no influence on what they chose to see. It had been my understanding prior to research that this particular religion was strict on film fare, even more so than the Catholics.

Some students commented in regard to their use of the Code when religion is a factor:

> Yes, I use the Code because of religious convictions.
>
> Yes, if I went to drive-ins or theatres I would use the Code, but I don't go at all because of religion.
>
> Yes, because my religion is against X rated movies and such types.

One student from Seattle, Washington described in full detail his religious background and reasons why he used the code in selecting his film fare:

> I am a Christian, a Jesus People or Jesus Freak, if you so prefer, and have accepted Jesus Christ as my personal savior and have received the baptism of the Holy Spirit. My reason for using the new Code is that I've got a very real and personal relationship with God and I know it would be against his will for me not to use it. I sometimes think God invented the whole thing to protect us pure from the sinners that frequent those X rated things.

God forbid and heaven help the motion picture industry if a religious movement of this nature spreads

across the country. There is always a possibility of a movement of this nature taking up the permissiveness in movies as a cause and attempt boycotts on R and X rated films.

* * *

We are all aware that changes and modifications are needed in any new system in order that it will be able to perform its given task better. The new rating Code is no exception and even the students expressed their feelings in the following statements:

> Yes, I use the Code because if movies weren't so vulgar, one wouldn't need a rating system.
>
> This is the only rating which is now available to the general public, however, if another was offered I would be willing to bet that most people would give it a chance.

The first quote would apply more to the movie industry itself and some of the problems it is having. The second brings forth the subject of censorship, not an entirely new problem. When presented to the theatre owners, it was put this way:

> Many people insist that the next step in film classification may be government censorship. Are you in favor of this step?

The overwhelming answer was no, with 69 against, 2 for, and 1 who wanted to revert to the old state censorship rules.

One of the two people preferring censorship qualified this by saying he preferred it "only if

qualified censors were free from political pressures." Of course, a theory impossible to uphold and more than a little impractical.

* * *

Changes are needed in the Code and the one of the best sources to initiate change is the theatre owner.

> What, if any, changes would you like to see in the rating system?

As was expected, out of the 72 returns, 72 suggestions were received. This survey was conducted prior to the National Association of Theatre Owner's convention held in November of 1971, and several suggestions made by theatre owners were adopted by the MPAA. The main one was the change from GP to PG, in an attempt to clear up some of the confusion. Some of the more pertinent statements and suggestions were as follows:

> The GP rating should be eliminated. The rating committee should set definite standards for rating, and then make no exception irregardless of the pressures brought to bear.
>
> Adhere to guidelines and X rated pictures play the theatres that play pornographic films
>
> Theatre owners to rate their own movies. This can be governed by sentiments of the patrons.
>
> Abolish.
>
> More consistency in adhering to criteria for rating motion pictures.
>
> Better evaluation without compromise. This may be unlikely because MPAA is supported by major producers.

Have local manager use rating based on criteria in his locality.

Specify rules for G, GP, etc. Ratings should be enforced to preclude "interpretation" as much as possible, violence, approval of crime, political propaganda, and outright distortion are as harmful as sexual expliciteness and perversion. There are many great films that are yet to be made that could easily earn G ratings.

Change GP to M.

Revert to the classification system of "suitable for children" or "not suitable for children" and specify the age.

You're dealing in human factors, what's offensive to one is not to another. There will always be controversy, the system is good if the public takes time to learn it.

Similar to Quebec Province--(1) for all, (2) 14 years, (3) 18 years.

Eliminate or change GP--rating to be done by professionals not subject to pressures from producers--appeals board made up of professional exhibitors.

Addition of a mature audience designation between GP and R.

In English.

Would like the MPAA to disallow any rating where a scene, out of context, is added merely to obtain an R or X rating. We find that our public is buying the rating not the picture! This is why so many producers are adding scenes and language to a film which really means nothing to a story, just to get the R or X on the Code. This is bad, sooner or later the public catches on the better.

The ratings system must be classified by the MPAA so that these ratings meet with the standards of the film, so that the public will accept the rating as justifiable.

My personal feeling is to inform people properly and let them make their own decisions. I do not feel that I am privileged to substitute my judgment as to who should see what and at what age. Parents should

assume their responsibility and not depend on someone else to do it. Nothing will work if the people don't make it work.

Ratings cannot satisfy the individual parent, each has a different standard for themselves and their children. Indiana laws bar anyone under 18 from attending an obscene movie, however, many R and X movies are not legally obscene movies. To bar 35 per cent of your audience unnecessarily is very wrong; morally, financially, and probably illegal. The question is: (a) is this movie obscene (1) for children, (2) for teenagers, (3) for adults.

It seems to me that since obscenity is actually a legal question, and showing an obscene movie is illegal, the government (federal) should set the standards, including age brackets.

The result would direct criticism in a more proper direction, before any harm can be done. Think of the time and money that would be saved the people if "I am Curious" was governmentally rated before exhibition.

Clearer symbols and standards of ratings become more consistent.

The GP classification gives the main trouble. Too much profanity allowed--the "rough" four letter words. I am about to conclude that only two classifications should exist--G for kids/the Disney trade--and the rest M for the more mature. This to has faults.

I'd prefer reintroducing "M" ratings, eliminate GP and/or combining GP/R. Another confusing area is the fact a picture can be for the mature yet actually no sex or violence which could offend or alarm anyone. Parents should also make it a point to know what their children are going to see, then make decisions accordingly. Parents have widely and varying opinions on both sex and violence.

Finally let me say it is in very poor taste for a producer to introduce sex, violence, or profanity into a story for just the sake of doing so. It does not sell tickets but causes ill feelings and embarrassment for many concerned.

Stick close to the Legion of Decency Ratings.

I would like to have less bad language, sex, shock, and extreme methods of telling a story. I believe

> creative material that will entertain needs a chance to prove itself once again.
>
> A more accurate appraisal by the rating board in classifying pictures in GP/R category and change of GP which gives the public feeling it means General Patronage to PG, which would mean Parental Guidance and a legend for some PG pictures that it contains material not suitable for pre-teenagers.
>
> Two ratings--Good for general audience or good for adults. Not talking about the hard core X films. They shouldn't be made.
>
> Each individual on the board that rates films should be inducted into theatre management for a period of one year and then they would know the reasons for my answers. The old quote "there's nothing wrong with the motion picture industry that good pictures can't cure." (What a change in the past 50 years.) If people would not patronize the garbage film, this would answer the question.
>
> Clear up the damn GP confusion--what is shown on TV would sometimes have an R rating if it were a movie. What is the difference if the under 18 watches TV or goes to a movie. Rating should not restrict but should stand for something constructive. Rating should not restrict but should be a sign of film content, except in case of X films. They (X) should have some kind of age restriction (no age restriction to buying pornographic magazines in a book store.

Changes in the new Code have taken effect since the annual meeting of the National Association of Theatres Owners in October, 1971, the major change being the implementation of the PG rating in place of GP. The new PG rating is as follows:

> Parental guidance suggested. This is a film which may not be suitable for pre-teenagers. [The rating alerts parents to the need for inquiry before allowing children to attend.][36]

Any new system is going to come in for a great deal of criticism, but hopefully both NATO and the MPAA will

continue to review complaints and implement new procedures or change the code structure.

* * *

There were two additional pieces of information requested from students in their questionnaire. The first item was:

How many movies do you attend in a theatre each month?

Table 4.--Average Theatre Attendance Per Month by Teenagers.

Number of Times Attended	Number of Teenagers Attending
0	35
1	167
2	141
3	107
4	41
5	13
More than 5	18
Blanks	9

The average for the group of students is two movies per month. Above is listed the total breakdown for the survey. There was some variation in the figures of rural and urban attendance. A majority of urban teens attend movies at least twice per month, and of the thirty-five listed as not attending only two were urban. Rural

students average more than two per month with the more than five per month all coming from Mississippi. Also, the 31 students attending 5 or more movies per month, 29 were black the other 2 students were Caucasian.

The final item of information requested was:

Which type of theatre do you attend more frequently? A total of 330 said they attended indoor theatres most frequently and 175 indicated they attended drive-ins. There were 26 blanks. Rural students tended to favor the indoor theatre, and this may be a indicator that most of the small rural schools surveyed had an indoor theatre available. Urban teens in general favor the drive-ins, while urban blacks preferred indoor theatres. This may refer to the fact that many inner-city blacks have neighborhood theatres close by and do not have personal transportation. Rural blacks, especially those in the South, favored indoor theatres also.

These two items do not constitute a major part of the intended research, but was undertaken for reasons of adding up-to-date attendance statistics to this report.

CHAPTER VI

CONCLUSION

Let me state in this conclusion that I am firmly in favor of a rating system for motion pictures, provided that it is properly administered and effectively enforced.

I do not think that my feeling about this area is all that personal, but is shared by millions of unorganized individuals across the country, by parent-teacher organizations, parents individually and collectively, theatre managers, as well as by many government forces on a federal, state, and local level, who for years have been trying through every means to impose censorship on motion pictures.

It is easy to see that what has happened in recent years is due to many factors, such as the general economic conditions of the country as well as the specific economic conditions prevailing in the motion picture industry. Even though these are extremely important factors, it is my belief that the present rating system has not in any way helped the motion picture industry to get back on its

feet, but that it has instead caused a great deal of confusion and harm for the most part, with bad effects at the box office and for heavy unemployment among film makers.

However, on the plus side, it is my feeling that the classification rating system, with all its faults, has helped to a considerable extent in fending off federal, state, and local government censorship. I think that all of the elements of our society, political or otherwise, are waiting to see how the classification system will work out. They have been looking at it now for over three years, and I am sorry to say that there are definite signs of dissatisfaction across the board. It is, therefore, of the greatest urgency that every aspect of the rating system be re-examined, because if the industry does not establish an effective rating system, the industry is going to be faced head-on in the very near future with the strongest push yet made by the forces in favor of motion picture censorship.

The film industry must face the fact that even though many motion picture producers, distributors, and exhibitors are trying to cooperate, there has been, coincidental with the rating system, a tremendous increase in pornographic films, skin-flicks, extremes of violence. The average family looking for entertainment for their children as well as for themselves, are frequently repelled after they have gone into the theatre and paid their

admission, only to find themselves bewildered by the rating given to the picture, which, instead of clarifying what they are going to see, has only succeeded in making in more confusing and misleading. Personally, I have never been more bewildered by the deceptive ratings given to pictures. As a result, resentment and even anger had been expressed by many of the audiences on their way out of the theatres--and many have often asked for refunds, which certainly does not help the economic situation of theatre owners.

It is my opinion that many writers are convinced that, under the present rating system and because some pictures showing extreme violence, nudity, and/or pornography have made big profits, they too must insert such language and scenes regardless of whether or not they have anything to do with the real basic story which they are telling. It is probably not an accident that, coincidental with the rating system there has been an increase in the number of X rated pictures, as well as pictures which have not even been submitted for rating but have been self-rated as X in the hope that they will attract the audiences which go to see pornographic pictures.

I am not naive enough to believe that the sole cause of this is the rating system. There has been a general loosening of morality in the life style of people in this country and of many countries around the world. This has been true over time in the fields of book

publishing, newspapers, plays, records, and even television. Yet, if the industry is going to be honest with itself, and if it is going to have any rating system at all, it must develop a system which permits it to reach the widest possible audience, as well as being flexible enough so that adult and mature themes can be produced and properly labeled and enforced, so that the paying customer knows just what he is going to see upon entering the theatre.

One of the great weaknesses in the system is the fact that there is really no effective method of enforcing it even when the ratings are accurate. I would hate to see a system imposed on exhibitors by a governmental agency which would take the form of licensing the way liquor stores are licensed. The only way that I can think of, is for the exhibitors to contract when they buy a picture that they will enforce the rating, and that some method be devised of penalizing exhibitors who do not enforce the rating. In all too many cases surveyed, those under the age stated in a particular classification have been admitted without any real effort made on the part of the exhibitor to prevent them from entering the theatre. It is a difficult situation for the exhibitor because business generally has dropped off, except for the very few pictures that turn out to hit new highs in box office receipts. It is unrealistic to believe that many

exhibitors will not take any chance they can to get as many people into their theatres as they possibly can.

The PG rating, which was viewed by some people as a panacea for all of the problems of the rating system, has not in my opinion worked. For too many pictures have received GP/PG ratings which should have been classified either as R or X. Parents find it almost impossible to find suitable pictures for their children to attend, except for an occasional picture by Disney or a very limited number of other producers. This is a very common situation faced by many parents.

It is my feeling that the rating system is not applied impartially to all pictures. I believe there are all too many pressures being brought upon the people responsible for rating pictures, and, if this type of pressure continues, many producers will just say "to hell with it" and will go their own way, doing their own classifying as best as they can. And in many cases, as in the past, the making of the fast buck will be the only determining factor.

Coupled most importantly with the rating system, is the way that pictures are advertised. Many of the advertisements and the publicity on the pictures are in direct conflict with the rating given to it. It works at both ends of the spectrum. Sometimes pictures are advertised and made to look like the sexiest and most violent ever made, when in reality they are actually G rated

pictures. In reverse instances, violent and semi-pornographic pictures are given ratings which permit youngsters of all ages to see them.

The problem of ratings is not a simple one, and in my opinion is not capable of being solved in some quick, easy manner. The film industry must face the fact that it is not working as well as many people hoped it would, and that unless the industry rectifies the situation, the advocates of governmental censorship will keep pressing and will ultimately win. Perhaps a constitutional decision on censorship will turn out to be favorable to the industry. However, the chaos during the period awaiting such a decision will be more than the already harassed industry can stand.

In spite of rising criticism it is my opinion that a self-regulatory system is much preferred to any form of governmental censorship. Whether Mr. Valenti likes it or not, he, as head of the Motion Picture Association, must take the final responsibility in making the rating system work, or abandon it in favor of something better. The key problems that have to be overcome are: (1) Proper classification by people who are sufficiently experienced in the film industry to make intelligent decisions. These ratings must be made impartially. The fact that they may prove to be wrong on a few occasions is not important. No one is going to expect a perfect system. (2) A method has to be devised in cooperation with the exhibitors for full

enforcement of the rating, once it is established. (3) The motion picture studios and the independent producers must control, as far as possible, the advertising of their product, so that it truthfully represents what the picture is all about.

If the industry does not make the necessary changes, and make them quickly, the rating system will, in my opinion, completely fail, and deservedly so.

This concludes the findings of this research. As in any research endeavor one wishes he had asked just one more question or done one more interview. A seventeen-year-old student from Iowa added her own question to the student questionnaire sent to schools. She wrote: "Are you satisfied with the present rating system?" Her answer, yes! This was over-looked when the questionnaire was made up and would have provided some additional information. I took a quick survey here in the Lansing area on this particular question and found that students preferred this rating system to none at all.

Nevertheless, students and administrative staff and theatre owners supplied me with a great deal more information than requested, some of which has been used in previous chapters.

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APPENDICES

APPENDIX A

TEXT OF OLD CODE

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PREAMBLE

THE MOTION PICTURE PRODUCTION CODE WAS FORMULATED AND FORMALLY ADOPTED BY THE ASSOCIATION OF MOTION PICTURE PRODUCERS INC., (CALIFORNIA) AND THE MOTION PICTURE ASSOCIATION OF AMERICA, INC., (NEW YORK) IN MARCH, 1930.

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 purposes of teaching or propoganda, 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 realize the necessity and the opportunity of subscribing to a Code to govern the production of talking pictures and/or re-acknowledging 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.

THE PRODUCTION CODE

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 shall never be thrown to the side of crime, wrong doing, evil or sin.

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. The illegal drug traffic must not be portrayed in such a manner as to stimulate curiosity concerning the use of, or traffic in, such drugs; nor shall scenes be

approved which show the use of illegal drugs, or their effects, in detail.**

4. The use of liquor in American life, when not required by the plot or for proper characterization, will not be shown.

* See special regulation on treatment of Crime.

** As amended by resolution of the Board of Directors, September 11, 1946.

II. SEX

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

1. Adultery and Illicit Sex, sometimes necessary plot material, must not be explicitly treated or justified, or presented attractively.

2. Scenes of Passion.

a. These should not be introduced except where they are definitely 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 be treated in such manner as not to stimulate the lower and basic emotions.

3. Seduction or Rape

a. These should never be more than suggested, and then only when essential for the plot. They must never be shown by explicit method.

b. They are never the proper subject for comedy.

4. Sex perversion or any inference of it is forbidden*

5. White slavery shall not be treated.**

6. Miscegenation (sex relationship between the white and black races) is forbidden.

7. Sex hygiene and venereal diseases are not proper subjects for theatrical motion pictures.***

8. Scenes of actual childbirth, in fact or in silhouette, are never to be presented.

9. Children's sex organs are never to be exposed.

* Amended in October, 1961, to permit "sex aberration" when treated with "care, discretion, and restraint." Note the switch from the word "perversion" and the latent fear of legal consequences in its employment.

** Abortion was considered to come under the heading of "sex hygiene." In the amended Code of December 1956, the subject was brought up specifically as follows: "The subject of abortion shall be discouraged, shall never be more than suggested, and when referred to shall be condemned. It must never be treated lightly or made the subject of comedy. Abortion shall never be shown

explicitedly or by inference, and a story must not indicate that an abortion has been performed. The word 'abortion' shall not be used."

III. VULGARITY

The treatment of low, disgusting, unpleasant, though not necessarily evil, subjects should be guided always by the dictates of good taste and a proper 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 in part of the audience) is forbidden.

V. PROFANITY*

Pointed profanity and every other profane or vulgar expression, however used, are forbidden.

No approval by the Production Code Administration shall be given to the use of words and phrases in motion pictures including, but not limited to, the following:

Alley cat (applied to a woman); bat (applied to a woman); broad (applied to a woman); Bronx cheer (the sound); hippie, cocotte; God, Lord, Jesus, Christ (unless used reverently); cripes, fanny; fairy (in vulgar sense); finger (the); fire, cries of; Gawd; goose (in a vulgar sense); "hold your hat" or "hats"; hot (applied to a woman); "in your hat"; Madam (relating to prostitution); nance; nerts, nuts (except when meaning crazy); pansy; razberry (the sound); slut (applied to woman); S.O.B.;

son-of-a; tart; toilet gags; tom cat (applied to a man); traveling salesman and farmer's daughter jokes; whore; damn, hell (excepting when the use of said last two words shall be essential and required for portrayal, in proper historical context, of any scene or dialogue based upon historical fact or folklore, or for the presentation in proper literary context of a Biblical, or other religious quotation, or a quotation from a literary work provided that no such use shall be permitted which is intrinsically objectionable or offends good taste).

In the administration of Section V of the Production Code, the Production Code Administration may take cognizance of the fact that the following words and phrases are obviously offensive to the patrons of motion pictures in the United States and more particularly to the patrons of motion pictures in foreign countries: Chink, Dago, Frog, Greaser, Hunkie, Kike, Nigger, Spig, Wop, Yid.

* As amended by resolution of the Board of Directors, November 1, 1939, and September 12, 1945.

VI. COSTUME*

1. Complete nudity is never permitted. This includes nudity in fact or in silhouette, or any licentious notice thereof by other characters in the pictures.

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 faith.

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 respectfully handled.

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 all nations shall be represented fairly.

XI. TITLES

The following titles shall not be used:

1. Titles which are salacious, indecent, obscene, profane or vulgar.

2. Titles which suggest or are currently associated in the public mind with material, characters or occupations unsuitable for the screen.

3. Titles which are otherwise objectionable.**

* See special resolution on Costumes.

** As amended by resolution of the Board of Directors, December 3, 1947.

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 crime.

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.

SPECIAL REGULATION ON CRIME IN MOTION PICTURES

(As adopted by the Board of Directors, December 20, 1938)

RESOLVED, that the Board of Directors of the Motion Picture Association of America, Inc., hereby ratifies, approves, and confirms the interpretations of the Production Code, the practices thereunder, and the resolutions indicating and confirming such interpretations heretofore adopted by the Association of Motion Picture

Producers, Incorporated, all effectuating regulations relative to the treatment of crime in motion pictures, as follows:

1. Details of crime must never be shown and care should be exercised at all times in discussing such details.

2. Action suggestive of wholesale slaughter of human beings, either by criminals in conflict with police or as between warring factions of criminals, or in public disorder of any kind, will not be allowed.

3. There must be no suggestion, at any time, of excessive brutality.

4. Because of the increase in the number of films in which murder is frequently committed, action showing the taking of human life, even in the mystery stories, is to be cut to the minimum. These frequent presentations of murder tend to lessen regard for the sacredness of life.

5. Suicide, as a solution of problems occurring in the development of screen drama, is to be discouraged as morally questionable and as bad theatre--unless absolutely necessary for the development of the plot.

6. There must be no display, at any time, of machine guns, sub-machine guns or other weapons generally classified as illegal weapons in the hands of gangsters, or other criminals, and there are to be no off-stage sounds of the repercussions of these guns.

7. There must be no new, unique or trick methods shown for concealing guns.

8. The flaunting of weapons by gangsters, or other criminals, will not be allowed.

9. All discussions and dialogue on the part of gangsters regarding guns should be cut to the minimum.

10. There must be no scenes, at any time, showing law enforcing officers dieing at the hands of criminals. This includes private detectives and guards for banks, motor trucks, etc.

11. With special reference to the crime of kidnapping--or illegal abduction--such stories are acceptable under the Code only when the kidnapping or abduction is (a) not the main theme of the story; (b) the person kidnapped is not a child; (c) there are no details of the crime of kidnapping; (3) no profit accrues to the abductors or kidnappers; and (e) where the kidnappers are punished.

It is understood, and agreed, that the word kidnapping, as used in paragraph 11 of these regulations, is intended to mean abduction, or illegal detention, in modern times, by criminals for ransom.

12. Pictures dealing with criminal activities, in which minors participate, or to which minors are related, shall not be approved if they incite demoralizing imitation on the part of youth.

13. No picture shall be approved dealing with the life of a notorious criminal of current or recent times which uses the name, nickname or alias of such notorious criminal in the film, nor shall a picture be approved if

based upon the life of such a notorious criminal unless the character shown in the film be punished for crimes shown in the film as committed by him.*

* As amended by resolution of the Board of Directors, December 3, 1947.

SPECIAL RESOLUTION ON COSTUMES

On October 25, 1939, the Board of Directors of the Motion Picture Association of America, Inc., adopted the following resolution:

RESOLVED, that the provisions of Paragraph 1, 3 and 4 of Subdivision VI of the Production Code, in their application to costumes, nudity, indecent or undue exposure and dancing costumes, shall not be interpreted to exclude authentically photographed in a foreign land, showing native life, if such scenes are a necessary and integral part of a motion picture depicting exclusively such land and native life, provided that no such scenes shall be intrinsically objectionable nor made a part of any motion picture produced in any studio; and provided further that no emphasis shall be made in any scenes of the customs or garb of such natives or in the exploitation thereof.

SPECIAL REGULATIONS ON CRUELTY TO ANIMALS

On December 27, 1940, the Board of Directors of the Motion Picture Association of America, Inc., approved a resolution adopted by the Association of Motion Picture Producers, Inc., reaffirming previous resolutions of the California Association concerning brutality and possible

gruesomeness, branding of people and animals and apparent cruelty to children and animals:

RESOLVED, by the Board of Directors of the Association of Motion Picture Producers, Inc., that

(1) Hereafter, in the production of motion pictures there shall be no use by the members of the Association of the contrivance or apparatus in connection with animals which is known as the "running W," nor shall any picture submitted to the Production Code Administration be approved if reasonable grounds exist for believing that use of any similar device by the producer of such picture resulted in apparent cruelty to animals; and

(2) Hereafter in the production of motion pictures by the members of the Association, such members shall, as to any picture involving the use of animals, invite on the lot during such shooting and consult with the authorized representative of the American Humane Association; and

(3) Steps shall be taken immediately by the members of the Association and by the Production Code Administration to require compliance with these resolutions, which shall bear the same relationship to the sections of the Production Code quoted herein as the Association's special regulation re: Crime in Motion Pictures bear to the sections of the Production Code dealing therewith; and it is

FURTHER RESOLVED, that the resolutions of February 19, 1925, and all other resolutions of this

Board establishing its policy to prevent all cruelty to animals in the production of motion pictures and reflecting its determination to prevent any such cruelty, be and the same hereby are in all respects reaffirmed.

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 recreate 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 obscure 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 a 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 the 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 medium for the expression of their ideas and ideals.

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 to the masses. It has become in an incredibly short period the art of the multitudes.

III. The motion picture, because of its importance as entertainment and because of the trust placed in it by the people 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 self respecting 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 keeness 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 on 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, sceenic 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 actresses 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 sophisticating 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, straight forward presentation of fact in the film make for more intimate contact with a larger audience and for greater emotional appeal.

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.

This is done:

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 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 years of all mankind, the great underlying principles of right and justice dictated by conscience.

By human law is understood the law written by civilized nations.

1. The presentations of crimes against the law is often necessary for the carrying 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 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, hypocricy, 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 object 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 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, mature minds may easily understand and accept without 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.

NOTE: When Section I, 3 of the Production Code was amended by resolution of the Board of Directors (September 11, 1946), the following sentences became inapplicable:

> 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 the audience.
>
> 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 universally regarded by lawmakers as outside the limits of safe presentation.

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

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 film moral.

For, in addition to its beauty, the effect of the nude or semi-nude body on the normal individual must be taken into consideration.

3. Nudity or semi-nudity used simply to put a "punch" into a picture comes under the heading 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 exposure.

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 or 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.

RESOLUTION FOR UNIFORM INTERPRETATION

AS AMENDED JUNE 13, 1934

1. When requested by production managers, the Motion Picture Association of America, Inc., shall secure any facts, information or suggestions concerning the probable reception of stories or the manner in which in its opinion they may be best treated.

2. That each production manager shall submit in confidence a copy of each or any script to the Production Code Administration of the Motion Picture Association of America, Inc., (and the Association of Motion Picture Producers, Inc., California). The Production Code Administration 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 of a company belonging to the Motion Picture Association of America, Inc., and any producer proposing to distribute and/or distributing his picture through the facilities of any member of the Motion Picture Association of America, Inc., shall submit to such Production Code Administration every picture he produces before the negative goes to the laboratory for printing. Said Production Code Administration, having seen the picture, shall inform the production manager in writing whether in its opinion the pictures conforms or does not conform to the Code, stating specifically wherein either by theme, treatment or incidents, the picture violates the provisions of the Code. In such latter event, the picture shall not be released until the changes indicated by the Production Code Administration have been made, provided,

however, that the production manager may appeal from such opinion of said Production Code Administration, so indicated in writing, to the Board of Directors of the Motion Picture Association of America, Inc., whose findings shall be final, and such production manager and company shall be governed accordingly.

APPENDIX B

TEXT OF NEW CODE

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TEXT OF NEW CODE OF SELF-REGULATION

Motion Picture Association of America

The Code of Self-Regulation of the Motion Picture Association of America shall apply to production, to advertising, and to titles of motion pictures.

The code shall be administered by the Code and Rating Administration, headed by an Administrator.

There shall also be a Director of the Code for Advertising and a Director of the Code for Titles.

Non-members are invited to submit pictures to the Code Administrator on the same basis as members of the Association.

DECLARATION OF PRINCIPLES OF THE CODE OF SELF-REGULATION OF THE MOTION PICTURE ASSOCIATION

This Code is designed to keep in close harmony with the mores, the culture, the moral sense and change in our society.

The objectives of the Code are:

1. To encourage artistic expression by expanding creative freedom;
2. To assure that the freedom which encourages the artist remains responsible and sensitive to the standards of the larger society.

Censorship is an odious enterprise. We oppose censorship and classification by governments because they are alien to the American tradition of freedom.

Much of this nation's strength and purpose is drawn from the premise that the humblest of citizens has the freedom of his own choice. Censorship destroys this freedom of choice.

It is within this framework that the Motion Picture Association continues to recognize its obligations to the society of which it is an integral part.

In our society parents are the arbitors of family conduct. Parents have the primary responsibility to guide their children in the kind of lives they lead, the character they build, the books they read, the movies and other entertainment to which they are exposed.

The creators of motion pictures undertake a responsibility to make available pertinent information about their pictures which will assist parents to fulfill their responsibilities.

But this alone is not enough. In further recognition of our obligation to the public, and most especially

to parents, we have extended the Code operation to include a nationwide voluntary film rating program which has its prime objective a sensitive concern for children. Motion pictures will be reviewed by a Code and Rating Administration which, when it reviews a motion picture as to its conformity with the standards of the Code, will issue ratings. It is our intent that all motion pictures exhibited in the United States will carry a rating.

These ratings are:

G ALL AGES ADMITTED, GENERAL AUDIENCES
This category includes motion pictures that in the opinion of the Code and Rating Administration would be acceptable for all audiences, without consideration of age.

GP ALL AGES ADMITTED, PARENTAL GUIDANCE SUGGESTED
This category includes motion pictures that in the opinion of the Code and Rating Administration would be acceptable to all audiences, without consideration of age, as to which because of their theme, content and treatment, parents may wish to obtain more information for their guidance.

R RESTRICTED, UNDER 17 REQUIRES ACCOMPANYING PARENT OR ADULT GUARDIAN
This category includes motion pictures that in the opinion of the Code and Rating Administration, because of their theme, content or

treatment, should not be presented to persons under 17 unless accompanied by a parent or adult guardian.

X NO ONE UNDER 17 ADMITTED (AGE LIMIT MAY VARY IN CERTAIN AREAS)

This category includes motion pictures submitted to the Code and Rating Administration which in the opinion of the Code and Rating Administration are rated X because of the treatment of sex, violence, crime or profanity. Pictures rated X do not qualify for a code seal. Pictures rated X should not be presented to persons under 17.

The program contemplates that any distributors outside the membership of the Association who choose not to submit their motion pictures to the Code and Rating Administration will self-apply the X rating.

The ratings and their meanings will be conveyed by advertising; by displays at the theatres; and in other ways. Thus, audiences, especially parents, will be alerted to the theme, content and treatment of movies. Therefore, parents can determine whether a particular picture is one which children should see at the discretion of the parent; or only when accompanied by a parent; or should not see.

We believe self-restraint, self-regulation to be in the American tradition. The results of self-discipline are always imperfect because there is the nature of all things mortal. But this Code; and its administration, will

make clear that freedom of expression does not mean toleration of license.

The test of self-restraint--the rule of reason--lies in the treatment of a subject for the screen.

All members of the Motion Picture Association, as well as the National Association of Theatre Owners, the International Film Importers and Distributors of America, and other independent producer-distributors are cooperating in this endeavor. Motion pictures exhibited in the United States will be submitted for Code approval and rating, or for rating only, to the Code and Rating Administration. The presence of the Seal indicates to the public that a picture has received Code approval.

We believe in and pledge our support to these deep and fundamental values in a democratic society;

Freedom of choice . . .

The right of creative man to achieve artistic excellence . . .

The importance of the role of the parent as the guide of the family's conduct . . .

STANDARDS FOR PRODUCTION

In furtherance of the objectives of the Code to accord with the mores, the culture, and the moral sense of society, the principles stated above and the following standards shall govern the Administrator in his consideration of motion pictures submitted for Code Approval.

The basic dignity and value of human life shall be respected and upheld. Restraint shall be exercised in portraying the taking of life.

Evil, sin, crime and wrong doing shall not be justified.

Special restraint shall be exercised in portraying criminal or anti-social activities in which minors participate or are involved.

Detailed and protracted acts of brutality, cruelty, physical violence, torture and abuse shall not be presented.

Indecent or undue exposure of the human body shall not be presented.

Illicit sex relationships shall not be justified. Intimate sex scenes violating common standards of decency shall not be portrayed.

Restraints and cares shall be exercised in presentations dealing with sex aberrations.

Obscene speech, gestures or movements shall not be presented. Undue profanity shall not be permitted.

Religion shall not be demeaned.

Words or symbols contemptuous of racial, religious, or national groups, shall not be used so as to incite bigotry or hatred.

Excessive cruelty to animals shall not be portrayed and animals shall not be treated inhumanely.

STANDARDS FOR ADVERTISING

The principles of the Code cover advertising and publicity as well as production. There are times when their specific application to advertising may be different. A motion picture is viewed as a whole and may be judged that way. It is the nature of advertising, however, that it must select and emphasize only isolated portions and aspects of a film. It thus follows that what may be appropriate in a motion picture may not be equally appropriate in advertising. Furthermore, on application to advertising, the principles and standards of the Code are supplemented by the following standards for advertising:

Illustrations and text shall not misrepresent the character of the motion picture.

Illustrations shall not depict any indecent or undue exposure of the human body.

Advertising demeaning religion, race or national origin shall not be used.

Cumulative over emphasis on sex, crime, violence and brutality shall not be permitted.

Salacious postures and embraces shall not be shown.

Censorship disputes shall not be exploited or capitalized upon.

STANDARDS FOR TITLES

A salacious, obscene, or profane title shall not be used on motion pictures.

REGULATIONS GOVERNING THE OPERATION OF THE MOTION PICTURE CODE AND RATING ADMINISTRATION

1. The Motion Picture Code and Rating Administration is established to be composed of an Administrator and staff members, one of whom shall be experienced in the exhibition of motion pictures to the public.

2. All motion pictures produced or distributed by members of the Association and their subsidiaries will be submitted to the Administration for Code and Rating.

b. Non-members of the Association may submit their motion pictures to the Administration for Code approval and rating in the same manner and under the same conditions as members of the Association or may submit their motion pictures to the Administration for rating only.

3. Members and non-members who submit their motion pictures to the Administration should, prior to the commencement of the production of the motion picture, submit a script or other treatment. The Administration will inform the producer in confidence whether a motion picture based upon the submitted script appears to conform to the Standards of the Code and indicate its probable rating. The final judgment of the Administration shall be made only upon the reviewing of the completed picture.

4a. When a completed motion picture is submitted to the Administration and is approved as conforming to the Standards of the Code, it will be rated by the Administration either as G (all ages admitted--general audiences),

GP (all ages admitted-parental guidance suggested), or R (restricted), according to the categories described in the DECLARATION OF PRINCIPLES.

b. Completed motion pictures submitted by non-members for rating will be rated accordingly as described in the DECLARATION OF PRINCIPLES, as G, GP, R, or X.

5. Motion pictures of member companies or their subsidiaries which are approved under the Code and rated: G, GP, or R, shall upon public release bear upon an introductory frame of every print distributed in the United States the official seal of the Association with the word "Approved" and the words "Certificate Number" followed by the number of the Certificate of Approval. Each print shall also bear a symbol of the rating assigned to it by the Administration. So far as possible the Seal of the Association and the rating shall be displayed in uniform type, size, and prominence. All prints of an approved motion picture bearing the Code seal shall be identified.

6. Motion pictures of non-member companies submitted for Code approval and rating only which receive a G, GP, or R rating shall bear such rating upon every print distributed in the United States, in uniform shape, type, size, and prominence. Prints of such pictures may also display the official Seal of the Association if application is made to the Association for issuance of a Code Certificate number.

7. If the Administration determines that a motion picture submitted for approval and rating or rating only should be rated X in accordance with the description of that category in the DECLARATION OF PRINCIPLES, the symbol X must appear on all prints of the motion picture distributed in the United States in uniform type, size and prominence and in all advertising for the picture.

8. The Administration in issuing a Certificate of Approval and Rating or a Rating Certificate shall condition such issuance upon the agreement by the producer or distributor that all advertising and publicity to be used for the picture shall be submitted to and approved by the Director of the Code for Advertising.

9. The producer or distributor applying for a Certificate of Approval for a picture or a Rating Certificate for those pictures receiving a rating only shall advance to the Administration at the time of application a fee in accordance with the uniform schedule of fees approved by the Board of Directors of the Association.

10. The standards for titles for motion pictures shall be applied by the Administration in consultation with the Director of the Code for Titles to all motion pictures submitted for approval and rating only and no motion picture for which a Certificate of Approval or Rating Certificate has been issued shall change its title without the prior approval of the Administration.

ADVERTISING CODE REGULATIONS

1. These regulations are applicable to all members of the Motion Picture Association of America, to all producers and distributors of motion pictures with respect to each picture for which the Association has granted its Certificate of Approval or Rating Certificate; and to all other producers and distributors who self-apply the X rating to their motion pictures and voluntarily submit their advertising.

2. The term "advertising" as used herein includes all forms of motion picture advertising and exploitation and ideas therefore, including the following: pressbooks; still photographs; newspapers; magazine and trade paper advertising; publicity copy and art intended for general distribution in printed form for theatre use; trailers; posters; lobby displays and other outdoor displays; including rear-projection trailers; advertising accessories, including heralds and throw-aways; novelties; copy for exploitation tieups; and all radio and television copy and spots.

3. All advertising for motion pictures which have been submitted to the Code and Rating Administration for approval and rating, or for rating only, shall be submitted to the Director of the Code for Advertising for approval before use, and shall not be used in any way until so submitted and approved. All print advertising shall be submitted in duplicate.

4. The Director of the Code for Advertising shall proceed promptly to approve or disapprove the advertising submitted.

The Director of the Code for Advertising shall stamp "Approved" on one copy of all the advertising approved by him and return to the company which submitted it. If the Director of the Code of Advertising disapproves any advertising, the Director shall stamp the word "Disapproved" on one copy and return it to the company which submitted it, together with the reasons for such disapproval; or, if the Director so desires, he may return the copy with suggestions for such changes or corrections as will cause it to be approved.

The Director of the Code for Advertising shall send a white form of approval for teaser and theatre trailers. If the Director disapproves a trailer, a pink form is sent stating the reasons for disapproval. After the revisions have been made by the company, the trailers are rescreened and a white form of approval is sent.

After TV and radio spots are submitted, the Director shall send a form letter of approval. In cases where material is questionable, he advises the company and suggests changes.

5. The Director of the Code for Advertising shall require all approved advertising for pictures submitted to the Code and Rating Administration by members of the Motion Picture Association of America and their subsidiaries

to carry the official Code Seal and a designation of the rating assigned to the picture by the Code and Rating Administration. Uniform standards as to type, size, and prominence of the display of the seal and rating as approved by the Advertising Advisory Council are set forth by the Advertising Code Administration as follows:

A. DISPLAY ADVERTISING AND POSTERS

1. All display advertising and posters, including trade paper advertising, as well as all follow-up and directory advertising shall carry the official Code seal, when authorized, and the rating letter, assigned to the picture.

2. The official Code seal is authorized for pictures rated G, GP or R. For pictures rated X, the seal may not be used.

3. In all advertisments of 150 lines or more the definition of each rating shall be carried in conjunction with the letter symbol, both in the uniform type face as distributed by the Association.

4. The letter size of the symbol should approximate 25 per cent of the letter height of the main title.

5. In advertisements of less than 150 lines, the rating letter and Code seal should appear next to the main title.

6. In the larger advertisements, the rating and definition shall be given reasonable emphasis in

placement and every attempt should be made to avoid burying it in the billings credits. The Director of the Code for Advertising shall have the authority to object to faulty placements.

7. Teaser ads, must be submitted for review, but are exempt from the above requirements.

B. TELEVISION SPOTS

60-30-20-10 second spots

Visual--

Show the MPAA Seal

Show the Rating Symbol Letter

(G, GP, R or X)

Show the Full Definition of the Symbol

Full Definition:

G--ALL AGES ADMITTED

General Audiences

GP--ALL AGES ADMITTED

Parental Guidance Suggested

R--RESTRICTED

Under 17 requires accompanying parent or adult guardian.

X--NO ONE UNDER 17 ADMITTED

(Age limit may vary in certain areas)

Audible--State the Rating Symbol Letter

"Rated G"

"Rated GP"

"Rated R"

"Rated X"

Note: the visual Code information (MPAA seal, rating symbol and full definition) should be included when the title of the film comes on the screen and remain for four seconds.

C. RADIO SPOTS

60-30-20 second spots

States the Rating Symbol (G, GP, R or X)

State the Abbreviated Definition

Abbreviated Definition:

"Rated G--General Audiences"

"Rated GP--Parental Guidance"

"Rated R--Under 17, not Admitted Without Parent"

"Rated X--Under 17 not admitted"

10 second spots

"Rated G"

"Rated GP"

"Rated R"

"Rated X"

D. THEATRE TRAILERS

1. The complete rating definition and Code seal, as set forth in the attached trailer card exhibits I, II, and III, for the appropriate rating, shall conform to the approved new format,

screen right with key line of definition in reverse for pictures rated G, GP, or R.

2. For pictures rated X by the Code and Rating Administration, Exhibit IV shall appear as above except the seal may not be used.

3. Trailers are reviewed for two distinct audiences--GENERAL (G, GP) and RESTRICTED(R, X). Trailers for R and X pictures will not be shown during the exhibition of G and GP pictures.

The following exceptions will be applied to the above policy:

(a) The Director of the Code for Advertising will certify that a trailer for an R or X picture is acceptable (as revised) for use with G and GP pictures, if, in his judgment, the contents of the trailer meet with the G and GP levels of approval.

(b) In lieu of the regular R or X trailer, the distributor will offer exhibitors a special alternate trailer of telop (showing only titles and credits) that has been approved for UNRESTRICTED audiences.

E. MULTIPLE FEATURES

When more than one picture is being exhibited on the same bill, the more restrictive rating will apply to admissions. Advertising shall be governed accordingly.

6. Approved advertising for pictures submitted to the Code and Rating Administration by companies other than members of the Motion Picture Association of America, and their subsidiaries, for Code approval and rating, or for rating only, may bear the official seal at the distributor's option, but all such advertising shall bear the assigned rating.

7. Approved advertising for pictures rated X by the Code and Rating Administration shall bear the X rating but may not bear the official seal.

8. All pressbooks approved by the Director of the Code for Advertising, except for X rated pictures, shall bear in a prominent place the official seal of the Motion Picture Association of America and a designation of the rating and full definition assigned to the picture by the Code and Rating Administration. Pressbooks shall also carry the following notice:

Approved

(seal)

All advertising in this pressbook, as well as all other advertising and publicity materials referred herein, has been approved under the Standards for Advertising of the Code of Self-Regulation of the Motion Picture Association of America. All inquiries on this procedure may be addressed to:

Director of Code for Advertising
Motion Picture Association of America
522 Fifth Avenue
New York, New York 10036

9. Appeals. Any company whose advertisement has been disapproved may appeal from the decision of the Director of the Code for Advertising and on the President of the Association. The President, or in his absence a Vice-President designated by him, shall thereupon promptly and within a week hold a hearing to pass upon the appeal. Oral and written evidence may be introduced by the company and by the Director of the Code for Advertising, or their representatives. The appeal shall be decided as expeditiously as possible and the decision shall be final.

In appeals by companies other than members of the Motion Picture Association of America and their subsidiaries, the President shall, if requested, decide the appeal in consultation with a representative of International Film Importers and Distributors of America, as designated by its Governing Board.

10. Any company which has been granted a Certificate of Approval and which uses advertising without securing the prior approval of the Director of the Code for Advertising or if such advertising does not include the assigned rating may be brought up on charges before the Board of Directors by the President of the Association. Within a reasonable time, the Board may hold a hearing, at

which time the company and the Director of the Code for Advertising or their representatives, may present oral or written statements. The Board, by a majority vote of those present, shall decide the matter as expeditiously as possible.

If the Board of Directors finds that the company has used advertising without securing approval of the Director of the Code for advertising, or without including the assigned rating, the Board may direct the Code and Rating Administration to void or revoke the Certificate of Approval granted for the picture and require the removal of the Association's seal from all prints of the picture.

11. Each company shall be responsible for compliance by its employees and agents with these regulations.

CODE AND RATING APPEALS BOARD

1. A Code and Rating Appeals Board is established, to be composed as follows:

(a) The President of the Motion Picture Association of America and 12 members designated by the President from the Board of Directors of the Association and executive officers of its member companies;

(b) Eight exhibitors designated by the National Association of Theatre Owners from its Board of Directors; and

(c) Two producers designated by the Producers Guild of America; and

(d) Two distributors designated by the International Film Importers and Distributors of America.

2. A pro tempore member for any particular hearing to act as a substitute for a member unable to attend may be designated in the same manner as the absent member.

3. The President of the Motion Picture Association shall be Chairman of the Appeals Board, and the Association shall provide its secretariat.

4. The presence of 13 members is necessary to constitute a quorum of the Appeals Board for a hearing of any appeal.

5. The Board will hear and determine appeals from:

(a) A decision of the Code and Rating Administration withholding Code approval from a picture submitted for approval and rating and which consequently received an X rating.

(b) A decision by the Code and Rating Administration applying an X rating to a picture submitted for rating only.

On such appeals a vote of two-thirds of the members present shall be required to sustain the decision of the Administration. If the decision of the Administration is not sustained, the Board shall proceed to rate the picture appropriately by majority vote.

6. The Board will also hear and determine appeals from the decision of the Code and Rating Administration applying any rating other than X, to a motion picture.

Such appeals shall be decided by majority vote. If the decision of the Administration is not sustained, the Board shall proceed to rate the picture appropriately.

7. (a) An appeal from a decision of the Administration shall be instituted by the filing of a notice of appeal addressed to the Chairman of the Appeals Board by the party which submitted the picture to the Administration.

(b) Provisions shall be made for the screening by the members of the Appeals Board at the hearing or prior thereto of a print of the motion picture identical to the one reviewed and passed upon by the Administration.

(c) The party taking the appeal and the Administration may present oral or written statements to the Board at the hearing.

(d) No member of the Appeals Board shall participate on an appeal involving a picture in which the member or any company with which he is associated has a financial interest.

(e) The appeal shall be heard and decided as expeditiously as possible and the decision shall be final.

(f) The hearing of an appeal shall commence with the screening of the motion picture involved.

(g) If either the party taking the appeal or the Code and Rating Administration desire to present oral or written statements to the Board pursuant to subparagraph (c) of Paragraph 7., any such written statement should be furnished to the Secretary at least two days before the

date fixed for the hearing. The Secretary will reproduce such statements and circulate them to the members of the Appeals Board in advance or at the hearing of the appeal. Submission of written statements shall not diminish or alter the right also to present oral statements or arguments on behalf of the party taking the appeal.

(h) The Board will hear oral statements or argument on behalf of the party taking the appeal by not more than two persons, except by special permission. Oral statements or arguments on behalf of the Code and Rating Administration shall be made only by the Administrator or his designated representative.

(i) Normally no more than a half hour will be allowed for oral argument to the party taking the appeal, and a like time to the Code and Rating Administration. If a party taking an appeal is of the opinion that statements of more than two or that additional time is necessary for the adequate presentation of the appeal, he may make such request by letter addressed to the Secretary stating the reasons why oral statements of more than two persons or more than a half hour is required for the adequate presentation of the appeal.

When such request is made by a party who is a member of the International Film Importers and Distributors of America, Inc., the Secretary shall consult with the Exec. Directors or a member of the Governing Committee

of that organization in determining whether and to what extent the request may be granted.

(j) In no circumstances shall the time allowed to any party for the hearing of an appeal extend beyond one hour.

A request for the participation of additional persons or for the allowance of additional time, to the extent that it is not granted, may be renewed to the Appeals Board at the commencement of the hearing of the appeal for disposition by the Appeals Board.

8. The Board will also act as an advisory body on Code matters and, upon the call of the Chairman, will discuss the progress of the operation of the Code and Rating Program and review the manner of adherance to the Advertising Code.

APPENDIX C

LETTER TO PRINCIPALS OR COUNSELORS

APPENDIX C

LETTER TO PRINCIPALS OR COUNSELORS

May 1, 1971

Attention: Principal or Counselor

Dear Sir:

I wish to enlist your help in securing information and data in regards to a masters degree thesis that I am working on here at Michigan State University. The topic of the thesis will be "The New Motion Picture Rating Code and Its Effects on High School Audiences," and the purpose of my research is to try to find out, if possible, just how effective and/or ineffective the current rating code is on the viewing habits of high school teenagers.

The new code has stirred considerable controversy in some circles, but according to all my queries to the Motion Picture Association of America, it is supposed to be doing its job. This is what I would like to find out.

The whole area has proved to be very interesting, especially with regard to the R and X ratings, which attempt to prohibit young people from viewing so called "mature" films including anything from a liberal sprinkling of sex, to nudity, violence, etc.

The specific target audience of my study is the senior level high school student, as he or she has the opportunity to drive and is most often the one most commonly frustrated by not being allowed to attend a certain film.

It is my hope that you can help me obtain the data I need for my research by distributing the 30 enclosed questionnaires to some of your senior students. If you could distribute them and then return the completed forms to me in the enclosed stamped, self-addressed envelope, I would greatly appreciate it.

I hope to have my data collected and compiled by the end of August, so it will be necessary for me to have all questionnaires returned before July 1, 1971.

Your cooperation and assistance in this matter is greatly appreciated. If for any reason you find that it will be impossible for you to have the questionnaires completed and returned, please advise and/or return them.

Thanks again for your cooperation.

Very truly yours,

James R. Respress
Graduate Assistant

JRR/mr

Enclosures

APPENDIX D

LETTER TO STUDENTS

APPENDIX D

LETTER TO STUDENTS

April 30, 1971

Dear Student:

I wish to enlist your aid in gathering data for a Masters Degree thesis that I am presently working on at Michigan State University.

The topic of the thesis is, "The New Motion Picture Rating Code and Its Effects on High School Audience Viewing Habits."

The new rating code will undoubtedly be familiar to you, but if it is not, the following will explain what it is:

G: General Audience--which means anyone can see the film, including your little brother or sister. This includes the Walt Disney films.

GP: General Parental Guidance suggested--which means anyone can go whose parents think it is O.K. (No proof of parental approval is required.) Most GP movies are tame, although there may be a swear word or two. "Love Story" fits into this category.

R: Restricted, persons under the age of 18 not permitted unless accompanied by a parent or adult guardian--"The Owl & the Pussy Cat" fits into this category.

X: Persons under the age of 18 not permitted. "Midnight Cowboy" fits into this category.

The answers you furnish me on the attached questionnaire will have a two-fold purpose. First, it will provide valuable data in answering questions that have been raised

as research for my thesis, and second, it is hopeful that data and the suggestions received from you will implement improvements in the motion picture rating system.

I am deeply grateful to you for taking time from your busy schedule to fill in the questionnaire. Upon completion, please return it to your counselor or teacher, so that it can be returned to me.

Thanks again for your help.

Sincerely,

James R. Respress
Graduate Student
Television & Radio Department

APPENDIX E

LETTER TO THEATRE OWNERS

APPENDIX E

LETTER TO THEATRE OWNERS

September 17, 1971

Dear Sir:

I wish to enlist your help in securing information and data in regards to a Masters Degree thesis that I am presently working on at Michigan State University. The topic of the thesis will be "The New Motion Picture Rating Code and Its Effects on High School Audiences," and the purpose of my research is to try to find out, if possible, just how effective and/or ineffective the current rating code is on the viewing habits of high school students.

The new code has stirred considerable controversy in some circles. According to all of my inquiries to the Motion Picture Association of America, it is supposed to be doing its job, but according to high school students interviewed, the Code is not working as designed (see enclosed article).

Part of my research on this subject has included questionnaires completed by high school students from 30 states across the nation. Some of the questionnaires offered critical views of the system and suggestions on how to improve it.

The theatre owners/operators seem to come under the heaviest fire from these students and also the rating officials.

It is my desire to gain additional information from your view point in order to present a balanced and accurate report.

I have prepared a Questionnaire which covers the areas most in controversy, and am enclosing it with this letter.

Would you please complete the Questionnaire, and of course, feel free to add any comments or criticisms, and return it to me in the enclosed self-addressed, stamped envelope.

I hope to have all the data collected and submitted for final approval within the next month, so I would appreciate your prompt attention in this matter.

Your cooperation and assistance will be greatly appreciated, and if you wish to know the outcome of the project, please indicate so on the Questionnaire.

Thanks again for your time and cooperation in this matter.

Very truly yours,

James R. Respress
Graduate Student

JRR/mr

Enclosures

APPENDIX F

STUDENT QUESTIONNAIRE

APPENDIX F

STUDENT QUESTIONNAIRE

1. Were you familiar with the new motion picture rating code? (G, GP, R, X)

   _____yes _____no

2. Have you seen an R rated movie? (If under 18 must be accompanied by an adult.)

   _____yes _____no _____don't know

3. Have you ever seen an X rated movie? (Under 18 not permitted.)

   _____yes _____no _____don't know

4. Which type of movie would you rather see?

   _____G _____GP _____R _____X

5. If you have attended an R or X rated film, was your ID checked?

   _____yes _____no _____don't recall

6. Do your parents specify what movies you <u>can</u> attend?

   _____yes _____no

7. Do your parents specify what movies you <u>cannot</u> attend?

   _____yes _____no

8. If answer to question #7 is yes, do your parents:

   _____Refer to the rating code?
   _____Explain without referring to the rating code?
   _____Offer no explanation?

9. Are you allowed to attend an R rated film with an adult or guardian?

_____yes _____no _____undecided

10. Are you allowed to attend an X rated film with an adult or guardian?

_____yes _____no _____undecided

11. Does your church or religious affiliation influence you in selecting the movies you see?

_____yes _____no _____undecided

12. How many movies do you attend in a theatre each month?

___0 ___1 ___2 ___3 ____4 ___5 ___more than 5

13. Which type of theatre do you attend more frequently?

_____Drive-in _____Indoor

14. Which type of theatre seems to check ID's more closely when showing R or X rated films?

_____Drive-in _____Indoor

15. Do you use the present film rating code in selecting movies you see?

Why or why not?_____

_____

16. Your age:

_____16 _____17 _____18 _____19

17. Sex: _____M _____F

18. Race: _____Caucasian _____Negro _____Other

19. Religion: _____Catholic _____Protestant
_____Jewish _____None _____Other

20. Name of school_____

APPENDIX G

THEATRE QUESTIONNAIRE

APPENDIX G

THEATRE QUESTIONNAIRE

1. From your position, does the average parent understand the rating system used in movies today?

   _____yes _____no

2. Are you satisfied with the present film rating system?_____

   Why or why not?_____

3. Do pressure groups (censor boards, religious groups, parental organizations) play a significant role in your decisions as to what is screened in your threatre or theatre chain?

   _____yes _____no

4. If "yes" which group is most influential?

   _____

5. Do you feel that the MPAA is too liberal in rating new films?

   _____yes _____no

6. Much has been written and said about theatres not enforcing attendance rules of R and X rated films. Do you require ID checks on teenagers when these films are screened in your theatre(s)?

   _____yes _____no

7. In conversations with theatre owners/managers, many of them feel the movie goer is often "confused" by the rating a film receives and often pass up seeing excellent films because of it. Do you agree with this?

_____yes _____no

8. Do you book R and X rated films for your theatre or theatre chain?

_____yes _____no

9. In which of the 4 categories would you like to see more films made?

_____G _____GP _____R _____X Why?_____

10. Do you encounter opposition from the media when advertising R and X rated films?

_____yes _____no

11. Have you encountered the problem of showing R or X rated trailers during the showing of a G rated film?

_____yes _____no

12. Many people insist that the next step in film classification may be government censorship. Are you in favor of this step?

_____yes _____no

13. How many theatres do you own and/or operate?

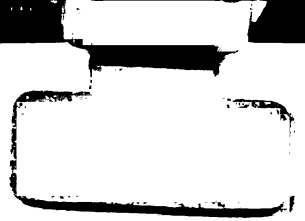
___1 ___2-5 ___6-10 ___more than 10

14. What, if any, changes would you like to see in the rating system?

_____

_____

_____



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