

Rated ‘S’ for Stupid

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“I sleep a little better, a little more confidently every night ... because Lyndon Johnson is my President.”

— Jack Valenti, 1965

“I don’t think studios have any responsibility to make a movie on cancer or AIDS, you’d have to subpoena people to see it.”

— Jack Valenti, 1990

“Indeed, if you are 17 or over, the ratings system has no meaning for you. Ratings are meant for parents, no one else.”

— Jack Valenti, 1991

DATELINE: WASHINGTON, D.C.: Jack Valenti, 72, president of the Motion Picture Association of America, steadfastly vows to maintain his own status quo in an interview: “Our mission is simple. We serve the parents of America. We do not serve producers, distributors, or critics.”

One month later, the J-man addressed a convocation of 32 directors, all signatories to a petition demanding reform in the MPAA’s ratings system: “There isn’t anything in the world that can’t be made better.”

Wow. Is this guy *quotable*, or what?

Consider this in part to be a booklet review. The author is Jack Valenti; the title is *The Voluntary Movie Ratings System* (1991). You may obtain your very own copy by writing to the MPAA at 14144 Ventura Blvd, Sherman Oaks, CA 91423, or phoning (818) 995-3600. The text strives for clarity through repetition, and if you can ignore some of the more self-congratulatory politician’s prose, its aims seem essentially sound.

What you won’t find laid down in hard copy in any manifesto is the MPAA’s bias against certain genres of film, its preferences for major

studios over independents or any allowance for the current ratings system to change with the times.

That refusal to change let the MPAA shoot itself in the foot, big time, this past March — not over a new film, but an older one: *THE WILD BUNCH*. The present vogue for restoring director's cuts of films deemed classics had led Warner Brothers to reassemble Sam Peckinpah's original cut, some 20 minutes longer than the 144-minute version that previously held the title. The soundtrack was digitally remixed and 70mm prints were struck for a special engagement ... whereupon the MPAA declared the restoration to be rated NC-17. The revival of *THE WILD BUNCH* — originally cut from an X to an R in 1969 — was canned because the venues capable of projecting 70mm refused to promote films rated NC-17.

Submission to the MPAA ratings board has become mandatory if a company wants its film to be viewed by any sort of nationwide audience. Compliance with the system is “voluntary,” a word you'll find stressed way too many times in the MPAA booklet. As Jack says, “Any producer/distributor who wants no part of any rating system is free to go to the market without any ratings at all.”

The part he omits is that today, no major studio will challenge the MPAA letters of the law due to sheer fiscal necessity. Today, directors are frequently obligated by contract to deliver R cuts, or have the dirty work done for them if they don't comply. That's worse than censorship — it's pre-censorship in a world where the MPAA's party line goes something like this: *We object and you must fix it. We will not specify what we object to, since we're not censors. Your job is to keep cutting until we decide your film is acceptable.* Picture a parent, slapping a kid upside the head unprovoked; when the kid asks, “Geez, what'd I do?” the parent says, “You should *know*.”

Only in America does a film rating system so directly impact on the earning potential of a movie. This wasn't decided, it just happened, and even though the MPAA is funded by the studios — i.e., they pay Valenti's salary — none will take the first critical, boat-rocking jump into defiance except for mostly useless appeals. Yet the MPAA's Classification and Ratings Administration (CARA), a committee of anonymous people with “shared parenthood experience,” none of whom is under 35 years of age or employed by the film industry, is *answerable to no one* in their judgments.

How'd we get on this bus in the first place?

In 1915, the Supreme Court ruled in *Mutual Film Corp. Vs. The Industrial Commission of Ohio* that the appellant was denied due process of law because the power to determine what films could be shown in Ohio was in the hands of a censorship board which mandated "only such films as are in the judgment and discretion of the Board of Censors of a moral, educational, or amusing and harmless character shall be passed and approved."

In 1921, the sensational murder trial of comedian Roscoe "Fatty"

**Forbidden words
included "divorce,"
"bum," "harlot,"
"mistress" and "naked."**

Arbuckle led the Motion Picture Producers and Distributors of America to found the dreaded "Hays Office." Will H. Hays, a former Postmaster General and the first paid president of the MPPDA fired off a rough code of stan-

dards called the Formula of 1924, and in that year got 67 popular books or plays canceled as film projects. Advertisers quickly discovered they could employ *Banned by Will Hays!* as a drawing card, and the regulation of what ought to be shown where was shunted off to individual state censorship boards, presumably hewing to "community standards."

Arbuckle was acquitted, but nobody remembers that today.

Hays, whose motto was "Good taste is good business," issued his infamous Production Code of "Do's and Don'ts" in 1930. Kisses could not last more than 4 feet of film. Forbidden words included "divorce," "bum," "harlot," "mistress" and "naked." Attacks on government or religion were frowned upon, as were "subversive ideas."

Hays was succeeded in the 1940s by Joseph Breen. Howard Hughes flagrantly defied the Breen office in 1946 when he distributed his saucy Jane Russell film *THE OUTLAW* all by his lonesome, without the Production Code Seal of Approval ... and raked in a potload. In the 1950s, as television began to erode the theatrical market, moviemakers were compelled to be even more daring in order to win back their audiences. As Baxter Phillips wrote in *Cut: The Unseen Cinema* (1975):

The Supreme Court decision of 1952 in the case of Rossellini's *THE MIRACLE* weakened censorship by the [Catholic] Legion of Decency and gave to films the protection of the free speech clause in the First and Fourteenth Amendments to the Constitution. The way

back to the box office was to shock. All accounts of the 1950s show that Brando's rape sequence in *A STREETCAR NAMED DESIRE* and the playing of *BABY DOLL* by Carroll Baker were probably more destructive to the Breen Office than anything else.

When Jack Valenti became president of the MPAA in 1966, Mike Nichols' *WHO'S AFRAID OF VIRGINIA WOOLF?* landed on his plate like a grenade. After a three-hour meeting with studio execs, Valenti reported, "The result was the deletion of [the word] 'screw' and retention of 'hump the hostess,' but I was uneasy over the meeting. It seemed wrong that grown men should be sitting around discussing such matters."

What happened next was very important, and must not be overlooked: Valenti jettisoned the remnants of the antique Hays Code, and on November 1, 1968 instituted the MPAA ratings: G (General), M (Mature), R (Restricted), and X (No one under 17 admitted). In one astute move, Valenti eliminated the looming specter of *governmental* movie censorship (which was right around the corner), and the imminent threat that local censorship boards would be formed state-by-state to deal with the films aborning from the turbulent 1960s.

The bug in this new order was that although the ratings were intended to serve parents, they gradually impinged on filmmakers' freedom of expression.

When Miramax Films took Pedro Almodóvar's *TIE ME UP! TIE ME DOWN!* all the way to the California State Supreme Court to argue it down from an X to an R, Judge Charles Ramos stated for the record that the MPAA ratings "have been fashioned by the motion picture industry to create an illusion of concern for children. But it may well be that the interests of children are not adequately protected to fit the ratings." Ramos' most damning charge was that the MPAA system encouraged censorship of films *from within the industry itself*.

In legalese, that's called "prior restraint."

In his book, *Movies, Censorship and the Law* (1966), Ira H. Carmen rightly concluded that prior restraint *is* censorship. In the current context, prior restraint is interpretable as forcing movies to fit ratings, rather than forcing ratings to fit movies. The MPAA uses the difference between prior restraint and "subsequent punishment" to cloak their

backhanded form of censorship in Constitutionality ... which is why Valenti has always seen his role as an advisor, not censor.

And Miramax lost their case.

Early on, M got changed to GP, which became PG (Parental Guidance Suggested). Then *INDIANA JONES AND THE TEMPLE OF DOOM* rolled along in 1984. After outraged parents complained about the graphic violence in this PG-rated adventure (including a heart being torn from a man's chest), we got a new rating, PG-13, a classic of responsible-looking buck-passing which translates as: *The MPAA said "R" and the studio said "No way!" so here's a compromise.*

And just look at the world of difference the substitution of NC-17 for X in 1990 made!

It was also in 1990 that the MPAA began to append "five-to-eight-word explanations" of why a particular film received a particular rating. Here are some recent ones:

GODZILLA VS. BIOLLANTE: PG for "traditional Godzilla violence."

DREAMRIDER: PG for "accident scenes."

NEMESIS: R for "futuristic violence."

GROUNDHOG DAY: PG for "some thematic elements."

JACK THE BEAR: PG-13 for "elements of theme and some terror."

SUPER MARIO BROTHERS: PG for "sci-fi action, mild language, and sensuality."

TICKS: R for "sci-fi gore and violence."

FREAKED: PG-13 for "language, some sexual situations, and bizarre humor."

DRACULA RISING: R for "vampire violence and sexuality."

THE TURNING: R for "terror, language and a scene of sexuality."

THE VANISHING (U.S. remake): R for "terror, violence, and language."

SLAUGHTER OF THE INNOCENTS: R for "violence and gore."

I'm not going to attempt to fathom the quantitative difference between nudity, sensuality, sexuality and sexual situations (the MPAA

tosses out this terminology interchangeably, adding “strong” whenever it really ticks them off), nor the distinction between “futuristic violence,” “sci-fi violence” and plain old “violence.” But when the staunch, working child-rearers of CARA adjudge something for having what *they* think is “bizarre humor,” it’s time to admit that the corpse ain’t alive any more — it’s just the worms wiggling around inside the husk that make it *look* like it’s still moving

Mr. Hays and Mr. Breen had their two decades each. And the decay in the usefulness curve of the MPAA system over the past 20 years now necessitates its replacement. The *Calendar* section of the *Los Angeles Times* uses a smarter system already. Current films are flagged according to “some nudity,” “sexual themes,” “strong language” and a couple dozen variations, merely reporting on content *without judging the acceptability of that content in the form of a rating*. These capsules provide information for parents in a way that is not hazardous to the films themselves. No one I know takes those *Parental Advisory* stickers on CDs seriously; it’s about time the film industry showed the same disregard for the MPAA’s moribund and tediously straitlaced ratings.

Till next time, I’ll see *you* at the movies.



This was one of those installments so research-heavy that it began to dent me like homework. While I’m proud of the result, and feel it is fairly comprehensive (and a good bullet primer on movie censorship in America, to boot), when I completed it I realized that all the “homework” was vampirizing time that could have been spent furthering new short stories. As cited in the previous column, though, FANGO readers seemed to dearly love these explorations into the warp and woof of censorship.

In 1999, the MPAA admitted that it needed to “broaden” their ratings by including brief descriptions of types of objectionable material pertinent to each rating, in each case, in print ads and reviews.