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# The “Fatty” Arbuckle Scandal, Will Hays, and Negotiated Morality in 1920s America

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THE “FATTY” ARBUCKLE SCANDAL, WILL HAYS, AND NEGOTIATED  
MORALITY IN 1920S AMERICA

A Thesis  
Presented to  
The Faculty of the History Master’s Program  
Western Kentucky University  
Bowling Green, Kentucky

In Partial Fulfillment  
Of the Requirements for the Degree  
Master of Arts in History

By  
Aaron Thomas Whitehead

May 2015

This is dedicated to Stan and Ollie, who continue to inspire me to fill the world with  
comedy.

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107 Pages

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In the autumn of 1921, silent film comedian Roscoe “Fatty” Arbuckle was arrested for the rape and murder of a model and actress named Virginia Rappé. The ensuing scandal created a firestorm of controversy not just around Arbuckle but the entire motion picture industry. Religious and moral reformers seized upon the scandal to decry the decline of “traditional” moral values taking place throughout American society in the aftermath of World War I. The scandal created a common objective for an anti-film coalition representing diverse social and religious groups, all dedicated to bringing about change in the motion picture industry through public pressure, boycotts, and censorship legislation.

In the face of this threat, the film industry created the Motion Picture Producers and Distributors Association, with Republican strategist Will Hays as its president. Hays worked to incorporate moral reformers into his new organization, giving them an outlet for their complaints while simultaneously co-opting and defusing their reform agenda. Hays’ use of public relations as the means to institute self-regulation within the motion picture industry enabled Hollywood to survive the Arbuckle scandal and continue to thrive. It also set up the mechanism by which the industry has effectively negotiated public discontent ever since.

## INTRODUCTION

Sometimes it is expedient that one man should be sacrificed for his group. Sometimes Christian charity comes too high. Arbuckle was a scapegoat; and the only thing to do with a scapegoat, if you must have one, is to chase him off into the wilderness and not let him come back.<sup>1</sup>

These comments, appearing in the *New York Times* at the end of 1922, would prove an accurate prophecy of the fate of Roscoe “Fatty” Arbuckle. In spite of his status as one of the most famous and highest-paid film stars of his era, Arbuckle was doomed to the fate of a scapegoat. Before his manslaughter trial had even begun, all bookings of Arbuckle films were cancelled nationwide. Arbuckle had just wrapped up filming on three feature-length motion pictures, which were ordered shelved by his producers and never released in American theatres. Arbuckle’s career and his reputation were so thoroughly demolished that even an April 1922 acquittal on the manslaughter charge could not save them. By his death in 1933, he had effectively become a non-person in the American cultural landscape.

Arbuckle was sacrificed to abate the public outrage directed toward the film industry, an outrage that had been building for years before climaxing with the scandalous events of September 1921, when Roscoe Arbuckle was accused of the rape and murder of a young woman, Virginia Rappé, during a party at the St. Francis Hotel in San Francisco. This tremendous tension was manifested in numerous entities, from religious and moral reformers to state and federal legislators. It also had a remarkable effect on the relationship between motion pictures and the religious and moral reformers who sought to curtail their perceived excesses and to limit their malignant influence,

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<sup>1</sup> “Hays and Arbuckle,” *New York Times*, December 22, 1922: 13.

which seemed to threaten the values of insular American communities. This tension was by no means anomalous; it was part of a much broader cultural struggle to reconcile the accelerating modernism of the early twentieth century with traditional cultural and religious values, a struggle that manifested itself in visual art, literature, and music, as well as film.<sup>2</sup>

However, the cultural tension generated by the “Fatty” Arbuckle scandal was greater and more consequential than any film scandal had ever been. It also proved to be a seminal moment in the relationship between motion pictures and modern America. The tension was handled through a censorship that was unique to American society: a system of negotiated morality that took place in the court of public opinion and largely outside of legislation and traditional political power blocs. This was accomplished by a man named Will Hays, who combined a commitment to self-government with a sense of moral purpose for the film industry that forestalled the efforts of moral reformers to gain control over the filmmaking process. Hays pioneering system of “negotiated morality” was a form of cultural hegemony that sought to co-opt the efforts of reform organizations into a system of self-censorship in which the motion picture industry maintained its autonomy. This negotiated morality lay the groundwork for the central cultural status of the motion picture industry that persists to the present day.

This essay proposes a new understanding of a co-evolution of collective morality, popular culture, and censorship in the 1920s. These elements came together to form a

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<sup>2</sup> One of the best commentaries on post-World War I culture and 1920s America is offered in Frederick Lewis Allen’s 1957 study *Only Yesterday*. William D. Miller examines the year 1919 as a cultural turning point in the excellent *Pretty Bubbles in the Air*, while Joshua Zeitz’s *Flapper* looks more specifically at changing cultural norms, particularly the representation of women.



new definition of cultural transgression in contemporary American life. By the 1920s, notions of obscenity and censorship in America had been largely defined by the Liberal Protestant Progressive movement, the product of religious and social transformation in the late-nineteenth and early-twentieth centuries.<sup>3</sup> These notions would be exploited by the motion picture industry and “film czar” Will Hays. Hays visualized an industry that would incorporate the moral and religious activism of the Progressive era into a program of self-government and moral uplift. Under the guise of cooperation, the industry would bring pro-censorship activists into a self-governing umbrella organization, the Committee on Public Relations, which would co-opt the Progressive agenda of social reform and moral uplift.

This program would face several key challenges along the way, none greater than the public outrage generated by the “Fatty” Arbuckle scandal. Surprisingly though, despite its importance, the Arbuckle scandal, the hiring of Will Hays, and the reinvention of the film industry as a self-governing, truly American, institution, have been the subject of very little scholarly analysis. This essay is intended as the first step in recreating and reinterpreting this long-neglected yet illuminative moment in the history of American culture.<sup>4</sup>

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<sup>3</sup> Richard Wightman Fox, “The Culture of Liberal Protestant Progressivism, 1875-1925,” *The Journal of Interdisciplinary History* 23, no. 3 (Winter, 1993). Fox argues persuasively that it would be more accurate to define the Progressive movement as a Liberal Protestant Progressive Movement.

<sup>4</sup> Historian Stephen Vaughn offers the best scholarly examination of Will Hays in his work, particularly the 2005 article, “The Devil’s Advocate,” from the *Indiana Magazine of History*. Greg Merritt’s *Room 1219* offers a critical, scholarly analysis of the myths and legends of the Arbuckle case. The work of Nancy Rosenbloom is an invaluable insight into the history of censorship and obscenity in early-twentieth century motion pictures. Rob King’s “Roscoe ‘Fatty’ Arbuckle: Comedy’s Starring Scapegoat” and Sam Stoloff’s “Fatty Arbuckle and the Black Sox” both offer a cultural and historical analysis of the scandal.

This thesis is divided into three distinct but overlapping chapters. Chapter One sets the stage for the scandal by establishing the particulars of the Arbuckle case as well as the cultural atmosphere of 1920s America. Chapter Two analyzes the way in which increasingly divergent social and religious forces found common ground in the anti-Arbuckle crusade. Finally, Chapter Three looks into the efforts of Will Hays to transform the motion picture business in response to the scandal and the implementation of his system of negotiated morality to manage the crisis. This thesis represents an attempt to further explore and define the cultural environment of 1920s America and to further a broader historical understanding of the era.

## CHAPTER ONE:

### The Rise and Fall of a Hollywood Icon

The story of Roscoe “Fatty” Arbuckle is the story of the most famous scapegoat in the history of motion pictures. Arbuckle’s tragic fall robbed him of a place in the pantheon of film pioneers and the all-time great silent film comedians. It also effectively ruined his life. At the same time, one must recognize that Arbuckle did survive; Virginia Rappé did not. Furthermore, Rappé’s memory was hijacked by the defenders of the film industry as well as its assailants, and the real story of her life would remain untold for more than a century. The rise of anti-film agitation by religious and moral reformers and the defense mounted by the motion picture industry would not have happened but for the tragic intersection of the lives of Roscoe Arbuckle and Virginia Rappé.

By 1921 “Fatty” Arbuckle was one of the kings of the still-budding motion picture industry, the only film comedian whose popularity rivaled that of “Fatty” Arbuckle was Charlie Chaplin. Arbuckle was culturally ubiquitous; his name and likeness had become a cultural shorthand for film comedy, and his exploits were presented in great detail in the press. Stories of Arbuckle’s exploits and pictures of him at work and play in Hollywood were staples of the new Hollywood fan magazines such as *Photoplay* and *Screenland*. That Arbuckle was in high demand by the public is evident by the contract he signed in the spring of 1919 for three million dollars over the course of the next three years.<sup>5</sup> This huge salary made him one of the wealthiest men in cinema, and it

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<sup>5</sup> Edward Weitzel, “How Fatty Arbuckle Makes ‘Love,’” *Moving Picture World*, March 8, 1919, 1319.

reflected a burgeoning popularity that made him one of the most recognizable people in 1920s America.

Like Chaplin and so many other early film stars, Arbuckle entered the film industry after having developed his craft on the stage. Born in Smith Center, Kansas on March 24, 1887, Arbuckle's family moved to California before his second birthday. His father left Roscoe with his mother and siblings to run a small hotel in Santa Ana. As a young man, Roscoe became enchanted with the travelling stage shows that came to town, eventually joining show business himself and touring across California. While performing in San Francisco, Arbuckle met his first wife, Minta Durfee. According to Minta, it was a chance encounter on a trolley car that eventually led to their relationship, marriage, and show business partnership.<sup>6</sup> In 1913, the couple would get their break in Hollywood making short comedies as part of Mack Sennett's Keystone studio. This remarkable journey from rural Kansas to glamorous Los Angeles would, before the scandal, be cited as an encouraging example of the American Dream, along with stories of other stars, like Clara Bow, who had ascended from working-class anonymity to worldwide stardom. More culturally conservative observers would argue that the elevation of "ordinary" people above presidents, military heroes, and religious leaders, was proof of a society whose values were being led astray by the rise of new, morally

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<sup>6</sup> There are very few firsthand accounts of Arbuckle's early life, with even his date of birth open to question. The story of his early life is taken almost entirely from interviews given by his first wife Minta Durfee to writers and film historians David Yallop and Robert Young in the 1970s.

suspect cultural forms such as motion pictures.<sup>7</sup> Those voices would only grow louder in the years to come.

No studio had a better record of taking young comedians and making them worldwide celebrities than Keystone. Arbuckle and Durfee joined luminaries like Charlie Chaplin and Mabel Normand as comic performers who went from regional notoriety to worldwide fame. While Keystone in the mid-1910s was crowded with future comedy stars, Arbuckle quickly made a name for himself as a widely popular performer both in solo films and in collaboration with comedienne Mabel Normand. Within two years of his Keystone debut, Arbuckle was already becoming a star among stars.

Arbuckle's popularity is evidenced by the fact that his character was becoming iconic. The name "Fatty" was often incorporated into the title of the film – a status that few comedians enjoyed – while also indicating that the "Fatty" character had strongly registered with the public. Some of Arbuckle's best work was done with good friend Mabel Normand in a series of films where both stars got top billing: *Fatty and Mabel Adrift*, *Fatty and Mabel's Simple Life*, *Fatty and Mabel at the San Diego Exposition*, and so on. Within a few years, Arbuckle's worldwide fame, together with his skill as an actor, writer, and director, led to him getting poached from Sennett by Joseph Schenck's Comique Pictures in 1916. Arbuckle's work at Comique, which was distributed by

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<sup>7</sup> A prime example of this conservative skepticism is Myra Nye's article "The Tin Gods," published in the *Los Angeles Times* on September 16, 1921, six days after the scandal broke. The titular "tin gods" are movie stars who rise to fame from undistinguished backgrounds, morally unequipped to handle the responsibility of money and social status.

industry juggernaut Paramount Pictures, would enable him to sign one of the most lucrative contracts in Hollywood.<sup>8</sup>

Yet there was a personal price to be paid for all this success. Arbuckle's fame put a strain on his marriage to Durfee. While at Keystone, Arbuckle had worked as part of a package with his wife Minta and his nephew, Al St. John. At Comique, and later at Paramount,<sup>9</sup> Roscoe worked solo. Their personal life, too, was stormy, as Arbuckle's high-spirited lifestyle led him into more than one extra-marital affair. His marriage deteriorated to the point that, by the time of the scandal in 1921, he and Minta had separated; Durfee was living in New York, with Roscoe paying her maintenance.<sup>10</sup> The separation was so complete that more than one fan magazine claimed that the two were divorced. Arbuckle's perceived single-ness is also evident in an article entitled "Love Confessions of a Fat Man," a story attributed to Arbuckle "as told to" gossip columnist Adela Rogers St. Johns. St. Johns reported on Roscoe's unexpected popularity among certain female members of fandom. Roscoe expounded on the subject of love and romance, predicting that "the fat man is about to have his day. He will be sought, chased, even mobbed, because there will not be enough of him to go round."<sup>11</sup> That article

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<sup>8</sup> Greg Merritt, *Room 1219: The Life of Fatty Arbuckle, the Mysterious Death of Virginia Rappe, and the Scandal that Changed Hollywood* (Chicago: Chicago Review Press, 2013): 107-109. Merritt's book is an invaluable resource for critical analysis of the immediate facts of the Arbuckle case. It replaced a century's worth of rumor and gossip with exhaustive primary source research. The author's debt to Merritt is considerable.

<sup>9</sup> In 1921, the name "Paramount Pictures" referred only to the distribution arm of the Famous Players-Lasky Company, headed by Adolph Zukor and Jesse Lasky. Famous Players-Lasky would eventually adopt the Paramount name, by which it is still known today. For reasons of clarity, the studio is referred to as "Paramount" throughout this thesis.

<sup>10</sup> David Yallop, *The Day the Laughter Stopped* (New York: St. Martin's Press, 1976): 277-278.

<sup>11</sup> Roscoe Arbuckle, "Love Confessions of a Fat Man," as told to Adela Rogers St. Johns, *Photoplay*, September 1921, 22. Media History Digital Library.

appeared in the September 1921 issue of *Photoplay*. On September 11, 1921, Arbuckle was arrested – sought, chased, and mobbed – for the rape and murder of Virginia Rappé.

Arbuckle's rise and fall was meteoric. However, the exploding popularity of new culture forms after World War II created opportunities for many other athletes and entertainers. The 1920s offered a new chance for figures from popular culture – movie stars, singers, baseball players – to become international superstars on a level previously unimaginable. This came about because of the growing cultural status and ubiquity of pop culture in films and magazines, as well as technological innovations that allowed information to be transferred rapidly across previously unimaginable distances. Arbuckle also rode the growing popularity of film as a whole. Initially classed as a form of “low” culture suited only to working-class immigrants, film had increasingly become a part of the wider American cultural experience, an experience that was increasingly encompassing all social classes.

There were many people, however, who resented the rise of new forms of popular culture and who objected to cultural icons like Arbuckle whose notoriety was beginning to overshadow figures from more “traditional” cultural backgrounds. The fact that pop culture icons like Arbuckle and Babe Ruth were beginning to grow more famous – and in some cases better-paid – than presidents and religious leaders was offensive to those who increasingly felt that the new, modern America was valuing fame and fortune over moral sobriety and restraint. When it was pointed out that he was making more money than President Herbert Hoover, Ruth is said to have remarked, “Well, I had a better year than

he did.”<sup>12</sup> Ruth’s implication that hitting home runs merited higher pay than leading the United States during the Great Depression showed once again how pop culture could be seen as an affront – and a threat to their status and power – to political and social leaders. This threat would not go unchallenged. The Arbuckle scandal offered an opportunity to fight back against these seemingly undeserving – and morally questionable – pop culture icons.

### **A Cautionary Tale: Virginia Rappé’s Disputed Biography**

The opportunity to strike back against the excesses of pop culture came in the fall of 1921, with Roscoe Arbuckle as the target. It began with his chance meeting with a young actress and model named Virginia Rappé in San Francisco in September of 1921. Arbuckle had planned to visit the city during Labor Day weekend. He had just finished filming three feature-length comedies for Famous Players-Lasky back-to-back, *Crazy to Marry*, *Skirt Shy*, and *Freight Prepaid*. He checked into room 1219 at the St. Francis Hotel on September 5 and decided to host an impromptu party. Invited to the party were traveling companions Al Semnacher and Fred Fishbach, although a few other people drifted into the party as well. Someone (it’s not clear who) invited a young woman named Maud Delmont and her friend, Rappé.

The question “Who was Virginia Rappé?” is incredibly difficult to answer. The story of her life has changed significantly in the years since her death. At Arbuckle’s

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<sup>12</sup> While this remark is possibly apocryphal, the fact that it is still one of the most oft-quoted remarks by Babe Ruth indicates its cultural resonance.



trial, the prosecution presented her as an innocent youth drawn into an insidious world of illicit booze, sex, and decadence by the predatory Arbuckle. The *San Francisco Examiner* even printed a cartoon [Figure 1] showing Arbuckle as a spider at the center of a web, with Rappé depicted as his prey.<sup>13</sup> Although Arbuckle's defense attorneys hinted that they had evidence that would challenge this whitewashing of Rappé's character, they nonetheless declined to present anything specific at the trial. Defense attorney Gavin McNab feared it was useless to attempt to impeach the character of a young woman who had already been accepted as a martyr in the newspapers and was, in fairness, no longer able to defend herself.

District Attorney Matthew Brady echoed cultural conservatives in portraying Virginia Rappé as a victim of the excesses of the Jazz Age. The 1920s represented the dawn of a new cultural identity for American women, one that increasingly celebrated outspoken, working-class women. These were the "flappers," young and rebellious women who abandoned their allegiance to the Victorian cult of domesticity and eschewed their responsibilities as wife, mother, and protector of the home. Instead, flappers danced new and forbidden dances like the Charleston, listened to new and forbidden music like Jazz, and attended parties where liquor (illegal under Prohibition since 1920) flowed freely. Thus, Brady's image of the moral environment of the 1920s echoed social anxieties that had heightened in the aftermath of World War I.

The freedom exhibited by the "new woman" was a product of the breaking-down of traditional gender norms rendered necessary by the absence of millions of young men

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<sup>13</sup> "They Walked into His Parlor," *San Francisco Examiner*, September 15, 1921: 1. See appendix for this and other images.

gone to fight World War I. The result was more young women employed outside of the home, taking jobs which had previously been considered as “men’s work.” As Vanessa May argues in *Unprotected Labor*, the shift in a woman’s perceived social responsibility was accompanied by parallel shifts in sexual identity and an embrace of new cultural forms, increasingly available to city-dwellers in a rapidly-urbanizing nation. More so than ever, women like Alice Paul were refusing to settle for being a passive servant to their husbands and fathers and were ready to leave the home to fight for their right to vote, their right to birth control, and their right to secure the same social, political, and economic rights as men.

These changes were horrifying to those who saw the Jazz Age as an immoral embrace of sinful behavior and a rejection of the divinely-approved role of women as protectors of the Christian household. To reject children and marriage, or at least to de-emphasize them as the defining responsibilities of being a woman, was seen as a threat to social stability, society, and civilization. This attitude provided the cultural framework in which the Arbuckle scandal was constructed. It is exemplified by an article from the *San Francisco Examiner* on September 13, three days after the scandal broke. The author, Annie Laurie [Figure 2], wrote regularly about women’s issues in San Francisco from a decidedly traditionalist point of view. In her article of the 13<sup>th</sup>, “What’s Gone Wrong with World Today?” Laurie urges her readers to “hold fast to the old ideals that have held the world steady for countless generations,” blaming “folly and extravagance and an insane thirst for money” as the primary threat to those ideals. She specifically defines “true womanhood” as “the home making, home loving, home protecting spirit that has

pulled the race up out of savagery and must fight determinedly to keep it there.”<sup>14</sup> Thus the anti-modern reaction to the Jazz Age provided a context for social conservatives to understand the Arbuckle affair.

Many others agreed with Laurie that the death of Virginia Rappé illustrated the fatal consequences of women who lived their life by the new morals of the 1920s and lost sight of “true womanhood.” The ideal of women as passive members of society is reflected in the suggestion that Virginia Rappé was not to be held responsible for her own death. This paternalistic notion of Rappé as a woman without the ability to stand up against the immorality of the evil Roscoe Arbuckle presented Rappé as the object of pity. From this viewpoint, it was the moral and social degeneration of the era that led to Rappé’s career as an actress and model, her presence at an unchaperoned party, and her consumption of illegal liquor, all of which contributed to her demise.

From this perspective, the true villain behind Rappé’s death was the huge and powerful “Fatty” Arbuckle. Ironically, Arbuckle’s very fatness had been an integral part of his success as a comedian. Roscoe Arbuckle was as much defined by his fatness as any other cultural figure of the era. Only close friends and family knew him as Roscoe;<sup>15</sup> to millions of moviegoers across the world, he was known simply as “Fatty.” In fact, the name “Fatty” was often incorporated into the title of the film – a status that few comedians enjoyed – while also indicating that the “Fatty” character had strongly registered with the public. In many ways, his rotundity was his character, serving as the

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<sup>14</sup> Laurie, Annie. “What’s Gone Wrong with World Today?” *San Francisco Examiner*, September 13: 1921, 3.

<sup>15</sup> Arbuckle objected to being called “Fatty” in person. To him “Fatty” was the character while the actor and human being was Roscoe. While most friends called him Roscoe, close friend and co-star Mabel Normand called him “Big Otto,” after a famous circus elephant of the era.

basis of many gags used in his films. Other film comedians, notably Oliver Hardy, would be famous for their girth, but to no one else would it be the single defining feature of their comedy. While it would eventually take on a sinister quality, the character of “Fatty” was initially seen as merely mischievous, reflecting a playfulness and irreverence that was typical of early film comedy. “Fatty” was, like many comedic characters of early film, essentially an overgrown child, and in this context his fat could be seen as infantilizing and non-threatening. It’s worth noting, though, that the villain in early films was often referred to as the “heavy,” a term that often reflected the large size, and sometimes large waistline, of the antagonist.

After the scandal, however, Arbuckle’s fatness would be presented as evidence of a gluttony that exhibited itself not just in overindulgence of food but as an insatiable sexual appetite. Only two weeks after the scandal broke, a piece “prompted by recent scandals” was published in the *New York Times* with the title “Sudden Affluence.” The anonymous author complained that sudden affluence, in the hands of people who have “neither the mental outlook nor the moral fibre [sic] necessary to withstand” it, would only result in “the gratification of barbarian and brutish tastes.”<sup>16</sup> Thus proof of Arbuckle’s “brutish tastes” was written on his very physical being. As it eventually came to represent the moral indecency, as well as the brute physical force, that killed Virginia Rappé, Arbuckle’s fatness made him the perfect villain to contrast with the small and victimized Rappé.

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<sup>16</sup> “Sudden Affluence,” *New York Times*, October 6, 1921: 12.

This conception of Rappé as an innocent martyr prevailed into the 1970s. In 1976, David Yallop's *The Day the Laughter Stopped* was published in an effort to prove Arbuckle's innocence on all charges. One means Yallop used to establish Arbuckle's innocence was to blacken the name of Virginia Rappé. Along with subsequent biographers Stuart Oderman and Robert Young, Jr., Yallop presented Rappé as a sometime prostitute who suffered from venereal disease and had had several abortions. In Yallop's account, it was Arbuckle who was caught in the web of Rappé, a woman of loose morals, and her blackmailing companion Maud Delmont.<sup>17</sup> In this way, Yallop is employing a strategy that Arbuckle's defense attorneys considered to be too unseemly half a century prior.

Yallop was working with limited source material, relying almost exclusively on information supplied by Arbuckle's first wife, Minta Durfee. Durfee lived until 1975 and was the only person directly involved with the case who was available for interviews when Yallop began his research. Yallop's only corroboration for these decades-old rumors was Hollywood gossip columnist Adela Rogers St. Johns, who was herself looking back over fifty years in the past.<sup>18</sup> Although he had different ends, his presentation of Rappé as a ravenous sexual animal echoes the moral disapproval of those who came before him. Perhaps Yallop, like Laurie and others before him, is reacting to the challenge of a new generation of women who refused to accept the social roles

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<sup>17</sup> Yallop introduces evidence that Delmont accused Arbuckle in an attempt to extort money from the wealthy comedian. While this cannot be confirmed, there is much to impugn Delmont's credibility as a witness. This fact was recognized by the prosecution, who declined to call her to testify at trial, despite the fact that it was her testimony at the inquest that first brought the scandal to the newspapers.

<sup>18</sup> Stuart Oderman, *Roscoe "Fatty" Arbuckle: A Biography of the Silent Film Comedian, 1887-1933* (Jefferson, NC: McFarland and Co., 1994): 152.

dictated to them by a paternalistic society. Perhaps the threat to Yallop was not Alice Paul and the suffragettes but Gloria Steinem and the second-wave feminists.

Not until Greg Merritt's 2013 book *Room 1219*, based more on actual research than on rumor, was Rappé's character vindicated. Merritt was able to produce a clearer biographical account, one firmly grounded in a critical examination of the source material. Born Virginia Rapp in 1891, the future Virginia Rappé was anything but a wayward and star-struck young starlet; she was thirty years old at the time of her death and had already enjoyed a successful career in fashion. Starting as a model in 1908, she was already being quoted giving fashion advice to young girls in a 1913 *Los Angeles Times* article that claimed she was making \$4000 a year. Within a year, she began designing clothes herself and eventually became a successful fashion entrepreneur in San Francisco.<sup>19</sup>

By 1917 Rappé had entered films and secured a starring role in *Paradise Garden*. Her next film, an anti-German World War I film called *Over the Rhine*, was re-released in 1922 as *The Isle of Love*, in part to capitalize upon her death as well as the sudden fame of her costar Rudolph Valentino.<sup>20</sup> After a short hiatus, she returned to film under the aegis of then-boyfriend Henry "Pathé" Lehrman, a film director who had worked with Arbuckle at the Keystone studios. Unfortunately, Lehrman's attempt to establish his own career failed, and he moved to the east coast alone, indicating perhaps the status of his relationship with Rappé. (After her death, Lehrman assumed the dramatic role of fiancé

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<sup>19</sup> Merritt, *Room 1219*, 31.

<sup>20</sup> *Ibid.*, 35-36.

in mourning, threatening to return to California and kill Arbuckle).<sup>21</sup> Now apparently on her own, Rappé went to San Francisco in September 1921 as the guest of “low-level movie publicist” Al Semnacher. Semnacher was joined by Maud (sometimes called “Bambina”) Delmont. Despite her subsequent claims to the contrary, there is no evidence that Delmont and Rappé had ever met before they left for San Francisco on September 4, 1921.<sup>22</sup>

Virginia Rappé’s life, death, and legacy would be hijacked by scores of people after her death, for reasons that will be discussed later. But as far as anyone knew on September 5, 1921, she was a former fashion designer turned middling film actress whose live-in boyfriend had decamped to New York without her. Subsequent tales of her as a martyred virgin, and later as a scheming temptress, are indicative of her usefulness as a prop to prove, and later disprove, the allegations that Roscoe Arbuckle had raped and murdered her.

### **Determining Who – or What – Killed Virginia Rappé**

An exact account of the events that resulted in the death of Virginia Rappé is difficult to reconstruct, despite the efforts of historians, film buffs, and investigative reporters. Not only was the testimony at three trials contradictory on many key points, several of those involved would later change their testimony between the time of the coroner’s inquest and the final trial in 1922. It is instructive, therefore, to reconstruct the

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<sup>21</sup> “‘Convict Him,’ Brady Urged by Telegram,” *San Francisco Examiner*, September 15, 1921: 2.

<sup>22</sup> Merritt, *Room 1219*, 40.

events of September 5 based on the basic facts that most everyone agreed upon: During the course of the party at the St. Francis Hotel, Rappé complained of a sudden illness and was taken into an adjoining room. At some point, Arbuckle seems to have been alone with Rappé for about ten minutes. However, some witnesses testified that Roscoe was never alone with her, while still others disputed the amount of time they were alone so even this aspect of the story is disputed.<sup>23</sup> It is also widely agreed that at some point during the party, Rappé became hysterical, screaming and tearing at her clothes. Arbuckle and others attempted to calm her down and made some efforts to bring her out of her fit. Eventually a doctor was called, and Rappé was taken to another room for examination. Assuming the girl to be drunk on “bathtub gin,” the party resumed. Four days later, on September 9, Virginia Rappé was dead. An autopsy was immediately performed (without official sanction) that gave the cause of death as peritonitis: specifically, a ruptured bladder. Rappé’s companion Maude Delmont claimed that the dying girl had told her that Roscoe had sexually assaulted her, causing the internal injuries that killed her.<sup>24</sup> What Rappé actually said before her death, however, was very much disputed at trial. Some remembered her making vague remarks along the lines of “he hurt me” but Delmont claimed that Rappé had specifically named Arbuckle as the one who raped and murdered her.<sup>25</sup> Within days of Rappé’s death, a coroner’s inquest was begun.

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<sup>23</sup> Sam Stoloff, “Fatty Arbuckle and the Black Sox,” in *Headline Hollywood*, eds. Adrienne L. McLean and David A. Cook (New Brunswick and London: Rutgers University Press, 2001), 56-57.

<sup>24</sup> “Arbuckle Dragged Rappé Girl to Room, Woman Testifies,” *New York Times*, September 13, 1921: 1.

<sup>25</sup> *Ibid.*, 1.



The death of Virginia Rappé did not become a scandal until Maud Delmont's testimony at the inquest became public. On September 10, accounts of Rappé's death were in the newspapers. The *San Francisco Examiner* led the way, with a banner headline reading "S.F. Booze Party Kills Young Actress" [Figure 3]. The sub-heading read: "Virginia Rappe Dies after Being Guest at Party Given Here by 'Fatty' Arbuckle." Next to the story was printed a photo titled "Girl Who Died and Her Host." The photo was a publicity shot of Rappé looking over her shoulder and smiling. Superimposed at the bottom of the photo was the image of a leering Roscoe Arbuckle. The caption read "Miss Virginia Rappe, beautiful Los Angeles film actress, who died after drinking party at hotel, and Roscoe "Fatty" Arbuckle, motion picture comedian, who was host at the tragic affair [Figure 4].<sup>26</sup>

Before any charges had been filed, media reports already insinuated that Arbuckle was responsible for her death. The *Examiner* article indicated that the postmortem was "hushed up at the time," already implying a conspiracy of silence to protect someone powerful. The article also called attention to the fact that Arbuckle was wearing only his pajamas when the doctor arrived to treat Rappé.<sup>27</sup> Many papers followed the *Examiner's* lead with inflammatory headlines such as "Arbuckle, the Beast" (*Oxnard Daily Courier*), "Get Roscoe is Deathbed Plea" (*San Francisco Bulletin*), and "Girl Dead After Wild Party in Hotel" (*San Francisco Chronicle*). Others were more restrained: The *New York Times'* September 11 headline read "Roscoe Arbuckle Faces an Inquiry in Woman's

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<sup>26</sup> "S.F. Booze Party Kills Young Actress," *San Francisco Examiner*, September 10, 1921: 1.

<sup>27</sup> *Ibid.*, 1.

Death” while the *Los Angeles Times* declined to mention Arbuckle at all, claiming “Mystery Death Takes Actress.”<sup>28</sup>

The *Examiner*, leading coverage of the story, followed up with a headline reading “Arbuckle is Charged with Murder of Girl; Actress’ Dying Words Cause Star’s Arrest.” The story quoted attending nurse Jean Jameson as saying that Rappé had said quite clearly that Arbuckle was guilty.<sup>29</sup> Three days later in a *Chicago Tribune* story, however, Jameson was quoted as saying something entirely different; there, Jameson said that Rappé told her that “relations with her sweetheart” (indicating “Pathe” Lehrman) were responsible for her condition. However, later in the article, she is said to have remarked that she was “going to make Arbuckle pay for this, because it is his fault.” Rappé also reportedly told Jameson that she had been suffering from internal discomfort for six weeks. Another nurse, Vera Cumberland, claimed that Rappé admitted that her relations with Arbuckle “had not been proper,” and asked her to keep the matter secret from Lehrman.<sup>30</sup> The conflicting nature of eyewitness accounts would continue beyond the newspaper stories and into the trial itself, making it impossible to say with any degree of certainty what Rappé said before her death.

The investigation soon turned to Roscoe Arbuckle. On September 11, 1921, Arbuckle voluntarily came to police headquarters, where he was questioned mercilessly. With public outrage rising – and with reporters crowding the hallways of the precinct – Roscoe Arbuckle was placed under arrest and charged with murder.<sup>31</sup> A San Francisco

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<sup>28</sup> Merritt, *Room 1219*, 82.

<sup>29</sup> “Arbuckle Is Charged with Murder of Girl; Actress’ Dying Words Cause Star’s Arrest,” *San Francisco Examiner*, September 11, 1921: 1.

<sup>30</sup> “Fatty Arbuckle Indicted,” *Chicago Tribune*, September 14, 1921: 1.

<sup>31</sup> Yallop, *The Day the Laughter Stopped*, 136-137.

grand jury, citing the lack of direct evidence and the conflicting witness testimony, chose to indict Arbuckle on a lesser charge of manslaughter. One witness, Zey Prevost (real name Sadie Ross), recanted an earlier story in support of Delmont's statement, claiming that she had been questioned under duress by District Attorney Matthew Brady. Prevost would be the first of several witnesses to change stories, with both the prosecution and the defense accusing each other of intimidating or attempting to bribe witnesses.<sup>32</sup>

### **Three Trials and an Apparent Vindication**

Roscoe Arbuckle would be put on trial for manslaughter three times between November 1921 and April 1922. The first trial began on November 14, 1921.

After three days of deliberation, the jury was deadlocked at ten-to-two in favor of acquittal and a mistrial was declared. Newspaper accounts indicate that one juror in particular, Mrs. Helen Hubbard, refused to discuss the evidence with the rest of the jury during deliberations. She declared herself committed to voting for conviction and would not change her ballot "until hell froze over."<sup>33</sup> The defense was confident heading into the second trial. Having publicly declared that the mistrial represented a "moral acquittal," Arbuckle and his defense team felt sure that a second jury, free of any Helen Hubbards, would exonerate him. As such, they declined even to present a defense at the

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<sup>32</sup> "Arbuckle Indicted for Manslaughter in Actress' Death," *New York Times*, September 14, 1921: 1.

<sup>33</sup> "Judge Dismisses Arbuckle Jury," *New York Times*, December 5, 1921.

second trial, feeling that the weakness of the prosecution's case was self-evident. Instead, on February 3, 1922, another mistrial was declared as the jury was once again deadlocked at ten-to-two – this time in favor of conviction.<sup>34</sup> There would be a third trial.

That Arbuckle came within two votes of conviction gave his attorneys serious pause. There was precious little direct evidence linking Arbuckle with Rappé's death. While the experts agreed that a ruptured bladder was the cause of death, it was mere speculation that the rupture had been caused by Arbuckle. The prosecution's theory that Arbuckle's great weight had "crushed" the girl – a sentiment adopted as fact in many media stories and the ensuing urban legend – there was nothing but guesswork behind this proposal. The prosecution brought forth an expert to testify that fingerprint evidence showed Arbuckle's prints directly on top of Rappé's on the bedroom door, the "death grip" theory. This was disproved by forensic expert Milton Carlson, who was able to illustrate that the fingerprints were fabrications.<sup>35</sup>

The defense would return to a more aggressive strategy in the third trial. Having been so wrong the last time – most newspaper commentators agreed that acquittal was a "sure thing" after the second trial – no one knew what to expect when the jury adjourned to deliberate on April 12. Six minutes later, the jury returned a verdict of not guilty. With everyone in attendance still in shock, the foremen went on to present a statement of apology to Arbuckle on behalf of the jury:

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<sup>34</sup> Merritt, *Room 1219*, 250-256.

<sup>35</sup> Milton Carlson and Grace Dean, "Dangers of Finger-Print Identification," *The Virginia Law Register* 9, no. 3 (July, 1923): 164. This seems to have been the first time that fingerprint evidence was proven to be a fabrication.

Acquittal is not enough for Roscoe Arbuckle. We feel that a great injustice has been done him. We feel also that it was only our plain duty to give him this exoneration, under the evidence, for there was not the slightest proof adduced to connect him in any way with the commission of a crime.<sup>36</sup>

Such a ringing endorsement from the jury produced a “sigh of relief” from Arbuckle and earned Gavin McNab, his chief counsel, a “resounding kiss” from wife Minta.<sup>37</sup> Interviewed on the courthouse steps, Arbuckle expressed his confidence that “the Americans will be fair and just. I am due for a comeback.”<sup>38</sup>

The comeback would never come. From the moment Arbuckle was accused, a growing fervor had risen among moral and religious activists nationwide. Before his trial had even begun, the “Fatty” Arbuckle scandal had become a rallying point. It provided a *Rashomon* moment in American cultural history. Individuals from disparate cultural backgrounds – Ministers and laypeople, Protestants and Catholics, Progressives and Conservatives, Republicans and Democrats – all pointed to the Arbuckle case as proof that traditional American values faced a serious threat.

What exactly that threat was – and indeed, what exactly constituted traditional American values – naturally depended upon which group of observers you asked. The reaction to the “Fatty” Arbuckle scandal offers a peek inside a moment of great religious and cultural flux in American society. The motives that brought different cultural groups into the ensuing fray, as well as the manner in which this new battle over cultural mores was fought, offers tremendous insight into 1920s America.

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<sup>36</sup> “Arbuckle Acquitted in One-Minute Verdict; One of His Films to Be Released Immediately,” *New York Times*, April 13, 1922: 1.

<sup>37</sup> *Ibid.*, 1.

<sup>38</sup> Marty Jones, “Hollywood Scapegoat,” *American History* 39, no. 6 (February 2005): 42.



## CHAPTER TWO:

### The Anti-Arbuckle Coalition

In the eyes of many social and religious activists, Hollywood had been morally suspect long before Arbuckle ever set foot inside the St. Francis Hotel. Many people saw motion pictures as part of a larger cultural deterioration that they had been bemoaning for years, even decades. There was more than one religious and ideological path that brought them to this conclusion. The “Fatty” Arbuckle scandal offers a curious yet revealing window into the dynamic moral and religious atmosphere of the 1920s. The scandal and subsequent murder trial also created unlikely allies in the contentious cultural climate of post-1920s America.

The Fatty Arbuckle scandal, therefore, represents a milestone in the public construction of morality in popular culture. The exploding popularity of film offered a rallying point of opposition for moral and religious conservatives in the United States. The opportunity to establish a point of unity among moral reformers was unique in 1920s America, as the decade saw a rise of nativism and xenophobia that created a climate hostile to the consensus that had prevailed in many Progressive Era campaigns. This nativism saw “native” Americans hostile to immigrants and their culture; it saw Protestants increasingly hostile to Catholics and Jews; and it saw fundamentalist Protestants rebel against the Liberal Protestant consensus of the late-nineteenth and early-twentieth centuries.<sup>39</sup> This turmoil reflects the larger battle over the conception of

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<sup>39</sup> Two invaluable sources on the end of the Liberal Protestant consensus are William R. Hutchison’s *The Modernist Impulse in American Protestantism* and George Marsden’s *Fundamentalism in American Culture*.

morality amidst the rapidly changing social and cultural world of post-World War I America discussed in Chapter One.

The Arbuckle scandal, and the movement against film obscenity in general, offered a rare opportunity for consensus among these oft-divided cultural factions. One prime example of an organization that exhibited this cultural diversity was the Women's Vigilant Committee of San Francisco, which played a key role in creating a moral framework through which the scandal was publically interpreted from the moment it first reached the newspapers. The Committee was itself a coalition of leading club women in San Francisco. These women represented many organizations, including: the Juvenile Protection Association, the Salvation Army, the Colored Women's Federation, the Council of Jewish Women, the Catholic Professional Women's Club, and many others. The Committee had been founded in San Francisco in 1921 as a public advocacy group. Originally created to combat the presence of vice in the city's dance halls, the WVC soon turned its attention to what it saw as inadequate enforcement of the law by the police and the judiciary.<sup>40</sup> When the Arbuckle scandal broke, with its allegations of sexual impropriety and illegal consumption of alcohol, the WVC took it upon itself to personally ensure that the justice system worked to combat the presence of what appeared to be an even more threatening example of vice in San Francisco. They would be a constant presence throughout the trial, and their influence was often noted in the newspapers as being representative of a sympathetic nationwide community of "club women."

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<sup>40</sup> Mark Hopkins, "No Undue Familiarity: Gender, Vice, and the Campaign to Regulate Dance Halls," in *California Women and Politics: From the Gold Rush to the Great Depression*, eds. Robert W. Cherny, Mary Ann Irwin, and Ann Marie Wilson (Lincoln and London: University of Nebraska Press, 2011): 298-299.



The WVC sought a public reckoning not just for the moral outrages perpetrated by Arbuckle, but for the threat to traditional moral and religious values posed by the entire film industry. Religious and community groups had taken action against the motion picture industry in the past, but never in a manner so public or so well-coordinated. The Women's Vigilant Committee was just one of many groups who emerged in the aftermath of the Arbuckle scandal to demand a new standard of decency from the motion picture industry. These efforts were part of a much larger protest against the growing influence of modernism that defined the tumultuous decade of the 1920s.

The diverse coalition that made up the anti-obscenity campaign in motion pictures is a product of the unique cultural status of religion and morality in early-twentieth century America. Many changes had taken place in the late-nineteenth and early-twentieth century to create the cultural world in which these women operated. This change exhibits itself in three phases: the splintering of the nineteenth-century Liberal Protestant consensus; the forming of a grand alliance of social and religious forces around the threat of cultural obscenity during the Arbuckle scandal; and the post-scandal development of a new, less adversarial censorship based on common dialogue and negotiation between the film industry and moral reformers. These three trends, which crystallized in the early 1920s, would create a new religious and moral conception of social transgression in America that has survived to the present day.

No examination of the Arbuckle scandal or the Hollywood reaction to the ensuing crisis is complete without a close analysis of the moral and religious environment in which Virginia Rappé's death became a referendum on declining moral values in the United States. In Chapter One, the Arbuckle scandal was placed in the social and cultural

context of the 1920s. It was argued that the growing influence of popular culture, emerging from the fundamental shift in cultural and social values following World War I, created a world in which a young man from Kansas could become an overnight sensation. The scandal was a product of a distinct cultural identity that existed in the United States in the 1920s.

This identity, the role of religion early-twentieth century America, has been ill-served by mainstream historians. This thesis takes particular note of the work of historian Jon Butler, who writes in his essay “Jack-in-the-Box Faith” that religious history in the United States is often reduced to the role of the titular wind-up toy: it appears and disappears with little attempt to place it in the larger historical context. This, he feels, leaves a fundamental gap in the historian’s attempt to construct a narrative that captures the dynamic role played by religion in post-Civil War American life.<sup>41</sup> Butler cites the specific example of the 1925 Scopes Monkey Trial as something that is rarely analyzed from an unbiased historical perspective. It is far too easy to depict the fundamentalist movement, and specifically William Jennings Bryan, as it is depicted in the 1960 film *Inherit the Wind*: as an anachronistic relic of Puritanism clung to by a rural populace whose Calvinist outlook on the world has remained unchanged since the Salem Witch Trials. This view robs moral and religious activists of any historical agency; rather than embodying a specific worldview that is the product of a specific set of historical circumstances, they are instead removed from any context that might offer insight into the social and cultural world they inhabit. Without a discussion of the Liberal Protestant

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<sup>41</sup> Jon Butler, “Jack-in-the-Box Faith: The Religion Problem in Modern American History,” *The Journal of American History* 90, no. 4 (March, 2004).

consensus that prevailed following the Civil War, and the fracturing of that consensus in the years leading up to the Scopes Trial, a social and cultural examination of the 1920s can never truly represent the religious and moral ethos that played a fundamental role in defining the era.

This Chapter seeks to present a dynamic and textured examination of moral and religious activism in late-nineteenth and early-twentieth century America, an activism that created the backlash against Roscoe Arbuckle in September of 1921. This chapter seeks to present the anti-Arbuckle movement as a vibrant coalition whose ultimate aims were representative of their historical environment. The Woman's Vigilant Committee was no more a jack-in-the-box than William Jennings Bryan, Anthony Comstock, or Aimee Semple McPherson. The Arbuckle scandal did not come in the 1910s or the 1930s; it came in the 1920s. That it did come in the 1920s offers an opportunity to gain new insight into the unique cultural landscape that took the mysterious death of a young woman in San Francisco and propelled it into a nationwide outrage.

### **Liberal Protestant Progressivism and the Embrace of the Social Gospel**

The Arbuckle scandal brought together a diverse group of religious activists that otherwise never would have been able to coexist. This was the decade when the nineteenth-century Liberal Protestant consensus splintered, with the rise of a fundamentalist Christianity that rejected the progressive accommodation of modernism. Even Jews and Catholics, who had maintained a (segregated) public presence as part of the Progressive Era, found themselves subject to renewed suspicion and exclusion from the social and

cultural life of America. It is remarkable, then, that opposition to the alleged crimes of “Fatty” Arbuckle brought together a coalition of anti-obscenity activists during an era that saw the decline of many non-sectarian social and religious movements.

Protestant liberals, fundamentalist Christians, Roman Catholics, and Orthodox Jews all came to the anti-Arbuckle cause for different reasons. The presence of this unity in an era of cultural exclusion represents, in a microcosm, the conflicted and dynamic nature of American religious life during the 1920s. As the research of religious historians like John T. McGreevy and Jonathan D. Sarna has established, the nativism of the 1920s forced Catholics and Jews to fight for their inclusion as “true” Americans in the social, cultural, and political spectrum.<sup>42</sup> One way of doing this was by arguing for the value of their religious traditions in defining morality and obscenity in a way that would bring them into alignment with those of American Protestants. Concern over obscenity and the effects of popular culture on a religious community could bring together ministers, priests, and rabbis who, if they agreed upon little else, agreed that there were religious beliefs and moral ideals that were truly eternal and should not be subject to approval by a fickle public but rather protected against any cultural developments, particularly modernism, that threatened the power of institutionalized religion.

Even so, representatives of “foreign” religions and ethnicities, even as they sought to reconcile themselves to the Protestant majority, were operating in a moral and religious environment that had been defined within Protestant boundaries since the founding of the

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<sup>42</sup> John T. McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton & Co., 2003); and Jonathan D. Sarna, *American Judaism: A History* (New Haven: Yale University Press, 2004).

Republic. More specifically, the settling of the United States into a Liberal Protestant consensus after the Civil War represents a uniquely American strain of the more global phenomenon of Victorianism, what Daniel Joseph Singal, in “Towards a Definition of American Modernism,” defines as the quest for “a radical standard of innocence.” While there have been multiple attempts to define the term, Singal’s conception of a “radical innocence” conveys two major qualities associated with the period: the commitment to progress and the search for perfectibility.<sup>43</sup> Looking first at the latter, the notion of perfectibility represented the evangelical notion of postmillennialism. This school of thought argued that the ideal Christian society could be created on Earth prior to the return of Christ. Most Liberal Protestants believed that humankind had the power to create a truly Christian nation, John Winthrop’s “city on a hill,” through social activism. Douglas M. Strong writes that this sense of perfectibility was characterized by “exuberance and certainty.” The abolitionist movement, which grew from a radical minority to an increasing consensus in American culture after the Civil War, set the stage for the Protestant “crusades” that were to follow.<sup>44</sup> The success of abolition, temperance, women’s suffrage, and other Progressive movements created a sense of confidence and self-righteousness among reformers that would manifest itself conspicuously during the Arbuckle scandal.

The ethos of “progress” permeated Progressive activism. The anti-obscenity activists who spoke out during the “Fatty” Arbuckle case were criticized by some for

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<sup>43</sup> Daniel Joseph Singal, “Towards a Definition of American Modernism,” *American Quarterly* 39, no. 1 (Spring 1987): 10.

<sup>44</sup> Douglas M. Strong, *Perfectionist Politics: Abolitionism and the Religious Tensions of American Democracy* (Syracuse: Syracuse University Press, 1999): 30.

their willingness to impose an absolute morality upon a diverse community. One woman wrote into the *New York Times* to speak out against so-called Christians who were “harping on scandal for the sole purpose of persecuting its victims.”<sup>45</sup> However, the reformers never saw themselves as agitators or busybodies; they were driven by the idea that the horrors of the world could be ameliorated by direct human action. They “recognized the divergence between values and realities,” as David B. Danbom points out, “and hoped to force the latter to conform more closely to the former.”<sup>46</sup>

The combination of evangelical fervor and social improvement came together to form the driving moral philosophy of most American Protestants in the late-19<sup>th</sup> century: the Social Gospel. The Social Gospel was a post-millennial commitment to improving the lives of everyday people, particularly those who were unable to help themselves, as part of an evangelical mission to bring about the Kingdom of Christ on Earth. In the late nineteenth century, preachers and theologians such as Henry Ward Beecher, Walter Rauschenbusch, and Washington Gladden paired the salvation of the soul with the more immediate salvation of the poor and suffering on Earth. The Social Gospel claimed, in essence, that “society must be saved and that this goal could be attained by collective or directly environmental modes of action.”<sup>47</sup>

One of the remarkable aspects of the Social Gospel was that it was the product of a non-denominational Christianity. This referred not just to the setting aside of sectional differences among Protestants after the Civil War, but even to allowing room for

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<sup>45</sup> Elizabeth Kapitz, “Arbuckle Films,” *New York Times*, May 21, 1922: 38.

<sup>46</sup> David B. Danbom, *“The World of Hope”: Progressives and the Struggle for an Ethical Public Life* (Philadelphia: Temple University Press, 1987): 41.

<sup>47</sup> William R. Hutchison, *The Modernist Impulse in American Protestantism*, 2<sup>nd</sup> ed. (Durham and London: Duke University Press, 1992): 165.

Catholics and Jews to have a voice in the coalition, as in the WVC. While the Social Gospel was typically defined along strictly Protestant lines, it also represented a call for Americans to abandon sectionalism and parochialism, especially in the light of the havoc wrought by the Civil War, in favor of finding a common ground of morality. Even this limited opportunity for Catholics and Jews to have a say in the moral environment of the nation was quite unusual in an era of growing anti-Catholic and anti-Semitic cultural expression. Their growing visibility in Progressive causes allowed reformers to present themselves as striving for “American” values rather than an attempt to institute a civil religion.

But the most significant conflict faced by Liberal Protestants, one which would detonate the Liberal Protestant consensus and challenge the supremacy of the Social Gospel would not come from Catholics or Protestants, but from fundamentalist dissenters within Protestantism itself. Fundamentalists of various stripes were united by the common enemy of modernism and its many manifestations, including Darwinism, secularism, mass immigration of non-Protestants, humanism in art and literature, and technological progress. The rise of the “new woman,” with the concurrent challenge to traditional ideals of gender and sexuality, added to the sense of moral crisis confronting the post-war generation. While fundamentalists held modernism responsible for the downfall of humanity generally, they were quick to blame the human catastrophe that was World War I upon forces of modernism which were undermining the beliefs and traditions that offered true salvation. The victimization of Virginia Rappé was, to them, just one example of a society victimized by rampant amorality.

Apart from modernism, nothing divided fundamentalists and Liberal Protestants more than their commitment to the Social Gospel. In what historians call the “Great Reversal,” fundamentalists turned decisively against the Social Gospel in the years after World War I.<sup>48</sup> In one episode, superstar evangelist Billy Sunday responded to Washington Gladden’s criticism of Sunday’s “sensationalism” by responding that Liberals like Gladden were “trying to make a religion out of social service with Jesus Christ left out.”<sup>49</sup> The willingness of fundamentalists to embrace social activism as a means of carrying out God’s work on Earth declined precipitously; the movement began to reject any accommodation of worldliness and instead focused on the premillennial ideal of saving souls for the world to come.

Even considering the growing conflict between Liberal Protestants and fundamentalists, there was still one cause upon which both groups could agree: opposition to obscenity in literature, theatre, and the motion pictures. This was the issue around which most Protestants, many Catholics, and Jews could unite. Individual definitions of exactly what constituted obscenity varied, but some common threads emerge from a cross-section of different activist groups: the exhibition of sexual material (from nudity to inappropriate representations of the female form), the presentation of criminal activity in a positive light or in a manner which might encourage juvenile delinquency, and subversive attitudes toward figures of authority such as ministers or the police. This definition of subversion often, but not always, included material which might

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<sup>48</sup> George Marsden, *Fundamentalism and American Culture* (Oxford: Oxford University Press, 2006): 85-91. See also Danbom, 189-191.

<sup>49</sup> George Marsden, *Understanding Fundamentalism and Evangelicalism* (Grand Rapids, MI: William B. Eerdmans, 1991): 31.



excite or promote racial tension – this was the reason given when the federal government banned films of Jack Johnson’s boxing matches in 1912 – and material which spread information about, or might promote the use of, birth control.<sup>50</sup> While the definition of obscenity was essentially subjective, the definition often had many of the same basic features.

The very elasticity of the concept of obscenity enabled its widespread acceptance as a cultural shorthand. For Liberal or Progressive Protestants, obscenity represented a threat to the social hygiene of the community and a barrier to strong, moral education. For fundamentalists, motion pictures were a foreign, globalizing influence on local communities, produced by Hollywood power brokers, many of whom were Jewish. In addition, films offered a distraction from a lifestyle of religious observance and could be a powerful instrument of cultural assimilation, potentially threatening the ability of priests and rabbis to protect their cultural traditions from Protestant hegemony. The great popularity of films among youth also created much concern over whether this would offer children a false model for behavior or encourage idleness and juvenile delinquency. It is important to note how many fundamental cultural problems that the exhibition of films posed in many American communities. While a contemporary observer can look back knowing that the motion picture industry would overcome these obstacles and move beyond the taint of “foreignness” to embody Americanism, this was not a *fait accompli* to those who had their fortunes tied to the success of the industry. It is essential to understanding the subsequent actions of motion picture producers to note that the anti-

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<sup>50</sup> For more on Johnson and the ban on boxing films, see Lee Grieveson, *Policing Cinema* (Berkeley: University of California Press, 2004).

obscenity challenge to motion pictures was a deep-rooted one that had the potential to threaten the industry's very existence.

### **Comstock and a New Form of Obscenity Legislation**

Anti-obscenity activism acquired the force of law in the mid-nineteenth century. This was primarily due to the efforts of Anthony Comstock, who rose from obscurity to become to fight obscenity as a deputized agent of the federal government. But while he was a pioneer, Comstock also drew upon legal precedent for protecting communities from obscenity through police action. This precedent dates back to the first federal law which defined the nature of obscenity, which was passed in 1842. It authorized the U.S. Customs Service to seize “obscene or immoral pictures and prints” and empowered the U.S. government to prosecute offenders.<sup>51</sup> The act superseded similar laws in some states and municipalities. It reflected the growing scale of concern not just over the presence of obscene materials, but the threat they posed to the social fabric of the nation. In *Not in Front of the Children*, Marjorie Heins argues that the rise in concern over obscenity reflected by the 1842 law was primarily a reaction to the social and cultural change occurring in a rapidly-industrializing nation. She claims that “industrialization and urbanization ... were breaking down traditional demographic patterns and making urban poverty, crowding, prostitution, drinking, gambling, and other ‘vices’ increasingly visible.”<sup>52</sup> These “vices” were not threatening because they were new, but because they

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<sup>51</sup> Marjorie Heins, *Not in Front of the Children: “Indecency,” Censorship, and the Innocence of Youth* (New York: Hill and Wang, 2001): 25.

<sup>52</sup> *Ibid.*, 25.

were more visible, and also because existing structures of social control could not adapt quickly enough.

This process would recur during the social and cultural turmoil following World War I. Those who made it their mission to rid their communities of obscenity often did so with a zeal that was the product of an evangelical Protestantism tempered during the Second Great Awakening. This zeal manifested itself in social causes that sought to combine the efforts of committed missionaries with state and federal legislation. In doing so, anti-obscenity advocates followed the example set by the champions of abolitionism, temperance, and child welfare, among other causes. Each of these causes represented a moralistic determination to purify the world of its evils in preparation for the second coming of the Christ. The result was a messianic dedication to the cause exemplified by the fiery abolitionist William Lloyd Garrison.

The Garrison of the anti-obscenity movement in America was Anthony Comstock. As a moral crusader, and later a federal official, Comstock sought to establish a new public standard for obscenity. He was a one-man enforcement squad seeking to bring cases before the courts. His primary targets were people who produced what he deemed to be obscene literature or who failed to observe Sabbatarian blue laws. In addition, he wrote extensively and with a vigorous sensationalism about the threats posed to American society in volumes such as *The Lustful Turk*, *Peep behind the Curtains of a Female Seminary*, *Voluptuous Confessions*, and *The Lascivious London Beauty*, among others.<sup>53</sup> The transition of Victorian moral values from a concern with the private,

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<sup>53</sup> Heywood Broun and Margaret Leech, *Anthony Comstock: Roundsman of the Lord* (New York: Albert & Charles Boni, 1927): 16.

domestic lives of individuals to an attempted control of the public sphere can best be traced through the career of Anthony Comstock. Comstock's belief that public immorality could penetrate and threaten the domestic sphere would reemerge during the Arbuckle scandal.

Comstock's career as a moral activist began while serving in the Union Army during the Civil War. He became involved with a group calling itself the United States Christian Commission, an organization created by the Young Men's Christian Association after the outbreak of the Civil War. The Commission's purpose was to cultivate a morally suitable climate in Civil War camps by offering Bibles and small collections of morally uplifting literature to. The Commission foresaw the social disruption that life in a modern army could cause, with soldiers taken away from ministers, families, and the traditional moral and religious influences of home. These were replaced by the dislocation of War, surrounded by prostitution, gambling, and other features of life in an Army Camp that could threaten a young man's salvation.

To further this goal, the Commission pressed for what would become a landmark piece of legislation, a provision added to the 1865 post office bill that made it a misdemeanor to send through the mail any "obscene book, pamphlet, picture, print, or other publication of a vulgar and indecent character." Comstock would later seek to enhance the parameters of this law, using it as the blueprint for modern obscenity legislation in the United States.<sup>54</sup> After the War, Comstock found a place in an organization with a common cause, the New York Committee for the Suppression of

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<sup>54</sup> Helen Lefkowitz Horowitz, "Victoria Woodhull, Anthony Comstock, and Conflict over Sex in the United States in the 1870s," *The Journal of American History* 87, no. 2 (September 2000): 410.

Vice, sponsored by the YMCA. Despite the fact that he held no government post, Comstock took it upon himself to become a one-man enforcement squad, investigating obscene or pornographic material across the city and conveying his findings to the proper authorities.

Comstock's fame and public regard continued to sky-rocket. His most famous endeavor was when he brought about the prosecution of women's rights advocate Victoria Woodhull in 1872. Comstock maintained that an issue of her *Woodhull & Claflin's Weekly*, containing allegations of an affair by Henry Ward Beecher, violated a statute prohibiting the mailing of obscene materials.<sup>55</sup> While Woodhull was acquitted, the New York Committee for the Suppression of Vice still rewarded his initiative by offering Comstock full-time employment, an increase in status and prestige for a man who until that point had run a dry goods business as well as maintaining a career in public activism. Comstock's greatest success, however, was his journey to Washington in 1873 to lobby for the strengthening of the 1865 postal laws. Not only did the new 1873 law he pushed for bar a number of specific materials from the mail, it also granted enforcement power to federal marshals. In addition, Congress authorized the creation of a new position of Special Agent of the United States Post Office – a position created for, and filled immediately by, Anthony Comstock. He was now able to zealously pursue dealers in obscene materials as an agent of the federal government.<sup>56</sup> He would continue this work until his death in 1915.<sup>57</sup>

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<sup>55</sup> Horowitz, "Victoria Woodhull, Anthony Comstock, and Conflict," 403.

<sup>56</sup> *Ibid.*, 433-434.

<sup>57</sup> Broun and Leech, *Anthony Comstock*, 265.

Comstock's career represents a milestone in the late-nineteenth century development of public attitudes toward obscenity; not only did he operate as a private agent of public opinion, he was also a pioneer in establishing the precedent of determining the legality of obscenity in American law. These twin standards – the standards of the court and the standards of the community – would come together to establish the cultural environment in which the burgeoning motion picture industry sought to establish itself. “Comstockery” – the eponym would long outlive the man – was still the moral and legal cornerstone of American culture regarding potentially obscene material well into the twentieth century. Overcoming Comstockery would be one of the primary challenges faced by the motion picture industry, and while the Fatty Arbuckle scandal was the most acute crisis, the stage had been set by quarrels over film censorship for many years prior. Comstock's ability to marry a highly restrictive definition of obscenity with the heavy use of legislative power to enforce this definition would be the blueprint that anti-obscenity activists would follow for years to come. Comstock proved that it was within the power of a politically savvy group of moral activists to shift the legislative and political agenda of federal, state, and local governments to enforce their interpretation of obscenity. Comstock provided the legal precedent and the political road map for activist groups like the WVC to follow for decades to come.

It was in the mid-1900s that the inheritors of Comstockery first attempted to regulate movie houses. The rising popularity of nickelodeons – cheap, makeshift structures often located in working-class neighborhoods – caught the attention of “the institutions of social control – the churches, reform groups, some segments of the press,

and ultimately the police.”<sup>58</sup> At first, the movement to reform movie houses focused less on the content of the films and more on the nature of the space in which they were viewed. Movie halls were associated with saloons and taverns as tempting amusements that would draw men (and initial audiences were primarily men) away from the home and the workplace. It was in part to combat the immoral temptations associated with such locales that alternate, middle-class reformers constructed edifying public spaces such as parks and libraries.<sup>59</sup> It is not surprising that as prohibitionist sentiment climaxed, the hostility toward saloons and taverns extended to the movie house, a feature of urban industrial life that threatened to disrupt the domestic ideal by keeping husbands engaged in idle, worldly pursuits while abandoning their obligation to home and family.

Concerns over the public space inhabited by motion pictures was supplemented by a growing concern over content. These two dynamics culminated in December 1908, when New York Mayor George B. McClellan, Jr. ordered all of the city’s theaters closed based on his legitimate use of police powers to protect the community. McClellan declared that he was willing to revoke any picture’s license “on evidence that pictures have been exhibited by the licensees which tend to degrade or injure the morals of the people.” This moral statement was paired with an expression of concern toward public health, namely questions of public hygiene and fire hazards.<sup>60</sup> McClellan’s action established a precedent where concerns about morality could be expressed through the

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<sup>58</sup> Robert Sklar, *Movie-Made America: A Cultural History of American Movies* (New York: Vintage Books, 1994): 30.

<sup>59</sup> Gregory Black, *Hollywood Censored: Morality Codes, Catholics, and the Movies* (Cambridge: Cambridge University Press, 1994): 8. See also Grieverson, *Policing Cinema*, 17-18.

<sup>60</sup> Grieverson, *Policing Cinema*, 96.

police actions of the executive, a trend that offered a fundamental threat to the burgeoning film industry.

The crisis triggered by McClellan's order began a process of negotiation between legal authorities, community activists, and film moguls. This process was rudimentary, but it would provide object lessons for what did and did not work when industry leaders faced subsequent governmental interference. Theatre owner (and future film producer) William Fox quickly led local exhibitors in a successful campaign to overturn the order.<sup>61</sup> Even with the cinemas re-opened, though, local exhibitors were anxious to establish a social and political intermediary to prevent any further threats to their industry. In 1909, the New York State Association of Motion Picture Exhibitors partnered with the People's Institute of New York, a voluntary organization of middle-class reformers concerned with the potential for moral "uplift" in film. The partnership offered benefits to both sides. The People's Institute received advisory control over the moral content of films shown in New York, while the exhibitors got a stamp of approval from an independent civic organization as well as a means for activists to express their discontent without having to resort to boycotts.<sup>62</sup>

McClellan's decision to close the New York theaters by fiat signaled a decisive shift in the history of film censorship. Soon after, measures of absolute government control would quickly be supplanted by systems of negotiation and compromise such as that between the People's Institute and the New York exhibitors. This transition is borne

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<sup>61</sup> Sklar, *Movie-Made America*, 31.

<sup>62</sup> Robert Fisher, "Film Censorship and Progressive Reform," *Journal of Popular Film* 4, no. 2 (April 1975): 144-145.



out by the historical record; since 1908, film censorship has almost never been an autocratic decision made by absolute leaders; on the contrary, it is almost always an exercise in negotiated settlements between warring interest groups. The great crises in film morality have always been resolved by a negotiated settlement between legal authorities, public interest groups, and Hollywood insiders. This process would culminate years later with the hiring of Will Hays.

The partnership between the People's Institute and the New York exhibitors brought in more civic groups and soon grew beyond the New York area now calling itself the National Board of Censorship. The group's influence increased dramatically when the Motion Picture Patents Company, a monopoly that represented the interests of the major film producers, agreed to submit its films to the National Board for approval.<sup>63</sup> The Board's establishment owed not just to the public's desire that film producers and distributors be held accountable for the content of their films; it also represented the efforts of many within the film industry to create and control an organization that would serve the dual roles of ambassador and mediator, catering to the wishes of the most vocally critical while avoiding an impulsive act of outright censorship like that executed by McClellan in 1908. The Board's public image was further strengthened as many notable and respectable New Yorkers became associated with it. The People's Institute of New York City, which sponsored the Board's efforts to become a national organization, counted among its members Congregationalist minister Lyman Abbott, industrialist Andrew Carnegie, and AFL labor leader Samuel Gompers.<sup>64</sup> This grouping represents an

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<sup>63</sup> Fisher, "Film Censorship," 45-46.

<sup>64</sup> Nancy J. Rosenbloom, "Between Reform and Regulation: The Struggle over Film Censorship in Progressive America, 1909-1922," *Film History* 1, no. 4 (1987): 308-309.

early attempt to place motion picture within the boundaries of acceptable Protestantism while also reflecting the filmmakers' desire to portray themselves as a thriving American industry rather than a marginal, working-class popular entertainment.

The Board established a precedent that many later censorship organizations followed. Instead of focusing solely on removing negative qualities from film, the Board sought to promote the potential for social uplift presented by motion pictures, what Author Lee Grieveson refers to as the “educative cultural function”.<sup>65</sup> The Board felt that this potential for social and moral education was so promising that in 1922 it launched the journal *The Educational Screen*, which focused exclusively on educational applications of motion pictures. Jane Addams, the highly respected social reformer and founder of Hull House, remarked on the possibilities of film as a “veritable house of dreams.” Addams saw the potential of films to act as an educational tool of moral and religious uplift that could reach across boundaries of social class to bring people out of poverty. However, Addams was not entirely sanguine about the potential for moral uplift through film; like many other critics, she pointed out that while film could be used to teach children the right thing to do, it could also be used to teach them the opposite. Similarly, Minister Edward H. Chandler remarked that motion pictures were “a new and curious disease ... selecting for its special victims only boys and girls from ten to fourteen.”<sup>66</sup> The National Board's mission was to calm such fears about the negative effects of film while simultaneously stressing its positive effects.

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<sup>65</sup> Grieveson, *Policing Cinema*, 101.

<sup>66</sup> Black, “Hollywood Censored,” 9-10.

The Board was intended to resolve disputes between film producers and moral reformers without any need for governmental intervention. However, it was too difficult to navigate any disagreement between the two parties without alienating one of them. If the Board zealously pursued its mission to rid films of objectionable content, it would alienate film producers. If it failed to pursue its mission zealously enough, it would alienate moral reformers. If the Board could not bring about real change in motion pictures by bringing producers to the negotiating table, then moral reformers had no use for it. If the Board could not forestall censorship by bringing moral reformers to the table, then film producers had no use for it. Thus, the downfall of the National Board – as well as the National Association of the Motion Picture Industry (NAMPI), a similar organization – came when it failed to simultaneously satisfy these two competing interests. As if that weren't enough, the Board was further plagued by the same cultural and religious divisions as the nation it represented. Many Protestants, for example, did not want Catholics given the responsibility of censorship, while many social conservatives were not satisfied with the lack of fundamentalism shown by Progressives.<sup>67</sup> The prospect of having a real influence over motion picture production was initially successful in bringing these disparate elements together. But parochial differences rose to the surface once it became clear that the Board's influence was declining and the power exhibited by its members was fleeting.

While the National Board eventually lost any usefulness to the film producers and moral reformers who had created it, there were some early successes and some pitfalls

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<sup>67</sup> Nancy Rosenbloom, "From Regulation to Censorship: Film and Political Culture in New York in the Early Twentieth Century," *The Journal of the Gilded Age and Progressive Era* 3, no. 4 (October 2004): 389.

were avoided. At the same time, film industry moguls criticized the Board for failing to represent its interests during Congressional hearings on proposed federal censorship legislation.<sup>68</sup> High-level congressional hearings reflected poorly on the ability of the Board to channel public discontent away from activism. The Board retorted that film producers wanted free reign to produce risqué films with no thought to the consequences. Broadly speaking, the end of the National Board of Censorship and the decline of NAMPI illustrate the difficulty of navigating public opinion by the dawn of the 1920s. On a more practical level, the lack of a monitoring board acceptable to both the social advocates and the motion picture industry meant that the film industry was ill-prepared to handle the storm of outrage and negative publicity generated by the Arbuckle scandal. While the threat of censorship offered great motivation for producers to get involved, their interest in ceding power to reformers waned once the immediate crisis had passed. It would take another crisis, the Arbuckle scandal, much larger and more threatening than any before, to bring film producers back to the negotiating table. When they returned, in 1921, they showed that they had learned enough from the failures of the National Board and NAMPI to create a more effective organization. There were two lessons to be learned to avoid repeating past mistakes. One was that the producers would need a strong leader to rally support among producers and to keep them in line once the initial threat had passed. The second lesson was that they would also need a more elaborate public relations mechanism that would allow them to proactively manipulate moral reformers. If there were a third lesson to be taken away from the failures of the past, it was that there

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<sup>68</sup> Rosenbloom, "Between Reform and Regulation," 317.

was one interest group that could under no conditions be alienated: the court of public opinion.

### **Traditional Values Expressed Through Modern Cultural Forms**

On September 23, 1931, two weeks into the scandal, William Randolph Hearst's *San Francisco Examiner* began publishing a series of columns written by Rev. William Kirk Guthrie, Pastor of the First Presbyterian Church and a prominent figure in the national Presbyterian leadership.<sup>69</sup> Guthrie regularly attended the Arbuckle trial and filed daily dispatches for the *Examiner*. His stories were typically featured on the front page, next to a large photo of the man himself, and focused on the religious and moral implications of the Arbuckle scandal and what it meant for San Francisco as well as American society at large [Figure 5].

The most striking aspect of Guthrie's columns is not so much what he has to say about the proceedings of the trial; in fact, he spends much of his time complaining about how long, boring, and drawn out the legal process is.<sup>70</sup> Rather, what is striking is that the *Examiner* saw fit to give prominent space to a figure whose claim to fame was as the representative of a religious community. Newspaper magnate William Randolph Hearst had the power to dictate the nature of news coverage to millions of Americans, yet he recognized that the most effective way to do so was by drawing upon pre-existing

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<sup>69</sup> National Education Association, *Official National Education Association Convention Guide Book and Program* (San Francisco, 1911): 133. Google Books. [http://books.google.com/books?id=5fE4AQAAAJ&source=gbs\\_navlinks\\_s](http://books.google.com/books?id=5fE4AQAAAJ&source=gbs_navlinks_s)

<sup>70</sup> Headlines from Guthrie's series include: "Judge Lazarus Untangles Knots of Legal Verbiage," "Minister Tells How Attorneys Waste Time," "Raw Inquiries Puzzle Pastor."

societal trends and exploiting them. Thus, by 1921, the voice of mainstream Protestantism was fully integrated into newspapers and other popular media.

Such stories on the religious community's reaction to the Arbuckle scandal were not confined to the Hearst chain of newspapers. Among others, the *New York Times* and *Los Angeles Times* printed similar articles on the opinions and reactions of club women and other social and moral reformers. But there was a remarkable lack of coverage given to the reaction from the film community. Hearst realized early that the Arbuckle scandal was being publicly defined by "ordinary Americans" and community leaders. His decision, echoed by other publishers, to downplay opinions from within the film industry, helped ensure that the terms of the public battle would be dictated almost exclusively by one side. Those who represented the film industry would have a difficult time finding a public platform from which to defend themselves. It was to fill this void that the film industry would soon turn to Will Hays.

This turn of events was unexpected precisely because the film industry had gone to great lengths to cultivate a mutually beneficial relationship with the print media. The newsreel, for example, represented a joint effort between the news media and motion pictures. What started as an informal collaboration soon became a joint business venture in 1913, when Hearst contracted with the Selig Studios for a series of newsreels. This endeavor proved so beneficial to both parties that Hearst entered into an agreement with the Pathé studios to publicize their films. The line between production and promotion was further blurred in 1914 when Hearst and Pathé co-produced the seminal film serial *The Perils of Pauline*. In his Hearst biography *The Chief*, David Nasaw describes how Hearst used his newspaper empire to promote the films beyond mere advertisements. The films

were “reviewed” by Hearst film critic Alan Dale, and the text from the reviews was recycled as trade journal advertisements. Then, after the film had completed its run, Hearst’s publishing company printed the narrative as a novelization.<sup>71</sup>

By the time of “Fatty” Arbuckle’s arrest, therefore, the film industry had already found a mutually beneficial way to exploit the news media. What the industry did not recognize was that the advocates for cultural morality, nominally anti-modern social and religious activists, had nonetheless embraced their own means of using mass media to further their cause. The use of publicity and celebrity in the service of religion had a storied history in the United States long before Roscoe Arbuckle went on trial in 1921. But the conscious exploitation of the mass media – newspapers, magazines, radio, and film – was still a new phenomenon. Evangelists and crusaders such as Billy Sunday had toured the country to stage meetings and revivals containing just as much show business as evangelizing. But the William Kirk Guthrie article series above exhibits something new to the post-World War I era: a movement among moral reformers to use mass media to reach new audiences.

No one was better-prepared to exploit mass media to further the cause of moral reform than the preeminent celebrity evangelist of the 1920s, Aimee Semple McPherson. McPherson came to fame as an itinerant Pentecostal minister, working tent revivals while honing her skills as a master performer and public relations virtuoso. In January 1921, eight months before the death of Virginia Rappé, McPherson staged a revival in San Diego’s Dreamland Arena, a popular destination for the region’s boxing fans. In between

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<sup>71</sup> David Nasaw, *The Chief: The Life of William Randolph Hearst* (Boston: Houghton Mifflin Company, 2000): 236.

matches, McPherson strode into the ring and promised to take the devil and “thump him hard” at the same arena the next night if the audience would return. Reportedly, many of the boxing fans took her up on the offer.<sup>72</sup>

Her penchant for such stunts led McPherson to constantly fight off critics, both inside and outside of the evangelical community, who accused her of charlatanism and worldliness. When McPherson came to Denver to perform spiritual “healings,” Clifton L. Fowler, dean of the Denver Bible Institute, denounced her version of the Gospel as fraudulent, claiming she was merely playing her audience “as does a skillful harpist on his instrument.”<sup>73</sup> Still, McPherson was constantly able to outflank her opponents with her keen awareness of public relations and her early adoption of new forms of media. After starting construction on the five-thousand seat Angelus Temple in Los Angeles (a “megachurch” by twenty-first century standards), McPherson added a large radio antenna to the structure, enabling her to bypass traditional forms of media to meet her followers on her own terms.<sup>74</sup> McPherson even signed a contract in 1929 to appear on film in a series of “talkies,” netting her a significant fee.<sup>75</sup> Thus, while decrying the social phenomenon of the pop culture celebrity, religious activists were not above exploiting that phenomenon for their own ends.

Although evangelicals like McPherson were eager to take advantage of newer forms of mass media to spread their message, their presence was still most powerfully

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<sup>72</sup> Matthew Avery Sutton, *Aimee Semple McPherson and the Resurrection of Christian America* (Cambridge, Mass. & London: Harvard University Press, 2007): 16.

<sup>73</sup> *Ibid.*, 19.

<sup>74</sup> *Ibid.*, 8.

<sup>75</sup> “Aimee Semple McPherson Signed for Talkie, Personal Appearance,” *The Billboard*, September 28, 1929: 1, <http://search.proquest.com/docview/1031918560?accountid=15150>.



felt in the newspaper. In addition to the Guthrie series, Hearst's *San Francisco Examiner* ran a regular column from a middle-aged woman named Annie Laurie that offered advice and commentary on the problems of modern society. Her article of September 13, written three days after the scandal broke, decries the extent of violent crime being committed across the nation. She refers only obliquely to the Arbuckle affair as "this latest horror of hideous depravity and dreadful death." That her complaint is with the modern world in general is clearly indicated by one headline: "What's Gone Wrong with World Today?"<sup>76</sup> Laurie drew on an audience of concerned citizens who shared her suspicion of the new morality of the Jazz Age.

While the papers gave voice to many individuals, the influence of community organizations such as the Women's Vigilant Committee was also felt throughout the trial coverage. The committee was such a prominent player at the proceedings that most stories would simply refer to "the women" to indicate the presence of women's groups at the trial. The September 13 issue of the *San Francisco Examiner* was typical, reporting on a meeting of the WVC that morning and quoting Mrs. Robert Armstrong Dean's statement that "the whole thing is an atrocity against womanhood in general." The next day, a banner page 3 headline read "Club Women Demanding Full Exposure of Scandal." The WVC compared the Arbuckle case to the slaying of two young women by the Howard Street Gang the previous December. The next day's paper carried another article about the WVC's outrage; in this edition, the events at the St. Francis Hotel were already being described as a "wild orgy." Thus from the beginning, the scandal was becoming

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<sup>76</sup> Annie Laurie, "What's Gone Wrong with World Today? Old Ideals for Women Is One Way Out," *San Francisco Examiner* September 13, 1921: 3.

gendered, with “the women” serving as protectors of a domestic sphere under fire from amoral movie stars.

Editorials condemning Arbuckle outright emerged quickly within a few days of the first reports of the tragedy. In a September 16 editorial titled “The Tin Gods,” Myra Nye objected to those who pitied Arbuckle or dared to say he was a “prince” of a fellow. Nye seized upon this characterization to decry the creation of “princes” whose worldly success was the product of fame, fortune, and idolatry; the real America, she countered, has a “soul of idealism, something above lust, above materialism, greed for money and the game of commercialism.”<sup>77</sup> This perspective represents another interpretation of the scandal as a threat posed to pious Godliness by a worldliness of materialism and mass consumption.

Editorial comment on the Arbuckle affair extended to the pulpit itself. One man who preached against Arbuckle, Baptist minister John Roach Straton of New York’s Calvary Church, was a fundamentalist minister whose emotional and sensationalistic presentation reflected the ongoing conflict between fundamentalists and more mainstream Protestants. On Sunday, September 18, assuming the mantle of “God’s prophet and preacher,” Straton spoke out against Arbuckle, yet reserved his fiercest criticism for the motion picture industry itself. Like Nye, Straton condemned the industry’s faithfulness to “the dollar mark” above all while appealing to the “salacious and indecent.” It is worth noting that Straton’s fervid style of preaching, influenced by fundamentalism and ranging from the threat of “racial ruin” to the evils of the “shimmy

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<sup>77</sup> Myra Nye, “The Tin Gods,” *Los Angeles Times*, September 16, 1921: 114.

shake,” drew the criticism of more Liberal Protestants. His sermon drew the criticism of the more reserved Rev. Robert Stuart MacArthur, Calvary Church’s previous minister. MacArthur echoed the concerns of many in the congregation who felt that Straton’s fervor and intensity were unbecoming of a minister and tended to add sensational appeal to the sinful acts he claimed to be denouncing.<sup>78</sup>

The tone of these articles clearly implied that the Arbuckle case was the culmination of a long process of moral decay, thereby fulfilling the prophecies of doom preached by the anti-modernists. This theme was even adopted in the address by Police Court Judge Sylvain J. Lazarus’ following the news of Arbuckle’s indictment on a charge of manslaughter. Lazarus declared from the bench that:

We are here not trying Arbuckle alone. We are, in a large sense, trying ourselves – trying our present day morals, our present day social conditions, our present day looseness of thought, and our lack of social balance.<sup>79</sup>

Thus, less than a week after allegations had been made against Arbuckle, the alleged murder of Virginia Rappé had already been placed firmly within the context of crime and lawlessness in the city of San Francisco and, by extension, the American nation. According to religious and social critics alike, there were many different aspects of modernity to hold accountable. Billy Sunday, unsurprisingly, blamed the Arbuckle affair on the demon rum, which flowed freely (and illegally) at the hotel party.<sup>80</sup>

According to the ministers, editorialists, and women’s club organizers, however, the root

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<sup>78</sup> “Mac Arthur Breaks with Dr. Straton on Pulpit Sensations,” *New York Times*, September 19, 1921: 1.  
See also: “Straton’s Sermons Split Congregations,” *New York Times*, September 20, 1921.

<sup>79</sup> Oscar H. Fernbach, “Murder Count is Rejected by Police Judge,” *San Francisco Examiner*, September 2, 1921: 1.

<sup>80</sup> “Arbuckle’s Arrest Theme of Sermon by Two Pastors,” *San Francisco Examiner*, September 12, 1921: 2.

cause of these crimes was the degeneration of traditional values. Canon William Sheafe Chase, Episcopalian minister and outspoken advocate of film censorship, contended that it was a handful of Hollywood moguls – “This little group of producers” - that was attempting to “inject” their flawed sense of morality into the rest of society. A *New York Times* profile summed up the minister’s sentiments perfectly: “Canon Chase said that the ‘looseness characteristic of the moving-picture industry’ was not very far different from that into which the American people as a whole have fallen since the war.”<sup>81</sup>

Clearly, the underlying moral issues surrounding the affair had already made the specific facts of the case against Roscoe Arbuckle irrelevant. They had become sacrificed on a public altar in order to further the political, social, and moral agenda of activists and reformers. Thanks to the public expressions of religious condemnation by Guthrie, Nye, Straton, and others, Roscoe Arbuckle’s reputation and career had been irreparably tarnished even before he had even been indicted.

Pressure to act also came from within the film industry. Days after the story had broken, exhibitors across America had already begun cancelling bookings of Arbuckle films. Official Hollywood did not move so quickly, but film exhibitors were, unlike studio heads, directly accountable to the public for the content of their films. This anxiety manifested itself in *The Exhibitors Herald*, a film industry journal known for its stand in favor of exhibitors’ autonomy and against censorship. Its pages make clear that the storm of public protest raised in the newspapers of San Francisco and New York was also being felt by theater owners in small-town America. A Letter to the Editor published in the

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<sup>81</sup> “Movie Morals under Fire,” *New York Times*, February 12, 1922: 80.

October 1 issue of the *Herald* began with a call to action: “Let’s weed ‘em out!” Written by Mr. T.H. Smith, manager of the Princess Theatre in Colchester, Illinois, the editorial issued a plea to do something “to make the producers understand” the threat posed by scandal-ridden actors. “Patrons who have children that they are trying to make desirable and moral men and women out of,” Smith declared, “have no desire to pay their money to have them see actors of the Arbuckle type.”<sup>82</sup> Smith’s words were echoed in the coming weeks by exhibitors from Live Oak, Florida; Norwich, Kansas; and Greeley, Colorado, among others. Exhibitors took official action on September 25 with a resolution by the Motion Picture Theatre Owners of America to ban pictures with “elements of indecency.”<sup>83</sup> The growing tide of opinion echoed that of an editorial in *The Billboard*: “Drive the Rotters from the Film Industry.”<sup>84</sup> These voices joined a chorus of protest from the pulpits of America that echoed the words of Judge Lazarus: the entire film industry would be held responsible for the death of Virginia Rappé unless drastic measures were taken.

Not even Arbuckle’s legal vindication, a verdict of “not guilty” issued in April 1922, was able to calm the storms of protest. Despite the hopes of the jury, which took the unprecedented step of reading Arbuckle a public apology from the jury box, acquittal would have to be enough for Roscoe Arbuckle. A new series of films, announced by Jesse Lasky, one of Arbuckle’s bosses at Paramount, immediately after the acquittal,

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<sup>82</sup> T.H. Smith, “The Arbuckle Case,” *The Exhibitors Herald* 13, no. 14 (October 1, 1921): 80. Media History Digital Library.

<sup>83</sup> “Bar Objectionable Films,” *New York Times*, September 26, 1921: 22.

<sup>84</sup> “Motion Picture Field: Drive out the Rotters from the Film Industry,” *The Billboard*. September 24, 1921: 1. Accessed November 15, 2013. <http://search.proquest.com/docview/1031661827?accountid=15150>.

would never come to pass. Instead, the disposition of the Arbuckle affair would be turned over to an organization that would succeed where the National Board and NAMPI had failed: the Motion Picture Producers and Distributors Association (MPPDA). At its head was a new “film czar,” former Republican Party head and Postmaster General Will Hays. Hays’ first act as head of the MPPDA was to cancel all bookings of “Fatty” Arbuckle films in the United States of America.

## **CHAPTER THREE:**

### **How to Survive a Scandal**

By the time of the “Fatty” Arbuckle scandal, it had become abundantly clear to many Hollywood producers that the current system of managing the censorship issue was no longer tenable. While the National Board of Review and NAMPI enjoyed initial success, they could not satisfy the demands of every interested party in the dialogue between Hollywood producers and reformers. Nor did either organization have any success in blunting the outrage generated by the scandal. It would take a new, far more ambitious organization, to meet the demands of an industry under fire from a cross-section of religious and social activists in the United States. The producers were also determined to secure the services of a leader who would not only serve as an efficient executive but as a public relations ambassador

They chose William Harrison Hays, a decision that proved to be a resounding success. Not only did Hays accomplish the limited goals that NAMPI and the National Board could not, he accomplished the even more ambitious goal of establishing the public image of motion pictures as a fully legitimate and central American institution. Hays set about his mission with a zeal for reform that convinced most contemporary observers, even those generally hostile to the industry and its representatives, of his sincerity. He combined politics, reform, and public relations in a manner that was utterly new to American industry. The system he created has changed and adapted over time, but still survives today as the Motion Picture Association of America (MPAA), with its larger mission essentially unchanged. The “Fatty” Arbuckle scandal created an opportunity for Will Hays, granted a mandate by industry moguls to do what was necessary to advance

the interests of the industry, to become the most powerful man in Hollywood,. As he took the reins in 1921, job number one for the new film czar was straightforward: fix the Arbuckle mess.

### **The Birth of the MPPDA and the Right Man for the Job**

Ever since Mayor McClellan's closing of all New York cinemas during Christmas of 1908, industry leaders had attempted to form collective organizations such as the National Board of Review and NAMPI to promote common interests and fight censorship. Gentler tactics of negotiation and cooperation did not seem to be working. So one company, the Mutual Film Corporation, took a more aggressive approach: they took the state of Ohio to court, arguing that the state's onerous censorship laws violated their free speech as film distributors.<sup>85</sup>

*Mutual Film Corp. v. Industrial Commission of Ohio* went all the way to the Supreme Court, where it was argued in January of 1915. The unanimous decision, written by Justice Joseph McKenna, ruled in favor of Ohio. Not only did McKenna rule that Ohio regulations did not violate Mutual's right to free speech, the Court went even further, declaring that motion pictures were merely entertainment and were entitled to no free speech protection at all. McKenna's ruling was also based on a strong sense of the moral dangers posed by film, noting that "their power of amusement" would "make them the more insidious in corruption."<sup>86</sup>

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<sup>85</sup> Rosenbloom, "Between Reform and Regulation," 316-317.

<sup>86</sup> Edward De Grazia, ed., *Censorship Landmarks* (New York & London: R. R. Bowker Company, 1969): 62.



These legal setbacks reflected the growing dissatisfaction with the morality of motion pictures that had developed among religious and social conservatives. The sweeping condemnation of the film industry that accompanied the Arbuckle scandal was the culmination of years of frustration. Nor was this the first film scandal to expose the industry to moral scrutiny. In 1918, scandal had also tarnished the reputation of the biggest star in motion pictures, Douglas Fairbanks, when his wife claimed he had a more-than-professional relationship with costar Mary Pickford.<sup>87</sup> This merely confirmed the reality, already well-known in Hollywood, that Fairbanks and Pickford were living together despite being married to other people. The gossip flew when both Fairbanks and Pickford obtained a quickie divorce and married each other, although their wedding did not immediately make the headlines.<sup>88</sup> Controversy also courted Charlie Chaplin, another major star, after he was forced to marry seventeen-year-old Mildred Harris in 1918 after having impregnated her.<sup>89</sup>

Coming so soon after these events, the Arbuckle scandal only exacerbated the scandalous public image of Hollywood. While none of these events dominated the newspapers as much as the Arbuckle scandal, they did suggest a pattern of immorality that was seized upon by those who were demanding a “clean-up.” An article from October 1, 1921 in *The Billboard* argued that a clean-up was necessary, not just from a moral standpoint, but to prevent the emergence of any negative publicity which might

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<sup>87</sup> Scott Curtis, "Douglas Fairbanks: Icon of Americanism," in *Flickers of Desire: Movie Stars of the 1910s*, ed. Jennifer M. Bean (New Brunswick: Rutgers University Press, 2011), 237.

<sup>88</sup> *Ibid.*, 237.

<sup>89</sup> Simon Louvish, *Keystone: The Life and Clowns of Mack Sennett* (London: Faber & Faber, 2003), 102.

“irretrievably drag in the dirt.”<sup>90</sup> Articles such as this, which combined a moral concern with a realistic assessment of threats to the industry, pushed the film industry to take dramatic action to regain control of its public image. To meet this crisis, Adolph Zukor, William Fox, Samuel Goldwyn, and six other major Hollywood moguls decided to hire Will Hays to head a new organization, the Motion Picture Producers and Distributors Association (MPPDA).

Further research is needed into exactly how this decision was made, and amazingly, there does not seem to be any documentation of the discussions that went into the creation of the MPPDA. The letters of Zukor and Lasky are silent on the subject, and Hays only mentions in passing “a meeting in November” in one letter. There is no satisfactory answer to the question of exactly why the studio heads decided to create the MPPDA or why this decision occurred when it did. It can reasonably be inferred that the goals of the MPPDA were similar to those of previous organizations, such as NAMPI, with which the studios were affiliated. The fact that the MPPDA was created in the immediate aftermath of the passage of a strong censorship law in 1921 by the state of New York cannot be considered a mere coincidence.

The most promising insight into the reasons behind the MPPDA’s creation comes from a statement made by Hays during a January 4, 1923 meeting with a group of concerned citizens. It is worth quoting a lengthy section of the speech, as it is the best insight into the minds of the Hollywood power brokers:

The growth [of the industry] can be likened to the growth of no other industry in this country. I have likened it to the rush to California for gold. Then they stabbed

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<sup>90</sup> “Time to Clean Up,” *The Billboard*. October 1, 1921: 57. Accessed November 15, 2013. <http://search.proquest.com/docview/1031647321?accountid=15150>.

each other to get it. Finally they made laws, rules, etc., and set about to put affairs in order. You must get the angle of the men who have five hundred million dollars invested, who started this business. ... There had not been time or inclination to consider their relationship to each other or their great duty to the public. Now they did think of it and they did sit down to come together.<sup>91</sup>

Precisely what led the producers to “sit down to come together” is unclear. David Yallop has claimed that the hiring of Will Hays was a direct response to the Arbuckle scandal, although he cites no source to back up this claim.<sup>92</sup> Hays was offered the job on December 8, 1921, three days after the first Arbuckle trial ended in mistrial. While this theory cannot be dismissed, Hays’ words indicate that the decision-making process was long and drawn-out rather than a knee-jerk response to a sudden scandal.

Hays always claimed that the offer to lead the MPPDA caught him totally off guard. He was on his way to the Wardman Park Hotel on December 8, 1921, when he was stopped by two men, Saul Rogers, and Lewis J. Selznick, who carried with them a letter offering Hays the job as the leader of the MPPDA. In a letter written to a friend soon after taking the job, Hays confided, “I do not know how they happened to light on me. It seems they had a meeting in November and decided they wanted to have an Association of this kind and for some reason I was the only one they could all agree upon.”<sup>93</sup>

At the time of this meeting Hays was serving as Postmaster General, a position he had received after helping guide the successful 1920 presidential campaign of Warren G.

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<sup>91</sup> “Stenographic Report of the January 4<sup>th</sup>, 1923 Meeting of the Committee on Public Relations,” MPPDA Digital Archive, Record #77, Reel 1, Frames 0088-0089. Flinders University. Accessed February 20, 2015. <http://mppda.flinders.edu.au/records/77>

<sup>92</sup> Yallop, *The Day the Laughter Stopped*, 243.

<sup>93</sup> Will Hays to George Ade, March 28, 1922. Will Hays Papers, Indiana State Library. Reel 4. Microfilm.

Harding. Before Hays entered politics, he had worked as a lawyer in a small town in his native Indiana. He successfully advanced to the chairmanship of the Indiana Republican Party before serving as the chair of the Republican National Committee from 1918-1921. Hays' tactics in the Harding campaign were innovative, mobilizing new media, including film, in support of the Republicans. Hays even met with Hollywood executives in 1919 to discuss the potential for film as a political tool. Historian Stephen Vaughn speculates that it was this meeting that led the executives to choose Hays as the head of the MPPDA over other candidates.<sup>94</sup> A letter survives in the Adolph Zukor correspondence, dated July 28, 1921, referencing an earlier letter in which Hays had proposed making an educational film about the postal service. Zukor's letter is warm and personable, addressed to "My dear Mr. Hays," which suggests a friendship or familiarity that pre-dates the Arbuckle scandal.<sup>95</sup> Raymond Moley, in his 1945 book *The Hays Office*, claims that after the 1920 campaign, Hays received a "luscious" offer to join a motion picture company, which he turned down. While this story is tantalizing, Moley is the only one who mentions it and is unsourced.<sup>96</sup> However the decision was made, studio executives showed a tremendous amount of trust in Hays by ceding power to him that had previously rested in their hands alone. The talents possessed by Will Hays must have been the very talents they were looking for to justify choosing him to share their power.

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<sup>94</sup> Stephen Vaughn, "The Devil's Advocate: Will H. Hays and the Campaign to Make Movies Respectable," *Indiana Magazine of History* 101, no. 2 (June 2005): 131.

<sup>95</sup> Adolph Zukor to Will Hays, July 28, 1921, Adolph Zukor correspondence, Margaret Herrick Library, Academy of Motion Picture Arts and Sciences. <http://digitalcollections.oscars.org/cdm/singleitem/collection/p15759coll3/id/198/rec/5>. Accessed February 27, 2015.

<sup>96</sup> Raymond Moley, *The Hays Office* (Indianapolis: The Bobbs-Merrill Company, 1945): 32-33.

Hays transitioned smoothly from Indiana politics to executive office. A victorious Harding rewarded Hays by naming him Postmaster General. Hays succeeded Albert S. Burleson, a political partisan whose tenure at the post was controversial, with one observer accusing him of “debauching the ideals of the merit system.”<sup>97</sup> To repair the damage done by Burleson, Hays adopted the slogan “Humanize” in an attempt to improve the morale of a disgruntled workforce. Hays’ success as Postmaster is reflected in the wave of correspondence he received from Postmasters and postal workers across the nation urging him not to leave his position and go to Hollywood. The adulatory nature of this correspondence is all the more amazing since he had held the position for less than a year. For example, The Women’s Auxiliary of the National Federation of Post Office Clerks referred to Burleson’s tenure as “a long and hopeless period of oppressions and injustice” which had been ended by Hays, “a modern Moses.”<sup>98</sup> Samuel Blumenthal, a “regular letter carrier” in New York City wrote Hays to convey his regret at losing “a big brother and fellow worker.”<sup>99</sup> A handwritten note from an Indianapolis law firm read simply: “Dear Will: Don’t!”<sup>100</sup> This seems to indicate that Hays took the job not just for personal advancement or a (reported) \$100,000 salary. He left behind a promising career in politics and a prominent position in the executive branch and took a job that most of his friends did not want him to do take. He saw an opportunity with the MPPDA that political and government work could not match.

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<sup>97</sup> Adrian Anderson, “President Wilson’s Politician: Albert Sidney Burleson of Texas,” *The Southwestern Historical Quarterly* 77, no. 3 (January, 1974): 350.

<sup>98</sup> Women’s Auxiliary to Local 130 National Federation of Post Office Clerks to Will Hays, January 12, 1922. Will Hays Papers, Indiana State Library. Reel 1. Microfilm.

<sup>99</sup> Samuel Blumenthal to Will Hays, January 20, 1922. Will Hays Papers, Indiana State Library. Reel 2. Microfilm.

<sup>100</sup> S.W.J. to Will Hays, January 5, 1922. Will Hays Papers, Indiana State Library. Reel 1. Microfilm.

While Hays was mindful of the responsibility of his government post, he announced on January 15, 1922 that he had accepted the offer to head the MPPDA and was resigning his post with President Harding's blessing. In a private letter, Hays stated that he only accepted the producers' offer because he was "convinced of the absolute integrity of the determination of these men" and asserted that they were "determined to move in the right direction." Hays often told a story about the moment when he first realized the power of the film industry and the responsibility his position would convey upon him. While at home in Sullivan, Indiana mulling over the job offer, he overheard his son and his two nephews playing. In the past, he noted, children would play dress-up and want to be presidents or generals or cowboys. But now, the three boys were fighting over who would get to play Bill Hart, a movie star.<sup>101</sup> Hays realized then that motion pictures were not just a popular diversion or a profitable business but were fast becoming a social and cultural monolith.

Hays seems to have sincerely desired to use his position to improve the moral quality of films. He objected to newspaper stories which referred to him as a "film czar" or a "fixer." Hays struck a moralistic tone in speeches made within months of taking the job. For example, he gave a speech titled "Confidence and Co-operation" before the Theatre-Owners Chamber of Commerce at the Hotel Astor in New York on April 11, 1922. It is perhaps the most eloquent statement of Hays' philosophy as any he would make during his career and included what amounts to a mission statement for the MPPDA:

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<sup>101</sup> Hays to Ade, March 28, 1922. Will Hays Papers, Indiana State Library. Reel 4. Microfilm.

The motion picture is, essentially, a source of amusement. It is the principal amusement of the great majority of our people and the sole amusement of millions and millions; and as such, its importance is measured only by the imperative necessity of entertainment for our people. The potentialities of the moving picture for moral influence and education are absolutely limitless. If this is so, and it can not be denied, then the integrity of motion pictures should be protected just as we protect the integrity of our churches, and the quality of pictures developed as we develop the quality of our schools.<sup>102</sup>

It is worth unpacking this statement. Hays is appealing to the reformers by presenting himself as the defender of public morality. He stressed that no one was more interested in making moral pictures than he was. At no point does he oppose the organizations that had spoken out against Hollywood in the aftermath of the Arbuckle affair; on the contrary, he presents himself as their champion. Coming from a man who had already generated a great deal of respect from the public following his great success as Postmaster General, such statements could not be easily ignored or dismissed as the words of a public relations flack.

He also manages to convey the tremendous importance of the film industry, and the necessity of taking every care to protect it. He opens with a humble admission of the nature of film as amusement, but quickly and easily transitions into treating the motion picture business as anything but a fad or a trifle. Without ever talking specifically about legal technicalities, Hays repudiates the *Mutual* ruling and makes the bold claim that motion pictures have just as much right to Constitutional protection as the church. This was the beginning of a lifelong attempt to demolish the notion of motion pictures as a foreign element and incorporate them into the very fabric of Americana.

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<sup>102</sup> Will Hays, "Confidence and Co-Operation" (speech, Theatre-Owners Chamber of Commerce meeting, New York City, April 11, 1922).

At the same time, Hays is already laying the groundwork for an anti-censorship campaign. He is attempting to decimate the ranks of pro-censorship advocates by absorbing many of them into his own ideological camp. In his world, government censorship of motion pictures is just as disreputable as government censorship of church services. Later in the same speech, he asserted that the film studios associated with the MPPDA are entirely in support of these same goals. He was seeking to replace studio moguls as the public face of the industry with himself. The studio moguls knew that the public face of an anti-censorship campaign could not be a foreign-born Jew like Adolph Zukor, Carl Laemmle, or William Fox, the heads of Paramount, Universal, and Fox studios, respectively. Before such a word even existed, Will Hays was successfully attempting to rebrand the film industry as a thriving American industry whose success would not threaten social values but support and uphold them.

Hays sought to mold the MPPDA into something that could fulfill these bold ambitions. From its inception, the goals of the MPPDA, as stated both publicly and in private correspondence, went beyond any one scandal or piece of censorship legislation. In fact, the evidence suggests that the creation of the MPPDA was driven less by concerns about morality and more motivated by the desire to control public opinion. Hays departed from previous industry practice by focusing less on the actions of governors and legislators and more upon the opinion of the people who voted for them. If he could change the perception of motion pictures at the ground level, among those whose discontent fueled the passage of unfavorable legislation, then there would be no base upon which to support anti-obscenity activism. This insight is what set Will Hays and the



MPPDA utterly apart from similar groups that had preceded them, not just in philosophy or organization, but in subsequent effectiveness.

The MPPDA also effectively served to unite film producers, who were erstwhile competitors, into a single organization that could navigate a system of censorship laws that varied greatly from place to place. As the genre's influence grew in the 1910s, state and local governments had been passing new regulations to govern motion pictures. Even if the text of a law spoke vaguely of "entertainment" and made no specific of motion pictures, it could still intimidate a local exhibitor. The popularity of motion pictures, however, was spreading faster than laws could be passed or revised to govern them and so legislators and government bodies across the nation rushed to fill the void. For example, a city ordinance created a board of censors in Pasadena, California in March of 1922, the state of Florida issued a revised obscenity statute in 1919, and the state of Kansas did the same in 1923.<sup>103</sup>

As a result, by the 1920s, it had become all but impossible to produce a film that met the censorship requirements of every state and municipality. In Birmingham, Alabama, for example, a 1921 law banned the showing of any "drunkenness of any female unless the scene is reduced to a flash, or any rape or attempt at rape scene, or any childbirth or maternity scene in whole or in part, or any scene or picture depicting domestic or conjugal infidelity of any immoral nature on the part of either the husband of the wife, or any scene in any immoral house of a general character ..."<sup>104</sup> A 1919 Florida

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<sup>103</sup> Censorship Requirements, 1909-1927. Motion Picture Association of America censorship reports, Margaret Herrick Library, Academy of Motion Picture Arts and Sciences: 12, 39, 61.

<sup>104</sup> *Ibid.*, 6.

statute included a vague restriction against “pictures or descriptions manifestly tending to the corruption of the morals of youth . . .” No ordinances were as strict, however, as the Chicago Board of Censors, which listed thirty-seven categories of scenes unacceptable on film, some of which included: “locking doors for the purpose of restraint for an immoral purpose, subtitles showing that an immoral life for a woman is an easy way or the only way under stress of circumstances,” and the catch-all “Other Criminal Acts,” such as: “theft, hold-ups, robbery, slugging, house-breaking, binding, gagging, torture scenes, branding of human beings, abduction of men, women and children for any purpose, safe-breaking, poisoning of any means, unlawful restraint, obstructing trains, methods of hiding crime, mutilating bodies, wearing masks by criminals,” and “setting fire to property.”<sup>105</sup> When the MPPDA was established, one of its first acts was to compile a list of hundreds of regulations covering all of the United States and some foreign nations. A single producer or a film company acting alone would stand little chance of navigating such a bureaucratic nightmare.

The industry’s greatest defeat came in 1921, when a sweeping censorship bill was enacted by New York, then the most populous state in the union. Lobbying efforts by both industry leaders and organization such as NAMPI were powerless to defeat the Clayton-Lusk Bill, which established a film censorship commission for the state of New York. The Clayton-Lusk Bill came in the wake of a similar law in Pennsylvania and seemed to be the start of a trend. Hamstrung by the *Mutual* decision and faced with the

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<sup>105</sup> Censorship Requirements, 51-53.

impotence of NAMPI, the top producers were forced to come up with a new plan to save their industry from further financial ruin.

Hays knew that the motion picture industry was in need of a public relations strategy to present a more positive image to the American public. A major part of this strategy was to present Hays himself as an embodiment of a more wholesome and reform-minded industry. Hays made a series of stirring public speeches that generated a tremendous amount of goodwill for the MPPDA. He was very conscious of the fact that the perception of his organization was just as important as what it actually did. He also realized that the perception began with him. His well-cultivated public image of Midwestern moral rectitude and service as an elder in the Presbyterian Church lent a sense of legitimacy to his image as a reformer. It is truly remarkable that of all the editorials written about Hays when he took the job, almost none of them questioned his integrity or dedication to the cause, even those by writers who were otherwise hostile to the industry. Will Hays, and the men who hired him, knew that the MPPDA would fail without a leader people could believe in. The confidence of "Middle America" could only be won, they were certain, if they could look in the face of Will Hays and see themselves. Charlie Chaplin, Douglas Fairbanks, and Roscoe Arbuckle could be international icons, but there had to be a paternal figure presiding over them, someone who had the power to discipline them if their behavior threatened the greater good of the industry.

In assuming this role, Hays was drawing on the example set by Major League Baseball, who brought in Federal Judge Kenesaw Mountain Landis to serve as baseball's first Commissioner in the aftermath of a gambling scandal that threatened the integrity of

the sport.<sup>106</sup> Sam Stoloff, in his article “In the fall of 1920, a grand jury investigation revealed eight members the Chicago White Sox had conspired with gamblers to “throw” the 1919 World Series in exchange for thousands of dollars. As with the Arbuckle scandal, the pressure that exploded when baseball’s gambling scandal broke had been building for some time. Major League Baseball’s governing structure at the time the scandal broke was the National Commission, a three-man committee made up of one team owner, the President of the National League, and the President of the American League. The failure of the National Commission to investigate rumors of a planned fix, which had been circulating since the very first game of the 1919 World Series, seemed to indicate not just incompetence but perhaps even a cover-up. The Commission’s failure to discipline Hal Chase, a notoriously corrupt player, only reinforced this view. In a development that mirrored the downfall of the National Board and NAMPI, it soon became apparent that the National Commission was not capable of dealing with the crisis. It would take an outsider, given free hand to fix baseball as its chief executive, to root out gambling from the sport and restore public confidence in the integrity of the game on the field.<sup>107</sup>

With the legitimacy of the sport at stake, baseball owners hired federal judge Kenesaw Mountain Landis to serve as the sport’s first Commissioner in 1920. Like Hays,

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<sup>106</sup> The Landis/Hays comparison is explored in Sam Stoloff’s invaluable article “Fatty Arbuckle and the Black Sox,” in *Headline Hollywood*.

<sup>107</sup> David Pietrusza’s *Judge and Jury: The Life and Times of Judge Kenesaw Mountain Landis* is the best and most reliable source of information on Landis and the Black Sox case. Don Dewey and Nick Acocella’s *The Black Prince of Baseball* is an excellent biography of Hal Chase and an examination of gambling culture in early baseball. For years, Eliot Asinof’s *Eight Men Out* was considered to be the best source on the Black Sox scandal, until a review of Asinof’s notes following his death indicated that more than one key anecdote had been fabricated.

Landis was an outsider with a reputation as “trust-buster” who was guided more by a fierce self of right and wrong rather than any great concern for political or legal niceties. Never was this more apparent than after the sinking of the Lusitania in 1915, when Landis he issued a federal subpoena to Kaiser Wilhelm II to answer for his crime in court.<sup>108</sup> As Commissioner, Landis set a bold example that Hays would follow. He permanently banned from baseball the eight White Sox players who had met with gamblers, even when, as in the case of third baseman Buck Weaver, there was no evidence that they had taken money or played at anything less than their full ability. This came after the eight men had been acquitted of any criminal charges in the matter.<sup>109</sup> Landis’ efforts proved to be a rousing success, not just in shutting the door on the Black Sox scandal, but in serving as the “fixer” of baseball, a man of unquestioned independence and integrity who would stop any such scandal from happening again and reassure a nervous public that they could safely enjoy baseball, whose popularity exploded after World War I, surviving the Black Sox scandal and continuing to grow in the 1920s.

When Hays took over the MPPDA in 1921, one year after Landis had taken over as Commissioner, he was immediately framed in the public discussion as “The Landis of the Movies.” A *Denver Post* story of that name from January 19, 1922 compared film producers threatened by the Arbuckle scandal to baseball owners who were forced by

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<sup>108</sup> Pietrusza, *Judge and Jury*, Location 2884, Kindle e-book.

<sup>109</sup> *Ibid.*, Location 4249. The players’ confessions “disappeared” from the court’s evidence room, suggesting that someone very powerful had an interest in the trial’s outcome. Historians suspect either gambling tycoon Arnold Rothstein, who some believe was the mastermind of the whole affair, or White Sox owner Charles Comiskey.

absolute necessity to cede power to an outsider in order to survive a great crisis.<sup>110</sup> A *New York Times* article from June 4, 1922 called “Industry’s New Doctors” focused on Hays, Landis, and Franklin Roosevelt. Beginning with the line, “Public opinion is at last coming into its own,” the article discusses each man’s potential impact on the film, baseball, and transportation industries.<sup>111</sup> Corresponding in private, many those who wrote to Hays upon hearing of his job offer made the automatic comparison to Landis, who was himself a federal official. On October 3, 1922, the New York Friars Club invited Hays to attend a dinner in his honor, “coupling you as seems fitting for such an occasion” with Landis, who was also to be honored.<sup>112</sup> The parallels between the two men are indeed striking. Both were Republicans serving as high-profile public officials whose status as outsiders and men of integrity brought them the chance to lead a new and burgeoning industry out of a scandal. Both men took bold action in the face of adversity and helped lead a new form of popular culture into broader social acceptance.

Hays always backed away from the comparison with Landis, saying that he was not a film “czar” or a “fixer” but a reformer who would not rule with an iron fist. Unlike Hays, Landis did not speak of moral uplift and had no experience in politics or public relations, preferring to be guided by an ironclad self-righteousness that did not lend itself to negotiation. Hays enjoyed being the public face of the film industry and travelled across the country to make speeches to local churches and the Chamber of Commerce.

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<sup>110</sup> “The Landis of the Movies,” *Denver Post*, January 19, 1922: 6.

<sup>111</sup> Pelo, Rose O. “Industry’s New Doctors,” *New York Times*, June 4, 1922: 91. Roosevelt was hired to lead the American Construction Council, an attempt to bring together erstwhile competitors for the advancement of the industry as a whole.

<sup>112</sup> J. Frank Stephens to Will Hays. Will Hays Papers, Indiana State Library. Reel 6. Microfilm.

Landis' public face was that of a permanent scowl, ill-suited to campaigning and back-slapping.

What distinguished them the most, however, was their vision for what their industry should be. Landis was a reactionary who sought to protect baseball from radical change at all costs. He denounced the farm system and did as much as he could to impede its development. He also presided over a sport that kept out African Americans throughout his time in office. Although Landis' role in keeping Major League Baseball is disputed, it is telling that Branch Rickey announced the signing of Jackie Robinson less than a year after Landis' death, under the aegis of new commissioner A.B. "Happy" Chandler.<sup>113</sup> Hays, on the other hand, did not see why the success of the motion picture industry could not coexist alongside a progressive program of moral uplift. Hays eschewed the term "czar" because it connoted an absolute tyrant who worked to stifle dissent and development. Hays felt that a sense of morality and idealism could guide his work as the leader of the MPPDA, something he stated publicly many times and is confirmed by his private correspondence. Even so, Hays was an experienced politician who would not be stopped from doing what was necessary to weather the Arbuckle scandal. Whether consciously or not, he saw how Landis had dealt with the Black Sox and decided to take similar action against Roscoe Arbuckle.

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<sup>113</sup> Landis is often presumed to have been the dominant force that kept baseball segregated until his death in 1944. Defenders of Landis, and Pietrusza is one of the most outspoken, argue persuasively that there is no evidence to show that Landis actively excluded African Americans from the major leagues. Others, like Bill Veeck biographer Paul Dickson, argue that it was Landis that single-handedly prevented Veeck from buying the Philadelphia Phillies in 1943 and filling the team with star players from the Negro Leagues.

Like Landis, Hays was well aware that while the public enjoyed public speeches and expressions of goodwill, the MPPDA would only be taken seriously once it had shown that it could take decisive action. Hays needed to make a strong public statement to indicate that the MPPDA meant business and was willing to act even against the apparent interests of industry overlords. For Will Hays, this meant banning Roscoe Arbuckle from motion pictures. On April 18, 1922 Hays announced the immediate cancellation of all Roscoe Arbuckle films so that “the whole matter may have the consideration that its importance warrants.” While this would be hailed as a decisive step to cleanse film of corrupt influences, Hays did clarify that this measure would be temporary, and that banning Arbuckle’s pictures did not necessarily mean that Arbuckle was gone for good.<sup>114</sup> This clarification was missed by most observers, who heartily endorsed Hays’ decision to “ban” Arbuckle even though it was unclear if that’s what he had actually done. This uncertainty would create a problem in the months to come, when Hays and the MPPDA were forced to take decisive action that left no room for interpretation.

### **The Ban that Wasn’t**

The decision made on April 19, 1922 to “ban” Roscoe Arbuckle from motion pictures was seen as draconian by some. Many prominent figures came out in favor of leniency. In an article published in the May 6 edition of the *Exhibitors Herald*, the owner of the Liberty Theater in Washington, Indiana claimed that in a poll of two thousand of

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<sup>114</sup> “Hays Blocks Arbuckle Showings,” *Film Daily*, April 19, 1922, 1. Media History Digital Library.



his patrons, only 130 favored the ban. Most likely written by Editor Martin Quigley, the article asserted that the “agitation” of industry leaders was solely for “personal preferment” and “as usual the reformer has not sensed public opinion as it would have the world believe.”<sup>115</sup> In letter to the editor of the *New York Times* published soon after the ban was announced, Elizabeth Kapitz stated her belief that the American people believe in “fair play,” although “to the narrow-minded minority this may seem a terrible thing.” An article in the *Chicago Tribune* quoted anonymous friends of Arbuckle who claimed that the comedian was merely being scapegoated. Arbuckle’s attorney Milton Cohen offered a short statement in response to news of the ban: “We are willing to go to trial again before any tribunal on earth.”<sup>116</sup>

Of all the voices raised in the immediate aftermath of the scandal, however, the vast majority argued that drastic action was indeed necessary. The member studios of the MPPDA fully backed Hays’ authority. William Fox stated unequivocally that “Mr. Hays is the big boss of the industry” and that producers would have to be “good sports” if the industry were to be saved.<sup>117</sup> Mrs. Charles H. Toll, speaking for the Los Angeles Cooperative Council for Better Films, praised the ban and pledged that her organization would send Mr. Hays telegrams of support.<sup>118</sup> Philip Yarrow of the Illinois Vigilance Association also sent a letter of support to Hays, strongly condemning “the possibility of [Arbuckle] continuing to be the inspirer of our children’s conduct.”<sup>119</sup>

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<sup>115</sup> “Patrons Vote Overwhelmingly for Arbuckle Films,” *Exhibitors Herald* 14, no. 19 (May 6, 1922): 32. Media History Digital Library.

<sup>116</sup> “Hays’ Cutout of Arbuckle Stirs Hollywood War,” *Chicago Tribune*, April 20, 1922: 13.

<sup>117</sup> “Arbuckle Banished from Film by Hays,” *New York Times*, April 19, 1922: 27.

<sup>118</sup> Myra Nye, “What Women’s Organizations Are Doing,” *Los Angeles Times*, April 20, 1922: II8.

<sup>119</sup> “Hays’ Cutout,” 13.

“The big boss,” as Fox called him, always resisted using the word “ban” to describe the way he had dealt with Arbuckle. He pointed out that he had never said anything to prevent Arbuckle from making films in the future. All he did was to cancel the bookings of current Arbuckle films in the face of an ongoing legal issue and negative public opinion. In his memoirs, Hays revealed that this decision was made in consultation with Zukor and Lasky, who had financed the films and stood to lose a substantial amount of money, and they all came to an agreement that such a measure was appropriate.<sup>120</sup> The lost income from the three Arbuckle pictures was estimated at one million dollars.<sup>121</sup>

What made the announcement even more shocking was that it came six days after Roscoe Arbuckle had been acquitted of all charges, receiving an enthusiastic apology from the jury. Immediately following the verdict, Jesse Lasky, member in good standing of the MPPDA, announced that a new Arbuckle picture would be released immediately. Adolph Zukor, Lasky’s boss, confirmed that the three unreleased Arbuckle pictures would be immediately released, although he did soften his stance somewhat by pointing out that the release would be tentative and would be responsive to public opinion.<sup>122</sup> The assumption was that legal absolution would be followed by professional absolution.<sup>123</sup>

The decision to ban Arbuckle received very strong public support. W.L. Moses of the Fox Film Corporation spoke out in support of Hays’ action. While he didn’t come out and use the word “scapegoat,” he did state that the decision was “costly, of course, but

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<sup>120</sup> Will Hays, *The Memoirs of Will H. Hays* (Garden City, NY: Doubleday, 1955): 360-361.

<sup>121</sup> “Arbuckle Banished,” 27.

<sup>122</sup> “Three with Arbuckle; For Release by Famous Players,” *Film Daily*, April 14, 1922, 1. Media History Digital Library.

<sup>123</sup> “Arbuckle Acquitted in One-Minute Verdict; One of His Films to be Release Immediately,” *New York Times*, April 13, 1922: 1.

the whole industry will be benefited. Certainly, it means that Will Hays is on the job and that he doesn't intend to be a figurehead."<sup>124</sup> An editorialist in the *New York Times*, quoted in the Introduction, embraced the notion and actively endorsed offering up Arbuckle as a sacrifice.<sup>125</sup>

Both Arbuckle and his wife Minta wrote personally to Will Hays asking for some consideration. Arbuckle's letters to Hays do not survive, but Hays' response does. Hays was respectful yet politically tactful. He acknowledges reading Roscoe's letter "with interest" and notes that Arbuckle "well expresses" the points made in his favor. He concludes on a positive note without conceding anything, using what could generously be described as double-talk:

In this whole matter those who are giving it thought will try very earnestly to take that action which will square exactly with their duty to the industry, their duty to you, their duty to themselves and their duty to the public, whose servant the industry is; and in doing this, I assure you, all phases of the matter will be given the most careful and charitable consideration.<sup>126</sup>

Such "charitable consideration" was a long time coming. Minta travelled to California specifically to meet with Hays. A handwritten note dated May 24, 1922 survives, respectful but plaintive, requesting a meeting. She concludes with a modest plea: "Any courtesy extended me in regard to this matter will be greatly appreciated."<sup>127</sup> There is no record of a reply. She would write again on June 20, noting that Arbuckle was "appreciating your feeling in regard to him" and "trying to accept the situation

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<sup>124</sup> "Arbuckle Banished," 27.

<sup>125</sup> "Hays and Arbuckle," 13.

<sup>126</sup> Will Hays to Minta Durfee, June 5, 1922. Will Hays Papers, Indiana State Library. Reel 5. Microfilm.

<sup>127</sup> Minta Durfee to Will Hays, May 24, 1922. Will Hays Papers, Indiana State Library. Reel 5. Microfilm.

without complaining.”<sup>128</sup> Since Arbuckle’s own words do not survive, it’s worth fully quoting Minta’s account of his feelings:

... if you did make a mistake in banning his pictures at least you were honest in doing so but said he felt if the ban were raised, he would be much better fitted for his work, mentally morally and physically. He was very grateful for your personal belief in him and I know he has been benefited greatly by that knowledge. Do hope if there is anything interesting or encouraging to write him you will either write or telephone me.<sup>129</sup>

Again, there is no record of a reply. In a letter written October 2 she maintains her respectful tone, asking for help in finding work and requesting that Hays intercede with Adolph Zukor on behalf of Arbuckle and herself, further indicating that she (and perhaps Roscoe) did not blame him for his exclusion. It is unclear if she was correct in this assumption. Further research is needed, but an examination of the papers of both Hays and Zukor does not reveal who bore the responsibility for instituting and maintaining the ban.<sup>130</sup> Regardless, the pleas of the Arbuckles went unanswered.

While combating censorship was the more immediate goal, it was this public confidence that was the real prize to be won. To accomplish this, Hays formed a plan of action that was a combination of lobbying and public relations. Hays’ primary function, as well as his best skill, was public relations. He was also a canny political operative who knew that the key to defeating legislation was not through opposition but inclusion. Inclusion could only be managed by bringing reformers inside the organization. Will Hays never saw himself as a dictator; he always saw himself as a mediator. And it would

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<sup>128</sup> Durfee to Hays, June 20, 1922. Will Hays Papers, Indiana State Library. Reel 5. Microfilm.

<sup>129</sup> Ibid.

<sup>130</sup> Durfee to Hays, October 2, 1922. Will Hays Papers, Indiana State Library. Reel 6. Microfilm.

be this mediation and negotiation that would be his greatest professional achievement and his most meaningful legacy.

### **A Place at the Table: The Committee on Public Relations**

Even before he accepted the position as President of the MPPDA, Hays understood that public relations would be a part of his job, and his experience in politics, particularly his work on the Harding campaign in 1920, had given him valuable experience in the field. Hays made himself the public face of the MPPDA and went across the country speaking directly with groups whose influence could be useful in accomplishing both his immediate goal of stopping censorship legislation, and his broader goal of creating a new image of motion pictures as a morally acceptable form of entertainment as well as a vibrant example of the success of American industry. In his article about Hays titled “The Devil’s Advocate,” one of the key contributors to the still-meager amount of research on the subject, historian Stephen Vaughn argues that Hays’ was not alone in his public relations strategy but was part of a growing number of leaders from many industries who were making similar strides in the post-World War I era.<sup>131</sup> But even though he was drawing upon the influence of others, Hays still developed a system of public relations that extended beyond the reach of any of his contemporaries.

It was the Committee on Public Relations that led this effort. The purpose of the Committee was to offer representatives of socially active organizations direct access to the MPPDA’s decision-making. Rather than directing his public relations campaign to

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<sup>131</sup> Vaughn, “Devil’s Advocate,” 134.

these organizations indirectly, such as through public statements or newspaper articles, Hays would be able to sit down in person with many of the organizations that guided social activism and cultural development at the institutional level. This direct access would also benefit the organizations, who not only received further confirmation of the sincerity of Hays' mission but were flattered to get a seat at the table of power.

The Chairman of the Committee was Lee F. Hamner, Director of the Department of Relations at the Russell Sage Foundation, an institution established in 1907 to fund research into the social sciences. Simply by suggesting that motion pictures were worthy of consideration by social scientists was a victory for Hays. He had already argued that motion pictures deserved the same First Amendment protection as other, more established media, such as newspapers. Also, one of the central planks of the MPPDA's mission was to find ways for motion picture to serve the interests of education and religion. Hays was thereby attempting to invert the perception of film, turning it from a threat to social order to a means of maintaining social control.

Other organizations within the Committee represent Hays' dedication to this ideal of films as a source of "moral uplift." The Committee on Motion Pictures of the General Federation of Women's Clubs had frequently offered harsh criticism of the industry and was active in many censorship movements. Representatives of the National Congress of Mother and Parent-Teachers Associations also sat on the Committee, an attempt to ameliorate the equally stinging criticism of many PTA chapters. Executives from other organizations that had often criticized the industry and promoted censorship, such as the National Catholic Welfare Council, the Daughters of the American Revolution, and the

National Education Association, were also brought into the Committee.<sup>132</sup> Again, the willingness of such organizations to even serve on the Committee shows the regard for Hays' work and the belief that his idealism was sincere.

However, while the erstwhile mission of the Committee was to allow these organizations to influence the film industry, the real mission was to influence and control them. Vaughn has argued that what was promoted as an "open door" often functioned as a "trap door."<sup>133</sup> The Committee would absorb the discontent of the public and offer a reasonable alternative to pro-censorship agitation. Also, by bringing these reformers into the Committee, it would give them a vested interest in its success. Criticism of the MPPDA would equate to criticism of themselves, since they ostensibly had a say in its decisions. Hays counted on the fact that these representatives would go back to their organizations with the message that the MPPDA was working and that censorship agitation was unnecessary.

The roots of the Committee date back to the beginning of Hays' tenure, when he established what was then called the Committee of Twenty, which acted as the executive body of the General Committee, at which all member organizations would be represented. At an October 18, 1922 meeting, these two bodies were eventually combined, with the Committee of Twenty rechristened the Executive Committee of the Committee on Public Relations. At the same meeting, the Committee of Twenty made a resolution as to the Committee's purpose:

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<sup>132</sup> "Committee on Public Relations," MPPDA Digital Archive, Record #20, Reel 1, Frame 0064. Flinders University. Accessed February 28, 2015. <http://mppda.flinders.edu.au/records/20>.

<sup>133</sup> Vaughn, "Devil's Advocate," 137.

1. An opportunity for groups from each of the several national organizations agreeing upon a constructive program of procedure in the interest of popular appreciation of high grade productions, to view current releases.
2. An understanding that reviews of productions meeting standards be made available from national and state headquarters and finally to local units of the organization concerned; in cases of pictures not approved, no reviews to be distributed.<sup>134</sup>

This would effectively bring censorship in-house. Member groups would be able to view films (efforts to secure an actual viewing room were discussed) and be able to express their opinions on any potentially objectionable material. The organizations would have the power to promote their own reviews of these films, complete with any commentaries on its suitability for local audiences. Finally, films that were not approved by the Committee would be censored. This offered member organizations the same benefits (or so it seemed to them at the time) of government censorship. For the MPPDA, it took that power away from the government and absorbed it within the organization. It was a tremendous victory for Hays' goal of self-regulation for the motion picture industry.

However, in December of 1922, eight months after his April decision to cancel all Arbuckle pictures, Hays made a decision that would prove incredibly controversial and nearly destroy the Committee altogether. In a move heralded as a "Christmas pardon," Hays issued a statement announcing that he saw no reason why Arbuckle should not

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<sup>134</sup> Minutes of the October 18<sup>th</sup> Meeting of the Committee of Twenty, October 18, 1922. Will Hays Papers, Indiana State Library. Reel 6. Microfilm.



return to films, stating that “after the first of the year,” Arbuckle would get a chance to “make good” as a film comedian. As was Hays’ style, the official statement was framed in moralistic tones, talking of a spirit of fair play and an honest chance to make a living. “I hope we can start the New Year with no yesteryears,” he said. “Live and let live is not enough; we will try to live and help live.”<sup>135</sup>

Hays was ready to forgive Arbuckle and move on. The Committee on Public Relations, quite emphatically, was not.

### **The Backlash and the Ban that Was**

The Christmas pardon aroused not just the Committee members but much of the general public. This storm of protest threatened to dispel all of the good will that Hays and his organization had built up over the nine months of its existence. Groups that had accepted Hays as a genuine reformer now publicly expressed their feelings of betrayal. Hays received a stinging rebuke from a Rev. G.A. Brieglieb only one week after Hays had spoken at his church. If Hays allowed Arbuckle back onto the screen, the minister said, it would mean “the forfeiture of the confidence and respect of all God-fearing, decent men and women.”<sup>136</sup> Mrs. J.C. Urquhart of the Los Angeles District Federation of Women’s Clubs was quoted as saying that “we will do all in our power to prevent [Arbuckle’s return].” Indianapolis Mayor Samuel L. Shank put area exhibitors on notice

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<sup>135</sup> “Hays Sanctions Arbuckle Return; Causes Protests,” *New York Times*, December 21, 1922: 1.

<sup>136</sup> “Storm of Protest at Hays Restoring Arbuckle to Films,” *New York Times*, December 22, 1922: 1.

that he would not permit the exhibition of any Arbuckle pictures in the city, a sentiment that was echoed by Detroit Mayor John C. Lodge.<sup>137</sup>

In the coming weeks, more organizations joined in the condemnation of the Christmas pardon. The *New York Times* followed up its story of December 22 with a front-page story the next day leading with statements of condemnation from the National Education Association and the National Catholic Welfare Council. The *Times* ran a series of dispatches in their story of December 23, which included notices of discontent from big cities such as Boston, Chicago, and Philadelphia to small towns like Walla Walla, Washington; Livingston, Montana; and Wenatchee, Wisconsin.<sup>138</sup> In the weeks following the incident, the *Film Daily* noted that activists were using Hays' decision as a rallying point to revive support for censorship legislation.<sup>139</sup>

Members of the Committee also expressed their outrage immediately and vociferously. The day after the decision was announced, Committee President Hamner wired Hays to say that he was already receiving hostile letters and telegrams. Even if the pardon were immediately revoked, it would "still leave us in the embarrassing position of non-effectiveness where we were supposed to be functioning as the peoples [sic] representative with the industry."<sup>140</sup> A report prepared by Hamner the following day lists the response of individual members of the Committee. Mrs. Woodallen Chapman, while praising Hays' "Christ-like spirit," argued that the "youth of nation" was more important

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<sup>137</sup> "Hays Sanctions," 1.

<sup>138</sup> "Storm of Protest," 3.

<sup>139</sup> "Censorship," *Film Daily*, January 3, 1923: 1, 3. Also from *Film Daily*: "May Revive L.A. Censors," January 13, 1923: 3. Media History Digital Library.

<sup>140</sup> Hamner to Hays, 22 December, 1922. MPPDA Digital Archive, Record #19, Reel 1, Frame 0072. Flinders University. Accessed February 28, 2015. <http://mppda.flinders.edu.au/records/19>.

than one man. Mrs. A.H. Reeves was “shocked,” saying that the Committee had been “set back ten years,” while the Director of the Girl Scouts, Mrs. Jane D. Rippin, offered a similar prediction of “untold harm” to the industry. Julius H. Barnes, National President of the U.S. Chamber of Commerce, offered his immediate resignation from the Committee.<sup>141</sup>

What led Hays to issue the “Christmas pardon” is unclear. He defended himself at the January 4, 1923 meeting of the Committee by arguing that his decision had been “misunderstood.” He expressed his regret that he had “inadvertently” prohibited Arbuckle from making a living and conceded that such an action may have been “unjust.” He wavered on the language in the Christmas pardon by saying that it only meant that he, as president of the MPPDA, would not stand in Arbuckle’s way, and that any final decision on his return should be made by the producers who owned the rights to extant Arbuckle films as well as those who might consider employing him in the future.<sup>142</sup>

The floor was then opened to commentary from Committee members. Mrs. Chapman praised Hays’ forgiving nature, but reiterated her statement that Arbuckle’s onscreen return would be harmful to American youth. She suggested, and may have been the first to do so, that Arbuckle might be allowed back only in some off-camera capacity. A representative from the National Catholic Welfare Council, suggested that the MPPDA issue a formal statement forbidding the exhibition of Arbuckle films and seconded Mrs.

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<sup>141</sup> “Opinions of the Members of the Executive Committee of Committee on Public Relations, concerning Arbuckle case,” December 23, 1922. MPPDA Digital Archive, Record #20, Reel 1, Frame 0060. Flinders University. Accessed February 28, 2015. <http://mppda.flinders.edu.au/records/20>.

<sup>142</sup> “Minutes on the Meeting of January Fourth of the Committee on Public Relations,” January 4, 1923. MPPDA Digital Archive, Record #20, Reel 1, Frame 0077. Flinders University. Accessed February 28, 2015. <http://mppda.flinders.edu.au/records/20>.

Chapman's suggestion that Arbuckle be allowed back in some "minor capacity." Asked if he meant that Arbuckle never be allowed back on screen, the man replied, "not in the immediate future."<sup>143</sup> Julius Barnes (who now only said that his resignation should be "considered") introduced a new element of contention when he called into question not just the Christmas pardon but the very existence of the Committee. He argued that the problem was not just with Arbuckle but with the whole idea of the Committee, further adding that the proposed "censorship" by the Committee would never be practicable and would result in its "complete disruption." He went on to say that their current mission was "merely a screen" which might even backfire and lead to true censorship.<sup>144</sup> A debate then ensued about the long-term viability of the Committee, but focus was eventually restored to the Arbuckle affair. The Committee composed an official statement which was immediately released to the press. While the Committee expressed its belief that Hays was acting with the best of intentions, it stated that a return by Arbuckle would not just damage the credibility of the Committee and the MPPDA, but would be "extremely detrimental to the youth of America."<sup>145</sup>

As he had done in the meeting, Hays soon began to backtrack from the Christmas pardon. In a second public statement, issued after the Committee meeting, he argued that he had not actually reinstated Arbuckle at all. "I neither sponsor him nor stand in his way," he claimed, "but in the spirit of American fair play and I hope of Christian charity I propose that as far as I am concerned he can have his chance." He therefore maintained

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<sup>143</sup> "Minutes on the Meeting of January Fourth," Frame 0082.

<sup>144</sup> *Ibid.*, Frame 0082.

<sup>145</sup> "Resolution," December 23, 1922. MPPDA Digital Archive, Record #75, Reel 1, Frame 0068. Flinders University. Accessed February 28, 2015. <http://mppda.flinders.edu.au/records/75>.

that not only did he never reinstate Arbuckle, but that no one but the public had the power to do so. His duty, he clarified, was merely as a conduit of public opinion, and “the American people will determine whether or not they want Arbuckle films.”<sup>146</sup>

This was a revisionist account of the Christmas pardon, an attempt to assume the role of Pilate and wash his hands of the matter. Hays’ Christmas pardon has clearly stated that Arbuckle would be returning to films. In spite of what he said in January, these were not simply his own private wishes but a plan that received the full support of Arbuckle’s former employers, Joseph Schenck and Jesse Lasky. Hays was never a benign conduit for public opinion; he was seeking to change public opinion, not merely reflect it. Changing public perceptions about Hollywood was one of the main reasons he was hired.

In his memoirs, Hays attempted to present a positive interpretation of the backlash as evidence of the decisive power of public opinion. This proved, he felt, that he was no “film czar,” but rather that it was public opinion that dictated the future of the motion picture industry. Even he had to respect its power, acknowledge he had made a mistake, and continue forward, guided not by political or economic self-interest but by the will of the people. In this sense, Hays salvaged the situation by sacrificing himself; the MPPDA had not failed, he had failed to effectively carry out its mission of moral uplift.

The Christmas pardon came and went within the course of a month. Hays’ reputation and the mission of The MPPDA could be salvaged. What could not be salvaged was the acting career of Roscoe Arbuckle. Arbuckle announced on January 31 that he was “done with acting” and had signed a contract as a director. The words came

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<sup>146</sup> “Hays Decision Leaves Fate of Arbuckle Films to Public,” *Exhibitors Herald* 16, no. 2 (January 6, 1923): 31. Media History Digital Library.

from Arbuckle's mouth, but it's highly unlikely that he took this measure of his own volition; since the pardon, Arbuckle had spoken about his great faith in his future and confidence that he would finally get the chance to "make good." Instead, Hays adopted the idea first proposed during the January 4 meeting of the Committee on Public Relations that Arbuckle's return could only be in an off-screen role. Hays noted in a January 31 letter to Hamner that he had received definite assurance from Adolph Zukor that the Arbuckle films in his possession would never be released. As for the announcement by Joseph Schenck that he would employ Arbuckle in a new series of films, Hays noted privately that Schenck was an MPPDA member and "will, of course, under the circumstances consult with us."<sup>147</sup> There is no indication of whether or not the ban was meant to be permanent.

So ended the "Fatty" Arbuckle scandal. The decision to transition Arbuckle into an off-screen role as writer and director effectively took his name out of the public discussion. There would be more trials and subsequent scandals tied to the film industry in the years to come, such as the 1922 murder of William Desmond Taylor and the death of Wallace Reid from a drug overdose. But the infrastructure was already in place to process and ameliorate these concerns. No other film scandal in the 1920s would so arouse the public or receive so much front-page newspaper coverage as the Arbuckle case had.<sup>148</sup> No other scandal would so inflame the anti-film and pro-censorship activists of

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<sup>147</sup> Hays to Lee Hamner, 31 January, 1923. MPPDA Digital Archive, Record #23, Reel 1, Frame 0144. Flinders University. Accessed February 28, 2015. <http://mppda.flinders.edu.au/records/23>.

<sup>148</sup> One popular rumor concerning the scandal is that William Randolph Hearst exploited the case to sell newspapers and later bragged about doing so. Such statements, while plausible, are unsourced and may be considered hearsay.

the country. And no other scandal would so thoroughly frighten the motion picture studios or result in such large-scale changes to the industry.

Will Hays, the MPPDA, and the Committee of Public Relations (minus Julius Barnes) would continue in their stated mission to further the business interests of the industry and provide “moral uplift.” In 1922 Hays and the MPPDA successfully defeated an attempt to pass censorship legislation in Massachusetts through a masterful combination of public relations and old-fashioned politicking. The law, passed by the Massachusetts legislature, required confirmation by public referendum, which was voted down in November 1922 by a nearly three-to-one margin.<sup>149</sup> Raymond Moley, writing about the Hays Office in 1945, referred to this defeat as the “Waterloo of political censorship,” a phrase which may be exaggerated but is largely accurate; only two states, Louisiana and Connecticut, would pass large-scale film censorship legislation after the Massachusetts “Waterloo.” One of these, in Connecticut, lasted for a very short time, while the other was a Louisiana statute that was, in Moley’s words, merely the product of a “moment of pique” by then-Governor Huey P. Long and was not enforced.<sup>150</sup> In the aftermath of “Waterloo,” large-scale film censorship would be forever exiled from American cultural life.

For decades, American industry had used multiple methods to combat and defeat reformers. Pullman workers in Chicago and coal miners in Ludlow, Colorado were shot down by government soldiers. Political machines like New York’s Tammany Hall bribed

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<sup>149</sup> Black, *Hollywood Censored*, 32. For more on the Massachusetts referendum, see Leigh Ann Wheeler, *Against Obscenity: Reform and the Politics of Womanhood in America, 1873-1935* (Baltimore: Johns Hopkins Press, 2004).

<sup>150</sup> Moley, *The Hays Office*, 55.

legislators and used the spoils system to undermine efforts at civic reform. Politicians, industrialists, and Supreme Court justices trumpeted the merits of “laissez-faire” economics and brought down the hammer of the judiciary and the Constitution against attempts at social reform. Cooperation was rarely attempted with any success, and even more rarely with any real sincerity.

Will Hays created something new. His legacy was to create a system of negotiated morality. He saw the futility of open combat against a well-organized system of reform organizations of many different political stripes and religious denominations. His solution was to co-opt reform entirely. The MPPDA was a surrogate for legislation, offering the illusion of change but instead insulating the motion picture industry from its effects. The policy of negotiation was an innovative approach to public relations in American industry. Hays deserves credit for this but, for whatever reason, has never received his due.

As for Roscoe Arbuckle, he was banished from film for the rest of the 1920s. But he was not gone forever.



## EPILOGUE

The return of “Fatty” Arbuckle came only after a long period of penitence and isolation. Having accepted (or having been forced to accept) his transition to a new role, Arbuckle struggled to continue to work in films as a director under a pseudonym, William Goodrich. He mostly directed short subject comedies although he made a few live appearances in vaudeville to supplement his income. This pattern persisted until 1931, when articles began to emerge in movie magazines such as *Photoplay*, *Modern Screen*, and *Motion Picture Classic* campaigning for the ban on Roscoe Arbuckle to be lifted. Editor James R. Quirk claimed that in response to their article on his continuing ban, “Just Let Me Work,” *Photoplay* had received two thousand letters in support of Arbuckle. Quirk noted bitterly that “the good club women” who had “stoned [Arbuckle] into oblivion” were acting hypocritically, refusing to “practice the precepts they mouth so glibly on Sabbath morn.”<sup>151</sup>

Finally, on June 17, 1932, an article in *Film Daily* announced that Arbuckle had been signed to star in a series of short subject comedies for the Educational film studio.<sup>152</sup> No mention was made of Will Hays’ ban, ostensibly still in place, in this or other articles on Arbuckle’s return. Arbuckle’s first films in over a decade, and his first sound films, debuted without any public furor. The *Motion Picture Herald* printed positive reports on Arbuckle’s new film *Hey, Pop!* which indicated that audiences were receptive to Arbuckle’s return. “Arbuckle will make good,” predicted the manager of the Rich

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<sup>151</sup> James R. Quirk, “Close-Ups and Long-Shots,” *Photoplay*, May 1931, 27. Media History Digital Library.

<sup>152</sup> “Fatty Arbuckle to Star in Educational Series,” *Film Daily*, June 17, 1932, 1. Media History Digital Library.

Theatre in Montpelier, Idaho, while Charles Wiles, an exhibitor in Anamosa, Iowa, stated simply: “A good comedy which the kids ate up. Arbuckle pleases all.”<sup>153</sup> There seems to have been no significant protest to Arbuckle’s return.

Apparently, the sense of moral disgust that prevailed after the Christmas pardon of 1922 had largely dissipated over the course of a decade. Even so, the articles arguing for Arbuckle’s return are not written as bold demands but rather as tentative suggestions. There is no proof of it in this case, but it was not unusual for Hollywood studios to use articles in fan magazines as “trial balloons” to gauge the public’s reaction to an idea before it was officially proposed. Even if the film studios were not the source of the articles, they still represent an attempt to gauge the public’s receptivity to Roscoe Arbuckle’s return to acting. If the letters coming in to *Photoplay* were to be believed, public support was strongly in favor of giving Roscoe another chance. If Arbuckle’s comeback was remarkably free of protest, it would also prove remarkably brief. On June 29, 1933, Roscoe Arbuckle died of a heart attack at the age of 46. He was survived by this third wife, Addie McPhail Arbuckle.

Arbuckle died as neither a hero nor a villain but as an echo of some ill-remembered cultural moment. His obituaries were usually framed around the scandal rather than his film career. While he had completed six short films before his death, they do not seem to have resonated in popular memory. The films were released by the Vitaphone Company, the short subject division of Warner Brothers. While Vitaphone would soon feature the exploits of Porky Pig and Bugs Bunny in its *Looney Tunes*

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<sup>153</sup> “What the Picture Did for Me,” *Motion Picture Herald* 110, no. 4 (January 21, 1933): 45; and *Motion Picture Herald* 110, no. 10 (March 4, 1933): 63. Media History Digital Library.

cartoons, the live-action division's biggest star prior to Arbuckle's return was erstwhile Stooge Shemp Howard. Arbuckle's comeback made such little impact on the public that both Zukor and Hays, writing in their memoirs, both claimed that Arbuckle never worked again after the scandal, having either forgotten or never noticing the Vitaphone shorts.<sup>154</sup> Arbuckle had thus gone from star to pariah to forgotten man, passing quietly into the realm of cultural obscurity.

In 1933, the same year that Arbuckle passed away, Will Hays and the MPPDA were facing a more potent threat of censorship than any they'd seen in a decade. The hard-won peace of the 1920s had degenerated by the 1930s until it seemed that Hays was unable to prevent another calamity. The MPPDA and the Committee on Public Relations had been able to manage this criticism during the 1920s, but by the end of the decade, their ability to control the studios was wavering. Under the threat of federal legislation in 1921, Hays was able to secure the cooperation of studio heads. Trouble started brewing in 1927, however, as the money to be made from more sensational films outweighed Hays' concern for moral uplift. Carl Laemmle, the head of Universal Studios, complained privately that the studio was making "namby-pamby movies" that the public wasn't interested in seeing.<sup>155</sup> In response to this weakening of support for the mission of the MPPDA, the organization issued a formal list of guidelines to be followed by all affiliated studios. This list of "dos and don'ts" was compiled by Hays's lieutenant Jason Joy, a former public relations official with the War Department. The new policy required

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<sup>154</sup> Adolph Zukor with Dale Kramer, *The Public is Never Wrong: The Autobiography of Adolph Zukor* (New York: G.P. Putnam's Sons, 1953): 204; and Hays, *Memoirs*, 361. Zukor asserts that Arbuckle never worked as an actor again, while Hays states that "as far as I know" he did not.

<sup>155</sup> Leonard J. Leff and Jerold L. Simmons, *The Dame in the Kimono: Hollywood, Censorship, and the Production Code.*, Revised edition (Lexington: The University Press of Kentucky, 2001): 6.

producers to submit scenarios to the MPPDA for official approval. However, by 1929, Joy was only receiving scenarios for roughly twenty percent of films produced.

By the early 1930s, pressure was again mounting from outside organizations who felt that Hays and the MPPDA were no longer able to keep objectionable material off of the screen.<sup>156</sup> It was becoming clear to the moral reformers that, like the National Board of Review and NAMPI before it, the MPPDA would serve the wishes of industry leaders before those of concerned filmgoers. Arbuckle's death came as Will Hays and the MPPDA were faced with their most significant challenge to date.

In 1933, a Catholic organization called the Legion of Decency was gathering public support for a boycott of films deemed objectionable by the group. What distinguished the movement of 1933-1934 from earlier reform movements was that it was backed by the organized opposition of the Catholic Church. The Legion began as an independent organization of concerned Catholic clergy but eventually gained the official endorsement of the Church, all the way up to Pope Pius XI.<sup>157</sup> The Legion circulated an oath to be taken by Catholics that they would refuse to see any film the Church deemed to be objectionable. Somewhere between four and six million American Catholics signed the pledge, creating a firestorm of publicity and a situation that quickly escalated out of the control of Will Hays. The Legion of Decency did not want promises or proclamations: it wanted an ironclad code of moral behavior of what would not be tolerated on film. Contemporary observer Paul W. Facey reported the remarks of R.H.

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<sup>156</sup> Leff and Simmons, *Dame in the Kimono*, 7-8.

<sup>157</sup> *Ibid.*, 60.

Cochrane, Vice President of Universal Pictures, who stated that the church movement had had one good effect: it had finally given Will Hays “the power he was popularly supposed to have, but never did have.”<sup>158</sup>

This power came with the institution of the Motion Picture Production Code in 1934, which once again quieted the calls for film censorship. But it followed the pattern that had been set by the “Fatty” Arbuckle scandal. While the charge was led by the Legion of Decency, the Production Code was the codification of a series of “do’s and don’ts” that the MPPDA had long been using as an informal guide for objectionable content in 1930. The list was formulated by film journalist and anticensorship advocate Martin J. Quigley, working together with Father Daniel A. Lord, a popular writer who had served as technical advisor on Cecil B. DeMille’s *King of Kings*. The problem with the list, as Lord himself later acknowledged, was that it lacked an enforcement mechanism as had its predecessor.<sup>159</sup> Thus, while the creation of the Production Code in 1934 was a new solution to the problem of the popular perception of film immorality, it was a solution structured along the same lines as the 1922 creation of the MPPDA. In one sense then, the Legion of Decency campaign could be deemed a failure of the system instituted by Will Hays. The underlying mechanism, however, was pure Hays, and the goals – stopping the Catholic boycott, presenting a negotiated settlement that offered buy-in to interest groups, and pre-empting federal legislation – were all met with minimal cost to the producers.

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<sup>158</sup> Paul W. Facey, *The Legion of Decency: A Sociological Analysis of the Emergence and Development of a Social Pressure Group* (New York: Arno, 1976): 16. Facey’s 1945 examination is still the best record of primary source material on the Legion.

<sup>159</sup> Vaughn, “Morality and Entertainment.” See also Facey, *Legion of Decency*, 37-40; Vaughn, “Will H. Hays,” 140-141.

Hays would retire in 1945 at the age of 65. His replacement was Eric Johnston, President of the United States Chamber of Commerce, who would promptly change the name of the organization from the MPPDA to the Motion Picture Association of America, as it is still known today. Johnston, like Hays, had an extensive political background and had strong experience as a business leader.<sup>160</sup> Under Johnston, the MPAA would continue in its largely unstated mission to fight against censorship and rebrand the industry as a business and a cultural institution fully aligned with American values of self-government and industrial might.<sup>161</sup>

The industry retained this self-government in the face of several crises in the years to come. The 1952 Supreme Court decision *Joseph Burton, Inc. v. Wilson* struck down *Mutual* by ruling that motion pictures were entitled to the protection of free speech, further advancing Hays's long-held goal of ending film's previous status as a cultural outsider and moving it into the fold of acceptable American culture. The industry fell under heavy federal scrutiny in the mid-1950s when the House Un-American Activities Committee investigated claims of widespread Communist influence in motion pictures. But Hollywood again pre-empted government censorship by blacklisting ten screenwriters, known as the Hollywood Ten, scapegoating them in much the same manner as they had Arbuckle. In the 1960s, a series of Supreme Court decisions allowed that prohibiting minors from certain films did not constitute censorship. Once again forestalling legislative interference, MPAA President Jack Valenti proposed a system of film ratings that would prohibit admission by minors to films with an "X" rating, and

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<sup>160</sup> "Eric Johnston Dies; Aided 3 Presidents," *New York Times*, August 23, 1963: 1.

<sup>161</sup> For more on Will Hays and his business strategies, see Vaughn, "The Devil's Advocate."

those under 16 to an “R”-rated film. This code, which exists with only minor changes today, was administered by the Code and Rating Administration, the successor to the Production Code Administration. Thus, as Hays had done, Hollywood adopted a limited self-censorship which would operate within their control.<sup>162</sup>

The goals of the MPPDA (renamed the Motion Picture Association of America – MPAA – after World War II) have remained largely unchanged since its creation in 1922. While some subsequent events, such as the creation of the ratings system, did amount to a loss of power on a narrow level, it still represented a strategic victory. The film ratings system offered a public relations concession to moral reformers and legislators without seriously endangering the power and profits of industry moguls. It is no coincidence that, following the example of Will Hays, the MPAA in 1966 chose as its leader another man with much experience working in public relations at the side of the president: Jack Valenti, special assistant to President Lyndon Johnson. Upon Valenti’s retirement, the MPAA again selected Washington insiders as its next two leaders, former Secretary of Agriculture Dan Glickman, who temporarily assumed the position in 2010, and former Senator Chris Dodd, who took over in 2011.<sup>163</sup>

Ultimately, therefore, the response to the 1921 “Fatty” Arbuckle scandal created a new bureaucratic framework that would guide the motion picture industry into the twenty-first century. In a very real sense, the real creation of “Hollywood” came not just with the construction of studio lots or the exportation of American films to foreign lands

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<sup>162</sup> Herbert N. Foerstel, *Banned in the Media: A Reference Guide to Censorship in the Press, Motion Pictures, Broadcasting, and the Internet* (Westport, CT: Greenwood Press, 1998): 21-23.

<sup>163</sup> Richard Verrier and Jim Puzzanghera, “MPPA Hires Former Sen. Dodd as Head,” *Los Angeles Times*, March 2, 2011. Accessed March 2, 2015. <http://articles.latimes.com/2011/mar/02/business/la-fi-ct-mpaa-dodd-20110302>.

but with the development of an industry apparatus that would counter religious opposition to modernism and indecency not by fighting against it but by co-opting it. In this sense, the “battle” over obscenity in film was never really a battle at all; with the creation of the MPPDA, Will Hays and his employers, the Hollywood producers, recognized that the fears of moral reformers could only be controlled by an organization that could mobilize and shape public opinion itself. Leaders such as Hays and Valenti functioned not just as Washington insiders and lobbyists but as cultural ambassadors for an entire medium.

The salient historical lesson is that cultural modernism was not just the creation of interest groups and political operatives. It was the creation of a new form of social consciousness that is no less influential just because it is more difficult to identify. It is a very difficult thing to change the world, but it is far easier to change someone’s mind.



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APPENDIX A:

Images from the *San Francisco Examiner*



Figure 1: "They Walked into His Parlor," *San Francisco Examiner*, September 15, 1921: 1.



Figure 2: Annie Laurie, "What's Gone Wrong with World Today?" *San Francisco Examiner*, Sept. 13, 1921: 3.



Figure 3: "S.F. Booze Party Kills Young Actress," *San Francisco Examiner*, September 10, 1921: 1.



Figure 4: "Girl Who Died and Her Host," *San Francisco Examiner*, September 10, 1921: 1.



# Judge Lazarus Untangles Knots of Legal Verbiage, Impresses Cleric

Words Wasted Over Clever Witness, Who "Knew So Much and Then Knew So Little"

By REV. WILLIAM  
KIRK GUTHRIE, D. D.

Pastor First Presbyterian Church.  
(Written exclusively for the San Francisco "Examiner.")

What a rotten way to spend a perfectly good afternoon. Sitting in a stuffy courtroom, listening to a lot of seemingly stupid questions, that seemed to lead nowhere, and were repeated over and over again in an



effort to get a witness who apparently had made up his mind not to say anything that was worth anything to anybody to say what he had already said.

I couldn't help being impressed at the Arbockle trial with the sincerity and human

Figure 5: William Kirk Guthrie, "Judge Lazarus Untangles Knots of Legal Verbiage, Impresses Cleric," *San Francisco Examiner*, September 24, 1921: 1.