

2-1-2012

Censorship and Holocaust Film in the Hollywood Studio System

Nancy Copeland Halbgewachs

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**CENSORSHIP AND HOLOCAUST FILM
IN THE HOLLYWOOD STUDIO SYSTEM**

BY

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B.A., Sociology, University of Kansas, 1962
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DISSERTATION
Submitted in Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy
Sociology

The University of New Mexico
Albuquerque, New Mexico

December, 2011

DEDICATION

In memory of

My uncle, Leonard Preston Fox who served with General Dwight D. Eisenhower during World War II and his wife, my Aunt Bonnie, who visited us while he was overseas.

My friend, Dorothy L. Miller who as a Red Cross worker was responsible for one of the camps that served those released from one of the death camps at the end of the war.

To my family

My husband, Ron, who made this educational project work and who is always supportive of my adventures. Our parents, Jack and Grace Copeland and Edwin and Lola Halbgewachs, who always encouraged us to value education. Our children and their families, Ronna and Chris, David and Marah, Anne and Stan, Lara and Andy, and Phillip and Beth who never cease to surprise and amaze us. Our grandchildren, Lindsey, Veronica, Samantha, GraceAnn, Florence, Ian, and the little one on the way. Each seems destined to make her or his parents' lives surprising and amazing in their own right.

ACKNOWLEDGEMENTS

Dr. George A. Huaco served as my academic advisor and the chairperson of the dissertation committee. As an advisor, he kept an extended project moving forward and wisely knew how to handle a number of complications. As chairperson of the dissertation committee, he gave me both the support and the freedom to develop this project. Before the project began, he suggested I might want to look into the work of the Hays Commission. Dr. Richard Coughlin, Dr. Susan Tiano, and Dr. James D. Stone provided suggestions and a wealth of information that enabled me to complete the work. Richard and Susan posed interesting questions that often brought a needed focus to the work. Susan stepped in at a critical time and offered gracious recommendations and support. Being in theater, James brought a new perspective. Dr. Dodd Bogart and Dr. Beverly Burris also contributed to my understanding of the material.

The Margaret Herrick Library in Beverly Hills, California, has preserved and made available the files of the Hays Commission. Jenny Romero diligently made the information in the files available for my use. Without this resource, this project would not have been possible. I will remain indebted to those who first researched the archival records and whose work I reference in the material that follows. Ron and I were so fortunate to work in a lovely facility that was conveniently closed midweek so that we could refresh ourselves on the pier at Santa Monica.

Zimmerman Library at the University of New Mexico routinely added newly published research that was most important for this work. Clayton Ford created a working relationship within the library guidelines while we were on travel and away from the University of New Mexico. When I entered the program, the library had just completed its transition from the draws of the card catalogue to the digital system, Libros. It has been an education in its own right to participate in the changes as the system moved onto to electronic books and journals and internet databases.

The University is more than its faculty. Many work to support the students and the educational process. Patti Sanchez in the Bursar's Office, Douglas Weintraub in the Office of Graduate Studies, and Dorothy Esquivel, Kaitlin Coalson, Dona Lewis in the Sociology Department are among those facilitating the work of both faculty and students.

The Fenwick Library at George Mason University had a generous lending policy for friends of the library and provided historical material on the Holocaust.

The Holocaust Memorial Museum in Washington, DC was a source of inspiration and while we were living in Alexandria, Virginia, we were able to attend seminars on motion pictures about the Holocaust. Dr. Ray Walpow, at Western Washington University and Director of the Holocaust Museum at that university encouraged my pursuit of this research at an early stage of the research process. The Holocaust and American Indian Museum in Albuquerque, New Mexico had many useful hands-on materials readily available.

Without the skill and talent of Dr. Resa Levetan, Dr. Arnold Rosenblatt, Dr. Azita Moalemi, Dr. Narian Rajan, Dr. John Rhee, and Dr. John Graham, I would not have survived to complete my work. I will remain indebted to them each day of the rest of my life.

My husband's colleague and our friend, David Teumim, not only encouraged, but extended my understanding of the overwhelming loss the Jewish people experienced as a result of Adolph Hitler and the Third Reich.

At the University of Kansas, Dr. Charles K. Warriner, Dr. Marston M. McCluggage, and Dr. Norman Jacobs captured my sociological imagination and made it impossible to not return to academic work at an appropriate time. Dr. Emily Taylor, the first woman to be Dean of Women with an academic degree, imparted her love of education and knowledge of the pitfalls that women faced as they entered nontraditional career paths. She went on to create the Commissions on the Status of Women at the state level of our government.

My friends: Kathleen Church, Dorothy Orrell, Joanne Parker, Hedy Sanders, and Nancy Bell, read each page and enabled me to survive the editing process. Marge Oakes and laughed about my encounters with the computer. When our older children were on campus, she was advocating for him to use a computer. I frequently found the technology challenging and amazing. Alice Arnot brought me her copy of *Les Miserables* so I would have something interesting to read if I needed to prepare for a language examination. Betty Diebold loaned me her copy of *Balm in Gilead: Journey of a Healer*, the story of Margaret Morgan-Lawrence's work to become the first black woman child psychologist

when race dominated our educational institutions. Betty had been at Cornell at the same time Dr. Morgan-Lawrence was a student there. Many other women who were not able to pursue their educational dreams encouraged me to pursue this work in spite of certain difficulties along the way.

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ABSTRACT

Following the end of World War II in 1945 to 1969, Hollywood films remained silent about the extermination camps, the sites of the murders and incineration of European Jews by Nazi Germany that came to be known as the Holocaust. The Hollywood studio system produced very few Holocaust motion pictures before 1980. This research provides evidence from the files of the Hays Commission in the Margaret Herrick Library of the Academy of Motion Pictures Arts and Sciences to support the hypothesis that censorship was a major social cause of this silence. The correspondence between members of the Hays Commission, the business offices of the Motion Picture Producers and Distributors of America in New York City, and the studios for selected motion pictures produced between 1930 and 1969 demonstrates that censorship was a major factor that prevented Hollywood from producing films and foreign films from appearing in theaters. Once the studio system collapsed and with it The Production Code Administration, films about the Holocaust and the genocide of the Jewish people suddenly appeared in the United States. The archival records of the Hays Commission in the Margaret Herrick Library demonstrate the way films about the Holocaust were delayed by the censorship organization established by the Hollywood studio system. This hypothesis fills an important gap in knowledge about holocaust films as well as offering an important case study in organizational politics and its impact on an important aspect of culture.

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Preface

This project is not a result of a formal research process. I became interested in the production of Holocaust films after visiting the United States Holocaust Memorial Museum and attending a seminar of the motion pictures that had emerged in the late 1980s. The Holocaust scholars, Annette Insdorf, Ilan Avisar, and Judith Doneson had raised questions about why Hollywood was not involved earlier in the production of motion pictures about the annihilation of Europe's Jews and their culture. At the same time, a political science class at the University of New Mexico taught by Dr. Richard Waterman introduced the literature on politics and film. Film scholars focused on the motion pictures, their content, the portrayal of the Jew, and their implicit definitions of the Holocaust, but left questions about the source of the delays in the production and release of these films. During this time, Dr. George A. Huaco, offered a seminar on "The Sociology of Knowledge" that included the works of Karl Marx on ideology, Ian Watt on the rise of the novel, and Thomas Crow on the acceptance of the French impressionist painters by French culture. The material led to questions about the delays in the production and release of Holocaust films. During one discussion, Dr. Huaco asked about the work of the Hays Commission and Hollywood censors. This led to my investigation of the commission and the discovery the Academy of Motion Picture Arts and Sciences (AMPAS) had acquired the archival records of the Hays Commission and made them available for research in the Margaret Herrick Library. The first publications of research based on these records were becoming available. The timing was incredible.

Thomas Doherty describes the discovery of the files by film historian, Lea Jacobs, at the time a graduate student at the University of California in Los Angeles. He describes how she interviewed Albert Van Schmus who had worked as a member of the Hays Commission from 1949 to 1954. He told Jacobs about a row of filing cabinets containing old files from the commission and gave Jacobs permission to use them in her research. Jacobs reminded the archivist at the Herrick library about the files and expressed concern that they were likely to end up on "the ash heap of history." As Doherty reports the story, Linda Mehr, director of the library, contacted Fay Kanin, president of the academy. Kanin approached Jack Valenti, then head of the Motion Pictures Association of America

(MPAA), and they agreed the records warranted preservation and the arrangements were made for forty-four filing cabinets to the Herrick Library. The MPAA granted motion pictures researchers access to the inside story of Hollywood censorship.

Raised in rural Kansas in the 1940s, I had very little personal experience with Jews, the Holocaust, or anti-Semitism. Europeans had settled much of Kansas and many of the towns had ethnic identities. The Russian farmers brought winter wheat and Russian thistle, or the tumbleweed. There were Swedish and German settlements. One document in the local library listed twenty-seven different combinations of religious and ethnic communities. In the area where I grew up there were no Jewish communities. The Jews for the most part had remained in the urban areas of the east coast with a few coming to the urban communities of Kansas City and Wichita. While attending the University of Kansas I worked in the residence halls and had my first experience with blatant anti-Semitism. Some young women from the urban high schools in Kansas City and Wichita created problems for a young Jewish woman from New York named Elizabeth. It became necessary for me to discuss these issues with the Dean of Women, Dr. Emily Taylor, who quickly introduced me to the challenges Jews faced as a minority group.

I have no personal memories, only fleeting images of World War II. My uncle, Leonard P. Fox, was in Europe with the Eisenhower command. His letters came by airmail typed on the tissue paper used at the time or the white ink script images on the black photocopy and were welcomed by my mother and her family. The Santa Fe railroad stopped in the town. Townspeople would go to the depot to meet the train or the “doodle-bug,” to welcome someone home or to say goodbye. Just two years old at the time the Japanese bombed Pearl Harbor, my memories are but fleeting images and a sense of something very significant taking place. In some way, this research project emerged out of the impressions that created my awareness that this was something out of the ordinary and the discomfort that came with learning the way some students at the university treated Elizabeth. The newsreel images in the local movie theater were frightening. The room would darken, a red curtain was drawn back, and a huge tank appeared to charge out into the audience. Wanting to fill the gaps, to understand what was happening undoubtedly led to my decision to explore what sociology might bring to the understanding of this incredibly unimaginable time in our history.

After we moved to New Mexico, I met Dorothy Miller who became a dear friend and colleague in a variety of pursuits and interests. There was a portrait of a young woman in her living room. When I asked about it, she told me it was her portrait. A man that had been in a concentration camp had painted it. Dottie had been a Red Cross worker in Europe after the war and worked in the camps for those who were released from the concentration camps but unable to return to their homes. One Christmas she showed me a “Santa Claus,” a four-inch figure made from mattress filling made by another prisoner. When I would mention this project, she would suggest that I might want to pursue something else. In her mind, the atrocities of the Holocaust were not something to research.

The films of the Holocaust became a way for me to integrate the bits and pieces of my personal experience in an attempt to understand this period in our history.

INTRODUCTION

HOLLYWOOD AND THE HOLOCAUST

This study defines Hollywood's thirty-year silence about the Holocaust. It identifies the Hollywood studio system and its censorship structure as the systemic cause of this silence. Between 1945 and 1965, the Hollywood studios released only four films that film scholars have identified as Holocaust films. Three of these films refer indirectly to the Holocaust. *The Stranger* (1946), *Judgment at Nuremberg* (1961), and *The Pawnbroker* (1965) are about events that occurred after the end of World War II and only briefly reference the factory-like murders in the camps using very short newsreel film clips. *The Young Lions* (1958) was a conscious attempt to create a story about a concentration camp. The fact that the studios released only one film featuring the Holocaust from 1945 until 1965, but between 1980 and 1989 released at least 65 films, justifies the use of "silence" to describe the actions of the studios at the time. The Production Code Administration (PCA-Hollywood's internal censorship organization) functioned as an intermediary between the studios and those that protested motion picture content. The PCA not only prevented Hollywood from releasing Holocaust films but also prevented the distribution of European Holocaust films in the United States. This study identifies the censors' treatment of motion pictures released between 1940 and 1969 including proposed films and screenplays that never made it past the PCA. The correspondence between the PCA and the studios demonstrates that censorship made it impossible for the producers and screenwriters to create motion pictures about the murder of 6,000,000 European Jews in Germany in the 1940s. The pattern of distribution of the Hollywood studios' film releases marks the breakdown of the PCA in the late 1950s and early 1960s and clarifies the claim that censorship mattered. The correspondence between Hollywood's producers and directors and its internal censors (PCA) in the archival records of the Production Code Administration in the Motion Picture Academy's Margaret Herrick Library in Beverly Hills, California, provides evidence that supports the claim that censorship was a major cause of this silence.

The Holocaust, or the largely successful attempt by the fascist government of Nazi Germany to exterminate European Jewry, was a major part of the tragedy of World

War II. Many of the Jews who did survive the atrocities have recorded their stories so that future generations may remember what happened. Yet, the Nazis executed and destroyed not only the Jewish populations in Europe, but also the Jewish culture. It is impossible to imagine what Jewish culture might have been without such destruction. The Nazis and the German citizens survived to tell their stories; that is knowable.

Unknown are the stories of those who were executed in the camps. There is no one to tell the stories of those who faced execution. Their stories, their last living moments, could never be told. The experiences of the more than 6,000,000 mothers, fathers, children, rabbis, teachers, and shopkeepers will forever remain unknown. However, it is known that when they were brought to the concentration camps, they were unloaded from the transport trains and sent to showers for “delousing and processing.” Herded together and yet emotionally alone, naked and stripped of all possessions, they entered the camp’s showers where they were gassed and their bodies were incinerated in brick ovens. In the small towns, Jews were forced to board trucks where they were transported to a mass grave, lined up, and shot. The bodies, dead or alive, fell into the gravesite. The Jews in more rural areas boarded trucks for transport. While confined, they inhaled the gas pumped into the crowded truck container and died from the poison.

An elderly woman, Luba, living just outside of Senkivishka, a village in rural Ukraine, describes what she and her sister had witnessed hiding in their farm house sixty one years earlier.

Early that morning the farmers had been forced to dig an immense ditch, “over there” she says pointing with her left hand. Each truck unloaded 50 Jews from the village, mainly women and children. These people were her neighbors, friends, and classmates. She told us that in 1941 the village school included Poles Ukrainians, and Jews.

At the edge of the ditch the earth had been packed into a makeshift ladder. The Jews undressed, while the guards beat them. Completely naked, family after family, fathers, mothers, children went calmly down the steps and lay face down on top of the bodies of those who had just been shot. A man called Humpel, a German policeman, advanced, upright, walking on the dead bodies, pistol in hand, and murdered each Jew, one after the other, with a bullet in the back of the neck. Less than 10 meters away, the two sisters saw everything. Before starting his work that morning, Humpel had put on a white coat like a doctor’s smock, and then had gone down into the ditch. Luba thinks he wanted to protect his uniform. At regular intervals, he stopped shooting, climbed out of the pit, took a break,

drank a small glass of liquor, and went back into the ditch. Naked, another Jewish family climbed down into the ditch and lay face down. The massacre lasted one full day. . . . Humpel killed all the Jews in the village, single-handed. (Desbois, 2008, pp. xiii, xix)

The 460th witness to the murder of Jews in the Ukraine told this story. The next day her sister, Vera, living in another village confirmed the story. The deaths of many of the eastern Jews have yet to be recorded and counted. Paul A. Shapiro, Director, Center for Advanced Holocaust Studies, United States Holocaust Memorial Museum, writes, “These first mass victims of the Holocaust went largely forgotten through most of the post-World War II era. Their stories and the fates of their communities were obscured by clouds of Soviet secrecy and anti-Semitism. . . . This was just as the Nazis and their collaborators had wanted. Their goal had been to make it as if those first hundreds of thousands, then millions of innocent Jewish victims had never existed” (Desbois, 2008, p. ix).

On April 4, 1945, when the Allied Forces liberated Ohrdruf, a satellite of the Buchenwald death camp, the rest of the world outside Nazi-occupied Europe was not aware of the concentration camps built to gas and incinerate the Jews of the carnage inflicted across the European continent. Lieutenant Colonel Lewis Weinstein, who was present at the liberation of the camp at Ohrdruf, had insisted that General Omar Bradley recommend to General Dwight D. Eisenhower that he go to the camp (Franks, 2007, pp. 82, 83). Eight days later Eisenhower and Bradley, accompanied by General George Patton, inspected the entire camp. Dismayed at what they saw, Eisenhower brought in newsmen, including the Hollywood Moguls and delegates from Washington, DC, to authenticate the existence of the camps (Shandler, 1999, p. 6). Called the moguls, a name implying power and control, Hollywood studio heads created an entertainment industry that thrived on publicity. On April 12, 1945, as headlines in the United States announced the death of President Franklin D. Roosevelt, news of the German atrocities in Europe began to spread. In 1945, movie audiences began to see film footage of the concentration camps (the camps where Jews were gassed and incinerated) in the newsreels shown before each feature film. As people in the United States became aware of what had happened in Europe, many found these atrocities incomprehensible. For that matter, even Europeans found it hard to believe.

In 1944, two young Slovaks, Rudolph Vrba and Fred Wetzler, had escaped from Auschwitz and traveled through Nazi occupied Poland to their homes in Slovakia. Motivated by the need to make sense out of their fate and by their desire to prevent others from the atrocities in Auschwitz they informed the Slovakian Jewish Council about the mass murders of European Jewry. These Jewish leaders could not believe their story. (Silence of the Dead: Escape from Auschwitz)

In 1946, Orson Welles produced a motion picture, *The Stranger*, starring himself, Loretta Young and Edward G. Robinson. Writers seldom mention *The Stranger*. Although Ilan Avisar (1988) includes it in his filmography of Holocaust films, he does not discuss it in his book. The film tells the story of an Investigator for the War Crimes Commission who pursues a Nazi Holocaust mastermind. Like *Operation Eichmann* (1961), the story only indirectly deals with the events that make up the Holocaust. With the exception of the film, *The Young Lions* (1958), the films released before 1965 do not directly address the fate of Europe's Jews. Instead, Hollywood motion pictures focused on the war in Europe and in the Pacific. A small number of social consciousness films featured the Nazi regime and Hitler's rise to power. The British writers, Toby Haggith and Joanna Newman, (2005) identify *The Young Lions* (1958) as the first motion picture that attempted to portray a concentration camp using live actors and sets. For *The Young Lions* Edward Dmytryk, the director, created a set where a young German soldier encounters a concentration camp while making his way across Germany to rejoin his regiment.

Classical Hollywood existed for the sole purpose of providing entertainment and making a profit. Is it not necessary, then, to ask why anyone would want to view a movie that focused on the Holocaust? The idea behind the policies that emerged was to police the studios and to "protect" the public. Entertainment should be safe and not corrupt the audience. These policies created before the war had nothing to do with the Holocaust. However, they did exclude the possibility of attempting to present the horror of the millions exterminated in Europe in the early 1940s. Hollywood only began to tell the Holocaust story after the transformation of the studio system that resulted from television's becoming a competitive media that included, among other things, entertainment.

For almost thirty years, Hollywood released very few motion pictures in which the screenplay featured the Holocaust. What might explain this relative silence for over a quarter of a century? Throughout the United States, people understood Classical Hollywood to be a Jewish industry. There are those that say the Jews in Hollywood did not want to draw attention to their social backgrounds because they wanted to be Americans, not Jewish immigrants. Others, like Judith Doneson suggest the anti-Semitism in the United States at the time threatened Hollywood to the extent that no one wanted take up the subject of these murders in Europe. Others point out that the Holocaust, after all, was a European event. It did not involve America.

This study takes a sociological approach to explain the absence of Holocaust films in Hollywood. Sociologists distinguish social causes from psychological and cultural explanations of events. Social causes originate in the structures and processes that make up society; therefore, they are not attributable to individuals and their motivations. Social causes, in this case censorship, explain Hollywood's silence about the Holocaust. This study provides evidence that the major social cause of this silence was the Hollywood studio system and its censorship structure. This censorship structure not only prevented Hollywood from releasing Holocaust films but also prevented the exhibition of Holocaust films produced in European countries. Censorship continued until television and the anti-trust rulings by the United States Supreme Court finally led to the break-up of the studio system. The technology that resulted in television and satellites created media capable of competing with the motion picture industry. The studios had controlled production, distribution, and exhibition up until that time. Known as the Paramount case, court rulings forced the studios to divest exhibition and give up control of that aspect of the industry. This study demonstrates that once the studio system collapsed, and with it the PCA, the transformed Hollywood slowly began to produce films about the Holocaust. The genocide of the Jewish people first appeared in television programs and then on the motion picture screens throughout United States (Shandler, 1999). In the 1980s, as the country assimilated the Holocaust into its cultural story, the number of films multiplied.

The film scholars and critics who began to write about Holocaust motion pictures included lists of Holocaust motion pictures in their books. Writers refer to these film

listings as filmographies. The earliest films on these lists that address the destruction of the Jewish populations in Europe even indirectly include

Confessions of a Nazi Spy (1939)
The Great Dictator (1940)
The Mortal Storm (1940)
The Stranger (1946)
The Sealed Verdict (1947)
The Young Lions (1958)
Operation Eichmann (1961)
Judgment at Nuremberg (1961)
Ship of Fools (1965)
The Pawnbroker (1965)

Only *The Stranger* (1946), *The Young Lions* (1958), *Judgment at Nuremberg* (1961), and *The Pawnbroker* (1965) contain scenes that could be included under the term, “The Holocaust.” None of the other films includes the inhumane internment, execution, and disposal of the bodies of the Jews. In the 1980s, Holocaust film scholars began to ask the question central to this research, why did the studios not make films following the war? Some even suggested the films should have been made even earlier.

The first chapter of this study begins with a description of the pattern of the release dates for Holocaust films. This analysis is based on the frequencies of release of motion pictures between 1940 and 1999. The distribution of film releases shows that it was not until the late 1970s and early 1980s that the film industry in the United States produced significant numbers of films with the Holocaust as a theme. This is followed by the important discovery of the files of the Production Code Administration, Hollywood’s internal censorship organization. The Margaret Herrick Library acquired these files. Their availability led to a body of research published in the late 1980s and early 1990s that contributed to the idea that an investigation of censorship might lead to an explanation of the silence in Hollywood about the Holocaust.

Sociologists, like other academics, are sensitive to the need for clarity in the use of terms, and in this instance, the disparate uses of the word “holocaust” has led to irrelevant and misleading discussions and claims. In these situations, some sociologists use the system of Ordinary Language Analysis as a tool in their research. Here, The United States Holocaust Memorial Museum scholars use OLA to make the distinction between holocaust and Holocaust. (Chapter One, Section III) This section presents this

analysis in some detail because it provides an overview of the ways the term Holocaust entered American discourse. The distinction currently made in this field of study between holocaust and Holocaust is to restrict the use of The Holocaust to refer to the genocide of Europe's Jews. The term holocaust, on the other hand, refers to other genocides, or to the systematic murder of the homosexuals, gypsies, and Jehovah's Witnesses caught up in the Nazi atrocities during World War II. This study uses this distinction and meaning of the terms.

The literature that emerged in the 1980s about Holocaust motion pictures follows the discussion of the files discovery and a review of the censorship literature. The literature review contains two sets of books: research on censorship and research on Holocaust motion pictures. The literature on censorship produced since the PCA files became available for research does not address Holocaust motion pictures. The study of violence by Stephen Prince, a professor of communications, (2003) comes closer to the Holocaust problem than any other study, simply because the Holocaust by definition was violent. The analysis of censorship notes consistencies between the current research and the works reviewed. The second part of the review identifies three authors in the 1980s, Avisar, Insdorf, and Doneson, who raised the question of the existence of Hollywood and the Holocaust. This literature review, however, unlike most literature reviews, does not attempt to place the current work as contributing to a particular body of work. This is not an attempt to study either censorship or Holocaust motion pictures exclusively. Instead it considers a point of intersection between knowledge of censorship and knowledge of Holocaust films. This research explores how censorship influenced the production of Holocaust films. Its empirical contribution is to identify censorship as a factor in the emergence of Holocaust motion pictures in a way that both supports and challenges claims made by researchers in their respective fields of study.

"Description of the Research Process" is the title of the second chapter. Process best describes this project because, in seeking an explanation for the silence, it became necessary to pursue different resources and find the evidence that supported the claim that seemed to have the most validity. By providing this explanation, others can evaluate the research process as well as the evidence presented to support the claims made.

Chapter Three, “Censorship: In the Beginning,” suggests that the civic protests against the content of earliest forms of the visual entertainment media indicate that censorship is not a unique social practice. Censorship was an integral part of the resolution of social conflict in the institutions that vied for the control of Hollywood. Censorship also developed along with the industry. As the industry expanded over time, competition reduced the number of studios to five major studios (the majors), Metro-Goldwyn Mayer (MGM), Paramount, 20th Century Fox, Radio Keith Orpheum (RKO), and Warner Brothers (Warner Bros.), and three smaller studios (the minors), Columbia, Universal, and United Artists. Municipal and state ordinances, the first legal challenges to film content, provided the template for the censorship of films for the decades that followed. The increase in court cases occurred along with an increase in the number of censorship organizations. Competitive organizations representing a wide spectrum of the population sought to exert pressure on the industry in order to determine what would be acceptable and appropriate in the theaters. City and regional censors, designated by the name of the state in which they originated, became forces that successfully challenged the film industry. The business model that emerged had made it clear that, although its product was entertainment, the goal was to make money. Profits were highly desirable and it became obvious that, if the industry was to continue to expand, large amounts of capital would be necessary for the increasingly elaborate and technologically complex productions. In one of the cases presented in this chapter, *Fox Film Corporation v. Chicago*, 247 F. 231 (1917), the court ruled that Chicago’s ordinance requiring films to be licensed by the city did not authorize the police chief to refuse a permit based on his personal judgments of a film. However, the emerging industry quickly learned that court cases led to delays in production and the release of films had serious consequences when they considered the total costs and the profits from a film. This research on censors and Holocaust motion pictures extends previous work in this area by describing how early restrictions on the presentation of political themes had to be overcome before the industry could deal with social atrocities like the Holocaust. The history of Hollywood, beginning as it did in New York City, had its origins in the penny arcades and the peep shows. The emerging technology led to moving pictures, complete with color and sound highlights the fact that sex, violence, and human pathos sells. The human suffering of the Holocaust

was an exception to this. Following the war, directors worried about the likelihood that audiences would not want to see the Holocaust portrayed on a big screen in a darkened movie theater.

Chapter Three also includes a discussion of the break-up of the studio system. Film historians attribute this to both legal and technological factors. Some historians consider the change abrupt and resulting in disintegration. Others see it as a transformation. The analysis in this study shows the gradual appearance of Holocaust films as the studio system transformed its organization to accommodate the presence of television. No longer in charge of exhibition, the studios found its censorship organization, the Production Code Administration (PCA), irrelevant. Within the industry, internal censorship had been a tool used to minimize costs and appease those who sought to control film content. “Will Hays—the Outsider Comes to Hollywood” is another title for this next section. Trying to rebound from the depression, facing threats that the government might attempt to establish policies regarding the content of films, and facing an ever-increasing number of public protests, forced the industry to consider a means to both maintain control of its product and to increase its business. The Motion Picture Producers and Distributors of America (MPPDA) decided to bring in someone from outside the industry, Will Hays, to represent the industry in censorship disputes and to attempt to “clean up” the content of the motion pictures. Hays established a Studio Relations Committee (SRC) to interface with the public on behalf of the studios. His ground rules, known as the “*Don'ts and Be Carefuls*,” were to guide film content, but the problems persisted and Hays brought Joseph Breen, a Catholic, to Hollywood to work for the SRC.

Chapter Four, “The Production and the Making of Movies,” describes the efforts of Joseph Breen to regulate film content. His efforts did not prevent the Catholic Church from establishing The Catholic Legion of Decency. Breen’s role in the establishment of the Legion is not clear. Some interpret his actions as supporting the League; others suggest that he was opposed to it. The descriptions of actions taken by this organization and the PCA distinguish between the functions of each group in the industry. Following the adoption of the Production Code in 1930 and the challenges by the Catholic Church to recent films, Hays appointed Joseph Breen, already a member of SRC, head of the

Production Code in 1934. In the section “Screw the Hays Office,” the archival records of *Scarface* (1932) and the research of Dawn Sova (2001) on forbidden films provide insights into the functioning of Hollywood’s censors just before Joseph Breen became the PCA Administrator. Howard Hughes was determined to produce this film without submitting to any of the Hays office (the popular name of the PCA) demands. This strategy did not work out for Hughes. The material presented illustrates the extent the Hays Office went to, to get the film released in a manner that would survive the public censors.

The correspondence in the archival file of the film, *The House of Rothschild* (1934) directed by Daryl Zanuck, reveals the functional differences in the division of labor between the MPPDA offices in New York City and the PCA office in Hollywood. The Hollywood office (PCA) focused on film content. The offices in New York were the site of business decisions, of management of foreign releases both in the United States and overseas, and the budgets and financing of films. The significance of the division of labor and authority between the two offices is that the Hollywood office focused on content and the New York office focused on business. The New York organization had the final power of veto and issued the code seal of approval necessary for the release of any film. The office in Hollywood had the primary task of making sure the film would not run into challenges by the many censorship groups that existed at the time. The role of the censors as reflected in the correspondence regarding this film introduces the importance of the European market for the industry and the sensitivity of the moguls to the rising tide of anti-Semitism in the United States. Warner Bros. released *The House of Rothschild* in 1934; the year Germany began enacting its Nuremberg laws restricting Jewish participation in German society in 1934. Although some claim that *The House of Rothschild* was the last Hollywood film released in Germany, but evidence is incomplete.

Chapter Four also focuses on the challenges the entertainment industry (Hollywood) faced as some sought to use the media to address social and political issues. This chapter addresses the period after Hitler demanded that all United States employees of the industry be withdrawn from Germany. The decision made in the New York office of the MPPDA was that the industry should comply. The effects of this decision on the industry’s market are discussed in the section, Censors and the Market. The United States

industry had dominated the foreign markets because all producers and exhibitors relied on the technology known as Dolby Sound. Estimates of the percentage of Hollywood's income from foreign market are as high as fifty per cent of a film's gross income.

Today the industry recognizes Walter Wanger for his efforts to introduce movies dealing with social concerns. The issues associated with his films, *Blockade* (1938), *Personal History* and *Foreign Correspondent* (1940) define Hollywood and its relationship to politics at the time. Wanger's films and *Confessions of a Nazi Spy* (1939), a Warner Bros. production, provide insights into the struggle that would continue through the next two decades. The screenplay, *Personal History*, was never produced. Some claim the film, *Foreign Correspondent*, is an adaptation of the screenplay, *Personal History*, but other authorities find the changes required by Joseph Breen too extensive to make the claim that it is the same screenplay. *Address Unknown* (1943) is included in this chapter because it is an adaptation of the novel first published in 1938.

Film Production and censorship during World War II is the topic of Chapter Five. The Office of War Information (OWI) had established an organization in Hollywood to coordinate its efforts with those of Hollywood during World War II. Clayton Koppes and Gregory Black, (1990), provide a comprehensive description and analysis of the relationship between the two. Their research supplements the findings in the archival files of the films included in this chapter. The research of James C. Robertson (1989) on banned films also provides additional material especially in the case of the important film, *Pastor Hall* (1940). This film went unnoticed by those writing about Holocaust films until Annette Insdorf included it in the chapter called "Rediscovered Films" in the 2003 edition of her book, *Indelible Shadows*. Robertson's analysis provides insights into the problems faced when exhibitors tried to present foreign films in the United States during the war years. Anthony Slide, author of *Banned in the USA: British film in the United States and their Censorship* provides further insights into the market for British films in the United States in this period. The films included in the chapter are:

The Great Dictator (1940)
The Mortal Storm (1940)
Pastor Hall (1940)
So Ends Our Night (1940)
To Be or Not To Be (1942)
Once Upon a Honeymoon (1942)

Hitler's Children (1943)
None Shall Escape ((1944)
The Seventh Cross (1944)
Tomorrow the World (1944)
Watch on the Rhine (1945)
The Stranger (1946)

In this country, most people, including Generals Eisenhower, Bradley, and Patton, did not know about the concentration camps until 1945, it is almost impossible to know the sources of information for the stories these films told (Leff, 2005; Shapiro, 2003; Shandler, 1999). As in the case of *The Stranger*, many were adaptations of popular fiction. Others were stories woven from current events. *The Great Dictator* (1940) and *Address Unknown* (1943) are most familiar to audiences today. This set of films is important because the material in the archival records contributes to the analysis of the effect of censorship on Holocaust motion pictures produced by the Hollywood studio system.

Stephen Prince (2003), who researches violence on the screen, notes that producers and directors of the many war films included violent acts that the PCA would have rejected before World War II. He attributes this in part to the desire to support the war effort and to the presence of the Office of War Information in Hollywood. The archival records on the films in Chapter Five support his findings. They also support Shandler's claim that during the late 1930s and leading into the 1940s fewer Jewish actors used their Jewish names as screen names. In the year before Pearl Harbor Charlie Chaplin released his film *The Great Dictator* (1940). Joseph Breen is reported to have praised the film and the PCA made only one requirement, eliminate the word "lousy" from the dialogue.

The PCA continued to require that actions on the screen not violate the human body. The directors used distance shots to protect the audience from viewing mutilated bodies in the battleground scenes. The commitment to maintaining the integrity of the human body indicates the challenges faced by those who wanted to produce Holocaust motion pictures when it became a part of the American experience. Closely related to the integrity of the human body is the requirement that films avoid what came to be known in the industry as "brutality and gruesomeness." Some of the letters in the archival file of

the film, *Watch on the Rhine* (1940), reveal how the censors and the directors dealt with these concerns.

In Chapter Six, 1946—1969, the first of the motion pictures about the Holocaust are examined to assess the effects of censorship on the production of films on this subject. The presence of the Holocaust on television not only contributed to its acceptance in Hollywood but also led to what has since been called the “Americanization of the Holocaust.” This phrase refers to the process that led to the European atrocities, known as the Holocaust, being assimilated into mainstream American culture in the 1980s (Mintz, 2001).

The censorship and production issues that confronted films other than those identified as Holocaust motion pictures provide insights into the PCA immediately after the war and following the retirement of Joseph Breen in 1955. Just before his retirement, the PCA introduced changes to the Production Code. Two archival records and other reports on the films, *On the Waterfront* (1954) and *Baby Doll* (1956), reflect the changes in film content that resulted from the revisions of the Production Code.

When the New York Board of Censors denied two foreign films, Fritz Lang’s “*M*” (1931) and Max Ophuls’ “*La Ronde*” (1950) licenses for exhibition in New York, the distributors challenged the rulings in court. Under court rulings from as early as 1916, the government at any level could invoke interstate commerce arguments. Under the same court rulings, the industry used foreign films to appeal censorship practices and eventually declare films to have the First Amendment rights of free speech. This decision was monumental for the industry. After years of being treated in the same manner under the law as the railroads or meat packing industries, the producers and directors now could invoke the right to freedom of speech when necessary.

The films included in this chapter are:

The Sealed Verdict (1947)
The Diary of Anne Frank (1952)
Operation Eichmann (1961)
Judgment at Nuremberg (1961)
Ship of Fools (1965)
The Pawnbroker (1965)

The non-Holocaust films that are included in this chapter because the archival records contain valuable information are:

M (1931)
La Ronde (1950)
On the Waterfront (1954)
Baby Doll (1956)

The Paramount decision, the Supreme Court case that led to the breakdown of the studio system, the return of the military after the war, and the effects of the emerging television industry on the studios are identified as contributing to the breakdown of the studio system. The return of military personnel also changed the social characteristics of theater audiences.

The appearance of the Holocaust on television (Shandler, 1999) eventually led to the Holocaust becoming acceptable to the viewing audience. Abby Mann, in the introduction to *Judgment at Nuremberg* (2002), describes the social context of the emergence of the Holocaust on television and in the motion pictures. He discusses the difficulties faced by both the television showing and the motion picture.

Directors and producers were challenging censorship long before either Eric Johnston (1896-1963) or Jack Valenti (1921–2007), became president of the MPPA. Valenti followed Eric Johnston. In 1966, Valenti replaced the Code with a rating system. The Motion Picture Producer and Directors Association had named Johnston president in 1946. He immediately changed its name to Motion Picture Association of America (MPAA). He had been President of the United States Chamber of Commerce, retiring in 1945. As head of the MPAA, he was involved in the 1947 Hollywood blacklist. He worked to increase foreign markets for films after the war. He also worked to liberalize the Production Code. The most serious challenges to the Production Code occurred in the late 1950s and early 1960s. Information in the archival files of *Judgment at Nuremberg* (1961) and *The Pawnbroker* (1965) explain how the system eventually collapsed. Eli Landau challenged the Hays Commission's refusal to approve the code seal for the release of the motion picture, *The Pawnbroker* (1965). Biographers report that Landau called Sydney Lumet just two weeks before production was to begin to get him to direct the film after the original director had become ill. The film is a screen adaptation of the best-selling novel by Edward Lewis Wallent. Included in this chapter are the analysis of

the censorship issues, the decision to appeal the denial, and the consequences of the actions for future productions. The requirement that films come to a moral conclusion, i.e., in “Hollywood style,” including being underscored with musical themes that detracted from the serious topics, accounts for much of the criticism of Holocaust movies. One of the more indirect consequences of censorship was this necessity for “moral endings to the stories.”

The concluding chapter, “Silence: The Result of Censorship,” summarizes the evidence that supports the claim that censorship delayed the production of Holocaust films until the late 1960s. The PCA worked on behalf of the studios so that films would experience minimum edits from public censors such as the city and regional boards. These boards enforced a social policy that reflected the beliefs of the public from which the studios drew their audiences. This chapter ends with a brief listing of some of the well-known Holocaust films that produced by Hollywood in the 1970s and 1980s following the end of censorship by the PCA.

CHAPTER ONE

HOLOCAUST FILM: CENSORSHIP MATTERS

I. The Holocaust on the Screen

Following the end of World War II in 1945, many filmmakers remained silent about the extermination camps, the sites of the murder and incineration of European Jewry by Nazi Germany. This study shows that a major social cause of this silence was the Hollywood studio system and its censorship structure. Sociologists use the term social cause to distinguish explanations of behavior that exist at the “social” level in contrast to the individual or psychological level (personality) or biological level (physical). It affirms that groups are real and sociologists must study them as such. This research studies censorship as a set of observable actions. As a social cause, it accounts in part for the silence about the Holocaust. This censorship structure not only prevented Hollywood from releasing Holocaust films, but also prevented the showing of European Holocaust films in the United States. Once the studio system collapsed and with it the Production Code Administration (PCA), films about the Holocaust and the genocide of the Jewish people began to appear in the United States. The studio system broke down with the advent of television and the anti-trust rulings of the U.S. Supreme Court. These actions forced the studios that had controlled production, distribution and exhibition to give up their control of exhibition. No longer in charge of exhibition, the PCA quickly became irrelevant.

Before the United States entered the war, Hollywood released a limited number of films about what we now recognize as the Nazi takeover of Germany’s politics and institutions and their invasion of other European countries. From 1940—1969 Hollywood released less than 50 motion pictures identified as Holocaust films by scholars in the field. Their identification as Holocaust films does not necessarily mean they are about the Holocaust. Holocaust film scholars included films with Jewish/German themes in their filmographies even if they only indirectly made reference to the Holocaust itself. The censorship issues that arose over these films is evidence of the control the PCA exercised over the studios. Holocaust and film studies scholar, Ilan Avisar, (1988) reports that overall, Hollywood released an average of 500 films a year between 1940 and 1945. In

terms of Avisar's numbers, films in the filmographies of Holocaust scholars were no more than 0.6% of the 2000 films released during the war. These numbers are consistent with the fact that Hitler intentionally sought to keep the annihilation of the Jews secret as long as possible. Further evidence of his intent is the existence of a camp established for the sole purpose of receiving visiting Red Cross workers and others working to insure human dignity.

Until 1965 the only motion pictures containing references to the to the camps of the Holocaust were released after 1945. They are:

Orson Welles' *The Stranger* (1946)
George Stevens' *The Diary of Anne Frank* (1952)
Edward Dmytryk's *The Young Lions* (1958)
Stanley Kramer's *Judgement at Nuremberg* (1961)
R. G. Springsteen's *Operation Eichmann* (1961)
Sydney Lumet's *The Pawnbroker* (1965)

In *The Stranger* (1946), *Judgement at Nuremberg* (1961), and *The Pawnbroker* (1965), the camp scenes were taken from newsreel footage that had been edited and presented in the newsreels before the feature film. *The Diary of Anne Frank* (1952) is an adaptation of the diary of a young Jewish girl and her family in hiding. Anne ended the diary before her capture and death in a concentration camp, so the camps are not a part of that film. In *The Stranger* and *The Pawnbroker* the camp scenes are flashbacks used to explain or justify the characters' behavior after the end of the war. In *Judgment at Nuremberg* the clips are viewed by the audience as each witness looks at the selected material during his or her testimony. *The Young Lions* includes a scene with a set representing a camp and actors dressed to appear as prisoners. *Operation Eichmann* is about Eichmann and although he created and administered the death camps he did not directly participate in the on-site operation of the camps.

Charlie Chaplin released *The Great Dictator* in 1940. The other three films released that year are *The Mortal Storm*, *So Ends Our Night*, and *Pastor Hall*. Kay Picart's *Holocaust Film Source Book* (2004) does not list any of the three. *Pastor Hall* was produced in England. When the distributor sought to release the film in the United States, it was rejected until viewed by James Roosevelt who purchased it and distributed it himself. James is the son of Franklin D. Roosevelt, President of the United States. Prior

to distribution, he added an introductory statement made by his mother, Eleanor Roosevelt. (see Chapter Five, Section II.)

The *Mortal Storm* (1940) is based on the novel by Phyllis Bottome. The story, as told in the novel, occurred between World War I and World War II just shortly after Hitler came to power. Box office receipts for this film varied by the location of theaters across the country. *So Ends Our Night* (1940) faced censorship issues not because of the political story, but because of implications of sexual activities not acceptable to the many censorship organizations that existed at the time. (see Chapter Five, Section VI.)

Figure 1 shows the distribution of pictures released per year between 1940–1969. Figure 2 shows the distribution of pictures released per year between 1970–1999. While the studios released less than 50 “holocaust” films between 1940 and 1969 (ref. Figure 1), the number of releases more than doubled from 1970 to 1999 (ref. Figure 2).

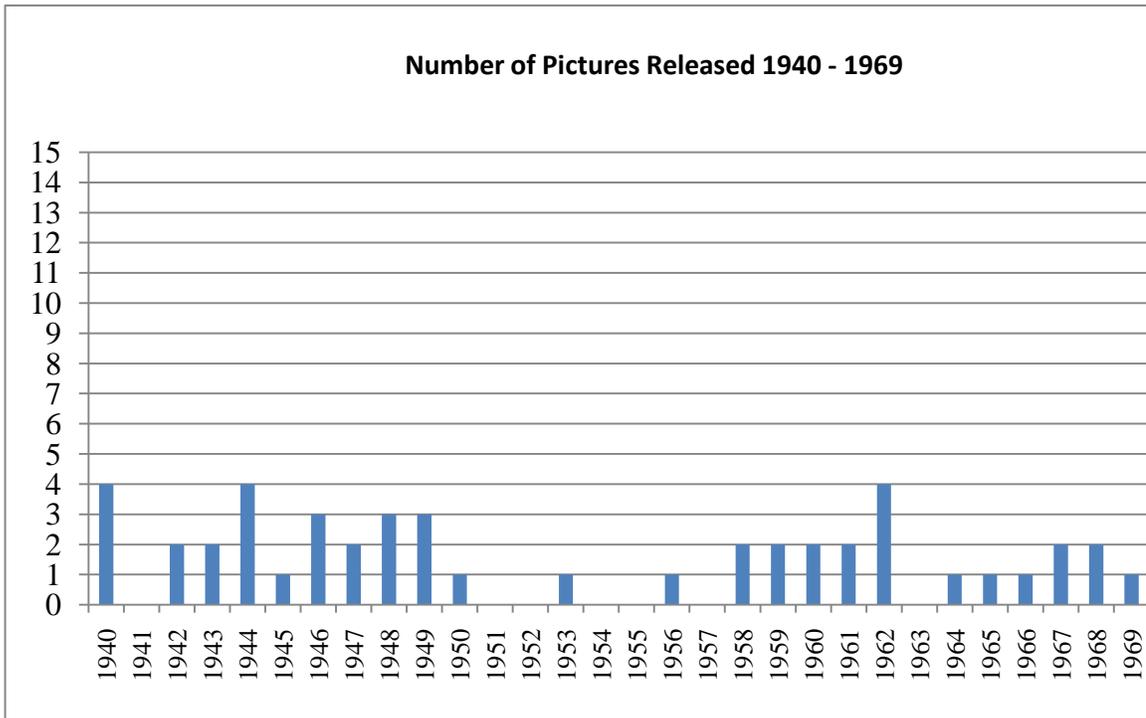


Figure 1. Number of Holocaust Pictures Released 1940—1969

Total Released from 1940-1969 47

Average Number of Films Released by Hollywood studios per Year 1.57

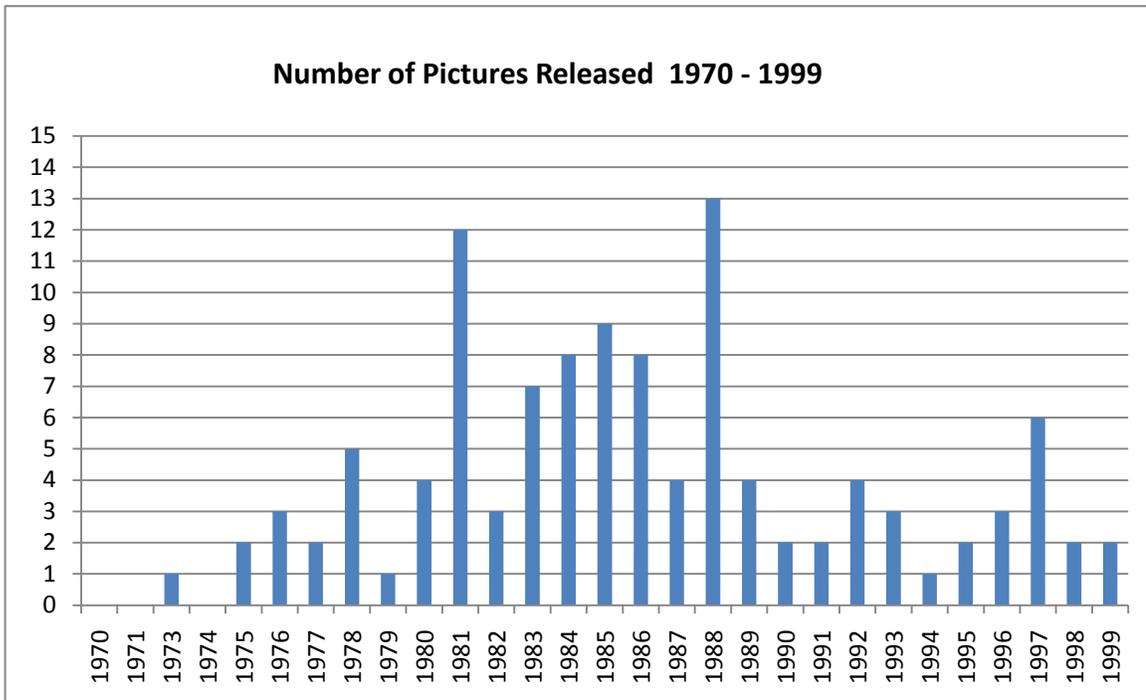


Figure 2. Number of Holocaust Pictures Released 1970--1999

Total Released from 1970 – 1999 113

Average number of films released per year 3.7

Given the interest in Holocaust films beginning in 1970, one would assume that there would have been an interest in the earlier decades, 1945 – 1965, (Fig. 1). The absence of films during this period suggests that censorship prevented the studios from producing film on the topic. Hollywood released 74 total in the ten year period between 1978 and 1988. In 1981, the studios released twelve motion pictures with Holocaust themes. By 1993, Hollywood studios had produced and released sixty-seven more films on this topic. Of these, *Schindler's List* (released in 1993) won multiple Academy Awards. According to the box office records, the film made a profit. Spielberg scheduled the premier in Washington, DC to coincide with opening of the United States Holocaust Memorial Museum (Weinberg and Elieli, 1995). These events occurred almost fifty years after the end of World War II (Keneally, 2007).

II. Internal Censorship

It is well known in the field of film history that the Production Code Administration (PCA or Hays Office) acted as an internal censorship group within the

film industry. The effect the PCA had on the production of motion pictures dealing with the Holocaust has not been known until now. Stephen Prince writes that in 1968 Hollywood, “Much is to be learned in looking at this earlier period. The explosion of graphic violence on-screen after 1968 can seem very disjunctive compared to previous decades of filmmaking. After 1968, for example, gunshot victims explode in showers of blood; they did not do so in earlier decades” (2003, p. 1). He asks if the term violence has the same meanings today as it had in the 1930s. He answers his own question claiming that the meaning of behavior that is identified as violence has changed over time. The observable behavior remains the same but may or may not be labeled as violence. Writing from the perspective of Hebrew literature, Alan Mintz explains that in theoretical models where culture is viewed as being socially constructed, word meanings are understood to be subject to change as the community uses the word(s) and encounters situations that result in new meanings. “For the constructivist model, the point of departure is the assumption that beyond their factual core, historical events, even the Holocaust, possess no inscribed meanings, meaning is constructed by communities of interpretation—differently by different communities—out of their own motives and needs” (2001, p. 4).

While the communities constructing meanings changed the use of words, the studios remained subject to the unchanging language of the Production Code written in the 1930s. This became more problematic in the 1950s when the studios wanted to expand their product and the Code continued to impose its restrictions. One scene in a western film, is somewhat humorous to those familiar with the Code and illustrates the application of the Code. A would-be marshal shoots the “bad” guy in a saloon. There is no blood (Code), but the “bad” guy is hit by two bullets (Code) and does not fire his weapon. According to the Code an Indian warrior could shoot three arrows, but when the marshal firing a gun was allowed only two bullets. Three other bullets pierce the beer kegs behind the “bad” guy and beer spouts out appearing to soak his clothes as he gracefully slumps to the floor. Once one is aware of these restrictions, viewing films from this era is never quite the same. At the time, this was just standard fare for the movie audiences. While such a scene was acceptable in a western film, in a potential Holocaust

film it would have been a disaster. The atrocity was just too serious to accommodate such a portrayal of the tragedies that occurred.

In interviews conducted with the young camp survivors who were taken to England following the war, one young man describes being in a line with his father after they had disembarked from the cattle car that had transported them from their home to the camp. He sees his mother with his baby sister and an older sister in a parallel line just ahead of where he stands. He watches as the infant is taken from his mother and thrown head first against a wall. Aghast, he recalls the man in front of him saying to him that he must tell the interrogator he is twelve years old. He turns to his father who shrugs. He describes watching his mother and sister move off in another direction. The man then explains to him that if one is twelve you go to a work camp, not to the women's line. He also tells him to stand tall. Still dismayed, he sees his father nod. The boy tells the interrogator his age is twelve and his identification number is tattooed on his arm. He did survive in the work camp. His father did not. When the camp was liberated, he returned to his home village, but others occupied his family's farm house. The occupants drove him away. Later he became a part of this group adopted by the English, but he did not see any of his own family again. It must be asked if the scene in *Sophie's Choice* (1982), where Sophie must decide which of her two children will live was so painful for Sophie, did Sophie have a choice? Could the story have been released on the screen before 1968? Would it be released as reported in 2010? These concrete instances collected from reports of survivors and Holocaust history drove this inquiry. "How?" or "Why?" did the studios do what they did in representing the Holocaust. Stephen Prince analyzed violence in gangster films of the 1930s and battlefield films of the 1940s. Like their predecessors, the filmmakers in the 1980s set themselves to the serious and challenging task of representing the real life horror and social atrocity called the Holocaust.

In Hollywood, 1968 marked the official end of the Hays Commission. Joseph Breen had retired in 1955. The PCA existed to insure that upon completion, a motion picture would be shown in the theaters at the earliest possible date (Gomery, 1989). This commission reviewed scripts indicating material that would require changes or removal before production on a movie began. It referred the completed film to the MPPDA for a code seal of approval that would allow its release to the theaters. On occasion the PCA

indicated to the producer/director that under no circumstances would the film be approved. Following the directions given by the PCA guaranteed that income from a recently released motion picture would be forthcoming as soon as possible (Gardner, 1987). This was important, because as movie making became more technologically advanced, first sound and then color, it also became more costly to produce a film. The PCA provided another service in the industry. Its existence meant that it received many of the complaints and challenges providing the studios, both producers and directors, a somewhat protective shield to work behind.

As Hollywood changed and censorship weakened through the 1960s, there was an increase in the production of films about the Jewish tragedy. This pattern suggests a relationship between censorship and production:

1. Under the Production Code Administration few motion pictures about the Holocaust were released.
2. With the demise of the Code in 1968 there was a slow but steady increase in the production of motion pictures with Holocaust themes.

To determine if a causal relationship existed between Holocaust film production and censorship, the salvaged records of the Hays Office in the Archives of the Margaret Herrick Library were examined for evidence that the PCA actions interfered with the production of Holocaust films. The evidence includes but is not limited to:

- screenplays, novels, or ideas not developed into motion pictures
- screenplays, novels, or ideas that became movies
- editing of films indicating aspects of the proposed film had been adapted to the demands of the censors
- motion pictures that were denied approval and yet were made into a films and released
- foreign films that were not approved for release in this country
- the original novel the screenplay was based on to compare the author's version with the screenwriter's version and what actually appeared on the screen

The difference between a novel and the screenplay based on it could be due to the writer of the screenplay anticipating the censors or it could be the result of PCA reactions when they received the screenplay.

Cases where the PCA did not approve a screenplay or a foreign film with Holocaust themes for distribution in this country may be taken as evidence that the Hollywood censors prevented the production of films about the Holocaust. Films that went into production after revisions and accommodations to the PCA demands also provide evidence the Hollywood censors influenced the content of films. Changes and adaptations of a novel as it became a screen play and finally a motion picture also may serve as evidence to support the claim that censorship played an important role in Hollywood motion pictures from 1940 until 1968.

Appendix A is a complete listing of films released before 1969 that are included in this study. This appendix has three sets of lists:

- the films listed by chapter
- an alphabetized list with title and year of release
- the films organized by year of release

III. Definitions—holocaust and Holocaust

It is important to consider the meanings of certain terms that have emerged as the United States began to integrate the Jews who had survived the Holocaust into its ever-changing social structure. Terms used in this work that require clarification and definition include “Holocaust,” holocaust, and *Sho’ah*.

Information from the website of the United States Holocaust Memorial Museum is used to describe the emergence of the term Holocaust. This museum has been at the forefront in the determination of the use of the term Holocaust in the United States. Mintz (2001, pp. 23-33) describes the social history of the museum from its inception to its opening in 1993. He provides a description of the issues that confronted those appointed to create the space and to determine the content of the museum and in so doing enhanced the understanding of the process. Once again, the admonition of Mintz that “the point of departure is the assumption that beyond their factual core, historical events, even the Holocaust, possess no inscribed meanings, meaning is constructed by communities of

interpretation—differently by different communities—out of their own motives and needs” clarifies some of the discussions about the Holocaust (p. 4). The very establishment of a museum created a situation where different publics had to be accommodated. This accommodation is most evident in the emergence of the meanings associated with the use of Holocaust.

It has been noted that the meanings and uses of words change over time as they are employed to represent emerging realities. The Australian scholar, Peter Beilharz, set himself to the task of introducing, surveying, and interpreting, the work of Zygmunt Bauman “for an audience who is living at a post-modern pace” (Beilharz 2000, Preface). Bauman, a sociologist at Leeds University, is recognized by Beilharz “as perhaps the last man standing in theoretical sociology” and “widely imagined as a leading sociological representative of post-modernism.” Beilharz utilized Zygmunt Bauman’s use of the term “ambivalence” to clarify the importance of understanding the relationship between meaning and naming. He writes,

Ambivalence, as Bauman puts it, is the possibility of assigning an object or an event to more than one category. It is a language-specific disorder: a failure of the naming, segregating function that language is supposed to perform. ... To classify, then, is to set apart, to segregate; it signals a human activity, a human presence among the abundance of phenomena and things that go to make up our world. To classify is to confer meaning, to give the world a structure or pattern, to make it open to the prospect of predictability. (2000, p. 106)

The emergence of the word Holocaust as traced in the following information from the United States Holocaust Museum website, maps the process of bringing structure to the phenomena that included the murder of 6,000,000 Jews.

Jon Petrie, on The United States Holocaust Memorial Museum website, distinguishes between Holocaust and holocaust:

The word holocaust is of Greek origin and, as used in the Bible, means to “sacrifice by fire.” In modern times, it has been used synonymously to denote a very large “atrocious,” “slaughter” or “massacre.” However, when the word is capitalized, as in “the Holocaust,” it is defined as: the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945. Jews were the primary victims—six million were murdered; Gypsies, the handicapped, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons. Millions more, including homosexuals, Jehovah’s Witnesses, Soviet prisoners of war, and

political dissidents, also suffered grievous oppression and death under Nazi tyranny.

The expanded website includes an analysis of the meanings of the holocaust as usage transformed its meaning to its current understanding:

The word holocaust comes from the ancient Greek, *olos* meaning "whole" and *kaustos* or *kautos* meaning, "burnt." Appearing as early as the fifth century B. C. E., the term can mean a sacrifice wholly consumed by fire or a great destruction of life, especially by fire. While the word *holocaust*, with a meaning of a burnt sacrificial offering, does not have a specifically religious connotation, it appeared widely in religious writings through the centuries, particularly for descriptions of "pagan" rituals involving burnt sacrifices. In secular writings, *holocaust* most commonly came to mean "a complete or wholesale destruction," a connotation particularly dominant from the late nineteenth century through the nuclear arms race of the mid-twentieth century. During this time, the word was applied to a variety of disastrous events ranging from pogroms against Jews in Russia, to the persecution and murder of Armenians by Turks during World War I, to the attack by Japan on Chinese cities, to large-scale fires where hundreds were killed.

Early references to the Nazi murder of the Jews of Europe continued this usage. As early as 1941, writers occasionally employed the term *holocaust* with regard to the Nazi crimes against the Jews, but in these early cases, they did not ascribe exclusivity to the term. Instead of "*the holocaust*," writers referred to "*a holocaust*," one of many through the centuries. Even when employed by Jewish writers, the term was not reserved to a single horrific event but retained its broader meaning of large-scale destruction. For example: You are meeting at a time of great tragedy for our people. In our deep sense of mourning for those who have fallen we must steel our hearts to go on with our work that perhaps a better day will come for those who will survive this holocaust. (Chaim Weizmann, letter to Israel Goldstein, December 24, 1942)

These paragraphs indicate not only the use of holocaust to refer to killings of large numbers of people at different times and places, but also that its use did not claim the singularity of the deaths of European Jewry. Continuing with the explanation of usage on the Museum's website,

What sheer folly to attempt to rebuild any kind of Jewish life [in Europe] after the holocaust of the last twelve years! (Zachariah Shuster, *Commentary*, December 1945, p.10).

By the late 1940s, however, a shift was underway. *Holocaust* (with either a lowercase or capital H) became a more specific term due to its use in Israeli translations of the word *sho'ah*. This Hebrew word had been used throughout

Jewish history to refer to assaults upon Jews, but by the 1940s, it was frequently being applied to the Nazis' murder of the Jews of Europe. (Yiddish-speaking Jews used the term *churban*, a Yiddish translation of *sho'ah*.) The equation of *holocaust* with *sho'ah* was seen most prominently in the official English translation of the Israeli Declaration of Independence in 1948, in the translated publications of Yad Vashem throughout the 1950s, and in the journalistic coverage of the Adolf Eichmann trial in Israel in 1961

Such usage strongly influenced the adoption of *holocaust* as the primary English-language referent to the Nazi slaughter of European Jewry, but the word's connection to the "Final Solution" did not firmly take hold for another two decades. The April 1978 broadcast of the TV movie, *Holocaust*, based on Gerald Green's book of the same name, and the very prominent use of the term in President Carter's creation of the President's Commission on the Holocaust later that same year, cemented its meaning in the English-speaking world. These events, coupled with the development and creation of the United States Holocaust Memorial Museum through the 1980s and 1990s, established the term *Holocaust* (with a capital H) as the standard referent to the systematic annihilation of European Jewry by Germany's Nazi regime. Sources: Jon Petrie (2000)

The "Holocaust," meaning the extermination of 6,000,000 Jews and the acquisition and destruction of their culture by the Nazi Regime, had not emerged to become a part of America's vocabulary and culture until the 1980s. Both Jon Petrie on the Holocaust Museum website and Alan Mintz in his discussion of the creation of Holocaust memory in the United States distinguish between Holocaust—the killing of European Jewry and holocaust—other events of mass murder in history and the killing of other groups by the Nazis.

Alan Mintz began his book, *Popular Culture and the Shaping of Holocaust Memory in the United States*, this way:

In the depths of the 1940s and 1950s, at a time when the term *Holocaust* as we now know it had not been invented, when survivors were silent and stigmatized, and when the destruction of European Jewry did not figure in public discourse, who could have predicted that the Holocaust would move so forcefully to the center of American culture? Today the Holocaust is pervasive. (p. 3) The shift from silence to salience is surely one of the most stunning developments in American culture in our time. Accounting for this shift presents a considerable challenge to the historian that spreads across many networks of explanation and causation. (2001, p. 4)

Bauman's term ambivalence captures the issues in the use of holocaust and Holocaust. To understand the use of the word, Holocaust, it is necessary to observe the

assigning of the event to more than one category. Being aware of this, clarifies some of the differences in the accounts of the Holocaust. It also accounts in part for the differences in the judgments made by Holocaust film scholars when they compile listings of Holocaust motion pictures. By not setting a specific usage for the term, language has led to misunderstanding especially in this country that is so far, in both time and distance, from the actual occurrence of the historical event. Using the meaning designated by the Holocaust Museum in this study avoids some of the confusion is avoided. Not only does the use of Holocaust refer to the elimination of the Jews in Europe, but also it is time specific, i.e., the period from the beginning of the gassing and burning of the bodies (1942) to the liberation of the camps in 1945. This is the use of Holocaust in this work.

Annette Insdorf's definition of Holocaust is in the Literature Review section of this chapter. She emphasizes the destruction of not only European Jewry but also its culture, erasing any member of the Jews' existence. She discusses the problem with using the definition.

One of the dangers inherent in my argument, however, is the assumption that the Holocaust "belongs to—or is the domain—of one set of victims more than another. Does the Holocaust belong to the survivors? To those who were killed during World War II? To those who died in concentration camps of ghettos? To the Jews who were the main targets of the Nazis? To all Jews today? Some individuals claim the Holocaust as a personal tragedy. Many Jews claim it as a religious one. And then there are those who had no direct experience of the Holocaust but feel transformed by learning of its cruelty and mass indifference—as well as of resistance and survival.

And to whom do the dead "belong"? ... (1989, p. xvi, xvii)

Since this study began, conversations with Jewish leaders have indicated that another term may be emerging. There are those in the generation of survivors' families who are offended by a term that implies sacrifice. Having listened to their family members' stories of survival, these children of survivors find the use of a term that implies that the Jews killed in the extermination camps were a sacrifice untenable. The image of the Jewish survivor is becoming less and less that of the victim. Contemporary discussions of the camps use the words, killing and murder, and it is important to many of the survivors and others that the word referring to mass annihilation genocide be something other than the word, Holocaust. The *Sho'ah*, a Hebrew word, is preferable to some because of its

historical use to refer to assaults upon Jews, and by the 1940s, it was frequently being applied to the Nazis' murder of the Jews of Europe. The use of *Sho'ah* does not carry the denotation of sacrifice.

IV. Literature Review

Research in film criticism, film history, and sociology has not investigated movie censorship to determine if it affected the production of motion pictures about the Holocaust. Film studies and film history have provided the most research on film censorship, but neither field has investigated the effect of movie censorship on the motion picture production distribution process. This research is consistent with Prince's investigation of violence on the screen. In his research, he analyzes how the industry was able to incorporate more and more realistic violence into its films. Since violence characterizes the Holocaust, his work provides insights into the current research problem. Rutgers University Press published his book, *Classical Film Violence: 1930–1968* (2003), two years after terrorists used planes to attack and kill the people in the buildings in New York City and Washington, DC and on an airplane flying over Pennsylvania on September 11, 2001. He begins his book with this observation.

After the bombing of the World Trade Center on September 11, for a brief moment Hollywood seemed to rethink its love affair with movie violence. Studio Executives worried that action movies featuring an arsenal of weapons and big buildings exploding were a tainted commodity. Their fears were short-lived, however, after a few weeks it was business as usual. (p. 1)

Prince goes on to write that his work is

a look at regional censorship and the early controversies over movie violence that ensnared the medium shortly after its inception. ... [He]examines the growth of the regional censors and the court decisions that went against the film industry, limiting its freedom of expression, and upholding the prerogative of local communities to pass legislation restricting the exhibition of certain categories of film. (p. 8)

He continues:

I end this chapter by profiling the kinds of violence—the weapons, the acts, the responses by victims—that censors were apt to cut. These prohibitions continued into the Hollywood era and helped to influence the Production Code. (p. 8)

This conclusion is important because it stands in contrast to those who tend to see an abrupt break rather than a transformation in the industry at the end of the Classical Hollywood period. As previously noted but worth emphasizing, Prince acknowledges that, “Much is to be learned by looking at this earlier period. The explosion of graphic violence on-screen after 1968 can seem very disjunctive compared to previous decades of filmmaking” (2003, p. 1). In *Classical Film Violence* (2003), he is confronted with a challenge when he addresses censorship, brutality, and film noir. He frames his analysis suggesting that brutality and censorship (design and regulation) are two intersecting domains. Prince asserts that their intersection accounts for the emergence of film noir. Brutality is a design problem. How is a director to include brutality given the restrictions of the Production Code? Prince demonstrates the use of the off camera shot, night scenes, and shadows by directors to include content that censors would have stricken. He makes the case that the genre, film noir, became a vehicle for events and scenes that censors might not approve by filming in such a way that the questionable act occurred in the shadow or slightly off screen enabling the viewer to fill in the action in his or her own mind. The director, working within the PCA Code, expanded the material to be included thereby enhancing the story line. Prince “looked closely at film style, the ways filmmakers use the elements of cinema to design screen violence,” to illustrate the relationship between an increase in brutality and changes in design (film noir techniques) (2003, p. 35). Technique and style in Prince’s analysis account for the inclusion of violence in films during a time when the PCA strictly regulated the inclusion of these scenes. In the chapter on censorship, it is shown that this approach equates with “court movies,” for example, *Judgment at Nuremberg* (1961), where Abby Mann and Stanley Kramer incorporated newsreel footage the public had viewed in the newsreel feature at the theaters. Mann and Kramer understood that censors would prohibit them from inserting scenes from camps into the film. The use of newsreel footage would not be as much of a problem for the censors because the theaters had regularly shown newsreels during and after World War II. In *Judgment at Nuremberg*, the audience does not view this footage directly. The audience views the footage from the perspective of the witnesses during the trial.

Other literature on censorship relevant to this research also utilizes the archival records of the Hays Commission. These books include Gardner's *The Censorship Papers, Movie Censorship Letters from the Hays Office, 1934 to 1968*, (1989), Bernstein's (1999) *Controlling Hollywood, Censorship and Regulation in the Studio Era*, and Sova's (2001) *Forbidden Films, Censorship Histories of 125 Motion Pictures*.

Gardner's book, *The Censorship Papers*, (1989) is one of the first books published using the Hays Commission files. In this research, Gardner's groundwork was a helpful introduction and orientation to the archival materials. His descriptions give a sense of how the PCA functioned. Using scenes selected from well-known movies, he includes letters from the PCA to the producer or director of the film indicating problem areas in the script or film. He introduces the Hays Commission using the correspondence in the archival records. He also documents the finding of the files of the PCA, the decision to save them, and the placement of the files in the Margaret Herrick Library. Like all organizations charged with enforcement and maintaining an acceptable way of doing business, policies were essential. It is the interpretation and implementation of these policies that reveal the significance of the Code in the studio system. Gardner's decision to use well-known scenes in his research, also, enhances one's understanding of the business of producing motion pictures under the Code. As such, it serves as a reference book for those doing censorship studies.

The film historian, Matthew Bernstein's *Controlling Hollywood* (1999) is a collection of articles previously published on censorship. Each article addresses some aspect of the censorship of early movies. The articles provide the reader with some perspective of how the censorship functioned. Bernstein's book includes a very useful annotated bibliography.

Dawn Sova (2001) takes a different approach. She writes censorship histories for 125 well-known films. Each listing includes the title of the film along with production date, release date, county, production company/distributor, format, running time, producers, directors, screenwriters, awards, genre, and a list of the actors in the film. She summarizes the movie and writes a censorship history complete with suggestions for further reading. This book is both informative and useful as a resource for information about films. In this regard, it is similar to Gardner's book mentioned previously.

Sova's book, *Forbidden Films*, includes the motion picture, *The Spy* (1917) and *Scarface* (1932). The first became historically significant as a result of the court case *Fox Film Corporation v. Chicago*, 247 F. 231 (1917). The court ruled that the Chicago ordinance did not authorize the police chief to refuse a permit based on his personal assessment of a film. The description of the censorship issues in regards to *Scarface* is consistent with descriptions and interpretations Prince makes in his analysis of gangster films. Her research provides a vivid description of the challenges Howard Hughes faced when he set out to make the film, *Scarface*. (see Chapter Four, Section I) Jason Joy, head of the SRC at the time, told Hughes that under no circumstances would he recommend a code seal of approval for the film. Hughes made *Scarface* anyway. In an abrupt turnabout, Jason Joy went to the regional censor boards and argued for the licensing of any one of the three edited versions of the film. Sova attributes Joy's unusual move to the desire of the MPPDA to protect the financial investments in the film (p. 261). In this study, the correspondence between the SRC or PCA and the producers revealed insights that contributed to understanding the role and functioning of the internal censorship organization. Being able to compare films produced in the same period was important in this research process.

Sova makes explicit the connection between foreign films being used in court cases and the likelihood that the case would be heard because of the reputation and significance of the particular film. In this research, the connection led to finding the court cases that established motion pictures as commerce gave way to court cases that eventually declared motion pictures to have the First Amendment rights of free speech. These court decisions are discussed in Chapter Four.

Koppes and Black (1987) in *Hollywood Goes to War* detail the work of the Office of War Information (OWI) during World War II and provide insights into the interaction between the PCA, the OWI, and the Office of Censorship that issued licenses for the release of films release in foreign countries. Gregory Black is a film historian and professor of communications studies at the University of Missouri and Clayton Koppes, historian. They draw on multiple sources for the information used in their analysis and provide documentation for their findings. Their findings contribute information that was not in the PCA files that are the basis for this research.

Film historians, Leonard J. Leff and Jerold I. Simmons (2001) also used the PCA files. Their study of the portrayal of women in their book, *The Dame in the Kimono*, focuses on the content of films and the reaction of government boards. They point out that the censors were less doctrinaire than some have presented them. The observation that the PCA was doctrinaire may be a result of their invoking policy statements from the Code to justify their decisions (Leff, 1991, p. 435). Their analysis is consistent with Koppes and Black's analysis of the role government boards played in Hollywood during World War II. In the early stages of the Holocaust film research, Prince's research and that published by Koppes and Black and by Leff and Simmons provide an overview of censorship as it functioned in Classical Hollywood. Prince writes of these discussions of censorship, that they "have tended to focus on the content that the PCA regulated. What, for example, did Mae West do on-screen that aroused local censor action? Correspondingly less attention has been paid to the relationship of PCA regulations to the formal structure of film within a specific topic area, such as violence" (2003, p. 5). This observation is applicable to the Holocaust as subject matter. Chapter Three introduces the requirement that the film come to a moral conclusion and describes how that accounts for much of the criticism of Holocaust movies released in "Hollywood" style or underscored with Hollywood music themes that detracted from the serious topics on the screen.

Gregory D. Black uses the PCA files in his work on Catholicism and censorship (1994, 1999). He analyzes the establishment and work of the Catholic Legion of Decency. He also includes information about municipal and state censorship boards, with an emphasis on New York State. In contrast to Thomas Doherty, Joseph Breen's biographer, Black shows the close interaction between the PCA and the Legion. In the introduction to *The Catholic Crusade against the Movies, 1940—1975* (1994), he describes the censorship process pointing out that the PCA frequently sent screenplays to the Legion for comments. This gave the Legion two opportunities to censor a film. The first occurred before it went into production, then Joseph Breen would negotiate with the studio on film content, and the second came when the film was completed and sent to New York for review by the Legion. Both the PCA files and the files of the Legion were used in Black's research. Black clarifies the domain of the state censor boards. The boards served not only the state represented in the name but also a geographical area that

included adjacent states. He attributes Joseph Breen's success as Hollywood's internal censor to his ability to work with the Legion of Decency because of his Jesuit education and Catholic values. Black co-authored *Hollywood Goes to War* with Clayton Koppes in 1990.

Thomas Doherty, a cultural historian at Brandeis University, published the biography of Joseph I. Breen, head of the Production Code from 1934 until 1955 (2007). The book is well documented and provides details of the life and career of Joe Breen, the successor to Will Hays. He credited the film historians, Gregory D. Black (*Hollywood Censored*) and Frank Walsh, (*Sin and Censorship*), with bringing to light Breen's militant Catholicism. Black published his work in 1994 and Walsh published his in 1996. Like Black and Walsh, Doherty uses Breen's correspondence and other records as his source material. He focuses on Breen's commitment to enforce the values of the Legion and to bring morality to the degenerate products of the studio system. These analyses provide verifiable evidence of acts of censorship in the 1940s and 1950s. Doherty, Black, and Walsh describe and document Breen's virulent anti-Semitism. It is notable that, after becoming established in his role as head of the PCA, Breen refrained from using anti-Semitic language in public. Doherty writes, "Today, film historians routinely label Hollywood's in-house censor an "extreme anti-Semite," a "rabid anti-Semite" and notoriously "anti-Semitic" (2007, p. 2003).

Doherty disputes the claim made in Breen's obituary that appeared in *Variety* in 1965:

He was the most powerful censor of modern times, but he never looked upon himself as a censor, and, in truth, he wasn't really a censor. ... In truth, he was—perhaps not in a strict legal sense, but for all practical purposes. Empowered by the MPPDA, fortified by a support system of millions of like-minded Catholics, Breen wielded a two-sided gavel forged of executive power and moral intimidation" (2007, p. 8).

Prince drew a different conclusion about the PCA.

... the authority wielded by the PCA was relatively paradoxical. It was a powerful agency, and yet it was constrained by its very role as a gatekeeper in its own industry. The industry's distribution-exhibition pipeline needed a continuing flow of production, and the PCA was unwilling to disrupt this flow in any serious or ongoing manner. These contradictions—between the agency's function in the economic workings of the industry, the necessity of not subverting the industry's

business structure, and the PCA's public relations mandate to keep objectional material off the nation's movie screens—help to account for the primacy of negotiation in its dealings with filmmakers. As Lea Jacobs pointed out, “the Code was [not] simply ‘enforced’ in the manner of a law through the exercise of the power of restraint” (2003, p. 46).

Prince is critical of Doherty's (2003) interpretation of Breen's role. He found Doherty's interpretation too rigid and authoritarian. This study concludes that when all the works that have used the PCA files are taken into account, Breen is accommodating on some issues, declares others outside the purview of the PCA, and is rigid in decisions regarding morality. Both perspectives on Breen's role, Doherty's and Prince's, can be found in the censorship exercised by the PCA. This first became evident in the actions taken by the PCA that are included in the archival files of the films about the Jewish people and later the Holocaust. Prince maps out the content of motion pictures as they emerged in the 1970s, contrasting these films with those of Classical Hollywood. The works of Doherty and Prince contain significant references and interpretations that are relevant to this work.

Doherty frames his biography of Breen from the perspective of Breen as a practicing Catholic. He clearly distinguishes between this role and his many interactions with the Catholic Legion of Decency. The claim that Breen interacted with the Catholic organization but was independent from it is not without merit. It would be more credible if Doherty meant that officially Breen worked in and for the PCA not the Legion. Attending mass at least four mornings a week, maintaining his Catholic view of the world through which he interpreted the PCA Code requirements, and interacting with the Catholic hierarchy may indicate that Breen was not as independent as Doherty claimed.

Neal Gabler's *An Empire of Their Own, How the Jews Invented Hollywood* (1988) provides extensive information on Classical Hollywood and an early explanation of Jewish Hollywood. It remains the established source book in the field. In 1985, *The Hollywood Studio System: a History* by Douglas Gomery was published. Gomery, unlike Gabler, does not frame his discussion in the context of the Jewish *Moguls*. Gomery analyzes the studio system as an industry while retaining the concept of system in the analysis. The studio system has been the label for the entertainment phenomenon existing in Hollywood through the 1940s and 1950s in both the domains of popular culture and academic writing. Using this term system, and perceiving of Hollywood as an industry

that produced motion pictures establishes censorship as a dynamic part of the production process and redefines the significance of censorship. A system consists of integrated parts. For the system to work effectively regulation of the parts is required. The social function of the PCA was to provide this essential activity. Tracing its role in decisions regarding the production of Holocaust motion pictures reveals the stress points and changes in the Hollywood studio system. However, as Prince makes clear, regulation existed to accommodate classical Hollywood's production system and to expedite distribution. Gomery's history (1986) extends the concept of the studio system to explain and model the current form of the industry. He describes the studios incorporated the vertical integration that made the studio system work into current industry practices. Gomery only briefly mentions the Hays Commission in his analysis.

In the 1980s, three books appeared addressing the subject of the Holocaust and motion pictures. *Indelible Shadows Film and the Holocaust*, written by Annette Insdorf, was published in 1983 with a second edition in 1989, and a third in 2003. In 1988, the Indiana University Press published *Screening the Holocaust: Cinema's Images of the Unimaginable* written by Ilan Avisar. Judith Doneson wrote *The Holocaust in American Film* first published in 1989 with a second edition published in 2002. Each author addresses the challenges of presenting the events that made up the Holocaust in film. Insdorf, Avisar, and Doneson define the Holocaust. Insdorf writes

The term "Holocaust" requires definition, for popular usage has particularized from a general idea of disaster to the brutal and massive devastation practiced by the Nazis during World War II. I have chosen to use the word in this latter sense, and more precisely to refer to the genocide of European Jewry. For unlike the fellow victims of the Nazis—such as political opponents, Gypsies and homosexuals—Jews were stripped not only of life and freedom, but of an entire culture that flourished through Eastern Europe in the early thirties. . . . The Nazi's was not to merely annihilate the Jews, but to wipe their traces from history, and to destroy the very notion that a Jew was a human being. Even within the concentration camps, the Nazis developed a hierarchy among the inmates: political prisoners were enemies, but Jews were insects. Hitler declared, "Anti-Semitism is a form of de-lousing . . . a matter of sanitation." Among the female inmates in Auschwitz, for instance, only the Jewish women's heads were shaved. (1989, pp. xvi, xvii)

In the first edition of her book, she identifies sixty motion pictures from Great Britain, Germany, France, Poland, and the United States. She expanded the second edition to

include motion pictures from Belgium and The Netherlands. Her entire work focuses on analyzing the success and failure in presenting the Holocaust in selected films. The meanings of both Holocaust and Jew are implicit in her discussions of the films.

Ilan Avisar, citing an article by Lewis Jacobs, notes the striking avoidance of any explicit presentation of the Jewish catastrophe in any of seventeen hundred feature films produced in Hollywood. Five hundred of these are narrative films about the war and war-related themes. Neither Jacobs nor Avisar provides a period or source for these numbers. Although Avisar provides a filmography as an appendix in his book, there is no source for his numbers and there are only 40 films in his listing. Avisar implicitly raises the issue of the relationship between Hollywood and the Holocaust: "Hollywood's failure to give apt coverage of the Jewish catastrophe, seen in the context of reprehensible official policy and public opinion, is all but part and parcel of the dark chapter of the Holocaust in western history" (1988, p. 102). Ilan Avisar is the only one of these authors writing about Holocaust films who refers to the Hays Commission and censorship. According to Avisar, a consequence of censorship was that during the first seven years of the Third Reich, Hollywood was reluctant to produce anything critical of Nazi Germany. He correctly attributed this to the Production Code: "... this kind of indiscriminate evenhandedness was designed to secure the universal appeal of Hollywood movies and their financial success all over the world" (p. 103). Avisar wrote his critique and analysis of the films *Gentlemen's Agreement* (1947), *Crossfire* (1947), and *The Young Lions* (1958), without having access to the contents of the files of the Hays Office. Evidence collected in examining these files indicates censorship by PCA accounts, in part, for the absence of concentration camp scenes and the portrayal of the Jew as victim. Chapter Three introduces the archival material that has not been utilized previously in the analysis of Holocaust films.

Judith Doneson questioned the attitudes of Hollywood executives towards the Jews in Germany. She asked, "Why ... did the persecution of the Jewish people in Europe play so minor a role in 'Jewish' Hollywood at a time when movie production and attendance was at a peak?" (1989, p. 16). In the followup questions she framed her perspective. In the following paragraph "Jewish Hollywood" refers to the studio

executives. In the next question she asks if European Jews were not important to these executives.

Knowing the limitations of hindsight, it is with caution that we address the question: To what extent did Hollywood, known as a “Jewish industry” feel that the Nazi threat to the Jews to be a major concern? The American cinema has offered various portrayals of Jewish life since its inception, some dealing with anti-Semitism. Two of them we might call warning films: *The House of Rothschild* (1934) and *The Great Dictator* (1940). The third, *Gentleman’s Agreement* (1947), came in the wake of the revelations of the destruction of European Jewry.* Why one asks, did the persecution of the Jewish people in Europe play so minor a role in ‘Jewish’ Hollywood at a time when movie production and movie attendance was at a peak? Was anti-Semitism aimed at industry executives (anti-Semitism was increasing at a rapid rate with the general public) contributing to the dearth of such films at that most urgent time? Or, one asks, how important was the European threat to the Jews in the minds of the film makers? [Doneson footnote = *] It is interesting to note that in an industry in which Jews played so dominant a role, these three films were produced by non-Jews. *The House of Rothschild* and *Gentleman’s Agreement* by Daryl F. Zanuck, a Nebraska-born Methodist, and *The Great Dictator* by Charlie Chaplin, who was often mistaken for a Jew . (p. 16).

Ilan Avisar made the existence of the strong Jewish presence in Hollywood (fact or myth) a subject for research and analysis: “Finally, it is the fact, perhaps even more importantly the myth, of the strong Jewish presence in the American film industry that requires a special historical account of Hollywood films on the Jewish persecution during the war.” He writes

In spite of the heinous record of Nazi Germany on human rights and Hitler’s explicit threats against the Jews, the first seven years of the Third Reich passed without any significant cinematic work in the west which examined the manifest Nazi evils. The case of MGM’s *Three Comrades* (1937) illustrates the kind of sociopolitical pressures faced by the early attempts to expose Nazism on the screen. F. Scott Fitzgerald and Edward E. Paramore wrote the script, based on Erich Maria Remarque’s novel, which describes the ordeals of three German veterans of the First World War in the period of the Weimar Republic through the rise of Hitler as the dominant force in German society. Fitzgerald’s efforts to chronicle the rise of Nazism with all its bias and threats were frustrated by the revision of producer Joseph L. Mankiewicz, who sought to blunt the political denunciations , and director Frank Borzage, who shifted the emphasis to the story’s romantic content. A contemporary report in *Time* magazine described the fate of the attempt to present “a corrosive arraignment of Nazi Germany.” (1988, p. 93)

The reporter’s quote in this paragraph of the magazine is,

They [Fitzgerald and Paramore] wrote a scene in which a poor Jew proclaimed his love for Germany, another in which a rich Jew refrained from cheating three young gentiles, a scene in which famed books, including Remarque's were burned by Nazis. Hays office censorship left none of these scenes in the finished picture. Much political content is removed by a camera shot of a blowing newspaper dated October, 1920, still more by the removal of all definite party labels. What is left is a love story. (1988, p. 93)

Continuing his discussion of the editing of this film, Avisar quotes J. Morella, E.Z. Epstein, and J. Griggs (1973).

The project itself involved other intriguing stages with regard to the representation of Nazism. Louis B. Meyer (sic), in one of Hollywood's more groveling exercises to appease all sides, invited a representative of the Nazi government to attend a private screening and discuss any potential objections to the film. Expectedly the German demanded various cuts by Mankiewicz. Then Meyer (sic) called in Joseph Breen of the Hays office to propose a compromise. Breen suggested that the film be slightly altered to indicate the rise not of Nazism but Communism. (1988, p. 93)

Here Avisar also draws on the work of Roffman and Purdy's *Hollywood Social Problems Film* (1981). Avisar certainly understood that something was amiss in the production of these films. Lacking the primary sources of the archival records now available, he correctly understood that the productions were inconsistent with the novels that were being adapted as screenplays. Without the records of the Hays office, it appeared that the producers and directors lacked the intent to produce films that represented the rise of Nazism. In fact, the Hays office Production Code had been established to guarantee that the films would meet with the approval and state and local censorship boards. This meant among other things that no film would be approved that did not show the appropriate deference to foreign leaders and the country they led.

Annette Insdorf and Judith Doneson are daughters of camp survivors. After completing his education and publishing his book Avisar went to Israel to work in the film industry. Doneson's questions focused on the Jewish executive, while Insdorf compared films produced in Hollywood with those produced in other countries and Avisar looked at Hollywood as a business and the perception of "the Jew" in film. In her preface to *Indelible Shadows Film and the Holocaust*, Insdorf tells how she came to learn about the Holocaust.

Ever since I was a little girl, I have heard about the “camp,” Auschwitz, “Lager,” “Belsen,”—words mysteriously connected with the number tattooed on my mother’s arm. Throughout my adolescence, I never tried to know more; it embarrassed me when my mother got visibly emotional about painful memories of her experiences. When I was a graduate student at Yale, however, I saw *Night and Fog*, and, for the first time, I had an inkling of what my parents—among others—had endured. The film provided a shape for, and a handle on, abstract fears. It occurred to me that if I, the only child of Holocaust survivors, needed a film to frame the horror and thus give it meaning, what about others? How great a role are films playing in determining contemporary awareness of the Final Solution? (1983, p. xiii; 1989, p. 2003, p. xiii)

In raising the questions, Why?, Why not?, and When? did they make motion pictures, and What? did those pictures tell us, all three authors direct attention to the significance of the motion picture in either defining or reflecting what the Holocaust meant at this time. Avisar acknowledged the influence Insdorf had on his work, *Screening the Holocaust*. Thirty years after Doneson and Insdorf raised these questions, this research endeavors to answer them by defining a new framework. They posed these questions forty years after the United States entered World War II. Insdorf’s 3rd edition includes recently released films and what she calls rediscoveries. Rediscoveries are films that had been paid little attention by those working in this field. The fact that Doneson’s and Insdorf’s books were published again as recently as 2002 and 2003 respectively emphasizes that the analysis of the role of Hollywood in the period now known as the Holocaust remains a relevant discussion for the academic community and for those in the industry. The film *Imaginary Witness: Hollywood and the Holocaust* (2004) first appeared at the Canadian Film Festival in 2004. It is one of the most recent attempt by the industry to explain the relationship between Jewish Hollywood and the Holocaust. *Imaginary Witness* was scheduled to be seen on American Movie Classics. One commentator writes that if it were not for the expense of licensing so many film clips, it would presently be enjoying a wide theatrical release. By 2004 the Holocaust has found its place in the American media landscape.

Jeffrey Shandler whose has specialized in the relationship between television and the Holocaust describes the Holocaust as “A Guest in the Wasteland.” In his book, *While America Watches: Televising the Holocaust*, (1999), he traces television’s role beginning in the 1950s in the dynamics of American Holocaust remembrance and then describes the

part television played in shaping public memory. Shandler introduces his research reporting in detail General Eisenhower's actions following his arrival at Ohrdruf. He describes the early appearance of the Holocaust in television programs. On television, he writes, the Holocaust, treated as the guest in television programming, appeared alongside programs that included anti-Semitism, neo-Nazism, Hitler, and Jewish themes. The audiences' responses to television productions with Holocaust subjects demonstrated that this subject was no longer to be avoided or addressed indirectly. The acceptance of the topic by television audiences was certainly conducive to it becoming a more frequent subject of motion pictures. He contrasts the censorship in the television industry with that in the motion picture industry. The fact that television coincided with the demise of the PCA is probably not coincidental. He also has an article in Robert Shapiro's 2003 book, *Why the Press Didn't Shout? American & International Journalism during the Holocaust*. This book is a collection of papers originally presented at an international conference at Yeshiva University, October 1995. Shapiro is a Holocaust scholar at Yeshiva University.

J. Hoberman and Jeffrey Shandler (2004), editors of the catalogue "Entertaining America, Jews, Movies, and Broadcast" and curators for The Jewish Museum of New York, exhibition with the same name, explore the role of Jews in the entertainment industry and provide valuable information about the minority outsiders who have dominated this industry at all levels. The exhibit and catalogue includes a map showing the 350 nickelodeons in New York that existed before the invention of the silent motion picture. The new technology created the moving picture of some length. They explain how this development led to the industry moving to California to secure affordable studio space and to take advantage of the extended outdoor filming season. The business end of the industry remained in New York. In fact, the final approval for release of a film to the theaters where the public would view it occurred in New York, not California. The catalogue is full of photographs. Hoberman and Shandler have written extensively about the evolution of the industry in this early period. Definitions of terms like moguls include examples. This excellent resource describes the presence of Jewish actors in all dimensions of the early entertainment media.

V. Film Research

In 2004, Praeger published Caroline Joan (Kay) Picart's two volumes, *The Holocaust Film Sourcebook*. The volumes are useful resources because of their comprehensiveness, but awkward to use for comparative purposes because of the amount of information. The first volume contains fictional and narrative films, the second documentary and propaganda films. Arranged alphabetically by country, each entry includes title, country of release, date, category, film studio and producer for each film. The author provides film facts, story, and secondary sources for most films. Each volume also includes spotlight essays on Holocaust and motion pictures themes written by Picart and her colleagues. The publication of the *Sourcebook* as a database would be most useful for those working in this field.

Reading and reflecting on the significance of the previous research, it became clear that there was not a distinct theory or model to apply to this research. The next step was to determine to examine the archival materials and decide how they should be organized. Examining the archival records of the Hays Office in the Margaret Herrick Library revealed evidence that the PCA actions interfered with the production of Holocaust films. The following list identifies films released before 1946. An * before the title indicates the motion picture appeared in Avisar, Insdorf, and/or Doneson's filmographies.

- Screenplays, novels, or ideas that were not developed into motions pictures
It Can't Happen Here
Personal History: This screenplay was rejected. Later a version that fit the requirements of the PCA was released entitled *Foreign Correspondent* (1940)
- Screenplays, novels, or ideas that became movies
**The House of Rothschild* (1934)
- Rewritten screenplays and edited of films indicating the proposed film had been adapted to the demands of the censors
Blockade (1938)
Idiot's Delight (1939)
**Confessions of a Nazi Spy* (1939)

**The Great Dictator* (1940)
 **The Mortal Storm* (1940)
 **So Ends Our Night* (1940)
 **To Be or Not To Be* (1942)
 **Once Upon a Honeymoon* (1942)
 **Hitler's Children* (1943)
 **The Seventh Cross* (1943)
 **Address Unknown* (1943)
 **None Shall Escape* (1944)
 **Tomorrow the World* (1944)
 **Watch on the Rhine* (1945)
The Stranger (1946)

- Foreign films that were denied initial approval but were edited for released in this country.

December 7th (1942)
The North Star (1943)

- Foreign films that were not approved for release in this country.

The Blue Angel (1930)
Midnight Menace: retitled *Bombs over London* (1937)
 **Professor Mamlock*: released 1938 withdrawn 1939; rereleased (1941)
The Four Feathers (1939)
 **Pastor Hall* (1940): rejected and later approved in Britain, rejected and later approved in the United States
Mein Kampf – My Crimes (1940): released as *After Mein Kampf*
Contraband (1940)
Thunder Rock (1942)
In Which We Serve (1942)
The Rake's Progress (1945)

Cases where the PCA did not approve a script or did not approve a foreign film for distribution in this country are evidence that the Hollywood censors did prevent the production of films about the Holocaust. Films that went into production after revisions and accommodations to the PCA demands are also evidence that the Hollywood censors influenced the content of films. Changes and adaptations of a novel or play as it became a screen play and finally a motion picture also serve as evidence to support the claim that censorship played an important role in Hollywood motion pictures from 1934 until 1968.

CHAPTER TWO

DESCRIPTION OF RESEARCH PROCESS

In the earliest stages of this research, it became important to define and identify Holocaust films. The criterion established for this was to include those films referenced by two or more published film critics including Insdorf (1983), Doneson (1988), and Avisar (1989). Using this criterion, a table was created that listed the title of the film, the year the film was released, and noted historical benchmarks occurring in each year. This table, organized by year of release, led to the figures and data presented in Chapter One. This analysis resulted in three observations.

1. Surprisingly, each of these authors noted films produced before 1940. While they did not include the same films, each had included pre-1940 films. This is significant because the decision to eliminate Europe's Jews was not made until 1943 at the Wannsee Conference. Historians have documented Hitler's pronouncements and up until this time it was understood that he meant to remove the Jews from Germany, i.e. transport them elsewhere. Some suggest because of this, the Jews willingly boarded the trains for transport to the camps.

2. Significant historical events tended to result in the release of films relating to such events. In the 1940s, war movies dominated the screens. Later, Otto Preminger's film, *Exodus* (1960), based on the book by Leon Uris, addressed issues surrounding the creation of the state of Israel. The film, *Operation Eichmann* (1965), told the story of the life of the Nazi who sent so many Jews to their deaths. The film was released about the time of the man's trial in Israel.

3. Following the Paramount decision that led to the breakup of the studio system and the PCA, there was an increase in the production of motion pictures about the Holocaust. As this project progressed, the first observation was set aside because nothing had been found that seemed relevant to the research problem. It seemed plausible that each author had included pre-1940 films because they strengthened the argument the author was making. The second observation was discussed in a paper presented in Dr. Richard Waterman's political science seminar on film and politics at The University of

New Mexico. Having observed that the Holocaust, unlike other socio-political events, was not the subject of Hollywood films in the 1940s was consistent with the claims made by Avisar, Doneson, and Insdorf.

Before the end of World War II, very few knew about the systematic, factory style murders that attempted to wipe out Europe's Jewish population. At the end of the war, the American troops came upon the concentration camp at Ohrdruf. Even then, it was years before what we now call the Holocaust became a part of American culture. Avisar, Doneson, and Insdorf attribute the absence of films to the Jewish Hollywood Moguls. From a sociological perspective, it seems unlikely that this could be the case. In his book, Neal Gabler (1988) reported on genealogical origins of these men and included descriptions about what some were doing to help their European hometowns. Two films *Crossfire* (1947) and *Gentlemen's Agreement* (1947) protesting anti-Semitism were not only produced during this period, but had won awards from the industry and were box office successes. This research does not include either one because they do not address the Holocaust. They are the subject of other research projects in other contexts. A statement attributed to Samuel Goldwyn suggests Hollywood had done enough by producing and distributing the newsreels that were a part of every motion picture experience. These newsreels, although censored by a government agency, did contain camp liberation scenes filmed at the end of the war.

But, at this point in the project no thought had been given to studio in-house censorship. The question was if Goldwyn had said Hollywood had done enough, did that reflect the thinking in Hollywood? What is really known about the production of the newsreels materials? The answer was very little. In 1999 Jeffrey Shandler published *While America Watches* and clarified the process of production for these films.

It seemed that if an explanation for Hollywood's silence on the Holocaust was to be found it would necessary to look at as complete a set of films produced in the United States as possible. Any given subset that other writers had used was selected on the basis of films being relevant to the subject they were studying. Each author examined the pictures that supported the author's explanation. It seemed that it would be important to know all motion pictures with Jewish themes or references to the Holocaust to come to any conclusion about the set as a whole. To pursue this line of thought a Microsoft

Access© database was created and the films from the listings mentioned above were entered into it. Other motion pictures were added as they were discovered.

Using the database made it possible to mark all films identified in the filmographies and to add to the original listing films found in other sources. These sources included Robertson, 1989; Picart, 2004; Baron, 2005; and Doherty, 2007. This new list was compared to the information in original listing. A search of the online movie database, Internet Movie Database (IMDb), provided data about the films that was not in the current works. Microsoft Access was selected as the tool for this research because it allows for the entry of both numerical and textual data. Over the last ten years, the IMDb has been expanded to include much more information and this provided a means to verify my entries. The database now includes

- Title and Foreign Title
- Year and Country of Release
- Producer and contact information
- Sociological characteristics of producer
- Director and contact information
- Sociological characteristics of director
- Studio and Studio contact information
- Source of screenplay (book or novel etc.)
- Film produced or not produced
- Author of source
- Sociological characteristics of author
- Screen writer and sociological characteristics of screenwriter
- Rental source DVD or VCR
- Filmographies that list the title
- Type of film (documentary or fiction)
- Adapted for TV
- Year adapted for TV
- Two categories from Insdorf's analysis, Hollywood and Type
- Notation that the title was not in the original film critics listing

- Information about the films gathered from background reading and the source of the information
- Source of screenplay, original or adaptation of novel

There were no significant problems with the data collection. It was an exercise of systematically compiling and verifying information using library and internet resources. Fortunately, as it turns out the files of the Production Code Administration had become available for research in 1986. They had been archived at the Margaret Herrick Library in Beverly Hills, California. Soon after, the first books on censorship based on the activities of the commission were published. The material and analysis provided by these researchers has proven invaluable.

Numerous visits were made to The United States Memorial Holocaust Museum. Encountering a Holerith machine upon entering the display area, led to other questions. International Business Machines (IBM) produced this key sort machine. It seemed oddly out of place. However, further investigation revealed that Sam Watson, President of International Business Machines, traveled extensively in Germany selling the machine throughout the country during the period leading up to World War II (Black, 2002).

Like Henry Ford, founder of the Ford Motor Company and a notorious anti-Semite who continued to produce motors for the German military vehicles well after the United States had broken off trade with Germany, Watson continued his sales in Germany (Baldwin, 2001). In fact, both men continued to do business in Germany after Hitler had forced all personnel associated with the movie industry out of the country. As it turned, the Holertih machines were used during the 1930s to compile the German census records. The bureaucracy used those records to identify Jews. The efficiency associated with the movement of Jews from rural Germany to Poland was accomplished by means of trucks that transported them to the railcenters. This precise knowledge of Jewish populations within the country made this process efficient and complete. There was no room for a Jewish person, as identified by the Nuremberg Laws to escape the long arm of the Gestapo. The book, *IBM and the Holocaust*, describes the company's role in Nazi Germany in detail supported by corporate and newsreports. The author, Edwin Black, is the son of Jewish, Polish survivors of the Holocaust.

The library at George Mason University contained an extensive literature on the Holocaust and had generous lending policies for residents of the area not associated with George Mason. It was the source of many of the reading materials that provided the necessary background for this research including books about censorship, history of Germany leading up to World War II, Germany and the Jews in the 1940s, and Ian Kelshaw's biography of Adolf Hitler. The publication of material based on archival materials that had become available for research was invaluable. Frustration with the materials on censorship because most of it was prewar and based on earlier theories and models that contributed little to the current research interest, led to an increased interest in the possibility of the use of the PCA files. The new censorship literature based on the archival records at the Margaret Herrick Library did not address the Holocaust film production question, but it did suggest that if files existed for the films in question they would contain data that would clarify the censorship issues.

At this point, the dissertation prospectus for the purpose of studying the effects of censorship (the PCA) on the lack of films about the Holocaust in Hollywood from 1940 – 1969 was approved. Having decided to examine archival records of the 47 motion pictures with Jewish or Holocaust themes produced before 1969, arrangements were made to go to The Margaret Herrick Library in Beverly Hill, California. The database made it possible to produce a table of foreign films released in the United States and a table for foreign films not released in the United States. These foreign films had been added to the database after discovering the significance of foreign markets in production and film release. The PCA files contained little material on foreign films. The exhibition of foreign films fell under the Department of Commerce. If a film encountered no problems at that point it was considered ready for exhibition and did not require a Code seal of approval. The foreign films did require approval of local and regional censorship organizations prior to their being shown in a given geographical area. Challenges in these case could result in court cases but did not usually involve the PCA. Robertson (1989) had published *Hidden Films* which is about banned British films so these were incorporated into the database. At this time no similar work on other foreign films had been found. The French film historian, André Colombat's, study of *The Holocaust in French Film* is interesting but he focused on events in France and does not address

exhibition of French films outside of France. This has resulted in a rather hit and miss identification of banned foreign films from countries limiting the observations to particular films rather than foreign films as a set. There does not seem to be a study that identifies the processes by which foreign films came to be distributed in this country. It appears that as commerce their acceptance and rejection comes through the procedures involved in approval for import. The censorship occurs at the level of the state boards of censorship rather than at the PCA. Further research in this area would be most helpful.

Having studied Colombat's book, *The Holocaust and French Cinema*, the possibility of comparing the appearance of Holocaust films in France with the appearance of them in the United States was evaluated. The decision that this was not the best way to proceed still has merit. There was much left to be uncovered about the process in the United States. Comparative analysis is problematic. The first challenge is determining if events occurring in different social structures are comparable. The second challenge is determining causation. These were the factors taken into account when this study was restricted to films produced in Hollywood or foreign films released in the United States.

The Access database forms for each of the U.S. films and the foreign films released before 1968 were invaluable for the work at the Margaret Herrick Library. These forms contained the information currently in the database. Using these forms while researching the archival files, simplified the comparison of information from these primary sources with the information already collected. As information from the archival records was added to the database using the forms, it was automatically entered into the database and tables and reports were automatically updated. This tool facilitated the analysis of the information. For example, it was possible to determine that one studio did not produce more of the films than the other studios. References in the literature to Warner Bros. producing more films on social issues were found to lack empirical support.

The database now contains over 120 Holocaust films produced by Hollywood studios and released by the Hollywood studios before 2000 and another 296 films released by foreign countries. One bit of information that became more important as the project progressed is that the films from foreign countries were not subject to the same scrutiny by the Hays Commission as films released in the USA by Hollywood studios.

Some, like *Pastor Hall* (1940), were acquired by the studios and required PCA approval. Others came into the system through commerce regulations and met the challenges of approval by the state boards and local censors. Release dates rather than production dates are used in describing and dating motion pictures because films could not be distributed until they were recommended for release by the PCA. The release date is still used to identify the availability of the motion picture in theaters forty years after the change to the rating system.

The data entered into the database created summaries of the material. The database was converted into to an SPSS dataset (the statistical analysis program running on the department's graduate student computers) which allowed for the creation of frequency distributions of releases of films. This simple statistical tool, quickly determined that there was no simple explanation for the silence about Holocaust films. One studio did not produce more or less than another studio, for example. The distribution remained constant through the 1950s and into the 1960s. Neither did one director produce a significant number of Holocaust films. Daryl Zanuck, the non-Jewish producer, did not produce any more or any fewer films than those producers known to be Jewish. The screenplays of a number of films were based on novels popular at the time. A few films would follow significant historical events, but not always.

Returning to the archival records led to the observation there are a number of films for which records exist in the Archive. Of the 47 films identified, 24 had available files in the archival record. Using the research of Black and Koppes on the Office of War Information and Black's work on the Legion of Decency as source material, this number was increased. The films with these records were sorted into the following categories:

Hollywood – USA Release Films

Foreign Release Films (if they were subject to the authority of the PCA)

Not approved by PCA (banned)
 Approved as submitted
 Approved with changes

Not approved by PCA
 Approved as submitted
 Approved with changes

Films of either foreign or Hollywood release not approved by the PCA or approved subject to editing provided a positive confirmation to the research question that

ensorship did effect the production of Holocaust film under the studio system when the Hays Commission was active.

It was also necessary to determine if there were any scripts about the Holocaust submitted and rejected by the PCA between 1940 and 1968. Examining the information in the film records of *Personal History*, *Blockade*, *Confessions of a Nazi Spy* provided evidence to support the claim of Hoberman and Shandler (2004) that *Personal History*, a script based on journalist Vincent Sheen's memoir, was submitted for Joe Breen's approval by Walter Wanger the same month his motion picture, *The Blockade*, was released. Breen rejected *Personal History*. There is a consensus in the literature that the PCA approved the screenplay for *Confessions of a Nazi Spy* when Joe Breen was out of the country. The PCA rejected *The Pawnbroker*, but the producer, Eli Landau, appealed the decision and the appeal board approved it. This use of the appeals procedure was most unusual. These findings made reviewing the censorship files for other evidence an appealing strategy.

Electronic access to film and sociology journals revealed that this topic, silence about the Holocaust, had not been the subject of a published research project. Throughout the Holocaust literature there are references to books that have and have not adapted as screenplays. It would be interesting to reframe this project to look at books that were not made into films. It is always more difficult to identify and/or explain that which did not happen rather than to study what did happen.

Changes in the entertainment industry, attributable to technology, made the motion pictures more readily available for viewing as the research progressed. Whenever possible, if a film was an adaptation of a book, the film and the book were compared. Two examples are *Exodus*, the book by Leon Uris and the film adaptation produced by Otto Preminger, and *Crossfire*. There is an extensive literature about the film *Crossfire* (1947). It is mentioned here because much has been written about it but at the time there was no archival file for it in the Margaret Herrick Library. The screenplay is an adaptation of the book, *The Brick Foxhole*. Among other interesting facts, one of the main characters in the book was a Jewish character who in the book was a homosexual. In adapting the story for the screen, the studio made the decision to make the homosexual a Jew. Those writing about *Crossfire* seldom mention this. This led to the decision to

compare the book and the film versions of the story. The films became more available for viewing making this a useful strategy. The differences, if any, could not be attributed to censorship without supporting evidence but the reviews provided “one more piece of information to put into the puzzle.”

After the research was completed, it was discovered that the Margaret Herrick Library contained the oral histories of a significant number Hollywood personnel during the war in the filming and production of war related events. The oral histories may contain material that would add to the information and explanations presented in this research.

Another resource was the expanding historical research on the Holocaust. The following have been most helpful:

Aly Gots, and Susan Heim, *Architects of Annihilation: Auschwitz and the Logic of Destruction*.

Bauer, Yahuda, *Rethinking the Holocaust*.

Browning, Christopher R., *The Origins of the Final Solution, the Evolution of Nazi Jewish Policy, September 1939—March 1942*

Evans, Richard J., *The Third Reich in Power*

Friedländer, Saul, *The years of extermination: Nazi Germany and the Jews, 1939 - 1945*.

Goldhagen, Daniel J., *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*

Kershaw, Ian, *Hitler, 1936-1945: II Nemesis*

Kershaw, Ian, *Hitler, 1889-1936: I Hubris*

Kershaw, Ian, *The 'Hitler Myth': Image and Reality in the Third Reich*

Van der Knapp, Ewout, (Ed.), *Uncovering the Holocaust*

Closely related to the historical materials are two dictionaries:

Konigsberg, Ira, *The Complete Film Dictionary*.

Laquer, Walter, *The Holocaust Encyclopedia*

Other researchers that provided insight into cinema but not necessary related to the topic are:

Shen, Vivian. *The Origins of Left-wing Cinema in China*.

Watt, Ian *The Rise of the Novel*

Thomas Crow. *Painters and Public Life in 18th Century Paris*.

George A. Huaco. *The Sociology of Film Art*

Shen's research suggested how to analyze origins. Ian Watt traced the original of the novel in the creation of the printing press. This research provided a model for looking at the effects of technology in the studio system. Thomas Crow identified the various publics that influenced the emergence of impressionist painters in 18th century Paris. Following his approach, the public, "the American people," were not identified as one aggregate made of similar individuals, but many subsets that worked to pursue their interests and influence the industry. George Huaco's work makes the distinction between film as art and film as entertainment. The ability to distinguish between the two facilitated the analysis of some of the film studies discussions on the nature of cinema.

The next chapter includes a summary of the emergence of censorship within the industry including the first court adjudicated film censorship in American history. The correspondence in the censorship file on Daryl Zanuck's *The House of Rothschild* (1934) identifies the problems encountered before production. The letters describe the interactions between PCA and the studio as each reacted to external pressures that arose while making a motion picture about a prominent European Jewish family prior to World War II. The records for *Blockade* (1938), *Foreign Correspondent* (1940) and *Confessions of a Nazi Spy* (1939) are examined. In Chapter Three *The Great Dictator* (1940), *The Mortal Storm* (1940), *So Ends Our Night* (1940), *Once Upon a Honeymoon* (1942), *Hitler's Children* (1943), *None Shall Escape* (1944), *The Seventh Cross* (1944), *Tomorrow the World* (1944), *Address Unknown*, (1944), and *The Stranger* (1946) are used to demonstrate the work of Joe Breen's PCA during World War II. In the years before Japan bombed Pearl Harbor, there was an explicit demand by the PCA that motion pictures not antagonize foreign governments and businesses. Hollywood wanted to preserve that market as long as possible. However, with the bombing of Pearl Harbor and the entry of the United States into the war there was an abrupt change that can be seen in the PCA responses to these films.

The issues surrounding Charlie Chaplin and *The Great Dictator* (1940), like the Zanuck's production, *The House of Rothschild*, (1934), further illustrate the power of the

foreign market and the way the studio system through the PCA responded to the pressures.

The next chapter includes Joe Breen's correspondence with Walter Wanger which brings together different versions of the events prior to the rejection of *Personal History* rewritten and submitted as *Foreign Correspondent* (1940). *To Be or Not To Be* (1942), *Address Unknown* (1943), *Watch on the Rhine* (1945) are included in Chapter Three because they address the relationship between Hollywood and the Office of War Information.

The correspondence and articles in the archival records of the Margaret Herrick Library are identified with both quotation marks and indentation. Each letter included in the study is labeled as it appears by noting the writer and to whom it was sent as well as the date.

CHAPTER THREE
CENSORSHIP: IN THE BEGINNING
1905--1940

I. The Proliferation of Municipal and State Ordinances: 1905—1930

This research claims that the Production Code Administration influenced the release of Holocaust motion pictures from 1945 until the late 1960s. Although the Holocaust occurred in the early 1940s, ordinances and court decisions from the earlier periods, 1905–1930 and 1930–1940, provide vital insights that explain the power of censorship. The first period preceded the writing and adoption of Production Code in 1930 and the second preceded World War II. Actions in the years leading up to the war reveal the basis for many of the censorship policies that existed in the United States during and after World War II. The content of social censorship is an integral part of most societies. In this case, the censorship of the industry has identifiable roots and it accompanied the earliest visual media. In the period from 1930 to 1940 immediately following the establishment of the Production Code, the American public and its institutions struggled with the issues of isolationism, neutrality, anti-Semitism, and German-American relations. By 1940, the studio system had integrated the censorship practices into the industry. This research identifies how these practices delayed the presentation of the Holocaust in Hollywood films following the end of the war.

French and Petley (2007) compare censorship in different countries and include censored behaviors in their concise and vividly illustrated analysis. They begin with an incident of censorship that had occurred when the police confiscated a “film” an exhibitor was using in one of his peep show machines. French and Petley write,

Even before the first films were projected for a paying audience by the Lumière brothers in December 1895, the police had been intervening in Europe and North America to prevent peep-show machines from showing such innocently erotic items as *Dorolita's Passion Dance*, which was withdrawn in 1894 from the Kinescope Arcade on Atlantic City's Boardwalk. Whether there really was a sequence of flicker-cards or a few dozen feet of film called *What the Butler Saw* is we believe, uncertain. But the title has entered the language and for good reason. It suggests three things: voyeurism, class and dangerously illicit activities observed and revealed to an outsider. (p. 3)

Their identification of the civic protests against voyeurism, class, and sexuality in the earliest forms of the visual entertainment media suggests that censorship is not a unique social practice but an integral part of the resolution of social conflict in the institutions that influenced and vied for the control of Hollywood.

Stephen Carr (2001, p. 61), taking a cultural approach to the study of anti-Semitism, suggests the scandals of the Protestant elite in the early 1900s initiated censorship. He reports that on June 25, 1906, a Pittsburg millionaire, Harry K. Shaw, walked into a nickelodeon located in Madison Square Garden's rooftop restaurant and shot Stanford White, an architect, to death. The shooting occurred because Shaw had discovered his wife had had an affair with White. The press reported many of the embarrassing details of the events during the trial. In 1909 a jury found Shaw not guilty by reason of insanity. The Canon of Christ Church, Brooklyn, William Sheafe Chase, alleged that the nickelodeons were projecting scandalous films related to the case. The mayor ordered all nickelodeons closed on Christmas Eve. Carr interprets this series of events as the beginning of a campaign against the movies that Chase would pursue into the 1930s. According to Carr, the nickelodeons reopened the day after Christmas; he suggests, however, that this case became precedent setting in defining films as commerce, not an expression of free speech.

In his book, *Hearst over Hollywood* (2002), Louis Pizzitola reports similar events that took place in New York City. William Randolph Hearst's father was the proprietor of both nickelodeons and houses of prostitution in New York City. Doherty describes how Hearst dressed the women working for him to look like middle and upper class patrons of the arts. At show time, they would come downstairs from the brothel into his "theaters" to give an air of respectability to the event. Today, historians recognize the son, William Randolph Hearst, as a film critic and for the promotion of motion pictures in his newspaper chain. He is recognized for the role he played early in the motion picture industry when he recommended films that he had previewed in the theater in his castle at San Simeon in California. He converted his wealth to power by financing productions that studios might not have pursued. Like Shaw, Hearst and his son are two more examples of social elites influencing films in the 1920s. The New York City proprietors were also careful to avoid invoking the fire code's occupancy laws by

providing ticket sales and seating for no more than 249 patrons; the fire code limited seating capacity to 250 patrons.

In Classical Hollywood, moviemakers were very resilient and when confronted with changes that might affect their product they tended to revert to what had worked in the past. When these are social changes, for example, technologies like sound recorded onto the film and television, they produced lasting effects that the industry had to accommodate. Likewise, court cases tended to have lasting effects attributable to the fact that judicial acts are enforceable by the legal institutions.

Stephen Prince (2003) reports that on November 4, 1907, Chicago became the first city to pass a movie censorship ordinance (p. 13). Under this ordinance, the city required every film to have a license issued by the city before it was allowed to appear in the local theaters. Like the regional censor boards that were to follow, the city's power rested in its authority to prohibit the exhibition of the films and to charge fees for the rulings it issued.

The first test case of the Chicago ordinance occurred two years later in 1909, the same year as the ruling in the Shaw murder Carr reported. The industry was just beginning the transition from nickelodeons to silent pictures. In *Block vs. Chicago*

... a group of nickelodeon operators tested the ordinance by exhibiting films that had been denied a license. The case—*Block v. the City of Chicago* (1909)—became the first court-adjudicated censorship in American social history. The first movie censorship case to reach the courts, then involved the issue of film violence. These films apparently do not survive, and it is unlikely that they contained any violence that would appear extreme or shocking to a cinema viewer today. (p. 13)

Prince presents the case using the words as they appeared in the suit Block and his colleagues filed with the court.

Jake Block and five other nickelodeon operators filed suit, stating that the ordinance discriminated against them because stories of the James brothers (Jesse and Frank James, the famous bandits) were concurrently presented in Chicago in other visual media (in stereopticons and as 'stationary pictures,') as well as on the stage, that it was unconstitutional because it delegated judicial powers to the police chief, took away property rights without due process of law, and was unreasonable and oppressive. (p. 13)

He uses this case to substantiate the claim that violence was a core component of the earliest films. It supports his explanation of censorship emerging and expanding with the industry. He continues with this explanation,

Almost as soon as the new medium appeared, social authorities and other custodians of public welfare and morality regarded motion pictures with great suspicion and anxiety. They feared that cinema would bypass existing institutions of socialization such as the church, schools, and the family. As a result state, municipal, and county agencies across the country worked actively to shape and control the condition of motion picture representation. (p. 13)

Since violence is also a core component of the Holocaust and the Nazis' treatment of the Jews, these observations also provide insights into the presentation of the Holocaust in motion pictures. The social authorities and the custodians of public welfare include the religious organizations and veterans groups formed to represent their interests. These interests most often reflected their moral perspectives on the emerging array of subjects that came to appeal to motion picture audiences.

This initial case was the beginning of what would later become an established pattern. The courts of appeals would tend to defer to local censors. The case also makes explicit the distinction that the courts would make throughout the development of the motion picture industry between cinema and other media. Writing the opinion for the Supreme Court of Illinois in the Chicago case, Chief Justice Cartwright found "that the medium was more likely than other forms of entertainment to appeal to persons of 'weak or immature minds'." He includes in his definition of film audiences "those classes whose age, education, and situation in life specifically entitle them to protection against the evil influence of obscene and immoral representations." He continued, writing, "... that depictions of crimes that present only the actions of the criminals are ... moral and their exhibition would necessarily be attended with evil effects upon youthful spectators" (p. 14). Society's guardians, its social elites, believed motion pictures were dangerous not only because of their content, but also because individuals saw the moving images on a large screen in a darkened space. French and Petley identified these same social elites.

Prince also identifies the connection between the judiciary, the public social reformers, and the notion that films provide what came to be known in the industry as "compensating moral values." "Compensating moral values" will become a central policy

in the Production Code recurring repeatedly as the justification for actions taken by the not yet established PCA. The MPPDA's Production Code in 1930 eventually incorporated these assumptions.

... its reasoning reveals significant assumptions about the nature of cinema and its audience that, as subsequent court cases showed, were entrenched in the judiciary and in public social reformers. The court sidestepped the clear evidence that other pictorial media were presenting accounts of the James brothers' banditry to "the distinction between a failure to provide punishment for an act and the sanction of it." The ordinance, in other words, did not sanction the presentation of immoral or obscene pictures in other visual media, and, since it applied equally to everyone in the motion picture business, it was no grounds for objection to the claim that other people were violating the law by other means.

... Cartwright raised the issue of moral balance by implying that *The James Boys* and *Night Riders* were immoral not simply because they concentrated on the exploits of outlaws but because they did so exclusively, without a corresponding depiction of law-abiding characters. This notion that films ought to strike a balance in their dramatic content—that they ought to offer morally admirable characters and behavior as a counterweight to depictions of crime—would have lasting duration and influence on American filmmaking. In this regard, the social attitudes enshrined in the Production Code, which are sometimes attributed to the preponderance of Catholic influence on the Code have clear historical antecedent. (pp. 13, 14)

Prince does not identify the religious affiliations of those involved in this case. This passage demonstrates that the formalized content of censorship found in the 1930 Hollywood Production Code is no more than a formal version of these early conflicts over film content. For this reason, understanding the earliest court cases is essential to any analysis of the control of film production in the 1940s and 1950s. In the introduction to his study, Prince asks

If movie violence today is an inescapable part of the film business, what about the earlier period of classical Hollywood, in the 1930s and 1940s, when the studios made movies on their sound stages and backlots? That was an era of regulated screen content. Before a project went into production, the content of a script was carefully scrutinized for problematic religious and moral elements. (p. 1)

Certainly, the Holocaust, as a subject, presented serious "problematic religious and moral elements." As discussed in the following chapters, it also presented challenges to the belief in the sanctity of the human body, compensating moral values, nudity, and

violence. From 1945 to the early 1960s Hollywood, for the most part, remained silent about the Holocaust. Just as there is a considerable historical and social distance between these early court cases and the increase in film violence at the end of the 1960s, so too, there is a considerable historical and social distance between them, the Holocaust in Germany, and the Hollywood films about the annihilation of the Jews. In this research exploring the extent to which the censorship of the time contributed to the silence about the Holocaust, some of the same practices Prince identified account, in part, for this silence.

II. Protests Become Organized Censorship

From 1909 on, court adjudications of disputes between local censors and the studios contributed to and provided the basis for the censorship that years later affected the production of Holocaust films. During this time, the motion picture industry developed from as many as eighty studios in its initial stages into the larger studios (the majors), MGM, Paramount, 20th Century Fox, RKO, and Warner Bros., and the three smaller studios (the minors), Columbia, Universal, and United Artists, to restructure their companies. (Gomery, 2005 & Shandler, 1999) The studios competed with each other to provide entertainment for audiences and to secure the advantages of the many technological innovations that were integral to the development of the industry. Independent producers and theater owners struggled to compete. More socially diverse and differentiated audiences emerged as motion picture theaters spread throughout the country. Across the United States groups organized to control and to reform the content of motion pictures. (Leff, 2001; Prince, 2003) Competitive organizations representing a wide spectrum of the population sought to exert pressure on the industry in order to determine what would be acceptable and appropriate in the theaters. City governments and regional censors, designated by the name of the state in which they originated, frequently pursued legal means to influence the content and style of films. According to Doherty (2007), “the number of state censorship boards fluctuated over the years, but the six best-funded, longest-lived, and most troublesome resided in Pennsylvania (1911), Ohio and Kansas (1913), Maryland (1916), New York (1921) and Virginia (1922)” (Carr, 2001, p. 63; Prince, 2003, p. 17; Doherty, 2007, p. 33). Doherty also reports that

“upwards of 250 city boards operated, in addition to the hundreds of marshals, ministers and matrons who censored the local Bijou as a point of privilege.” Carr reports that between 1921 and 1922, thirty-six more states were seriously considering censorship legislation.

In this respect, Prince concludes and this study confirms, “We cannot talk about film violence without regional film censor boards—what filmmakers could and couldn’t show was always a function of these forces” (Prince 2003, p. 12). One could write “We cannot talk about the Holocaust without regional film censor boards—what filmmakers could and couldn’t show was always a function of these forces” If the Holocaust had been defined as extreme violence against the European Jews, Prince could have replaced gangster films with the Holocaust in his analysis. However, when Hollywood did become aware of the Holocaust in 1945 the regional censorship boards, established between 1911 and 1922, were functioning and the atrocities appeared only indirectly in feature films.

This research on censorship and Holocaust motion pictures supports Prince’s findings and provides evidence that film violence was not the only thing that these boards controlled. Their power resided in the fact that the motion picture theaters could not exhibit any film in their geographical area that did not have a board-issued license. The agencies collected fees for each license issued. Furthermore, when their rulings resulted in changes in the final, they charged additional fees for the changes made in each film print. They justified the fees because with each new edit, the board repeated the review prior to issuing a license. Forced to absorb these costs as well as those incurred during the editing and reprint process, the studios found themselves in a position whereby the censors significantly affected their profits.

III. Abuse of Discretion or Immoral and Obscene

Sova (2001) reports an early exception to the practice of the courts upholding the decisions of the lower courts that occurred when the Fox organization decided to sue over the failure of the chief of police to grant a license for one of their films. She writes that in the case of *The Spy* (1917)

... the Fox Film Corporation submitted the film for review to the Chicago chief of police in accordance with the Chicago censorship ordinance, which required films to obtain a police permit before they could be exhibited in the city. Under the ordinance, a permit could be denied to an ‘immoral or obscene’ film or to one that portrayed ‘any riotous, disorderly, or other unlawful scenes or has the tendency to disturb the public peace.’ (pp. 281, 282)

The police chief viewed the film and decided to require that the theaters restrict the audience to those 21 years old and older. In this case, contrary to the emerging pattern of courts deferring to local censors, the studio prevailed. The Fox studio took the city to court and the court ruled in favor of the distributors and against the police chief. In *Fox Film Corporation v. Chicago*, 247 F. 231 (1917) the court ruled the ordinance did not authorize the police chief to refuse a permit on such grounds and that his doing so constituted an “abuse of discretion.” In his testimony the police chief had objected to the film’s “horrifying nature of the tortures which are portrayed as inflicted upon the hero of the play, and his ultimate shooting by a firing squad” (p. 282). The city appealed the ruling in the federal circuit court of appeal. In *City of Chicago v. Fox Film Corporation* 251 F. 883 (1917) this court affirmed the decision. The studio had prevailed, but the delays in the release of the motion picture, the court costs, and the publicity had adverse effects on studio profits.

The situations described herein lead to the conclusion that as early as 1909, those who were to view and moderate screen content had begun the integration of three components of these judgments that were to become censorship standards. A fourth, sexuality, had been there from the beginnings in the nickelodeons.

1. Films as entertainment were to provide compensating moral values for whatever disagreeable subject matter appeared on the screen.
2. Films were business and the public determined what constituted acceptable entertainment through its agencies of censorship.
3. Violence (horror) on the screen was always problematic with one group or another.
4. Sexuality would always result in action from local groups and was always in a state of flux as to what was acceptable and what was not.

The various publics that influenced these determinations varied geographically, socially, culturally, and over time. Censorship boards, city and regional, were the agents that controlled what was acceptable. Once the studios released the films, the audiences became the ultimate judge of the film. Prince (2003), claims that

... some published works on the PCA seem to imply that American film would have been better off had the agency not existed, that it hobbled and crippled artistic expression. That this is a false question is demonstrated by the regional censor boards—the ultimate control of film content and cause of industry regulation lay there. In those times and under those circumstances, the PCA couldn't not have existed. But, to put all of this more positively, what did regulation help *give* to American film? (p. 9)

One of the answers Prince provides to his question is that the PCA gave the industry a forum to discuss and reflect on violence and the viewing audience. It has been shown the three court cases, Block, Mutual, and Fox Film, formally defined the public concerns about screen content. As will be shown in the next section, prior to the establishment of the PCA with Joseph Breen at its head, there was no venue in the Hollywood studio system for discussion of these issues. The next section identifies the mediator/decider role that was to emerge for the PCA. Its roots lay in the need for a means of responding to the early city and regional boards. The same topic appears again at another juncture in Chapter Four in the actions the censorship boards pursued on the release of *The Miracle* (1950). As described by Ellen Draper's in her extensive research "Controversy Has Probably Destroyed Forever the Context: The Miracle and Movie Censorship in the 1950s," the aggressive activities of the regional censor focus attention on the power of these boards (Bernstein, 1999, pp. 186–205). Each of the court cases confirms Prince's conclusions that the regional censors controlled motion pictures and that the PCA was essential for the continuance of the industry.

Phillip French and Julian Pitney (2007) recall that after World War I

... during which US cinema began to establish the worldwide ascendancy that today seems unassailable, Hollywood studios were coming under attack. Their films and the behaviour of their stars were agents of changing post-war morality that small-town America found threatening. Anti-semitism was part of this paranoia, directed towards a new industry largely created and owned by Jewish immigrants fleeing discrimination, hostility, and pogroms in Europe. In 1920, newspapers across the country carried an item with a Washington DC dateline that began, "The lobby of the International Reform Bureau, Dr. Wilbur Crafts

presiding, voted tonight to rescue the motion pictures from the hands of the Devil and 500 un-Christian Jews.” (p. 14)

IV. Protests and Production Costs—The Creation of the PCA

The Production Code was a response to the protest groups that urged censors to control film content. Father Daniel J. Lord wrote the Code in consultation with Chicago priests during 1929 and early in 1930. Some of these men served on the City of Chicago Film Censorship Board. Neither Prince nor other authors report the identity of the membership of the earlier boards in his work. It would be interesting to determine if the membership of the Chicago Board at the time of Block also included Catholic priests. It is most likely that it did. Prince continues his comments on Block,

At the present juncture, I want to identify the historical continuity of this core concern about the movies and emphasize the way that its initial surfacing in legal efforts to restrict film content occurs in terms of violent imagery. It has remained tied to film violence ever since. Furthermore, while the social anxiety has remained startlingly similar across different historical periods, the representation of screen violence has not. It has changed in a significant manner that requires us to map this public concern in relation to early cinema somewhat differently than in relation to post-1968 cinema. (p. 15)

Prince’s work is consistent with Carr’s identification of censorship stemming from the behavior of Protestant elites in the early years of cinema in the United States. This research on censors and Holocaust motion pictures extends Carr’s and Prince’s observations and insights by describing how early restrictions on the presentation of political themes had to be overcome before the industry could deal with social atrocities like the Holocaust. It is difficult to imagine how any screenplay involving the Holocaust could meet the criteria of compensating moral values and the restrictions imposed by the regional censors.

In his final observations about Block, Prince writes,

The court ruled that the ordinance needed no formal definition of obscenity and immorality because the concepts were clearly fixed in the minds of all citizens of “healthy and wholesome mind.” The concept of obscenity was vested in the public conscience. It would be a century before the courts began to specify and narrow the legal concept of obscenity (e.g., in *Roth v. United States*, 1957) and then with reference to books, not films. (p. 15)

This study will show that after its inception in 1930 the Production Code Administration dealt with what the courts later defined as obscenity. It did so by including in its prohibitions a list of words that they did not allow in films. It defined actions such as prostitution and suicide that the censors under no circumstances condoned on the screen. The archival records of the PCA that contain letters from the PCA to the studios provide evidence of the changes the PCA required before they gave the screenplay “a go ahead” by the commission. Each “go-ahead with production” letter reminds the studio or director this is not approval of the film. The letters provide examples of situations where words on the prohibited list had to be changed. They also identify actions that censors might perceive as prostitution or other immoral behavior in the screenplay. If the studios did not make these changes, the PCA did not recommend to the MPPDA’s office in New York that it issue a code seal of approval. This seal was required. Without it, most theaters refused to show a film. When a producer attempted to release a motion picture without the seal, it was seldom successful.

V. The Paramount Case

In 1948, the United States Supreme Court ruled that movie studios owning their own theaters violated licensing laws (Hovenkamp, 2001). The decision often referred to as the Paramount Case is the anti-trust case, *United States. vs. Paramount Pictures, Inc.*, 334 US 131 (1948). The studios had anticipated this action from as early as 1927 when the Federal Trade Commission began investigating the practice of block booking (Jacobs, 1983; Gil, 2001; and Hovenkamp, Janis, and Levy 2007). While many industries in the late 1920s struggled to stay in business, the film industry was remarkably successful. Having survived the stock market crash in 1929, the studios were not in a position to deal with a challenge from the federal government. Carr attributes the industry’s success to the ability of the studios to consolidate its economic control (2001, p. 99). Metro-Goldwyn-Mayer, Paramount, Radio Keith Orpheum, Twentieth Century Fox, and Warner Bros. developed a system that gave the studios control over the production, distribution, and exhibition of motion pictures.

Opponents of the studio system called this system of control “vertical integration.” The studios controlled both the resources to produce films (production) and

the audiences' access to the majority of films (exhibition). Neal Gabler describes in detail the historical origins of the industry. The Jewish Moguls began as exhibitors in the east coast cities and in the Midwest. They only became producers when they found the supply of films inadequate to meet their demand. The studio system was economically effective because it guaranteed first runs to prestige theaters in large urban areas that could charge premium ticket prices. After a given duration, they distributed the films to more remote, poorer neighborhoods, and rural areas. Block booking was a process whereby the studios sold packages of feature films to exhibitors on an all or none basis. Each package contained a film guaranteed to be a box office success. However, the package also included less appealing films, and cartoons, shorts, and newsreels. The theater owners could even be required to bid on these packages sight unseen. Block booking and blind bidding made it difficult for independent producers and owners of smaller theaters to compete with the established studios.

As the industry developed from “flicks” to film, peepshows and nickelodeons would become multiplex theaters. Sound became a part of the film and dramatically changed film content. The actors, the performers had to speak successfully in addition to acting. Prince describes continuity in the emergence of violence. The portrayal of the industry as a series of transformations extends his analysis. The Paramount Case is just one of the many “triggers” what Mintz will refer to as “signal events” in his cultural analysis included in Chapter Six.

During the Great Depression and World War II, Hollywood and the federal government had come to an understanding that allowed the studio to continue block booking. Film historians credit much of Hays success as head of the MPPDA to his ability to hold off federal challenges to this system through the 1930s and during World War II. At the end of the war and coincidentally with the invention of television, the federal government resumed its efforts to apply anti-trust laws to the industry's studios. The court forced the studios, both the majors and the minors, to restructure their companies. Using the Paramount studio to illustrate the significance of this decision, legal scholar and film historian, J. A. Aberdeen (2009) reports that the studio's distribution circuit was 1,450 strong and the studio still partially owned 1,000 theaters. The court ruling mandated that the studio could maintain no more than 600 exhibition

companies. Anticipating a successful entry into the television market, RKO and Paramount decided to proceed with divestment and reorganization. Paramount acquired four of the nine operating television stations in the United States, and established the first television stations in Chicago and Los Angeles. The Communications Act of 1934 prohibited the issuance of broadcast licenses to any company convicted of monopoly. Paramount was successful in acquiring the necessary licenses because it complied with the consent decree. (Jacobs, 1983 & Gil, 2010)

The consensus among film historians is that the Paramount Decrees account for a major transformation of the studio system into the mega-economic entertainment models built around the television networks in the 1990s. Draper (1990) quotes Michael Conant's argument in "The Impact of the Paramount Decrees" in the book, *The American Industry*. Conant writes that in the wake of the anti-trust rulings in 1948 the industry lost the strength to regulate its product:

The Production Code Administration, the industry's agency of self-censorship which had been a barrier to the entry of independent producers, found its power of enforcement markedly reduced by the divorcement [of production-distribution companies from theater chains]. The majors had used the PCA to bar the entry of novel pictures of many types. Following divorcement, the control which the major distributors had exercised through ownership of first-run theaters was lost. Pictures such as *The Moon is Blue*, *Man with the Golden Arm*, and *I Am a Camera* were successfully produced and distributed although they were denied PCA approval. As a result, in order to preserve at least part of its former powers, the Code was revised in 1956 more nearly to fit its original purpose of barring obscenity rather than its monopoly purpose of barring novelty (p. 296).

The Supreme Court's actions affected Hollywood by creating a more competitive environment for independent producers and small theaters, by providing a means for the studios to gain a foothold in the emerging television industry, and by weakening the PCA and studio system to such an extent that other cases were to follow. The Paramount case and the court decisions that declared the industry was commerce led to a situation where the motion picture industry finally was able to challenge the law and obtain First Amendment rights. The discussion of the foreign films, *M* (1931) and *La Ronde* (1950) in Chapter Four, *After the War—Finding the Way*, explains how the interstate commerce decisions led to motion pictures acquiring these rights. In the meantime, the industry would function under the Department of Commerce.

VI. Film Industry: A Business Pure and Simple

Stephen Carr writes “Defining films as a form of commerce threatening morality allowed more overtly ideological controls to gain foothold (2001, p. 62). He identifies the board of censors begun in Ohio in 1913 under the state’s Industrial Commission as the first group to be legally recognized. Prince, two years later, identifies the Chicago Board of Censors as the first City agency to censor movies. Carr goes on to write that a deputy attorney general of the State of Pennsylvania, William I. Swope, claims to have prosecuted hundreds of people under the state’s 1915 “picture show law.” In Connecticut, Fox Film Corporation in *Fox Film Corp. v. Turnbull* “reaffirmed the right of a commissioner to revoke the registration ‘of any motion picture which he finds immoral or liable to offend racial or religious feelings” (p. 62). Other cities passed laws requiring that theaters close on Sundays.

Doherty (2007) provides more insights into the issues that existed between producers and censors in 1915. He points out the costs the studios incurred and the seemingly unpredictable demands made on them.

Filmmakers protested the cuts in the product and the banishment from whole markets not as violations of inalienable First Amendment rights but as wasteful business expenses. With so many quirky censors abroad in the land, no film was sufficiently sanitized not to run afoul of someone, somewhere—an ambitious councilman, a mayor’s wife, or the sundry buttinskies, cronies, and hacks who sat on the numerous state and municipal censor boards. (p. 32)

The proliferation of censors and agencies of censorship each with its own set of values and its own ideas about what they would allow in the theaters in their geographical areas presented the studios with a situation where they could not function by producing one film with many prints. The model for the industry had been adapted from the nickelodeons where short presentations were shown throughout the day and evening to multiple audiences. If the censors were able to force the studios to edit multiple versions to comply with their censorship policies their profits would be significantly reduced. Doherty describes these frustrations and the litigation attempted by one company to resolve the problem.

Fed up with costly cuts, one enterprising company sued a state censor board, taking the case all the way to the Supreme Court. The litigation backfired with explosive impact. In 1915, in *Mutual Film Corporation v. Industrial Commission*

of Ohio, the Supreme Court ruled that the movies were not a revolutionary new communications medium but “a business pure and simple, originated and conducted for profit, like other spectacles, not to be regarded . . . as part of the press of the country, or as organs of public opinion.” Being a commercial enterprise, motion pictures could be regulated by the states—and by logical extension the federal government. “[Motion Pictures] may be used for evil,” intoned Justice Joseph McKenna, gaveling down his film criticism with a flat statement that in 1915 was plain common sense. “Besides, there are some things which should not have pictorial representation in public places and to all audiences.” Theoretically, under the Constitution, the U.S. Congress possessed the power to set up a federal agency regulating the content of the motion picture industry the same way the recently established Food and Drug Administration regulated the ingredients ground up in meatpacking plants. Cinema or sausages, each was fodder for the interstate commerce clause. (p. 33)

The ruling in the Mutual Case stimulated the creation of more and varied censorship organizations. It also provided a basis for not only the states but also the federal government to step in and control the industry. The decision, denying cinema the constitutional protection enjoyed by other media, was eventually changed in 1952. “But, it set the tone for the way movies were to be viewed for decades, at least in the Anglo-Saxon world, and continues to do so into the twenty-first century” French and Pitney, (2007, p. 10). The legal basis of a threat of federal interference, once established, remained a problem for the industry. After World War II, the next action taken by the government also had far-reaching consequences. In the Paramount Case, anti-trust actions had forced the studios to divest themselves of their theater chains and reorganize their studios. Censorship, especially the regional censorship organizations, had exerted control of what the studios would release from the time of their inception until the divestiture.

Backed by the highest court in the land and freed from pesky First Amendment considerations, state and municipal censor boards proliferated. . . . Besides protecting indigenous morals, the censorship boards pumped up indigenous tax revenues and greased local palms by levying taxes on each print processed and purified. (p. 33)

In this last paragraph, Doherty emphasizes in his unique style that indigenous tax revenues flowed from indigenous morals. The licensing procedures for the agencies and local communities created economic benefits for the agency and the local board while it created financial liabilities for the industry. In fact, it was the expenses the studios incurred that eventually led them to cooperate with the PCA during the 1930s.

VII. Hollywood Responds: The MPPDA and Will Hays

This section could also be called Will Hays—The Outsider Comes to Hollywood. Trying to rebound from the depression, facing threats the government might attempt to establish policies regarding the content of films, and an increasing number of public protests, forced the industry to consider a means to maintain control and increase its business. In the 1920s, the issues with censors multiplied as cities, towns, and individuals attempted to influence the industry. Newspapers across the country thrived on stories of the “bad” behavior of Hollywood actors. Others, like The International Reform Bureau, made threats that were more explicit. The moguls controlling the industry responded. They employed Will H. Hays (1879-1954) to deal with its critics. An Indiana Republican and former Postmaster General in William Harding’s Cabinet, he came to Hollywood in 1921 as head of the Motion Picture Producers and Distributors of America (MPPDA). He served in that capacity for 43 years. His job was to put the industry in order and preserve its leaders’ fortunes. When Hays retired, Eric Johnston, a diplomat and head of the U.S. Chamber of Commerce, succeeded him. Johnston died in office having changed the organizations title to the Motion Picture Association of America (MPAA). Soon after Johnston’s death, President Lyndon Johnson’s right hand man, Jack Valenti became the new head of the MPAA.

The moguls brought powerful, connected men from Washington to guide the industry. Hays, the first outsider, established a Studio Relations Committee (SRC) to interface with the studio heads, regional censor boards, and public pressure groups. Doherty (2007) describes Hays’ credentials.

Besides his high-level access to Wall Street and Capitol Hill, Hays possessed another requisite credential: unassailable probity. He was a nondrinker, nonsmoker, and a Presbyterian Church Elder, the last of which was not incidental—not just because he was not Jewish, like most of the Hollywood moguls, but because robust Protestantism was still the driving engine behind official morality in America, the best proof of which was the ‘noble experiment’ in behavior modification currently undergoing disappointing field tests, Prohibition. (p. 35)

With the election of President Franklin D. Roosevelt, the change from a Republican Administration to a Democratic Administration weakened the social network that Hays had used to work so effectively on behalf of the industry. When the federal government

pursued the implementation of a federal code to regulate films, Hays moved to resolve this problem. His strategies included bringing new personnel into the SRC.

VIII. Hays Recruits Joseph Breen

Hays, also, dealt with the problems facing the industry by establishing general guidelines that the studios should take into account to avoid conflict with the censors and public. “*Don’ts and “Be Carefuls”*” is the name of the document containing the guidelines that the industry had agreed to follow. Hays was the first “outsider” to be responsible for improving business in the industry now called Classical Hollywood. Today analysts of the industry frequently call these guidelines weak and ineffective. Taking into account that a Protestant, Midwestern Republican authored them and that the moguls had never before delegated so much power, it may become necessary for future analysts to reassess his accomplishments. Furthermore, he did his own evaluation and brought others into the SRC within the first decade of his administration. They would go beyond his guidelines and create rules and policies that were to affect the industry for thirty more years. Hays’ “*Don’ts and Be Carefuls”*” are in Appendix B.

Hays functioned as a mediator spending more time in New York, Washington DC, and his hometown in Indiana than he did in Hollywood. Recognizing the need for a presence in Hollywood, Hays employed Dr. James Wingate, an academic whom he recruited from the New York Board of Censorship. The National Board of Censorship is another name for the New York Board of Censorship. According to Prince, this board had also tried to deal with violence in 1909. Its actions took the form of a letter to the Motion Picture Patents Co., which at the time represented some of the production studios. In the letter, the board recommended some guidelines it used in evaluating pictures. This letter introduced the phrase “violent or gruesome.” It also objected to scenes like picking a lock or the use of poison. Films were not to be a training session for the criminal element in society (Prince 2003, p. 11). Recruiting someone from this organization provided the SRC with an inside track on what it might expect from regional agencies.

Meanwhile, Father Daniel Lord, S.J., professor of dramatics at St. Louis University, and Martin J. Quigley, the editor of *Exhibition Herald*, renamed in 1931 *Motion Picture Herald* had begun work on new rules for motion picture production.

Quigley's influence was widespread because his trade weekly, *Exhibition Herald*, was second only to *Variety* in distribution. The Archives in the library at Georgetown University contain much of Quigley's correspondence and this is a major source for research on the origins of the Code. Lord edited *The Queen's Work*, a widely read Catholic publication, which Black (1994) describes as a publication that preached morality and ethics to Catholic youth. In consultation with the Catholic leadership in Chicago and Joseph Breen, they had discussed the need to control the content of motion pictures. Breen was working for the church in Chicago when Hays recruited him.

(Doherty 2007, p. 25) Doherty writes about Lord,

... like so many Catholic intellectuals, [he] deplored the modern trend in drama and literature that dealt in increasingly realistic terms with modern ideas and social issues. ... Lord attacked the ultra sophistication of modern living as reflected in literature and drama. Other topics like evolution, birth control, abortion, secular education, and the growth of communism also drew his wrath. As Lord later recalled, 'he and Dinneen (an activist Chicago priest who represented the Chicago Cardinal George W. Mundelein on the Chicago censorship board in 1918 often groaned together over the horrible stuff that came pouring out of Hollywood. (p. 37)

After several months of discussion, Lord drafted a Catholic movie code, a combination of conservative politics, Catholic theology and pop psychology. Lord added to and edited Hays' guidelines so the new Code consisted of specific statements of policy. (Black, 1994) The Code, as written by Father Lord, is included in Appendix C. According to Black, key elements of this new Code include,

Entertainment films should emphasize that the church, the government, and the family were the cornerstones of an orderly society; that success and happiness resulted from respecting and working within this system. Entertainment films should reinforce religious teaching that deviant behavior, whether criminal or sexual, cost violators the love and comforts of home, the intimacy of family, the solace of religion, and the protection of law. ... As Lord explained, Hollywood films were first and foremost 'entertainment for the multitudes,' and as such carried a 'special *Moral Responsibility*' required of no other medium of entertainment or communication. (p. 49).

By 1931, pressure from the Catholic Church increased dramatically. Hays brought Joseph I. Breen, a Roman Catholic, to Hollywood (Black, 1994; Doherty, 2007). In 1934 Breen replaced Dr. James Wingate as head of the SRC. Wingate had been running the SRC in the Hollywood office since December 1933 (Doherty, 2007, p. 61). The federal

government had proposed a New Deal Motion Picture Code. With pressure from the federal government's National Recovery Administration, this code loomed as a threat to the industry. Had the government implemented its own code, it would have held the force of law.

Breen brought a different leadership style to the SRC. Doherty described him as outspoken, decisive, and willing to pursue his personal goal of bringing the content of motion pictures into line with mainstream social values. The MPPDA had adopted the Production Code in March 1930. The Production Code Administration (PCA) replaced the SRC. Breen had been working on the Code since his arrival in Hollywood in 1931. He was well prepared to initiate changes when Hays appointed him to head the PCA in 1934.

Breen faced pressures from all sides including regional censors, Catholics, the studios, and the federal government when he assumed his new position. Breen dealt with these pressures by taking action. In the first two months on the job, Breen rejected six pictures; the producers accepted Breen's judgment on four of the six and challenged two. The Producers Appeal Board overruled Breen on those two. The six films rejected in those two months were as many as had been rejected by the Code administrators in the two preceding years. The regional censors finally saw an effort on the part of the industry to comply with their expectations. For the studios, compliance meant that their expenses would begin to decrease as the approved films faced fewer edits and fees at the time of release.

Doherty (2007) reports that as Breen

... stepped from public service to private business and back, he acquired a set of strong opinions he was not shy about sharing in conversation or published commentary. On the evidence of his chatty letters and erudite essays printed in top-line Catholic periodicals, a fusion of religious conservatism and progressive ideology shaped his outlook on the great issues of the day. He detested the Eighteenth Amendment, and the long dry Sahara of Prohibition would stick in his craw ever after as an assault on the folkways of his tribe and the rituals of his church. Returning religious prejudice in kind, he decried the teetotaling churchwomen and abstemious ministers of the Christian opposition as a "horde of female fanatics" and "Protestant" gentlemen of the cloth "who seem to be ever-ready to poke their noses into the other fellow's business." He was an Al Smith Democrat and a melting-pot assimilationist. He assailed the Ku Klux Klan,

Bolshevism, the British Empire, and any other menace, foreign or domestic, to the Catholic Church. (p. 19)

Doherty observes that Breen eliminated anti-Semitism from his public discourse.

However, he goes on to argue that the Catholic writers of the Code had firmly embedded this anti-Semitism in it.

The new document combined Catholic morality with the earlier demands for compensating moral values, censorship of acts of violence, and sexuality. The Hays Commission under Joe Breen's leadership viewed motion pictures with these in mind. It was also fully aware of the Supreme Court and the industry's proclamations that motion pictures were an industry and that the PCA had a stake in helping it operate as a business. Clearly, the early 1930s were a time when the studios made major changes in the content and production of motion pictures. By the late 1930s when Hitler had come to power in Germany, the studio system had embedded these new dynamics in its production practices.

This remained a turbulent period for the industry. Under the Production Code, the censors desired the elimination of offensive material, while the writers and directors were intent on finding ways to circumvent the new rules. The industry was always adopting new technology. Motion pictures with sound dominated the market and Hollywood films dominated the foreign markets. The price of silver (essential in the production of film) was rising rapidly as Hitler's military aggression in Europe affected market prices worldwide. The industry was yet to face the threats and actions that were to come from the German Bund in Hollywood and the U.S. House on Un-American Activities Committee in Washington, DC.

As Prince demonstrates, part of the accommodation to the new environment, both legal and technological, came as the studios changed the way they portrayed objectionable material on the screen. Just as Hays had incorporated his Protestant values, Breen incorporated his Catholic values. He also continued his relationship with his Catholic colleagues, especially the priests in Chicago, where he had worked before coming to Hollywood.

With war threatening the European continent and an increase in anti-Semitism in the United States, a fifth dimension of censorship emerged. Daniel Lord's Code had

made explicit the policy that leaders of other countries and their cultures had “to be treated with respect” in all motion pictures. In the pages that follow, excerpts from the PCA to the studios illustrate elements of the Code that stemmed from the pre-1930 actions of the regional censors and the courts. The archival records of films include Breen’s responses to the screenplays submitted to the PCA and provide evidence of the mediatory efforts of the agency. The PCA under Breen was mediatory only in the sense that through his office the studios received clear instructions about changes that made their films pass through the censorship processes with minimum opposition and expense. The MPPDA amended the Production Code in 1938 adding more explicit constraints on the portrayal of criminals and criminality. This amendment is Appendix E.

Section IX. Summary

From its beginning, the film industry had faced challenges to film content. Whether it was in Chicago, New York, or Brooklyn the challenges usually resulted in the courts giving the challenger the authority to impose restraints. Emerging as a business existing for the purpose of entertainment, the courts ruled against the industry when it claimed First Amendment rights of freedom of speech. Instead, the Department of Commerce had control as a result of it being ruled a business. To gain some control over the forces that sought to determine film content, the industry organized itself into a highly competitive system directed by an internal censorship component called the PCA. The PCA became specialized in recognizing possible objections to film content and it negotiated with the studios to make changes in screenplays before filming began. This enabled the studios to anticipate censorship problems and make changes that would avoid delays in releasing the films to the theaters. At the same time, these interventions severely limited the content of films in areas of controversy.

Joseph Breen came to Hollywood in 1931 and Will Hays appointed him head of the PCA in 1934. His presence strengthened the influence of the Catholic Church over films, enabled the studios to anticipate censorship problems, and provided the many publics that confronted the filmmakers a place to focus and make known their objections. He exercised control throughout his administration, but just before his retirement, he began to recognize that Hollywood would need to change just as it had in the early 1930s.

From as early as 1909 court cases influenced the content of films and these cases resulted in censorship groups forming at all levels of government. Other groups emerged that represented the various interests of the many publics concerned about the content of motion pictures. The law established the industry as a business regulated under the Department of Commerce. It denied First Amendment rights protection to the motion pictures. Films were products not communications, and the ground rules for production over the next thirty-five years had been set in place.

The next chapter looks at the interaction between the PCA and the studios when the MPPDA established the PCA. Films, such as *Scarface: Shame of a Nation* released in 1932, illustrate how the organization functioned under the leadership of Joseph Breen and the relationship between Hollywood and New York divisions in the industry.

CHAPTER FOUR

THE PRODUCTION CODE AND THE MAKING OF MOVIES

I. “Screw the Hays Office”: Censors Act: Hughes Reacts

Caddo/United Artists released *Scarface: Shame of a Nation* in 1932. One of the most notorious movies about organized crime, it is included here because the correspondence between the PCA and Hughes illustrates the application of the Code. The actions of the PCA reveal how it functioned. Dawn B. Sova compiled and edited censorship histories of 125 motion pictures in 2001. *Scarface* was one of these films and she provides information not found in other sources.

When Howard Hughes, who had produced *Hell’s Angels* (1930), first proposed making *Scarface*, Jason Joy, a member of the PCA, rejected the idea. Will Hays had appointed Joy, addressed as Colonel Jason H. Joy in the industry correspondence, to head the SRC in 1926. One of his first acts was to author and present to the MPPDA the list of “*Don’ts and Be Careful’s*” that was later distilled into the original Hays Code. He continued to work in the organization when the SRC became the PCA. Joy notified Hughes of his rejection of the screenplay by writing to him that “Under no circumstances is this film to be made. The American public and all conscientious State Boards of Censorship find mobsters and hoodlums repugnant. Gangsterism must not be mentioned in the cinema. If you should be foolhardy enough to make *Scarface*, this office will make certain it is never released” (Sova, 2001, p. 260). That Breen had rejected six films suggests that the PCA had begun to exercise its authority. The language and argument Joy uses reflects the language and justification in the Chicago court cases some twenty years earlier. Hughes responded to Joy’s rejection of his screenplay by sending a letter and the following memo to his co-producer and director, Howard Hawks, “Screw the Hays Office. Start the picture and make it as realistic, as exciting, and as grisly as possible” (p. 261). Ben Hecht was the writer for this screenplay. Together Hawks and Hecht released and edited a movie with as many as twenty-five killings, forty according to some reviewers. Sova goes on to describe the demands of the PCA, the reaction of the producers, and the final accommodations including the change of title to *Scarface: Shame of a Nation*. Howard Hughes, infuriated by the rejections, issued a public statement that

resulted in the *New York Herald-Tribune* praising him as “the only producer who has the courage to come out and fight this censorship menace in the open” (p. 261). Eventually the PCA recommend the approval of three versions for release in different parts of the country. Sova further notes “In an unusual move to protect the financial investment in the film, the MPPDA helped to get the film past the state and city boards of censors by sending SRC head, Jason Joy, to speak with each board” (p. 261). Here Sova’s information is inconsistent with that of Doherty and Prince. None of the authors includes the dates when the actions take place so the time elapsed from the first submission of the screenplay to the release of the film may account for the discrepancies. Regardless, the same Jason Joy had warned Hughes months earlier that the PCA would never approve the film. Now working on behalf of the studio, Joy changed his position. He showed the board members of the regional censors the third version of the film with the alternate endings and argued that the film did not glorify criminals. That was not the objective of either the writer or director. He was able to convince them that *Scarface* was actually a moral film meant to work against crime.

Joy’s success in winning over the censorship boards angered both *The Christian Century Magazine* and *Harrison’s Reports*, a trade newsletter. Doherty (2007), quotes *Harrison’s Reports*, “The Hays Morality Code acted as a kind of shield, protective of the dirty, filthy, vile, minds of some of the producers in Hollywood. Hays made promises to the church people that he would allow no dirt in pictures and failed to keep his promises—and failed miserably” (p. 57). Sova reports that state boards of censors in New York, Virginia, Ohio, Kansas, Maryland and Virginia, as well as municipal boards in Chicago, Portland, Boston, Seattle and Detroit rejected in part both the first and second versions of the film. Joy’s shift in position from “it will never be produced” to justifying it to the boards is evidence of the censor’s primary commitment to the industry. This is consistent with Prince’s claim that the PCA was essential to the functioning of the studio system.

According to Black (1994), Hays brought August Vollmer to Hollywood to examine gangster films on behalf of the PCA. Vollmer, one of the most respected law enforcement officials in the nation, had been a reform police chief in Berkley, California. He left the position, moving to the University of Chicago as a professor of Police

Administration. In 1931, he led the work of a federal commission created to study the effectiveness of American police departments. He viewed six 1931 gangster films and reported to Hays and the industry that he rejected the idea that these films encouraged gangster behavior or encouraged youth to become delinquent. His position was opposite of Father Lord, one of the authors of the Production Code who consistently argued that these films were the source of much of the wrong in American society. (p. 123) There was another source of contention about film content. Social scientists were conducting survey research that indicated an increase in crime statistics (especially juvenile crime) they interpreted as being associated with the more violent motion pictures.

Meanwhile, the studios were inclined to work with the censors to get their products to market with the lowest costs and highest return on their investments. Hughes was not so inclined; his goal was to make his film his way. He assumed, correctly, that the film would draw an audience. The challenge Hughes would have to overcome was the requirement of a PCA Seal of Approval before the theaters would show the film.

The initial reaction of Hughes to the PCA's rejection of *Scarface* indicates not only his style, but also his position as an independent, an outsider in the studio system and a newcomer to its way of conducting business. The next section accounts for the formation of the Catholic Legion of Decency. The Catholics had become increasingly frustrated in the delays that occurred in the implementation of the new Code. They responded to these delays by forming a new censorship organization.

II. The Legion of Decency and the PCA

Sova attributes the creation of the Catholic Legion of Decency and the PCA to the films *Scarface: Shame of the Nation* (1932), *Red-Headed Woman* (1932), *The Sign of the Cross* (1932), and *Baby Face* (1933) among others. The evidence suggests, however, that the pressures from the regional censors and Catholic leadership in urban areas brought pressure on the industry and that this censorship was the immediate cause of the changes. The MPPDA approved the Production Code in 1930. The boards of censors and the news media had created so many delays and obstacles to the release of these films that the Hollywood studios had to respond. By 1934, Breen was aggressively implementing the

new Code. It had replaced Hays SRC guidelines (“*Don’ts and Be Carefuls*”) with clearly stated policies the MPPDA had endorsed.

Doherty (2007) writes,

After more than three years of unholy and unwholesome screen fare, Catholics formed an organization to beat back the plague. Its official name was the National Legion of Decency—morally upright Protestants and Jews might enlist as well—but the group was known as the Legion of Decency or, more ominously, simply ‘the Legion.’ The adjectival Catholic was understood. (pp. 56, 57)

Unlike the Production Code Administration that reviewed proposed films before production, the Legion reviewed the films after production. Located in New York City the board viewed the films and either approved the film by assigning a rating or banned the films just prior to their distribution.

Ellen Draper observes that through the 1950s the Catholics defended the belief that good films must necessarily be literally true (1990, p. 196). The Catholics defended this assumption in print with the support of local and regional censor boards and with the full support of the Catholics serving on the Legion of Decency review board. The difference between presenting reality and telling a story for entertainment purposes was not lost on the vigorous censorship agencies.

Doherty argues that Breen enforced the Code on behalf of the public, while Prince argues that Breen operated the office to expedite production and distribution of films with minimum interference from the censors. Prince (2003) “I do not treat the PCA as a censor” (p. 8). Information from the PCA files suggests that both Doherty and Prince are correct. Breen implemented the PCA Code. It saved the studios delays in distribution (income) and reduced their expenses by eliminating the fees charged by the censorship agencies.

In the next section, the correspondence in the archival file of Darryl Zanuck’s *The House of Rothschild* (1934), illustrates just how Breen’s commission came to apply these policies to a film about a Jewish European family. The studio produced the film at a time of political controversy and during the recovery from the Great Depression. The file on this film in the Margaret Herrick Library contains extensive correspondence that reveals the roles of different parts of the studio film in a project of this size.

III. *The House of Rothschild* (1934)—Hollywood

The archival censorship records reveal how the new Hays Commission under Breen's leadership dealt not only with censorship issues but also with Hollywood's concerns about releasing a film about a Jewish family. The letters exchanged between Breen, Zanuck, Hays and members of Jewish organizations in Hollywood represent their actions at the time, not their subconscious motivations. This approach stands in contrast to those who start their analyses with ideas as the explanation for their claims. Judith Doneson (1989) starts with anti-Semitism and argues that this ideology explains film content. The paragraphs that follow use the letters to describe not only the actions of those who determined film content, but also analyze the workings of the Hays office from a sociological, not ideological perspective.

From this perspective, *The House of Rothschild* is the story of a European Jewish family. Dr. James Wingate was the head of the Hays Commission in 1933 when Zanuck's secretary sent the final script of *The House of Rothschild* for the commission's approval. She writes, "Mr. Zanuck asks that you please read this tonight inasmuch as final rehearsals start tomorrow, and if you have any suggestions he would appreciate having them as soon as possible (Frances Selaitz, Nov. 29, 1993). Three days later Wingate responded to Zanuck's request writing on Dec. 2, 1939, "It is indeed a well written script and should present an interesting picture, free from Code and censorship difficulties."

Prince (2007) claims in his analysis of the workings of the Hays Commission that a short turn around indicates a desire by the commission to avoid delays in the production process (p. 27). Scripts were read by at least two members of the commission. The PCA then issued a letter communicating either their approval or the problems they had identified. Prince concludes, "This detail about the timing of the letters is significant because it contravenes the popular perception of the agency as a repressive force in the industry. The PCA did not operate to block film production, nor did it have its institutional identity vested in doing so. On the contrary, the agency saw itself as working for filmmakers" (p. 27). The information in the archival records used in this research is consistent with Prince's observations. When the PCA received the script, the reply was forthcoming. Breen, himself, replied in writing although a telephone call might precede the letter. Breen's signature appears on most of the letters. From their content, it is clear

members of the commission wrote some of the letters. Although Breen had not read every script, his signature suggests he was very aware of the actions the members of his board had taken when reviewing each of the screenplays they received.

The same day Zanuck sent the final script to Dr. Wingate Harry Brand at Twentieth Century Pictures Inc. received a letter from Joseph Jonah Cummins, the Editor of the B'nai B'rith *Messenger*. Cummins writes on November 29, 1933, "I am particularly interested, of course, in safeguarding our people, which is paramount to me in all such productions. I read the manuscript 'looking for trouble.' I found none. The consummate skill and finesse with which this work is done will be pleasing to everyone all along the line." He had read the script carefully. In the postscript, he writes Corot could not have done the Corot painting in the Rothschild library scene because Corot was not painting at the time mentioned in the script.

When Dr. Wingate responds to Zanuck on Dec. 2, he suggests "it might be well, in view of the very delicate relations existing between Jews and Germans in Germany at present, to secure the reaction of some representative of the German Government" (Wingate to Zanuck Dec. 2, 1933). Zanuck replies to Wingate on Dec. 4 acknowledging, "It was a tough job to keep from offending anyone and yet stay to true historical facts." He goes on to write,

"I do not think it would be a good idea to send it to a representative of the German government at this time. In the first place, I am told that the present government of Germany does not look with favor upon American moving pictures, especially Hollywood producers whom they have classed as Jews. It just so happens that I am of German-Swiss decent and not a Jew, but I still think that anyone at the present time who is pro-Hitler, such as any representative of the German government must be, might take a radical viewpoint of the story. While there is nothing in the script intended to offend anyone and while even Count Ledrantz is strictly a fictitious character - I always shy away from submitting a printed manuscript in these cases. There is something about a printed scenario that makes it appear to be something that it isn't intended to be and when the final picture is shown on the screen it usually takes on a milder tone. Therefore, I believe that right now we would only be unnecessarily inviting a possible dispute if we called in the local German Consul."

The next year, 1934, Hitler banned the showing of all Hollywood films in Germany. Four years later *Kristallnacht* occurred. The persecution of the Jews became more public.

Three years after that the Japanese bombed Pearl Harbor, the United States declared war.

IV. *The House of Rothschild* (1934) – New York

Darryl Zanuck signed this letter to Dr. Wingate. Dr. Wingate sent a copy to Frederick L. Herron, Foreign Manager, on their MPPDA letterhead, address 28 44th Street, New York City. There are two things to note in this correspondence. First, the letters were between persons in Hollywood (Zanuck, Wingate, and Brand). The personnel in the New York offices had yet to become involved. Dr. Wingate, as head of the PCA, chooses to alert the New York office by sending them a copy of Zanuck's letter that explained his reasons for not following Wingate's recommendation that a representative from the German government read the script. In doing so Wingate turned the matter over to the business side of the industry. Second, the screenplay met the Code requirements—no problems foreseen. Gomery (1986) in his history of the studio system emphasizes that although Hollywood produced films, the New York offices of the industry made the business decisions. Unfortunately, for this research Gomery commented only briefly on the Hays Office. He does not address the effects of censorship in his analysis of the studio system.

Most likely triggered by Wingate's forwarding of Zanuck's letter, the next exchanges of concerns about the film originated with the personnel in the New York office. Historians generally acknowledge that Will Hays worked out of the New York MPPDA office while Dr. Wingate and Joe Breen worked in Hollywood in the PCA office. Neither Dr. Wingate nor Breen went on the set. It was not their job to intervene in the production of a film. They were troubleshooters for the producers. Breen and his committee alerted the studios to anticipated problems with boards of censors at home and abroad. They might state upfront that they could not approve a screenplay and would not recommend a seal of approval if the studio were to go ahead with it, but they did not go out into the field, so to speak, they did not intervene in the production process. The sole responsibility of the Breen office was to recommend the issuance of the PCA Seal of Approval to those in New York. Therein, lay its power.

The next letter in the archival file is the reply from F. L. Herron, written on Dec. 7, 1933, after receiving Zanuck's letter of Dec. 4. His letterhead indicates he was the foreign manager for the MPPDA. The previous letters, written by Zanuck, Wingate, and Cummins, indicate that the communications involved Hollywood and studio personnel.

Because Herron writes from the New York office, one can conclude the discussion had moved into a business decision-making mode. He writes to Wingate “I gather from this (referring to Zanuck’s letter) that the German Consul is again trying to see scripts of pictures before they go into production.” However, Zanuck’s letter does not indicate anything about the German Consul trying to see scripts. In his letter Zanuck had addressed Wingate’s suggestion that he obtain the reaction of a representative of the German government to the script. At this time Dr. Wingate was still head of the PCA. Zanuck had declined to follow his suggestion to consult a representative of the German government. The correspondence does indicate that the German Consul in Los Angeles had tried in the past to obtain scripts. This is significant because this comes up later in the correspondence regarding other films. There is no information about what other scripts this Consular might have seen. However, it is indicative of German attempts to affect the production process in Hollywood. Although nothing had happened to suggest a problem, Herron says of the German Consul, “[...] this consul is probably looking for trouble. I knew him when he was in New York and I know just exactly what you are going to be up against; he is narrow minded and you will always find in any dealings you have with him there will probably always be trouble.” Herron goes on to suggest that if it appears the German Consul will pursue the matter, it should be handled by the New York office because the German Consul General there is a very “fair minded individual to deal with.” Furthermore, he advises Dr. Wingate that if Zanuck finds it necessary for anyone in the German government to read the “scenario” it should be the German Ambassador in Washington, DC. Herron was working with him on two films that the Los Angeles German Consul wanted to ban. Herron concludes his letter to Zanuck with “This is just an example of what can be done if you deal with intelligent people, rather than with obstructionists of the type of Dr. Gyssling.”

Joseph Breen responds to Herron’s letter on Dec. 12 indicating that Dr. Wingate was on his way to New York. This series of letters confirms the location of decision making in the offices of the MPPDA in New York. Breen’s letter also provides evidence of the leadership role he was assuming in the PCA. This exchange occurs just before Hayes makes him head of the PCA. Breen writes to Herron that there had been no attempt by any local German officials to obtain the script and reiterates Zanuck’s position

was merely precautionary when he expressed his concern to Dr. Wingate. Zanuck did not want the studio to involve the German officials if it was not necessary. Breen concludes by assuring Herron that if any foreign officials get “hot and bothered about the picture” he will refer them to the office in New York. This correspondence is another confirmation of the pattern of business decisions when dealing with foreign officials. They are also consistent with Gomery’s analysis that business decisions belong to those occupying the New York offices.

On December 21, Will Hays writes Zanuck expressing his concerns regarding the race issues the film might provoke. He copies the letter to Joseph M. Schenck who was working with Zanuck at the time. He writes,

“The historical prominence of the House of Rothschild is such that hostile propagandists have tried to make the very name a synonym for sinister, world-wide political power, growing out of accumulated riches. The fact that in the case of the Rothschilds the power of money was rightly used may be overshadowed by the greater impression of the Rothschilds as an example of Jewish power through domination and money.”

Note that Will Hays, not Daryl Zanuck, identifies anti-Semitism as a problem. The concerns Hays expresses at this time are similar to the ideas in the anti-Semitism expressed by Henry Ford and the Catholic radio priest, Father Coughlin. The statement quoted is consistent with statements in the publication, *The Protocols of the Elders of Zion*. Cartoons, posters and ads had been appearing in the press addressing Hollywood and anti-Semitism. Some of these are in the film’s archival record in the Margaret Herrick Library. Hays concludes with “I know you have this in mind and are worrying, too, about it and I know the desire of yourself and Mr. Schenck to exercise the greatest care. It is really a cause of worry. . . . It is very important as I know you realize, that you leave the right impression of the sympathetic characteristics of the principal people.” Although writing from the same office as Herron, Hays did not refer to the German officials that were the concern of Herron. The term “race” occurs three times in the letter. “Race” raises concerns for Hays because of the social issues occurring in the United States at the time. Five days later, Zanuck replies to Hays indicating he had submitted the script to his colleagues and only one had any objections. The assessment made in Hollywood was not the same as in New York. Zanuck was signaling that he intended to

go ahead with his production. He even referred to a discussion with other producers “at a little informal party.” He indicated that all of those at the party supported the project. In this way, Zanuck let Breen know that he had the full support of his colleagues.

Doneson’s interpretation of the effects of the film emphasizes that anti-Semitism was pervasive in the United States at the time and that the film reinforces negative Jewish stereotypes. The complex interactions that resulted in the production of the film are not taken into account in the ideological explanation. Steven Carr analyzes anti-Semitism in the industry in his book, *Hollywood and Anti-Semitism: A Cultural History up to World War II*. He identifies the ideas of competing groups locating the changing perspectives in the social structure. (2001)

V. Hollywood and New York

The next item in the archival file is an inter-office memo from Joe Breen to Will Hays dated March 6, 1934. Breen indicates to Hays that the preview cards that Zanuck had sent him from a preview showing of the movie were all positive. He describes the cards as indicating that the response was “amazing.” In the letter Breen writes Hays that Zanuck seems surprised that only one card “hints at the Jewish flavor of the picture.” Breen goes on to say that “Mr. Zanuck seems to be a bit disturbed because of what he tells me is an attempt on the part of some Jews, even now, to find fault with this picture. I have cleared it under the Code and I have also said to him, quite frankly, that in our judgment, this picture is an outstanding one. I have also expressed my thoughts to him verbally, that the picture is not likely to give serious concern to any racial or religious group.” Breen concludes this letter to Hays writing, “Incidentally, Mr. Zanuck is playing ball with this office perfectly under the Code. In a number of recent instances, he has gone out of his road to follow suggestions which we presumed to make.” This memo documents the perceived success of the film, as indicated by audience response; the lingering concern in Hollywood about Jewish, but not German intervention; and the acknowledgement by Breen that Zanuck had worked within the expectations of the PCA. It is also evidence of the support the PCA could give to a production that they had approved. Here Breen is defending the production to the business office, not to censors. The correspondence in the archival file for *The House of Rothschild* provides evidence

the PCA not only censored scripts but also worked with the studio to produce a motion picture acceptable to local and regional censors.

VI. *The House of Rothschild* (1934) – Success in Hollywood

On March 16, 1934 Zanuck, once again, hears from Joseph Jonah Cummins, Editor of the B'nai B'rith *Messenger*. He had seen the film referring to it as your masterpiece. He writes,

“As a Jew, I sat with mixed emotions of doubt and apprehension as the film unrolled. . . . The very production of the picture at this time found subconscious opposition within me. Yet, the subtle portrayal of this Jewish family played in this great drama of history, left me with nothing but praise for everyone who had a hand in its making.”

On April 10, Zanuck wrote to Breen asking him to inform the General (Hays) of Rabbi Stephen Wise's sermon last Saturday in the Synagogue in New York City praising *The House of Rothschild*. Simon Wise became a rabbi in Hollywood. In the April 10 letter Zanuck writes,

“In view of the malicious propaganda that has been stirred up by certain individuals against the film he reports that the Rev. G. A. Briegleb of St. Paul's Presbyterian Church, in Los Angeles had *The House of Rothschild* for the topic of his sermon, praising it and ordering his congregation to see it.”

Breen replies to Zanuck on April 12 assuring him the General will be so informed. He also told Zanuck that a Mrs. Winter of his office had taken seventy-five persons to preview the film at Grauman's Chinese Theater. Several were from the California Institute of Technology; others included lawyers and doctors. She told Breen that a number of her guests thought it was the best picture they had ever seen. On April 11, S. Y. Allen, lawyer and Chief Shamos of the Hollywood B'nai B'rith Minioneers, wrote to Zanuck commending him on the film and making him an Honorary Fellow of the Sanhedrin of their organization. On April 24 Breen informed Zanuck of a letter he had received from Mrs. Richardson, chair of the Censor Board of the City of Atlanta, Georgia. She had written to tell him that she notified all the public groups in Atlanta to be ready to greet this picture with resounding applause when the theaters show it in Georgia. Lastly, on April 27 Sid Grauman wrote to Zanuck that he had a copy of Dr. Aked's sermon and had it reprinted. Zanuck hoped that Breen would send copies on to the New

York Office. There is no identification of Dr. Aked in the letter or file. Zanuck did not contact the New York office directly. Zanuck made films; Breen negotiated and communicated the interests of the studio in New York. Breen notified the New York decision makers about the sermon.

This archival record for film is important because it reveals how the PCA conducted its business. Like the archival record for *Scarface*, *Shame of the Nation* (1932), *The House of Rothschild* (1932) letters support Prince's claim that the PCA did work on behalf of the studios. It challenges the idea that ideological explanations, alone, account for the films. Alan Mintz observes in the cases of *Judgment at Nuremberg* (1961) and *The Pawnbroker* (1965) that the interpretations of the films and their significance changes over time. One of the weaknesses of the ideological approach taken by scholars like Judith Doneson is the absence of the use of archival records as evidence. Therefore, her analysis leads to a statement of an argument with little if any empirical evidence.

VII. Walter Wanger and the PCA

Hollywood released two movies, *Blockade* (1938) and *Confessions of a Nazi Spy* (1939). Frank Nugent's column in *The New York Times* headline in the movie section read

BLOCKING BLOCKADE, Walter Wanger's Anti-War Film Brings Up Another Censorship Problem

Blockade is a picture about the Civil War in Spain, not the problems in Germany, but the action in Hollywood clearly reflects the reluctance of the business side of the studio system to become involved in any international affairs. With the new PCA Code in place, the Hays Commission now had a basis for their actions. When something directly violated the Code, Joe Breen was adamant about changes that would bring the story into compliance with the Code. In situations that were not a direct violation, Joe Breen negotiated with the studio personnel to accommodate the recommendations of the his agency. The Production Code includes this statement about National Feelings in Section X. 2: "The history, institutions, prominent people, and citizenry of other nations shall be

represented fairly” (Prince 2003, p. 295). The politics during the Spanish Civil War are important for this study because the actions the Hays Commission takes illustrate how the PCA addressed the concerns about offending a foreign country. Charlie Chaplin’s film, *The Great Dictator*, 1940, was the sole exception to this policy. Chapter Three includes the discussion of censorship and its consequences for this film.

The United States policy was to maintain a neutral position towards the disputes in Europe. Catholics tended to side with Franco while Protestant groups, for example the Presbyterians, took an opposite position. More importantly, in Hollywood, offending a foreign country would affect the market for the films overseas. It was not until after the Japanese bombed Pearl Harbor and the United States entered the war that the film industry treated Germany as a hostile country. Hollywood’s censors did not subject the 1940–1945 war movies to this Code requirement. In stark contrast to the “racial” concerns expressed by the New York office about *The House of Rothschild* (1934), the issues raised with *Blockade* (1938) were political. Zanuck’s 1934 film, the concern of the MPPDA New York business office was anti-Semitism, the way the film depicted Jews, and if the German Consul was trying to preview the screenplay. By 1938 in the case of *Blockade*, the concerns were with political bias and support of an overseas military action. The evidence supporting this observation is in the archival record containing a letter from an executive in the Presbyterian Church. The executive, his office was in New York, represents the denomination’s equivalent of the MPPDA New York executive

A letter from Charles J. Turck, Department of Social Education and Action of the Board of Christian Education of the Presbyterian Church in the United States of America expresses concern about the politics that might be affecting the production of the film. Mr. Turck writes to Joe Breen inquiring about groups that were attempting to stop the picture. He had heard this was happening and that “These groups identify those who murder civilians in the picture with Franco’s army in Spain, the army which the Catholic is very desirous to see win the war.” Turck asks if the motion picture industry has facts to support this claim. He adds that he does not think the Catholic Church would make any effort to start a censorship campaign, but he has received letters that indicate Catholic groups in some cities have acted in this matter. This letter and Joe Breen’s reply illustrate the actions of the pressure groups that sought to direct the content of films in the interests

of the organizations they represented. Turck had written on July 19, 1938 and Breen replied on August 4, 1938. The time it took the mail to arrive from New York is not known. Although the pattern of Breen's replies to Hollywood studio letters was a two or three-day turn around even for screenplay reviews, he writes this reply two weeks after he received the letter. He informs Dr. Turck that he has been on vacation. No one from the commission had stepped in to reply in his place. He writes to Turck that indeed the Catholic Church was not officially protesting the picture. It was his understanding that the protest was coming from members of the Knights of Columbus—and not the Legion of Decency, the official censors for the church in New York City. He writes,

“It is my information that there has been much talk and a good deal of what we, in the picture business, call ‘ballyhoo’—and not too much substance back of it at all. Personally, I have a slight suspicion that those explicating the film are endeavoring to stir up a little controversy, in the hope that it will direct greater attention to the picture.”

In this case, the PCA, the Hollywood “censors,” act to divert negative attention away from Wanger's production. The Hays Office provides a focus for the protesting public to address their concerns about the films and not interfere with the studio's work.

Writing about *Blockade*, Koppes and Black (1990) indicate that Wanger had discussed the idea of a film on Spain with director Lewis Milestone as early as 1936. He had hired the radical playwright, Clifford Odet, to do the screenplay. The title of Odet's screenplay is *The River is Blue*. It is one of the screenplays never produced. In 1937, Wanger hires John Howard Lawson to work on the project. They rename the screenplay *Blockade*. Wanger submitted Lawson's script in 1938. Breen remained very cautious about the making of this film. Historians now credit Wanger with being the first producer to attempt a serious film on the events in Europe. (Koppes and Black, 1990, p. 33)

Koppes and Black cited Larry S. Ceplar's quote of Wanger saying about his film that *Blockade* was nothing more than a “melodramatic spy story and romance in a modern setting—colorful Spain” (p. 24). From the perspective of Wanger, Koppes, and Black, Breen had successfully forced Wanger into producing a movie that met the requirement of the Hays Commission.

“... *Blockade* was one of the more realistic films produced by the industry despite the limitation of the Production Code. There were scenes of children starving, and the film illustrated, however, obliquely, some of the horrors of modern war. The

film did not identify the opposing sides. Few politically conscious Americans in 1938 were confused over the issues or the sides battling in *Blockade*.” (p. 25)

Nugent in the New York Times article cited earlier writes, “In view of the outcry against Walter Wanger’s ‘Blockade’ we wonder if the public is not the guilty party.” He commends Hollywood (Wanger) for attempting to make something significant. Koppes and Black report that Hays worried about this film and worked surreptitiously to bring about its economic failure. They include the following from *The Nation*. (p. 26)

The Nation observed.

The attack on ‘Blockade’ is fundamentally an attack ... on the whole idea of making films on serious social and political themes. John Howard Larson agreed. To the screenwriter, *Blockade* simply proved ‘that the screen is not at present free, and that even the simplest humanitarian statement is regarded as ‘alarming’ and ‘dangerous’ to those who want to keep the motion picture in swaddling clothes. The experiences with *Blockade* suggested how difficult it would be for the industry to portray events in Europe. To Hays and the PCA the lesson was clear—politics translates into controversy and bad box office.

Today, Wanger is recognized for his independence and his challenges to the studio system. He sought to make films that were difficult to produce under the PCA’s rules governing films as entertainment. He wanted to address social issues and public concerns when Hollywood focused on entertainment. Doherty describes Wanger as a “class-act impresario destined to tangle with Breen (the PCA) over the next two decades” (2007, p. 65). He cites eight or more negotiations between Wanger and Breen over screenplays he intended to produce.

As noted at the beginning of the chapter, the courts defined the industry as the entertainment business. The movies existed for entertainment. The movies existed to make a profit for those who produced them. Motion pictures did not serve as vehicles of communications. That would come later. The PCA Code defined entertainment and Will Hays, the Presbyterian Elder, and Joseph I. Breen, the Catholic communications expert had been employed to guide the studios in the desired direction while Frederick Herron, in the New York office, worked to keep the foreign markets open. The industry had structured its operations so that it could maximize profits, while operating within the restrictions created by the various publics.

VIII. Censors and the Market

The desired direction taken under Herron and Breen's guidance includes not only content, but also profit. Koppes and Black describe the marketing challenges faced by Hollywood producers.

Until the late 1930s, the American movie industry was economically dependent on a world market for the success of its products. In Latin America, for example, some 5,000 theaters played American products; in Asia more than 6,000; but Europe had by far the greatest number of all—more than 35,000 theaters where American movies were regularly shown. The rise of fascism offered the American film industry endless opportunities for dramatic movie scripts—but that presented the studios with a grave dilemma. Thousands of screens in Europe banned any films dealing realistically with Mussolini and his new Roman Empire, Adolf Hitler and Nazi Germany, or the Spanish Civil War. At the same time, American isolationists opposed them at home. The New York offices of the MPPDA faced a cruel economic choice, since overseas markets generated 40 percent of industry revenues, representing the profit margin for many films. With some companies, the box office take outside the United States was even higher, up to 50 per cent of their total. (1990, p. 21)

Here, Koppes and Black relied on Raymond Moley's 1945 edition of the book, *The Hays Office*. Another significant source of revenue on the world market was the demand for older films no longer exhibited in the United States. Frederick Herron's function as reflected in the letter he sent Zanuck regarding *The House of Rothschild* was to keep foreign markets open for Hollywood films. The U.S. products had a significant advantage. The Hollywood studios held the copyrights to the audio technology, Dolby Sound. When overseas producers lost the battle to install their own technology in their theaters' sound systems, they built theaters to show Dolby Sound films. Even today, most films viewed in theaters and on television have the trademark Dolby Sound (Gomery, 2005). Thus, Herron's office held a technological advantage in the world market. However, the politics leading up to World War II threatened that market. When the Nazis demanded that all "non-Aryans" employees in Germany terminated, the studios directed by Herron's office complied. The "Nuremberg Laws" banned all films with Jewish actors, cutting the number of American films that shown in Germany to twenty a year. Furthermore, reparation restrictions made it difficult to conduct the remaining business allowed under the Nazi Regime. The Hays Commission tried to present a positive front but these restrictions hit the studios hard. Zanuck's film, *The House of Rothschild*, had

just made it “under the wire.” It was the last major production with Jewish content released in Europe.

Tino Balio, film historian, (1987) reports

Britain was the only important European market open to American films during the war and generated about half of Hollywood’s foreign revenues. For many films, distribution in Great Britain meant the difference between profit and loss. Britain’s status as an important market would remain unchanged, but Hollywood knew that Britain’s screens absorbed 600 features a year on the average. In short, Great Britain needed Hollywood rather than the other way around. (1987, p. 19)

Joseph Breen made sure that the studios were aware of possible censorship issues when they attempted to release films in Britain. Britain may have needed Hollywood more than Hollywood needed Britain, but the British censors did not allow Hollywood films into the theaters without editing to comply with the policies.

IX. Wanger and *Personal History* (1938)

In the same year Wanger produced *Blockade*, he also attempted to produce *Personal History*. In June 1938, the Hays Commission writes him that they had received and read the revised script for the proposed picture, *Personal History*. According to Koppes and Black (1989), this film was to take up where *Blockade* left off. The PCA assured Wanger that the basic story seems to meet the requirements of the Production Code, “but ...” (p. 26). Breen often begins his letters this way. It is not important that the basic story seems to meet the PCA requirement. What follows “but ...” defines the actions the studio must take before the PCA recommended the Code seal required for the exhibition of the film in theaters. The letter to Wanger in the archival files includes this warning from the PCA.

“This story, however, seems to suggest enormous difficulties from the standpoint of political censorship, both here and abroad, as well as from your foreign release generally, by reason of the fact that it raises, and takes sides in, such controversial racial, political, and religious questions as the present Civil War in Spain, and the treatment of the Jews in Germany. It seems to us to present a definite flavor of a pro-Loyalist propaganda in the Spanish war sequences, and of pro-Jewish and anti-Nazi propaganda, in the sequence laid Germany. Such a flavor, it seems to us will inevitably cause you enormous difficulty, when you come to release the picture.”

Koppes and Black report that in conference with Wanger,

Breen ... was hesitant to approve it. In his view, the young hero was nothing more than “a half-baked...radical college boy.” ... He admitted he found no specific violations of the code, but believed the proposed film presented “grave dangers” and could run afoul of “industry policy.” (p. 26, 27)

While reading more archival files, it became evident that “grave dangers” and “industry policy” were PCA code words identifying a film that should not be made for reasons other than explicit Code policy. Koppes and Black not only had access to the PCA Archives, but also used the film archives at the University of Wisconsin. From the evidence in these files, they came to the following assessment of the interactions between Breen, Hays, and Wanger:

Breen then immediately informed Hays of the situation. He told his boss that “industry policy” was involved, since “controversial racial and political questions” would be dramatized on the screen. He felt that *Personal History* “would arouse audience feelings” against the present German regime, in the matter of its treatment of the Jews. (p. 27)

Recall that this is 1938, the year of *Kristallnacht*. It was public knowledge that 12,000 Polish Jews had been transported from Germany to Poland. Koppes and Black go on to write,

Breen then again conferred with Wanger. He agreed the script was technically within the Code, but stated that in the opinion of the PCA, the script contained “pro-Loyalist propaganda, anti-Nazi propaganda ... [that] would inevitably cause enormous difficulty, when you come to release the picture.” The producer [Wanger] quietly gave up the fight, citing “casting difficulties”. Indeed it was true-difficulties arose because it had cast the realities of Spain and Germany all too accurately for the tastes of Breen and Hays, Wanger would eventually recoup his investment, but in a much altered product. (p. 27)

That altered product, *Foreign Correspondent* (1940), started out as a screen adaptation of Vincent Sheehan, a World War I correspondent’s memoirs. By the release date, *Personal History* (now rewritten as *Foreign Correspondent*) comes before *Confessions of a Nazi Spy* (1939). Walter Wanger and Alfred Hitchcock were responsible for the final product. Koppes and Black suggest that Wanger had learned from his experience with the PCA when he was at Warner Bros. working on *Confessions of a Nazi Spy* (p. 30).

Personal History – never produced
Foreign Correspondent (1940) - *Personal History* - rewritten
Confessions of a Nazi Spy (1939)

X. Warner Brothers and the PCA: *Confessions of a Nazi Spy* (1939)

Meanwhile, Warner Brothers set about producing *Confessions of Nazi Spy* (1939). Doherty comments by the late 1930s “hot topics” in Hollywood meant “fascism” not “sex” (2007, p. 215). The film was the first to post a marquee spelling of the four-letter word. The film was the first to attack the Nazi’s by name. An actual trial, taking place in New York, provided the material for the screenplay. This is significant because some censors, especially the Catholics, believed all films should represent truth or real life events. The censorship organizations in Great Britain would approve films based on fact, but not films telling a story. They worked on the assumption that the latter would contain propaganda while the former would not. Law enforcement had apprehended suspected Nazi spies in the northeastern United States. They were to stand trial in the federal court in New York City. Warner Bros. sent Milton Krims to observe the trial with the intention of making a movie about the trial. *Confessions of a Nazi Spy* was originally entitled *Storm over America*. The archival file contains a copy of *The Hollywood Reporter* with a two-line notice that Krims was in New York observing the trial and Warner Brothers was intent on making a motion picture about it. Dr. Georg Gyssling, German Consul in Los Angeles had read the article that appeared on October 27. On November 23, 1938, he writes the following to Joseph Breen on a Deutsches Konsulat letterhead.

“My Dear Mr. Breen:-

Will you kindly see to it that the matter, which is mentioned in the enclosed clipping of the “Hollywood Reporter” of October 27, 1938, will not result in difficulties such as we have unfortunately experienced before?

With best regards I remain

Very truly yours,

Signature of Dr. G. Gyssling

(Dr. Georg Gyssling)

GERMAN CONSUL”

Three days later on Nov. 26, 1938, Breen replies to the German Consul, Dr. Gyssling, acknowledging receipt of his letter and the clipping. He informs Dr. Gyssling that he had noted his suggestion and that he has sent a copy of the letter and the clipping to “Messrs. Warner.” Breen’s style was to “smooth the path” in the Los Angeles network. If someone were to reply to Gyssling with more than an acknowledgment of receipt of his correspondence, it would be someone in the New York Office, not Joseph Breen in the PCA office in Los Angeles. Not satisfied with Breen’s response, Dr. Gyssling writes to Breen again on December 6th telling him he would greatly appreciate it if he (Breen) would know whether this firm really intends to make a picture “like that.” There is no letter in the file to indicate that Breen replied to Gyssling’s demand.

Neither is there a letter in the file from Warner Bros. In fact, the first letter from Warners does not occur until they are ready to submit the script to the PCA. The next letter is from Luigi Luraschi, a studio censor, on a Paramount Pictures Inc. letterhead dated December 19, 1938. Like the early round of letters in *The House of Rothschild* correspondence, these exchanges all occur between people in Hollywood. New York becomes involved when Luraschi, who had earlier sent Breen a letter regarding *House of Rothschild* while he worked in the Paramount Foreign Department in New York, writes to Breen to give him their reaction.

“I think the big mistake that Warners are making in this matter is that they have not heeded the action taken by Charlie Chaplin in dropping his plan to make a burlesque on Hitler. Chaplin announced, and we think very rightly, that in making a picture of this kind he would be devoting his money-making talents to a film which could only have horrible repercussions on the Jews still in Germany. The same charge will be leveled by Germany on Warners in making this picture and I feel sure that is the picture is made and is in any way uncomplimentary to Germany, as it must be if it is to be sincerely produced, then Warners will have on their hands the blood of a great many Jews in Germany. If they are willing to call this smart showmanship then I imagine that they must know what they are about.

So far as we are concerned, our policy at the moment is that we will not attempt make any picture that will be obviously uncomplimentary to any nation abroad. That is our understanding of Mr. Hicks’ frame of mind at the present time, although if he has undergone any change of mind we will know about it pretty soon and of course word will reach the studio.”

He goes on to say what Warner Bros. does is their problem. He concludes the letter asking Breen to keep the information to himself, lest Warner Bros. feel he is criticizing their actions. Contrary to Paramount's assessment of Chaplin's role, Chaplin went on to produce the Hitler burlesque, *The Great Dictator*, in 1940. At the time Luraschi was the censorship liaison to the Breen Office at Paramount (Doherty, 2007, p. 215). The decision makers in New York City remained opposed to the making of *Confessions of a Nazi Spy*.

XI. Confessions—Script to PCA

The file also includes a letter from Robert Lord at Warner Bros. written on December 24, 1938. Lord attached the letter to a Temp Script of their anti-Nazi picture, *Confessions of a Nazi Spy* (1939). Lord asked that PCA keep the script under lock and key because of "the German-American Bund, the German Consul, and all such forces that are desperately trying to get a copy of it." He assures Breen that "I know you appreciate the gravity of this situation and will do your utmost to cooperate with us."

The archival file contains a letter written on December 30 from Breen to Jack Warner. He refers to "the formal and usual opinion from the standpoint of the Production Code and political censorship" sent in an earlier letter. The current letter goes a step farther directing Warner Bros.' attention to the important question of general industry policy. General industry policy is underlined. Breen writes to Warner,

"A careful reading of this script suggests that the story is a highly controversial one, in which the German governments, and some of its subjects, are shown as engaged in the sinister practice of espionage within the territory of the United States. It has been noted, of course, that much of the material, set forth in the script, is now common knowledge, chiefly because of the revelation brought forth in the recent trial in the Federal Courts of the southern district of New York, which trial resulted in the conviction of a number of persons on these charges of espionage.

Aside and apart from this, however, we raise, for your serious consideration the question as to whether or not your studio, and the industry as a whole, should sponsor a motion picture, dealing so highly controversial a subject. You understand, I think the Production Code Administration has neither to pass upon a question of this kind, which is generally referred to as a 'question of policy.' Our responsibility, under our instructions from the President of the

Association is to advise you, of our concern in this regard, and then to refer the matter for further examination and decision to Mr. Hays in New York.

This has been done.”

Breen addressed the letter to the studio not to the film’s director, which is seldom the case in these communications. It makes clear the distinction between the actions appropriate for the Production Code Administration in Hollywood and the actions that the powerbrokers in the industry’s offices in New York retained. The file contains the letter sent just prior to this one discussing the proposed picture under the guidelines of Code. Unlike other letters of its kind found in the files in this one Breen quotes the position of the Code on National Feelings cited above. The file also contained Breen’s Inter-Office Memo to Hays describing the screenplay. Koppes and Black (1990) indicated that these letters were not mailed. In fact, the copy maintained in the file is marked not sent. (p. 29)

The next entry in the archival file January 22, 1939, consists of notes and observations made by the writer to clarify his thoughts in an attempt to arrive at a conclusion regarding *Storm over America*. It is plausible to assume that the writer is a member of the PCA who read and consulted with other members to draft the position taken by the PCA. *Storm over America* was the first title proposed for the screenplay that became *Confessions of a Nazi Spy*.

The script had touched off a great debate in the Breen office. Koppes and Black summarize it.

One faction objected strenuously, arguing that the screenplay depicted Hitler and his government unfairly. There was no proof that German agitators had come to the United States with the intention of seizing control of the country. ... Nor was it fair to show Hitler only, as a ‘screaming madman’ ... The inflammatory intent of the movie was dangerous to the industry. ... and they questioned whether one should forsake “the pleasant and profitable course of entertainment to engage in propaganda?” (p. 30)

Breen hopes Warners will not pursue the picture. Nevertheless, Warners goes ahead with it. Upon its release, Otis Ferguson writes in *The New Republic* that the film was “a statement of sober, inevitable facts, so brilliantly realized that no one can hide from it.” *The Hollywood Reporter* (Koppes and Black, 1990) pronounces *Confessions* ‘unique’ in the annals of the screen. “A ‘straightforward’ attack on Nazism, it pulled its punches only

on the question of anti-Semitism. It may well ... sound out the efficacy of a new approach to purposeful entertainment. *Variety*, on the other hand, found the film melodramatic” (p. 30). The Analysis Chart, filled out for every screenplay submitted to the PCA, lists four reviewers. One can conclude that *Confessions* had provided a challenge not only to the Code, but also to the personnel of the PCA.

In July 1939 Paramount Pictures Director of Foreign Advertising and Publicity, Albert Deane, writes to Joe Breen asking him why the picture had been passed with such comparative ease when it was approved for release in London. In fact, he wants to know if any cuts were made at all. He sent Breen the confidential bulletin on the film for his guidance and information. He had also sent a copy to Herron in the MPPDA’s New York office. The report sent from London dated June 30, 1939 emphasizes the important distinctions drawn between stories based on fact and “those, which may be just some author’s personal idea or prejudice.”

One of the last letters in the file is from Bob Lord of Warner Bros written to Joe Breen thanking him for sending the communications from London. He also extends sincere thanks to Breen for all favors. In the final entry, Walter Gaulke of the International Aid Fraternity writes Will Hays commending Wanger for his picture *Blockade*. He also indicates that his organization hopes the industry would support films like *Blockade* and *Confessions of a Nazi Spy* as its patriotic duty. With greater awareness of the war in Europe, directors sought to create socially relevant films. Hollywood was challenging entertainment films. Hollywood was beginning to challenge the censors and produce films about the real world.

As anticipated by Breen, foreign censors refused to exhibit the motion picture. The countries banning the film included Germany, Italy, Spain, Holland, Peru, Sweden, Norway, Ireland, and Switzerland. Most Latin American countries also banned it. Surprisingly, it did play in Great Britain in 1940 with many cuts restored. No record has been found of the British Board of Censors interfering with its release. In May 1940, Venezuela repealed its ban and on December 8, 1941, Peru lifted its ban. Soon after other Latin American countries including Chile and Uruguay followed suit and the film began appearing in the local theaters in these countries. This is another case where the bombing of Pearl Harbor affected film distribution.

XII. *Foreign Correspondent* (1940)

Wanger submits a new script for *Personal History* in March 1940 entitled *Foreign Correspondent*. Dramatically revised, Alfred Hitchcock, Charles Bennett, John Harrison, James Hilton, and Robert Benchley write this screenplay. It contains no references to Spain and does not mention Germany's policy towards the Jews. Breen is purported to have said to Hays that it has "little resemblance to the film we were concerned about two years ago" (Koppes and Black, 1990, p. 31). The one letter from Breen to Wanger contains changes such as "In scene 3, the girl should not be shown modeling lingerie, but should be fully clothed. ... Also please complete inoffensively the broken line 'a boot in the —' (Letter Breen to Wanger June 21, 1938)."

VIII. *Address Unknown* (1943): Story Published 1938

This film produced in 1944 is included a serial in a magazine had published the novel adapted for the screenplay in 1938. The magazine originally publishing the story sold out in ten day and *Reader's Digest* published it next. A period of six years passed before the production of the film. In 1933, the German people elected Adolf Hitler as Chancellor of Germany. Five years later *Kristallnacht* occurred in November 1938. The Nazis destroyed Jewish Synagogues and set houses of prayer on fire. They destroyed Jewish shops. They moved more than 12,000 Polish Jews from Germany to Poland. As Laurel Leff, professional journalist and faculty member at Northeastern University, reports in her important report on *The New York Times, Buried by the Times, The Holocaust and America's Most Important Newspaper* (2005), many people in the United States were not aware of the serious events taking place in Europe. That year, 1938, in the United States, *Story* magazine published Katherine Kressman Taylor's novel, *Address Unknown*. It did not appear as movie until 1944. Whit Burnett, the editor of the magazine, and Taylor's husband, Elliot, who owned an advertising agency, published it in 1938 under the name of Kressman Taylor. This novel and the film illustrate another way censorship and perception influenced films. In 1939, *Reader's Digest* published the story and shortly after Simon and Schuster published it as a book. In 1995, Story press reissued *Address Unknown* to mark the 50th anniversary of the liberation of the concentration camps. In the forward to the 1995 publication, Taylor's son reports that his

father and Burnett thought the story was too strong to appear under the name of a woman. The reprint in 1995 resulted in the publication of the novel in 20 languages. The French edition sold over 600,000 copies. It was not available in Germany until 2001 and the publishers reissued it in Britain in 2002. The archival file for the motion picture released in 1944 contained only newspaper articles. They credited the novel with exposing the American public to the dangers of Nazism. When the Columbia Pictures did produce it as a motion picture, the screenplay credits went to both Taylor and Herbert Dalmas.

Taylor's son describes how the plot for the story had come from a small news story that reported on American students in Germany writing home the truth about Nazi atrocities. At the time, most Americans did not take the news seriously. The fraternity brothers of these students thought it would be a great prank to send them letters making fun of Hitler. The students in Germany wrote back telling their friends to stop sending the letters. They replied, "Stop it. You are putting us in danger. These people don't fool around. You could murder [someone] by writing letter to him." From this brief article, Katherine Taylor developed the idea for the plot of the novel, a "letter as a weapon" or "murder by mail." She framed her story as a series of letters a German art dealer in San Francisco wrote to a colleague in Germany who was becoming more and more caught up in Nazi ideology. *Address Unknown* has also been presented as a stage play in France in 2001, in Israel from 2002, and at the Promenade Theater in New York in 2004. It has run in theaters in other U.S. cities and in Germany and Italy, South Africa, Turkey, and Argentina. It premiered on the stage of Spinoza Hax in Budapest Hungary in 2008 and in the Tron Theatre Glasgow in 2010. It has not been determined if the six year delay following the publication of the novel in 1938 to its release as a motion picture in 1944 resulted from events in Taylor's life or censorship, but the continuing presentation of the story worldwide indicates that this merits further investigation.

XIV. Summary

The archival records of *The House of Rothschild* do not indicate censorship but document the concerns and apprehension existing in both New York and Hollywood about Jewish themes. Daryl Zanuck's previous successes with this genre most likely enabled him to proceed with the production. Taking into account the responses of Jewish

groups to the film during its previews and upon its release enabled it to withstand potential problems that might have come from the anti-Semitism existing at the time of its release. This chapter identified the basic elements of censorship originating in legal decisions in cases concerning the content of both motion pictures and the brief presentations made for nickelodeons. The evidence from the creation of the PCA as well as the Legion of Decency supports the observation that these groups respond to complaints from the theater audiences and the public. The evidence also demonstrates that the PCA acted on many occasions as a buffer between the studios and regional censors. The Legion of Decency had a unique power attributable to the fact that it is the only censorship group to rule on the films after prints were completed and ready for release.

The correspondence in the archival records regarding the films, *Blockade*, *Confessions of a Nazi Spy*, and *Foreign Correspondent* provide direct evidence for the claim that censorship seriously affected the production of films in Hollywood that addressed the fate of Jews in Germany. Wanger and Warner Brothers produced *Blockade* and *Confessions of a Nazi Spy* in spite of German protests and admonishments by Hollywood's official censors and more importantly the MPPDA business leaders in New York City. The positive responses of critics in the press had not affected the censors when Wanger attempted to produce *Personal History*. The PCA continued to apply the Code as written. It can be said of Wanger's attempt to produce *Personal History* Hollywood's censors had been banned it. The production, *Foreign Correspondent*, submitted to the Hays commission bore so little resemblance to *Personal History* that it replaced the original screenplay. *Foreign Correspondent* was not an adaptation done to bring the story in line with Code requirements.

The archival records of *The House of Rothschild* do not indicate censorship but document the concerns and apprehension existing in both New York and Hollywood about Jewish themes. Daryl Zanuck's previous successes with the genre most likely enable him to proceed with the production. Taking into account the responses of Jewish groups to the film during its previews and upon its release enabled it to withstand potential problems that might have come from the anti-Semitism existing at the time of its release. This chapter identifies the basic elements of censorship originating in legal

decisions in cases concerning the content of both motion pictures and the brief presentations made for nickelodeons. The evidence from the creation of the PCA as well as the Legion of Decency supports the observation that these groups emerged in response to complaints from the theater audiences and the public. The evidence also demonstrates that the PCA acted on many occasions as a buffer between the studios and regional censors. The Legion of Decency had a unique power attributable to the fact that it is the only censorship group to rule on the films after prints were completed and ready for distribution. The discussion of *The Pawnbroker* (1965) in Chapter Six demonstrates the power this group had because of its position in the chain of events.

The next chapter examines the archival records of films released during the war years, 1940–1945. This set includes:

The Great Dictator (1940)
The Mortal Storm (1940)
Pastor Hall (1940)
So Ends Our Night (1940)
To Be or Not To Be (1942)
Once Upon a Honeymoon (1942)
Hitler's Children (1943)
None Shall Escape (1944)
The Seventh Cross (1944)
Tomorrow the World (1944)
Watch on the Rhine (1945)
The Stranger (1946)

With the beginning of World War II, the industry censorship controls relaxed a bit as the movies shifted gears to support the country's war efforts and its soldiers. The consequences of the bombing of Pearl Harbor by the Japanese on December 7, 1941 as well as the effects of the successful productions of *Blockade* and *Confessions of a Nazi Spy*, on this set of films is revealed in the changes in the archival records of these films.

CHAPTER FIVE
CENSORSHIP DURING THE WAR
1940–1945

I. Censorship during World War II

Lawrence Baron, specialized in film and the Holocaust, writes in *Projecting the Holocaust into the Present: The Changing Focus of Contemporary Holocaust Cinema* that he had not included pictures made before 1945 in his study. He excluded them because the public was not aware of the Holocaust before 1945. The films discussed in this chapter, like those in the preceding one, also predate public awareness of what we now call the Holocaust. However, unlike Baron's book, prepared as textbook for use by students who are studying contemporary Holocaust films, this work examines censorship as a primary explanation that accounts for what films were being produced. This chapter provides evidence of the way censorship continued to affect and to change film production during World War II. The preceding chapter established that regional censorship was rooted in the censorship of the 1920s. The examination of the archival records of films released from 1940–1945 provides further evidence of the control censors exercised in determining what would be allowed on the motion picture screen.

The military units of the Allies in campaign in Europe arrived at the death camps in the spring of 1945. However, it would be another thirty-five years (1980s) before the America assimilated the history and stories of the annihilation of Europe's Jewish population into the mainstream of American culture (Mintz, 2001). In Hollywood, a significant length of time had to pass before the Holocaust became a frequent subject of motion pictures. At least forty years passed before the studios began to produce these films in significant numbers in the 1980s.

Haggith and Newman, British Holocaust film scholars, include a chapter written by Trudy Gold in their book, *Holocaust and the Moving Image* (2005). When Wallflower published the book, Gold was the Chief Executive of the London Jewish Cultural Centre (LJCC). The Center was preparing a major exhibit on the Holocaust and film. Like Avisar, Doneson, and Insdorf, she too asks why Jewish Hollywood made so few films in the years leading up to World War II.

Many of the émigré filmmakers working in Hollywood in the 1930s and 1940s were German and Austrian Jews. They may have worn their Judaism lightly, but it was due to Hitler that they lived and worked in America, and they had a clear awareness of Nazism and its leaders (although this was still, of course, well before the ‘Final Solution’). But despite the Jewish ancestry of the majority of studio heads and many industry practitioners very few films made in the period 1933 to 1939 even allude to anti-Semitism. Goebbels called the cinema the most powerful propaganda weapon of the twentieth century, so why did these men, who had the knowledge and the means, not make use of it? (2005, p. 193).

She answers her question this way,

One does not have to look very far to see the reason for this. The film moguls took part in the creation of the American dream and their Jewish identity was at odds with the dream, which existed to express a homogenous American identity. And, even after Hitler came to power, American films were still very popular in Germany. The studios had agents in Europe and they wanted their films to sell there. Warner Bros. did want to start making films about what was happening in Germany (not least because their agent in Germany was murdered by the Nazis) but American isolationism and anti-Semitism dulled the home market for such films. After the British entered the war in 1939 Joseph Kennedy visited Hollywood and warned them of the dangers of producing anti-Nazi propaganda films. It was, he said, “Europe’s war.” But, after Pearl Harbor the studios begin to make anti-Nazi films. (p. 193)

The evidence presented so far supports Gold’s claim that appealing to the European market, especially the German film market, was important to the Hollywood Moguls. It does not support the claim that they avoided anti-Nazi films because they were Jewish and wanted to appear as a part of mainstream America.

The studio moguls had come to the United States long before Hitler’s rise to power. David Desser and Lester D. Freidman, professors of cinema studies at the University of Illinois at Urbana-Champaign and Syracuse University respectively, characterize the “Hollywood Moguls as streetwise immigrants, not educated men from America’s business elite” (1993). Several of these men had come to the United States from Eastern Europe and had worked primarily in sales and marketing before they became involved in filmmaking. Their beginnings were not in production but in exhibition. They saw the potential of the arcades and nickelodeons. The products needed to start the business were relatively inexpensive to attain. The theaters were expensive, but they could show “films” multiple times during a day and evening to multiple

audiences and then move the films to other theaters. There are stories of them employing bicycle riders to take a reel of film from its exhibition in one theater to another as a projectionist ran the second reel to the audience in the first theaters. In a much-shortened version of the industry's history, the exhibitors began to see the need for more products (films) and became involved in production. Restricted because of their Jewishness from pursuing mainstream careers, these men created an industry that they and their Jewish colleagues dominated well into the transition from the studio system to the beginning of television when it consisted of three channels, ABC, CBS, and NBC. David Zurawik, *American Studies*, writes about his research, *The Jews of Primetime*,

This book shows that when it came to Jewish images, the generation of Jews who founded the broadcast networks behaved in much the same way as did the immigrant Jews from Eastern Europe who found the film industry—the moguls chronicled so astutely by Neal Gabler in *An Empire of Their Own: How Jews Invented Hollywood*. Just as the tension between Jewish identity and assimilation on the part of studio bosses and producers manifested itself when it came to Jewish images on the big screen—especially in the manner of suppressing such images—so it did on the smaller screen of television. And this is not so surprising consider that Sarnoff, for example, was identical to the Hollywood Jews in terms of background; he was an immigrant to the United States from the same small patch of Eastern European turf that spawned such a remarkable number of the men who founded the feature film industry. (2003, p. 8)

Walter Selig had moved his company to California in 1908, twenty-five years before Hitler came to power in Germany. Marcus Loew, Adolph Zukor, Harry Cohn, Joseph Lasky, Carl Laemmle, the Warner brothers, and Samuel Goldwyn established their studios in Hollywood soon after. The death of Cohn in March 1958 marked the end of the one-man studio system although Zukor lived until 1967 and Goldwyn 1974. The studios had continued in place under the aging moguls through the end of the 1930s and some into World War II. The system of the 1920s and 1930s had adapted to the demands of its critics by creating the PCA. The values and rules of the PCA reflected the American publics (i.e. groups identifiable by their similar interests). Both the movie-going audiences and those seeking to protect those audiences made up these publics. The MPPDA did not design the PCA to represent its employers, the Jewish Moguls, to the viewing public. They designed the PCA to protect the moguls' industry and maximize their profits following the crisis of the Great Depression.

Desser and Freidman (1993) note “How ironic that those pictures, which forever froze our national experiences into unforgettable images, limited almost all reference to the cultural and religious heritage of the industry’s leaders” (p. 1). Ironic maybe; business certainly, but the paying audience was urban and rural, Protestant and Catholic America. It was not Jewish. There were concentrations of Jews in New York and Los Angeles, but in 1940, they made up less than three per cent of the population of the country. The paying audiences ultimately determined the content of the films. One mechanism of control beyond the box office was the censors. These Jewish Moguls had put in place the Hays Office to limit costs and minimize the remaking of films before they reached the audience. As was discussed in the preceding chapter, they had first hired Will Hays and later he hired Joseph I. Breen from Chicago to ensure that their product reached the viewing public quickly and efficiently. Breen, especially, functioned as an intermediary between regional censorship organizations that reflected the tastes of the audiences in their geographical areas and the studios who sought to rebuild their industry after the war.

The films discussed in this chapter are those released between 1940 and 1945. In many ways, they are similar to the films discussed in the preceding chapter. Hollywood continued to produce movies for entertainment and to operate the studios as businesses. The Production Code remained in place, primarily because the censors continued their efforts to control the content of films. In these films, the human body would remain inviolate, immune to disfigurement and destruction. The story required compensating moral values. A film was to reinforce religious teachings, family values, and the law. In addition, two new proscriptions emerged. A film must not include “brutal or gruesome content” and a film’s actors must not curse or use words prohibited by the PCA. Sexuality remained a major concern for the PCA and the soon to be created Catholic Legion of Decency. The studios focused on avoiding conflicts over Jewish content and addressing social and political issues. Shandler (1999) and Zurawik (2003), discussing Jews in film and television, introduce the idea of being too Jewish. They give numerous examples of the concern of Jews to not appear too Jewish and discuss how this occurs in both film and television. In his break-through study *Jews of Primetime* David Zurawik observes

On the one hand, like their Hollywood counterparts, Jewish owners and network executives kept some of the more vile anti-Semitic images that had been circulated in print and stage from ever reaching the small screen. Anyone familiar with the Shylocks and sheenies of the nineteenth century and early twentieth-century American theater will appreciate that this is not small matter. (p. 8)

Their analyses are consistent with that of Neal Gabler in *An Empire of their Own, How the Jews invented Hollywood*.

The films analyzed in this chapter are:

Pastor Hall (1940)
The Great Dictator (1940)
The Mortal Storm, original title *Flotsam* (1940)
So Ends Our Night (1940)
To Be or Not To Be (1942)
Once Upon a Honeymoon (1942)
Address Unknown (1943)
Hitler's Children (1943)
None Shall Escape (1944)
The Seventh Cross (1944)
Tomorrow the World (1944)
Watch on the Rhine (1945)
The Stranger (1946)

Pastor Hall is the only film in this set rejected by the Hays Commission. Filmed in England in 1939, it did not receive approval from the British Board of Film Censors (BBFC) renamed in 1985 the British Board of Film Classification. *Pastor Hall* was produced a second time in 1940. This practice is in contrast to what occurred in the studio system. The PCA required approval of the screenplay production; internal censorship occurred before filming began. The events that led to the 1940 distribution in the United States are controversial. One version claims Samuel Goldwyn wanted to distribute the 1940 version in the United States through United Artists (Koppes and Black, 1990). According to this account, Gregory Shurlock, a member of the PCA, denied it a recommendation for the seal of approval. Others claim that Walter Wanger, engaged in the production of *Foreign Correspondent* at the time, did not want a film that would be competitive with his film so he opposed its distribution by United Artists. Eventually, the Hays commission relented and a cut version of *Pastor Hall* produced by James Roosevelt

received seal number 02193 (p. 32). *Pastor Hall* survived all opposition. It was not in Hollywood's best interests to not approve a project of the son of the U.S. President.

II. BBFC and *Pastor Hall* (1940)

Unlike the United States, England did not have a production code of established criteria used to judge and approve or reject pictures. The British Board of Film Censors (BBFC) had no legal standing. The BBFC awarded certificates, categorizing a film as 'A' (adult) or 'U' (universal). The certificate indicated if a film was cut or uncut. The board could withhold a certificate altogether. The award of a certificate denoted that a film was suitable for adults only ('A') or for both adults and children ('U'). The BBFC levied fees based upon the footage of the submitted films to finance its operations and guarantee its independence in the industry. There was a president of the board, but a secretary and four censors did the work. James C. Robertson, a British film historian, describes that process as a two-tier arrangement where the BBFC acted only as a guide to the local authorities. The local authorities retained the statutory power either to allow a film rejected by the BBFC or to ban a film that the BBFC had approved. This film industry self-censorship system covered only feature films in theory and no producer was legally obliged to submit films to the BBFC. The process was in flux in the late 1930s as the English government attempted to create wartime film policies to protect the military interests of the country. In fact, the policies that emerged had little effect on feature films (1989, pp. 1, 2).

Although quite different in their policies and organization, censorship in both the United States and Great Britain required a show of respect for foreign leaders. *Pastor Hall* (1940) condemns the Nazi leadership. The film clearly distinguishes between the Nazis and good Germans. As a result of the German attacks on Great Britain, condemnation of the Nazis could occur if balanced by the demonstrated good in the German people. Charter Films presented a scenario for *Pastor Hall* to the BBFC in July 1939. The picture, Robertson writes, "was based upon a play by Ernst Toller and reputedly upon the real-life experiences of Martin Niemoller, a First World War U-boat commander and a 1933 pro-Nazi, but subsequently disillusioned Protestant clergyman who had been a concentration camp inmate since March 1938" (p. 74). The BBFC did

not approve the screenplay. Robertson attributes this to the political controversies over the relationship between England and Germany, writing that in July of that year “the Axis powers were plunging Europe headlong towards war over Poland” (p. 74).

In his work, Robertson uses primary sources in the analyses of British film censorship. His report on the approval of *Pastor Hall* is included here in some detail because the information is not available in other sources and the film received certification in the United States because of a unique series of events.

According to Robertson,

(the) BBFC reaction had been hostile to any material directly referring to contemporary international relations or Nazi internal policies since 1933. The anti-Soviet Nazi feature *Refugees* directed by Gustav Ucicky, had been rejected in 1934, while various anti-Nazi films and scenarios had been likewise rejected as recently as June 1939 when the BBFC unexpectedly allowed *Confessions of a Nazi Spy*, the Warner Brothers production directed by Anatole Litvak. ... This surprising BBFC (British Board of Film Censorship) was undoubtedly connected with the current German pressure upon Poland, but it did not mean that the BBFC was also prepared to pass attacks upon Nazi domestic policies, for in theory Germany remained a friendly nation with which Britain enjoyed normal diplomatic relations. Consequently Hanna (a censor for the BBFC) observed about *Pastor Hall* that ‘its exhibition at the present would be very inexpedient, while Mrs. Crouzet (another BBFC censor) also favoured a ban. “Even with the nationality disguised” she wrote, “it must be evident that the story is anti-Nazi-propaganda.

Presumably as a result of these adverse comments Charter Films placed *Pastor Hall* in cold storage, but with the outbreak of the Second World War and the consequent removal of the BBFC ban upon attacks against Nazi ideology the project was revived. It was filmed early in 1940. ... However, since July 1939 Ernst Toller had committed suicide in New York and the British government had issued a white paper on the treatment of Nazi concentration-camp prisoners. As a result Nazi barbarism was more strongly emphasized than in the 1939 scenario. (pp. 75, 76)

Here, Robertson uses “concentration-camp prisoners” to refer to prisoners in camps existing in Germany between World War I and World War II. The Nazis had placed political prisoners, criminals, Jehovah’s Witnesses and others in these camps. Brutal as the treatment of these prisoners was, these camps were not the same as the death camps in the mid 1940s where in the last year of the war the Nazi camps gassed and cremated as many as 12,000 individuals in one day.

Robertson continues,

The 1940 version “casting Marius Goring as Gerte probably owed much to the fact that he was the voice of Hitler in the radio series entitled *The Shadow of the Swastika*. For many Britons he had come to personify Nazi Germany, as does his chilling performance as Gerte in the film.

The deeper emphasis on Nazi brutality and inhumanity is not confined to the concentration-camp scenes. Hall determines upon overt resistance to Nazism only when a very young girl (Lina Barrie) is sent to a youth labour camp and returns pregnant but no action can be taken against the youth concerned because he is the son of a high Nazi official. This scene equates Nazism with sexual immorality, while the beating up of Jews and the smashing of Jewish property are also inserted into the story. Even Nazi violence against other Nazis is not neglected when an old lady weeps, looks down at the casket of ashes in her hand, and says that her son had been tall and strong, and that he had been made one of Captain Röhm’s bodyguards. This is a reference to the infamous ‘Night of the Long Knives’ of June 1934 when on Hitler’s orders the SA leaders, Röhm included, had been liquidated by Himmler’s SS., a none too topical event in 1940. ... Hall received twenty-five lashes each day (in the 1939 film this occurs on the screen but in the 1940 film it is off screen). This punishment is interpreted as an implicit death sentence. In fact Niemoller was not executed but survived seven years of imprisonment in the camps.

The film makes clear that Nazis rather than Germans are the enemy, for quite apart from the Hall family the characters of Dagan and the von Trojans reveal the film’s view that Germans did not have to be religiously motivated to loath Nazism, a courageous sentiment to put forward about an enemy nation in war. (p. 76)

Robertson reports that the English audiences did not respond well to this film. In fact, the theaters seldom played it, because of the small number that attended showings. He suggests that it was difficult for the British to identify with the good Germans at this point in their history.

The censorship of *Pastor Hall* as reported above is quite different from censorship by the PCA. The BBFC functioned in the manner of Will Hays “*Don’ts and Be Carefuls*” described in Chapter Three. Its rules consisted of guidelines subject to interpretation rather than policies and rules. Annette Insdorf includes *Pastor Hall* in the 2003 edition of *Indelible Shadows* in a chapter titled, “Rediscoveries.” She adds to his discussion writing the film “is remarkably prescient in its depiction of both the Nazi menace and resistance to it” (p. 250). She also includes for the reader the quote attributed to the Reverend

Martin Niemoller (born in 1892) “First, they came for the Jews. I was silent. I was not a Jew. Then they came for the Communists. I was silent. I was not a trade unionist. Then they came for me. There was no one left to speak for me.”

She makes no mention of the first appearance of the film before the BBFC in 1939. She does note that when the film premiered in London in May 1940 with positive reviews the premier coincided with the start of the operation that lifted British troops off the beaches of Dunkirk. The United States had yet to become involved in the war. Insdorf links the reception of *Pastor Hall* in Britain to the military action at Dunkirk; Robertson links it to changes in British-German political relationships. It is frequently the case that an author who links reception to a historical event may contradict a claim by another author linking reception to another historical event.

Insdorf reports that when studio heads in the United States viewed the film, they “mutually agreed” that it would not be distributed due to its controversial nature. She cites the press kit prepared by Milestone Films as the source of this information.

The archival file for *Pastor Hall* contains news releases rather than correspondence between Breen’s office and the studios. Koppes and Black report that Sam Goldwyn wanted to distribute the film through United Artists. Citing a letter from Breen to Francis Harmon, they write

The PCA’s Geoffrey Shurlock found *Pastor Hall* a ‘bitter indictment of the present Nazi government’; he felt that distribution of the film would involve questions of “industry policy.” United Artists officials were divided. Walter Wanger, busy making his toothless *Foreign Correspondent*, opposed distribution because it would serve “no good purpose” for either the company or the industry.” Goldwyn noted: The purchase and release in this country of a purely British picture of this strictly anti-Nazi character would very likely give rise to an accusation of deliberate propaganda on the part of the American picture industry, and might cause a revulsion against such American-made pictures as *Mortal Storm*, *Four Sons*, and others. . . . Further, Goldwyn argued that *Pastor Hall* should not be released in the USA as matter of industry policy, and that other companies be asked to consider very seriously the advisability of buying the film. (1990, p. 32)

Anthony Slide, like Robertson a scholar of British censorship, reports that Goldwyn and Wanger screened the film privately with Gregory Shurlock of the PCA. His analysis was different from that of Black. According to Slide,

Shurlock found only four areas needing revision: the reference to abortion on the part of the doctor in connection with the pregnancy of Lina; the dialogue between the Pastor and Lina in which he compares the girl's condition to that of the Virgin Mary and the Christ Child; the scene in which the Pastor's daughter offers herself to the young Nazi Party leader; and all profanity be deleted. (1998, p. 117)

These kinds of inconsistencies cannot be resolved using the archival records of the PCA. It is necessary to go into the historical records of the studios and film personalities to obtain clarifying information. Slide's interpretation of events would be consistent with PCA rulings and consistent with the Code. He goes on to say that Goldwyn decided not to pursue distribution of the film. Goldwyn does not mention the film in his autobiography. Both Slide and Robertson concur in their assessment that the film was not as widely exhibited as it should have been. Both considered it one of the best British World War II propaganda feature films.

However, the residents of the White House viewed *Pastor Hall*. One of those viewing the film was James Roosevelt, the son of Franklin D. Roosevelt. He thought the film should be made public. As president of Globe Productions, he arranged to distribute the film. It was his first picture. He added an introduction written by Robert Sherwood and read by his mother, Eleanor Roosevelt. When Globe Productions (read James Roosevelt, son of the United States President) applied for the seal for release of the film, the Hays office issued seal number 02913 for the film. Harmon notified James Roosevelt of this decision by letter. However, at least seven minutes of the camp punishment scenes had been cut. Even with the cuts, the 97-minute running time was the same as it had been when shown in England. Local censorship boards banned it in Chicago and other cities. Pennsylvania required additional cuts. It ran in other states with the approval of state boards of censorship, including New York, Maryland, Kansas, Ohio, and Massachusetts.

III. *The Great Dictator* (1940)

Two previously identified dimensions of censorship occur in the case of *The Great Dictator*. First, there is the emphasis on the foreign market. A letter from the BBFC, which indicated the film would not be approved for release in England, illustrates this priority. Second, there is the concern for the required show of respect for foreign leaders.

Much has been written about Charlie Chaplin's *The Great Dictator*. Film critic Annette Insdorf (2009) writes,

Although *The Great Dictator*'s procedure is comic, its aims are serious—as announced in the opening titles. André Basin was perceptive when he claimed Hitler had stolen Chaplin's mustache and *The Great Dictator* was his way of getting even. This film was also an attempt at *liberating* laughter, whereby Chaplin could toy as deftly and maliciously with Hitler's image as Henkel with his eternal globe. The year was only 1940, and war was declared during the film's production. (p. 64)

Surprisingly, Breen did not oppose Charlie Chaplin's *The Great Dictator*. According to Doherty (2007)

In a fawning effusion unique in the annals of Breen Office correspondence for a project not featuring a priest, nun, or saint, Breen showered praise on the act of comedy and conscience. During the script review phase, Breen seems almost embarrassed to bother the great Charles Chaplin with petty details of the Code. (p. 216)

On September 16, 1940 Breen writes to Al Reeves

“Your picture is so fine a piece of great screen art that to intrude with what is hardly more than a technical violation of our regulations seems to be small and picayune, but as you will see from the attached resolution, we have no other alternative.”

Doherty writes (2007, p. 213) “He apologized to the liaison at Charles Chaplin Studios, before bowing to the ethereal Chariot. ‘May I take this occasion again to tell you how very much I enjoyed *The Great Dictator*. It is superb screen entertainment and marks Mr. Chaplin, I think, as our greatest screen artist. More power to his good right arm!’”

The technical violation Breen refers to is the use of the word “lousy” in the scene where Miss Goddard tries on hats. The Code contained a list of words, lousy being one that could not be used in any film that received the commission's seal of approval.

Doherty does not offer an explanation nor does he account for Breen's attitude expressed in a manner so out of character. There was no information in the archival records that might explain Breen's effusive support of Chaplin's film. This was a much-talked about picture. There is in the archival records a letter dated October 1938 from the German consul in Los Angeles, the same Gyssling referred to in correspondence about

The House of Rothschild (1932) and *Confessions of a Nazi Spy* (1939). Objecting to the proposed film, he writes

“I see from a newspaper article under the caption of ‘Charlie Chaplin will burlesque Hitler’ that Mr. Chaplin will play this film’s defenseless little Jew, who is mistaken for a powerful dictator, while in the other role you will see him as the dictator himself’. The article further states that ‘that while Hitler is not mentioned, it does’nt (sic) take any Solomon or Sherlock Holmes to see it is the fuehrer, whom Chaplin is burlesquing.’

As this, if it should prove true, will naturally lead to serious troubles and complications, I beg you to give this matter your consideration even if the Charles Chaplin Film Corp. should not be a direct member of your organization, for this company may produce and release through one of the corporations belonging to the Motion Picture Producers Association and may thus become affected by such a film.”

The file in the archives contained no response from Breen to Gyssling. It may well be the case, as it was in *The House of Rothschild* (1932), that Breen referred the letter to the offices in New York. It is notable that the phrase, “lead to serious troubles and complications,” is very similar to that written by the same German official in 1933 regarding *The House of Rothschild*.

The film was the subject of much public controversy. Even members of the United States Senate received complaints. On February 17, 1939, Walter W. McKenna writes the Hon. Robert R. Reynolds (a U.S. Senator) saying

“I believe that official cognizance should be taken of the motive of one, Charles Chaplin, an alien resident of the State of California for the last twenty five years, who has declared his intention to finance and produce a motion picture allegedly designed to ridicule and antagonize certain totalitarian governments of Europe.”

Both the German Consul Gyssling and Mr. McKenna referred to Chaplin’s position as an independent producer financing his own project. This could indicate that both men were concerned that this may have placed Chaplin outside of the Hays office’s purview.

McKenna continues,

“As you are probably aware, Chaplin is a native of Great Britain and for a quarter of a century has accepted as his special privilege the generous bounty and protection of a complacent Government, to which, of course, he is most reluctant to pledge his allegiance.

Regardless of how much we deplore the inhuman persecution of a minority race in foreign lands, this man should not be permitted to use the United States as a background and sounding board in the proposed manner with the avowed purpose of stirring up further strife and recrimination between Germany and the United States.”

McKenna refers to “the inhuman persecution of a minority race” in Germany. By 1939 Germany was exporting German Jews to Poland, the Third Reich had enacted the “Nuremberg Laws,” and euthanasia was being performed on the elderly and disabled. The language in use considered the Jews to be a race, a biological entity with inheritable characteristics. Germany had not yet declared war with England. The political controversies in the United States over neutrality and what constituted propaganda continued influencing the Hollywood producers as they had in the case of Wanger’s *Blockade* (1938) and in *Confessions of a Nazi Spy* (1939).

McKenna offers the Senator a solution to the situation, as he perceives it.

“Any resident alien seizing an opportunity to embroil this Country into controversy with another Government constitutes a menace against the peace and dignity of the people of the United States and it follows that such an alien should be deported for the abuse of the Nation’s hospitality.

Although he was of military age at the time of the World War, there is no record of Chaplin’s offering his services to the armed force of either Great Britain or to the United States in the hours of that great emergency.

Chaplin did peddle Liberty Bonds as a publicity stunt but so too did thousands of patriotic American women throughout the Country sell Liberty Bonds and who were solely motivated by the love of country.”

The writer of the letter may have been aware that Chaplin’s enterprise lay outside the domain of Breen’s office. However, Congress was beginning to become involved in Hollywood politics. He may have seen this as an opportunity to invoke political action rather than rely on business practices within the industry.

There is also a cable dated February 1939 and a letter dated March 1939 from Brooke Wilkinson, secretary of the BBFC. Breen is cautioned, “a delicate situation would arise if Chaplin made *The Great Dictator*, because the board enforced a stringent rule that no living personage could be represented on the screen without his or her written consent.” This is very similar statements in the PCA Code about leaders of foreign countries although the PCA had no policy requiring written consent. Yet, Chaplin

proceeded with his project. Breen replied to Wilkinson in a letter sent the same day as the cable, saying, “We are plugging away, though the general situation throughout the industry—and in fact throughout the nation—is quite confusing. There is an unsettled feeling in the air everywhere and this has had its effects on our industry here in Hollywood.” This is an unusual response from Breen. Breen did not equivocate when replying to letters from Hollywood. However, this exchange was between censors. Breen worked in and for the Hollywood studio system. Wilkinson worked in the British system. Breen was not making a statement explaining a position he had taken. He was not advising a producer, director or studio head about the fate of a screenplay. The British censor did not have to invoke the rule or obtain consent from Hitler.

In September 1939 war broke out between England and Germany. The film was released in both the United States and England. It was a financial success here in the United States, an indication that it was well received by audiences across the country. Chaplin writes in his autobiography that if he had known the war would result in the death of so many Jews, he probably would not have completed the film.

Koppes and Black write

The credit for perhaps the most significant antifascist film, both politically and artistically, must go to Charles Chaplin, independent producer, director, writer and actor extraordinaire. Chaplin was pressured to cancel the project. He said in his autobiography that officials at United Artists, the releasing company, had told him they ‘had been advised by the Hays office that “I would run into censorship trouble.” Chaplin was not deterred: “I was determined to go ahead, for Hitler must be laughed at.” (1909, p. 31)

Koppes and Black cite Tino Balio’s *United Artist: The Company Built by the Stars* as the source for the Chaplin the quote. The two other references that refer to the PCA response to the production of *The Great Dictator* are Doherty’s report that Breen had apologized when objecting to the use of the word “lousy” and Balio’s original statement.

IV. Jews on the Screen

In the 1920s Jewish actors were a recognized part of the Hollywood scene. Jewish names appeared in screen credits. Shandler (1999) notes a greater presence of Jewish actors in the 1920s, while Desser and Freidman (1993) draw attention to the Jewish Moguls’ suppression of Jewishness in the 1930s, and Doherty (2007) describes Joe

Breen's blatant anti-Semitism in his early years as Hollywood's censor. The presence of prominent Jewish actors playing the Jewish characters in *The House of Rothschild* (1932) was part of its publicity package. Shandler, and Dresser and Freidman emphasize that Jewish actors disappeared. Zurawik notes that there is also a period in television when Jewish actors disappeared.

But one of the first things I found in a preliminary survey of series with Jewish characters is the puzzling fact that from 1954 to 1972 there was not one prime-time show on network television featuring a leading character who was clearly identified as Jewish. An obvious question that could not be overlooked: why? But to answer that, I had to leave the realm of textual analysis and engage the world in which network television is made. In other words, I had to also study what was *not* on the screen, and that proved to be more difficult in many ways than investigating what was. (2003, p. 7)

Doherty (2007), describes the Breen office treatment of the Jews in the late 1930s ... as straightforward enough. No anti-Semitism filtered into Hollywood cinema on Breen's watch. In fact, little that is Judaic registers at all. Basically, after 1934, Jews weren't vilified on the American screen; they just vanished from it. Only with World War II did Hollywood's emblematic ethnicity return to Hollywood's cast of characters." Prior to that in the late 1920s and early 1930s "in the talkative, wisecrack-crazy environs of pre-Code Hollywood, Jewish comics and character actors kibitzed and kvetched at will. Among the playwrights imported from New York to compose dialogue for the former mimes, Jewish writers tapped out ironic inflections and cynical slang that enriched the vernacular on both sides of the screen.

However, the Code prohibited mocking foreign nationalities. It also required that due respect be shown for religion. There was no Hollywood equivalent for *The Goldbergs*, a radio program about a Jewish family. (p. 213)

As noted earlier, Doherty writes

Within weeks of Hitler's ascension to power in January, 1933, Hollywood films with identifiable Jewish content or prominent Jewish actors were denied entry into the Third Reich. After July 15, 1934, the erasure of things Jewish from the Hollywood screen was abetted by the certainty that Jewish content would be banned from the lucrative German market. (pp. 213, 214)

While it is likely that there is a relationship between absence of Jewish actors in television and their absence from the motion picture screen, that is a topic that can only be noted in this study. Here the focus is on the absence of Jewish Holocaust films, not

performers. Whether this can be attributed to the coming of sound that affected many acting careers, to increasing anti-Semitism, or to a change due to turnovers due to age is debatable. Hoberman and Shandler (2003, p. 69) note that Jewish actors did not take Jewish names in the 1940s. Among the examples given is Edward G. Robinson who changed his Jewish name (Emanuel Goldberg) but kept the G. It is a fact that after Pearl Harbor, Jews reappeared on the screen in the war movies. The Office of War Information (OWI) with an office in Hollywood promoted war movies and soon World War II, the Nazis, and Hitler were in the forefront as targets of action. In the motion picture military regiments, characters called Jews out by name. *The Fighting 69th* (1940) is a movie about the cocky, mostly Irish New York regiment whose exploits in World War I made Wild Bill Donovan a national hero and earned him the Medal of Honor. The characters in this plot lambast Germany by means of the humor of Irish troops; the character played by James Cagney railed against the German leaders even as he fled from armed conflict on the front. In the end, he died in battle in an attempt to reclaim his character.

Doherty writes that

The Fighting 69th exudes the swagger of an ethnic group in full command of the command of the center stage of American culture.

Based on the exploits of the storied New York regiment, *The Fighting 69th* suppresses the memory of the Great War as a charnel house of meaning slaughter to tell a tale of spiritual redemption, Irish-Catholic style ... and the fictional Jerry Plunkett (James Cagney), a brash guttersnipe whose bravado hides a yellow streak... (Though careful not to open the door to nastier epithets aimed at less assimilated groups, Breen permitted Cagney to utter a mild slur that would never have been permitted to escape from the mouth a non-Irishman. "I don't like those flannel-mouth micks who go around singing 'Molly Malone' all the time," Plunkett inform father Duffy. (2007, p. 190)

In the war movies, the PCA and its Code prevailed. However, it did not reject criticism of the German war machine and its leaders. It did allow violence on the battlefield.

Recreating *The Fighting 69th* and World War I provided an opportunity for the industry "to talk about" Germany without violating the Code restrictions on addressing foreign leaders and cultures. In 2010, audiences see a very different war than audiences saw during World War II. Prince writes, "In *All Quiet on the Western Front* a hand grenade blows a soldier apart and all that remains are his hands clutching a barbed wire fence"

(2003, p. 50). Today both feature film and television audiences watch autopsies and see soldiers' bodies being ripped apart in battle scenes. Anyone unfamiliar with the 1940 motion pictures must watch "the war" as presented on the screen at that time to appreciate the contrast to "war" on theater screens today. Not only were the battles staged without brutality and gruesomeness by using distance and dark shots, but also nurses went on board Navy ships, submarines were painted pink, and Catholic nuns tended to rescued children stranded on a Pacific island with a soldier who spied on the Japanese in their planes and ships. For children and youth today computerized games eliminate the human element from death and destruction as battles are waged on line or in the solitude of the darkened space occupied by the computer. The violence is not only the result of the commodification of war, but is seemingly acceptable as a impersonal form of murder.

V. The Body on the Screen

Prince (2003, p. 150) analyzes the film, *The Glass Key* (1943), to illustrate the Code restrictions on the on-screen presentation of the human body. This film is an adaptation of Dashiell Hammett's novel about organized crime and political corruption. Using this film because it included scenes that were seldom presented on screen, Prince draws attention to the on-screen signs of physical trauma, arguing that these are inconsistent with the application of the Code. Hollywood films presented the human body as inviolate and immune to destruction or disfigurement as the result of violence. Prince writes, "Conventional movie violence was sanitized; the body was not severely harmed" (p. 148). The Breen office in its admonitions to those submitting screenplays for approval warned that portraying attacks on the human body must not be done in any way that was offensive. Breen labeled the visible effects of violence "brutal and gruesome." A film where a gangster on the street is shot from an upstairs window would show only the gangster falling to the ground. There would be no blood on his suit where the bullet entered his body. Watching the scene in the theater, the audience only saw the gangster fall down. Throughout the files from this period are letters from Breen to the directors warning that a scene must not be portrayed in any offensive way. It is most important to understand what these terms represented for they are deeply rooted in the Catholic values about the sanctity of the body that are embedded in the Production Code. The Catholic

Church regards the human body as God's temple on earth. Observing that violence varied by genre, Prince notes "everyone seemed to accept that war films, for example, needed to carry a somewhat larger dose of violence than other kinds of pictures, and this was especially true now that the country was engaged in a protracted and difficult conflict." These observations led him to conclude that violence in *The Glass Key* slipped past the censors because there was an overall increase in violence in the film scripts about military actions.

The presence of the Office of War Information (OWI) in Hollywood also contributed to the acceptability of an increasing level of violence. Cooperating with the OWI was in the best interests of the studios. The Roosevelt administration had raised questions about the vertical integration of the studio system. Vertical integration is the industry's term for the control of production, distribution, and exhibition by the five major studios. The studios were aware that antitrust actions were pending. As Phillip French and Julian Petley interpret the situation,

The industry was opposed only to external censorship. It was the major studios themselves who, through their control of production, distribution and exhibition, decided who could make films and whose pictures would be distributed. (2007 p. 31)

In this situation by cooperating in the production of films about the military, the studios delayed the reorganization of the industry. The OWI, as the government's presence in Hollywood, had a stake in films about the country's troops. Troops were to be successful in battle. Troops were to be representative of the religious and ethnic groups in the country. The presence of the OWI and the decrease in public objections about film content due to the war effort provided Breen with more options in the interpretation of the Code. Prince and Doherty concur that the "OWI eventually gave the industry greater latitude in portraying enemy atrocities" (Prince 2003, p. 151).

VI. The Year before Pearl Harbor

The Mortal Storm and *So Ends Our Night (Flotsam)* were also released in 1940. *The Mortal Storm* is an adaptation from the novel written by Phyllis Bottome. In a review, appearing in *The Hollywood Reporter* on June 11, 1940, the writer reiterates, "Again, as in previous Hollywood productions dealing with conditions in modern

Germany under the Hitler war-breeding regime, commercial box office expectancies are dependent upon public temper in America, almost from day to day during the film's national release. Business may rise or drop sharply under the influence of the morning's headlines." Critics thought the film was "beautifully done." This review is one of the items in the archival record for this film. It is the only letter in the archival file identified that language that would have to be rewritten or deleted because of the use of words on the forbidden list. In the screenplay a family is destroyed when Hitler is elected Chancellor of Germany. A non-Aryan professor is sent to a concentration camp for conducting research that showed Aryan and non-Aryan blood in test tubes to be "totally similar." Meanwhile the two adopted sons he raised celebrate the promises of the new regime. The professor's daughter is caught trying to smuggle his last manuscript across the border. The guards take her passport from her, but her fiancé successfully helps her cross the border into Austria. The Breen office found the story acceptable, but required the director, Frank Borzage, to eliminate from the dialogue words that appeared on the forbidden list.

Judith Doneson (2002, p.31) reports *The Mortal Storm* had minimal public interest when it was released. This stands in contrast to the newspaper critic quoted above who saw interest varying with morning news releases. To support her claim, Doneson quotes Leo Rosten, sociologist and author of *Hollywood, The Movie Colony, The Movie Maker*, writing in 1941 notes

The relative apathy of moviegoers for such films as *Confessions of a Nazi Spy*, *Escape*, *Mortal Storm*—each an honest courageous effort and an excellent movie—is reflected in their moderate or disappointing reception at the box office. In 194 separate surveys made by Dr. George Gallup it was found that only New York audiences seem to want pictures with political content involving Hitler and the Nazis. (1941, p. 360)

In her book, *The Holocaust in Hollywood Film*, Judith Doneson questions the attitudes of the studio executives towards the Jews in Germany. Doneson is a recognized Holocaust film scholar. Her mother survived internment in a concentration camp during World War II. Voicing the frequently asked question, "Why ... did the persecution of the Jewish people in Europe play so minor a role in 'Jewish' Hollywood at a time when movie production and attendance was at a peak?" Doneson uses anti-Semitism as one of

her frames of reference and as an explanation. Questioning Hollywood's motives, she also suggests that the European Jews were not important to the studio executives (1989, p. 16). She introduces her chapter, *Reflections on Anti-Semitism and Film and the Nazi Persecution of the Jews: 1934--1947*, with an emphasis on both Anti-Semitism during the Great Depression and Hitler. She writes, "these two factors—the Great Depression with its internal consequences, and Hitler, an international threat—became overriding influences in American life at the time" (Doneson 2002, p. 12). However, the analysis of these early films in Chapter Three of this study suggests that neither concerns over the depression or Hitler dominated the film industry although both are characteristic of the climate that existed in the industry at the time. Although these ideologies operated in the background, neither accounts for the frequency patterns of film releases described in graphs on pages 20 and 21. It is important to determine the sociological origins of these ideologies in the studio system Carr (2001), Crow (1985), and Huaco (1965). Although the films Doneson discusses support her conclusions, they do not represent the set of films released in that period. One of the reasons Hitler did not dominate the industry in the United States may be that in denying exhibition of Hollywood films in Germany, the Hollywood studios quickly moved to release more films in other markets including Latin America and England. There was a decrease in anti-Semitism during the 1950s and early 1960s. If anti-Semitism determined the release of Holocaust motion pictures one would expect to find an increase in the production of these films at that time. There was a not an increase until the 1970s.

Doneson's explanations focus on the significance of ideas, asserting in this case that anti-Semitism led to the lack of interest in the European events that were affecting Jews in the United States. Another explanation to consider is the fact that New York City had the highest concentration of Jews in the United States. It may well be that New York audiences seemed to want motion pictures with political content involving Hitler and the Nazis because of the high concentration of Jews in the population of New York City. Anti-Semitism most likely played a role in motion picture reception, but the evidence presented in this research suggests that censorship had more impact on what the audience might see. When considering the roles the censors had in determining what would be on the motion screen, it is important to recall that film content was a negotiated process.

Through the 1960s and early 1970s, even during its decline censorship continued to affect the process of making films. Films with Holocaust themes began to emerge during this decline. The studios began to release them in theaters in increasing numbers. Shandler (1999) demonstrates that the appearance of the Holocaust on American television provided a significant boost in the interest and acceptance of the topic by the American public. Mintz (2001) demonstrates that the Americanization of the Holocaust culminated in the 1980s with a dramatic increase in the production of motion pictures about the Holocaust. The production of these films coincided with plans to establish the Holocaust Memorial Museum in Washington, DC. Following the breakdown of the studio system a steady increase in films with Holocaust themes occurred. Films like *The Mortal Storm* and *Flotsam* are notable because the studios produced and released them in 1940 prior to the United States declaration of war on Germany. *Flotsam* is an screen adaptation of the novel by Erich Maria Remarque, a pseudonym for Erich Paul Remark, born in Lower Saxony in 1898. He is best known for his novel *All Quiet on the Western Front*.

Flotsam, released as *So Ends our Night* (1940), on the other hand, did not fare so well. On February 10, 1940, Loew-Lewin, Incorporated received a letter from the Breen office stating

“In its present form this material is quite definitely not acceptable under the provisions of the Production Code, for the reason that it is a story of illicit sex, without sufficient compensating moral values.”

In the next paragraph, an alternative to the story is proposed.

“However, as we read it, it appears to us not to be necessary for the proper telling of this story to indicate the loose sex relationship between your sympathetic leads. Consequently, we felt that, with some slight re-writing, the material may be made acceptable.”

Breen received rewrites for more than seven months. Then, on August 2, 1940, Stanley Kramer wrote to Breen thanking him for endorsing *Flotsam*. Following the acknowledgement of Breen’s approval, Kramer writes in the next paragraph, “however, we emphatically disagree with your position on prostitution.” Breen’s position had been that it was of no essential value in the story. Furthermore, under no circumstances would a scene be approved that included prostitution or suggested to the audience that

prostitution had taken place. In many of the letters, Breen writes, “Under no conditions will we.” But, in this case, he seems to be negotiating when he writes “with some slight re-writing the material may be made acceptable.” Kramer responds, “It was not our intention to indicate this girl as a prostitute and we feel sure that its playing will not indicate such a premise.” Breen, unconvinced, writes back saying that if the scene is included the film he will not recommend it for the code seal, and furthermore, it will be deleted by almost all of the censor boards in the United States and abroad. Breen writes “This scene is, to our mind, definitely suggestive of a prostitute ‘going on the make’ for a man. The fact that the man does not succumb to her wiles does not make the scene any less one of prostitution, in our interpretation of the Production Code requirements.”

Breen did not negotiate over his censors’ interpretation of the Production Code. He did not hesitate to invoke the Code when negotiating the contents of a screenplay. On August 9, 1940, David Loew writes to Breen to thank him for the courtesy extended to Kramer. He tells Breen that he understood an agreement had been reached. Changing the set so it appears as the backroom of a café, making it clear that money left by the girl is to pay for drinks, and that the girl remains fully clothed including leaving on her sweater, would make the film acceptable. The studio submitted a fourth script to Breen. Breen replied on September 12, 1940, that the scene change was not what had been agreed upon because “a second story cheap lodging room definitely was not a café setting.” The second story cheap lodging room indicated prostitution so this would have to be changed. In addition, “In scene 547, please shoot this action so as to avoid any suggestion of a deliberate suicide on the part of Steiner. Furthermore, censor boards will probably delete scene 548, showing the bodies falling. There must, of course, be no gruesome sounds of bodies crashing.”

The next day, September 13, 1940 Kramer writes Breen the following.

“Mr. Loew and Mr. Lewin have asked me to explain relative to the passport scene in Flotsam (the second story cheap lodging versus the café) that they purposely made a change in the locale of the sequence. There was feeling that people engaging in the sale of illegal passports would be far more secretive than to operate in the backroom of a café. Consequently, Steiner is forced to go to a different house entirely to buy his passport, and we feel confident that will be no suggestion of prostitution in this new set-up ... still minus the dolls. ... Further than that, and as added protection, we shot a separate and distinct scene, which illustrates by dialogue that Elvira is the daughter of one of the passport salesmen.”

In these two films, *The Mortal Storm* and *So Ends Our Night*, censorship was not about politics or ideology. It was simply a question of morality, sexuality, and language as interpreted by Breen's office. It was Catholic; it was a religious stance. The objective was to make the film in such a way that local censorship would have no grounds for preventing the film from being shown or to require editing. Cuts in the final version of a film after its release were expensive. Joe Breen was adamant about morals and insuring the film was acceptable to the communities that would see the film. He would not tolerate violations of his Code.

Crystal Pictures had acquired the rights to a British film, *After Mein Kampf-My Crimes* (1940), and submitted for PCA approval. Les Films Regents SA in France originally produced this film as a docu-drama. Acquired by Associated British, it was re-edited and designated a British Film. Associated British licensed its U.S. rights to Crystal Pictures. The PCA reviewed it and on September 6, 1940, it received the PCA's recommendation for approval. The PCA had objected to the depiction of Adolf Hitler and "numerous personages of the Nazi regime" in unsympathetic characterizations. The approval was subject to several changes. F. S. Harmon writes Pergament and Hirsch at Crystal Pictures in a letter dated September 4, 1940, that it would be necessary to trim the scenes in which small children appeared completely nude. The Code never permitted nudity. Other deletions included the elimination of the phrase, "by the mad dog", referring to Hitler. The off-stage exclamation, "To Hell with all of you", was to be deleted. The studio had scheduled different release dates in different cities and states. In New York, following the showing at New York's Bryant Theater, David Platt in the *Daily Worker* described the film as "false history and incendiary propaganda for American involvement" (September 19, 1940). In Chicago the Board of Censors required the deletion of a scene that pictures characters including Hitler fading into death heads. Censors in Ontario required the deletion of a view of a dead priest lying on the pavement with blood on his face. In Pennsylvania, deletions included the Jewish pogrom sequences and accompanying dialogue, Brown Shirts forcing their way into a Jewish hospital and forcing patients to stand at attention for Hitler, and the views of a pan being placed under Dollfuss' bleeding arm. In Massachusetts the censors eliminated "a man being shot" in

the back after being told he was free to go. Also edited out was a scene showing “the shooting of Captain Roehm through the head while he was lying on the floor.” Censors everywhere ordered a scene showing a priest thrown through a church window and a scene with him lying on the ground, eliminated. In 1940 the United States had not yet entered the war in Europe. The concentration camps existed, but they existed for the retention of political prisoners and undesirable ethnic groups. The death camps did not yet exist and even after the executions began, the Nazis did not make the presence of the camps public. In fact, the Nazis established an “exhibition” camp for visitors. These acts of censorship by the Hays office make it impossible to imagine how Hollywood might have attempted to produce films about the Holocaust once the military arrived at Ohrdruf and the public became aware of the atrocities. Two factors played into Hollywood’s silence. The first is that most Americans did not know about the concentration camps until the war ended. The second is that the rules regarding what was acceptable on the screen made it impossible for one to write a screenplay about the camps and the murder of the Jews.

VII. British Censorship and *Contraband* (1940)

F. S. Harmon (Taurus, 1998, p. 51) and other staff of the PCA reviewed the British film, *Contraband* on May 17, 1940. Harmon labeled this film a war thriller. He writes to Selznick International Pictures indicating approval subject to the deletion of the ‘damn’, ‘Hell’ and ‘Good Lord.’ He advised that each print should contain the statement in the forward to the film that the British Admiralty cooperated with the film. He also wanted “The British Ministry of Economic Warfare and the British Ministry of Information” to appear in a prominent position on all prints. In June of that year, the producer-to-be Val Lewton, indicated he was making cuts in the film and renaming it *Blackout*. However, Sam Goldwyn and Edward Small had already registered this title with the Title Registration Bureau. The film then became the property of Samuel Goldwyn, Inc. In September, that company notified the PCA that the film editors had made the required changes and had eliminated a dance sequence where colored and white dancers appeared together. United Artists finally released the film in November 1940. Editing had cut the film to 80 minutes. Upon release of the film, the censorship board in

Pennsylvania required the cutting of a shot of Grimm, a Danish merchant captain, being hit over the head with the butt of a revolver. This action of hitting someone over the head with the butt of a revolver was definitely one of those actions that the PCA considered gruesome in the fall of 1940.

VIII. After Pearl Harbor: Brutality and Gruesomeness

To Be or Not To Be and *Once Upon a Honeymoon* were released in 1942. There is nothing in the *To Be or Not To Be* archival record except newspaper clippings of the reviews. Some critics questioned the use of humor in the film. In the case of *Once Upon a Honeymoon* Joe Breen cautioned the producer “to respect the sanctity of marriage and be careful in the use of humor.”

The Breen office received the script for *The Seventh Cross* (1944) in 1943. The story line is about seven prisoners attempting to escape from a prison camp in Germany in 1936. Prison camps and escapes fit well with Hollywood conventions. Koppes and Black (1990) found no records for this film or *To Be or Not To Be* and *Once Upon a Honeymoon* in the Office of War Information files. They note that “the film, *The Seventh Cross*, fits well into the pattern of people coming to recognize the inhuman nature of fascism” (p. 297). The screenplay is an adaptation of a novel by Anna Segher.

In spite of its perceived fit with conventions, the success of Segher’s novel, and the increase in recognition of the problems with Fascism, Joe Breen and the PCA had much to say about the original screenplay. On August 26, 1943, they write to L. B. Mayer saying they are happy to report that the basic story complied with the provisions of the Production Code. However, they write, “we assume at all times you will avoid showing unacceptable brutality and gruesomeness concerning the treatment of the prisoners in the concentration camp and also of the fugitives who are captured and killed from time to time during the course of the story.” In the same letter the PCA identified brutality as “the guard’s smashing Wallau over the head with the gun butt.” They write to Mayer that they anticipated the various political censor boards would require the deletion of this scene. The PCA tended to be clear about who might object to any part of a movie. Sometimes Breen writes, “this clearly violates a section of the Code.” Other times, he writes that we anticipate a group will object and it will be necessary to edit the offending

act. If the objection was coming from the New York offices of the studios, Breen left that notification to those making the objection. In this case, however, he did identify a political censorship problem. In films produced in 1944, being hit on the head with the butt of a gun was a case of brutality. In scene 5 George's injured hand was considered "unacceptable gruesomeness." This is the same year that Columbia Pictures released *Address Unknown* (1943). The preceding chapter describes the circumstances leading to the release of this film.

The PCA concerns about brutality and gruesomeness continued into the 1950s and 1960s. Breen retired from the PCA in 1955. The impact Breen had on film content continued long after his retirement. As late as 1968, fifteen years after Breen's retirement, in a popular film, *The Detective* (1968), Hollywood provided audiences with a film used to illustrate "justice the Breen way, the PCA way." "The Breen way," means the audience may hear about or infer violence but they will not see it on the screen. The story must have compensating values offsetting any wrong doings that occur. The release of the film *The Detective* followed the release of *The Pawnbroker* in 1965. It frequently appears on television channels and is available for viewing on the Internet. Scenes from the film illustrate changes in the application of the Code. It is also an example of how slow writers were to change their style after the implantation of the rating system that replaced the Code. The film tells the story of the events leading up to the electrocution of a "sniveling" murderer. The lead detective, played by Frank Sinatra, arrives at the scene of the murder. The audience sees the body of the victim as a dark shadow behind a palm plant. The detectives refer to the mutilated fingers and the cutting of the penis in the dialogue, but the audience only sees the body as a shadow behind the plants. The mutilated fingers are not shown on screen although the police are instructed to search the area garbage cans for them. As the story plays out, the audience and the detectives learn that the man electrocuted for the murder is innocent. During Breen's leadership, the PCA would not have approved a plot built around the execution of someone falsely accused of murder. In the world seen on the screen and defined by the PCA, the justice system did not make mistakes. The PCA would not have allowed talking about the victim's fingers being cutoff or the mutilation of his penis. Yet, thirteen years after Breen's retirement the audience did not see the mutilated hands; it is only through the dialogue that the audience

knows the hands were mutilated. *The Detective* illustrates how Breen's influence and policies remained in place after his retirement. Prince's analysis of violence on the screen would identify this as a case where the director found a way to introduce violence and be in keeping with the now nonexistent Code requirements.

As time passed, producers and directors challenged these views more and more frequently. It is impossible to imagine the scenes from the Holocaust, so familiar in motion pictures in the 1970s and 1980s, being filmed under the stipulations made by the Code. Prince pointed out the use of shadows and off screen actions in film noir. Brutality and gruesomeness also appeared in language long before they were allowed on the screen visually. By the time they were appearing on the motion picture screens the reign of both PCA and The Catholic Legion of Decency had ended.

IX. Offensive and Inappropriate

The bombing of Pearl Harbor and the landing of U.S. troops on the beaches in Europe had not eliminated the censorship of sexuality. Returning to 1943 and the archival records for *The Seventh Cross*, reveals Breen not only addresses sexuality and suicide, he also recommends changes that would make exhibition in England go smoothly. This is indicative of the efforts made to secure foreign release for the studios' films after the closure of the markets on the European continent. He writes that the BBFC would certainly require the deletion of the "business of the woman crossing herself." The same scene included "the gruesomeness of the horrible scream" and that scream should be avoided. Later, there is "a scene where George kicks the dog and any suggestion of cruelty to animals must be avoided."

Breen's comment on sexuality in scene 99, "the business of George and this girl lying on the ground and his pinning her 'against the grass with his body' is unacceptable," can be read to mean it must be eliminated. In a later comment, Breen writes "no two bodies lying horizontal will be approved." He added, "The dialogue between Mrs. Hinkel and Mrs. Grosser concerning the having of more children and Mrs. Grosser's line, 'A lot of good it'll do her to say 'no' to that Otto of hers,' is questionable and we suggest it must be modified." He then writes rather than "requests" a change in the dialogue, "But nobody knows about you and me. Nobody ever knew, is suggestive of

a possible illicit sex affair. We request that that his dialogue be rewritten to convey definitely that they had formerly been sweethearts and nothing more.” About another scene Breen writes

“You will have in mind that the British Board of Film Censors deletes all scenes of men and women in bed together. From the angle of the Production Code this scene of Paul and his wife in bed together is questionable and we recommend that this business be modified so that perhaps Paul will be sitting, fully dressed, on the side of the bed talking to his wife throughout the scene, which continues on page 136. Furthermore, there would be no unacceptable exposure of Toni’s body in the scene where she is unbuttoning her dress; Paul’s person would not be exposed in the scene where he is changing clothes; and Toni’s costume, described as showing the outlines of her body, would contain nothing unacceptable.”

These required changes to the screenplay, a screenplay based on a novel, to a story that “seemed to comply with the provisions of the Production Code” indicate the extent to which the PCA was willing to act to protect the public from what it deemed offensive and inappropriate material. The story had been a successful novel and would have been known to at least some of the viewing public. The PCA spoke clearly and consistently. The industry has fully institutionalized the social elite, the caretakers of society described by French and Petley. (Chapter 3, Section I) The motion picture was to provide entertainment, but it would only be entertainment within the constraints applied by the PCA. A prisoner escaping was an acceptable story if it was consistent with religious, legal and family values.

Continuing with *The Seventh Cross*, in the novel and in the screenplay, Bellani commits suicide rather than surrender to the Gestapo. The scene had to be rewritten because suicide was unacceptable. Speech changes included the use of “God help you then,” which could be included only if said reverently and “hellbent” and “damn” had to be cut. “No showing of the slop jar would be permitted,” writes Joe Breen. He concludes his letter by saying as always at this point in the process “As you know, our final judgment will be based upon the finished document.” The PCA notified the studio of changes they expected to be made. No one from the PCA visited a set during production. Breen did not issue the final certificate of approval. In fact, it was the New York office of the PCA that issued the seal following the review of the film by the Catholic Legion of Decency. The Legion had its offices in New York City.

The film did not go into production upon receipt of Breen's letter. The screenplay was revised and was resubmitted in October of 1943. Breen again responds writing the basic story is acceptable. As in the previous case, the objections had to do with sexuality, not the "concentration" camp, the escape, or the fact that the story occurred in Germany. Sexuality, however, continued to draw Breen's scrutiny of both visual and verbal content. Breen again objects to "the suggestion of an illicit sex affair between George and Toni." His proposed solution was to have the entire sequence filmed somewhere other than the bedroom with the omission of the final fadeout scene. As described earlier, Prince identified these fadeout scenes as techniques that were emerging to avoid exclusion of parts of the story. Breen required a consultation with adequate Catholic technical advisers to make sure the scene in the church would be acceptable. George and his blonde girl could not play their scene "horizontally." The revision of the entire exchange between Mrs. Hinkel and Mrs. Gosser, described above, had to be changed again. Breen suggested, "It will be acceptable to show him being shot while trying to escape." According to the enforcers of the Code, a real murder by the authorities was acceptable; suicide was never acceptable. In the Catholic scheme of things, suicide was violation of God's will. The scene where Bellani committed suicide could not be included. These comments followed a repetition of the admonishments about dress, costume, and exposure of the body. In many of these exchanges the studio would respond to Breen's letter with a partial revision of the screenplay. Some changes were made; others were not. Breen would then reissue the PCA requirements and the screenplay would be revised and resubmitted. On November 30, 1943 Joseph Breen writes to Mayer saying

"At the suggestion of Mr. Pando Berman, we have again carefully studied the action set forth in scenes 150-151 (Page 61) of your yellow script for THE SEVENTH CROSS, and the purpose of this letter is to tell you that it is the considered, unanimous judgment of the members of our staff, that the scene cannot be approved, as now written, because it is a violation of the Code, in that it has about it the appearance of a suicide that is heroic.

You will have in mind the purpose of our Board of Directors to withhold approval of such scenes of suicide, when these are made to appear as heroic. While we understand, and thoroughly sympathize with, the end which is achieved with Bellani in thus escaping recapture, and, possibly death by execution later on, we are of the opinion that such reasoning is hardly more than an attempt to argue that 'the end justifies the means.'

I am sorry to have to send you this unfavorable word, because I know how anxious Mr. Berman is to retain this scene in the picture. But, in the face of the restrictions of the Code, no other judgment is valid.”

This letter epitomizes the way the PCA operated unequivocally. There is no further discussion of costume, sexuality, brutality. This is a statement that the moral values of those they represent will be upheld regardless of the story being told. Koppes and Black (1990) describe the film as slow and ponderous. In fact, the PCA had so changed the novel to make the story fit their conventions that the original story was lost. The critics writing in both the newspapers and trade papers criticized these films for being ponderous, lacking drama, and boring. What they did not tell their readers was that the stories as presented on screen represented the work of the censors, not the writers of the screenplays and the directors as they struggled to adapt a popular novel for the screen.

X. *Watch on the Rhine* (1945): War Confronts Censorship

The power of the PCA is even more evident in *Watch on the Rhine* (1945) than in *The Seventh Cross*. On February 3, 1937, Breen wrote to Walter Wanger regarding 30 pages of a script of a titled *The Loves of Jeanne Ney*, formerly entitled *Castles in Spain*. His film, *Blockade* was released in 1938 and *Foreign Correspondent*, first submitted to the PCA in 1932, was finally released in 1940. *Watch on the Rhine* appeared on the agenda of the PCA in the fall of 1937 just prior to the release of *Blockade* in 1938. In the letter Breen told Wanger that the script had been read with considerable care. But, no consideration could be given because they had only thirty pages. They would need the remaining pages of the screenplay before making any decisions. *Watch on the Rhine*, as a stage play written by Lillian Hellman, had completed a yearlong successful run on Broadway. Aware of the story, the PCA proceeded cautiously with this submission.

After informing Wanger they would need the completed script before considering *Watch on the Rhine*, Breen goes on to write that any material played against the backdrop of the Civil War in Spain is dangerous. Such a film would face distribution problems in Europe. This is a valid assessment of the situation at the time. Breen writes,

“It is well within the facts to suggest that this picture, played against the background of the Spanish Civil War, may be pretty generally booted about in

Europe by those governments, which may be ‘for’ or ‘against’ the parties engaged in the war.”

His second concern was

“... the enormous amount of slaughter and the suggestion of dead bodies, horribly mutilated. This flavor, in our judgment, is not acceptable, because it violates that provision of the Production Code, which rules against what is generally referred to as ‘excessive gruesomeness, cruelty, or brutality’. If it is your purpose to establish vividly the state of war, it should be done, we think, and it can be done, with fewer gruesome details and fewer killings.”

The third concern was with the overt sexuality and the need to punish the sinners.

The third concern was with the overt sexuality and the need to punish the sinners. He writes,

“We get the impression—but it is only an impression—from the reading of these pages that Marco and Norma indulge in a sex affair in the wine cellar, in the midst of the bombardment and slaughter. If we are correct in this impression, we would like to suggest that acceptability of such a scene will depend entirely on what comes out of it. You will have in mind that such illicit sex must be shown under the Code, to be definitely wrong, must not be condoned, must not be justified, must not be made to appear right and acceptable, and the sinners must be punished.”

All of this was written in response to the first 30 pages of the screenplay. Clearly some of the PCA members were aware of the Broadway production. This is an example of the PCA’s policy requiring a film to include “compensating moral values.” when a questionable act occurred. Undoubtedly, none of this came as a surprise to Walter Wanger. He had received similar admonishments about *Blockade* and *Foreign Correspondent*. His “sanitized” version of *Foreign Correspondent* produced with Alfred Hitchcock just after Hitchcock came to the United States from England was not well received by audiences or critics. This is most likely the consequence of the editing of the screenplay required before it could receive Code Approval. However, Wanger pursued the project and submitted a completed script in May of 1942. The United States was fighting both on the European continent and in the Pacific. The Office of War Information was actively encouraging the production of films that would support the war effort. Audiences were accustomed to a newsreel showing the war on one or both fronts as a part of the program when attending the movies. In fact, even at the time Breen’s

advice about showing the reality of war was quite inconsistent with what was shown in the newsreels. Furthermore, the PCA's claim that "they did not know what to expect in the completed script" does not fit well with the fact that *Watch on the Rhine* had been a successful Broadway production for over a year. The PCA knew the play, they knew Wanger's style; they just did not agree with the producer and director that the film should appear on theater screens across the country.

In 1942, Breen replied, not to Wanger but to J. L. Warner, regarding the completed script,

“... and regret to report that it contains one element which is in violation of the Production Code. This is the murder, by your sympathetic lead Kurt Muller, of the Count de Brancovis. This murder is not only left unpunished, but the whole flavor of the story, and the sections of the various sympathetic characters involved, tend to condone and justify it.

Such a condonation (sic) and justification of murder is in violation of the Production Code, and its inclusion in the finished picture would render it unacceptable from the standpoint of the Code.”

He continues noting language to be eliminated, editing the references to bathrooms, the love affair between David and Marthe urging minor changes would take care of these problems. This time Hal Wallis replied to Breen, writing he disagrees completely with the PCA assessment and Lillian Hellman was sending a reply. Wallis writes indicating agreement with Hellman in a letter dated July 20, 1942, “I too feel that it is not necessary to justify the killing of a Nazi heavy in a picture.” Hellman had written in a letter dated seven days earlier on July 13, 1942

“There is, however, one suggested change which I find deeply shocking. Your office says that, in order to have Teck killed by Kurt, it must be established that Kurt will be assassinated if Teck reports him and that, having killed Teck, it must be clearly established that Kurt has been finally killed by the Nazis. It seems to me scandalous that we, who are a country at war with Nazis, need to say that a man must himself be killed if he kills a Nazi. This is saying that any of our soldiers who kills a German must pay for the killing with his own life. This is not a far-fetched example; it is a very exact parallel. It is not only immoral thinking; it is very dangerous doctrine.

Your office also says that on page 76 of the script it has been suggested that the ‘sympathetic characters are engaged in actively promoting the love affair between David and Marthe who is a married woman.’ Your office has completely overlooked the fact that the woman is married to a Nazi and a villain. It has also

been completely overlooked that she is unhappy with this man. Nobody in the picture promotes anything immoral.

... I very strongly object to your office believing that a thirteen year old girl was meant to be promoting this love affair. All the child is supposed to know, and all she does know, is that two adults like each other and that one would like to come along on a sight-seeing trip.

... Your office says, 'we suggest the possibility of omitting the display of liquor and drinking from the sequence.' This, of course, is just comedy. It is not 'drinking' to have a drink. And while your office does not think it is necessary to the plot or the characterization, I do think so, and I think your office would agree if they read the sequence with care."

She then concludes this letter writing

"It is impossible to believe that anybody reading 'Watch on the Rhine' could think of it as anything but a moral play. (You understand, of course, that this does make it a bad play or a good play, but it does make it a moral play.) Therefore, I strongly object to having my play altered and changed. There is no justice in these objections to the script and I cannot believe that you agree with them, or with the strange theory that one needs to be killed if one kills a Nazi. You will understand I believe in what 'Watch on the Rhine' has to say. I think you to believe in what it says, and that you will help us to say it in the picture."

Did Breen agree with what Hellman and Wallis wrote? There is no way to know. He forwarded both letters to Will Hays in the New York office. There are no letters recording their responses in the archival file. However, *Watch on the Rhine* opened in July of 1943. It received great reviews. Obviously, in this instance Wanger, Wallis, and Hellman had prevailed.

The Hollywood Report noted that it had opened with rave reviews. "None of the drama's great emotional impact has been lost in its transfer to the screen." As in the case of the films being criticized for not capturing the imagination of the audience of revealing the bit of history being portrayed, the critics did not discern the fact the Wanger, Wallis, and Hellman with the support of Warner Bros., challenged the censors rather than accommodating the requirements.

XI. Summary

This chapter has shown in a much-shortened version of the industry's history that earliest exhibitors began to see the need for more products (films) and became involved

in the production of motion pictures. Restricted because of their Jewishness from pursuing mainstream careers, these men created an industry that they and their Jewish colleagues dominated well into the transition from the studio system to the beginning of television when it consisted of three channels, ABC, CBS, and NBC. The films produced by these men seldom referenced their religious or cultural heritage. Although some attribute this to the desire to be more American or to avoid the anti-Semitism that arose from time to time, it is also attributable to their need to make the money required for this industry to survive and flourish. Ironic maybe, business certainly, but the paying audience was urban and rural, Protestant and Catholic America. It was not Jewish. One mechanism of control of the industry that was beyond the box office was the censors. These Jewish Moguls had put in place the Hays Office to limit costs and minimize the remaking of films before they reached the audience.

The films discussed in this chapter are those released between 1940 and 1945. In many ways, they are comparable to the films in the preceding chapter. They are comparable because the PCA reviewed and edited all screenplays according to their Code requirements. Hollywood continued to produce movies for entertainment and to operate the studios as businesses. They focused on avoiding conflicts over Jewish content and addressing social and political issues. As the United States became involved in World War II, there was a gradual weakening of the application of the Code in war films. In most of these films, however, the human body would remain inviolate, immune to disfigurement and destruction. The story required compensating moral values. A film was to reinforce religious teachings, family values, and the law. In addition, two new proscriptions emerged. A film must not include “brutal or gruesome content” and a film’s actors must not curse or use words prohibited by the PCA. Sexuality remained a major concern for the PCA and for the Catholic Legion of Decency.

Some films appeared on the screen as a result of a series of coincidences. For example, James Roosevelt, son of Franklin D. Roosevelt, happened to see *Pastor Hall* (1940) when it played in the White House viewing room. The owners of this British film were seeking exhibition rights in the United States and were experiencing a great deal of difficulty. The brief history of these conflicts reveals the problems facing anyone who wanted to view and exhibit films about the horrors in Europe. In the same year, Charles

Chaplin ran into problems when he produced *The Great Dictator* (1940). Interestingly though, Joseph Breen issued only one change to the screenplay. Chaplin was required to eliminate the word “lousy.” Chaplin’s exhibition problems occurred during distribution, not during production.

F. S. Harmon (Taurus, 1998, p. 51) and other staff of the PCA reviewed the British film, *Contraband*, on May 17, 1940. Harmon labeled this film a war thriller. He writes to Selznick International Pictures indicating approval subject to the deletion of the “damn,” “Hell,” and “Good Lord.” *Address Unknown* (1943), *Hitler’s Children* (1943), and *Watch on the Rhine* (1945), are other films that faced serious challenges from the censors, both those in Hollywood and those across the United States. Yet, none of these issues was as challenging as the impossibility of telling the stories of the Holocaust itself. These challenges exist today. To meet them requires not only talent but knowledge of the historical reality of that event.

It is important in assessing the role censorship played in the emergence of Holocaust films to understand the control the PCA exerted over Hollywood productions. Critiques of Hollywood’s lack of participation in making public the German atrocities leading up to World War II and the gruesome murders of millions in Europe and Asia in the 1940s fail to recognize that the studios served the public. The control exercised through the Production Code Administration protected the industry from the demands of the Catholic Legion of Decency, the Office of War Information, and a multitude of other organizations, both foreign and domestic. The PCA worked to guarantee that censors would not challenge the films and delay their release, but in doing so, it limited the films that Hollywood could produce.

The next chapter begins with Hollywood after the war and motion pictures produced from 1946 to the late 1960s. Faced with the advent of television, the Paramount decision that dismantled the studio system, and the end of the war, Hollywood gradually adapted to a new way of doing business. The public continued to influence decisions but in a new and unexpected way.

CHAPTER SIX
AFTER THE WAR: FINDING THE WAY
1945 – 1969

I. First Holocaust Films and Television Invades the Domain

This chapter identifies the first Holocaust films produced by Hollywood. The criterion for selecting the films included here is that they are the earliest that present the Holocaust, as it is described in Chapter One, Section III of this study with the capital H. The screenplays for each of these films faced censorship challenges that the producer had to resolve before the PCA recommended the film for the Code Seal. The conflict led to familiar issues reappearing while at the same time significant changes emerged. These challenges created issues that remained largely consistent over twenty-four years. These films as identified by Avisar, Doneson, and Insdorf include

The Stranger (1946)
The Sealed Verdict (1947)
Operation Eichmann (1961)
The Young Lions (1958)
Judgment at Nuremberg (1961)
Ship of Fools (1965)
The Pawnbroker (1965)

The film, *The Diary of Anne Frank* (1952), is also included in this chapter because of its release date, success at the box office and the significance attributed to it in defining the Holocaust for the American public.

Also in this chapter are Joseph Breen's retirement and the effect it had on the PCA approval of films and the foreign films that became the vehicle for challenges to the existing laws governing the industry. Joseph Breen retired from the PCA in 1955. The PCA's response to *Baby Doll* (1956) released a year after his retirement is indicative of the pending changes in the industry. This film is not a Holocaust film but because producers were just beginning to consider screenplays with Holocaust themes at this time, *Baby Doll* provides indicators of what challenges such a film would face.

Television came of age and the marketing and viewing of Hollywood movies began to change (Shandler, 2005). This process, described in this chapter, draws on the work of Geoffrey Shandler and J. Hoberman.

They coauthored *Entertaining America, Jews, Movies, and Broadcasting*, the book that accompanied The Jewish Museum of New York's exhibition by the same name. Geoffrey Shandler's 2005 publication, *While America Watches: Televising the Holocaust*, is his dissertation and remains the authority on the subject. Shandler introduces the difference between television and motion picture audiences. Television exists as a twenty-four hour a day, seven days a week enterprise. In comparison to the motion picture, television is a small-scale medium in the sense that the experience of the viewer occurs in the privacy of the home and is a part of the daily routine instead of as a part of a movie audience. Shandler writes that unlike other media presenting the Holocaust "... television pulls the Holocaust, along with everything else that the medium presents, into its ceaseless, multichannel flow of programming, providing viewers with routinized as well as chance encounters with this remote and extreme chapter of history" (p. xvii). He draws attention to the distinctive nature of television in this regard.

In addition to offering numerous and diverse presentations of this subject to vast audiences, the distinctive nature of television watching has fostered a special relationship between the American audience and the Holocaust that other venues do not, indeed cannot, provide. The small scale of the medium—its place in the privacy of the home, its part in the daily routine—offers audiences an especially intimate acquaintanceship with the Holocaust. (p. 43)

Advertising pays for television and those with products to market began to replace the public interest groups exerting influence over what would appear on the television screen. They became the new censors because of their financial power; they were not to become guardians of the public good like the state and regional censors, the members of the PCA, or the Legion of Decency. These guardians of the public good faded from the scene in the late 1960s and early 1970s. The actions of the PCA and the reactions of the producers of the films *Judgment at Nuremberg* (1961) and *The Pawnbroker* (1965) are evidence of the changes that would make possible the production of Holocaust motion pictures. Just as morals and profits guided the motion picture censors, advertising and marketing response determined by audience size guided the new media. Television developed internal censorship but that is not a part of this study.

One of Shandler's many contributions to the understanding of these processes is his observation that "The nature of television broadcasting—the way it readily absorbs

other media, the steady flow of its programming—calls for a broad examination, which attends to individual broadcasts as well as to the context in which they appear” (p. *xvii*). He rejects the assumption, popular in the early years of television, that the Holocaust is incompatible with the media. Unlike feature films “which had already established aesthetic boundaries, protocols, and conventions by World War II,” (p. *xvii*) television and the Holocaust in American culture had a shared history. He also analyzes how early efforts, including documentaries, news reports, dramas, and other kinds of programming that aired on television have been overlooked in recent scholarship. He concludes that anti-Semitism is not the cause of this oversight. He attributes it to the fact that the activities took place among the American Jewish communities that were closest to the Nazi persecutions i.e. among the survivors and relatives of those murdered. Initially, they did not attempt to present their work to the American public. The assimilation of products of these communities into mainstream media was a slow process involving change and accommodation. In rejecting anti-Semitism as the causal explanation, Shandler relies on evidence in the form of actions of the people involved. In these studies this is important because actions are observable and verifiable where ideas i.e., anti-Semitism is not.

The anti-trust actions of the U.S. Supreme Court, the Paramount case, had broken the studio system by separating exhibition from production and distribution. Censorship in the latter part of this period became irrelevant as far as the studios were concerned. The new demands made on the industry by the need to reorganize and by the presence of television consumed the studios’ resources. As these social structures changed, those whose interests they represented were becoming older and younger audiences for newer forms of media were emerging. The studio moguls were retiring and dying and new business leaders began to take the industry into a new phase dominated by technology. The changes coming to media were no less dramatic than those that challenged the studios with the coming of sound.

This chapter considers the work of the censors as they responded to this new media environment and a country of citizens no longer engaged in a world war. Also included are the challenges to the decisions of the censors by the distributors of foreign films. If the Department of Commerce processed and admitted a foreign film through its procedures, the film did not fall under the purview of the PCA and its censors. The

regional censors and city censors, however, could intervene in the exhibition of these films because they required a license issued by their board before the theaters could show the films. In some cases disagreements between the distributor and the board of censorship led to legal challenges. The court cases resulting from these conflicts are included in the following pages. Another challenge to the censorship structure came from Hollywood studio producers and directors who challenged the ruling of the PCA. Four films have been selected because they illustrate internal challenges to the authority of the PCA. Sam Spiegel produced the first, *On the Waterfront* (1954), before Breen's retirement. In fact, evidence is presented showing that Breen actively participated in securing the approval of this film writing the appeal to the PCA himself. The releases of *Baby Doll* (1956), *Judgment at Nuremberg* (1961), and *The Pawnbroker* (1965) occurred following Breen's retirement. It can be argued that the release of *Baby Doll* with the Code seal of Approval was the consequence of revisions made to the Code in 1953 before Breen's retirement.

II. *The Stranger* (1946)

In the film, Wilson, a member of the War Crimes Commission played by Edward G. Robinson, pursues Franz Kindler, mastermind of the Holocaust played by Orson Welles. Kindler had escaped from Germany. Wilson finds Kindler disguised and living in plain sight in a small New England college town. In the movie, Wilson (Robinson) identifies and eventually kills the Nazi. Kindler dies impaled on the sword of an angel on the town's clock. Edited newsreel footage provides a very short clip creating a flashback to a scene from a concentration camp. *The Stranger*, released by RKO in 1946, followed the release of Welles well-known film, *Citizen Kane* (1941). Edited newsreel footage provides a very short clip creating a flashback to a scene from a concentration camp. *The Stranger* is seldom mentioned by those that write about the cinema and was included in only one of filmographies that identify Holocaust motion pictures. The Internet Movie Database (IMDb), reports that when Hollywood restored the film twenty minutes were missing from its running time. The running time for the restored film is ninety-five minutes. Further research is necessary to determine why this film has received so little

attention and what the restored version omitted. Like the English film, *Pastor Hall* (1940) is only now coming to the attention of Holocaust film scholars.

The Stranger is also mentioned by Brian Neve, film and politics scholar was lecturer at the University of Bath when his book, *Film and Politics in America: a Social Tradition* was published in 1992. He reports the John Huston had “returned to Warners and picked up the projects that he had instituted at the studio before the war. Huston, while technically still in the army, had written much of the script—uncredited for—*The Killers* (1946), made for Mark Hellinger at Universal-International, and he also worked without credit on scripts for *The Story of G.I. Joe* (1945) and *The Stranger* (1946). It will be important to find other sources of information and learn more about the making of the film.

III. *The Sealed Verdict* (1947)

The story line in the film, *The Sealed Verdict* (1947), when compared to the concerns of the PCA enforcing the Production Code illustrates the huge gap between PCA requirements and story. Set against the background of the Nuremberg Trials, the plot involved the reaction of a Nuremberg Trial prosecutor to the conviction and sentencing of a Nazi bureaucrat. Ray Milland plays the attorney who had secured a hanging verdict for a Nazi suspect. Worried that he may have failed in determining the truth, he engages in trying to determine the guilt of his client. Subplots multiply but just before the hanging, Milland prevents the prisoner from subverting his punishment by removing a vial of poison from his mouth. Paramount filmed the outdoor scenes in Germany, thereby providing the audience with some sense of credibility. Critics did not give the film great reviews in spite of the acting and the German setting.

Although the PCA created problems for the screenplay Luigi Luraschi had submitted, the trial was not the source of contention. A letter written by Luigi Luraschi to Joseph Breen expressing his concern about Chaplin’s production of *The Great Dictator* (1940) and the effect it might have on the European market for Hollywood films was included in Chapter Five. At the time Luraschi worked in the New York offices, protecting the industry’s interests in the European market. Now he was in Hollywood pursuing the production of films. In his new role, he was interested in telling the story.

He was not as interested in how the content of the film would determine its success in the overseas marketplace that was emerging at the end of the war. In the correspondence in the archival file for *The Sealed Verdict*, Luraschi argues for the inclusion of some of the prohibited scenes by the PCA. The letters exchanged between the PCA and the studio spread over four months, an unusually long time for such correspondence. Going into production, Luraschi persistently disregarded the PCA recommendations by submitting short sections of the screenplay as he resubmitted the scenes in question without changes. Applying the Code, the PCA correctly indicated that the language disparaging Mexicans would have negative consequences when Paramount sought to release the film in the Mexican market.

Breen writes in the first letter sent to Luraschi on August 21, 1947, the PCA had rejected the basic story. His position is in no way related to the story being told but represents the Code rules. Breen writes:

“We have read with considerable interest and great care, the script dated August 16, 1947, for your proposed production THE SEALED VERDICT, and regret to advise you that this basic story seems to be in violation of the Production Code.

The unacceptability of this story stems from an illicit sex affair between the leads, which is not treated with the proper compensating moral values. There are also, in this story, elements of prostitutes and prostitution, which are in violation of the Production Code.

We regret to have to render this unfavorable opinion, but, in the circumstances, we have no alternative. We shall be glad to meet with you at any time at your convenience to discuss ways and means of eliminating the unacceptable elements of this story and bringing it into conformity with the Production Code.”

The letter illustrates the way in which the PCA focused on the content of its Code. Three months later, after Luraschi had submitted other versions of the screenplay, he received another letter from the PCA on November 20, 1947, that includes:

“We respectfully remind you that under date of August 21, 1947, we reported that this basic story was unacceptable by reason of an illicit sex affair handled without proper compensating moral values.

None of the additional material we have read to date has eliminated this basic unacceptability.

We have also read pink changed page 50, and regret that we must again insist that Themis leave Lawson's room, so as to preclude the possibility than an illicit sex affair took place. This is important."

This letter also includes a list of specific scenes and speech that must be changed or eliminated in order for the PCA to recommend the code seal of approval. It also provided the following instructions for a scene where childbirth occurred:

"Page 94: The utmost delicacy and restraint must be used in the scene of the girl suffering labor pains. Specifically we believe there should be no groaning or crying on her part and she should be masked from the view of the audience as much as is consistent with the proper telling of the story."

Reading this correspondence one of the last things one would expect to be at the center of the plot is a trial and the attorney's conflict over the prisoner's guilt. The story is not about prostitutes and prostitution, but the guilt of a Nazi bureaucrat and the fact that he had been sentenced to hang. The correspondence that survives does not include a reference to the attorney's prevention of the prisoner's suicide. In this case, the scene where the prisoner is prevented from committing suicide is acceptable to the PCA. The method and products used in the attempted suicide are not.

In the November 24, 1947 letter that Stephen Jackson writes to Luraschi on behalf of the PCA is the nearest the PCA came to expressing concern about the suicide. They instructed the studio to,

"Page 120: ... substitute the word "poison" in place of "cyanide." As you know, most political censor boards invariably delete the specific brand name of any poison. The same applies to the reference to "cyanide" on page 122."

The Code specifically required the elimination of any material providing information or instruction regarding prohibited acts. The Code required the elimination of any gesture that implied such an act. Protest groups representing the public claimed that providing information about the performance of any forbidden act led to promoting and enabling that act by those viewing the film. It seems ironic that an interrupted suicide that would later result in a hanging of the man was acceptable while a suicide on screen would not be tolerated

The same letter also illustrates the extent to which the PCA acted to eliminate material that might be challenged by city and regional censors. Breen reiterated the

PCA's concern over prostitution. The PCA continued evaluating screenplays under the terms established in the Production Code in 1934. By 1965 when Eli Landau challenged the PCA over his production, *The Pawnbroker*, the rejection letter did not mention prostitution.

The archival file for this film includes a newspaper critique. As in the case of critiques of other films subjected to PCA editing, the review contains this criticism of the film.

“His adversaries never come to life, nor does he. Rather they are like puppets of a circulating library novel—only not nearly as interesting for they stop to preach too often in their adventures.”

This observation is similar to that of critics writing about other films edited to meet the requirement of the PCA. These films had begun to follow a pattern that came to exist because of the demands of censorship. The critic could have added if he had been aware of the censoring process: “The voice of the PCA results in a monotonous set of relationships unrelated to actual events.” The clipping in the file does not identify its source or author.

IV. Foreign Films and the Supreme Court

In the 1950s Ohio censors had banned the re-release of Fritz Lang's *M* (1931) and New York censors had banned the classic-to-be, Max Ophuls' film, *La Ronde* (1950). Neither film is a Holocaust motion picture. However, both are significant because their re-releases resulted in challenges to censorship before the U.S. Supreme Court.

The French film, *La Ronde* (1950) or *The Roundabout* (carousel), is a comedy based on a play, *Reigen*, written by the French playwright, Arthur Schnitzler. The film used irony to deal with promiscuity, adultery and seduction among a group of people from a range of social classes. Because the distributors challenged lower court rulings that resulted in an appeal before the U.S. Supreme Court, *La Ronde* had important consequences for the production of Holocaust films.

As Carr (2001) has pointed out, both are significant because their re-releases resulted in challenges to censorship before the U.S. Supreme Court level as well as at the city, state, and regional units of government. The federal government could invoke

interstate commerce arguments. The model used was that of the federal government's regulation of transportation, particularly railroads (p. 63). "In *Weber v. Freed* (239 U.S. 325), the Supreme Court ruled that motion pictures were a form of interstate commerce, and therefore not subject to local police power but under the jurisdiction of Congress" (p. 63). Carr goes on to write

A whole new way of thinking and speaking about the film industry emerged. Rendering movies as a form of commerce traversing state lines, this influential view generated regulatory efforts at least up until the eve of World War II. Indeed, in 1941, when isolationists tried to mount an attack upon Roosevelt administration foreign policy via the film industry, they did so through a Senate Subcommittee of the Interstate Commerce.

Defining the film industry in terms of commerce also helped justify charges of propaganda. (p. 63)

These decisions made in 1916 enabled the distribution of *M* and *La Ronde*. Under the same court rulings, the industry used foreign films to appeal censorship practices and eventually declare films to have First Amendment rights.

As Sova (2001) explains, importing the film, *La Ronde*, from France and passing it through U.S. Customs occurred without incident. Therefore, it did not require a seal of approval from the PCA for the film to be exhibited in the United States. However, it did require licensing from the state censor boards before it could be exhibited in their jurisdictions. In 1952 the New York censors refused to issue a license. Commercial Pictures, the distributor, appealed. The higher court supported the decisions of the lower courts. Commercial Pictures appealed to the U.S. Supreme Court. The actions of the regional censors are another instance validating the role of the PCA as a "trouble shooter" for the studios as late as 1955.

On January 19, 1954, the Supreme Court, "using foreign cinema of unimpeachable moral seriousness and aesthetic value" extended the application of the First Amendment in the decision written by Justice William O. Douglas (Doherty 2007, p. 318). Sova cites the following passage from the decision, *Commercial Pictures Corporation v. Regents*, 346 U.S. 587 (1954):

Nor is it conceivable to me that producers of plays for the legitimate theater or for television could be required to submit their manuscripts to censors on pain of penalty for producing them without approval. Certainly the spoken

word is as freely protected against prior restraints as that which is written. ... First and Fourteenth Amendments say that Congress and the States shall make “no law” which abridges freedom of speech or of the press. In order to sanction a system of censorship I would have to say that “no law” is qualified to mean “some laws.” I cannot take that step.

In this Nation every writer, actor, or producer, no matter what the medium of expression he may use, should be freed of the censor. (2001, pp. 255, 256)

Although legally freed from the censors, Hollywood was not yet able to create a means to deal with the Holocaust. That which Eli Wiesel had said cannot be talked about had not become a part of the American story. It was waiting to be told. Like the bombing of Hiroshima, the Holocaust sight and sound would require the production of “unspeakable images” to tell the story to the public. Eli Wiesel uses the phrase, “Unspeakable images,” when he talks about the Holocaust.

Fritz Lang’s film, *M*, is significant in this study of the effects of censorship and Holocaust pictures because of the consequences resulting from the attempt to release it a second time in the 1950s. This resulted in the Supreme Court decision that recast motion pictures as speech with First Amendment protections. As described above prior to this, the courts had held that motion pictures were a business enterprise governed by commerce regulations. Sova explains that the distributors had submitted it for approval as required under *Mutual Film Corporation v. Industrial Commission of Ohio* 236 U.S. 230 (1915). According to Sova, The Ohio State Board of Censors rejected the film on the grounds it would have

“... an adverse effect on unstable persons of any age because it could lead to the commission of immoral and criminal acts by such people.” The board members further decided that the film presented both the actions and the emotions of the psychopathic killer as well as his “complete perversion,” and it does so “without serving any valid educational purpose.” Instead, the board determined, such an approach “creates sympathy rather than a constructive plan for dealing with perversion.” Superior Pictures took the case before the Ohio Supreme Court, which affirmed by a vote of five to two the decision by the censorship board. Justice Hart writes: “In these times of alarming rise in juvenile delinquency ... attributed by social agencies, at least in part, to the character of the exhibitions put on in the show houses of the country, criminal prosecution after the fact is a weak and effective remedy to meet the problem at hand.”

The decision also decried the film’s “portrayal of evil conduct” and concluded that a motion picture of this sort would appeal to “the great majority of

a promiscuous audience including children” who would be drawn to this evil. The court further determined that the criteria for licensing films in Ohio, as set forth in the statute, required that the film be of a “moral, educational, or amusing or harmless character,” which *M* was not, so the board was within its authority to ban the film. (2001, p. 191)

Here the court upholds the ruling of the lower court. As noted earlier, Prince identifies this pattern in his study of violence. However, unlike earlier, i.e. before the Paramount case and break-up of the studio system allowing for more competition among distributors, this

distributor appealed the case to the U.S. Supreme Court. The court reversed the decision in *Superior Film v. Department of Education of State of Ohio*, 346 U.S. 587 (1954). Citing *Bustyn v. Wilson* 343 U.S. (1952), in which the Supreme Court declared the film *THE MIRACLE* fell under the protection of the First and the Fourteenth Amendments, the Court ruled that the exhibition of a movie must not be prevented because it was “immoral” (inasmuch as this term, like some other (not including *obscene*), is too vague and uncertain a standard for censorship. The Court wrote that the state “cannot vest such unlimited restraining control over motion pictures in a censor.” (2001, p. 191)

The studios had less control of their industry because of the Paramount case; now they had more control over what they would produce because of this ruling. In Joseph Breen’s actions just before his retirement in the case of the film, *On the Waterfront* (1954), Breen gives the industry even more control over its productions.

V. *On the Waterfront* (1954)–Joseph Breen Writes Appeal to His Code

Prior to 1954 only a handful of films contained “hell” and “damn.” Doherty lists Warner Bros. short film, *The Man without a Country* (1937), the MGM blockbuster *Gone with the Wind* (1939), and a handful of World War II combat films. In 1953 the PCA had refused a seal for Hal Wallis’s Korean War film, *Cease Fire* (1953) because it contained three of these utterances. The PCA approved the film for release after Wallis complied and deleted the two words. Doherty claims Breen had wanted to change this policy because it resulted in “plenty of derision” for the industry’s self-regulation and earned no credit for it.

In 1954, the year prior to Breen's retirement, the MPAA revised the Code but did not change the language section. That same year, when a scene from *On the Waterfront* (1954) came up for appeal Breen himself writes it. Doherty reports

The dialogue in question was snarled at the dockyard missionary Father Barry (Karl Malden) by the conscience-stricken laborer Terry Malone (Marlon Brando):

“You go to hell!” barks Terry.

“*What* did you say?” responds the astonished Priest.

Terry repeats the phrase, “You go to hell.”

The imperative was forbidden by the Code: the context—spat in the face of a Catholic—priest was incendiary. (2007, p. 320)

Doherty describes Breen's actions this way.

Saving Spiegel the trouble of composing an appeal to the MPPDA's Board of Directors, Breen writes the brief himself—pleading the case that he *not* be required to do what he had always done unstintingly: enforce the letter of the Code. *On the Waterfront*, Breen writes, was “an outstanding motion picture which deals, powerfully, with the problems of corruption, among the waterfront unions in New York City, and the solution to these problems, largely through the leadership of a courageous priest.” Admittedly, “we have here the question of a technical Code violation in the use of the word ‘Hell;’ over which the staff has no discretion.” Nonetheless, the dialogue should “not be required [to be taken] out of the picture.”

Doherty concludes “Breen's Jesuit schooling in argumentation had served Spiegel well.” Breen's appeal not only challenged the policy about the use of the word “hell,” but also the proscription regarding respect for the clergy.

In the 1930s and 1940s the courts had held that motion pictures were a business and therefore not subject to protection by the First Amendment. These new decisions from the U.S. Supreme Court undermined the power of the city and state censors. Occurring at the same time that Breen retired and the studios were still facing challenges brought about by the divestment of their exhibition companies, the most recent court rulings left the PCA in a precarious position. Although Doherty claims that some in Hollywood did not want changes in the PCA, those seeking change prevailed. One possible interpretation of these events is that Breen had initiated change in the PCA when he wrote the appeal for *On the Waterfront*. In the case of *The Great Dictator* (1940), there was no evidence that Breen had attempted to enforce the proscription against “lack

of respect for foreign leaders.” These may be two singular instances or they may be indicative of forthcoming changes. The fact that Breen was involved in Code revisions in 1953 and 1954 suggests Breen’s awareness of the need for change. It is a fact that he was involved in the 1954 revisions to the Code.

VI. Breen Retires

Joseph Breen retired in 1955. Following his retirement, Geoffrey M. Shurlock became head of the PCA. Thomas Doherty writes “Moreover, with Breen gone, the PCA and the Legion soon found themselves singing from different hymnals” (2007, p. 324). Doherty had argued that Breen functioned independently of the Catholic hierarchy and the Catholic Legion of Decency. Here he implies that they had worked in parallel if not interdependently. Although outside the scope of this work, it will be important to resolve the confusion over Breen’s role. Given the extent of anti-Semitism and the relationship between Catholic values and anti-Semitic beliefs, an investigation into the interaction between Breen, the PCA, and the Legion of Decency using original source material could clarify these relationships.

In 1956 a special committee appointed by the MPAA made significant changes to the Code. The committee included Erick Johnston, Daniel T. O’Shea (RKO), Barney Balaban (Paramount) Abe Schneider (Columbia) and Martin J. Quigley, who served as a special consultant. Doherty reports that

While the prohibitions on sexual perversion and venereal disease were retained, and the restrictions on crime scenarios were somewhat tightened, the flat bans on illegal drugs, abortion, white slavery, and kidnapping were rescinded. ... the 1956 revisions tightened the Code in one sensitive area of the Cold War body politic. Under the heading of “National Feelings,” a new provision was added.

“No picture shall be produced that tends to incite bigotry or hatred among people of different races, religions or national origins. The use of offensive words such as chink, dago, frog, greaser, hunkie, kike, nigger, spic, wop, yid should be avoided.” (pp. 325, 326)

When discussing the new provisions, Eric Johnston insisted that under them the picture, *Baby Doll*, could not have received a code approval. The film had been released earlier in

1956 just prior to the MPAA's implementation of the changes in the Production Code. In it the words "nigger" and wop" are used. Doherty points out that

Significantly too, miscegenation, forbidden in 1930, permitted if "treated within the careful limits of good taste" in the 1954 revision, went unmentioned in the 1956 revision. Apparently, the mere memory of the word, and what it said about the Code and America, had become as offensive as the more familiar epithets. To the satisfaction of Martin J. Quigley, the miscegenation clause was simply written out of the text. (p. 326)

Quigley's presence on the committee suggests that the changes made would have also met with the approval of Joseph Breen. Breen and Quigley had consulted frequently during the writing of the original Code and agreed about the content at the time. Breen himself had initiated the proposed changes to the Code in 1953. These changes included softening the miscegenation clause. Doherty suggests that although the changes were written in 1953, approval was delayed until 1954 for the possible reason of avoiding any suggestion that the PCA had capitulated to the controversy over the film, *The Moon is Blue* (1953). Balio, on the other hand, concludes

Joseph Burstyn, the distributor [*The Miracle* (1952)], fought the case in the courts, but, as a foreign-film distributor, he was on the periphery of the industry, If such a controversy had been ignited by a Hollywood film, the backlash, coming on the heels of divorcement, the HUAC investigation, and television, presumably might have proved disastrous. But UA [United Artists] successfully defied the Production Code when it distributed two picture produced [and directed] by Otto Preminger—*The Moon is Blue* and *The Man with the Golden Arm*. Both were released without the MPAA seal of approval and both were enormously successful at the box office. (1987, p. 63)

Sova points out that Preminger's decision to release *The Man with the Golden Arm* (1955) without PCA approval "signaled a new attitude on the part of film directors who were willing to take this risk, even if it would reduce the number of theaters that would release the film." (2001, p. 132)" In protest UA withdrew its membership from the MPAA while it continued to challenge the Code. After the changes were made in the Code UA rejoined the organization (p. 132).

VII. *Baby Doll* (1956)

Such were the debates and players in the determination of what the public would see in motion pictures when Breen retired in 1955. Not only were the PCA and the

Legion “singing from different hymnals,” it is not clear that they were even “on the same page.” Even though Breen had overseen the first set of changes in 1953 and 1954, Doherty writes that Sam Goldwyn, on Breen’s retirement, wanted further revisions of the Code. In 1956 Elia Kazan and Tennessee Williams pushed the boundaries of public decency in another film that is not about the Holocaust. The production, *Baby Doll* (1956), released by Warner Bros. is included here because its release and notoriety resulted in extended public discourse and the communications and news reports from that time have been preserved in the archival file. These documents provide insight into the relationship between the PCA, the Legion, and the public. Doherty (2007, p. 325) described Catholic action (the Legion) during this time “as playing its role in the 1934 style.” The Legion of Decency’s power was not limited to the actions taken in New York in issuing ratings and requiring edits of films ready for release. The Legion of Decency also exercised power through the pledge many Catholic parishioners made annually in the parish worship service. The pledge required that Catholics not attend motion pictures about which the Legion of Decency had issued judgments. This Legion’s ability to exercise indirect control over box office receipts was a significant threat to the industry. The organization of the Catholic Church into geographical areas called parishes enhanced the effectiveness of the pledge and that control. The parish priest was in a position to know who attended rated movies. He acquired his knowledge through social networks as well as his presence outside local theaters. During the Sunday Mass parishioners pledged In the Legion of Decency, Paul Facey published his dissertation at Fordham University as *The Legion of Decency* in 1974. He analyzes the creation of the Legion from the Catholic perspective. Seldom mentioned it gave the Legion means of control of movie goers attending morning mass. The original pledge (p. 144) shortened in November 1934 was approved by the Bishops to be renewed annual service of worship. The pledge reads

I condemn indecent and immoral pictures, and those which glorify crime or criminals.

I promise to do all that I can to strengthen public opinion against the production of indecent and immoral films, and to unite with all those who protest them.

I acknowledge my obligation to form a right conscience about pictures that are dangerous to my

moral life. As a member of the Legion of Decency, I pledge myself to remain away from them. I promise, further, to stay away altogether from places of amusement which show them as a matter of policy. (p. 145)

No other censorship organization exercised such control of its membership.

Sova reported that three years lapsed between the PCA's first consideration of the script for *Baby Doll* (1956) and its release. Even then:

When first released, *Baby Doll*, was denounced as salacious, revolting, dirty, steamy, lewd, suggestive, morally repellent and provocative. A review in *Time* magazine stated that it was the "dirtiest American-made motion picture that has ever been exhibited." So strong was the public outcry against the film that many theaters were forced to cancel their showings. Despite such opposition, the movie did well at the box office because the film themes of sexual repression, lust, seduction, moral decay and human corruption appealed to a large number of theatergoers. (2001, p., 28)

In an unusual action, the film had received the code seal guaranteeing its release even after the Legion of Decency had condemned it. In addition to the condemnation by the Legion, Francis Cardinal Spellman issued his own condemnation of the film. He claims he made his ruling without seeing the film, but he had seen the advertising and heard about the story. Sova (2001, p. 28) writes that midway through the high solemn mass on December 16, 1956 in St. Patrick's Cathedral, Cardinal Spellman expressed shock that the film industry would release such a film. He proclaimed from his pulpit, "Good Catholics", said the Cardinal "must stay away from the 'contemptuous defiance' of God's Law at the pain of sin" (Doherty 2007, p. 326).

Neither Cardinal Spellman nor the Legion held Elia Kazan (director) or Tennessee Williams (screenplay) most culpable.

In granting a Code Seal to a patently prurient scenario, Shurlock and his staff showed "an open disregard of the Code." The relations between the PCA and the Legion had sometimes been snippy, but never rocky. *Baby Doll* led to acrimonious divorce between the two senior partners of Hollywood censorship. (p. 326)

Doherty also reports a passage in *See No Evil*, a biography of Jack Vizzard, that the

Episcopalian Shurlock was away in Europe when *Baby Doll* received its Code Seal under the aegis of the former Catholic seminarian Jack Vizzard. "It was I, as

temporary Mexican General of the Code operation, who yielded and gave Gadge [Kazan] his sequence.” Vizzard admitted years later, also confessing that he had totally missed the plain implication of oral sex between Baby Doll and Silva, something that the more worldly Catholics at the Legion discerned immediately. (p. 326)

Sova points out Protestant leaders challenged Spellman’s view and defended “the essential morality” of the film, but all religious leaders agreed that Warner Brothers’ advertisements for the picture were objectionable. “The poster portrayed a pouting, scantily clad Carroll Baker posed seductively either standing against a door frame or curled in her crib and sucking her thumb” (Sova, 2001, p. 28). She also quotes

Commonweal

... if in the case of *Baby Doll*, its producers consider it a serious and artistic treatment of an adult theme, they have no business advertising it in the way they have. If Hollywood wants to make adult pictures and be taken seriously as an artistic medium, movie advertising should not suggest that the industry is simply a highly organized scheme to merchandise French postcards that talk. (p. 29)

Newspaper reports indicate that many theaters received bomb threats and Catholics picketed theaters in many cities. In some theaters, Catholic priests were in the lobbies recording the names of parishioners who were attending the theaters. Sova also reported when the bishops and archbishops representing the Legion of Decency called for a six-month boycott of the theaters, that the American Civil Liberties Union (ACLU) declared the action was

contrary to the spirit of free expression in the First Amendment. It can threaten theater’s existence, and may deny to other groups within the community a chance to see films of their choice. (p. 29)

The MPPDA established the PCA to interface with the production studios and the censors that represented the interests of the various publics the censorship boards served. In this case, the studio had proceeded to release a film the public objected. In this case, the size of the audiences justified it financially. In 1932, Howard Hughes had released *Scarface* against the advice of the PCA. In 1956, *Baby Doll* was released and approved in spite of the protests and condemnation by the Legion of Decency. In 1965, Eli Landau would challenge the PCA rulings and release *The Pawnbroker* although the Legion of Decency condemned it.

While audiences protested the content of *Baby Doll* (1954), the box office receipts suggested that there was undoubtedly a market for this Hollywood product. During the High Mass in St. Patrick's Cathedral Francis Cardinal Spellman condemned the film. The Legion of Decency condemned the film. Protestant organizations protested its advertising. These actions taken regarding the picture set the stage for the arguments that occurred nine years later in 1965 when Sydney Lumet directed *The Pawnbroker*. At that time Eli Landau, the producer of the film, appealed the decision of the PCA's refusal to grant it a Seal of Approval. As in the cases of many other screenplays that preceded it, the request of a code seal for *The Pawnbroker* in 1965 resulted in the editing that included the removal of nudity. As in the case of *Baby Doll*, Cardinal Spellman again denounced *The Pawnbroker* during High Mass at St. Patrick's Cathedral. Unlike *The Sealed Verdict* there were no objections made regarding prostitution. Neither did the PCA, according to the surviving records, object to inserts of film footage of rape scenes in the concentration camps. The flashbacks had been very short memory events in the beginning, gradually expanding as the story progressed. It has been noted earlier that the PCA's failure to object to the "prevented suicide" in *The Sealed Verdict* (1947) while it objected to the naming of the product the prisoner intended to use to commit suicide is ironic. It is also ironic that the screenplays for *Baby Doll* were being negotiated at the very time a commission was rewriting the Code. In 1965 a similar situation developed when the PCA ruled against nudity but expressed no concern over prostitution and rapes in a concentration camp. Dramatic changes were taking place in the application of the Code and in public expectations.

Doherty lists the films in the late 1950s that challenged the Code. In addition to Kazan's *Baby Doll*, there were the thrillers of Alfred Hitchcock and Otto Preminger's *Anatomy of a Murder*. Writing about *Psycho* (1960) as a film that contributed to the demise of the Production Code, he claims that it "seemed storyboarded for the express purpose of hacking apart all the conventions and expectations of American cinema since 1934" (p. 329). Moving forward in his description of the process whereby a rating system replaced the Code, Doherty describes Jack Valenti's appointment to head the MPAA. He says of Jack Valenti that he possesses "the usual qualifications for the MPAA presidency: as a former trusted aid to Lyndon Johnson, he was politically connected; as a former

publicity man from Texas, he was media savvy; as an Italian Catholic, he was not Jewish.”

Doherty reveals for the fourth time two assumptions implicit in his entire work. First, there is the importance of the political ties the head of the MPPDA and PCA had before assuming the position of head of the organization. Hays was a Republican, Breen and Valenti were Democrats. All three had extensive political networks in Washington, DC. He considered Shurlock an in-house successor, a temporary custodian of Breen’s heritage and did not mention his politics. Second, there is his observation that the PCA members were not Jewish. He does emphasize, however, that Hays was a Presbyterian, (read, not Jew). Breen was a Jesuit (read, definitely not Jewish). Shurlock was an Episcopalian and Valenti was an Irish Catholic (again neither are Jewish). Doherty consistently reports and emphasizes that the leaders of the PCA were not Jewish and he persistently says this to his readers “He was not a Jew.” Said with such frequency, it suggests the assumption that Jewish Hollywood required supervision and control by the country’s Catholics and Protestants is implicit in Doherty’s writing. It is impossible at this point to determine if it was necessary for the functioning of the studio system.

VIII. *The Diary of Anne Frank* (1952) and *Operation Eichmann* (1961)

Prior to *Operation Eichmann*’s (1961) release, there had been limited exposure of the American public to the Holocaust. Mintz, calling this period “From Silence to Salience,” credits the publication of the English translation of *The Diary of Anne Frank* in 1952 with being a ‘signal event’ in popular culture (2201, p. 16). He uses the term “signal event” to identify events responsible for bringing the Holocaust to the attention of the American public, both Jews and non-Jews alike. It was a “signal event”, in part, because it was a young teenager telling her story and the story of her family who having fled Nazi Germany lived in hiding in Holland. When it appeared in the theaters, audiences across the country became aware of the Holocaust. Some writers suggest that this story appearing when it did enabled stories with more violence and mayhem to be made into motion pictures. By the time the screenplay for the film was submitted to the PCA, the book had become a best seller and the story had been produced as play on Broadway. When the PCA reviewed the screenplay for the movie, they asked that “Oh,

God” be removed from the brassiere scene. The story of the father’s role in editing the diary, the contracts and disagreements about authorship and production is well documented in Holocaust literature. Mintz sensed that these events are likely to remain secondary to the significance of the teenager’s face the diary put on the Holocaust as it began to appear in public in the United States. Eleanor Schlant (1999), writing about the authors of German literature in West Germany after the war, demonstrates the necessity of the passing of a generation before the atrocities could be addressed by Germans themselves. The generation that experienced the atrocities could not deal with the reality in a way that would allow them to produce written reflections on it. In this case, Anne Frank had recorded her story. After her death in the camp, her father edited it. After it was published, the story was adapted for Broadway. Later, it was rewritten again for film. In the film version, like the literature of the second generation of Germans, the atrocity was difficult to put into sight and sound. Even Anne’s father could not bring himself to deal with Anne’s capture, internment, and death. Perhaps this is one of the reasons that her diary history attributes her diary with bringing the Holocaust into the purview of the American public. It was a “somewhat gentle” introduction to the capture of the Jews without the horror of the camps.

Produced as an independent production by David Diamond, *Operation Eichmann* (1961), the screenplay was an original screen story written by Lewis Copley. Unlike many films, it was not an adaptation of a play or novel. Its release predated Hannah Arendt’s book, *Escape from Eichmann*. The release date coincided with the Eichmann trial in Israel. In the movie, which portrays Eichmann’s career as an SS Officer, Eichmann is portrayed as an anti-Semite zealot responsible for the deportation of the Jews to the death camps. Mintz writes of the actual trial that

The trial took place at a critical juncture at which there emerged a greater willingness to accept realities that had existed on record but had been kept at a distance. Although the grim facts had long been available for those who cared to know them, it was only as a result of the trial that names and places, and number were turned into visceral knowledge. The case presented by the prosecution, moreover, amounted to an epic retelling of the Holocaust narrative. The ‘Nuremberg Laws’, the deportations, the mobile killing units on the Eastern Front, the Final Solution, the mechanics of the death camps, the forced marches—the whole colossal Nazi effort to liquidate the Jews was laid out for the world to see in vivid and systematic detail. (2001, p. 11)

In Hollywood the independent producer and the screenwriter engaged R. G. Springstein as their director. At this “critical juncture,” they produced a film that is not included in the filmographies of Judith Doneson or Annette Insdorf. Ilan Avisar did list it in an appendix filmography but did not include it in his text.

The PCA, for the first time, had to deal directly with scenes that included images of the Holocaust that were more than those brief shots cut from newsreel and military film footage. They issued these instructions, “eliminate scenes of heaps of decomposed bodies except for the few scenes during the American inspections.” There had been none of the usual language employed in the letters since Shurlock had become administrator. There was no “please consider,” “we advise,” “we remind,” or “we suggest.”

The language, so prominent in Joseph Breen’s letters sent to the studios in the 1930s and 1940s, reappears when the PCA receives the screenplay for *Operation Eichmann*. It suggests just how appalling these scenes were to these veteran readers of screenplays. The letters preserved in the file did not use the phrase, gruesomeness or brutality, as they had in the 1940s but the tone and imperative commands were consistent with the “this is the way it will be” tone of the 1930s and early 1940s. In 1961 Hollywood would not produce close-up scenes of those mangled, decomposing, nude bodies. Audience had seen these scenes in newsreels during and immediately after the war. Newsreels preceded that showing of every feature film. Audiences could not have avoided seeing the footage of the camps.

The PCA did allow a scene where members of a firing squad fired their rifles. However, the Code did require the deletion of a scene where an officer is executed. The PCA also had the fall of the officer after he was shot deleted. The audience could view the firing squad with rifles ready to shoot; they would see the officer being executed in front of the firing squad. The audience would not see the impact of the bullets on the officer or his body slumping to the ground. The film was not a great picture. It is significant because it is such an early effort to capture the story of one Nazi’s life and crimes on screen. The production of Abby Mann’s *Judgment at Nuremberg* on television brought unanticipated changes to the relationship between Hollywood and the Holocaust.

IX. *Judgment at Nuremberg* (1961)

This film probed Germany's war guilt examining members of the German judiciary that went along with the legal mandates of the Nazis by examining the Justice Trials. Alan Mintz labeled the premier of *Judgment at Nuremberg* a major cultural event (2001, p. 90). Mann writes

McCarthyism was at its height when I read these transcripts. [transcripts of trials of judges during the Nuremberg Trials] While there were no gas chambers, people were being destroyed financially and jailed because of their political beliefs or even because of who (sic) they knew. The question was on the table: Could what happened in Germany happen elsewhere? (2002, p. x)

The only entry in the archival file for the film is a copy of a report received from Britain in December 1961. It states:

“CONFIDENTIAL

THE FOLLOWING IS A COPY OF REPORT, RECEIVED FROM THE LOCAL
CENSOR BOARD IN THE TERRITORY NAMED, ON THE PICTURE TITLED:

JUDGMENT AT NUREMBERG (A) UNITED ARTISTS DECEMBER 1961

DELETIONS:

REEL 8 REMOVE SHOT OF A NAKED WOMAN BEING DUMPED INTO A
PIT, AND A SHOT OF A BULLDOZER PUSHING NAKED CORPSES IN
THE CONCENTRATION CAMP SEQUENCE.
REMOVE MEDIUM CLOSE SHOT OF NAKED BODIES.

DECEMBER 28, 1962 PRODUCTION CODE ADMINISTRATION”

The story of four Nazi judges on trial aired live on Playhouse 90, April 16, 1959 (CBS). In 1961, *Judgment at Nuremberg* appeared as a movie directed by Stanley Kramer. On March 26, 2001, it opened on Broadway. Abby Mann writes an introduction to the publication of the play in 2002. The introduction provides his description of the events leading up to and including the release of the film. As the report above indicates, the film includes scenes from the concentration camps. Taken from newsreel footage, the audience views them indirectly. They are shown in the courtroom on behalf of the prosecution to help make the case against these judges. When United Artists sought to

release the film in Great Britain, the censors there required the deletion of these brief, indirect scenes. Even without the PCA archival records for this film, Mann's own description of events provides evidence of the challenges it faced.

Abby Mann said he first gave the trials real thought after meeting Abraham Pomeratz at a dinner party in New York in 1957. Pomeratz had been one of the prosecutors at the early Nuremberg trials. He had told Mann he left when he found out most of the judges willing to serve at the later trials were political hacks (Mann, 2002, p. ix). It was his observation that "judges who could make a real contribution did not go because Nuremberg had become unpopular and being part of it might hurt their careers." Mann became interested in the problem and Pomeratz introduced him to Telford Taylor, who had been head of the prosecution at Nuremberg. Taylor told Mann that the judges who had reached maturity before the rise of the Third Reich had embraced the ideologies of Nazism in spite of their education and adult status. Taylor thought they should have "valued justice" and rejected the thinking of the Third Reich. He provided Mann with names and introductions of survivors of the war. Mann read transcripts of the trials and interviewed several people including Leni Riefenstahl, a German industrialist, the widow of a general, and the lawyer, Robert Kempner. Mann left a \$1000 a week job as a screenwriter for Paramount to go to New York and work on a script about the judges and the trials. Herbert Brodtkin was one of the producers for the television show *Playhouse 90*. He had indicated he had an interest in the story. *Judgment at Nuremberg* showed on CBS during the period 1954—1972 that David Zurawik (2003) identified as having "no clearly identified Jewish leading characters in a weekly network television series." (p. 9) Note that *Judgment at Nuremberg*, a live broadcast shown one night only in the middle of this period is consistent with Shandler's (1999) claim that television as a media was able to sandwich the Holocaust using its continuous scheduling process.

Comparisons have been made between Mann's *Judgment at Nuremberg* and the Eichmann trial in Israel. There are claims that the trial made the television showing of *Judgment at Nuremberg* possible. However, Eichmann was captured on May 24, 1960, three years after Mann first began thinking about writing a story about the Nuremberg Trials. It is likely that the extensive coverage of Eichmann's trial made a difference for its

reception, but the idea for the screenplay about the trials in Germany came three years earlier. His research and writing were well underway before Eichmann was captured.

The Eisenhower administration attempted to keep CBS from showing the live play on television because of the belief it would hurt Russian-American relations in the struggle for control of Germany. Upon notification made to CBS by the Eisenhower administration that the film could not be shown, Brodtkin, the producer of the show, notified Abby Mann of the situation, telling him “the show would not be done” (Mann, 2002, p. xiv). Television had a different set of censorship guidelines than the motion picture business. The action taken to stop the play was politically motivated. The director, George Roy Hill, had become interested in the screenplay and suggested to Mann that a full-page ad be taken out *The New York Times* saying it was important for the American people to see this production. According to Mann, when CBS heard about the ad, they decided to avoid the controversy and production began.

The American Gas Company, one of the Playhouse 90 sponsors, wanted CBS to remove any reference to gas ovens. CBS refused. On the night the live show aired there was a one minute delay in the broadcast that allowed the words gas ovens to be deleted whenever it was said. Mann (2002) writes that the deletion of the words, gas ovens, received more publicity than the story itself, completely overshadowing the purpose for making the show. Mann says it this way.

The pumping out of the word “gas.” That was what was important. Not German guilt. Not our own lack of responsibility or that millions of people were killed without reason. Censorship was what was important. People who watched the television show didn’t feel that way. A record number of calls for a dramatic program flooded the network. However, the Emmys reacted the way they usually do to the evaluation of the media. We were passed by. We didn’t receive one nomination.

I tried to sell it as a film, but the studios could not be less interested. They said, “You made your point.” (2002, p. xv)

The publication of William L. Shirer’s *The Rise and Fall of the Third Reich* in 1960, just after the showing on Playhouse 90, may have, some have suggested, influenced the decision to produce the film version (Balio, 1987, p. 147). It had been 15 years since the end of World War II. This was the response to Abby Mann’s attempt to sell his television

play to the studios. This is another instance of David and Zurawik and Al Franklin labeled ‘being too Jewish.’ (Chapter 5, Section I)

Mann pursued a movie option anyway. He writes that when he was working on the script he had envisioned Spencer Tracy as Judge Haywood. Tracy wanted the role and he wanted Stanley Kramer to produce and direct the film. Mann credits Tracy with getting the film into production. To increase interest in the film, United Artists flew the cast to Berlin for the opening of the film. There were concerns that violent protests would interrupt the premiere. The festive dinner following the premiere gave those in attendance an opportunity to express their feelings about the picture. Mann reports that during the press conference that followed a woman asked Tracy:

“You know, Mr. Tracy, the German people love you perhaps more than any other American actor. We find it hard to believe that you would appear in such a harsh movie about our people. We read in an interview where you said, in reply to some movies you were doing, that you did them for the money. Is this why you did this one? You don’t really believe what this movie says do you?” Tracy put his tongue in his cheek, in extraordinary Tracy fashion, and said, “Every word.” (p. xvii)

Mann had also argued for the casting of Hollywood stars in the film. He felt that it was the only way to guarantee the box office. The reception of Holocaust films always is a concern of the producers and directors. Mann in this introduction rejected the idea that the movie would have benefitted from roles being played by Jews and less well-known actors. Balio notes

To focus attention on the picture, UA [United Artists] chose Berlin for the premiere. The event was sponsored by Willy Brandt, mayor of West Berlin, who introduced the picture. “We may like or dislike or disagree with many things,” said Brandt, “but here it is.” “The film was totally rejected,” said Kramer. “It never did three cents’ business in Germany. It played so many empty houses it just stopped. People asked how could I an America[n] try to rekindle German guilt? Well, I said that it would indeed have been better if the Germans had made it, but that fact is they didn’t. So I did.”

A star-studded cast headed by Spencer Tracy, who played the presiding American judge, and Burt Lancaster, the principal defendant, failed to drum up much interest, but the picture’s three hour length probably helped do it in. Judgment at Nuremberg grossed only \$6 million and lost \$1.5 million on its \$3 million investment. (1987, p. 145)

Mann, Kramer, and later Spielberg argued that well-known actors were necessary to draw the audiences that would pay for the film's production costs.

Mann writes that

The fate of *Judgment at Nuremberg* as a motion picture was far different than how it had been received on television. Max and I won the New York Film Critics Award. Then the film was nominated for twelve Academy Awards. Max [Maximilian Schell] won for Best Actor and I won for Best Screenplay. But the award I prize most was not from the Academy. It was in a wire I received from Tracy in which he said, "All I can say if the lights go out now I still win. Please do not forget it was a great privilege to say those words.
Love, Spence. (p. xviii)

In the late 1950s and early 1960s United Artists staged premieres "to create the illusion of legitimate news events." (Balio, 1987, p. 213) She reports that Stanley Kramer held the world premier in Berlin.

To guarantee adequate media coverage, Kramer invited more than 100 print and media journalists and industry representatives from the U.S. and Latin America to participate in the festivities. Kramer wanted the press to record the German reaction to his picture, which depicted the trial of Nazi judges after World War II for crimes against humanity. He, also, wanted the press to evaluate the junket itself. As *Film Bulletin* reported, the press would judge 'international reaction to an American motion picture company-sponsored junket celebrating the event of the premiere.

Kramer started off the proceedings by telling the more than 450 guests assembled in the Grand Ballroom of the Hilton Hotel that Berlin was "selected as the premiere city because it was the 'fitting place; both from the historical and present-day standpoints. The second day was devoted to interviews with Kramer and the film's stars—Spencer Tracy, Judy Garland, and Montgomery Clift, among others. Marlene Dietrich could not attend, but her popularity 'was attested to by the fact for two days running Berlin headlines proclaimed "MARLIN DIETRICH NOT COMING."

... Kramer and UA received high marks for their efforts. In *Film Bulletin's* opinion, "Hollywood is capable of intelligent films. American motion picture personnel are capable of proving themselves outstanding international hosts. Let the entire industry take note of what happened in Berlin, December 12-15. Courtesy, coordination and smooth executive of an all-inclusive premiere plan still equal showmanship at its best. (1987, p. 215)

Yet the premier promotion did not result in a successful box office in Germany. This is the same plan Spielberg would follow when releasing *Schindler's List* in November 26,

1993 except that Spielberg scheduled premiers in major cities around the world and planned the event to coincide with the opening of The United States Holocaust Memorial Museum in Washington, DC (Keneally, 2007, p. 249; Keneally 1983; Loshitzky, Yosefa. (1997; Palowski, 1998, p. 178). In this case, thirty-eight years had passed before the story was written in English and ten more years would pass before the film version premiered in Berlin.

Annette Insdorf (1989, p. 3) uses the gas episode to illustrate the inherently problematic nature of “the Hollywood version of the Holocaust” in which commercial interests routinely get “in the way of authenticity.” Shandler writes this about the blanking out of “gas ovens”:

Though the “blinking incident” has usually been characterized as an outrageous violation of artistic integrity on behalf of venal interests, it was nonetheless part of the viewing experience for *Judgment at Nuremberg*'s first audience—in fact, it has been preserved in the kinescope record of the broadcast for future viewers. (1999 p.78)

David Remnick writes in his book, *The Bridge: The Life and Rise of Barack Obama*, that during the CBS performance a news report in Mississippi about the violence against the Selma Civil Rights protesters interrupted the play for fifteen minutes. Like censors, those that controlled the media could act at national and regional levels of control. Abby Mann and Stanley Kramer went on to make *Ship of Fools* in 1965.

X. *Ship of Fools* (1965) - Business as Usual

The Columbia Pictures release, *Ship of Fools* (1965) from the novel by Katherine Anne Porter, received the code seal following three months of correspondence between M. J. Frankovich and Geoffrey Shurlock. Working together again, Abby Mann wrote the screenplay and Stanley Kramer directed the movie. The PCA first read the script on April 10, 1964. On April 20, Breen writes to M. J. Frankovich, Columbia Pictures.

“We have read the script received in this office on April 10, 1964 for your proposed production titled, SHIP OF FOOLS. While this basic story seems acceptable under the provisions of the Production Code, the present version, however presents certain difficulties which would have to be modified before a picture based on this script could be approved by us.

Generally speaking, the problems in this script as now written, consist of two. First, there seems to be an excessive emphasis on sexual relations between the various people aboard the boat. We will direct the specific instances to your attention as we go through the script page by page. The second problem has to do with a certain candor, from time to time, in language. This problem we will also indicate to you go through the script page by page.”

Breen lists fourteen objections that must be changed. On May 18, 1964 he sends another letter acknowledging the receipt of two script revisions and advises six more changes that would need to be made. On May 27 he sends eleven changes and on June 22 he sends to more.

“Page 44: The business of Lizzi striking Rieber in the groin is, as we mentioned previously, unacceptably vulgar.

Page 138: Again as mentioned in previous letters, we ask that the scene between Ampara and Johann be concluded with Ampara’s line ‘this is the first time, and the first time is very important.’ We believe that her continuing to unbutton his shirt, and her line, ‘I’m a very bad girl. You’ll see.’ should be omitted.

Also, a set of revised pages received in this office June 22, page 138 is substantially the same as the one mentioned above and our comments apply equally.”

This is another case where the PCA files indicate the story itself was acceptable under the provisions of the Code, but the “present version presents certain difficulties that would have to be modified before a picture based on this could be approved by us.” The changes required by the PCA, as many as fifteen per letter, were concerned with sexuality, language, animal cruelty, and ethnic references.

XI. *The Pawnbroker* (1965) - Challenging the PCA

In 1964, Rod Steiger had won the award for best actor at the XIV Internationale Filmfest in Berlin. The film, *The Pawnbroker*, had been the official United States entry. The United States Information Agency (U.S.I.A.) had commended the production firm, The Landau Co., for the quality of the film. Stephen Bowles in his 1979 biography of Sydney Lumet notes that Lumet was not Landau’s first choice to direct the film. Landau had engaged Sydney Lumet to direct the film when the original director became ill two weeks before filming was to begin. (Bowles, 1979, p. 74) *The Pawnbroker*, which was

originally titled *The Fool Killer*, is an important film. It is important because it is one of the earliest motion pictures to address the Holocaust and its producer appealed the PCA's decision not to recommend for a Code Seal. The screenplay for the film was an adaptation of a novel by Edward Lewis Wallant. It is the story of a concentration camp survivor whose wife had perished in the camp. In the story, he had come to the United States and had set up a pawnshop on the edge of Harlem in New York City. The motion picture would not have required a code seal for it to be selected for entry in the festival. This is an unusual series of events. It is the first record found where a film had been produced prior to its screenplay being submitted to the PCA. The first letter in the archival file refers to a rejection of an application for the code seal sometime before the end of January 1965. Landau writes to Geoffrey Shurlock

“January 29, 1965

I have delayed until now answering your recent letter which rejected our application for a Code Seal for my production of “The Pawnbroker.”

My delay was due partly to my chagrin and dismay at your letter and, in part, to a sober consideration of the position of my picture vis a vis the Code, the motion picture industry and the public temper in this year, 1965.

It is generally recognized that the interpretation of the Code has undergone some liberalization during recent years. It is also recognized that the rules laid down in March 1930 --- like many other rules of that vintage --- cannot and should not be literally enforced thirty-five years later.

A Code which states that “the methods and techniques of prostitution shall never be presented in detail” can be and has been interpreted to accept an “Irma La Douce.”

Again, a Code which states that ‘seduction or rape are never acceptable subject for comedy’ can be and has been interpreted to accept an ‘Americanization of Emily.’

I believe it was Justice Oliver Wendell Holmes who described the law as a “growing organism.” I strongly subscribe to this theory and to its application in interpreting the Production Code.

I also strongly subscribe to the Reason Underlying the General Principle of the Code which states that “no picture shall be produced which will lower the moral stands of those who see it.” This --- even in 1965 ---is, I believe, the major importance of the Code to the industry, to the public and to me.

I submit that scenes which have led you to reject 'The Pawnbroker' as acceptable for a Code Seal are highly moral scenes ... that they are not included in our picture for sensationalism or to titillate an audience ... that they are integral to the story ... that the picture itself is serious of purpose and intent ... that 'The Pawnbroker' is an important and distinguished motion picture and must be viewed as such.

If it were not worthy of such consideration, surely it would not have been selected as the official U.S. entry at the Berlin Festival. And, surely it must be inconsistent for a film to be accorded that distinction (by designation of the major Hollywood Guilds and the U.S.I.A.) and then be denied a Production Code Seal.

In this day and age, I cannot accept without strong protest the literal application of a thirty-five year old prohibition in rejecting 'The Pawnbroker' as eligible for the Seal.

I respectfully request that you reconsider your decision. I believe that in subject matter ... in manner of presentation ... in the nature of the audience it will attract...in the distinction it has already received as a unique and worthy example of American motion picture making. 'The Pawnbroker' is entitled to the Production Code Seal.

I do hope you will be able to respond to this letter at the earlier possible moment."

Shurlock replies on February 2, 1965, expressing his "appreciation of the kind of letter it is. I am genuinely impressed and gratified by its tone." He agrees with Landau's observation that there had been a "relaxed interpretation of Code in recent years," but pointed out they had never relaxed their position on nudity. In an unusual move, Shurlock explained to Landau that he could appeal the PCA ruling.

"As you know, right now there is quite a dialogue going on as to whether or not this relaxation has not gone too far. In a meeting I had with the presidents of the major companies, last December, I gathered that they are of the opinion that it has got a little out of hand, and they instructed me to tighten up.

However, there is one area in which we have never relaxed our Code procedure that is in declining to approve scenes of nudity or undue exposure of women's bodies, particularly of course their breasts. This type of scene seems to call forth a great amount of protest from pressure groups generally, and also from a large part of the public. On the practical level we noted over a number years that the Legion of Decency has been stricter than we have been in scrutinizing scenes of near nudity and have insisted on further eliminations even after we had

approved the picture. So you will understand that this is a type of scene which we have sedulously avoided approving.

However, as you perhaps know, there is an appeal that can be taken from our judgment, to a New York group. May I therefore suggest that you get in touch with Ralph Hetzel and ask him to arrange for such a review by this group. They are in a position to reverse us as they see fit.”

In the letter rejecting *The Pawnbroker*, the explanation Shurlock offered Landau referred to the exposure of women’s breasts. He gave two reasons for rejecting the exposure of breasts. First, this “type of scene” results in protests from pressure groups in general and from a large part of the public. Second, he writes, “On the practical level we noted over a number years that the Legion of Decency has been stricter than we have been in scrutinizing scenes of near nudity and have insisted on further eliminations even after we had approved the picture.” From this correspondence, we learn nudity and breasts were not negotiable, pressure groups and the public influenced decisions, and the Legion of Decency was a powerful force in the industry as late as 1965.

The archival file did not include Landau’s reply. He did appeal the PCA decision as indicated in the next letter written on March 25, 1965, by Sydney Schreiber, secretary for the MPAA to Eli Landau.

“The decision of the Production Code Administration to withhold approval of the picture for the reasons stated by the Director of the Production Code Administration in his letter of December 31, 1964, was in all respects upheld and affirmed

However, considering the circumstances in connection with the appeal, the Board was of the opinion that despite the provisions of the Code as applied by the Production Code Administration, in its discretion an exemption should be afforded, but solely for THE PAWNBROKER, and by more than two-thirds majority of the votes cast granted such an exception under Section 6 (i) of the governing Resolution, to take effect under the following conditions.

That the Landau Company undertake reduction in length of scenes which the Production Code Administration found unapprovable, and the Director of the Production Code Administration determine in his sole judgment whether thereupon the motion picture is acceptable for this special exemption. Such exemption shall take effect upon his acceptance there of. The Landau Company may appeal his adverse judgment.”

The only other letter in the file is from Barney Balaban, a member of the appeals board, stating his objections to the decision of the Board. Among those serving on the appeal board were Barney Balaban, Pandros Borman, Walter W. Mirisch, George Englund, Stanley Kramer, George Sidroy, Joseph L. Mankiewicz. Landau agreed to the required editing of the film and it received the Seal. In an unusual series of events, the theaters exhibited the film before the Legion of Decency rated it. The archival records do not indicate changes made to the film before its release. Newspaper clippings in the file report the changes the Legion required. They involved editing the scene of the naked breasts by making it a close-in shot and then cutting the body below the shoulders. What is significant for this project is that there were no restrictions or changes made to scenes about the shopkeeper and his wife in the concentration camp. Responding to the appeal, the PCA once again held the line on nudity. The extensive discussions of *The Pawnbroker* in the literature at its release focused on Lumet's direction and motivation, the similarity of the pawnshop in Harlem to the Jewish ghettos in Europe, and the actions of the Legion of Decency. Little attention, if any, is paid to denial of the code seal and the appeal. As it turned out, 1965, ten years after Breen's retirement, was a period of change in the studio system.

In 1959, the studios had told Abby Mann that they were not interested in the screenplay for *Judgment at Nuremberg*; United Artists released it in 1961. In 1965, Eli Landau successfully appealed the refusal of the PCA to issue a code seal of approval for *The Pawnbroker*. The events surrounding the release of *The Pawnbroker* are evidence of the breakdown in the PCA as a vital force in the production of Hollywood motion pictures. This is obvious in the process of denying the Seal. In earlier cases, the PCA approved the screenplay and left its final judgment until the film was completed. The PCA recommended approval of completed films to the MPAA in the New York office and that office issued the Seal. It is not at all clear if the studios delivered *The Pawnbroker* to New York, because Geoffrey Shurlock signed the letter of rejection in the Hollywood office. Also in New York, members of the Legion of Decency review board viewed the film and, assigned a rating. If given a negative rating, the MPAA then referred it back to the studio with recommendations regarding changes. If passed by the Legion, the New York officials viewed it and at this point in the process, it received the code seal

of Approval. Upon receipt of the seal, copies were made and sent directly to the theaters for exhibition. The records reviewed in this study do not include a case where the New York officials had rejected a film that been approved of by both the PCA and the Legion. In the case of *The Pawnbroker*, the Legion gave the film a condemned rating. The fact that it was being seen in theaters at this time indicates the extent to which the control of the PCA over the release of films had deteriorated. The material in the archival record provides the information necessary for this reconstruction of events.

XII. Legion of Decency—A Delayed Response

Variety, May 5, 1965 reported that the National Legion of Decency had reviewed the film but had delayed in assigning a rating. It reports, “Although it implied its intention to condemn the Landau picture weeks ago—it waited until yesterday (Tues.) to formalize its condemnation.” Quoting from the Legion’s report,

“An acceptable classification is denied this film for the sole reason that nudity has been used in its treatment. Although nudity is not in itself obscenity and it might even have an artistic function in a film of quality, it is never a necessary or indispensable means to achieve dramatic effect. The present film is not an exception because the director could have accomplished his artistic objectives by the less literal and more demanding method of indirection.”

“The good of the motion picture industry as well as of the national community requires that a marked effort on the part of some producers to introduce nudity into film treatment be discouraged, for such treatment is open to the gravest of abuse.”

The writer notes that Msgr. Thomas F. Little, executive director of the Legion, had said the delay was to allow time for high-level discussions. These discussions were necessary in order to issue a properly worded condemnation. The rating had never been in doubt. The wording of the condemnation was the issue. He went on to add that the committee wanted to know “what the critics” reaction to the picture would be. Waiting for the critics’ reaction was a unique event in Legion practices.

Landau had agreed the publicity for the film would not play on the granting of the seal following the appeal process. Little had suggested that this was simply a ploy and would not be adhered to here. However, the Company did comply. Little suggested that future advertisements would be created to take advantage of the situation and create

interest in the film. Landau reiterated the pledge to use good taste in all advertising. In the discussion of the *Baby Doll* (1964) the advertisements had caused as many protests as the content of the film.

Most notable in these exchanges is the absence of any concerns about the flashback scenes as they present the treatment of the pawnbroker and his wife on the deportation train or the abuse of the pawnbroker's wife in the concentration camp. The controversy existed because of the display of the breasts of the wife and of the prostitute.

James O'Neill, Jr. writes in *The Washington Daily News* on August 13, 1965,

“What the Legion and the MPAA seemed to object to was a short, important sequence which showed the bare breasts of a Negro prostitute and the bare breasts of “The Pawnbroker’s” wife, after the latter had been repeatedly raped by German officers in one of their inhumane prison camps.

... If the Motion Picture Code has been broken, it is time that it was rewritten. When you consider what the dirty-movie houses get away with, and what the legitimate stage is offering in the way of artistic achievement, and some of the trash which is used to lure the morons, “The Pawnbroker” evolves as a most tasteful, dynamic and dramatic motion picture—the story of a man haunted by the horror he has known at the hands of the Germans, during their most recent period of inhumanity and bestiality.”

The story, as told on film, is faithful to the novel by Lewis Wallant. In both the novel and film is a short sequence showing the bare breasts of an African-American prostitute and the bare breasts of the pawnbroker's wife during the time of her rape by German officers in one of the concentration camp scenes. As the story progressed, the pawnbroker's memories were extended and the scenes became longer. The censors did not object to the rape of the wife, the camp scenes from newsreel footage, the location of the story in Harlem, or the prostitute. Critics discussed the ghetto Harlem symbolism, but the censors did not. Neither do they respond to the murder of the young man in a close-up scene at the end of the movie. It is 1965.

The PCA had been making changes in applying the Code, not changes in the Code. Significant changes in how the PCA applied the Code to the screenplays occurred with some regularity. Even Joseph Breen, as a last act before his retirement, had argued for the language in the scene between the Father Barry and Harry Malone in *On the Waterfront* (1954). It cannot be determined if it is these changes in the actions of PCA

that account for the film going as far as it did with so few objections. One could argue that the story or the awards the film had received the preceding year influenced the censors. What is known from the records is that neither Shurlock nor the PCA was ready to approve the bare breasts. The Legion argument made by Msgr. Little is even less credible. The director could hardly have captured the trauma experienced by the shopkeeper as he recalls upon seeing the bared breasts of the prostitute the rape of his wife “by the less literal and more demanding method of indirection.” The director was not seeking artistic objectives; the director sought to reveal the story of this camp survivor both visually and vocally. The Legion, on the other hand, sought to eliminate both nudity and breasts in every film that came before them for review and rating. The telling of the story was always secondary to their guardianship of the public.

Variety reported on August 3, 1966, that a revised classification had been made by the Legion of Decency. The C (condemned) category had been changed to an A-3 (unobjectionable for adults). Two feet of the film had been eliminated. An editor had blown up the scene with the bare breasts and created a close-up scene cut at shoulder to eliminate the breasts. He also made cuts to the bedroom scene to eliminate objectionable material. By this time, *The Pawnbroker* had completed its key city playoffs. The cuts allowed it to avoid local conflicts and maximize bookings in smaller houses. In addition to the Legion, the National Council of Churches had added their objections and challenges. *Variety* also reported that American International, the new distributor for Landau Productions, estimated the changes would result in another 5,000 to 10,000 bookings. In the same article, the writer suggested

Though this situation was thought to have lessened the power and prestige of the Legion of Decency, there are those who feel that the present decision to cut makes the Littleites a winner, since they have proved themselves capable of controlling the booking policies of so many theaters throughout the country.

One man who contradicts this is Landau, who points out that his film, which not only had a tough time with the censors, but a tough time getting a distributor, has pulled in close to \$3,000,000 in film rentals to date, despite the condemned rating. “I stuck to my guns and I’ve proven my point,” Landau said.

... “and a good portion of the American public has now seen this picture in its true and original version.”

He went on to say he had not seen the film in its new version and given the terms of the contract with the distributors he had neither “approval nor disapproval” of the changes.

In contrast to the Legion’s position, James O’Neill, Jr., quoted on the preceding page writes in the same article.

Now, I am not coming out for films, which increasingly employ nudity to make a point—I merely wish to state that if nudity is essential to establish mood, character or motivation, or to explain the most secret working of human brains, I’m for it. Dialog is invariably far more suggestion than actual photographs.

He concludes by commending the movie as “the story of man haunted by the horror he has known at the hands of the Germans, during their most recent period of period of inhumanity and bestiality.” O’Neill is the first critic in the collected clippings in the Archives to refer to the horror the Jews experienced at the hands of the Germans in this film.

Sydney Lumet’s biographers do not usually include *The Pawnbroker* when they describe and analyze his body of work. His obituary that appeared in newspapers in the spring of 2011 does not mention *The Pawnbroker*. O’Neill addressed the camp scenes in his review. In the 1980s the writers who analyzed and critiqued Holocaust motion pictures would include the film in their collections. Much later Mintz identified it as a signal event in the emergence of the Holocaust in America.

The author of a reprint in the archival record labeled Exhibit 3/24/65, with the title “THE PAWNBROKER IN SEARCH OF SEAL” argued in favor of the picture receiving the seal. The author notes that censor boards were crumbling under the weight of Supreme Court decisions. The challenges to political censorship made the case that there were adequate laws to protect the public from pornography. Given these protections, the industry argues, it was in a position to regulate itself far more sensibly and efficiently than outside forces. Furthermore, it was argued, the public is maturing and times have changed including attitudes and mores. The New York censors passed the film and the censor had alluded to the controversial scenes recognizing that they were essential to the film. The writer asks, “Can the industry’s own regulating body be less discerning?”

CHAPTER SEVEN

SILENCE -- THE RESULT OF CENSORSHIP

This study set out to determine the causes of Hollywood's thirty-year silence about the Holocaust. The archival records in the Motion Picture Academy's Margaret Herrick Library in Beverly Hills, California, provided evidence that supports the claim that censorship was a major cause of this silence. The correspondence between the PCA and the studios demonstrated that censorship as carried out by Will Hays, a Republican and a puritanical Presbyterian Elder, and Joseph Breen, a Democrat and an anti-Semitic Jesuit educated Catholic layman made it impossible for the screenwriters to create motion pictures about the murder of 6,000,000 European Jews in Germany in the 1940s. Hays had been Postmaster General in the Harding administration. Breen had overseen the sales campaign of the five-volume book project, *Catholic Builder of the Nation: A Symposium on the Catholic Contribution to Civilization of the United States*. Both men were Hollywood outsiders. The film industry recruited these outsiders to guarantee the quick release of films to the theaters.

This research describes how the PCA worked for the producers and directors within the studio system to maximize their profits by avoiding costly cuts and editing made necessary when the local and regional censors demanded changes. Using the Catholic perspective embedded in the understanding of what would be acceptable for distribution to theaters, Joseph Breen diligently and vigorously enforced the Hays Code. The system functioned for thirty-five years. Because following the Code maximized profits, producers complied. Directors and screenwriters found themselves forced to work within the system. The audiences, the industry's public, remained mollified. In 1948 the United States Supreme Court ruled in the Paramount case that the studios must divest themselves of the distribution segment of their industry. The federal government, independent producers, and small theater owners had been pressing for this action for some time. The government delayed action during both the depression and then World War II. With the loss of control of distribution, the PCA Code Seal was no longer necessary.

The coming of television posed a severe threat to the studios. Not only could one view programs from the comfort of the family home, but television did not have to comply with the Hays Code. The situation filmmakers faced with the emergence of television is similar to the situation they faced when Dolby sound was adopted in the industry. At first the studios responded competitively. Then, with the aging of the industry's first generation of leaders, new leadership realigned their procedures and developed new applications for these technological assets. By integrating the computer chip and the satellite transmitters developed for space exploration, they created new products for use in the theaters and in homes across the country. With the new products came marketing processes to make use of the technologies.

The evidence presented in this study shows that the major social cause of Hollywood's silence was the Hollywood studio system and its censorship structure. This censorship structure not only prevented Hollywood from releasing Holocaust films but also prevented the distribution of European Holocaust films in the United States. The study identifies the censors' treatment of motion pictures released between 1940 and 1945, including proposed films that never made it past the PCA. The pattern of the release of films by Hollywood studios with anti-war themes, then the release of films with Jewish themes, and finally those with Holocaust content supports the argument made here that censorship affected the industry's ability to present the Holocaust. The emergence of the term Holocaust in the United States as posted on the United States Holocaust Memorial Museum's website clarifies some issues in the dialogue explaining these films. The discovery of the files of the Production Code Administration and their acquisition by the archivists at the Margaret Herrick Library contributed to increased understanding of censorship. A listing of films supporting the claim that the social cause of the filmmakers silence about the Holocaust was censorship is included for use by the reader.

The examination of whether the court cases that came before the United States Supreme Court imposed restrictions on the entire entertainment-media industry shows the impact of these judicial decisions on the industry. The cases resulted in the reorganization of the industry and the collapse of the PCA and the religious and political censorship organizations. *Block v. City of Chicago* (1909), the first court adjudicated censorship,

established the right of cities to license films prior to exhibition. Prior to *Mutual Film Corporation v. Industrial Commission of Ohio* 236 U.S. 230 (1915), the courts had held that motion pictures were a business enterprise governed by commerce regulations. This study links the adverse affects of this ruling to the proliferation of local censorship groups. These organizations, empowered by the decisions in *Block vs. City of Chicago* and the *Mutual Film Corporation*, made diverse demands across the vast network of theaters in local venues across the country. The industry could not create a “one product fits all’ marketing situation. Three years later *Fox Film Corporation v. Chicago* (1918) was adjudicated making it one of the few times the court did not defer to the local censor. The court ruled that the Chicago chief of police could not ban a film based solely on his “discretion.” The case demonstrates how, in 1948, the Hollywood Antitrust Case, *United States vs. Paramount Pictures, Inc.*, 334 US 131, resulted in the long dreaded breakup of the studio system based on anti-trust law. In 1954 *Commercial Pictures Corporation v. Regents*, 346 U.S. 587 extended the application of the First Amendment to motion pictures. The Supreme Court decision recast motion pictures as speech with First Amendment protections and censorship had no legal claims on the industry.

Although legally freed from the censors, Hollywood was not yet able to create a means to deal with the Holocaust. Before the 1948 Paramount ruling, the studios had controlled production, distribution, and exhibition. The court ruling forced the studios to divest themselves of exhibition and give up that control. The elimination of block bookings enabled independent producers and smaller theaters to compete in the market. Other challenges to censorship followed the 1948 Paramount case. Obscenities became the last legal restraint on film content. The film industry freed from the PCA and new programming in the television media contributed to the production of Holocaust motion pictures.

The Code requirement that a screenplay include a moral conclusion, i.e. the “Hollywood way” accounts for much of the criticism of the portrayal of the Holocaust on the screen. The coming of sound resulted in the integration of musical scores into the films. It enhanced musical scores in lavish fashion (for example, orchestral music played during war movies) since silent movies were accompanied by a piano and later by a sound track that ran separately from the film. The use of music resulted in the frequent

criticism that the music detracted from dramatic scenes and were inconsistent with the emotions and actions taking place in the film.

Eli Landau's challenge to the Hays Commission's refusal to approve the Code seal for the release of *The Pawnbroker* (1965) demonstrates the challenges from within the industry that contributed to the breakdown of the PCA. Hughes and Wanger were forced by the Code to work within the studio system. They were unable to introduce social content in the late 1930s. In the 1960s Landau and others were able to do so because of the breakdown of the censorship process that supported a social policy reflecting the beliefs of the public from which the studios drew their audiences.

In the 1980s, with the preparations for a Holocaust memorial in Washington, DC., with Holocaust survivors beginning to tell their stories, and with a wave of historical scholarship being published, questions arose about the role Hollywood had played in our becoming aware of the Holocaust. Many writing at the time were children of survivors. They were the first to ask how Jewish Hollywood could have remained silent. European countries produced films about the Holocaust, but not the United States. Had Ilan Avisar had access to the PCA records, he might well have made this argument in his work. He alluded to the effects of censorship, but without the evidence in the archives, he could not demonstrate how it occurred. This evidence supports the research claim that censorship existed as a social cause that accounts for the silence in Hollywood.

When this project began, the films were difficult to locate. To facilitate public awareness of the films, Judith Doneson and Annette Insdorf included addresses of organizations that distributed them. Video rental stores in more urban areas carried a limited number of the foreign films. Availability was not a censorship issue. It was a question of technology and distribution. Today this researcher has viewed every film included in this project. Anyone can go to the internet database, IMDb, (Internet Movie Database) and find much of the information systematically collected and entered into the database created for this project. It is possible using the links provided, to look at stills, view scenes, and even watch the entire movie on a computer. In addition, many interested in the topic have contributed useful articles on Wikipedia although much of the content needs to be verified. Just a few of the video stores still exist. Newly created internet distribution systems are currently replacing bookstores and video stores. More recent

releases are now available on DVD through online book distributors. Television movie channels provide many opportunities to view these films. The television viewer may notice Holocaust references in the weekly network shows.

The Hollywood system, self-mutilating as it was, existed to control ideas. The evidence presented supports Gregory Black's observation that "The intent of the censors from Progressives to the Legion, was to prevent mass entertainment films from challenging the moral, political, economic status quo" (1994, p.296). The PCA directed by Joseph Breen insured that the movies produced by the studios did not come into conflict with the censors when exhibited in the theaters. The censors reflected the values of the community that had created them. The studios in establishing the PCA had found a way to guarantee the financial success of their industry. They avoided costly remakes and litigation by following Breen's policies.

The court cases show that as early as 1915, those who moderated screen content had begun the integration of three components of the judgments that were to become censorship standards. A fourth, sexuality had been there from the beginnings in the nickelodeons. These components are:

1. Films as entertainment were to provide compensating moral values for whatever disagreeable subject matter appeared on the screen.
2. Films were business and their business was entertainment as determined acceptable by the public.
3. Violence (horror) on the screen was always problematic with one group or another.
4. Sexuality would always result in action from local groups and was always in a state of flux as to what would be acceptable and what would not.

What constituted the public that made these determinations varied geographically, culturally, and over time. Censorship boards, city and regional, were the agents that determined acceptability.

The industry produced for entertainment and the studios operated primarily as businesses. The focus was on avoiding conflict over Jewish content, and addressing social and political issues. The human body would remain inviolate, immune to disfigurement and destruction. The PCA required that the story line contain compensating

moral values. A film was to reinforce religious teachings, family values, and the law. A film's content must not include "brutal or gruesome content" and a film's actors must not curse or use words prohibited by the PCA. Sexuality remained a major concern for the PCA and The Catholic Legion of Decency. Censorship material presented here illustrates how the system functioned. Given these restrictions, it was impossible for the industry to address the subject of the Holocaust. The 1940 era war films presented the viewing public with a very different war than would the more recent *Band of Brothers* (1991), a television miniseries, or *Saving Private Ryan* (1998).

Using *The House of Rothschild* (1932) as a case study demonstrates the concern with the European market. Exhibition of films in Europe could often account for more than 50% of the anticipated income for any given film. Politically, the country had taken a neutral position regarding events on the European continent. According to the Code no film was to be made that disparaged or criticized a foreign government. The correspondence in the archival records illustrates the pressure applied by the German Consulate up until the time that Hitler banned all American films from the German market. Later, when the United States declared war, this became irrelevant. However, until the bombing of Pearl Harbor distribution of films in European and Latin American counties remained a major consideration.

On the day of the Holocaust Day of Remembrance, May 2, 2011, this author received an e-mail containing a PowerPoint© presentation that contained the appalling scenes associated with this Jewish tragedy. This raises the question: If a producer had submitted any of the screenplays for the following motion pictures to the Production Code Administration, would the PCA have approved them?

The Man in the Glass Booth (1975)

The Boys from Brazil (1978)

Sophie's Choice (1982)

Wallenberg, A Hero's Story (1985)

Escape from Sobibor (1987)

Schindler's List (1993)

Swing Kids (1993)

The answer is *no*. One can confidently conjecture that Joseph Breen would have written: William Styron's story about Sophie is completely unacceptable. It has no redeeming social value and the choice she must make between which child to save cannot be

reconciled and resolved. Thomas Keneally's story about Oscar Schindler is unacceptable. The violence in *The Boys from Brazil*, as well as the manipulation of human reproduction would have caused its rejection. Breen would not have approved the prison camp scene in *Escape from Sobibor*, and he would have found *Wallenberg, A Hero's Story* much too violent. Eichmann's story, as told in *The Man in the Glass Booth*, might have gone into production with serious editing requirements. The PCA would not have approved the scene in *Swing Kids* where the Hitler youth rings the doorbell and hands the housewife a vase-like object. In the film, she asks, "what is this?" and the delivery boy nonchalantly tells her, "you asked me to find your husband." The PCA would have rejected this veiled reference to the early murder and incineration of the dissidents and the infirm.

Following the end of the war, the studios faced the challenge of a new media form, television. The changes brought by this new form were much more dramatic than those brought by the technology that combined the audio and the visual into one form. The long delayed anti-trust actions resulted in the separation of production and distribution from exhibition. Opening the control of the market expanded the potential audience. As the studios adapted to these changes, the writers, producers, and directors began to expand the content of motion pictures challenging the "Hollywood way" of telling stories. And, as the Holocaust became integrated into American culture, it found its way first into the homes by way of television and then onto the motion picture screens.

This study provides new insights into the dynamics of anti-Semitism. Since expressions of anti-Semitism varied during this time, they alone cannot explain the reluctance to produce these movies. However, by isolating the censorship factor, it became possible to ask questions about the religious component of the Code. When religions champion the believer and condemn the nonbeliever, ideologies emerge to explain and justify those actions. Here is where anti-Semitism flourishes. Those that claim anti-Semitism (ideology) was the only factor preventing the moguls from producing the movies must reassess their basic assumptions. Ideology by definition distorts facts. It is not a coincidence that a Catholic priest and a Catholic newspaper editor in Hollywood wrote the Production Code in the 1930s. No one has systematically investigated the social characteristics of the members of the Production Code Administration staff. The leaders were men with political connections and religious

training. Catholic priests served on regional censorship boards. Priests and Catholic women served on the Legion of Decency. Some references to the Knights of Columbus can be found in the PCA archives but not enough to draw conclusions about its part in the censorship process. The assumption made that Protestants had less influence than Catholics because they were not organized into a single action group is not supported by the evidence and requires further study. In fact, Stephen Carr whose work is recommended in the preceding paragraph observes that “Ironically the scandals of the Protestant elite first helped to initiate censorship in the United States” (2001, p. 61). An analysis of the social characteristics of those who read the screenplays would clarify the relationship between Jewish Moguls, producers, directors, screenwriters and their censors.

Having identified the patterns of censorship, the next step will be to determine how the PCA fit into Hollywood’s complex political network. A significant body of research on Hollywood and politics already exists. This research examined only the files from the PCA. There are extensive archival records from the studios. These include correspondence that contains information by the studios. Such information would supplement my findings. It appears to be the case the PCA did not censor newsreels, but that they were most likely highly controlled by the government. It may be that a relationship between the Court cases and the proliferation of censorship groups can be determined.

Given Jeffrey Shandler’s (2005) work on the appearance of the Holocaust on television, it is important to integrate current knowledge about the movies and television shows to determine how they influenced each other. Finally, both motion pictures and television are visual events complete with sound and color. The print media does not serve them well. The exhaustive attempts to describe films through language will not be necessary at the point where the moving image and the written analysis are integrated. The impediment at this time is copyright restrictions. When these challenges are resolved, the writer and the reader will have access to the same image. The dialogue will no longer depend on the writer capturing in words the moving image for the reader. Alan Mintz described the changes in perception of the movies *Judgment at Nuremberg* and *The Pawnbroker* as they have been experienced in subsequent generations. These new

technologies will not only expand but also enhance the potential for conversation, understanding and insights. That “which cannot be known,” what those who were exterminated endured, will remain with generations to come through of all things, the entertainment industry.

The first Holocaust films produced by Hollywood illustrate the censorship challenges and are evidence of the issues the studios faced when they undertook these productions. The administrators of the Code were not as concerned with the depiction of events associated with the Holocaust as they were with the application of the Code requirements in all areas covered by the Code.

Joseph Breen’s retirement in 1955 provided an opportunity for the studios to challenge the PCA in ways that would affect the PCA approval of films. Also included are the challenges to the decisions of the censors by the distributors of foreign films. If the Department of Commerce processed and admitted a foreign film through its procedures, the film did not fall under the purview of the PCA and its censors. The regional censors and city censors, however, could intervene in the exhibition of these films because they required a license issued by their board before the theaters could show the films. In some cases disagreements between the distributor and the board of censorship led to legal challenges. For the first time motion pictures operated under the First Amendment rights of free speech. With the breakup of the studio system, because of the Paramount case, and the decision that motion pictures had First Amendments rights, the industry found it could explore topics that had been denied them up to this point.

The creators of television productions assumed early on that the Holocaust was incompatible with the media. The living room audience (television) was much different from the theater audience. Television exists as a twenty-four hour a day, seven days a week enterprise; it is a small scale medium. The experience of the viewer occurs in the privacy of the home and is a part of the daily routine. Shandler writes that unlike other media presenting the Holocaust “... television pulls the Holocaust, along with everything else that the medium presents, into its ceaseless, multichannel flow of programming, providing viewers with routinized as well as chance encounters with this remote and extreme chapter of history” (p. xvii).

Censors responded to this new media environment. The country was no longer engaged in a world war. New audiences became available as some women left the work force and military personnel returned home. The story line in the film, *The Sealed Verdict* (1947), when compared to the concerns of the PCA enforcing the Production Code illustrates the huge gap between PCA requirements and story.

Another challenge to the censorship structure came from Hollywood studio producers and directors who challenged the ruling of the PCA. Four films illustrate internal challenges to the authority of the PCA. Sam Spiegel produced the first, *On the Waterfront* (1954), before Breen's retirement. In fact, evidence is presented showing that Breen actively participated in securing the approval of this film writing the appeal to the PCA himself. The releases of *Baby Doll* (1956), *Judgment at Nuremberg* (1961) and *The Pawnbroker* (1965) occurred following Breen's retirement. The release of *Baby Doll* with the code seal of approval was the consequence of revisions made to the in 1953 and 1953 before Breen's retirement.

Geoffrey M. Shurlock became head of the PCA when Breen retired. Thomas Doherty writes, "Moreover, with Breen gone, the PCA and the Legion soon found themselves singing from different hymnals" (2007, p. 324). Doherty had argued that Breen functioned independently of the Catholic hierarchy and the Catholic Legion of Decency. Here he implies that they had worked in parallel if not interdependently. Under Shurlock's leadership, the PCA approved the release of the films, *The Diary of Anne Frank* (1953) and *Operation Eichmann* (1961). After its success on television, few challenges occurred in the production of *Judgment at Nuremberg* (1961) but it took some time for Abby Mann to find a producer for his new screenplay. Serious challenges by the Legion of Decency accompanied the release of *The Pawnbroker*, (1965). The conflicts were not about the Holocaust material but the bare breasts of the women in the film.

Mintz considers *The Pawnbroker* to be like *Judgment at Nuremberg* and *The Diary of Anne Frank*, a "signal event." It would be fifteen more years before President Jimmy Carter formed a commission to create a Holocaust memorial on the national mall. Five more years would pass before the leadership on that commission changed and progress was made. Eli Wiesel had argued for a memorial, a space for remembering. Others wanted to capture and create images for the purpose of recording the story and

involving future generations in the process. Once he resigned from the commission, its members moved forward with the creation of the Holocaust Memorial Museum on the mall in Washington, DC.

Meanwhile in Hollywood, Will Hays had retired to Indiana in 1945. He died in 1954. Father Daniel Lord, who had paid little attention to the motion picture industry after writing the Code in 1935, died in St. Louis in 1955. Only Martin Quigley remained an active critic of the industry until his death in 1964. As with the passing of these men, the Hollywood Moguls also had retired or died. New independent producers and directors came to face the challenges of the emerging industry. They would be the ones to bring the Holocaust to the motion picture screen, but only after a long journey in the land of television. Shandler (1999, 2003).

APPENDIX A

Film Listing

All films that compose this film listing were studied and reviewed as a part of this research. The film listing is divided into two parts: (I) the films that are actually referenced in the document and (II) the films that were not included in the document but are in filmographies of Annette Insdorf, Ian Avisar, and Judith Doneson.

I. Films Referenced in the Research Document

A. Films Ordered by Chapter & Appearance in the Chapter

Films in the Introduction

Judgment at Nuremberg (1961), pages 1, 6, 14

The Stranger (1946), pages 1, 4, 6, 12

The Pawnbroker (1965), pages 1, 6, 14

The Young Lions (1958), pages 1, 4, 6

Operation Eichmann (1961), pages 4, 6

Confessions of a Nazi Spy (1939), pages 6, 11

The Great Dictator (1940), pages 6, 12

The Mortal Storm (1940), page 6

The Sealed Verdict (1947), page 6

Ship of Fools (1965), page 7

Scarface: Shame of a Nation (1932), page 10

The House of Rothschild (1934), page 10

Blockade (1938), page 11

Personal History [~not produced], page 11

Foreign Correspondent (1940), page 11

Address Unknown (1943), page 11

Pastor Hall (1940), page 11

The Great Dictator (1940), page 12

The Mortal Storm (1940), page 12

Watch on the Rhine (1945), page 13

M (1931), page 13

La Ronde (1950), page 13

On the Waterfront (1954), page 13

Baby Doll (1956), page 13

Films in Chapter 1—Holocaust Film: Censorship Matters

The Stranger (1946), pages 17, 42, 52

The Diary of Anne Frank (1952), page 17

The Young Lions (1958), page 17

Operation Eichmann (1961), pages 17, 43

Judgment at Nuremberg (1961), pages 17, 29

Ship of Fools (1965), page 17

The Pawnbroker (1965), page 17

Pastor Hall (1940), page 17

The Great Dictator (1940), pages 17, 42

The Mortal Storm (1940), pages 17, 18, 42

So Ends Our Night (1940), pages 17, 42

Schindler's List (1993), page 19

Sophie's Choice (1982), page 21

Scarface: Shame of a Nation (1932), pages 30, 31

The Spy (1917), page 30

Crossfire (1947), page 36

The Young Lions (1958), page 36

Gentleman's Agreement (1947), pages 36, 37

Three Comrades (1937), page 37

The House of Rothschild (1934), pages 37, 41

Imaginary Witness: Hollywood and the Holocaust (2004), page 40

Personal History [~not produced], page 41

Foreign Correspondent (1940), page 42
Blockade (1938), page 41
The Mortal Storm (1940), page 42
So Ends Our Night (1940), page 42
To Be or Not To Be (1942), page 42
Once Upon a Honeymoon (1942), page 42
Hitler's Children (1943), page 42
The Seventh Cross (1943), page 42
Address Unknown (1943), page 42
None Shall Escape (1944), page 42
Tomorrow the World (1944), page 42
Watch on the Rhine (1945), page 42
December 7th (1942), page 42
The North Star (1943), page 42
The Blue Angel (1930), page 42
Bombs over London [*Midnight Menace*] (1937), page 42
Professor Mamlock (1938), rereleased (1941), page 42
The Four Feathers (1939), page 42
Pastor Hall (1940), page 42
Mein Kampf - My Crimes (1940), page 42
Contraband (1940), page 42
In Which We Serve (1942), page 42
The Rakes Progress (1945), page 42
Idiot's Delight (1939), page 42
Thunder Rock (1942), page 42

Films in Chapter 2 – Description of Research Process

Crossfire (1947), pages 43, 45, 50, 51
Gentleman's Agreement (1947), page 43
Pastor Hall (1940), page 49
Exodus (1960), page 50

Confessions of a Nazi Spy (1939), page 50
The Pawnbroker (1965), page 50
Personal History [~not produced], page 50
Blockade (1938), page 50
The Great Dictator (1940), page 53
Watch on the Rhine (1945), page 53
Address Unknown (1943), page 53

Films in Chapter 3 – Censorship: In the Beginning

Censorship is the subject of this chapter. The films listed are only referenced in the chapter. These films are listed in the order they appear in the chapter. *Dawn Sova uses *The Spy* for illustration. ***The Moon Is Blue*, *Man with the Golden Arm*, and *I Am a Camera* are cited in Conant's discussion of the impact of the Paramount Case on page 66.

**The Spy* (1917), page 61
The Miracle (1950), page 63
***The Moon is Blue* (1953), page 67
***Man with the Golden Arm* (1955), page 67
***I Am a Camera* (1955), page 67
M (1931), page 67
La Ronde (1950), page 67

Films in Chapter 4 – The Production Code and the Marking of Movies

Scarface: Shame of a Nation (1932), pages 76-78, 87
Hell's Angels (1930), page 76
Red-Headed Woman (1932), page 77
The Sign of the Cross (1932), page 77
Baby Face (1933), page 77
The House of Rothschild (1934), pages 80 – 88, 91, 95, 100, 101
The Great Dictator (1940), pages 86, 96, 102
Judgment at Nuremberg (1940), page 87
The Pawnbroker (1965), page 87

Blockade (1938), pages 87–92
Personal History [~not produced], pages 92–95, 101
Confessions of a Nazi Spy (1939), pages 93–97, 101
Foreign Correspondent (1940), pages 99-101
Address Unknown (1942), pages 99-102
The Stranger (1946), page 102

Films in Chapter 5 – Censorship during the War

Pastor Hall (1940), pages 107–113, 138
Foreign Correspondent (1940), pages 107, 133, 135
None Shall Escape (1944), page 107
Tomorrow the World (1944), page 107
The Stranger (1946), page 107
Watch on the Rhine (1945), pages 107, 132-135
The Mortal Storm (1940), pages 112, 122, 124, 126
So Ends Our Night [*Flotsam*] (1940), pages 112, 124-125
The House of Rothschild (1934), pages 114, 118
Address Unknown (1943), pages 116, 129, 138
Blockade (1938), pages 116, 133
Confessions of a Nazi Spy (1939), page 116
The Fighting 69th (1940), pages 118, 120
The Glass Key (1917), page 119
All Quiet on the Western Front (1930), page 120
After Mein Kampf – My Crimes (1940), pages 126, 127
Contraband (1940), pages 127, 128
To Be or Not To Be (1942), page 128
Once Upon a Honeymoon (1942), page 128
The Seventh Cross (1944), pages 128, 130-133
The Detective (1968), pages 129, 130
Hitler's Children (1943), page 138

Films in Chapter 6 - After the War: Finding the Way

- Judgment at Nuremberg* (1961), pages 138, 139, 141, 161-166, 181, 183
The Pawnbroker (1965), pages 138, 141, 145, 154, 155, 165-173, 191
Ship of Fools (1965), pages 138, 164, 165
The Stranger (1946), pages 138, 141, 142
Baby Doll (1956), pages 138, 151, 150-155, 171
The Sealed Verdict (1947), pages 138, 142, 143, 154
The Diary of Anne Frank (1959), pages 138, 156
Operation Eichmann (1961), pages 138, 156-158
The Killers (1946), page 141
The Story of G. I. Joe (1945), page 141
On the Waterfront (1954), pages 141, 148, 149
The Great Dictator (1940), pages 142, 149
Citizen Kane (1941), page 143
La Ronde (1950), pages 145-147
M (1931), pages 145-147
Cease Fire (1953), page 148
The Miracle (1950), pages 148, 151
Gone with the Wind (1939), page 148
The Man without a Country (1937), pages 150, 153
Man with the Golden Arm (1955), page 151
The Moon is Blue (1953), page 151
Scarface: Shame of a Nation (1932), page 154
Anatomy of a Murder (1960), page 155
Psycho (1960), page 155
Schindler's List (1993), page 166

Films in Chapter 7 – Silence – The Result of Censorship

- The Pawnbroker* (1965), pages 177, 181, 183
Saving Private Ryan (1998), page 179

The House of Rothschild (1932), page 179
Band of Brothers (1991), page 179
The Man in the Glass Booth (1975), pages 179, 180
The Boys from Brazil (1978), pages 179, 180
Sophie's Choice (1982), page 179
Wallenberg, A Hero's Story (1985), pages 179, 180
Escape from Sobibor (1987), pages 179, 180
Schindler's List (1993), pages 179, 180
Swing Kids (1993), pages 179, 180
Baby Doll, (1956), page 183
The Sealed Verdict (1947), page 183
Scarface: Shame of a Nation (1932), page 190

B. Films Listed by Year of Release

The Spy (1917), pages 30, 61
The Glass Key (1917), page 119
The Blue Angel (1930), page 42
All Quiet on the Western Front (1930), page 120
Hell's Angels (1930), page 76
M (1931), pages 13, 67, 145-147
Red Headed Woman (1932), page 77
The Sign of the Cross (1932), page 77
Scarface: Shame of a Nation (1932), pages 10, 31, 32, 75-78, 87, 154, 190
Baby Face (1933), page 77
The House of Rothschild (1934), pages 10, 37, 41, 80-88, 91, 95, 100,
101, 114, 118, 179
Bombs over London (Midnight Menace) (1937), page 43
The Man without a Country (1937), pages 150, 153
Three Comrades (1937), page 37
Blockade (1938), pages 11, 41, 50, 87-92, 116, 133
Personal History [~1938, never produced], pages 11, 42, 93-95

Professor Mamlock (1938), page 42
Confessions of a Nazi Spy (1939), pages 6, 11, 42, 50, 93-97, 101, 116
The Four Feathers (1939), page 42
Gone with the Wind (1939), page 148
Idiot's Delight (1939), page 42
Contraband (1940), pages 42, 127, 128
Contraband (1940), pages 42, 127, 128
The Great Dictator (1940), pages 6, 12, 17, 42, 53, 86, 96, 102, 107, 142, 149
Foreign Correspondent (1940), pages 11, 41, 95-99, 101, 107-112, 133, 135
The Mortal Storm (1940), pages 6, 17, 42, 107, 112, 122, 124, 126
Mein Kampf - My Crimes (1940), pages 43, 126, 127
Pastor Hall (1940), pages 11, 17, 42, 49, 107-113, 138
So Ends Our Night (1940), pages 17, 42, 107, 112, 124, 126
The Fighting 69th (1940), pages 118, 120
Citizen Kane (1941), page 143
To Be or Not To Be (1942), pages 42, 107, 128
December 7th (1942), page 42
In Which We Serve (1942), page 42
Once Upon a Honeymoon (1942), pages 42, 128
Thunder Rock (1942), page 42
Address Unknown (1943), pages 11, 42, 53, 99,100, 107, 116, 128, 137
Hitler's Children (1943), pages 42, 107, 138
The North Star (1943), page 42
None Shall Escape (1944), pages 42, 107
The Seventh Cross (1944), pages 42, 107, 128, 130-133
Tomorrow the World (1944), pages 42, 107
The Rakes Progress (1945), page 42
Watch on the Rhine (1945), pages 13, 42, 53, 92, 107, 132-135
The Story of G. I. Joe (1945), page 141

The Killers (1946), page 141
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II. Films Reviewed but not Referenced

A. Films Listed by Year of Release

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Sword in the Desert (1949)
Juggler, The (1953)
Singing in the Dark (1956)
Me and the Colonel (1958)
Verboten (1959)
In the Presence of Mine Enemies (1960)
After Mein Kampf (1961)
Lisa (The Inspector) (1962)
Sighet, Sighet (1964)
Sound of Music, The (1965)
Cast a Giant Shadow (1966)
Judith (1966)
ReTour, Le (Reunion) (1967)
Tobruk (1967)
Love Camp Seven (1968)
Producers, The (1968)
Rise and Fall of the Third Reich, The (1968)

B. Films Ordered Alphabetically

After Mein Kampf (1961)
Berlin Express (1948)
Cast a Giant Shadow (1966)
In the Presence of Mine Enemies (1960)
Judith (1966)
Juggler, The (1953)
Lisa (The Inspector) (1962)

Love Camp Seven (1968)
Me and the Colonel (1958)
Nuremberg (Nürnberg und seine Lehre) (1948)
Producers, The (1968)
ReTour, Le (Reunion) (1967)
Reunion (1946)
Rise and Fall of the Third Reich, The (1968)
Search, The (1948)
Sighet, Sighet (1964)
Singing in the Dark (1956)
Sound of Music, The (1965)
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Sword in the Desert (1949)
Tobruk (1967)
Verboten (1959)

Appendix B

List of “Don’ts” and “Be Carefuls” The Hays Code (1927)

(This was the first formulation of what would later become the Production Code. This list was created under the Will Hays administration of the SRC. The major film studios adopted it in 1927.)

Resolved, that those things which are included in the following list shall not appear in pictures produced by members of this Association, irrespective of the manner in which they are treated:

1. Pointed profanity - by either title or lip - this includes words “God,” “Lord,” “Jesus Christ,” (unless used reverently in connection with proper religious ceremonies), “hell,” “damn,” “Gawd,” and every other profane and vulgar expression, however it may be spelled.
2. Any licentious or suggestive nudity - in fact, or in silhouette; and any lecherous or licentious notice thereof by other characters in the picture.
3. The illegal traffic in drugs.
4. Any inference of sex perversion.
5. White slavery.
6. Miscegenation (sex relationships between the white and black races).
7. Sex hygiene and venereal diseases.
8. Scenes of actual childbirth - in fact or in silhouette.
9. Children’s sex organs.
10. Ridicule of the clergy.
11. Willful offense to any nation, race, or creed.

And be it further resolved that special care be exercised in the manner in which the following subjects are treated, to the end that vulgarity and suggestiveness may be eliminated and that good taste may be emphasized:

1. The use of the flag.

2. International relations (avoiding picturization in an unfavorable light in an unfavorable light another country's religion, history, institutions, prominent people, and citizenry).
 3. Arson.
 4. The use of firearms.
 5. Theft, robbery, safecracking, and dynamiting of trains, mines, buildings, etc. (having in mind the effect which a too detailed description of these may have upon the moron).
 6. Brutality and gruesomeness.
 7. Technique of committing murder by whatever method.
 8. Methods of smuggling.
 9. Third-degree methods.
 10. Actual hangings or electrocutions as legal punishment for crime.
 11. Sympathy for criminals.
 12. Attitude toward public and institutions.
 13. Sedition.
 14. Apparent cruelty to children and animals.
 15. Branding of people or animals.
 16. The sale of women, or of a woman selling her virtues.
 17. Rape or attempted rape.
 18. First-night scenes.
 19. Man and woman in bed together.
 20. Deliberate seduction of girls.
 21. The institution of marriage.
 22. Surgical operations.
 23. The use of drugs.
 24. Titles or scenes having to do with the law enforcement or law enforcement officers.
 25. Excessive or lustful kissing, particular when one character or the other is a "heavy."
- Resolved, that the execution of the purpose of this resolution is a fair trade practice.

Appendix C

The Motion Picture Production Code of 1930 (Hays Code)

If motion pictures present stories that will affect lives for the better, they can become the most powerful force for the improvement of mankind.

A Code to Govern the Making of Talking, Synchronized and Silent Motion Pictures. Formulated and formally adopted by The Association of Motion Picture Producers, Inc. and The Motion Picture Producers and Distributors of America, Inc. in March 1930.

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

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

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

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

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

General Principles

1. No picture shall be produced that will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil or sin.
2. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented.
3. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.

Particular Applications

I. Crimes Against the Law

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

1. Murder
 - a. The technique of murder must be presented in a way that will not inspire imitation.

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

II. Sex

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

- 1. Adultery, sometimes necessary plot material, must not be explicitly treated, or justified, or presented attractively.
- 2. Scenes of Passion
 - a. They should not be introduced when not essential to the plot.
 - b. Excessive and lustful kissing, lustful embraces, suggestive postures and gestures, are not to be shown.
 - c. In general passion should so be treated that these scenes do not stimulate the lower and baser element.
- 3. Seduction or Rape
 - a. They should never be more than suggested, and only when essential for the plot, and even then never shown by explicit method.
 - b. They are never the proper subject for comedy.
- 4. Sex perversion or any inference to it is forbidden.
- 5. White slavery shall not be treated.
- 6. Miscegenation (sex relationships between the white and black races) is forbidden.
- 7. Sex hygiene and venereal diseases are not subjects for motion pictures.
- 8. Scenes of actual child birth, in fact or in silhouette, are never to be presented.
- 9. Children's sex organs are never to be exposed.

III. Vulgarity

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

IV. Obscenity

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

V. Profanity

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

VI. Costume

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

VII. Dances

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

VIII. Religion

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

IX. Locations

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

X. National Feelings

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

XI. Titles

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

XII. Repellent Subjects

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

1. Actual hangings or electrocutions as legal punishments for crime.

2. Third degree methods.
3. Brutality and possible gruesomeness.
4. Branding of people or animals.
5. Apparent cruelty to children or animals.
6. The sale of women, or a woman selling her virtue.
7. Surgical operations.

Reasons Supporting the Preamble of the Code

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

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

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

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

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

So correct entertainment raises the whole standard of a nation.

Wrong entertainment lowers the whole living conditions and moral ideals of a race.

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

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

II. Motion pictures are very important as ART.

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

Here, as in entertainment,

Art enters intimately into the lives of human beings.

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

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

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

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

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

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

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

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

B. By reason of the mobility of film and the ease of picture distribution, and because the possibility of duplicating positives in large quantities, this art reaches places unpenetrated by other forms of art.

C. Because of these two facts, it is difficult to produce films intended for only certain classes of people. The exhibitors' theatres are built for the masses, for the cultivated and the rude, the mature and the immature, the self-respecting and the criminal. Films, unlike books and music, can with difficulty be confined to certain selected groups.

D. The latitude given to film material cannot, in consequence, be as wide as the latitude given to book material. In addition:

a. A book describes; a film vividly presents. One presents on a cold page; the other by apparently living people.

b. A book reaches the mind through words merely; a film reaches the eyes and ears through the reproduction of actual events.

c. The reaction of a reader to a book depends largely on the keenness of the reader's imagination; the reaction to a film depends on the vividness of presentation.

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

- E. This is also true when comparing the film with the newspaper.
- a. Newspapers present by description, films by actual presentation.
 - b. Newspapers are after the fact and present things as having taken place; the film gives the events in the process of enactment and with apparent reality of life.
- F. Everything possible in a play is not possible in a film:
- a. Because of the larger audience of the film, and its consequential mixed character. Psychologically, the larger the audience, the lower the moral mass resistance to suggestion.
 - b. Because through light, enlargement of character, presentation, scenic emphasis, etc., the screen story is brought closer to the audience than the play.
 - c. The enthusiasm for and interest in the film actors and actresses, developed beyond anything of the sort in history, makes the audience largely sympathetic toward the characters they portray and the stories in which they figure. Hence the audience is more ready to confuse actor and actress and the characters they portray, and it is most receptive of the emotions and ideals presented by the favorite stars.
- G. Small communities, remote from sophistication and from the hardening process which often takes place in the ethical and moral standards of larger cities, are easily and readily reached by any sort of film.
- H. The grandeur of mass settings, large action, spectacular features, etc., affects and arouses more intensely the emotional side of the audience.
- In general, the mobility, popularity, accessibility, emotional appeal, vividness, straightforward presentation of fact in the film make for more intimate contact with a larger audience and for greater emotional appeal.
- Hence the larger moral responsibilities of the motion pictures.

Reasons Underlying the General Principles

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

This is done:

1. When evil is made to appear attractive and alluring, and good is made to appear unattractive.
2. When the sympathy of the audience is thrown on the side of crime, wrongdoing, evil, sin. The same is true of a film that would throw sympathy against goodness, honor, innocence, purity or honesty.

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

- a. That evil is not presented alluringly. Even if later in the film the evil is condemned or punished, it must not be allowed to appear so attractive that the audience's emotions are

drawn to desire or approve so strongly that later the condemnation is forgotten and only the apparent joy of sin is remembered.

b. That throughout, the audience feels sure that evil is wrong and good is right.

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

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

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

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

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

By human law is understood the law written by civilized nations.

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

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

Reasons Underlying the Particular Applications

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

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

a. In the first class come murder, most theft, many legal crimes, lying, hypocrisy, cruelty, etc.

b. In the second class come sex sins, sins and crimes of apparent heroism, such as banditry, daring thefts, leadership in evil, organized crime, revenge, etc.

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

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

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

III. A careful distinction can be made between films intended for general distribution, and films intended for use in theatres restricted to a limited audience.

Themes and plots quite appropriate for the latter would be altogether out of place and dangerous in the former.

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

However, maturer minds may easily understand and accept without harm subject matter in plots which do younger people positive harm.

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

I. Crimes Against the Law

The treatment of crimes against the law must not:

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

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

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

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

II. Sex

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

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

Even within the limits of pure love, certain facts have been universally regarded by lawmakers as outside the limits of safe presentation.

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

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

III. Vulgarity; IV. Obscenity; V. Profanity

hardly need further explanation than is contained in the Code.

VI. Costume

General Principles:

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

VII. Dances

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

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

VIII. Religion

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

IX. Locations

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

X. National Feelings

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

XI. Titles

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

XII. Repellent Subjects

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

Appendix D
Special Regulations on Crime in Motion Pictures (1938)

Resolved, that the board of directors of the Motion Picture Association of America, Inc., hereby ratifies, approves, and confirms the interpretations of the Production Code, the practices there under, and the resolutions indicating and confirming such interpretations heretofore adopted by the Association of Motion Picture Producers, Inc., effectuating regulations relative to the treat of crime in motion pictures as follows:

1. Details of crime must never be shown and care should be exercised at all times in discussing such details.
2. Action suggestive of wholesale slaughter of human beings, either by criminals, in conflict with police, or as between warring fractions [sic] of criminals, or in public disorders of any kind, will not be allowed.
3. There must be no suggestion, at any time of excessive brutality.
4. Because of the increase in the number of films in which murder is frequently committed, action showing the taking of human life, even in the mystery stories, it to be cut to the minimum. These frequent presentations of murder tend to lessen regard for the sacredness of life.
5. Suicide, as a solution of problems occurring in the development of screen drama, is to be discouraged as morally questionable and as bad theatre--unless absolutely necessary for the development of the plot.
6. There must be no display, at any time, of machine guns, sub-machine guns or other weapons generally classified as illegal weapons in the hands of gangsters, or other criminals, and there are to be no off stage sounds of the repercussions of these guns.
7. There must be no new, unique trick methods shown for concealing guns.
8. The flaunting of weapons by gangsters, or other criminals, will not be allowed.
9. All discussions and dialogue on the part of gangsters regarding guns should be cut to the minimum.
10. There must be no scenes, at any time, showing law-enforcement officers dying at the hands of criminals. This includes private detectives and guards for banks, motor trucks, etc.

11. With special reference to the crime of kidnapping--or illegal abduction--such stories are acceptable under the Code only when the kidnapping or abduction is

- (a) not the main theme of the story,
- (b) the person kidnapped is not a child;
- (c) there are no trails of kidnapping;
- (d) no profit accrues to the abductors or kidnappers ; and (e) where the kidnappers are punished.

12. Pictures dealing with criminal activities, in which minors participate, or to which minors are related, shall not be approved if they incite demoralizing imitation on the part of youth.

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