Introduction

During the 1960s a sea change occurred in the content of American movies and in the viewing public's tolerance for that new content. Preceding this transformation were the largely black-and-white films of the 1950s from which censors struggled to excise erotic imagery and amoral treatments of sexuality. The film industry's Production Code of 1930 still strongly influenced the tone of most movies. In the heyday of Will H. Hays and Joseph I. Breen, retribution against movie characters who violated the Code's morality was a staple of censorship. In the courts, obscenity cases involving films such as *Lady Chatterley's Lover*, banned by the New York censorship board in 1957, focused on portrayals of immorality but did not usually deal with nudity or profanity.

On the other side of the 1960s lay the more technically sophisticated films of the 1970s, which were often remarkably creative and entertaining and now showed graphically what once had only been suggested. Nudity, explicit sexual behavior, profane language, gratuitous violence, and themes of promiscuity, homosexuality, abortion, drug use, and other topics once forbidden by the Production Code as well as by state and local censors became commonplace. Punishment of movie characters who transgressed the Code's morality was no longer required. The nonmoralistic depictions of sexuality that moved prosecutors to action during the 1950s now rarely received a second look.

This book is about cinema and efforts to regulate it after 1968, a year that marks a sharp divide in the history of movie entertainment. In 1968, Hollywood adopted a new system that replaced the Production Code. A major goal of both the Production Code and the 1968 rating system was to prevent government censorship. But the two systems differed

markedly. The 1930 Code attempted to bind motion pictures to Judeo-Christian morality and used prior censorship to obtain that end. Under this scheme, censors, who had a strongly conservative agenda, changed movie scripts long before they reached the production stage. The 1930 Code held motion pictures "directly responsible for spiritual and moral progress, for higher types of social life, and for much correct thinking." The agency that enforced this censorship, the Production Code Administration (PCA), prohibited treatment of certain topics or, if they were discussed, insisted that they were to be treated in a way that conformed with the Code. Filmmakers who chose to go outside the boundaries of the Code during the 1930s and 1940s were usually confronted by boycotts orchestrated by the Roman Catholic Legion of Decency and a legal system sympathetic to the prosecution of obscenity.[1]

Under the rating system created in 1968, filmmakers gained the freedom to show almost anything. The new plan abandoned prior censorship and claimed to make no effort to alter what adults (usually defined as those over seventeen) could see. Its goal was to give parents information to help them decide whether a movie was appropriate for their children by simply classifying films G through X. A G movie was suitable for all ages. Initially, an M indicated a film for "mature audiences." That symbol was changed to GP in 1972, and then to PG for "parental guidance" suggested. The R restricted admission for those under sixteen (later seventeen) unless accompanied by a parent or adult guardian. X signaled films that contained sex, violence, profanity, and other themes deemed inappropriate to anyone under sixteen (later seventeen). The X rating was the only label not copyrighted by the Motion Picture Association of America (MPAA) and the only one that could be self-applied by moviemakers. Over the years, Hollywood fine-tuned this scheme, adding such ratings as PG-13 in 1984 and NC-17 in 1990.[2] "The genius of the rating system," explained Richard D. Heffner, one of its long-time leaders, "is that nothing is approved or disapproved, just classified."[3]

If the Production Code represented a triumph for people who wanted cinema to be bound to morality, the voluntary system of self-regulation that Hollywood adopted in 1968 signaled a victory for the advocates of

[1] Quotation ("responsible"), from "Preamble," Motion Picture Production Code, 1930, reprinted in Vizzard, *See No Evil,* 366.

[2] Randall, "Classification by the Motion Picture Industry," *TRCOP,* 5: 223; and Cook, *Lost Illusions,* 70–71.

[3] Quotation ("genius"), Richard D. Heffner, Testimony, *U.S. House Hearings,* July 21, 1977, 202.

artistic freedom. Pressure to change content did not disappear, to be sure, but quarrels over alleged censorship were of a different order and usually of an economic nature. Disputes over what rating a movie should receive could be heated, but generally they were not about the filmmaker being denied the right to speak or show the truth as he or she saw it. Rather, the issue turned on how advertisers might react and on which rating would make the most money. An X-rated (or later NC-17) picture could generally be expected to play in many fewer theaters and to make less money than an R- or PG-rated film. The difference between an R and PG, or between a PG and a G could mean many millions of dollars at the box office.

Of course, much entertainment fell outside the scope of this rating system. In this work, I have used "cinema" in a broad sense to include not only mainstream films that come from Hollywood and elsewhere, but also many other varieties of moviemaking, both professional and amateur. During the 1970s, for example, a large number of pornographic films were made, most of which were never submitted to the rating administration. In addition, many types of out-of-the-mainstream productions – amateur, experimental, and avant-garde motion pictures – grew in number. These kinds of movies increased markedly with the arrival of new technologies during the 1950s and 1960s. Subsequently, as technology became more sophisticated, the volume of moving pictures that fell outside Hollywood's system of self-regulation grew exponentially. It is also difficult to separate cinema from other media. Earlier in the twentieth century, newspapers, fan magazines, and radio provided outlets for advertising and news about movie stars. By the 1950s, motion pictures began to appear with regularity on television, although not first-run features. By the 1970s and 1980s, as the use of cable, satellite TV, and video recorders grew, watching uncensored movies at home on television became more common than seeing them in theaters. With the widespread arrival of personal computers during the 1980s and the expansion of the Internet during the 1990s, the variety of moving images that people could watch expanded yet again.

Technology is central to this story. I have assumed in this book that communication technologies are keys to understanding historical change. Each innovation brings subtle, or often not so subtle, alterations in people's activities, their interactions, and the way in which they organize and perhaps even think. The innovations do not necessarily determine the course of history, but they multiply the possibilities for change. New communication technologies empower those who possess them and often threaten those who do not control them. Such has been the case with the technologies that have made motion pictures possible. This book argues

that the breakdown of censorship provided under the Production Code resulted in no small measure from changes in the technology of communication, and that since 1968 new technologies have continued to frustrate efforts to regulate cinema and other forms of mass media.

Twice during the past century the arrival of new technologies helped to precipitate crises that forced Hollywood to adopt systems of self-regulation. The first of these crises was caused by the arrival of cinema itself and by such major innovations as the adoption of sound in motion pictures. The result was the Production Code of 1930, which lasted until the mid-1960s. The second crisis emerged from changes that occurred after World War II and culminated in the 1968 rating system.

Early in the twentieth century, critics found many things troubling about cinema. The movie theater rapidly became a popular and controversial institution in most American communities. It was thought to be an unhealthy place for youth – its wooden construction a fire hazard, its darkened recesses a magnet for prostitutes and nefarious activities, its location often in lower-class neighborhoods frequented by criminals and other unwholesome characters. There was also the advertising, first in garish color posters, then on billboards, in newspapers and fan magazines, and then on radio and television. From the critics' point of view, the ads all too often overemphasized sex and violence. Then there were the people who made the movies: the actors and producers. By World War I, if not before, actors such as Charlie Chaplin, Mary Pickford, and Roscoe "Fatty" Arbuckle had gained wide popularity and were better known in many circles, especially those frequented by young people, than were political leaders and some of the nation's most important historical figures. The fact that many of the actors and movie producers were Jewish lent criticism of cinema an anti-Semitic undertone. The rise of movie celebrities, it should be remembered, took place in cultures, both in the United States and elsewhere, that often harbored deep-seated prejudices against actors.[4]

Certainly the content of movies troubled censors. Throughout the twentieth century, moving pictures had been at the heart of America's so-called cultural wars. The technology of motion pictures made it possible to take controversial stories that dealt with sex, crime, authority, and much more – themes once confined to a reading public or to relatively few theatergoers in large cities – and project larger-than-life-sized images of these scenarios and the personalities who dramatized them onto large

[4] See Barish, *Antitheatrical Prejudice*.

screens in almost every locality. Cinema was a form of communication accessible to the literate and illiterate alike. It is difficult to find a controversial theme that moviemakers failed to exploit during the early years of cinema – nudity, adultery, divorce, incest, abortion, drug addiction, alcoholism, labor unrest, communism. Many of the controversies over content continued into the post-1968 era. Movie depictions of women, gender relationships, homosexuality, pornography, violence, substance abuse, religion, and history were among the topics that continued to spark intense debate.

By the 1920s, many cities and seven states had established censorship boards. Several other states considered similar legislation, as did the federal government. Hollywood responded to the threat of outside censorship by creating the Motion Pictures Producers and Distributors of America (MPPDA) in 1921 (renamed the Motion Picture Association of America, or MPAA, in 1945) and hired Will Hays, then the United States postmaster general in President Warren Harding's cabinet, to be its president. After several false starts, the Hays Office, as the MPPDA became known, adopted the Production Code in 1930 and then, four years later, created the PCA, with the Catholic layman Joseph Breen at its head, to provide and enforce prior censorship. The Roman Catholic Church also organized the Legion of Decency in 1934, and during the Great Depression the threat of boycotts by Catholics carried weight in Hollywood. Movie censorship was perhaps most effective during the 1930s, a time when the movie industry was vulnerable economically and the technology of cinema was costly and cumbersome. Most movies were filmed on studio sets; the equipment for recording sound alone weighed several tons.

The Code's power began to erode after World War II and ultimately collapsed. Historians offer several explanations for this development. The return of prosperity acted as a solvent to censorship. New leaders arrived in Hollywood. Eric A. Johnston, a former president of the United States Chamber of Commerce, replaced Hays as president of the MPAA in 1945. He wanted to use cinema to spread capitalism but was less interested in issues involving morality than Hays had been. Breen retired in 1954 and was replaced by Geoffrey Shurlock, who did not share his predecessor's commitment to the Code's morality. Even the Legion of Decency became more flexible. The American legal system also changed. In 1948, the U.S. Supreme Court required the large studios to sell their theater chains (*United States v. Paramount Pictures*). In *Joseph Burstyn, Inc. v. Wilson* in 1952, the Court finally gave motion pictures protection under the First Amendment. In *Roth v. United States* (1957), the Court made it

much more difficult to prosecute obscenity. By the late 1960s, most of the legal barriers that had supported censors had fallen.[5]

Less appreciated among the reasons for the breakdown of Hollywood's system of self-imposed regulation was a revolution in communications that occurred between 1945 and 1968. By the late 1950s, television had become a strong competitor of motion pictures, but it was only one (admittedly a spectacular one) among many developments that changed the media environment in which cinema existed. Magnetic tape altered first audio and then video recording. More portable and affordable cameras gave many more people the opportunity to make movies. During the 1950s, use of 8-mm and 16-mm cameras became widespread. By the late 1960s, one person could film and record sound with equipment that weighed only about sixty-five pounds. Moviemakers moved away from studios and more often shot on location. The increasing use of color, improvements in the ability to duplicate images and other materials, and the arrival of offset printing, which made it possible for many more people to publish, were among the other innovations that helped to undermine the work of censors. By the mid-1960s, the Production Code operated in a world in which mass media were strikingly different from what they had been only thirty years earlier. Small wonder that the Code passed into history.[6]

The 1968 rating system emerged in the aftermath of the Code's demise and has survived into the twenty-first century. It became a model for classification systems adopted by television and such other entertainment industries as video games. Yet, since 1968, new waves of technological change have severely challenged this rating system – first in the form of a home entertainment revolution brought about by cable, satellites, and video recorders, and then by other changes that have included personal computers and the Internet. During the last two decades of the twentieth century, the spread of digital communication brought major transformations in

[5] These reasons are given for the decline of the Production Code in such histories of motion picture censorship as those by Black, *Catholic Crusade against the Movies, 1940–1975*; De Grazia and Newman, *Banned Films*; Jowett, *Film: The Democratic Art*; Leff and Simmons, *The Dame in the Kimono*; Miller, *Censored Hollywood*; Skinner, *The Cross and the Cinema*; Vaughn, *Ronald Reagan in Hollywood*; and Walsh, *Sin and Censorship*.

[6] I have examined these changes in greater detail in "Cinema, New Technologies and Censorship, 1945–1968," a paper presented to Society for the History of Technology Conference, Atlanta, Oct. 17, 2003; and in a companion volume to this book, "Morality and Entertainment: Cinema, Censorship, and Technology, 1907–1968" (unpublished ms). For additional context on new media and their possible influences, see Vaughn, ed., *New Communication Technologies: Their History and Social Influence: An Annotated Bibliography* (2003). This online work is at http://newcomm.library.wisc.edu.

many areas of life. Taken together, these changes called into question the relevance of a rating system created in a time when most people had to go to a theater to see a first-run, uncut motion picture. As we begin the twenty-first century, it is therefore again an appropriate time to rethink the system of self-regulation used by the entertainment industries.

In addition to the backgrounds of new technologies and cultural warfare, I have tried to place cinema into other contexts in this book. Behind the controversies about censorship and ratings there have usually been assumptions about the power of cinema and other mass media, such as television, to influence the way people think and act. These assumptions have been a common denominator in reactions to cinema and related media from their inceptions. Early in the century, many American critics feared that movies could undermine morality and even civilization itself.[7] European critics commonly assumed that Hollywood films could dissolve age-old traditions. The Soviet dictator Joseph Stalin is reputed to have said, "If I could control the medium of the American motion picture, I would need nothing else in order to convert the entire world to Communism."[8] That grandiose assumption was shared by an American actor who one day would become president of the United States. Hollywood was nothing less than "a grand worldwide propaganda base," said Ronald Reagan in 1965, speaking about the movie industry's role in the Cold War. Whoever controlled it had access to "a weekly audience of about 500,000,000 souls."[9] Pope John Paul II made a similar assumption about cinema's power in 1987 when he told entertainment executives in Los Angeles that "Humanity is profoundly influenced by what you do." Indeed, "your smallest decisions can have global impact," he said. The "world is at your mercy."[10] Or, consider this reflection in 1992 about the impact of cinema on our understanding of history and current events from Richard Heffner, who for two decades headed the movie ratings administration. It mattered little if the storyteller was truthful or irresponsible, Heffner wrote after watching Oliver Stone's depiction of the

[7] I have written about these critics in Vaughn, "Morality and Entertainment: The Origins of the Motion Picture Production Code," 39–65; and in "Morality and Entertainment: Cinema, Censorship and New Technology, 1907–1968" (unpublished ms).
[8] Joseph Stalin quoted ("control") in Smith, *Shadow in the Cave,* 187. See also Trumpbour, *Selling Hollywood to the World,* 18.
[9] Quotations ("grand," "souls"), Reagan, *Where's the Rest of Me?* 162.
[10] Quotations ("Humanity," "mercy"), from transcript of Pope John Paul II's address to communication industry executives, Los Angeles, Sept. 15, 1987, in *NYT,* Sept. 16, 1987, A24.

assassination of John F. Kennedy in *JFK* (1991). This new kind of history threatened "a media way of life in which first print and then its linear off-shoots, like television news, presented the world and interpreted it for us without peer or challenge." Using "surround-sound and big-screen visuals, and particularly through 'faction' (their deplorable mix of fact and fiction), . . . celluloid/video Pied Pipers will become our nation's leading storytellers," Heffner predicted. "They will set our national agenda, interpret our national past, determine our national future. . . ."[11]

Although there has been no shortage of assertions about the influence of cinema and related media, since 1968 a rapidly growing body of research on media effects has sprung up that has tried to move beyond mere speculation and draw conclusions based on credible evidence. I have tried to situate cinema in the context of this research. Social science research has been especially interested in examining the possible effects of explicit sexuality and violence in the mass media, and this book attempts to introduce the reader to the main currents of this work. Moreover, historians and others during the past two decades have done much to explain how motion pictures and television programs have interpreted history, religion, and the First Amendment. I have also drawn on that literature.

How the public regards this research has been influenced in no small way by the "unseen power" of public relations and advertising. Indeed, public relations and advertising have had an underappreciated yet influential impact on many controversies involving cinema and television. During the twentieth century, the entertainment industries created powerful publicity networks that extended into virtually every community and enlisted a wide array of media. It is significant that the three men who led Hollywood throughout most of the twentieth century – Will Hays (1921–45), Eric Johnston (1945–63), and Jack Valenti (1966–2004) – were all grounded in the worlds of business, public relations, advertising, and politics.[12]

Hays did much to set the movie industry's publicity juggernaut in motion. The MPPDA was created in the wake of the "Fatty" Arbuckle scandal in September 1921, when a young actress died in the actor's San Francisco hotel room after a weekend of drinking bootleg liquor. As MPPDA president, Hays was nothing if not a public relations man who

[11] Quotations ("media," "future"), Heffner, "Last Gasp of the Gutenbergs," *LAT*, Feb. 19, 1992, B11.

[12] Quotation ("unseen"), taken from Cutlip, *The Unseen Power*. In September 2004, Dan Glickman, a former Democratic congressman from Kansas and Secretary of Agriculture under President William J. Clinton, succeeded Valenti as president of the Motion Picture Association of America.

led a PR offensive designed to put the best face possible on Hollywood. He promoted the positive qualities of cinema and enlisted journalists, clergy, parents, teachers, and other opinion makers in local communities to endorse good movies. He claimed that by the time he retired from the MPPDA in 1945, there was a network of 600 thousand volunteers promoting movies. As much as anyone, Hays brought motion pictures into mainstream respectability.

Hays learned how to use publicity to discredit criticism aimed at Hollywood, even when it came from such credible sources as university scholars. Ever since the appearance of the Payne Fund Studies in 1933, the entertainment industry has contended that research – especially social science research – is inadequate to the task of evaluating what impact movies and other forms of mass entertainment may have. The Payne Fund Studies were the first and most thorough examination of the influence of motion pictures on American youth, and they argued that cinema had a major, and sometimes negative, influence on society. Part of Hays's counterattack strategy was to publicize the views of experts who held contrary opinions. Some experts, such as the philosopher Mortimer Adler, whose book *Art and Prudence* (1937) indicted the social science research used in the Payne Fund Studies, found their way onto Hays's payroll. Since Hays's time, the injection of entertainment industry money and publicity into questions related to research about cinema (and later television) has made it difficult for journalists and the public to gain a disinterested perspective on the possible effects of modern mass media and entertainment on society.

Hays's successors, Johnston and Valenti, also became adept at using public relations and advertising. Johnston continued to build and refine Hollywood's publicity machinery in an increasingly sophisticated media environment. By the 1960s, much had changed. Although some critics continued to denounce "passion pits," otherwise known as drive-in theaters, and "art" houses, Johnston could argue before his death in 1963 that the motion picture theater had become an institution as important to communities as the supermarket, public library, or post office. The entertainment industries devoted unprecedented amounts of money to advertising. Small wonder that, while prejudice still lingered against actors in some quarters, by the time Valenti arrived on the scene in 1966, movie stars had long since become icons for most Americans, and a strong relationship had developed between the corridors of power in Washington, D.C., and Hollywood.

I have long been a motion picture enthusiast and remain so. I have, though, devoted a good deal of attention in this study to critics of cinema. Part

of the reason for this emphasis is that the critics have often been vocal in attempting to define cinema's place in our culture and help to throw into relief the ways in which cinema has seemed to threaten the values and power structures of society. Moreover, the critics have sometimes had insightful things to say, and they frequently have left behind a large historical record. It is the availability of that historical record, the primary sources vital to the work of historians, which has also helped to define this book. To a significant degree, *Freedom and Entertainment* examines controversies involving motion pictures through the correspondence and recollections of the man who headed the Classification and Rating Administration from 1974 to 1994. To date, Richard Heffner's papers and oral history at Columbia University remain the only major archival source available for scholars wishing to study the behind-the-scenes operation of the rating system and the workings of the Motion Picture Association of America under the leadership of Jack Valenti. (It is unfortunate that a far richer archival record exists for the first half of the twentieth century than for the last fifty years.) I found Heffner an interesting person. He began as a historian, worked in public television, and initially believed in TV as a forum for democracy. He was a Jeffersonian liberal with a strong faith in reason and the marketplace of free ideas, as the name of his long-running television program, "The Open Mind," suggests. Yet Heffner came to feel that these worthwhile values were too little respected in the world of moviemaking. He was also often at odds with Valenti, and his papers reflect that tension. If the view of Valenti found in Heffner's records is skewed, then one of the best correctives would be for the MPAA to open its historical files for scholars to study.

The historical perspective gained from the study of such documents is especially important because cinema and other new media confront citizens with a dilemma. These technologies have brought forth radically new ideas and ways of communicating during the past century and have given voice to many new people. As we look to the future, we see that the trend is toward accelerating innovation. On the whole, there have been and will be many advantages to these developments. Yet they are not without a price. A growing body of research suggests that some of the material conveyed by these new media – extreme violence and explicit sexuality – may under certain conditions have harmful effects on some people.

No easy or perfect solutions exist. A rating system based on voluntarism and true concern for the public well-being can continue to be valuable. Unfortunately, in the present movie and TV systems, self-interest