Chapter 3

Sound and the Production Code

Despite studio heads' best efforts to manage risk and build consistency into the studio system, they have never been able to stave off disruptions for very long. There is always a new cultural, aesthetic, or technological change on the horizon. The studios have not always responded to these disruptions in the same way, yet Hollywood has consistently managed to adjust to new circumstances. And in almost every instance, the studio system has emerged stronger than it was before the change.

Sound and the challenges of new technology

The move to synchronized sound cinema was arguably the largest format shift in the history of moving images. To switch from one digital format to another simply requires a software conversion. But the adoption of sound required every studio and every theater to be refitted with new sound technology and sound-friendly architecture. In part for that reason, Hollywood was slow to adopt synchronized sound, and, in a pattern that is repeated throughout film history, the smaller studios led the way forward.

Edison had plans to combine sound and image even in his first experiments. And German, French, and English inventors developed synchronized sound systems throughout the 1910s and 1920s. The American inventor Lee DeForest developed one of the most successful early sound-film technologies, called Phonofilm. DeForest had been a key inventor of radio technology, and he perfected his sound-film technology in the early 1920s. Phonofilm used a sound-on-film system, converting sound waves into light waves, which were then printed on film next to the images.

It was an effective method of keeping sound and image in synchronization, and DeForest promoted his invention with films of many celebrities, including comedian Eddie Cantor and President Calvin Coolidge.

Phonofilm premiered at the Rivoli Theatre in New York in 1923. The animation team of Max and Dave Fleischer were excited by the display, and they made a series of short films using Phonofilm. But no major studio licensed the technology, and DeForest became embroiled in patent disputes that bogged down his company. In the end, his invention foundered largely because it was slightly ahead of his time. It would be another two or three years before all of the financial pieces were in place for studios to begin experimenting with sound.

When sound did come to Hollywood, two then-minor studios, Warner Bros. and Fox, pursued the new technology as part of ultimately successful expansion bids. Paramount, MGM, and other major studios owned large theater chains and had flagship movie palaces in major cities where their films were shown with live music. Warner Bros. initially planned to make sound shorts to show between feature films, replicating the feeling of having live entertainment.

Fox's scheme entailed moving slowly into sound film by adding voice-overs to newsreels. Both studios also took out large loans, built extensive sound stages, and invested in theaters as well. Warner Bros. bought a radio station to promote its new sound division, and Fox bought the Roxy movie palace in New York, so that it would have a first-run theater.

The two companies bet on very different technologies. Warner Bros. teamed up with Western Electric/AT&T and investment bank Goldman Sachs to create a sound-on-disc technology called Vitaphone. As a movie played, it was synchronized with a record. Fox licensed US and German patents to create a sound-on-film technology called Movietone, which had much better synchronization than Vitaphone. Together, they started a format war. Few theaters could afford to adopt multiple sound formats, and if one company controlled film sound technology, it would have a major competitive advantage.

In 1926–1927, both Warner Bros. and Fox moved into sound-film production. They made shorts, newsreels, and feature films with synchronized music tracks. Many of these experiments showed off what sound

could do for the film experience. One Fox Movietone short featured playwright George Bernard Shaw casually strolling up to the camera and offering a seemingly off-the-cuff monologue. The short is carefully framed and scripted to give the audience the impression that they are having a personal encounter with a celebrity. The addition of synchronized sound makes the experience all the more immediate. There is one jarring moment, however, at the very end. Shaw says "goodnight" and then realizes that his audience might be watching a matinee in which case, he points out, he should have said "good afternoon." The slip breaks the illusion and reminds both Shaw and viewers of the mediated nature of the encounter. But it also reminds us just how transporting the film had been up until that point. In the 1920s, the film created a powerful feeling of proximity to a well-known figure; today it brings a long-dead literary giant back to life.

In other experiments, Warner Bros. and Fox recorded lush orchestral scores and some minor sound effects to be synchronized with feature-length films. The first Vitaphone feature, *Don Juan* (1926), starred John Barrymore in Warner Bros.' most expensive production up until that time. Sparing no expense, the studio hired the New York Philharmonic to record the

score. In many theaters, *Don Juan* was preceded by a short film of Hollywood's chief spokesperson, Will Hays, promoting the new phenomenon of sound film.

Synchronized soundtracks represented a significant change in the creative power dynamics of the film industry. Filmgoing had always been a partially local experience. Silent films arrived at theaters incomplete, and exhibitors were left to add music and sometimes sound effects, which could be as much a part of the show as the images. Starting in the mid-1910s, film producers began sending musical scores to accompany films, but not every theater could accommodate producers' requests, and the exhibitors could easily ignore the printed scores. The addition of synchronized soundtracks, however, consolidated creative control in the hands of producers, who now oversaw every aspect of the film experience. Film took the final step in becoming a mass medium.

It is sometimes claimed that the introduction of sound set the visual art of moviemaking back years. Virtuosic late silent films like William Wellman's *Wings* (1927) and King Vidor's *The Crowd* (1928) gave way to stilted early sound productions with stationary cameras and equally stationary actors, who needed to stay close

to on-set microphones—a situation later satirized in *Singin' in the Rain* (1952).

But many of the earliest sound films brought the art of radio and theater to the movies. One early sound classic began when William Fox hired German expressionist director F. W. Murnau to make a prestige silent movie, to which a synchronized Movietone soundtrack was later added. Murnau took two popular Fox contract stars, Janet Gaynor and George O'Brien, and put them in a moody expressionistic masterpiece, *Sunrise* (1927).

In *Sunrise*, Gaynor and O'Brien play the Man and the Wife, a country couple who have marital problems when O'Brien has an affair with the Woman from the City. The city woman convinces O'Brien to drown his wife, but when he takes Gaynor out on a boat, he cannot go through with the murder. O'Brien furiously rows the boat to the city shore, and the couple spend the day wandering through the city while their love is rekindled. In the style of German expressionist films, which were still in fashion in the United States, the film explores the characters' internal states of mind in addition to the objective reality of the narrative.

The soundtrack is as powerful a force as the images. In a pivotal scene, for example, Gaynor and O'Brien happen upon a wedding in progress. They hear the church bells ring and are reminded of their own vows. Wandering from the church into an intersection, the couple embarks on a collective reverie: they are visually transported back to country, and we see them walking into a meadow. The soundtrack also relates their emotional experience of the moment, and we hear the leitmotif associated with the country sequences from earlier in the film. All of a sudden, the reality that traffic has descended upon them in the busy intersection is signaled first by horns and men yelling on the soundtrack. Then they are shown surrounded by cars and trucks. The music and sound effects mix the interior and exterior experiences of the characters, creating an early work of subjective sound artistry.

Sunrise may be a classic of film history, but at the time of its release it was upstaged by the two short films that accompanied its premiere. A film of the Vatican choir demonstrated that sound film could bring the best of the world's music to theaters everywhere, while a film showing a speech by Benito Mussolini brought current events to life.

Sunrise was also buried under the excitement for *The Jazz Singer* (1927), which Warner Bros. released just two weeks later. *The Jazz Singer* is famous as the first talkie, but both technically and aesthetically it is a strange object. It is a patchwork of sound and silent cinema, theater and movies, all wrapped in the blackface minstrel tradition, which was already in decline. At some level, this works with the plot, which is about the clash of traditions. The main character, played by Broadway star Al Jolson, leaves the cantorial tradition of his Jewish family to sing jazz. But the mix of styles also feels like Warner Bros. was taking only the tiniest step toward real sound cinema. *The Jazz Singer* is essentially a silent movie with a few musical interludes, some of which contain talking before or after a song.

The film had to be released in fifteen separate reels, each with its own disc, to give projectionists the best chance of keeping all of the scenes in synchronization. Many filmgoers had seen talking and musical shorts before *The Jazz Singer*, and the film is really just a series of musical shorts integrated into a silent feature film. But that was enough to suggest the possibilities of all-talking-and-singing movies, and *The Jazz Singer* hastened the revolution already

in progress.

The leaders of the five major studios at the time—First National, MGM, Paramount, Producers Distributing Corporation, and Universal—watched from the sidelines as Fox and Warner Bros. fought their format war. The studio heads realized that if any one company controlled the sound platform, it would have too much power. Eight months before *The Jazz Singer*'s premiere, the majors signed a formal agreement among themselves saying that they would study the options and all adopt a single sound standard. Eventually, the studios all transitioned to a new sound-on-film technology developed by Western Electric.

For a few years, studios released films in multiple formats, but by 1930 the transition to a single sound format was complete. The disruption unleashed by two smaller companies reshuffled the makeup of the industry: there were new mergers and reorganizations, and one entirely new studio, RKO, was started. But in the end, the introduction of sound strengthened Hollywood.

Largely because sound made film into an exciting novelty, the American film industry was one of the few—if not the only—

industry to prosper during the first years of the Great Depression. The effects of the Depression on Hollywood were delayed because of sound, but they did hit eventually, and every studio with the exception of MGM experienced significant financial problems in the early 1930s. Among other issues, the stock market crash shortly after the studios took out large loans to support their conversion to sound ended up increasing Wall Street's control of the movie industry.

Of course sound had major aesthetic implications as well. Silent film had been an international language. With the translation of a few title cards, films could be shown in any country. But sound film turned movie production into a monolingual enterprise. At first, studios tried shooting films in multiple languages with multiple casts. The English-speaking actors shot a scene, and then the Spanish-speaking actors took their turn, followed by French-speaking cast. But that expensive and cumbersome solution did not last long. By the early 1930s dubbing and subtitling facilities had been set up in most major export markets.

There was also a bit of truth to the claims that sound cinema set filmmaking back. Early sound technology imposed many

technical and artistic constraints on studio productions. Noisy cameras needed to be confined to immobile soundproof booths, so that the mechanical sounds of the camera would not interfere with the recording. Actors were recorded live on set, and they had to stand close to the large microphones concealed by scenery or hanging from the studio rafters. Sometimes whole orchestras were placed on the set to provide background music, because for a time musical scores could not be added after shooting. And long scenes needed to be recorded in one take to avoid disruptive sound cuts.

Limited by the technology, in the late 1920s and early 1930s Hollywood lured writers, singers, and stage performers to Los Angeles to provide the dialogue and music needed for sound movies. They churned out musicals and dramas that were little more than filmed theater. But sometimes not knowing the technical limitation can be a path to innovation. It took a theater director, Rouben Mamoulian, making his first film, *Applause* (1929), to free the camera again. He put the large soundproof camera booths on wheels, and he recorded multiple sound tracks that were mixed together during postproduction. And Hollywood successfully incorporated sound technology into both the business and art of the studio system.

The Production Code

Hollywood's transition to sound came during turbulent times. In addition to the Great Depression, the1930s saw the rise of fascist and communist world powers, and in the United States longstanding complaints by religious organizations that Hollywood was inciting violence and immorality reached a fever pitch. The Hollywood studios ultimately addressed all of these issues by adopting the Production Code. The Production Code is widely misunderstood as a form of censorship. It is more accurate to see it as document that helped the industry frame political and social messages and reach a broad audience.

Pressure on the American film industry to regulate its content began early. Edison's trust, the Motion Picture Patents Company, as we saw earlier, adopted a form of self-censorship in order to deflect criticism and government regulation. Despite the trust's efforts, however, many state censor boards arose to control the distribution of film in the United States. In 1915, the Mutual Film Corporation challenged the Ohio state censor board in a case that eventually reached the Supreme Court. In a unanimous decision, the court ruled that filmmakers were

not entitled to freedom of speech under the First Amendment. On the contrary, the decision declared the movie industry to be "a business pure and simple," and stated further that films are "capable of evil." The decision went on to worry about the mixing of men and women, children and adults in the public space of the movie theater. Rather than a form of creative expression, film would be treated like meat or industrial waste, regulated for the health of society. State censorship of film was officially sanctioned, and films would not enjoy First Amendment protection until the 1950s.

One type of federal film-content regulation followed quickly on the heels of the Mutual decision. During World War I, journalist George Creel oversaw the Committee on Public Information, a propaganda organization established by President Woodrow Wilson. Among other tasks, the Creel Committee, as it was called, lobbied for legislation to put the circulation of American media in the service of the war. The Espionage Act of 1917 banned media that interfered with military operations and recruitment; the Trading with the Enemy Act, passed the same year, allowed government oversight of all exported media; and the Sedition Act of 1918 broadly outlawed disloyal statements.

These were not idle pieces of legislation. One filmmaker served three years of a ten-year sentence for making a film that depicted British atrocities during the American Revolutionary War. The film, the court decided, would strain relations with US ally Britain. The repercussions of the Espionage Act continue to be felt, and it has been used in the twenty-first century to prosecute government employees who have leaked confidential information, including Chelsea (formerly Bradley) Manning and Edward Snowden. Outside of the United States in the 1910s and 1920s, many countries had censorship policies that applied to US exported films, and the United Kingdom adopted a rating system.

In addition to government oversight, Hollywood felt pressure from religious leaders whose indignation was fueled by a succession of Hollywood scandals. First, two of America's biggest stars, Mary Pickford and Douglas Fairbanks, married each other while Pickford's quickie divorce from her first husband was still being contested. Then, matinee idol Wallace Reid died as a result of his morphine addiction. But the most damaging scandal involved the murder trial of popular comedian Fatty Arbuckle. Arbuckle was accused of the rape and murder of actress Virginia Rappe

during a party at the St. Francis Hotel in San Francisco. After three trials, Arbuckle was acquitted, but the manslaughter charge was not the real scandal. Newspaper readers were titillated and shocked by the salacious details of wild Hollywood parties that came out during the protracted trials.

In order to counter pressure from religious groups and the looming threat of federal film censorship, the studios formed the Motion Picture Producers and Distributors of America (MPPDA), which later became the Motion Picture Association of America. Major League Baseball had similarly addressed its corruption scandals a few years earlier by appointing a commissioner to clean up the industry.

The MPPDA's head, Will Hays, was not only a well-connected Republican Party leader; he was also an awkward-looking Presbyterian elder. In other words, he embodied the opposite of Hollywood's glamorous, indulgent image. Under Hays's leadership, the MPPDA collaborated with Protestant and Catholic leaders to construct a set of guidelines for the film industry. They wrote a preliminary draft in 1924, which became the list of "Don'ts and Be Carefuls" in 1927, which was finally formalized as the Production Code in 1930.

The code listed general principles to be followed, as well as some specific no-nos. It acknowledged that Hollywood had a moral and political obligation to its audience, but it also defended filmmakers' need to depict some "evil" in the service of drama. Filmmakers were warned not to depict sex and crime "alluringly," and films were never to ridicule religion, celebrate obscenity (the can-can dance was listed as an example) or represent non-Americans unfavorably. In other words, the code ensured that films would not take controversial political or moral positions, and, as a result, Hollywood would avoid offending potential ticket buyers in the United States and abroad. Finally, the code contained story-writing advice, helping to achieve the always present goal of imposing filmmaking formulas.

The Production Code made it clear that sex, violence, and political extremism were often necessary for movie plots, but they needed to be contained within a narrative that clearly signaled a mainstream moral and political center. Extramarital sex, for example, had to be appropriately punished, usually by death. Criminals could engage in violence as long as they paid the price later. It has been said that if you lop off the last twenty minutes of all

American movies, Hollywood would have the most transgressive cinema tradition in the world. If that is true, it is largely as a result of filmmakers appeasing the MPPDA by using narratives designed to reveal and then contain sex, violence, and politics.

The first thing that Hollywood did after establishing the code in 1930 was to ignore it, and 1930-1933 is known, confusingly, as the "precode era." Instead of reining in filmmakers, the code ushered in a period of sexually explicit, violent, and politically revolutionary movies. During the precode era, screenwriter and actress Mae West delighted in devising novel double entendres, violent gangster films flourished, and filmmakers flirted with fascism and communism.

One of the stranger films of the period, *Gabriel over the White House* (1933), was independently produced by Hollywood insider Walter Wanger and newspaper magnate William Randolph Hearst and distributed by MGM. The film melds fascist and socialist ideologies to imagine a US president who assumes dictatorial control over the country in order to implement a system of social services, much like those proposed at the time by Democratic presidential contender Franklin Delano Roosevelt. MGM head and ardent

Republican Louis B. Mayer wanted the film permanently shelved. But its release was ultimately delayed until after Roosevelt's inauguration to lessen the relevance of its radical message. Indeed, many precode films were so risqué that when they were rereleased, they had to be recut to meet the stricter moral standards of the late 1930s, 1940s, or 1950s.

The precode era may seem like a period with little oversight by the MPPDA, but the code was actively being enforced at the time by the organization's Studio Relations Committee (SRC), overseen by longtime MPPDA employee Jason Joy. The Production Code files contain thousands of letters between the SRC and the studios discussing script ideas, plot details, and completed films. The SRC stayed closely involved with all studio productions during the period, and every film released by the studios received a seal saying that it had passed the SRC's scrutiny.

In general, the SRC took a two-pronged approach to ensuring films met its standards. First, the SRC attempted to minimize the spectacle of sexually explicit, violent, or politically controversial material. Films could not show too much. And second, as dictated by the code, the SRC made sure that when such spectacles were important

to the plot, they were explained through narratives that punished the wicked and reinforced the effectiveness of social institutions like the police and the courts.

One slightly unusual example of a film that went through the SRC oversight process is *Scarface* (1932), a film produced by wealthy eccentric businessman Howard Hughes, who went on to have a long history of pushing the boundaries of the Production Code. *Scarface* was the loosely fictionalized story of real-life gangster Al Capone. Capone shared the nicknamed Scarface with the film's title character, and he bore a close physical resemblance to the film's star, Paul Muni. The SRC opposed this film from the start, both because of its extreme violence and because the SRC feared that it would glamourize gangsters, making Capone into a hero. But Hughes and director Howard Hawks could not be deterred. They continued to push back against SRC warnings until they convinced Jason Joy that the film's excessive violence added up to a condemnation of violence.

The SRC may have been convinced of the film's pacifist message, but they wanted to ensure that audiences received that message correctly too. First, the SRC required a subtitle *Scarface: The Shame of the Nation*. Then they inserted a long printed pro-

logue, explaining that the film represented the threat of violence to American society, and it was a call for Congress to solve the problem. Finally, the SRC had alternate endings shot by a new director. The original film ends with Scarface surviving what should have been a fatal barrage of gunshots. Brian DePalma's 1983 remake with Al Pacino ends similarly, though Pacino is finally killed.

In the first alternate ending, Scarface begs for mercy when he finds himself cornered by the police, revealing that, underneath the tough exterior he displayed throughout the film, he was cowardly in the face of death, deterring children who might idolize him. In the second alternate ending, Scarface is sentenced to death and executed, reinforcing the power of state institutions to cure society's ailments. The SRC believed that the narrative frame contained the controversial spectacle of violence that Scarface displays throughout the film, and Jason Joy and Will Hays lobbied state censor boards—often unsuccessfully—for permission to show the film.

It is important to remember that the SRC worked for the studios. It was Joy and Hays's job to help films sail smoothly past state and foreign censor boards, reaching more ticket buyers. The Production Code

enforcers were not the final arbiters of morality; they were the intermediaries, trying to ensure that Hollywood reflected mainstream morality and ideology.

By 1933, it became clear that the SRC was not sufficiently quelling the growing wave of anti-Hollywood criticism. A series of dubious academic studies, known collectively as the Payne Fund studies, sought to prove that film violence led to a more violent society. Despite heavy academic criticism, the studies resulted in several books and many newspaper headlines. The research was eventually summarized in a popular and inflammatory book, *Our Movie-Made Children* (1935).

In 1933 religious opposition to Hollywood came to a new head as well with the formation of the Catholic Legion of Decency, dedicated to purifying the American film industry and later rating films. The organization quickly expanded to include a wider range of religious leaders. Also, by that time, the Depression had hit Hollywood, ticket sales were down, and the studios were more vulnerable than ever to institutionalized opposition to movies.

In response to the chorus of critics, the MPPDA rebranded the SRC the Production

Code Administration (PCA). Jason Joy was replaced by Joseph Breen, who adopted a new approach to applying the code. Breen embraced the job with the zeal of a true believer, and his notorious anti-Semitism and staunch anticommunist beliefs stoked his hatred of Hollywood. Breen brought a more systematic approach to film regulation, and he introduced stricter standards.

Even with Breen's censorial attitude, however, the Production Code remained a studio-biased document, designed to help sell more films. The PCA continued to offer expertise on the standards of state and foreign censor boards, advising Hollywood screenwriters, for example, not to include the word "lousy," which was fine in the United States but not permitted in the United Kingdom, where it retained its original meaning and suggested the presence of lice. Breen also took extra care to prevent studios from offending politicians in Washington whom the industry might later need to call on for a favor.

Like the star and genre systems, the Production Code brought standardization to the business of filmmaking. It also helped codify the language of storytelling, developing a system of representation that could be read in multiple ways. This multivalent language applied to dialogue,

editing, acting, and cinematography. As Jason Joy once put it, the studios and the Production Code enforcers collaborated to create a language "from which conclusions might be drawn by the sophisticated mind, but which would mean nothing to the unsophisticated and inexperienced."

It might be more accurate to say that Hollywood bifurcated its audience into spectators who chose—consciously or not—to read cues one way or another. We all know that a couple kissing followed by a pan to a fireplace implies that their offscreen activity is heating up. But that is only the most cliché example of the system of double meanings Hollywood and the MPPDA created to allow films to address complex issues during the golden age of the studios.

Josef von Sternberg's precode melodrama *Blonde Venus* (1932), for example, led to a very long correspondence between the director and the SRC as they negotiated how to tell the story of a woman who uses sex to advance her singing career in an attempt to pay for her sick husband's medical care. In the second half of the film, Helen, played by Marlene Dietrich, is forced to work as a prostitute. After very heavy editing, however, there are only a few hints to suggest her career change. The most explicit refer-

ence comes when Helen is unable to pay for her dinner at a restaurant, and the owner offers a barter of sex with the phrase, "You gonna wash my dishes?" In the context of the narrative, it is not hard to catch the suggested meaning. But audiences could understand it literally if they chose to.

5. Cary Grant, Katharine Hepburn, May Robson, and Asta (the dog) on the set of *Bringing Up Baby* (RKO, 1938). Grant is dressed in the outfit he wears when he skirts the Production Code with the line "I just went gay all of a sudden."

The Production Code's multivalent language worked with other elements of the studio system. Just as Cary Grant's offscreen star image could be crafted to be read as both straight and gay, so could his onscreen image. And, of course, the two images reinforced each other. Even though representations of homosexuality, or "sex perversion," as it was called in the Production Code, were officially banned by the SRC and PCA, queerness could be suggested in many ways. When, for example, a woman walks through a door in Howard Hawks's *Bringing Up Baby* (1938) to find Grant in a frilly woman's dressing gown, she asks why he is dressed that way. Grant jumps up exuberantly and declares, "Because I just went gay all of a sudden." At the time, the word gay perfectly fit Hollywood's developing double language. Its dominant meaning was still happy, but gay was also starting to connote homosexuality, and that reading was available to some audience members, especially if they had read about Grant's offscreen life. Grant's line was also an ad lib, not in the original script, and so would have avoided the script stage of PCA scrutiny. It is a testament to the openness of the code that today both meanings have switched, and the minority of viewers will hear gay to mean happy.

At first it may seem shocking that an industry would regulate itself so heavily. But upon closer inspection it becomes clear that the Production Code served an integral role in the standardization of the studio system, reducing the risks that films might find opposition along the distribution chain. It kept US federal and religious censors at bay; it smoothed films' paths through state and foreign censor boards; it codified film stories with a set of narrative expectations; and it created a language for obliquely addressing sex, violence, and politics. Rather than a restrictive set of rules, the Production Code was a framework for Hollywood to take on otherwise taboo subjects. And, not to be underestimated, the Production Code helped sell more tickets.