

Brno Lecture 2: *I Am a Fugitive from a Chain Gang* and the Politics of 1932

I want to begin with a story, and a coincidence.

On May 4, 1932, a 44-year-old man called Langlan Heinz was arraigned on a charge of vagrancy in a court in Flatbush, New Jersey. Heavily bearded and dressed in a faded brown suit, Heinz appeared a typical victim of the Depression, in a typical, unremarkable Depression incident. But Langlan Heinz had a story to tell: according to the *New York Times*, “such a dramatic and straightforward story of his experiences that he held the attention of the crowded courtroom for nearly an hour.” He was not just a hobo down on his luck. Heinz was a graduate in engineering from the University of Colorado, and had worked as a civil engineer in the United States, China, Panama and Venezuela. Returning to the US from Egypt and Italy in 1932, he had been unable to find work, and when his savings were used up he started walking the streets of Brooklyn.¹

Six months later, almost to the day, another engineer – Herbert Hoover, the Great Engineer of the previous decade, also found himself suddenly unemployed.² On November 11th, three days after the election, New Yorkers and the citizens of more than 200 other cities could celebrate Hoover’s defeat by going to the opening performance of *I Am a Fugitive from a Chain Gang*, a

¹ *New York Times*, May 4, 1932. Reprinted in David A. Shannon, ed., *The Great Depression* (Englewood Cliffs, NJ: Prentice Hall, 1960), p. 89.

Warner Bros. movie about the rise and fall of an engineer in the 1920s. Critics and historians alike identify *Fugitive* as particularly emblematic of the nadir of the Depression. In his book *The Great Depression*, for example, Robert McElvane argues that *Fugitive* “was the perfect expression of the national mood in 1932: despair, suffering, hopelessness.” Its protagonist, James Allen “symbolizes all Depression victims ... [The] film was 1932: hopelessness.”³ Similar comments recur in the critical literature on the movie, and along with Mae West, the Marx Brothers, and three gangster movies, *Fugitive* is conventionally held up as evidence of what Robert Sklar evocatively called Hollywood’s “Golden Age of Turbulence” in the early 1930s.⁴ Although Sklar refers to this period as “an aberration, a surprise even to Hollywood itself,” he also implies an element of intent on the part of “Hollywood’s moviemakers.”⁵ The aberration may, however, lie more in the interpretation than in the event, and I shall spend some of this paper examining questions of methodology in writing the cultural history of Hollywood. But first I should note that none of the accounts making claims about the significance of this movie symbolizing or reflecting the immediate moment of its release have drawn attention to the coincidence of its release date, or to the decision by the movie’s scriptwriters to make James Allen an engineer. In most respects, the movie is a noticeably faithful adaptation of Robert Burns’ autobiography, *I Am a Fugitive from a Georgia Chain Gang!*,

² For a discussion of the image of Hoover as heroic engineer, see Cecelia Tichi, *Shifting Gears: Technology, Literature, Culture in Modernist America* (Chapel Hill: University of North Carolina Press, 1987), pp. 169-70.

³ Robert McElvane, *The Great Depression: America, 1929-1941* (New York: Times Books, 1984), pp. 208, 213.

⁴ “It was the absolute nadir of hopes and possibilities as depicted in the movies. The national landscape seemed like an empty lot.” Andrew Bergman, p. 96.

⁵ Sklar, op. cit., p.176

but one of the more substantive changes it makes is to the protagonist's career. When Burns settled in Chicago after his first escape in 1922, he eventually became the publisher of *The Greater Chicago Magazine*, a magazine styled after *The New Yorker*. No production documentation discusses the decision to make James Allen an engineer; while it obviously provided more photogenic opportunities, the symbolic force of those images of bridges being built and blown up derived in part from the cultural resonance that had accrued to the figure of the engineer in the 1920s, a resonance that had been politically charged by the Republicans' deployment of its connotations.⁶

SYNOPSIS AND EXTRACTS

EXTRACTS:

- "I want to be an engineer" — rejecting brother's advice
- The montage of travel
- Chain gang conditions
- Montage: 1924-29 and the bridge
- News of the pardon's rejection
- Escape, montage of newspapers, final scene

There is, I think, a continuing need to address fundamental methodological issues in writing about movies and politics, or historical accounts of cinema

⁶ The change was made in the first draft of the script. It is conceivable that this change was politically motivated, since the first draft also contains some early scenes critical of businessmen who had profited from the war. See John E. O'Connor, ed. *I Am a*

and society. If *Fugitive* is what McElvane suggests, it is so by means of metaphor and allusion, since the only explicit verbal reference the movie makes to any wider context is the final newspaper headline asking whether Allen is “another Forgotten Man”. After his first arrest, there is no representation of a world external to the personal narrative: the Crash, and the Depression itself, are missing from the movie. They take place off-screen, present only in the passage of time indicated via the calendars. **The movie** may make visual references through its shared iconography with contemporary images of the unemployed and Bonus Marchers. Its adverts provide the best evidence for that connection: see illustrations, compared to main illustration for *Fortune*’s “No-one has Starved.” — but no critic has to date proposed this argument. Iconographically, *Fugitive* may be one of the movies’ most charged representations of the crisis of capitalism: if James Allen might stand for Langlan Heinz, the fallen engineer of the previous decade, he might also stand for **William Hushka**, one of the “forgotten men” of the Bonus Army encamped in Washington that summer, whose brief moment of public attention came on July 28 when, as *Time* magazine put it, his “Bonus of \$528 suddenly became payable in full when a police bullet drilled him dead in the worst public disorder the capital has known in years.”⁷

The problem is where and for whom might he represent these people? The methodological problem is, in part, that we always begin with the movies, understood as texts available for interpretation. The movies draw us (those of us who find them interesting) because they are interesting objects in

Fugitive from a Chain Gang (Madison: University of Wisconsin Press, 1981), pp. 21-3.

themselves, and we then begin to ask interpretative questions and develop interpretative frameworks in which to place them. The critical tools of those interpretative frameworks are drawn, in the main, from the interpretative strategies of criticism directed at low-circulation cultural goods (High Art), and are primarily concerned with the production of cultural objects, and with issues of intention and agency underpinning the process of cultural production, usually at the level of the individual.

Some of these critical frameworks are also concerned with questions of history or society: with placing the cultural objects in an historical context. Because the cultural objects are positioned for interpretation, it seems to follow that they should be understood as themselves being interpretations of, or commentaries on, their historical, political or social context, and this interpretative paradigm is validated by a long tradition of literary and art history.

Alternatively, these accounts proceed through a largely undeclared application of an idea of reflection, which has proved to be the most persistent metaphor for understanding cinema's relationship to the society it forms part of.

Aesthetic assumptions about the camera's reflection of the optically real are easily transformed into expectations that the artefacts of popular culture must reflect a social reality connected to their production. How this relationship functions is seldom a matter of concern, but while the word "reflection" is itself often avoided, the talismanic powers of the term "ideology" are frequently invoked. The terminology of ideological analysis has complicated and obfuscated what is usually a fairly straightforward analytical procedure relying

⁷ *Time*, August 8, 1932, reprinted in Maitland A. Edey, ed., *Time Capsule, 1932*, (New

on an often concealed metaphor of reflection. Theories of ideology encourage acts of interpretation as necessary to the process of decoding an encoded text. Ideology, understood as a set of relations or a system of representations, becomes the dark glass through which the critical historian looks at artefacts in search of truth. Once a symptomatic reading of a text has identified its codes and its structuring absences, the artefact will reveal both ideology and truth: ideology as the revealed system of encoding, and truth in the artefact's now clarified reflection of the historical real. **The metaphor of reflection** also maintains the relationship between base and superstructure, since it requires a unidirectional causality – in the opposite direction, of course, to that presumed by those concerned about the effects of media on their audiences. Accounts that rely on an idea of reflection—for instance Colin Shindler's *Hollywood in Crisis*—are commonly organized according to a scheme in which a statement of base political and economic conditions is followed by a textual analysis of a superstructural object.

Through the devices and practices of interpretation, we thus have a methodology by which two discrete objects, an historical condition (for instance, the social conditions of the early Depression) and a cultural object (for instance, a movie about “one particular miscarriage of justice”⁸) are brought into the kind of juxtaposition proposed by McElvane. Where and when this juxtaposition takes place seems to be unclear. It is not, apparently, being claimed (certainly it is not being documented) that this is how audiences understood and interpreted *Fugitive* at the time of its release. Rather, we

York: Time Life Books, 1968), p. 35.

⁸ Joy to censor boards in Chicago, Toronto, New York, October 17, 1932, PCA File, / *Am a Fugitive from a Chain Gang*.

remain close to the ideas elaborated by Siegfried Kracauer in the late 1940s, that some movies, or some “pictorial or narrative motifs” reiterated in them, may be understood as “outward projections of inner urges ... those deep layers of collective mentality which extend more or less below the dimensions of consciousness.”⁹ Some periods of Hollywood’s history are understood as being particularly *zeitgeistig*. Curiously, these periods tend to be ones of economic uncertainty in Hollywood, in which audiences declined sharply, and previously existing patterns of, for instance, the relationship between production budget and predictable rental income were destabilized

These periods are also, not coincidentally, periods of “turbulence” in Hollywood’s conventions of representation. Conventions of representation are something of a problem in understanding Hollywood as a source of cultural history. While the operation of conventions in Hollywood—of genre, stars, and narrative—is widely acknowledged, critical attention is far more frequently directed to the unconventional, to the exceptional rather than the typical. The critical attention paid to *Fugitive* is a case in point: the movie is perceived as having acquired its resonance substantially because of its apparent unconventionality, and particularly that of its conclusion. But it is, on the face of it, difficult to see why movies produced during periods of falling audiences and uncertain conventions should be regarded as more *zeitgeistig* than those produced in periods of larger, more stable audiences and under more stable representational regimes.

One of the attractions that periods of “turbulence” have for critics is that they are often seen as giving rise to new forms. The early 1930s is conventionally

⁹ Siegfried Kracauer, *From Caligari to Hitler: A Psychological History of the German*

understood as the birth of the gangster film, and *Fugitive* is itself sometimes seen as marking the invention of a genre: “Warner Brothers [sic] Presents Social Consciousness,” as Andrew Bergman entitles it.¹⁰

So this period is perceived to be doubly rewarding for study: its innovative movies were also *zeitgeistig*. This version of history is much more appealing than it is rigorous. The real problem with it lies in the insistence on the primacy of the movie-as-text as a piece of historical evidence: in Andrew Bergman's claim that “the most compelling evidence ... lies in the films themselves.”¹¹

But which films?

Why do we see *Fugitive* as more representative of its historical moment than *Prosperity*, (“not around the corner but here ...”) released in the same week and distributed by the same, then highly unusual mechanism of saturation release, and with a far more direct address in its *advertising* to the immediate political and economic circumstances of the moment of these two movies' release – the week after the 1932 *Presidential election*?

Images from *advertising*, and Will *Rogers*

I don't necessarily want to argue that the conclusions that some of these accounts of *Fugitive* come to are wrong (sometimes they are — e.g. gangster movies — but that's obviously not necessarily the case). I certainly don't want to deny that many movies of the period contain symptoms of *a cultural crisis*, or that a significant number of the films of the early 1930s, including many of

¹⁰ *Film* (Princeton: Princeton University Press, 1947), pp. 6,8.
Andrew Bergman, *We're in the Money: Depression America and its Films* (New York: Harper, 1971), p. 92.

those discussed within conventional histories, were themselves accounts of the events of the previous decade, reflecting on how those events of that decade had led to the Crash.¹² I do, however, want to point up the deficiencies and undeclared assumptions in the methodology by which they're arrived at — primarily that these critical interpretations offered as historical commentaries are not themselves historically situated. And it's important to point this out because these objects of mass culture now assume an increasingly common place in the discourse of history textbooks. The history of entertainment is always expected to be entertaining, and even as they are incorporated into a larger version of social history, the movies remain under the obligation to entertain. Thus you will find accounts of *Fugitive* or *Scarface* appearing as diverting boxed features on “social realism in the movies” to alleviate the statistical tedium of histories of the early Depression.

To establish the cultural significance of Hollywood, we need to construct two different histories. One is notoriously difficult: the history of its audience— [difficult both because of the relative paucity of sources and also because such a history requires us to abandon the relatively simplistic causality involved in studying production, and examine instead the coincidental juxtapositions of cultural products with other objects from the existing pool of available social experience in any individual viewer's experience, in, let us say, Columbus Ohio in mid-December 1932.]

The other history is more manageable: a history of Hollywood's institutions of representation. By the institutions of representation I mean both the

¹¹. Andrew Bergman, *We're in the Money: Depression America and Its Films*, New York: Harper, 1971, xxiii.

¹². e.g. *I Am A Fugitive from a Chain Gang*, *Public Enemy*

organizational structures that produce, distribute, police and regulate that mode of representation, and the systems of generic, narrative, performative and formal convention in operation at the time of its production. Debates over the meaning of cultural artefacts take place within and between the institutions of representation. However, these institutions are seldom in alignment with each other, and their divergences can create variant and even opposing interpretations of the same object. This history is, I think, less ambitious but more demanding than the accounts that I have been criticising.

The question that lay behind much of the internal discussions of Hollywood's representation in the early 1930s was: how could the motion picture industry represent the crisis of capitalism entertainingly? *Fugitive* is one instance among many in this period in which the documentation of discussions within the studio and between the studio and the trade association officials responsible for implementing the Production Code explicitly deal with this issue, if not in quite those words.

It is, of course, important to remember that the majority audience Hollywood addressed were not themselves unemployed, any more than were the readers of *Fortune* magazine addressed in the second person in "What do you do?" They were, rather, the urban middle class, still able to afford admission to the first-run theatres, still with something to lose and something to worry about losing. Peter Baxter argues that the movies of the early 1930s did not address working-class anger or despair so much as middle-class fear: the anxiety that they "might be plunged into unemployment and penury, placed in the same position as ... the veterans in Washington," or "The Man in the Street," described in Edmund Wilson's *the American Jitters*, or Langlan Heinz,

or James Allen.¹³ So we can, perhaps, state Hollywood's problem in the early 1930s more precisely: how to entertain a jittery middle-class audience with escapist representations of the crisis of **capitalism?**

Nowhere in the surviving documentation concerning the movie's production and distribution is there any evidence to suggest that it had grand social ambitions to "represent" 1932. The extent to which it was a protest against penal conditions, rather than an exploitation of current interest and concern in them, is also open to question.

So why would Warner Bros. make this movie when they did?

We're used to thinking of Hollywood making films in genres, but the genres of American cinema are substantially a critical invention. In fact, the industry had a number of interrelated production strategies that determined the types of movies they produced, which can be imagined as a map of production decisions, on which it should be possible to locate any individual movie.

1. **Budget:**

In the early 1930s, the major companies produced movies in three budget bands: Superspecials, Specials, and programmers. The amount budgeted for each category varied from studio to studio, and in all cases fell steadily during the early 1930s. These categories also represented different production planning cycles, different marketing strategies, distribution patterns and theatre outlets.

¹³ Peter Baxter, *Just Watch!: Sternberg, Paramount and America* (London: British Film Institute, 1993), pp. 148, 142.

2. Production types

Different production types were aimed primarily at particular sectors of the market, the most obvious instance being the “woman’s film.” Trade press reviews assessed the likely appeal of a movie for different market areas: “the carriage trade” of “educated” or “sophisticated” clientele, the “Saturday afternoon trade,” and so on.

These audience-oriented categories were related to budget banding according to the size of the audience sector, and some of what we now identify as genres fitted into these categories. For instance, in the early 1930s Westerns were either Superspecials or programmers, and the resultant two kinds of movie were very different in narrative and thematic concerns.

One production type was “topical” movies: these are now most commonly called “social problem” films, but the term “social problem” was actually used at the time to identify a larger grouping. Similarly, this type is now most commonly identified with Warner Bros., but in fact all studios made them.

3. Cycles

Production cycles determined the routine production of specials and programmers. A cycle might last over one or two production seasons, usually beginning with the imitation of a commercial success and lasting until the specific content or formula had been played out. The use of “pre-sold” material adapted from theatrical or literary sources meant that, in terms of content, innovation in the movies usually came through imitation of an external source. Producers maintained that subject matter was determined by

a combination of audience preferences and the industry's reliance on published material for adaptation. Jesse Lasky argued "We are really in the hands of men and women writing the current fiction, the literature of the day. They are our reporters; and they are the ones that set the standards for the present type of entertainment."¹⁴

The cycle was particularly important for the content of **topicals**: in the 1930-31 production season, for instance, there are cycles of gangster movies and newspaper movies, each of about two dozen movies.

Fugitive was a typical Warner Bros. Special, budgeted around \$200,000, a star vehicle designed, from the outset, for Paul Muni, for whom it was the first production in a four-picture contract with the studio. Muni had a substantial reputation as a Broadway actor. He had made his first movie, *Scarface*, in the summer of 1931, but censorship difficulties delayed its release until May 1932, after he signed his Warners contract. In hiring him, the studio was adding to its stable of urban ethnic males.

On September 29, 1931, the Association of Motion Picture Producers passed a resolution prohibiting their members from the further production of motion pictures with a gangster theme, in response to the considerable hostility they had received from a wide assortment of civic groups and increasing exhibitor resistance.¹⁵ The studios thus abandoned one representational territory on which they had represented disorder as criminality, and they began looking for others in topical subject matter. They briefly found one in the Southern chain

¹⁴ Reporter's transcript, p. 96.

¹⁵ For further discussion of this decision, see Richard Maltby, "Tragic Heroes?: Al Capone and the Spectacle of Criminality, 1948-1931," in *Screening the Past: VI Australian History and Film Conference Papers*, eds. John Benson, Ken Berryman and Wayne Levy, (Melbourne: La Trobe University Press, 1995), 112-9.

gang system, which was the focus of media attention in the winter of 1931-2 following the death of a white chain gang prisoner in Florida during a punishment known as the "Sweat Box." Public interest was sustained in 1932 by press reports of the ensuing trial of two guards, and by the publication of a book by John L. Spivak, "America's Greatest Reporter," called *On the Chain Gang*.¹⁶ In early 1932 there were two literary properties dealing with chain gangs available for purchase. Both Warner Bros. and MGM were interested in Robert Burns' book, which had been serialized in *True Detective Magazine* in January-June 1931 and was published as a book by Vanguard early in 1932, just before Jack Warner bought the rights.¹⁷ A month later, Universal bought the rights to *Laughter in Hell*, a novel set on a chain gang by Jim Tully, former hobo, prize-fighter and "literary bum," protégé of H.L. Mencken, writer for *American Mercury* and author of a half-dozen "realist" novels. At about the same time, David O. Selznick, head of production at RKO, initiated a project variously called *Chains*, *Chain Gang*, *Liberty Road* and eventually *Hell's Highway*.

The cycle can also be situated as a subset of a cycle of prison movies, including *The Big House* (1930), *The Criminal Code* (1931), and *20,000 Years in Sing Sing*, released by Warners less than two months after *Fugitive*. The prison cycle provided the basic narrative formula, constructed around the excessive punishment of an innocent or almost innocent character (not necessarily the protagonist), for the chain gang movies.

¹⁶ John L. Spivak *On the Chain Gang*, International Pamphlets Series, No. 32 (New York, 1932), quoted in William Stott, *Documentary Expression and Thirties America* (New York: OUP, 1973), p.34.

¹⁷ Thomas Schatz, *The Genius of the System: Hollywood Filmmaking in the Studio Era* (New York: Pantheon, 1988), p. 143.

The Studio Relations Committee, the body responsible for administering the Production Code, which had sought to dissuade both Warner Bros. and MGM from the *Fugitive* project, expressed some concern that the chain gang pictures were developing into a cycle “which may create another censorship problem of major proportions” comparable to the gangster cycle of the previous year, and SRC Director Jason Joy warned studio heads of the dangers he foresaw.¹⁸ Although he did not dissuade any of the three companies from developing their projects, he may well have discouraged others from adding to the cycle. His attempts to persuade the producers of the three films to meet to discuss an amalgamation of their projects or a common approach to the problems they posed also met with failure. Both Carl Laemmle Jr. and Darryl Zanuck declined.¹⁹ But Joy’s activities had contributed to a shared belief that there would probably be only one successful movie in this cycle. Zanuck was convinced that he owned “the only legitimate chain gang story on the market and, incidentally, the property that started the interest.”²⁰ Selznick pressed ahead to bring *Hell’s Highway* to market as far ahead of *Fugitive* as possible. **Universal** was persuaded, either by Joy’s arguments or by the need to differentiate their product, to set *Laughter in Hell* in 1880, “thus removing the suggestion that [the brutality of the chain gang system] is a current problem.” Universal also agreed to a rearrangement of the plot elements to emphasize the personal enmity between the central character and the brutal head guard, who was to be contrasted with more humane officials “thereby, to a certain extent, removing

¹⁸ Interoffice Memo from Lamar Trotti, March 31, 1932. Production Code Administration Case File, *Laughter in Hell*. Margaret Herrick Library, Academy of Motion Picture Arts and Sciences, Beverly Hills, California (hereafter PCA)

¹⁹ Interoffice Memo April 4, 1932. PCA File, *Laughter in Hell*.

the full blame from the state.”²¹ Their intention was to make *Laughter in Hell* a “story of an individual brutalised by the system through the machinations of one man, with results comparable to those obtained in *Les Miserables*. In fact they have the Hugo character of Jean Valjean very much in mind.”²²

Joy continued to express his anxieties about the cycle, and about *I Am a Fugitive* in particular, in a series of letters and memos written in the spring of 1932:

... There also is the very important consideration of the Southern reaction to such an exposé. Even though you did not place the story in Georgia as such, obviously you would want to use the southern scene for local colour, for contrast of whites and blacks, etc., and Southerners, who are oversensitive on all matters pertaining to their manners and customs, will regard the story as an unfair incitement, deliberately brought against them ... Though to us these methods may seem barbarous relics of the Middle Ages, still from a business standpoint we ought to consider carefully whether we are willing to incur the anger of any large section by turning our medium of entertainment to anything which may be regarded as a wholesale indictment.²³

²⁰ Letter, Darryl Zanuck to Joy, March 30, 1932.

²¹ Interoffice Memo from Lamar Trotti, March 31, 1932. PCA Case File, *Laughter in Hell*.

²² Report, Joy to Hays, April 1, 1932, PCA Case File, *Laughter in Hell*.

²³ Joy to Irving Thalberg and Darryl Zanuck, February 26, 1932, PCA File, *I Am a Fugitive from a Chain Gang*. Joy's argument was echoed by both Warner Bros.' legal and story departments, which had recommended not purchasing *Fugitive* because “all the strong and vivid points in the story are certain to be eliminated” by censor boards. Memo from Warner Bros. story department, February 19, 1932, quoted in Schatz, p. 143.

... Not that I think we need dodge this type of story, for if brutality persists on in these days and systems are wrong, I see no reason why we should not be permitted to say so. A greater worry is to make them entertainment and yet within usable bounds.²⁴

What constituted the “usable bounds” of entertainment was, of course, the crucial issue for the SRC not only in this case but throughout this period. The chain gang pictures presented three main problems: the hostile representation of the South; “gruesomeness”; and an issue that centred around balancing the dramatic requirement of having the protagonist appear sympathetic, and therefore innocent, against the political requirement to minimize the movies’ indictment of state authority as dishonest and vengeful. In this last point the chain gang pictures restaged some of the problems encountered but not resolved in the gangster cycle, where the problem emanated precisely from the anxiety that audiences would, inappropriately, find the central character sympathetic.

In dealing with the two other topics, the burden of the SRC’s work lay in ensuring that the movies conformed to conventions of inexplicitness and imprecision, which involved both generalizing and individualizing the narrative. Gruesomeness was straightforwardly handled, by informing the studios of what censor boards were likely to delete: for instance, “Certainly the censors will not permit you to show a whipping in a two-shot, and I doubt if they will permit you to show the lash actually striking the men's bodies.”²⁵ In *Fugitive’s* Final shooting script, a number of details of the chain gang, including the Sweatbox, were removed, and in October, Joy’s successor, James Wingate,

²⁴ Joy to Hays, March 25, 1932, PCA File, *I Am a Fugitive from a Chain Gang*.

reported to Will Hays that in *Fugitive*, “the element of brutality has been handled fairly well, with the exception of the lashing sequence which can be trimmed to suit local taste”²⁶ Within both Warners and RKO, there were debates about whether what Warner’s director Roy Del Ruth called the movies’ “morbid” tone should be relieved by more obvious box-office appeal.²⁷ RKO had already decided to lighten *Hell’s Highway* with several comedy scenes. After three previews in August, studio head B.B. Kahane decided, against Selznick’s advice, to lighten the ending: originally the protagonist had attempted a prison break that was bound to end in his death; in the released version, he shares a joke with a fellow prisoner.²⁸ The trade reviews found these ameliorations of tone unsuccessful, and the unenthusiastic response to *Hell’s Highway* may well have helped Zanuck in his insistence on not diluting *Fugitive*’s brutal sequences.

In representing the South so as to minimize offensiveness to Southern white sensibilities, the principal strategy was imprecision. The clearest instance of this occurs in *Fugitive*’s montage sequence of Allen’s journey around the country, where the map reaches St. Louis, heads south and then dissolves. Obviously, the word “Georgia” was removed from the title and similarly not mentioned in any of the movie’s publicity. In all three movies Joy drew the producers’ attention to the importance of avoiding “any distinguishing feature that might be identified, even with a stretch of the imagination, as belonging to

²⁵ Joy to Laemmle, August 30, 1932, PCA Case File, *Laughter in Hell*.

²⁶ James Wingate to Hays, October 21, 1932, PCA File, *I Am a Fugitive from a Chain Gang*.

²⁷ Warner Bros. interoffice memo, Roy Del Ruth to Hal Wallis, n.d. (probably May or June, 1932), Warner Bros. Production File, *I Am a Fugitive from a Chain Gang*.

²⁸ August 18, 1932, David O Selznick to B.B. Kahane; August 19, Kahane to Ned Depinet, RKO Production File, *Hell’s Highway*.

any one state.”²⁹ In the light of the publicity given to the trial of the two Florida prison guards for the “Sweat Box” killing before the movies’ release, Joy assumed that “the average motion picture fan will probably think” *Fugitive* was set in Florida, but he anticipated, correctly, that such vagueness would not appease the officials of Georgia.³⁰

The third problem was, however, intransigent. It was a Code requirement that, if Allen was to remain unpunished at the end of the movie, he be innocent. Moreover, since the story was allegedly true and the author’s veracity relied on his innocence, Allen had to be represented as an innocent victim. But because the story was allegedly true, the fictional option adopted in *Laughter in Hell*, of making the protagonist the victim of an evil individual, could not be followed lest some individual Georgia prison official took litigious objection to his misrepresentation as a figure of evil. Thus, the authority of the unnamed state is held responsible for Allen’s fate, while audience sympathy remains with Allen because he is represented as pure victim, a naive innocent continuing to trust in the essential honesty and decency of the world around him despite the accumulating evidence that such trust is badly misplaced. He also remains oddly unaffected by his experiences of injustice and brutality, until his final escape, when the tolerant innocent abruptly becomes the paranoid, nihilistic criminal, and the emotional energy the plot has developed in the audience is not dispersed by a conventional resolution.

²⁹ June 13, 1932, Selznick to C.D. White, RKO Production File, *Hell’s Highway*.
³⁰ Joy to Zanuck, July 26, 1932, PCA File, *I Am a Fugitive from a Chain Gang*. The press book for the movie explicitly advised exhibitors that “the picture also affords a timely tie-up with the recent Maillefert trial in Florida of the two guards who were tried for the killing of young Maillefert in the Florida Chain Gang ‘Sweat Box.’”

Fugitive's reputation as a particularly powerful representation of the early Depression rests heavily on the absence of a resolution, which has permitted a significance to escape the chains of entertainment in which the process of regulation sought to contain it. But it is also its inconclusiveness, its irresolution and its evasions, that leave it open – as so many movies of the period were deliberately left open – to interpretation. While the movie's press book and advertising campaign sought to stage this as the escape of truth – "They can't let me go now! I've seen too much! And I've dared to tell the whole hideous truth about it! ... They've got to shut me up because they know I've lifted the lid off hell!" – the SRC offered, as they frequently did for potentially troublesome movies, an alternative, official interpretation for the **consumption of censor boards:**

it is important to remember that, in essence, it is not a preachment against the chain gang system in general, but a strongly individualized story of one man's personal experiences arising from one particular miscarriage of justice, and attended by later circumstances so unusual that in no sense can it be considered a general indictment of this form of legal punishment. We feel therefore that, with due respect to whatever pros and cons there may be over the vexed question of the chain gang system, nevertheless the picture industry is thoroughly justified in making pictures like the present, provided they are based on fact and are presented dispassionately, free from propaganda and sectional

prejudice, and with a proper consideration for the requirements of entertainment.³¹

Fugitive's release pattern, of simultaneous exhibition in over 200 locations, was strikingly unusual, and certainly sufficiently so for the movie's publicity campaign to draw attention to it. Normally, a movie would be released first in New York and Los Angeles, with a delay before it opened in other cities. Simultaneous release across the country was an unusual distribution practice before the industry began using national television advertising in the late 1960s. Before that, "saturation booking," as this practice was known, was a strategy mainly used by exploitation filmmakers hoping to make quick profits before word-of-mouth discouraged audiences. Given the financial situation of the major companies, who were primarily concerned to maintain the viability of their first-run theatres, if necessary through the quick turnover of product, a similar motivation may be assumed in this case. This interpretation is supported by the uncertain preview it received from *Variety*, which suggested that "Tied in with the current chain gang abolition activity, it may draw attention, but its chances of getting into the important money are slim"; from the *Hollywood Filmograph*, which thought that "the public would never want to see such a picture — that people wanted escape from depressing things"³²; by the commercial failure of its RKO rival, *Hell's Highway*, and by the Warner Bros.' Sales Department's evident nervousness about the marketability of a movie with this much "gruesomeness" (which, according to the *Variety*

³¹ Joy to censor boards in Chicago, Toronto, New York, October 17, 1932, PCA File, *I Am a Fugitive from a Chain Gang*.

³² Lewis Jacobs, *The Rise of the American Film: A Critical History* (New York: Harcourt, Brace and Co., 1939), p. 522.

previewer, had caused walkouts at the preview), and with an evident lack of “femme appeal.”

It was, however, an early financial success. In the week after its release, Zanuck triumphantly circulated to production staff the texts of two telegrams received from Charles Einfield, head of Sales:

“*Fugitive* biggest Broadway sensation in last three years. ... Can’t refrain from wiring you tonight as Warner prosperity turns corner in 209 other cities where *Fugitive* opened.”³³ ... must admit you people were right when we asked you to cut down on blood and brutal sequences and you refused. Audiences throughout America have vindicated your decision.”

Perhaps people were celebrating the downfall of the Great Engineer, but there is little evidence of such celebrations.

Foreign success

The preceding account of *Fugitive*’s production, release and its treatment by the SRC may seem like an attempt to dismiss or derogate the movie’s cultural significance. It is actually an attempt to re-situate it. Hollywood was in the business—literally—of representing its audience with an existing system of conventions, which certainly included character types provided by specific actors, featured players as well as stars. If we look at what was typical about *Fugitive*, a different pattern emerges.

Fugitive’s narrative shares with the gangster cycle of 1930-1 and the “fallen woman” cycle problems of resolution emanating from the moral status of their protagonists. To take the most graphic instance, the gangster protagonist

³³ Einfield to Zanuck, quoted in O’Connor, p. 37.

dies at the end of the movie not, as Robert Warshow suggests, because he is “is *punished* for success,”³⁴ but because the then-operating interpretation of the Production Code’s third principle that “Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation,”³⁵ insisted that criminals and wrong-doers be seen to be punished for their sins and misdeeds. That, of course, is the reason that so many innocent men go to prison in the Classical Hollywood movies

The trend toward unhappy endings can be interpreted metaphorically — as a precursor of the *noir* sensibility appropriate to the cultural conditions of the period — but it can also be explained as a feature of a production policy with a number of clear commercial goals. Studios, forced by their financial position to seek immediate returns on their investment in production by concentrating on appealing to the first-run market, were using material as provocative as the SRC would allow. In fallen women movies studios devised plots in which the heroine chose between “her life [and] her virtue,” the choice ensuring that the movie remained just within the letter of the Code, but did not end well for the heroine. *Fugitive* seems “bleaker” (the adjective used most often by critics) in its ending than the gangster movies because the protagonist is given characteristics closer to those of the heroines of the fallen women cycle, and the same is true of the movie’s conclusion. It might constitute a one-movie “Forgotten Man” cycle, a male melodrama in parallel with the fallen women cycle of the same period.

³⁴ Warshow, pp. 87-8.

³⁵ “A Code to Govern the Making of Talking, Synchronized and Silent Motion Pictures,” MPPDA, 1930, reprinted in Moley, p. 241.

There are a number of other narrative features that we can identify as commonly recurring across this group of movies — certain loosely Proppian functions —: the mother, the well-intentioned but ineffectual older brother failing to perform adequately in place of the absent father, for instance. Certain stories, certain plot devices, and certain characters apparently became unavailable to movies during the worst years of the Depression. Most notable, and perhaps least surprising, was the absence of the patriarchal hero. During the three production seasons from 1930 to 1933, there were few successful businessmen and few successful fathers in movies. The family without a father was a commonplace; it was almost a *sine qua non* of the gangster movie. The Oedipal trajectory of *The Public Enemy* (1931) is an oft-told early-Depression tale: the younger son of a fatherless family is led astray; the elder son fails adequately to fill the restraining patriarchal role.³⁶ The movies represented the crisis of capitalism as a crisis in other social and cultural institutions, and particularly in the institutions of patriarchy, displacing economic anxieties into emotional terms.³⁷ Hollywood's history of the previous decade was not a history of speculation on Wall St. and insecure construction in the fortresses of finance capital, but rather a history of speculation about sexual difference and insecure construction in that other fortress, the American home.

³⁶ Tom Powers' policeman father makes one appearance in *The Public Enemy*, when he beats the child Tom. It is established that the father is dead immediately after the first crime Tom commits, which ends in the death of a cop. *I Am A Fugitive From A Chain Gang* (1932) provides another example of the role of the elder brother.

³⁷ David N. Rodowick, "Madness, Authority and Ideology: The Domestic Melodrama of the 1950s," in *Home Is Where the Heart Is: Studies in Melodrama and the Woman's Film*, ed. Christine Gledhill. London: BFI, 1987, 271. The essays by Thomas Elsaesser, Nick Browne and Richard de Cordova in the same volume provide discussions of the patriarchal family as social metaphor. For an instance of such representation in the early 1930s, see Richard Maltby, "*Baby Face*, or How Joe

Parallel with the failures of the patriarchal hero was a crisis in the representation of romantic heroism. The passionate, melodramatic male sexuality of Rudolph Valentino and John Gilbert proved vulnerable to the dictates of a sound cinema intolerant of its feminization of the male as erotic object.³⁸ Joel McCrea, John Boles, Lew Ayres and Robert Montgomery were hindered by an absence of assertiveness often attached to an effete aristocracy in the "drawing room" genre borrowed from Broadway. In an article on **Clark Gable** in *Modern Screen*, Faith Baldwin suggested that "the feminine public is wearying of rather pretty and too polished young men," but few acceptable alternatives emerged. The three top male box-office stars of the early 1930s were Will Rogers, Eddie Cantor and Wallace Beery.³⁹ Warners' urban ethnics - Cagney, Muni, Robinson - were seldom more than peripheral romantic leads. Baldwin went on to complain that:

Since the world war there has been a demand for charm, for romantic charm. It is beginning to lessen. There are far too many young men of romantic charm and not much else, in life as well as on the screen. There seems to be something of a reaction against them. The average fan is beginning to call for men of action, men whom the old trite term, "he-man," fits like a glove.

Breen Made Barbara Stanwyck Atone for Causing the Wall St. Crash," *Screen* 27.2 (March-April 1986) 22-45.

³⁸ . The myth of John Gilbert's "feminine" voice is the most obvious instance of this; see Kevin Brownlow, *Hollywood: The Pioneers*. London: Collins, 1979, 192-194 for an account of Gilbert's career decline. Miriam Hansen, "Pleasure, Ambivalence, Identification: Valentino and Female Spectatorship," *Cinema Journal* 25.4 (Summer 1986), 8-10 provides a theoretical basis for the discussion of sexual mobility and the temporary slippage between gender definitions. See also Gaylyn Studlar, *In The Realm of Pleasure: Von Sternberg, Dietrich, and the Masochistic Aesthetic*. Urbana: University of Illinois Press, 1988.

³⁹ . *Motion Picture Herald*, January 6, 1934.

But like Victor McLaglen and Gary Cooper, Gable's representation of masculine sexuality was tainted with a disturbing brutality, comparable with Cagney's more celebrated treatment of Mae Clarke in *The Public Enemy*.

Fugitive's advertising makes it clear that it was directed at a male or male-led audience. The press book advocated: "Sell the picture as a big show – one with a lot of guts – showing a stark realism that it took a lot of guts to make! It is loaded with Box Office values and can best be sold on those values, rather than by over-emphasis of a woman appeal in your copy. Because of the topic, and the facts revealed, the picture will arouse the sympathy of all for "the Fugitive," and will have a great appeal for the women." *Variety's* positive review, on November 15, observed, "That it's a man's picture essentially is apparent from the title. The women will shudder at its gruesome realism but they'll not be bored ... regardless of its shortcomings on the romantic angle, [it] should get some big grosses, particularly in the bigger keys."

The movie's release pattern indicates that there was some uncertainty about the commercial viability of this strategy. It succeeded in translating the fallen woman cycle's structure of sympathy into a male melodrama, but this proved difficult to repeat, since the protagonist-as-victim was not easily integrated into audience expectations of masculine narrative assertiveness.

Fugitive is typical of Hollywood's problems in providing acceptable images of masculinity in this period—particularly images that would appeal to men. The star system of the late silent period had been largely constructed to appeal to the predominantly female audience, and its deficiencies were revealed by the post-1930 decline in audiences as much as by sound.

I think that the cultural resonances of *Fugitive* lie in the iconography it shares with other graphic representations of men. What is missing from the period are images like that of the Relief Organization advertisement: images of the engineer, the provider of practical solutions, with his sleeves rolled up.

My conclusion is that if we look at *Fugitive* not as an exceptional object—exceptional because critics and historians can claim that it ventures into the territory of social comment and they can therefore appropriate it for their disciplines and their textbooks—but if instead we look at it symptomatically, as a source of evidence about representation, we discover that it can speak to us of early Depression conditions: in a variety of ways, of the failure and disarray of patriarchal structures, of the exclusion, at least in the latter part of the previous decade, of men from participation in the mass culture of consumption, and of the unresolved search, in 1932, for positive, stable and culturally acceptable images of masculinity.