

The Devil's Advocate

Will H. Hays and the Campaign to Make Movies Respectable

STEPHEN VAUGHN

Although Will H. Hays's name remains synonymous with movie censorship, he should be remembered as one of his generation's successful practitioners of public relations, the man who ushered motion pictures into respectability in the United States. Hays was an apostle of progress, an optimistic advocate of new media, and a skilled user of publicity. He believed in the "absolutely limitless" power of movies to influence national life, public taste and conduct, and the dreams of the young—indeed, no more potent means existed "to influence the thought of the nation towards common ideals." The medium, he predicted, would change the future.¹

The philosopher Mortimer Adler once described Hays as "a fascinating mixture of political astuteness and naiveté about the arts, the sciences, and philosophy." It is one of the paradoxes of Hays's career that he came to symbolize the traditional values of small-town America while promoting a modern means of communication that not only eroded those values, but seemed

Stephen Vaughn teaches the history of communication at the University of Wisconsin, Madison. His newest work is *Freedom and Entertainment: Rating the Movies in an Age of New Media* (forthcoming). This article is based on research from a forthcoming companion volume, *Morality and Entertainment: Cinema, Censorship, and Technology, 1907-1968*.

¹Will H. Hays, "Speech to the Publishers of the United States," April 26, 1922, pp. 7, 5, Will H. Hays Papers (Indiana State Library, Indianapolis).

to many people to directly assault them. In attempting to balance tradition and modernity in his work, Hays confronted a dilemma not unlike that faced by other Hoosier political and cultural leaders during the early twentieth century. Residents of Indiana (and the United States) were rapidly adopting modern ways of living, while many tried to cling to traditional social and political values. In ushering the movies into this mainstream culture, Hays benefited from his image as a parochial prude, and may have encouraged this perception. But in his enthusiasm for cinema, and by his linking entertainment technologies to capitalism, Hays became modernity's champion.²

In the wake of a sensational sex scandal, Hollywood studio heads created the Motion Picture Producers and Distributors of America (MPPDA) and asked Hays to become its first president in 1921. They charged him with running Hollywood's business affairs and official communications, and convincing a skeptical public that the industry could regulate itself. The MPPDA soon became known simply as the Hays Office, and Hays remained its president until 1945. Under Hays's leadership, the MPPDA adopted a twofold strategy. Hays is most remembered, of course, for the Production Code, the legendary rules of censorship that tried to bind movies to the Ten Commandments by limiting any treatment of sexual, social, or political issues; eliminating scenes of violence and crime; and forbidding offensive language. Hollywood adopted the Code in 1930, more than eight years after Hays took the reins of the MPPDA, and only after circumstances converged to force the hand of Hays and the studio heads. Furthermore, enforcement of the Code did not come until 1934, after the Hays Office created the Production Code Administration (PCA) and after Roman Catholics formed the Legion of Decency.

Less known, but no less significant for American culture, the Hays Office mounted a long-term public relations offensive. Rapidly becoming an "unseen power" in American society, many considered public relations the "newly grown bastard of journalism," the invention of newspapermen and press agents. Public relations, according to one of its architects, involved the "engineering of consent" to present the best cases possible for clients and to mold—if need be even manipulate—public opinion. Often the most effective public relations went unobserved behind the scenes, thereby blurring

²Mortimer J. Adler, *Philosopher At Large: An Intellectual Biography* (New York, 1977), 192. James H. Madison has observed that to many Hoosiers, motion pictures "seemed to be a direct assault on traditional values and ways in Indiana." Madison, *Indiana through Tradition and Change: A History of the Hoosier State and Its People, 1920-1945* (Indianapolis, 1982), 366; see also 1-7, 367.

the line between entertainment and news and creating what Daniel Boorstin would later call “pseudo events.”³ By the early 1930s, Hays had established a public relations network that linked numerous American communities and exploited virtually all mass media. Works that have treated Hays, the MPPDA, and public relations have generally discussed the movie industry’s cultivation of various parent, civic, and religious organizations.⁴ They have not noted Hays’s advocacy of new media, his effort to create a public relations network that used local businesses, community leaders, and institutions, nor his attempts to discredit the Payne Fund Studies, the first large-scale effort by social scientists to examine the impact that movies had on the young.

Film studios and the press had conspired long before Hays appeared on the scene, but after World War I, events spun out of control as one scandal after another plagued Hollywood. The immediate problem arose in the 1921 scandal involving Roscoe “Fatty” Arbuckle, a rotund comedian whose popularity at the time was perhaps second only to Charlie Chaplin. Even before the Labor Day scandal that destroyed his career, Arbuckle had been the focus of rumors. In July 1921, newspaper reports appeared describing a dinner that movie moguls had given the comedian more than four years earlier in which prostitutes had been present and alleging that Hollywood magnates had raised \$100,000 to keep the matter quiet. All this paled in comparison to events in early September 1921. Arbuckle and some of his Hollywood friends rented rooms at the St. Francis Hotel in San Francisco, and the party that followed featured bootleg liquor and heavy drinking.

³Scott M. Cutlip, *The Unseen Power: Public Relations: A History* (Hillsdale, N.J., 1994), 7, 186; Edward L. Bernays, “The Engineering of Consent,” *Annals of the American Academy of Political and Social Science* 250 (March 1947), 113-20; Daniel Boorstin, *The Image: A Guide to Pseudo-Events in America* (New York, 1964). See also Bernays, “Molding Public Opinion,” *Annals of the American Academy of Political and Social Science* 179 (May 1935), 82-87.

⁴See, for example, Ruth A. Inglis, *Freedom of the Movies: A Report on Self-Regulation from The Commission on Freedom of the Press* (Chicago, 1947); Leonard J. Leff and Jerold L. Simmons, *The Dame in the Kimono: Hollywood, Censorship, and the Production Code from the 1920s to the 1960s* (New York, 1990); Gregory D. Black, *Hollywood Censored: Morality Code, Catholics, and the Movies* (New York, 1994); and Frank Walsh, *Sin and Censorship: The Catholic Church and the Motion Picture Industry* (New Haven, 1996). Studies of Hays and the MPPDA also do not consider Joseph Breen’s work in public relations, nor public relations calculations in the censoring of some motion pictures. Hays’s lieutenant in the MPPDA, Breen headed the PCA for most of the period between 1934 and his retirement in 1954. Marvin N. Olasky characterizes Breen as being in many ways the “opposite of Hays,” *Corporate Public Relations: A New Historical Perspective* (Hillsdale, N.J., 1987), 64. See also Ruth Vasey, *The World According to Hollywood, 1918-1939* (Madison, Wis., 1997), 29-62.

**MYSTERY DEATH
TAKES ACTRESS.**

***Los Angeles Girl Succumbs in
San Francisco.***

***Becomes Ill in Hotel Suite of
"Fatty" Arbuckle.***

***Police Investigate the Affair
Ending in Tragedy.***

The "Fatty" Arbuckle Scandal, September 1921.

For many people, news of the Arbuckle scandal suggested that the movie industry was out of control and that government intervention was necessary to clean up Hollywood's act.

The Los Angeles Times, September 10, 1921

A young actress, Virginia Rappé, who had been in Arbuckle's room, died of peritonitis; an autopsy revealed bruises and internal injuries. Rumors circulated that Arbuckle had raped the woman (possibly with a Coke bottle) and that his great weight—almost 300 pounds—had ruptured her bladder. The district attorney wanted to try Arbuckle for murder, but a grand jury returned an indictment of manslaughter, leading to accusations that the actor's celebrity had gained him special treatment. During the trials that followed (the first two of which ended in hung juries), the comedian was buried under an avalanche of publicity. Not only was Arbuckle's libertine



Mary Pickford and Douglas Fairbanks arrive at Union Station, Chicago, 1919. Pickford's May 28, 1920, marriage to Fairbanks, more than two years before her divorce with a former husband was finalized, symbolized the eroding of family values in Hollywood.

Image from the collections of the Douglas Fairbanks Museum. Used with permission.

lifestyle examined in detail, but stories circulated about Rappé's reputation: that she was a heavy drinker and a call girl, that she had contracted syphilis from a Hollywood director, and that she had had several abortions. Although a jury acquitted Arbuckle, he was finished as an actor.⁵

These events seemed to confirm what many Americans already believed about the movie industry. While Arbuckle became "a symbol of everything objectionable" about Hollywood, his was not the only movie scandal of the period. The California State Board of Pharmacy listed 500 performers as drug addicts; one of them, actress Olive Thomas, died of an overdose on her honeymoon with Mary Pickford's brother in September 1920. Early in 1922, newspapers reported the murder of director William

⁵Terry Ramsaye, *A Million and One Nights: A History of the Motion Picture* (New York, 1926), 806-808; Stuart Oderman, *Roscoe "Fatty" Arbuckle: A Biography of the Silent Comedian* (Jefferson, N.C., 1994), 151-94; Andy Edmonds, *Frame Up!: The Untold Story of Roscoe "Fatty" Arbuckle* (New York, 1991).

Taylor, and rumors hinted at homosexuality and a drug deal gone bad. Meanwhile, the public maintained a steady interest in news of Hollywood suicides and, more commonly, Hollywood divorces. When "America's Sweetheart," Mary Pickford, divorced Owen Moore, Nevada's attorney general started proceedings against her. The state's supreme court upheld the divorce in 1922, by which time her marriage to Douglas Fairbanks was more than two years old. Gloria Swanson reportedly planned to divorce her husband just a few months after giving birth to their child. Other stories had Chaplin, also a divorcé, cavorting nude with a young actress on Catalina Island. As if these accounts were not enough, a trade journal published an exposé on graft in the movie business.⁶

One other factor, not usually noted, probably helped persuade the studio heads to act. The Bolshevik takeover in Russia created fear that cinema might be used to foment revolution. Before the rise of Hollywood and consolidation of film making during the war, hundreds of films each year had dealt with labor issues and the problems of working people. For some Americans, such topics acquired a more threatening cast in light of recent world events.⁷

Faced with scandals within and politics without, Hollywood's studio heads responded in a manner that paralleled the recent actions of major league baseball executives, who, at the suggestion of public relations pioneer Albert Lasker, had hired federal judge Kenesaw Mountain Landis to serve as the sport's commissioner in the wake of the Chicago Black Sox scandal of 1919.⁸ It was in this context that studio owners elected to create their own public relations arm: the MPPDA. And it was in their quest to manage this key agency that they turned to Will H. Hays.

A native of tiny Sullivan, Indiana, Hays readily admitted that he knew little about film making. At first glance he seemed the antithesis of a movie star. Small, slender, weighing scarcely 110 pounds, he had a down-home

⁶Alice Ames Winter to Will Hays, telegram, [1930?], *An American Tragedy* file, Production Code Administration Files (Margaret Herrick Library, Beverly Hills, Calif.); Edmonds, *Frame Up!*, 246-47; Oderman, *Roscoe*, 164, 172, 186; Ramsaye, *Million and One Nights*, 803-806, 818-19; Kevin Brownlow, *Behind the Mask of Innocence* (New York, 1990), 13-14.

⁷Steven J. Ross notes that the Red Scare and growing strength of Hollywood turned films toward more conservative, anti-radical themes. *Working Class Hollywood: Silent Film and the Shaping of Class in America* (Princeton, N.J., 1998), 9, 133.

⁸Scott M. Cutlip, "A Public Relations Footnote To The Pete Rose Affair," *Public Relations Review* 15 (Winter 1989), 46-48. During the 1910s and 1920s, other industries also acted to prevent government regulation. See Ellis Hawley, "Three Faces of Hooverian Associationalism: Lumber, Aviation, and Movies, 1921-1930," in Thomas K. McCraw, ed., *Regulation in Perspective: Historical Essays* (Cambridge, Mass., 1981), 97-101.

manner and prudish demeanor and served as an elder in the Presbyterian church. But with Hays, as with Hollywood, appearances could be deceptive.⁹

By the time he came to Hollywood's attention, Hays had risen from being a small-town lawyer to head of the national Republican Party. His fascination with politics had begun in 1896, when he traveled to St. Louis with his father to attend the Republican convention that nominated William McKinley. Naturally associating national progress with the Republican Party, he favored prohibition, woman suffrage, and giving citizens ability to take direct action in public affairs. Hays liked Theodore Roosevelt and considered himself "a liaison . . . between the standpat end of the party and the progressives." It was his ability in 1916, as head of Indiana's Republican Party, to bring together the warring factions of Bull Moose supporters and William Howard Taft conservatives that helped him land his appointment in early 1918 as chairman of the national party. After Warren G. Harding won the 1920 presidential election in a landslide, he rewarded Hays by appointing him Postmaster General.¹⁰

Hays innovatively used new media to build consensus and had recognized early the political possibilities of motion pictures and newsreels. As chairman of the Indiana party, he hired a cameraman during the 1916 election to record events and then prevailed upon theater owners around the state to show the films in an effort to increase voter turnout. In May 1917, Governor James P. Goodrich appointed him to head Indiana's State Council of Defense, an agency that worked closely with America's first large-scale government propaganda agency, the Committee on Public Information, to exploit the full range of communication from oratory to newspapers to posters. Recognizing that many Americans were troubled by the unprecedented nature of the Great War, Hays approved films that dealt with such topics as submarine warfare and the Red Cross. He witnessed firsthand how mass media and propaganda could serve national power.¹¹

Hays carried lessons learned in Indiana to his work for the federal government. As national party chair, he enlisted filmmakers in Harding's

⁹O. O. McIntyre, "The Truth about the Czar of the Movies," *New Movie Magazine* 2 (March 1930), 44.

¹⁰*Portsmouth [?] Star*, [Feb. 2, 1922?], Hays Papers. See also [Will H. Hays], *Memoirs of Will H. Hays* (Garden City, NY, 1955), 57, 65; Norman Hapgood, "Will Hays: And What the Pictures Do to Us," *Atlantic Monthly* 151 (January 1933), 76.

¹¹Hays, *Memoirs*, 100, 135-37. Hays's approach to politics reflected what James Madison has called "the Indiana idea," which held "that Hoosiers were generally alike, that they avoided extremes, that they held on to past traditions, that they represented what was typical and perhaps even best about America" even as the "sentiments and realities" on which this idea rested were being "challenged and changed." *Indiana through Tradition and Change*, 6.

campaign for the White House. As early as May 1919, he huddled with Hollywood executives to map strategy, and it was probably at this meeting that producers became aware of Hays's talents.¹²

In his work for the Postal Service, Hays attempted to modernize the nation's communication network. He advanced what were then controversial policies, such as expanding the use of trucks and other motor vehicles to deliver the mail. He tried to consolidate telegraph, telephone, and radio communications into one department, an action that riled bureaucrats. He started a national postal radio system that included fifteen stations to support the country's fledgling air-mail system. He advocated air mail, and more generally air travel, even though he realized the hazards and expenses of flying during the early 1920s. Through it all, he worked to draw the public to his side. It "all added up to public relations," Hays said, and his year in office proved to be a whirlwind of promotional conventions, meetings, and conferences with civic groups, chambers of commerce, women's clubs, and any other groups that might exert influence.¹³

Hays's well-cultivated public profile made him a natural candidate to head the new MPPDA. The Hollywood executives, who initially considered Secretary of Commerce Herbert Hoover, concluded that Hays's extensive Republican connections and staunchly pro-business stance gave him the best chance of defeating pending censorship legislation. The predominantly Jewish moguls also calculated that Hays's identification with the Presbyterian Church might also make the movie industry more acceptable to Protestant America. Hollywood power brokers therefore hired their own czar, taking out a \$2,000,000 life insurance policy on Hays and paying him over \$100,000 annually—eight times his salary as a cabinet member and more than that of the President of the United States. This financial arrangement is noteworthy, and one should never lose sight of the fact that Hays's primary allegiance rested with his employers.¹⁴

In Hollywood Hays advocated new technology in all its forms. He enlisted the movie industry to promote the advantages of air travel. At President Harding's death in August 1923, Hays encouraged national air-

¹²Hays, *Memoirs*, 107; Ramsaye, *Million and One Nights*, 810, 813.

¹³Hays, *Memoirs*, 288; see also 284, 289-91, 301-11.

¹⁴Nine film corporations comprised the original membership of the MPPDA, and more than a dozen others soon joined. See undated newspaper clipping by Quinn L. Martin [late 1921], attached to Booth Tarkington to Will H. Hays, December 8, 1921, Hays Papers; W. J. Greenwood, telegram to Will H. Hays, January 16, 1922, Hays Papers; Associated Press story, [January 16, 1922], Hays Papers; "Original Members," [March, 1922], Hays Papers; Ramsaye, *Million and One Nights*, 809-10, 813.

mail delivery distribution of newsreel footage of the funeral. Hays thought that both aviation and motion pictures confronted similar problems: they needed to put their own affairs in order, inspire the public imagination, and forge themselves into essential industries by producing what the government and national economy needed.¹⁵

Hays also linked cinema to the growing electrical industry. The spread of electricity, he told Martin J. Insull, the president of Middle West Utilities Company in Chicago, was his “daily preoccupation.” Both the movies and the electrical companies promoted progress and transmitted “the newest in ideas, inventions and art” to cities and villages alike. “Wherever the screen opens the gates of the world to all mankind,” Hays said, electrical power would be the “ally, the indispensable friend, of motion pictures.”¹⁶

Such technological concerns were simply means toward Hays’s central mission, which was to convince the public that motion pictures could be a positive force. They possessed educational, moral, and inspirational possibilities, he argued. They could carry the best in music, literature, science, and medicine to nearly everyone, no matter how isolated. If this medium could be harnessed, he reasoned, civilization would rise to new heights. The movies, he told a radio audience early in 1930, would improve living standards everywhere and promote world peace.¹⁷

Seeing an important connection between communication and national power, Hays encouraged producers to make films with patriotic themes that extolled Americanism. During World War I, the Warner brothers and other producers had discovered that patriotic films were profitable and that flying the flag brought respectability. Hays found such patriotism to be one of the best ways to transcend criticism of the industry, especially during the late 1930s and early 1940s as international events lurched from one crisis to another. Hays considered his field of operation to consist of more than just the home front: “We are going to sell America to the world,” he said, “with American motion pictures.”¹⁸

Hays enthusiastically fostered the movies’ potential for advancing business. The film industry itself had seemingly infinite commercial promise, he believed, generating more income in 1922 than all the public utilities

¹⁵Hays, *Memoirs*, 311, 313, 317.

¹⁶Hays to Martin J. Insull, August 15, 1929, Hays Papers.

¹⁷“M.P.P.D.A. Is Organized With Will H. Hays at Helm,” *Exhibitors Herald* [March 18, 1922?], 37, Hays Papers. See also Hays, “Speech to the Publishers.”

¹⁸Hays, quoted in John Trumbour, *Selling Hollywood to the World: U. S. and European Struggles for Mastery of the Global Film Industry, 1920-1950* (New York, 2002), 17, see especially 17-90.

in the United States combined. But cinema was also a catalyst for the whole economy, a great “international salesman”; films were “animated catalogs” that advertised American goods to other countries. For Hays, there was “no more fascinating story in the history of the world than the account of how our American industries have grown, pliantly, adaptably, to meet changing conditions.” Indeed, the “significance and romance of inventive and industrial progress” translated into “the pure gold of drama.” During the Great Depression, Hays, like many American corporate leaders, emphasized the cause of saving capitalism. The belief that cinema could and should promote capitalism proved one of the strongest common denominators uniting Hays with his successors, Eric A. Johnston and Jack Valenti.¹⁹

Hays’s public relations work in Hollywood must be seen in the context of American business during the 1920s and 1930s. In this heyday of public relations, such corporations as AT&T, General Motors, Ford, and General Electric turned to advertising agencies or to publicity experts, such as Bruce Barton, to create an image. Yet Hays held more publicity power at his disposal than any of these corporate giants.²⁰ Through his Committee (later Department) on Public Relations, established in 1925, he responded to attacks on the industry, tried to engage citizens in making movies more acceptable, and attempted to make “customers out of critics.” Hays assumed that modern media possessed the power to change the way people thought, to implant—at least indirectly—“standards of taste and morals and arts in the public mind.” Public taste was malleable, “to a certain degree, plastic,” as he told the Rotarians in 1934; it could “be molded into new and better forms.” Public relations could convince skeptics that moviemakers were good citizens, well-intentioned, and capable of self-regulation. Hays believed that such a campaign offered the best and perhaps the only realistic way to prevent government intervention.²¹ Adopting an “open door” policy (much as he had as chairman of the national Republican Party and as

¹⁹Hays, “The Film Is an International Salesman,” speech delivered to National Trade Council, Los Angeles, May 22, 1930, p. 1, Hays Papers; Hays, radio address, March 29, 1930, mimeographed, p. 5, Hays Papers; Hays to Martin J. Insull, August 16, 1929, Hays Papers. On the efforts of American corporate public relations to “save the system” during the 1930s, see Roland Marchand, *Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business* (Berkeley, Calif., 1998), 202–48. Although it is too early to assess the policies of Dan Glickman, who succeeded Jack Valenti in September 2004, it is likely that his work will continue to promote free enterprise.

²⁰Marchand, *Creating the Corporate Soul*.

²¹“Annual Report, Public Relations Department,” February 5, 1934, p. 2, Hays Papers; Hays, “Speech to the Publishers,” 6; “Rotary Interviews Will H. Hays About the Movies,” [April 2, 1934], 5, 4, Hays Papers.

Postmaster General), Hays welcomed representatives from women's groups, civic associations, and citizens who wished to comment on films. When dealing with critics, he followed his father's advice to get "so close to the mule he can't kick you."²²

One way to approach the mule came through the press. Hays regularly kept tabs on news stories and editorials about Hollywood, assuming that they reflected public sentiment and could also modify opinion. He cultivated reporters and editorial writers, and considered their support essential. "My contacts with newspapermen have been so many and so close that it would be impossible for me to overrate their influence," he wrote. "How often have I seen editorials arouse, shape, and consolidate public opinion."²³ In exchange for favorable press coverage, the MPPDA pressured studios to produce films that portrayed journalists and advertisers favorably. This policy eventually extended to other professions and institutions of authority as well—judges, law enforcement officers, businessmen, religious leaders, and the like.

If Hays listened to critics and sometimes made concessions to them, he also found that flooding the media with favorable publicity proved one of the most effective ways to overwhelm them. The public relations department churned out news releases, pamphlets, and magazine articles, and published a monthly magazine about the industry's accomplishments. A speakers' bureau recruited people to talk about the movies, and by 1929, more than 1,000 addresses had been given, most over the radio. The public relations department gained impressive momentum during its first decade. In the course of a year it routinely gave 15,000 interviews and turned out several times as many letters.²⁴

This flood of publicity through the press told only part of the story: the Hays Office attempted to extend its influence into every community with a movie theater. During his first three years in Hollywood, Hays established relations with more than fifty religious, civic, educational, and professional organizations—among them the General Federation of Women's Clubs, Daughters of the American Revolution, International Federation of Catholic Alumnae, Boy Scouts, American Library Association, and Young Men's Christian Association. He supplied their conventions with free films and arranged personal introductions for their representatives with studio

²²Hays, *Memoirs*, 157, 351.

²³*Ibid.*, 98.

²⁴"Annual Report, Public Relations Department," 2. See also Garth Jowett, *Film: The Democratic Art* (Boston, 1976), 176-78; Inglis, *Freedom of the Movies*, 97-116.

heads. The creation of the department of public relations helped Hays to expand his cooperative efforts to include hundreds of national and regional associations.²⁵

Hays's plan also involved turning local committees of movie-goers into "genuine motion picture councils." The committees, composed of local leaders, would offer advice and promote what they considered to be good films. By 1934, the PR department estimated support from 100,000 volunteers, and that number was growing rapidly. In the previous year alone, the department claimed that it had enlisted an additional 10,000 community leaders: 6,000 school teachers, newspaper editors, and club leaders; 1,200 librarians; 2,000 managers of theaters; and 800 clergymen and YMCA secretaries. By word-of-mouth and other means, they promoted movies and countered criticism from people who did not attend films. Hays found the latter objective particularly important because he believed that "nearly all the public relations irritation and legislative trouble" resulted from "the activities of critical non-customers."²⁶

In several respects, the Hays Office's strategy replicated a technique used by American propagandists during World War I. George Creel's Committee on Public Information had enlisted 75,000 local speakers to give short talks supporting the war. These "Four Minute Men" acted as surrogates for President Woodrow Wilson in an era before regular radio broadcasting. Creel's short-lived but sensational efforts paled in comparison with the accomplishments of the MPPDA: Hays estimated that before his retirement in 1945, his office had 600,000 men and women "doing something on an organized basis."²⁷

Like a propaganda machine, the Hays Office exploited all forms of media, leaving no outlet untapped. Hays claimed in 1930 that his industry daily produced 15,000 pieces of movie advertising at an annual cost of \$100,000,000. In early 1934 the PR department claimed that more than 500 newspapers, including influential metropolitan dailies, were publishing lists of recommended films and otherwise cooperating. At least 100 radio stations regularly broadcast publicity material. Volunteer telephone committees tried to spread the good word about cinema, in keeping with the MPPDA's conviction that word-of-mouth promotion seemed more spontaneous and sincere than commercial advertising. Concerned to gain the confidence of teachers and parents, Hays asked libraries and schools to

²⁵Inglis, *Freedom of the Movies*, 100-105.

²⁶"Annual Report, Public Relations Department," 6, 2.

²⁷Hays, *Memoirs*, 351.

publicize locally approved movies. Although the national Parent Teacher Association stood at odds with Hollywood, Hays knew that many of the local PTAs remained fiercely independent, and he worked to separate them from the national organization. In early 1934, the PR department noted that nine state organizations, including California, had repudiated the national leadership's stand on the movies.²⁸ Looking back later in his life, Hays revealed more than he realized when he wrote that he doubted "whether any other industry has ever made such a record of organizing active good will in its support on so large a scale."²⁹

Some of this record can be traced to a strategy of what might be called "defensive publicity." The strategy included a practice of infiltrating meetings of critical groups, such as the PTA, with people who represented the Hays Office. When these representatives took the floor, their recorded remarks were then circulated by Hays's publicity managers to create the perception of a group divided. Another tactic involved publicizing scholarly research that countered attacks on the industry.³⁰

Hays possessed a genius for absorbing criticism. In fact, some groups found that the MPPDA's open door became a "trap door." Hays's pitch to parents, teachers, and the general public emphasized that Hollywood had taken steps to require the studios to strive for the highest "artistic" and "moral" standards. To make his point, he held up two sets of guidelines embraced by the industry: "The Formula," adopted in 1924, requested that studios present questionable scripts to Hays's office. Three years later, PR department head Colonel Jason Joy drew up a list of "Don'ts and Be Carefuls." Joy had visited several state censorship boards in 1927 to see firsthand what the censors disliked. He presented a list of eleven "don'ts" and twenty-six "be carefuls." The "don'ts" forbade the showing of illegal drug traffic, nudity, sexual perversion (homosexuality fell under this heading), white slavery, miscegenation, sex hygiene and venereal diseases, child-birth, and the sex organs of children. They also prohibited profanity, ridiculing of clergy, and offensive depictions of any nation, race, or creed. Topics to be treated with care included arson, sedition, criminal techniques,

²⁸"Annual Report, Public Relations Department," 7-8.

²⁹Hays, *Memoirs*, 351. See also Hays, "Film As an International Salesman," address to the National Foreign Trade Council, Los Angeles, May 22, 1930, p. 4, Hays Papers; "Annual Report, Public Relations Department," 2, 6-9, 11.

³⁰Federal Council of the Churches of Christ in America, *Public Relations of the Motion Picture Industry: A Report by the Department of Research and Education, Federal Council of the Churches of Christ in America* (New York, [c. 1931]), 92; Inglis, *Freedom of the Movies*, 109-10.

marriage, seduction, and “excessive or lustful kissing,” especially if it involved a villain.³¹

Hays knew that “The Formula” and the “Don’ts and Be Carefuls” were little more than window dressing because he had few means of enforcing them. During the 1920s, these public relations gambits worked well enough, and he could count several successes, most importantly the fact that none of the thirty-two censorship bills introduced in state legislatures in 1922 had passed. The greatest victory came in Massachusetts, where Hays enlisted the support of more than 90 percent of the state’s newspapers, and volunteers canvassed the state to persuade voters to reject a censorship referendum—a feat accomplished by a vote of better than two-to-one. At the national level, Hays’s organization helped stave off legislation that proposed creation of a federal motion picture commission.³²

For all his success at avoiding intervention and advocating the use of new technologies, Hays learned, at the end of the decade, that innovation could also create problems. The advent of sound technology during the late 1920s created a new crisis and escalated demand for regulation. This “magical transformation,” as one of the studio chiefs called it, made the movies more lifelike and greatly expanded the range of entertainment. Movies became more appealing as actors could be both more forthright and more subtle. A sly emphasis upon an appropriate or inappropriate word, or a double entendre, could alter the meaning of a scene if not an entire film. By making it easier for filmmakers to circumvent the spirit if not the letter of any code, sound technology increased the worries of those who wanted to regulate movies. “Silent smut had been bad,” wrote the Rev. Daniel Lord, S.J., a noted critic of “modern” thought. “Vocal smut cried to the censors for vengeance.”³³

³¹Inglis, *Freedom of the Movies*, 111, 114-16. See also Edward De Grazia and Roger K. Newman, *Banned Films: Movies, Censors and the First Amendment* (New York, 1982), 31-32.

³²For the techniques used to defeat the Massachusetts referendum, see Jowett, *Film*, 167-69. National legislation had been proposed in 1923 and 1926. Garth S. Jowett, “‘A Capacity for Evil’: The 1915 Supreme Court *Mutual* Decision,” *Historical Journal of Film, Radio and Television* 9 (1989), 74.

³³“Harry Warner Tells Story of Birth of Sound Pictures,” speech to League of American Penwomen, January 10, 1930, p. 1, Hays Papers; [Daniel A. Lord], *Played By Ear: The Autobiography of Daniel A. Lord, S. J.* (Chicago, 1955), 295. On the coming of sound to motion pictures, see Donald Crafton, *American Cinema’s Transition to Sound, 1926-1931* (New York, 1997), 447; Vasey, *World According to Hollywood, 1919-1939*, 63-99. On the technology of cinema before sound, see Richard Koszarski, *An Evening’s Entertainment: The Age of the Silent Feature Picture, 1915-1928* (New York, 1990), 139-61.

Almost overnight, sound rendered the “Don’ts and Be Carefuls” and Hays’s political skill insufficient to silence calls for government intervention. Efforts for government control took at least two forms: attempts to enact legislation to regulate film content, and legal efforts to abolish the monopolistic practices by which studios controlled not only the production but also the distribution and exhibition of moving pictures. In 1929, Charles C. Pettijohn, the MPPDA’s general counsel, informed Hays that most of the forty-three state legislatures meeting in 1930 would consider film censorship. At the national level the Brookhart Bill, proposed by Senator Smith Brookhart of Iowa in 1928, threatened to outlaw block booking—the policy of forcing theater owners to buy all of a studio’s films in order to be assured of getting movies with the most popular stars. Although the bill never passed, President Hoover and the Justice Department, alarmed by the growing power of the large studios, contemplated antitrust action. In the face of such threats, Hollywood executives became more willing to make concessions on content.³⁴

In spite of Hays’s careful cultivation of mainstream community groups, pressure for controls came not only from the government but from such civic and women’s associations as the National Congress of Parents and Teachers, the International Federation of Catholic Alumnae, the National Society of the Daughters of the American Revolution, and the General Federation of Women’s Clubs. By 1930, the latter organization supported film preview committees in almost every state. Even Hays’s personal life came under attack. His divorce in 1929, after a twenty-seven-year marriage, and rumors that he was engaged to an attractive divorcee, did nothing to strengthen his standing among people convinced that movies were undermining the family. Unimpressed by Hays, his associates, and the MPPDA, critics characterized them as little more than “moral masks” disguising Hollywood’s depravity.³⁵

³⁴C. C. Pettijohn to Hays, memorandum, 1929, p. 2, Hays Papers. Another controversial policy, “blind booking,” forced exhibitors to purchase unmade films. Raymond Moley, *The Hays Office* (Indianapolis, 1945), 195. On Hays’s efforts to calm Herbert Hoover’s worries about the movie industry, see Hays, memorandum, Aug. 28, 1929, Hays Papers; Hays to Dear Chief [Herbert Hoover], August 28, 1929, Hays Papers; John Lord O’Brien to Hays, October 8, 1929, Hays Papers; Stephen Vaughn, “Morality and Entertainment: The Origins of the Motion Picture Production Code of 1930,” *Journal of American History* 77 (June 1990), 45.

³⁵“Selling Synthetic Sin,” *Churchman* [1929?], copy in Hays Papers. See also Alice Ames (Mrs. Thomas G.) Winter, “Women’s Organizations and the Films,” November 30, 1929, Hays Papers; press release of General Federation of Women’s Clubs, January 9, 1930, Hays Papers; Jowett, *Film*, 177–80. For rumors about Hays’s remarriage, see *Washington Post*, January 4, 1930, p. 2; “Engagement of Hays to Divorcee Rumored,” *Tulsa [Oklahoma] World*, January 5, 1930.

Among the most outspoken critics remained Protestant and Catholic groups whose misgivings about cinema's impact on Christian civilization predated the industry's conversion to sound and reflected a deep uneasiness about modern life in general. Their denunciations took on an anti-Semitic tone as they pointed to the Jewish origins and control of the motion picture industry. The Methodist publication *Churchman* attacked the MPPDA for being a "smoke screen" hiding the "meretricious methods" of "shrewd Hebrews who make the big money by selling crime and shame." Even more formidable than Protestant critics were Roman Catholics. Because of the Church's hierarchical structure, Catholic leaders more effectively organized their followers to boycott offending movies, a practice formalized in 1934 with the creation of the Legion of Decency.³⁶

If the furor created by the talkies edged the industry into a corner, the Great Depression pushed its leaders squarely against the wall. Hays now tried another, more serious attempt at self-regulation—the Production Code of 1930. The Code attempted to bind movie entertainment to a standard of morality independent of public taste. It incorporated almost all of the "Don'ts and Be Carefuls," endorsed broadly Judeo-Christian values, and sought to protect the authority of the state and the sanctity of the family.

The Protestant Hays tapped Catholic leaders to help draft the Code. Martin Quigley, the Catholic publisher of the *Exhibitors Herald-World*, served as a mediator between the Church's hierarchy and film executives in negotiations during 1929 and early 1930 that led to the Code's adoption. George Cardinal Mundelein of the Archdiocese of Chicago, who found himself in an influential position with investment bankers who came to leverage studios during the depression, threw the Church's authority behind the new document.

Perhaps fearing the strong anti-Catholic sentiments embedded in American culture, Hays denied that the Code was narrowly Catholic and downplayed the contributions of his Catholic collaborators. Nevertheless, Catholic theology played an important part in defining this politically and socially conservative document. Father Lord seized his opportunity as primary author to "put solid theological and moral bones" on the code, and more than any single person influenced the tone and substance of the new

³⁶The *Churchman* quoted in Robert Sherwood, "Will Hays Unhappy Czar of Much-Buffered Films," *Kalamazoo [Michigan] Gazette*, [Oct. 6, 1929?], clipping in Hays Papers. For attacks on Hays and the MPPDA, see Federal Council of Churches of Christ in America, *Public Relations of the Motion Pictures*, 144-51; *Churchman*, July 6, 1929, p. 8; August 3, 1929, pp. 8-9; September 21, 1929, p. 14; November 2, 1929, p. 9; December 7, 1929, p. 9; December 28, 1929, p. 14. During 1929 and early 1930, *The Christian Century* was also critical of Hays and the MPPDA.

rules that would govern movie entertainment. Although he preferred anonymity at the time, Lord recognized the opportunity “to tie the Ten Commandments in with the newest and most widespread form of entertainment.” Here was a chance, he wrote, “to read morality and decency into mass recreation.” But the Code also needed to appeal to a broad public, to “stand up before the immoralist, the amoralist, the skilled dramatist, the producer who had risen from the slums, the auditor, the audience, the films of the day and of fifty years from now,” so that “the follower of any religion, or any man of decent feeling and conviction, would read it and instantly agree.”³⁷

Unfortunately, from the perspective of the Code’s supporters, the battle to commit cinema to Judeo-Christian ethics faltered in the absence of effective provisions for its enforcement. One year later, Lord himself pronounced the plan a failure. In response, the MPPDA in 1934 established the Production Code Administration under the resolute leadership of Joseph I. Breen, a militant Catholic layman. The Code exerted its most powerful influence during the late 1930s, and although its authority began to wane after World War II, it touched nearly all pictures made between 1934 and 1968, when a new rating system was adopted.

Beset by Catholics and other religious and parental groups clamoring for censorship, and threatened by the New Deal’s concentration of power in Washington, Hays’s reluctant codification efforts in no way protected Hollywood from the publication of the Payne Fund Studies (PFS). This twelve-volume study on motion pictures and youth, prepared by a group of social scientists, began to appear in 1933, and opened a new front of attack on the movies and gave ammunition to the MPPDA’s many existing critics.

The PFS had originated in 1928, when the executive director of the Motion Picture Research Council, William H. Short, invited several university researchers to examine the effects of movies on children. Short was neither without credentials nor without an agenda. A Congregational minister who had been a leader in the New York Peace Society, the League to Enforce Peace, and the League of Nations Non-Partisan Association, he was also an outspoken critic of the movies. In 1928, he published *A Generation of Motion Pictures*, a book that pulled together redundant material from many sources condemning films. Short considered motion pictures to be “easily the most powerful instrument in existence for

³⁷Wilfrid Parson to Editor, *America*, May 26, 1956, p. 213; Lord, *Played By Ear*, 298. Quigley played a role in getting studio moguls to accept the Code, but Lord was the primary author. See Hays, *Memoirs*, 440; Vaughn, “Morality and Entertainment,” 48-60.

influencing opinion and conduct, especially among children and the common people." Unfortunately, the industry rested "in the monopolistic grasp of a few men, mostly of foreign birth" whose "vicious and obscene" films presented "false standards of life." Audiences of innocent children and youth under twenty-one witnessed "pictures depicting vice, crime, sex entanglements, and all conceivable forms of human wickedness and folly." Such movies certainly made children sexually permissive delinquents and prevented their becoming good citizens, thereby weakening adult morality and injuring America abroad.³⁸ Unlike many censors, however, Short favored local community decisions rather than government intervention. He opposed block booking and blind selling because they undercut the community's "collective judgment."³⁹

The social scientists collected by Short employed scientific methods to study society's problems. Financed by the Payne Fund (a private philanthropic foundation established in 1929 by Francis Payne Bolton to support education and the arts), the scientists conducted their investigations between 1929 and 1932. The resultant pioneering attempt to evaluate the place of movies in America and their effect on the young, although much maligned in subsequent years, remains the most extensive survey on the subject. A recent reexamination of these volumes found that they continue to be "informative" and "innovative," and are an example of "excellent early mass communication research." Another analyst concluded that the PFS "undoubtedly presented a reasonably valid picture of the influences of the movies of the 1920s on the youth of that period. The films were an influence on attitudes; they provided models for behavior; they shaped interpretations of life."⁴⁰

As an example of the PFS authors' relatively sophisticated approach to their topic, we might consider the work of Edgar Dale of Ohio State University. A professor of education, Dale wrote three of the twelve studies. He had no intention of imposing "harmless . . . or clean films" on society, he

³⁸William H. Short, *A Generation of Motion Pictures: A Review of Social Values in Recreational Films* (1928; New York, 1978), 71-72.

³⁹Short, in "First Symposium on Elements Out of Which a Program Looking Towards National Film Policies in Motion Pictures Can Be Selected," September 15, 1933, p. 3, Motion Picture Research Council Papers, Box 57 (Hoover Institution Archives, Stanford University, Stanford, Calif.).

⁴⁰Garth S. Jowett, Ian C. Jarvie, and Kathryn H. Fuller, *Children and the Movies: Media Influence and the Payne Fund Controversy* (New York, 1996), 5; Shearon A. Lowery and Melvin L. De Fleur, *Milestones in Mass Communication Research: Media Effects*, 2nd ed. (New York, 1988), 52.

claimed, but his critics did accuse him of wanting to inflict boring pictures on the public. That criticism obscured the fact that Dale had several worthy objectives.⁴¹ First and foremost, he believed that the industry's economic structure smothered artistic integrity. He argued for a national policy protective of free expression in order that real artists could get the chance to put their visions on screen. As with the work of great writers or painters, it did not matter that the moviemaker's vision might be "incorrect," or that it might conflict with society's conventions. In fact, Dale acknowledged that his plan might lead to pictures which were "flatly opposed to prevailing notions about things."⁴²

Dale also advocated media literacy. Comparable to drama, literature, painting, and music, cinema as an art form was "too fine an instrument to be used only for passing entertainment or to kill time." An educated public could discriminate between good and bad films—just as they might discern the difference between great literature and pulp fiction—in order that they might "enjoy with understanding." To that end, his first contribution to the PFS came in the form of a manual, *How To Appreciate Motion Pictures* (1933), directed to high school students. Addressing the gamut of filmmaking techniques—from cameras, to acting, directing, and settings—the volume ended with controversial recommendations: to abolish the star system and its accompanying celebrity culture; to produce different movies for adults and children; to create a "new point of view regarding the place of motion pictures in our scheme of living" so that cinema could better speak to such problems as abolishing war, crime and punishment, and "the more satisfactory distribution of wealth;" and to promote the understanding of democratic government.⁴³

Dale believed that film's untruthful depictions of life harmed some viewers—especially children. He made assumptions about cinema's influence for which he later was justifiably criticized, but he demonstrated an awareness of the difficulties of trying to measure cause and effect. Modern modes of transportation "greatly increased the possibilities of direct contact with a wide variety of experience," while the movies, radio, and the press expanded "almost infinitely the possibilities of indirect contacts." Still, Dale felt compelled to render some account of the harmful possibilities. In *The*

⁴¹Dale, in "First Symposium on Elements," 1.

⁴²Ibid.

⁴³Edgar Dale, *How To Appreciate Motion Pictures: A Manual of Motion-Picture Criticism Prepared for High-School Students* (New York, 1933), 207, 6, 224, emphasis in original; Dale, *Children's Attendance at Motion Pictures* (New York, 1935), 29.

Content of Motion Pictures (1935), he analyzed the topics presented in approximately 1,500 movies produced between 1920 and 1930, and discovered that sex, love, and crime dominated, with half of the movies that treated love also emphasizing sex. The consideration of problems confronting single adults over thirty or of the difficulties encountered in marriage were so unsatisfactory that Dale doubted whether young people gained any insight into what they might later encounter. Rarely did films explain why people turned to crime. Criminals sprang "Minerva-like . . . from the head of Jupiter" in the movies, and were not always shown to be punished. In an age of prohibition, 75 percent of the films studied by Dale featured alcohol, with tobacco used in almost 90 percent of the pictures. Conversely, movies that dealt with history, travel, or children's themes accounted for only a minuscule percentage of the pictures that Dale examined.⁴⁴

In *Children's Attendance at Motion Pictures* (1935), Dale argued that a far greater number of children attended the movies than the industry acknowledged. He called on parents to be more active, preferably attending films with their children or, failing that, at least helping them to interpret what they had seen.⁴⁵

One final interesting, but often overlooked, feature of Dale's study was his attempt to analyze newsreels and encourage people to think more thoughtfully about news. Shown in conjunction with motion pictures, newsreels had become an important way for people to receive information about the world. The potential for distorting news when it was coupled with entertainment concerned not only Dale but also thoughtful students of journalism during this period. Analyzing the output of two major newsreel production companies during 1931 and 1932, Dale characterized the news as formulaic, unimaginative, and disjointed; news items were usually unrelated to one another; and conversations by the people shown, especially celebrities, often bore little or no relation to the content of the story

⁴⁴Dale, *Children's Attendance at Motion Pictures*, 6-7; Dale, *The Content of Motion Pictures* (New York, 1935), 130. Dale analyzed 500 feature films released at five-year intervals between 1920 and 1930. His method involved using plot summaries in *Harrison Reports*; he actually watched 115 of these pictures, and selected forty to study in detail.

⁴⁵In 1929-1930, Dale examined Columbus, Ohio, as a case study, and also sent out more than 50,000 questionnaires to collect movie attendance data on school children in fifty Ohio communities and several localities in one North Dakota county. From that data, he extrapolated that throughout the United States, perhaps a third of motion pictures audiences were made up of youth under the age of twenty-one, and that parents were accompanying their children to the theaters less and less frequently over time. Because children lacked adult experience, they were unable to make mature judgments about what they watched and could "only acquiesce" in what they had seen. Dale, *Children's Attendance at Motion Pictures*, 27.

under consideration. Newsreels addressed sports far more than any other topic.⁴⁶

The studies by Dale and his colleagues were more complex and qualified than this brief summary indicates, and surely most nuances were lost when the journalist-magazine editor Henry James Forman popularized them in a best-selling one-volume work, *Our Movie Made Children* (1933). Forman warned:

We pay for our school system. We pay for our water supply. We also pay for the motion pictures. What would we say if any questionable character were to be allowed to come in suddenly and take charge of our children's schooling? Or, if suspected water were even occasionally turned into our mains? . . . The vast haphazard, promiscuous, so frequently ill-chosen, output of pictures to which we expose our children's minds for influence and imprint, is not this at least of equal importance? For, as we cannot but conclude, if unwatched, it is extremely likely to create a haphazard, promiscuous and undesirable national consciousness.⁴⁷

Protestants, Catholics, and a multitude of other critics applauded and readily appropriated from the Payne Fund Studies—or at least from Forman's stirring version of them—to support conclusions they had already drawn about the threat of movies to American society and children.

Hays, on the other hand, liked to speak reassuringly about children and movies. "We must have toward that sacred thing, the mind of a child, toward that clean and virgin thing, that unmarked slate, we must have toward that the same sense of responsibility, that same care about the impression made upon it, that the best teacher or the best clergyman, the most inspired teacher of youth, would have," he had said in 1922. He pro-

⁴⁶Newsreels relating to civil aviation were also common and, although American foreign policy appeared isolationist and focused on disarmament, newsreel items relating to war, the army, or the navy were twelve times more prevalent than stories about peace. In the aftermath of prohibition's repeal, the newsreels were four times more likely to carry hostile accounts. He found the coverage of health-related issues inadequate and almost no stories relating to "psychological and vocational guidance," and recommended increasing newsreel coverage of such issues. Dale, *Content of Motion Pictures*, 220.

⁴⁷Henry James Forman, *Our Movie Made Children* (New York, 1933), 140.

moted a reputation as a family man, demonstrated concern that movies might undercut the work of schools and churches, and admitted that his own six-year-old son, Bill, Jr., knew more about Douglas Fairbanks than he did about George Washington. Hays urged schools to place films alongside the McGuffey Readers to enliven geography, history, and science with the aid of movies. Churches, too, could benefit from biblical pictures and travelogues showing the holy land. Given these professed sentiments, one might have expected Hays to be alarmed by the findings of the Payne Fund Studies—and he was, but not for the same reasons that worried parents. Hays and his staff dubbed this research the “Payneful” Studies, and they marshaled their considerable resources to discredit them.⁴⁸

By the time of the PFS’s publication, Hays had already dealt with accusations that the movies caused juvenile delinquency and crime. In the past he had argued, quite reasonably, for multiple causality: racial tension, too much (or little) money, immigration, slums, automobiles, sensationalism in the press, lack of parental supervision, lax law enforcement, weapons possession. Often he expanded his case with the contention that movies combated crime by presenting the capture and punishment of criminals. The Hays Office applied this reasoning to answer a report that appeared in 1929 by the nationally known statistician, Roger Babson, who argued that movies were “the basic cause of the crime waves of today.”⁴⁹

By 1931, though, public relations advisers were telling Hays that he was too passive and that the MPPDA was being routed in the publicity war. “We simply have no . . . coherent, sustained, energetically pursued publicity policy,” complained one adviser. “This astonishing doctrine of defeatism and donothingism is the strangest and most fallacious platform on which I have ever known any publicity department to operate.”⁵⁰

Hays and his staff soon became much more adept at covering Hollywood’s trail. When James Cagney’s *The Public Enemy* (1931) and other crime pictures came under attack for glamorizing the life of gangsters, Hays hired a former policeman, August Vollmer, to watch these films and offer an evaluation. Vollmer thought none of the pictures encouraged crime, and

⁴⁸Hays, “Speech to the Publishers,” 6; K. L. Russell to Hays, April 14, 1933, p. 1; Russell to Hays, “Daily Report,” May 2, 1933, p. 2, Hays Papers. See also “Movies in Schools and Churches Is Director Hays’s Plan, He Says,” newspaper clipping, [March 5, 1922?], Hays Papers; Ramsaye, *Million and One Nights*, 817. Lea Jacobs argues that Hays viewed the Payne Fund Studies as a problem because they created bad publicity for the movies. Jacobs, *Wages of Sin: Censorship and the Fallen Woman Film, 1928-1942* (Madison, Wis., 1991), 106-107.

⁴⁹Babson, in *Rochester [NY] Journal*, June 27, 1929. See also *Roanoke [VA] News*, June 21, 1929.

⁵⁰Lupton A. Wilkinson to Hays, memorandum, November 1, 1931, pp. 6, 7, Hays Papers.

even praised *The Public Enemy* for deterring wrongdoing because it showed that “death swift and certain is inevitable for all so-called ‘big shots.’” Vollmer and Hays either ignored, or failed to grasp, the powerful appeal that the charismatic Cagney projected.⁵¹

When the Payne Fund Studies appeared in 1933, Hays sought to assemble as much expert opinion as possible to contradict, or at least cast doubt on, the volumes. As might be expected in any gathering of minds, the researchers did not always agree, and they sometimes qualified their conclusions, so Hays’s agents attempted to turn opinion against the studies by exploiting these weaknesses. They portrayed the studies as special-interest pleading which was methodologically flawed, even hysterical, and utterly superficial in assigning blame for crime to the movies. The best work in psychology and criminology, the Hays Office proclaimed, showed that the causes of crime were far more complex than the PFS had suggested.

The Hays Office launched an assault on one of the PFS’s most vulnerable flanks, Forman’s *Our Movie Made Children*, branding it “pseudo-scientific,” and “definitely dishonest.” The charge was easily made because Forman, who was not a social scientist, had oversimplified the PFS. Another weak point, Hays believed, was Short, the driving force behind the studies. The MPPDA painted him as a “fanatic, reformer type,” who had gathered around him other malcontents, or researchers who were well-meaning but naive about the ends to which their research would be used.⁵²

While Hays and his staff crafted a carefully calculated plan to publicize the biased nature of the PFS, they realized they too could be open to the charge of special pleading, especially if they appeared unwilling to accept scientific evaluations. They therefore published more than three dozen excerpts from American newspapers and magazines, and statements from about half as many educators and social scientists, that cast doubt on the PFS’s conclusions. “Only a disinterested approach to the social problems of the screen can result in disinterested conclusions as to the possible relationship of juvenile delinquency to motion picture entertainment,” the MPPDA maintained, as if Hays and his associates harbored genuine interest only in

⁵¹Vollmer also liked *The Public Enemy* because it showed the social origins of crime and suggested that “the gangster problem cannot be solved entirely until the factors that produced the gangster are eliminated.” Vollmer, memo to Hays, April 20, 1931, PCA Files. At Hays’s request, Vollmer watched *The Public Enemy*, *The Finger Points*, *The Last Parade*, *Quick Millions*, *The Secret Six*, and *City Streets*. He considered *City Streets*, for example, psychologically “innocuous.” Vollmer, memo to Hays, April 17, 1931, PCA Files. See also Jason Joy to Darryl Zanuck, January 26, 1931, PCA Files; Vollmer to Hays, April 20, 1931, Hays Papers.

⁵²“Annual Report, Public Relations Department,” 5, 27, 24.

objective research. The Office carried this material before the United States Senate to refute charges that movies caused juvenile delinquency.⁵³

As Hays's staff tracked editorials and stories about Hollywood during 1933 and 1934, they compiled many pieces critical of the Payne Fund Studies. How many newspaper and magazine stories or radio addresses had been planted, or written from releases supplied by the MPPDA, is impossible to ascertain. Hays, who considered it an important part of his job "to see that editors were kept informed," found them "quick to pass on interesting facts to the public." Certainly with the public relations network that he had constructed, he was in a position to flood the media. While the Payne Fund Studies did possess their shortcomings, that they fell into disrepute so quickly surely owed much to the Hays Office's skillful publicity campaign.⁵⁴

Still, Hays longed for someone not merely to discredit his critics but also to give movies a philosophical rationale—not unlike the way in which Lord had given the Production Code its moral underpinning. He found his man at the University of Chicago in the person of Mortimer Adler. When casting about for refutations of the PFS, Hays discovered Adler's book (coauthored with Jerome Michael), *Crime, Law, and Social Science* (1933). No friend of the social sciences, Adler doubted whether science could be used to study humanity's most perplexing questions, including the causes of crime. "An empirical science of criminology is not at present possible because no empirical sciences of psychology and sociology now exist." Adler seemed just the person who could pin the "pseudo-science" label on the Payne Fund Studies and make it stick.⁵⁵

In the Hays Office, Adler's book became "the Bible." Through a representative, Hays persuaded Adler to appear in late 1934 before the Attorney

⁵³"Authoritative Statements Concerning the Screen and Behavior," compiled by Motion Pictures Producers and Distributors of America, Inc., December 1934 [most likely 1933], 1, 2, Hays Papers. For Senate testimony, see Carl E. Milliken, "Memorandum on the Question of Scientific Findings as to the Behavioristic Influences of the Screen Particularly with Regard to Juvenile Delinquency," Submitted to the U. S. Senate Sub-Committee on Racketeering, December 11, 1933, Hays Papers; "Annual Report, Public Relations Department," 27, Hays Papers.

⁵⁴Hays, *Memoirs*, 459. Recent studies have portrayed Hays as reacting passively to the Payne Fund Studies, or have underestimated his role in trying to discredit them. Gregory Black writes that the PFS "rendered Hays speechless . . . Hays remained silent. In so doing he missed an opportunity to thwart the forces of censorship that were gathering strength for a renewed assault on the industry." Black, *Hollywood Censored*, 152, 154. Garth Jowett, Ian Jarvie, and Kathryn Fuller contend that Hollywood's effort at self-regulation through the Production Code and Production Code Administration rendered the PFS "moot." Jowett, Jarvie, and Fuller, *Children and the Movies*, 9.

⁵⁵Jerome Michael and Mortimer J. Adler, *Crime, Law and Social Science* (New York, 1933), 85.

General's Conference on Crime, where Adler testified as to how little was actually known about crime. Shortly thereafter, Adler met with Hays, and there followed other conferences with members of the MPPDA. Hays eventually asked the philosopher "to write an analysis of the Payne Fund studies and all similar sociological and psychological researches on the influence of the movies on human conduct, . . . in a manner similar to the review of criminological research" in *Crime, Law and Social Science*. Adler's report became the tenth and eleventh chapters in his book *Art and Prudence* (1937).⁵⁶

Art and Prudence was at once a critique of the behavioral sciences and the Payne Fund Studies, and a commentary on the relation between cinema, art, and morality. Issues involving cinema's place in society, Adler believed, "were exactly the same problems that faced Aristotle and Plato as moral and political philosophers in relation to Greek drama." Adler took particular pride in the book's last section, "Cinematics," in which he tried to adapt to cinema the principles found in Aristotle's *Poetics*.⁵⁷

Philosophizing aside, Adler savaged the Payne Fund Studies. He attacked the methodology used by PFS authors and argued for the absence of any scientific evidence proving that motion pictures caused crime. Of Dale, Adler was scathing. "Dale's own opinion about the way in which the movies influence behavior," he said, was "in no sense based upon his data." Obviously Dale did not know "the difference between art and propaganda." Adler denounced "the superficial and unfounded character of Dale's consideration of aesthetic, moral, and political questions. His lack of hesitation in expressing his opinions is equal to his lack of careful analysis, his lack of relevant knowledge."⁵⁸

Whether the MPPDA paid Adler for his critique of the Payne Fund Studies is unclear. Certainly, though, Hays was so pleased with Adler's ability to put Hays's thoughts into words "that made him feel comfortable" that he hired the philosopher as a consultant and ghostwriter, and paid him more than half of what he made as a professor each year at the University of Chicago. The job—which during World War II involved writing Hays's annual reports—required only a few weeks out of each year, and was carried out in a swank New York apartment furnished by Hays. Adler was seduced

⁵⁶Mortimer Adler to Leo Rosten, February 8, 1939, Mortimer J. Adler Papers, Box 25 (University of Chicago, Chicago, Ill.). See also Adler in *Proceedings of the Attorney General's Conference on Crime, Held December 10-13, 1934* (Washington, D. C., 1934?), 72-73.

⁵⁷Adler to Leo Rosten, February 8, 1939, Adler Papers. See also Adler, *Philosopher At Large*, 193.

⁵⁸Adler, *Art and Prudence: A Study in Practical Philosophy* (New York, 1937), 360-61, 362.

by Hays. The philosopher later admitted to having “the propensities of a sybarite,” but concluded that “high living is not necessarily incompatible with high thinking.”⁵⁹

Hays believed that *Art and Prudence* “put a scholarly, philosophical foundation under the self-regulating structure” of the MPPDA, but the professor’s 650-plus pages were so long-winded and obtuse as to be virtually inaccessible to the general public. Hays therefore turned to Raymond Moley to write a short, popular account of Adler’s work entitled *Are We Movie Made?* (1938). As the title suggests, Moley was Hays’s answer to Henry James Forman. A Columbia University professor who had been a member of President Franklin D. Roosevelt’s New Deal brain trust, Moley agreed with Adler about the difficulty of finding the causes of crime. He abridged Adler and remained faithful to the philosopher’s text, down to reproducing its mistakes. Moley believed that the audience should decide what was shown and ridiculed Dale’s ideas about topics that might be made into movies (agricultural problems, the decline of frontier psychology). Perhaps most damning was his insinuation that Dale’s proposals were boring, for nothing so doomed pictures in the eyes of exhibitors or the public as to suggest that they might be “educational.”⁶⁰

Within a little more than a decade Hays made tremendous progress in strengthening cinema’s place in society. He had navigated treacherous legislative waters, successfully avoiding further government regulation. He had gained the upper hand with critics.

Hays had waged a massive public relations campaign to change the way Americans thought about the movies. The scope of this undertaking was surely not known at the time, nor has it since been appreciated. Part of this endeavor involved persuading people that Hollywood was setting its house in order, was capable of regulating itself, and that scandals were “no longer accepted symbols of the business.” To those who would argue that

⁵⁹Adler, *Philosopher At Large*, 193, 194; see also, Hays, *Memoirs*, 458-59.

⁶⁰Hays, *Memoirs*, 459; Ramsaye, *Million and One Nights*, 480. Moley accepted Adler’s assertion, for example, that Dale had taken data about movie attendance from school children in Iowa, when in fact Dale had studied rural attendance in North Dakota. Moley, *Are We Movie Made?* (New York, 1938), 15, 25, 29. See also Hays, *Memoirs*, 458; Dale, *Children’s Attendance at Motion Pictures*, 44. In 1920, Moley had revised and rewritten a study published by the Cleveland Recreation Survey, which, unlike the Kerner Commission’s Report in Chicago that was published about the same time, concluded that in Cleveland “an enlightened public opinion” was “constantly raising the standard of pictures exhibited,” and that improvement could be seen every year. Cleveland Recreation Survey, *Commercial Recreation* (Cleveland, 1920), 46. In 1945, Moley wrote a history of the MPPDA. Moley, *Hays Office*.



Will H. Hays, August 12, 1941.

Hays served as president of the Motion Picture Producers and Distributors of America from 1921 to 1945.

Courtesy Indiana Historical Society, Martin Collection

movies were immoral, Hays could counter that the industry's Production Code grounded its entertainment in Judeo-Christian morality. To those who contended that motion pictures were harmful to children, caused juvenile delinquency, or otherwise encouraged asocial behavior, Hays could offer plausible counters as to why such criticism was unreasonable. Moreover, he discovered how to muddy the waters of public debate. Negative academic research could be blunted, if not discredited, by enlisting testimony from other university authorities who had few qualms about accepting compensation. To those who worried that film imported un-American values, Hays made a case that movies were essential to the national economy, and he encouraged Hollywood to make patriotic pictures. Motion pictures under Hays's leadership became an instrument promoting nationalism. Hays attempted to convince Americans that this new medium was no less significant than the newspaper or magazine press and hence deserved comparable

legal guarantees. Adler, he hoped, would justify giving cinema greater freedom and at the same time enhance its status as an art form.⁶¹

Hays capitalized on the media revolution of his time. The movies emerged as one of the most powerful forms of communication, but they hardly existed in isolation. When Hays and his associates enlisted the latest techniques in mass advertising and public relations to exploit such developments as radio, sound recording, photography, modern newspapers and magazines, comics, pulp fiction, billboards, and the latest innovations in ground and air transportation, they created an entertainment complex of unprecedented power and influence. By establishing a network of volunteers—600,000 strong, if we take Hays at his word—the industry assured itself of access to communication that reached into every level of society.

Small wonder that entertainment and celebrity culture grew at such an astounding pace during the 1920s and 1930s. For those who opposed these developments, Hays's behind-the-scenes manipulation brought cynicism about modern media. No matter how shiny the veneer Hays constructed for moviemakers, to some they remained "false leaders" who were being swept into the public arena on unrelenting waves of publicity. To the dismay of these early critics of cinema, celebrities nonetheless became opinion makers and trendsetters, even as cultural critics who once held positions of influence were finding themselves marginalized.

It was much more than simply "an ironic accident of history," as it has been argued, that during the same era when the motion picture industry became "a major social influence in American life, the traditional power of the Protestant majority . . . declined." Despite his conservatism, Hays was modernism's envoy. It may have been that such developments were inevitable, especially given the explosive growth of mass media, but without Hays's direction, Hollywood's road to respectability would have been more difficult. His remarks about the influential nature of cinema aside, it is doubtful that this ambassador of the new media grasped just how dramatically society could be changed, or foresaw what direction change might take. Nevertheless, he seemed relieved, if not pleased, by the middle of 1934, as he sensed that the storm of criticism engulfing Hollywood was beginning to subside. The "skies were clearing," he said; the "industry's buffeted ship" had "reached open water" and was at last "free to go full steam ahead."⁶²

⁶¹Ramsaye, *Million and One Nights*, 820. See also Adler, *Philosopher At Large*, 75.

⁶²Jowett, "'A Capacity for Evil,'" 75; Hays, *Memoirs*, 455. Hays headed the MPPDA until 1945, when he was replaced by Eric A. Johnston and the name of the organization was changed to Motion Picture Association of America. Hays died in 1954 and the Production Code remained in effect until 1966. In 1968, the movie industry adopted the present rating system.