

## SYSTEMATIZING SCANDAL

CONFIDENTIAL

MAGAZINE, STARDOM,

AND THE STATE OF

CALIFORNIA

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In his groundbreaking history of the development of the Hollywood star system, Richard deCordova argues that the star scandals of the 1920s were an actualization of "something that had previously had an existence as a more virtual set of pressures, contradictions, and fantasy scenarios."<sup>1</sup> DeCordova's description of scandal in the 1920s is also useful for thinking about star scandal from the studio era of the 1930s and 1940s to the poststudio, postmodern media period of today. Star scandals — everything from Rock Hudson's death from AIDS in 1985 to the Woody Allen/Mia Farrow/Soon Yi Previn triangle of the early 1990s — do still seem to "erupt" into actualization, promising "a full and satisfying disclosure of the star's identity."<sup>2</sup> Yet the "ante" for what signifies the "promise of a full and satisfying disclosure" of a star's identity has been upped considerably, and this is not only because of changing sexual mores in the social sphere. The deregulated, globalized, multichannel, multimedia environment of postmodern culture allows for competing star discourses of morality and scandal to circulate simultaneously (both at the level of the individual star and on a more general register of stardom), and some contemporary stars' personas are based to a considerable extent on scandal itself.<sup>3</sup>

To state the obvious, we are in a culture of scandal, a culture in which scandal — both the alleged event and the response to it — can be, and often is, compatible with systematic, mass-produced forms of public media discourse. Scandal may still be experienced by any number of players (the readers/spectators, the media producers, and even sometimes the transgressors) as an eruption, but it now

breaks as news in carefully preconstructed narrative and imagistic frameworks to a public that at some level expects that that behavior is possible, inevitably documented by technologies and witnesses, and made accessible for interpretation through multiple media sites. The fantasy scenario deCordova described as the location of the preactualized star scandal of the 1920s has not just moved from the public's unconscious to its preconscious but could be said to reside most of the time in the zone of consciousness.

This essay, however, will not be concerned with the current positionings of stars vis-à-vis scandal. Instead, by focusing on a pivotal period and phenomenon between the studio era and now — the 1950s and the rise of the scandal magazines — I will examine the changes in social, industrial, and legal regulations of public discourse about stars that helped create this contemporary environment. Specifically, I will discuss the way scandal magazines of the 1950s attempted to construct star scandal with a kind of "systematicity" that would give them an unlimited supply of copy, ensure an ongoing difference from Hollywood-produced discourse, and protect them from legal action. This will entail a discussion of their personnel (private investigators, writers, tipster call girls), research methods and evidence gathering (wiretapping, spy photography, historical research into past press coverage), and their aesthetic (the creation of the "composite" photo and the "composite fact" story, repackaging of past narratives about stars).

I will also examine the ways the Hollywood film industry and the state of California responded to these magazines. Any attempt to understand the origin, context, and ultimate impact of these magazines must examine these responses because the magazines' own forms of systematicity — their operating procedures and the aesthetics of their product — were shaped out of a canny anticipation of the possible reprisals from the film industry and the state, two other institutions that had a stake in the production of knowledge about personal and social identity in terms of a public/private, surface/depth logic. Because it was *Confidential* magazine that the state of California brought to trial in 1957 for criminal libel and obscenity, I will use articles from that publication as my specific examples of scandal magazine stories.

Publisher Robert Harrison claimed that the excitement caused by the 1951 televised hearings of Senator Estes Kefauver's committee on organized crime was the inspiration for creating *Confidential* magazine in 1952. In other words, Harrison learned that the spectacle of secrets being revealed about powerful people had public appeal that could be commercially exploited. Although the hearings may have been the most immediate inspiration for his launching of a scandal publication venture, Harrison was already poised for entry into scandal magazines by the start of the decade. He had vast experience in tabloid newspapers and film-industry trade publications since the 1920s, and by the 1940s he was

back  
ground

producing "girlie" magazines like *Whisper* (which he later successfully revamped into a scandal magazine after *Confidential's* popularity was proven). "Girlie" or "cheesecake" magazines did well in the 1940s, helping to create and sustain the American GI's interest in pinup art. These and other tabloid publications flooded the market as wartime paper rationing was lifted in 1950. Although many of the titles failed, the theme of female sexual transgression was an already established frame, and *Confidential's* success in featuring scandal stories about stars and other famous people, as well as exposing racketeering, consumer scams, and political peccadilloes, resulted in dozens of copycat magazines and hundreds of "one-shots" (onetime publications focused on one star or theme) in the 1950s.<sup>4</sup> Those magazines, like *Confidential*, that enjoyed sustained prosperity throughout much of the decade did not owe all their success to the availability of cheap paper and exploitation of name figures. At least three other dynamically related factors secured their popularity with the public and (at least temporary) protection from actions taken by Hollywood and the state: 1) the general legal climate in the 1950s surrounding issues of libel, privacy, and obscenity; 2) the magazines' uses of sources (many who willingly signed affidavits), state-of-the-art surveillance research methods, and what we may call today a "tabloid" or "trash" aesthetic for narratives and graphic design; and 3) the ability to sustain plausible fictions about stars at a time when it was no longer clear that the official voices of Hollywood could do so—that is, the magazines realized that the studios' power was declining and that stars, as the symbols of that system, were left vulnerable to attack.

Cultural commentary and legal cases concerning alleged scandalous behavior or the reporting of it tend to conceptualize libel, privacy, and obscenity as mutually imbricated notions even though each has a separate legal definition and each can be the cause of a distinct legal action. Various historians have pointed to how legal and social institutions have understood—even if only tacitly—all three concepts as concerned with the boundaries and regulation of civility, of what should remain private and what should be public.<sup>5</sup> It is beyond the scope of this essay to explore all the complex issues surrounding the mutual imbrication of libel, privacy, and obscenity as legal and social concepts throughout history or even in the 1950s, but I will return to their intertwining when I discuss the state's response to *Confidential* in the 1957 trial. First, I will briefly sketch out the status of each concept as it might apply to scandal magazine activity in the 1950s.

Although the status of defamation laws in the 1950s still made libel "the celebrity's most desirable remedy against scandal magazines,"<sup>6</sup> the outcome of civil libel cases was uncertain at this time, at least in the California courts. Not only did testimony at defamation trials require the further recycling of the scandalous stories alleged to be libelous, but if the celebrity had not suffered pecuniary loss, the libelous material had to be defamatory on its face. In other words, it must be defamatory without the need of innuendo or inducement. Under a special civil code in California law, which exemplified the degree to which the first amend-

ment concept was held sacred, if the judge or jury believed that the article was susceptible to an innocent as well as a defamatory interpretation, it was highly likely that the ruling would be in favor of the defendant.<sup>7</sup> As I discuss below, because the scandal magazines anticipated the legal implications of civil libel cases, they followed a number of "research" procedures and made stylistic choices to elude "defamation on its face" interpretations of the law.

Celebrities could bring action against the scandal magazines for invasion of privacy, but as one federal judge put it in 1956, the state of the privacy law was like "a haystack in a hurricane."<sup>8</sup> Originally devised out of the famous argument by Samuel Warren and Louis Brandeis in 1890, civil privacy cases concerned the more nebulous area of private feelings, protecting the individual from emotional distress. Warren and Brandeis had argued for privacy law as "a remedy for the threats to personality and feelings posed by 'recent inventions and business methods,' such as sensationalist journalism, advertising practices, and . . . newly invented Kodak, and similar cameras."<sup>9</sup> Warren and Brandeis had thought the technological and media developments of the 1890s made legal protection of privacy especially pressing, so it is not surprising that an increasing number of cases concerning privacy came to state or federal supreme courts in the 1950s as new media, like television and scandal magazines, and new technologies, like sophisticated, often miniature, surveillance devices (sound recorders, wiretaps, and cameras), proliferated in use throughout the decade. As with libel cases, bringing action against the scandal magazines for invasion of privacy was tricky—celebrities had to prove not only that the magazines inflicted emotional distress (not too difficult) but that they were devoid of any educational or entertainment value (much harder). Yet the law could favor the privacy of the star over the press's constitutional privileges if the material published was considered to be of such an intimate nature that its disclosure violated the community's notions of decency.<sup>10</sup>

However, at this time definitions of obscenity—that vague concept having to do with what was considered outside the bounds of decency—were in a shift mode, expanding legal, commercial, and social ideas about that issue. Social historians John D'Emilio and Estelle Freedman suggest that the 1946 Supreme Court decision that overturned the Post Office's denial of mailing privileges to *Esquire* magazine resulted in an increased accessibility of erotically explicit material.<sup>11</sup> This ruling paved the way for the appearance of *Playboy* magazine in 1953, which would never be denied mailing privileges, although it did not escape negative commentary. At the same time, publishers of cheaply produced paperback books that were easy for newsstand owners to accommodate in crowded stalls, started using sexy graphics on book covers to much public controversy but ultimately little successful legal regulation. The famous Roth Supreme Court case of 1957 (which came down the month before the *Confidential* trial started in California), although upholding local censorship efforts, established that sex

and obscenity were not synonymous, making it clear that obscenity was intended to arouse prurient interests. Within the film industry, expansion of what were considered morally appropriate representations of sexuality became possible after the 1952 *Miracle* case, which extended freedom of speech to motion pictures, denied them since the *Mutual v. Ohio* ruling in 1915. Although this ruling did not result in immediate changes to the Production Code, it weakened local censorship efforts. In the mid 1950s successful challenges to the Code by Hollywood insiders, such as director-producer Otto Preminger, preceded Code expansions of admissible representation by the late 1950s.

The scandal magazines exploited this changing climate around obscenity, as well as the complexities of current libel and privacy laws, in their efficient mass production of salacious stories about stars. To ensure a constant flow of scandal narratives for bimonthly publication, they evolved a particular philosophy toward hiring and directing personnel and used surveillance research methods and writing techniques that recycled old stories or created “composite” facts as the basis for new ones. Although the magazines usually retained a small permanent writing and editing staff, they employed many writers who were already experienced in news, either with “legitimate,” mainstream papers and magazines or with tabloids. For example, Edythe Farrell, who eventually edited the successful scandal magazine *Suppressed*, had once been a writer and editor for earlier Harrison tabloid publications, and she had also edited the *Police Gazette*, a notorious precursor to scandal publications in its taste for combining sex, crime, and a fascination with the techniques of uncovering secrets to titillate a largely male readership. Harrison’s smartest move in relation to personnel was the bankrolling of the organization Hollywood Research Incorporated, run by his niece Marjorie Meade and her husband. This Los Angeles-based business existed as a separate corporate entity from *Confidential* (a shrewd legal protection for Harrison and the magazine in New York), and its main purpose was to recruit writers and hire/pay tipsters and private investigators. Tipsters ranged from call girls and ex-spouses of stars to disgruntled film-industry or press employees. Harrison claimed sometimes a star’s press agent, or even an important producer, such as Mike Todd, might serve as a story source.<sup>12</sup>

Tipsters provided initial kernels of gossip or leads for information, as well as confirmations of rumors. Sometimes the work of tipster call girls dovetailed with that of private detectives, such as when they allowed their phones to be tapped or wore wristwatches equipped with tiny recorders in hope of getting taped confirmation of what was rumored to be true about a star. Next to call girls, private investigators were among *Confidential*’s most infamous research personnel, mostly confirming facts for stories already in process. These detectives used state-of-the-art surveillance equipment for both audio and visual “proof” of scandalous behavior. The concern for electronically recorded or photographed evidence, like the practice of having some tipsters sign affidavits about their stories, was part of *Confidential*’s careful anticipation of legal reprisal.

The magazine’s writing methodology and aesthetic included practices of recycling, combining, and recombining of story material. Some articles, often grouped around a particular scandal theme, basically just recycled various scandal stories from earlier press accounts, drawing on oft-told narratives about Mary Astor’s diary and divorce in the 1930s, Errol Flynn’s trial for statutory rape in the 1940s, and Fatty Arbuckle’s trial for murder in the 1920s. The “composite” fact principle permeated almost every scandal story, old or new. The core facts of such a story might have occurred or had been reported elsewhere as occurring, but the narrative contained important omissions, combined several events that had no necessary causal relationship, and added embellishments, such as salacious titling, colorful graphics, alliteration, and constant reminders that the story was the result of “on the scene” reporting. Most articles that did not have photos taken at the scene were accompanied by one or more “composite” photos—photos that were taken at another scene, usually when the celebrity was caught off-guard, or that were doctored so that material from one photo would be combined with another (a trick of tabloid newspapers for many years). Together these composite forms imputed that the celebrity had engaged in immoral or indecent conduct.

The *Confidential* article “It Was the Hottest Show in Town When Maureen O’Hara Cuddled in Row 35” was one such composite-fact story (fig. 1).<sup>13</sup> In it a theater usher alleges that he caught O’Hara having sex with an unnamed Latin

Figure 1. What *Confidential* alleged about Maureen O’Hara. Copyright 1957 by Confidential, Inc.



American "lothario" in the back row of Grauman's Chinese Theatre. *Confidential* attorney Daniel G. Ross claimed at the trial that the magazine had an affidavit from the former usher that the story was true, but he also admitted he and editor Harrison were influenced by a number of legitimate newspaper headlines about O'Hara when they were considering publication of the story.<sup>14</sup> These headlines, such as "Ex-Husband Says Star Lives in Sin," concerned allegations made by ex-husband Will Price in 1955 that O'Hara was openly "consorting" with married Mexican businessman Enrique Parra "at all hours of the day and night" in both her Los Angeles home and his in Mexico.<sup>15</sup> Price was attempting to get custody of their eleven-year-old daughter, Bronwyn, and the matter was eventually settled out of court with Price withdrawing the allegations, the lawyers renegotiating the terms of Price's visitation with his daughter, and O'Hara agreeing to stay silent about the agreement.

The scandal magazine *On the QT* had already used the newspaper reports as composite facts in its 1956 story "The Strange Case of Maureen O'Hara."<sup>16</sup> The magazine rehashed the custody battle but also took the opportunity to construct rumors of a conspiracy—why had Price withdrawn his allegations so quickly, the article asked; was it industry pressure? Although *Confidential* would often claim that the film industry was behind many a hush-up of scandal, its story about O'Hara drops all aspects of the star's involvement with Parra that were linked to the child custody battle, as well as suggestions about industry attempts to silence Price. It reimagines what "consorting" with a Latin American boyfriend "at all hours of the day and night" might include. The article describes the behavior of O'Hara and her escort as "torrid," as so uncontrollable that the usher has to ask them three times to break up their "petting." The unnamed Parra supposedly sits with his coat off, "his collar hanging limply at half mast," while O'Hara's white silk blouse is apparently no longer "neatly buttoned." To add to the story's spice, the magazine illustrates the article with a photo of O'Hara taken elsewhere in which she seems to be adjusting the top button of her dress or blouse. The caption of the photo states, "Redheaded Maureen's blouse needed plenty of fixing after bouncing and bundling with that Latin lad in Grauman's Chinese Theatre."<sup>17</sup>

The use of composite-fact stories had considerable power, as they seemed to offer plausible chronologies for events that had a ring of truth about them because readers had probably encountered some aspect of them before in newspaper gossip columns, traditional fan magazines, other scandal magazines and tabloids, and even sometimes in feature stories of the mainstream press. They also had power in the legal realm because they provided libel juries or judges with interpretive challenges as to their defamatory or intrusive status—after all, some aspects were true, or had been reported before, hadn't they? The magazines' use of surveillance techniques and insider-tipsters, in turn, gave them tremendous power in their relations with the film studios. For example, if the scandalousness

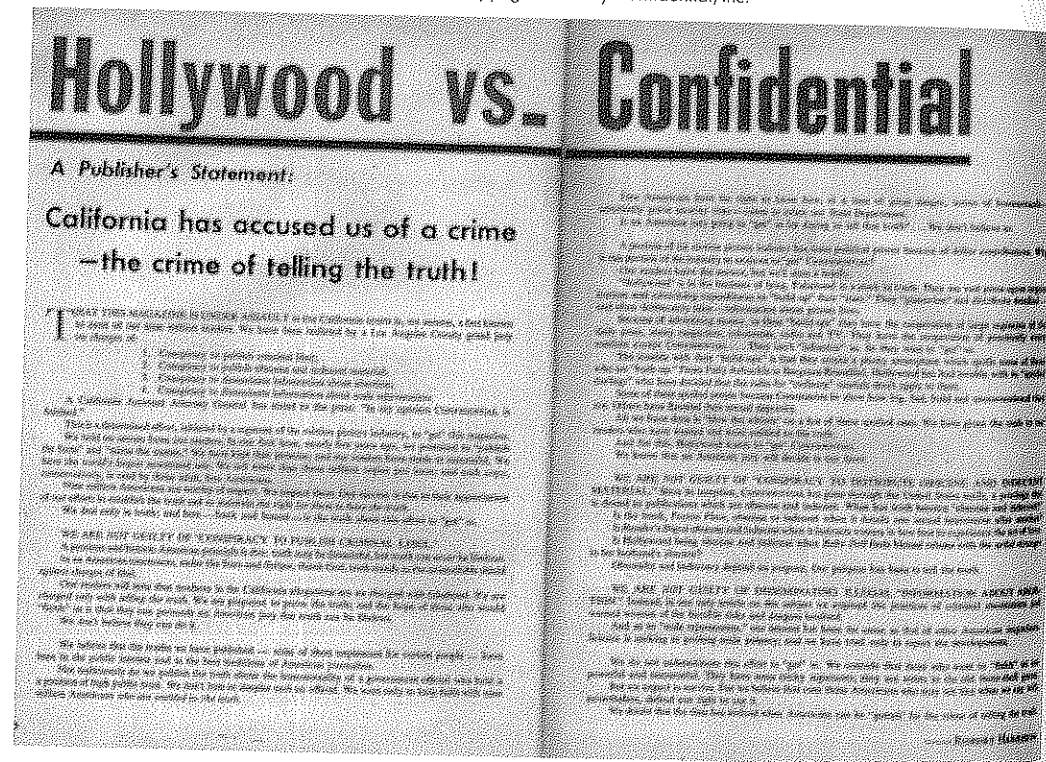
of an act is based partly on the secrecy of its commission, certainly for the 1950s homosexuality or homosexual acts would be among the most scandalous.<sup>18</sup> *Confidential* did "out" Marlene Dietrich and Liberace, but the most significant "outing" the magazine had at its disposal was Rock Hudson's. At least one participant in an all-male party at the home of Henry Willson (the agent of Hudson, Tab Hunter, Rory Calhoun, Robert Wagner, Natalie Wood, and Guy Madison) had apparently signed an affidavit stating that he saw Hudson engage in group sex with men. In 1955 *Confidential* traded that information about Hudson to Universal Studios for a story about Rory Calhoun (another Universal contract star) as teenage felon (he had been incarcerated for stealing cars).<sup>19</sup> As David Ehrenstein observes, this hardly seems an "even" trade.<sup>20</sup> Surely the Hudson story was the better scandal; but if the "trade" is conceptualized in terms of the magazine's systematizing of scandal, it was better for the future workings of their mass production system—it forever gave *Confidential* leverage over the studio (and over a major star and his agent) for future stories, as well as exhibited the publication's own mastery over the mass production of star discourse. The Calhoun story also was less likely to create the kind of complaints that often got *Confidential* in legal hot water. In fact, because the story included Calhoun's conversion by a prison chaplain, it also gave the magazine an opportunity to claim the moral and legal high ground if challenged in court—how could Calhoun claim that such a story hurt him, when it sympathetically chronicled the transformation of a criminal teen into a spiritual and material success? Wasn't this the kind of story so often published by the fan magazines?<sup>21</sup>

From the point of view of the historian or theorist of scandal, the scandal magazines' research and writing methodologies also demonstrate the publications' own understanding of scandal's definition. In his study of Victorian era scandals, William A. Cohen does not define scandal as an offensive act or the reaction to an offensive act, as dictionaries typically do. He suggests that the event cannot be disarticulated from the public recapitulation of it—they are two moments in the temporal dimension or continuum of scandal.<sup>22</sup> The scandal magazines refused the same disarticulation, as they devised ways, such as surveillance, that made sure the alleged event could move to the stage of recapitulation. Legally conceptualized, such surveillance strategies look *forward* to the probability of a crime or scandal (rather than backward to a committed criminal act, as search-and-seizure tactics do).<sup>23</sup> From a business standpoint the attitude that scandalous behavior is (and has been) always available to be "caught" by surveillance technologies constructs and protects the magazines' systematicity, ensuring the continual flow of copy for a regularly scheduled, mass-produced publication. It also links the magazine to a number of alluring practices—espionage, forensic science, etc.—some of which could be seen as "legitimate" or "objective." Although mock "paste-up" graphics and blaring headlines imparted an air of immediacy to the stories, in some cases the magazines made surveillance strategies

and the on-the-scene reporting of the event somewhat irrelevant to the telling, as they rewrote old stories or fabricated new events (such as the O'Hara-Grauman's Chinese narrative).

The recyclings and rewritings of old scandal stories were also important to the power of the magazines to construct a plausible fiction about their motivations. They editorialized constantly about how they would tell readers the truth, rather than the packaged, formulaic "domestic bliss and patriotic service" narratives created by studios and press agents of the stars, which were fed to legitimate newspapers, general interest magazines, and film fan magazines alike. The scandal magazines, they argued, would uncover what had been hidden about the stars all these years. Using mottos for their magazines like "the stories behind the headlines" (*Whisper*), "stories the newspapers won't print" (*On the QT*), and "uncensored and off the record" and "tells the facts and names the names" (*Confidential*), the magazines claimed that they would uncover what had been hidden about stars all these years (fig. 2). They attempted to gain their own moral weight in describing their work as historical investigation and heroic journalism.

Figure 2. *Confidential* defends its tactics. Copyright 1957 by Confidential, Inc.



Allusions to past scandals or repetition of those stories, as well as unearthing new ones, were important proofs that *Confidential* was not the one lying:

"Hollywood" is in the business of lying. Falsehood is a stock in trade. They use vast press-agent organizations and advertising expenditures to "build up" their "stars." They "glamorize" and distribute detailed—and often deliberately false—information about private lives. . . . The trouble with their "build ups" is that they create a phoney atmosphere which spoils some of those who are "built up." From Fatty Arbuckle to Bergman-Rossellini, Hollywood has had trouble with its "spoiled darlings." . . . All we have done is "blow the whistle" on a few of these spoiled ones. We have given the truth to our readers . . . who . . . were entitled to the truth.<sup>24</sup>

The scandal magazines' fiction about their strategies was relatively sustainable in the late 1950s because Hollywood's own ability to sustain a fiction about stars at this time was waning. Since the studio breakup following the Paramount divestment decree of 1948, many stars were no longer under long-term contract. Some stars had independent production companies, and others were only under contract to studios on a per-picture basis (however, Rock Hudson, Rory Calhoun, and Tab Hunter—all stars who had articles about them published or threatened by *Confidential*—were under long-term contracts to studios). Beyond promotion and publicity for single films, which the studios still managed, much of the star-oriented publicity was coming from other sources—from the press agents themselves, such as in their television appearances. Although all could be said to work on behalf of the industry's benefit, the difficulties of sustaining the power of studio-contract morality clauses, the coherencies of star personas, or a unified discourse about Hollywood, for that matter, were becoming more apparent as the decade wore on.

The traditional fan magazines exemplify these difficulties. Since the Ingrid Bergman-Roberto Rossellini adultery and pregnancy scandal and the Robert Mitchum marijuana bust in the late 1940s, the fan magazines went into overdrive to protect readers' beliefs in Hollywood morality. Yet their response to scandal under the cloak of moral uplift was contradictory. In some articles published between the Bergman and Mitchum scandals in the late 1940s and the *Confidential* trial in 1957, the fan magazines rather paradoxically supported traditional morals through a marked investment in specific details of stars' possibly indecent behavior. In other instances they assumed a strategic silence that discretely "spoke" about scandal through a self-conscious avoidance of its name.

In the late 1940s and early 1950s—before the scandal magazines' arrival—some stories were surprisingly explicit in particularizing the Bergman and Mitchum situations. For example, *Photoplay's* 1948 article "The Truth about Dope"

not only gives details of the actual drug bust involving Mitchum but speculates that Mitchum might have smoked marijuana in order to feel more confident. The article's attempt to clarify the "truth about dope" and not completely condemn Mitchum before his trial puts it into the interesting—and by current standards, sensible—position of suggesting that what Mitchum did wasn't too bad because marijuana is not as harmful and addictive as heroin.<sup>25</sup> In February 1949 *Modern Screen's* "An Open Letter to Robert Mitchum: The Case for the People" also explicitly states why Mitchum is in trouble with the law, but it takes the scandal as an occasion to flatter its readers by extolling their sense of fair play toward the unconvicted and their charity toward those who, found guilty, pay their debt to society.<sup>26</sup> *Photoplay's* April 1949 "What Now for Mitchum?" praises the actor for pleading guilty and sparing Hollywood and the nation—especially the young teenagers who idolize him—the scandal of a long trial and the subsequent sensational press coverage.<sup>27</sup>

Generally sympathetic to Mitchum in this specific scandal—in fact, they served as one important venue for his public rehabilitation, as they did for Bergman<sup>28</sup>—the fan magazines at this time also published many articles that replaced understanding with condescension for stars whose lives included rebellious, unhappy, or generally scandalous behavior in the past. In *Photoplay's* June 1950 article "I Call It Scandalous!" what is scandalous, according to author Elsa Maxwell, is that Bergman thought Hollywood was wrong for her and left for Italy, Robert Mitchum was not properly schooled by his studio in his responsibilities as a star, and Shirley Temple was not taught that testifying negatively against husband John Agar at their divorce trial would have been more seemly if done in another state.<sup>29</sup> In *Modern Screen's* June 1952 "Hollywood's Most Tragic People," author Louella Parsons argues that most stars who have been involved in scandals, from Wallace Reid and Mabel Normand in the 1920s to Judy Garland, Robert Walker, Franchot Tone, and Carole Landis in the late 1940s and early 1950s, are to be pitied rather than condemned. One of the photo captions even describes these figures as pathetic.<sup>30</sup>

Another fan magazine response was to publish articles that dealt with issues of star morality while avoiding a rehashing of previous scandals. These provided more general, simultaneously obscure and heavy-handed, responses to charges that Hollywood was an environment for scandalous behavior. Some of these, such as *Modern Screen's* February 1950 "Hollywood's Ten Best Citizens" and *Photoplay's* August 1950 "The Other Side of the Hollywood Story," are inspired to report stars' charitable activities from a desire to rectify what is vaguely described as misplaced emphasis in newspapers and magazines on the less positive contributions of Hollywood citizens. Both pieces pompously exaggerate their mission, with *Modern Screen* declaring its article as one of the most important it has ever published.<sup>31</sup> *Photoplay* offers, with "editorial pride," a chart that "took months of concentrated effort" to put together. The chart exhaustively details statistics for

about 150 stars that apparently prove their worthiness as model citizens: statistics of their marital, parental, and home-ownership status, as well as of community service and honors.<sup>32</sup> These were "objective" measures to counter other kinds of surveillance, such as that employed by *Confidential*. *Modern Screen's* September 1950 issue includes a "special report" on Hollywood morals, grouping together under this rubric articles on Mitchum, Judy Garland (who had recently attempted suicide), and Hedda Hopper's efforts to keep stars out of trouble (if only they had taken her advice, claims Hopper!). Although this report dares to actually speak the terminology of scandal ("How Sinful Are Movie Stars?" asks the title of one article), like the stories in *Modern Screen* and *Photoplay* earlier that year, it works to prove its argument that contemporary Hollywood is very moral indeed through statistics. A chart accompanying the report proclaims that in the Hollywood of the previous fifteen years only ten of fifteen thousand actors were in major scandals; there were only two murders and six prostitution cases; and there were eighty-four times more sex offenses in New York City! (Should any historian of Los Angeles, or even a casual reader of Raymond Chandler or James Ellroy, question those statistics about murder and prostitution cases in Hollywood during this period, the text accompanying the chart clarifies that those figures are really for Beverly Hills, an upscale, largely residential town where many stars at the time lived.)<sup>33</sup>

After the scandal magazines started to make an impact, signaled by the national attention that articles in *Time* and *Newsweek* and a series of civil libel suits gave them in the mid-fifties, the fan magazines became even more reticent to name specific scandalous allegations made about stars.<sup>34</sup> Because the Bergman and Mitchum scandals had made headline news in legitimate national newspapers and magazines, the fan magazines could be explicit in their referencing of details. As noted in the case of Mitchum, they could even turn these into recuperative copy. But the scandal magazines were considered illegitimate and were read by a smaller audience than the legitimate press (although the circulation figures claimed for *Confidential* ranged from 250,000 to 4,000,000, which put them in good competition with fan magazines). It was believed that repeating information from them could provide further means for circulation and amplification of alleged scandalous behavior.

Instead, the fan magazines resorted to a strategic silence about specific details of the scandals broken by *Confidential* and its imitators. This resulted in titillation and incoherencies. For example, an editorial entitled "Scandal in Hollywood" in the July 1955 issue of *Photoplay* claims that stars have been recently subjected to vicious attacks, but the article never describes the specifics. It states that the "scandal-mongering" had not only implied marital infidelity but "the worst in human behavior." The reader is left to wonder which kind of scandal applies to which of the stars listed in the editorial (Rory Calhoun, June Allyson and Dick Powell, Alan Ladd and Sue Carol, Burt Lancaster, Van Johnson, Lana

Turner) and what exactly constitutes the "worst" in human behavior.<sup>35</sup> *Photoplay's* February 1956 story "Kim Novak: Stabbed by Scandal"<sup>36</sup> never mentions the article but was written in response to *Confidential's* January 1956 "What They 'Forgot' to Say about Kim Novak."<sup>37</sup> *Confidential's* story claimed that Novak was "kept" by a New York businessman. *Photoplay* argues that Novak had been scandalously depicted as "ambition-driven" and discovered by an agent while she was riding her bicycle in town. With these vague and seemingly inoffensive details, the reader might ponder why stories about her discovery on a bike or her ambition would be so upsetting or scandalous and imagine the same, or a worse, emplotment of Novak's "ambition" that *Confidential* had.

The fan magazines' strategic silence about scandal was characteristic of their balancing of secrecy and revelation since the 1920s, a tension that fascinated readers even as it allowed the publications to maintain the boundaries of social propriety. Gaylyn Studlar argues that the fan magazines of the 1920s resorted to "a strategy of indirection that relied heavily upon the reader's preexistent knowledge of events gleaned from other sources, not the magazines themselves."<sup>38</sup> Although this method was a voluntary response to the social pressures and economic risks stemming from a series of Hollywood scandals in the early 1920s (those involving Fatty Arbuckle, Wallace Reid, and William Desmond Taylor), its manifestation in fan magazines of the 1950s might have been puzzling to readers who remembered the publications' obvious investment in other scandals (such as the Mitchum and Bergman scandals) just a few years earlier. Although their cooperation with the film industry in the 1920s was more or less voluntary, by the 1930s the fan magazines had more or less capitulated to the demands of the studios to publish positive articles written by studio-approved writers; now in the 1950s, because of the studio breakup, competition with the scandal magazines for readers, and changing societal beliefs about obscenity, fan magazines seemed uncertain about what the readers wanted, what they might already know, and what the implications of too explicitly acknowledging reader desires and knowledges might be.<sup>39</sup>

Although its control over the coherency of publicity and promotional discourses was clearly weakened in the 1950s, the film industry still had the production of motion pictures as a potential weapon against the scandal magazines. MGM produced *Slander* in 1956. Starring Van Johnson as Scott Martin, Ann Blyth as his wife, Anne, and Steve Cochran as H. R. Manly, *Slander* tells the story of how fictional scandal magazine *Real Truth* ruined the life of newly popular television puppeteer Martin when it runs an article about his arrest for robbery as a teen. Magazine publisher-editor H. R. Manly really wants to run a story on Mary Sawyer (never seen in the film but described in such a manner as to suggest an Ingrid Bergman-like star who has played Joan of Arc and other saintly characters). His "researchers" have found that Sawyer knew Martin's mother. The film implies Mrs. Martin once arranged for Sawyer to get an abortion or give up

an illegitimate child for adoption.<sup>40</sup> Manly attempts to use the story about Martin's juvenile-delinquent past to blackmail him for details and verification of the information about this more important star. When Martin refuses to turn a scandal magazine "tipster," his wife leaves him, the story about him is published, he temporarily loses his job, and his son is killed (he runs in front of a car to escape the children taunting him about his "jailbird" father). Manly is then shot and killed by his mother (Marjorie Rambeau), who hates the way her son's magazine has ruined lives.

Anticipating the kind of interest the state would take in the scandal magazines' operating strategies, the film focuses on the way the magazine orders researchers to find damaging dirt about famous people, uses blackmail to pressure tipsters, engages in trade-offs of stories, and revels in its cynical attitude (Manly declares that "there's something dirty in everyone's past . . . [and that] the cleaner they are on the surface, the dirtier they are underneath"). The tipster system of research and fact validation is seen as almost as dangerous as the publication of scandal. Martin's wife leaves him because he doesn't choose that option in the face of his own sordid past's being revealed. Even though his son is killed as a result, Martin gains self-respect and confidence (and eventually wins back his job) through the way he stands up to the magazine. Clearly drawing on *Confidential's* story on Rory Calhoun (of course the trade behind that story could hardly be revealed in 1956), *Slander* reiterates a typical fan magazine discourse about the digging up of old scandals about stars. That is, no story from the past reflects what the star has become in the present—which is hard-working, home-owning, and family-loving. Hollywood was willing to concede that times had changed to the extent that the public was beginning to expect some scandal in a star's past, but it was still hoping to shape public discourse into accepting that whatever their pasts, stars were now ideal citizens of 1950s America.

The film industry probably wished that the scandal magazines could be as easily dispatched as the fictional H. R. Manly was by his mother's gunshot. Certainly, reports of how studio bosses pressured California politicians into quashing the scandal magazines are not uncommon in histories of the *Confidential* trial.<sup>41</sup> However, evidence suggests a much more complicated picture of the film industry's relationship to the political and law enforcement activities directed at *Confidential* in 1957. In February of that year two hearings by California state senate committees—the Interim Committee on Collection Agencies, Private Detectives, and Debt Liquidators, and the Judiciary Committee investigating the use of surveillance equipment in the state—had used in their evidence the "research tactics" of the scandal magazines as examples of abusive intrusions of privacy. The former committee had even subpoenaed famed baseball hero Joe DiMaggio and media star Frank Sinatra to testify about the role of private investigators in the famed "wrong door raid," in which DiMaggio, Sinatra, and others had allegedly broken down the door of an apartment expecting to find DiMaggio's ex-wife

Marilyn Monroe in flagrante delicto. *Confidential* had reported this incident, using the files of one of the private investigators hired by DiMaggio to follow Monroe. Sinatra's very reluctant testimony and its aftermath (the state considered filing perjury charges against Sinatra because his story differed from the private investigator's), as well as private investigator Fred Otash's testimony on how he spied on Hollywood figures to confirm stories for *Confidential*, resulted in high-profile coverage of the committee's work in national media.<sup>42</sup>

Given the news media's almost exclusive, and rather embarrassing, focus on only one aspect of the hearings' evidence gathering—the Hollywood-private eye-scandal magazine connection—the film industry probably would have supported the legislation to curb the scandal magazines' operations that both senate committee chairman Fred Kraft and California governor Knight proposed to the media as the hearings finished up in March.<sup>43</sup> The legislation did not materialize, but state attorney general Pat Brown worked with the Los Angeles district attorney to bring charges against *Confidential* of criminal conspiracy to commit criminal libel and to publish obscenity. Because of failure to extradite Harrison from New York, however, the only individuals they could bring to trial were the Meades, who ran Hollywood Research, Inc., as a front for the magazine. Conspiracy to commit criminal libel meant that the magazines had malicious intent in publishing the scandalous stories. Yoking the charge to conspiracy to publish obscene material worked as a contaminating factor in two ways. It put the case into a social arena in which the magazine might be judged as a moral contaminant in society (as moral crusade discourses usually described obscenity), and it "contaminated" the libel charge, potentially predisposing jurors to find the magazine's whole operation sleazy and therefore to find its stories malicious in intent and its reporting of private acts outrageous and of no social value.<sup>44</sup>

Film-industry support of legislation was one thing—it meant the "dirty work" of fighting the scandal magazine would be in the hands of legislators in Sacramento—but support of a criminal trial to take place in Los Angeles was surely another. Stars would be subpoenaed for testimony, and the scandal stories would be read aloud in court, become part of the public record, and be reported on by national media. Also, the verdict outcome would be unpredictable. Reports early on in the July-October 1957 trial indicated stars would like to settle out of court (and sure enough, once subpoenas were prepared, many managed to be out of town).<sup>45</sup> When the Motion Picture Industry Council made statements to the media through its president, actor (and future senator) George Murphy, it focused on the way the trial provoked "disgust and anger" in Hollywood and how it was trying to make sure that such a trial would never again take place.<sup>46</sup> Although Murphy ostensibly meant that the council wanted to attack the magazine's libelous activities, an underlying meaning was that the council wished there had not been a trial to reveal so many negative stories. A *New York Times* article appearing the same day Murphy's remarks were made public quoted an unnamed source as

saying that the industry had considered doing something to stop the magazines but dropped the project "when the studio heads became apprehensive of becoming involved with the magazines and feared a boomerang."<sup>47</sup>

Famed Hollywood attorney Jerry Giesler (he represented Mitchum and Elizabeth Scott in their civil libel cases against *Confidential* and had been Mitchum's attorney in the 1948 trial) did not just impute that the industry was apprehensive but also cowardly when he publicly stated on numerous occasions at the time of the hearings and trial that Hollywood "never gives help on the battlefield, but is always glad to provide a pat on the back after the fight is over. . . . It's strange how all their organizations run to cover."<sup>48</sup> Kenneth Anger claims that the film industry sent a public relations man to Pat Brown, threatening withdrawal of campaign funds to the Republican Party in the next election if his office filed criminal charges that would involve a trial. This seems dubious because Brown was a Democrat (the withdrawal of campaign funds to the Republicans would only help Brown in his political rise if he were to accept such a bribe), but the general picture Anger paints of the industry as reluctant to have the case go to trial seems to be compatible with evidence found elsewhere.<sup>49</sup>

News reports indicate Hollywood was nervously anticipating the recirculation and amplification the trial would give the scandal stories. Contemporary accounts don't point out how the film industry might have been justifiably apprehensive about other revelations the trial might provoke, such as how Hollywood's systematizing of star discourse also involved fabrication, invasion of privacy, and intimations of sexual misbehavior (even if in the service of recuperating that sin with stories of reconciliation and domestic reunion). The state was interested in raising issues about the magazine's surveillance tactics to demonstrate how it was not just reporting old scandals but actively (maliciously) creating situations to construct scandals, that it was "a smut factory."<sup>50</sup>

However, neither the state nor the industry might have anticipated that *Confidential's* attorneys (their libel attorneys used in consultation, not the defense attorneys for Hollywood Research, Inc.) would justify these activities in testimony as being a response to Hollywood's successful mass production of star discourse and the breakdown in its once systematized regulatory functions. For example, *Confidential* attorney Daniel G. Ross claimed that press agents and fan magazines were the ones lying about the stars, and their success had resulted in the stars' being worshiped as "false idols" by the public. *Confidential*, said Ross, was providing a public service in telling "the truth about these personalities."<sup>51</sup> At another point defense witnesses changed strategies and claimed that some "true" material about sexual behavior had come from Hollywood itself, from press agents, studio employees, and even from fan magazines. *Confidential* legal advisor Albert DeStefano stated that the magazine had taken material from a fan magazine in writing "How Long Can Dick Powell Take It?," an article describing trouble in the Dick Powell-June Allyson marriage because of Allyson's relation-



ship with star Alan Ladd.<sup>52</sup> Fred Meade, one of the principal defendants in the case, argued that it was the film industry's refusal or inability to act on one of its main regulatory procedures, the exercise of morality clauses in star contracts, that was responsible for the success of magazines like *Confidential*.<sup>53</sup>

Meade's defense, blaming breakdown on Hollywood's own systematicity in regulating morality, like Ross's claim that *Confidential* performed a public service by revealing the sins of "false idols," was not only a defense against libel (and invasion of privacy, which the magazine was not "officially" on trial for) but also against obscenity charges. These claims took the moral high ground in justifying the publication of sexual material as educational, but the defense witnesses also had to argue that the articles were not obscene because they did not arouse "a sexually itchy reaction, an uncontrolled desire to commit depraved acts."<sup>54</sup> In fact, said DeStefano, many of the articles were humorous, and a story "cannot be obscene if it makes the reader chuckle."<sup>55</sup> Furthermore, went the argument, if obscenity is determined by the standards of the community, then *Confidential's* repetition of material accepted previously by the public—that is, already in the public record—such as the accusations about O'Hara's relationship with Parra first mentioned at the O'Hara-Price custody dispute, could hardly be obscene.<sup>56</sup>

The sensational trial involved high drama and humor—the assistant district attorney, an avowed churchgoer, reading racy *Confidential* magazine articles aloud to the court; *Confidential* attorneys pulling out novels like *Peyton Place* to suggest the magazine was no more obscene than many best-selling books; Maureen O'Hara angrily declaring that she could prove that she was out of the country at the time *Confidential* alleged she was having sex with Parra in Grauman's Chinese; and Dorothy Dandridge, calmly testifying that she could and would never have had sex in the Lake Tahoe woods with a white musician, as *Confidential* claimed. She would not have even taken a walk with a white man because "Lake Tahoe . . . was very prejudiced. Negroes were not permitted that freedom."<sup>57</sup> Despite the powerful and convincing testimony provided by O'Hara and Dandridge, the jury deadlocked over the verdict in early October 1957. When the state declared a willingness to start with a new trial, *Confidential* agreed to cooperate and to change its policies in order to avoid mounting another expensive defense.

The strategies Hollywood and *Confidential* devised in 1957 to defend their own systematization of star discourse in the face of a public trial seem understandable, but the state's motivations in attacking *Confidential* and in not bowing to the film industry's wish to avoid a trial is not entirely explainable, or at least not verifiable. One significant possibility is to be found in relation to the state senate committee hearings several months before the trial. Both hearings examined the role of non-law enforcement institutions (collection agencies, debt liquidators) or individuals (private investigators, criminals) using tactics that invaded citizen privacy and sometimes challenged constitutional rights concerning protec-

tion from search and seizure (Fourth Amendment) and self-incrimination (Fifth Amendment). Examples from scandal magazine surveillance practices were used by both committees in their hearings and garnered them much publicity during the actual proceedings. However, the reports published at the hearings' ends, which were certainly not read by very many in the public, suggest that these examples were only a small part of the committees' concerns.<sup>58</sup> Did the highlighting of the scandal magazines by the committees and the press during the hearings function as a public display of the state's concern for protecting citizen rights to privacy?

Why would this be necessary? Possibly because the state—both the state of California and the federal government—were massively undercutting those very rights in the 1950s and had been doing so since at least the beginning of the cold war at the end of the 1940s. Loyalty oaths and surveillance through FBI wiretapping and U.S. Post Office monitoring of publications had been used in both Washington and California as means to expel communist or other "subversives" (such as homosexuals) from civil service and other forms of public life.<sup>59</sup> The House Un-American Activities Committee had targeted the film industry in two large "show trial" hearings in less than a decade, and the University of California had much-publicized firings of professors suspected of leftist sympathies. Both California senate committee reports demonstrate concern with the way non-law enforcement uses of surveillance were increasing at this time. Recent Supreme Court restrictions on law enforcement surveillance tactics and rapid developments in sophisticated surveillance devices are discussed as providing new opportunities for law enforcement abilities to be outstripped by individuals and institutions that are shown to be ruthlessly and criminally intrusive.<sup>60</sup>

These reports suggest that the state could be constructing an "other" to take the blame for its own perceived diminishing surveillance powers or what the historian might perceive as its abuse of surveillance power. The trial could be seen as an extension of the state's "othering" of the scandal magazines to mask its own power. However, libel laws and their enforcement also raise broader issues about community that are central to another important facet of this case. Robert C. Post argues that defamation laws, when understood as protection of reputation as dignity, are concerned not only with the individual's interest in dignity, but with "the enforcement of society's interest in its rules of civility, which is to say its interest in defining and maintaining the contours of its own social constitution."<sup>61</sup> This notion of defamation entails an understanding of how societies exercise power to designate who is a member of society (who deserves respect) and who is not (who is a deviant because of unacceptable behavior). Protection of dignity is a "confirmation of membership" in a community. Defamation threatens this confirmation, and libel trials are "an arena in which the parties [the defamed and the defaming] are free to present 'competing interpretations of behavior.'"<sup>62</sup> The *Confidential* trial was not just about the state's

proving its power over scandal magazines but was also a ready forum to raise, and perhaps settle, "competing interpretations" of a number of behaviors, most involving sexuality, that troubled and fascinated 1950s society.

For most of the twentieth century, stars had been constituted by the very terms—the private self behind the public image—that suggest the "processes through which our society constitutes sexuality as an object of knowledge and fascination."<sup>63</sup> Knowledge of the stars is a knowledge of sexuality is a knowledge of the self. Knowledge of the stars was regulated by Hollywood to create desire and maintain certain boundaries of sexuality—monogamous heterosexuality practiced by people of the same race—which, presumably, were internalized by the public through acts of self-policing. The *Confidential* trial raises questions about the sustainability of stars as the vehicles and models for sexual self-policing. If *Confidential* could be convicted of libel and obscenity, it could be seen as the deviant member of society, and the stars could be reclaimed by the community.

The state has an investment in seeing that people police themselves so that its work is all the more effective. But the way the state became invested in particular *Confidential* stories through the willingness of those star subjects to participate in the state's case is instructive in this regard. An examination of the state's use of Dorothy Dandridge, Liberace, and Maureen O'Hara as grand jury witnesses undercuts simple assumptions about the meaning of the trial: 1) that it was merely a mask for the state's totalitarian tendencies, 2) that the state did not have complicated or ambivalent notions about who should be included in the membership of society, or 3) that the public understood the state's motivations in the way the state hoped it would.

For instance, Pat Brown claimed many years after the trial that his office filed criminal charges against *Confidential* not because of industry pressure but because he believed it maliciously defamed Dorothy Dandridge.<sup>64</sup> In his version of the state's motivation, Brown, a devout liberal who wanted his legacy to include defending civil rights for black Americans, remembers it in terms of Dandridge's dignity and right to full membership in American society. Fabricating, hinting at, or documenting instances of interracial sex was a prime tactic of the FBI and right-wing groups to smear civil rights activists at this time. *Confidential* had a similar smear ethic, especially regarding female African American entertainers. Not only did this kind of defamation attempt to exclude such African American entertainers from membership in society by appealing to racial bigotry that abhorred miscegenation, but it usually described African American women as animalistic, always primed for sex. *Confidential's* story portrayed Dandridge in this way, so Brown's use of the article as generator of the charges was an attack on this system of defaming African Americans and on negative stereotypes of black femininity.<sup>65</sup> However, from another perspective, no matter what Brown's motivation, the state's defense of Dandridge might have confirmed intolerance for

interracial sexual relationships because it considered the plaintiff's assertion that black-white sex took place as a smear, as well as confirmed that the only African American woman whose privacy was worth protecting was the "proper"—that is, asexual—lady.

Liberace's willingness to give testimony at the grand jury that preceded the trial was a major part of the publicity surrounding the state's case (although to my knowledge, he never testified at the trial). The *Confidential* story "Why Liberace's Theme Song Should Be 'Mad about the Boy!'" suggested Liberace aggressively demanded kisses and other attention from a male press agent.<sup>66</sup> A star's homosexual identity at this time was a more explosive secret than interracial heterosexual romance, but Liberace's case is complicated by the degree to which his sexuality might be considered an "open secret" to at least portions of the American public (in a way that Hudson's was not, although it was an open secret in Hollywood). It is beyond the scope of this article to fully explore the possibility of Liberace's sexuality as an open secret. However, his willingness to bring libel charges against *Confidential* and to participate in an attempt to indict them for criminal libel by the grand jury suggests what is at stake in the 1950s for homosexuality to be considered in terms of libel as an assault on reputation as dignity. By accusing the magazine of libel, Liberace is suggesting their story has threatened his membership in the community. In asking the court to consider this story alleging his homosexual behavior as libel, Liberace is in essence asking the court to affirm that the community's identity excludes homosexuals. By doing so Liberace assents to a homophobic idea of community, and the court also shows its assent and rewards him by taking his accusations seriously enough to serve as testimony in indicting *Confidential*. However, if we do momentarily agree that some people "knew" or wondered about his sexuality, even if only the writer and several million readers of the *Confidential* article,<sup>67</sup> the homophobic community who allows him to sustain his homosexuality as an open secret in this way knows, at some level, that the story is not entirely libelous. This meant that defamation law as a tool for some part of the community to maintain its power might be seen by some or participated in by some as itself an "open secret." In other words, in supporting Liberace the state not only maintains a homophobic community but risks exposing the (libel) law as adjudicating not truth but who shall have power to stay a member of the community and under what conditions.

The *Confidential* story about Maureen O'Hara plays with the growing fascination in the 1950s with the sexually experimenting woman, eagerly read about in the Kinsey Report and *Playboy* but usually counterposed to the wife and mother ideal prevalent in so many other representations in this period. O'Hara defended her accusation of *Confidential* as libelous by appealing to how it hurt her as a professional, and it concerned her as a mother that such material would be available to children.<sup>68</sup> The latter defense allied her stance with both the maternal ideal of the 1950s and the moral crusades of the era that decried a number

of popular culture representations and media (like comic books) as bad influences on children. Her concern for her standing as a professional was both a plea for recognition that one's believability or attractiveness as a public figure can depend on the dignity accorded by the community and for recognition that she was a worker and image with a value in the market. Unlike many of the witnesses, O'Hara displayed obvious anger on the stand. Although this was "allowed" her because of stereotypes about the Irish temper, it was not a trait encouraged by the feminine mystique of the time. The state (through the trial) provided certain contexts for O'Hara performances that represented nontraditional feminine images, even as it was attempting to silence *Confidential's* nontraditional feminine portrait of the actress.<sup>69</sup>

The jury's inability to come to a decision about the charges against *Confidential* might have been because the complexity of the legal issues and/or of star personas as they were revealed by the *Confidential* case involved too many contradictions that were salient but not solvable, fully understood, or perhaps speakable at the time.<sup>70</sup> For that reason either convicting or clearing *Confidential* for libel would send a message about the stars as members of the community that was impossible definitive. *Confidential* and the other scandal magazines became tamer in the years immediately following the trial (Harrison sold off *Confidential* a few months later) and would eventually be replaced by the tabloid papers popular today. Many of their aggressive methods find a legacy in the surveillance strategies of today's paparazzi. However, to fully understand what legacy the scandal magazines left in relation to the public's attitudes about stars, privacy, libel, and obscenity, it is important to remember those figures and concepts could be linked together in the 1950s only when the state, the film industry, and the magazines interacted briefly in social and legal contexts that exposed a power struggle over community membership.

#### NOTES

1. Richard deCordova, *Picture Personalities: The Emergence of the Star System in America* (Urbana: University of Illinois Press, 1990), 139.

2. *Ibid.*, 141.

3. For a discussion of scandal and media globalization see John Tomlinson, "'And Besides, the Wench is Dead': Media Scandals and the Globalization of Communication," in James Lull and Stephen Hinerman, eds., *Media Scandals: Morality and Desire in the Popular Culture Marketplace* (New York: Columbia University Press, 1997), 65-84.

4. The histories of many of these magazines can be found in Alan Betrock, *Unseen America: The Greatest Cult Exploitation Magazines 1950-1966* (New York: Shake Books, 1990), 3-9.

5. See, for instance, Rochelle Gurstein, *The Repeal of Reticence: America's Cultural and Legal Struggles over Free Speech, Obscenity, Sexual Liberation, and Modern Art* (New York: Hill and Wang, 1996), and Robert C. Post, "The Social Foundations of Defamation Law: Reputation and the Constitution," *California Law Review* 74 (May 1986). For a discussion of how legal theories about privacy became foundational for laws and theories concerning rights to publicity see Jane Gaines, *Contested Culture: The Image, the Voice, and the Law* (Chapel Hill: University of North Carolina Press, 1991).

6. Irwin O. Spiegel, "Public Celebrity v. Scandal Magazine: The Celebrity's Right to Privacy," *Southern California Law Review* 30 (1957): 287.

7. *Ibid.*, 285-287.

8. C. J. Biggs, quoted in Edward J. Bloustein, "Privacy as an Aspect of Human Dignity: An Answer to Dean Prosser," *New York University Law Review* 39 (December 1964): 962.

9. Robert E. Mensel, "'Kodakers Lying in Wait': Amateur Photography and the Right of Privacy in New York, 1885-1915," *American Quarterly* 43 (March 1991): 27.

10. Spiegel, "Public Celebrity v. Scandal Magazine," 307-311.

11. John D'Emilio and Estelle Freedman, *Intimate Matters: A History of Sexuality in America* (New York: Harper and Row, 1991), 280.

12. Thomas K. Wolfe, "Public Lives: *Confidential* Magazine; Reflections in Tranquility by the Former Owner, Robert Harrison, Who Managed to Get Away with It," *Esquire*, April 1964, 87-90, 152-157.

13. R. E. McDonald, "It Was the Hottest Show in Town When Maureen O'Hara Cuddled in Row 35," *Confidential*, March 1957, 10-11, 46. I discuss this article in more detail in my *Recycled Stars: Hollywood Film Stardom in the Age of Television and Video* (Durham, N.C.: Duke University Press, forthcoming).

14. Jack Jones, "Witness Tells of Wild Pool Party," *Los Angeles Times*, August 21, 1957, 18.

15. This headline appeared in the *Los Angeles Mirror News* (June 21, 1955) and possibly in New York papers. Other Los Angeles headlines included "Ex-Mate Accuses Maureen O'Hara, Demands Custody of Daughter, 11," *Los Angeles Times*, June 21, 1955; and "Maureen O'Hara Lashes Back in Custody Fight," *Los Angeles Times*, June 24, 1955. On the witness stand Ross also mentions the headline "Accuses Star of Consorting with Wealthy Latin" from an unnamed paper.

16. Robert Durant, "The Strange Case of Maureen O'Hara," *On the QT*, March 1956, 10-11.

17. McDonald, "Hottest Show," 46.

18. This definition is provided by William A. Cohen, *Sex Scandal: The Private Parts of Victorian Fiction* (Durham, N.C.: Duke University Press, 1996), 1-96.

19. There are many versions of how and why the Hudson story was suppressed by *Confidential*, and many of them are intertwined with stories that Hudson was pressured into marrying Phyllis Gates in 1955 by his agent and/or studio to disprove the scandal stories should *Confidential* or another magazine publish reports of his homosexual activity. It is beyond the scope of this essay to go into the latter issue. Stories about the former range from narratives about monetary payoffs to the magazine; to agent Henry Willson's hiring of a gangster to "rough up" the article's author, the editor, or those who signed affidavits (it isn't clear from accounts which); to Universal Studios and agent Willson offering up the story of another of their mutual clients/employees, Rory Calhoun. See Fred Otash, *Investigation Hollywood!* (Chicago:

Henry Regnery, 1976), 31–38 (Otash doesn't use Hudson's name, but it is very easy to figure out whom he is talking about); Rock Hudson and Sara Davidson, *Rock Hudson: His Story* (New York: Avon Books, 1987), 95–97; Phyllis Cates and Bob Thomas, *My Husband, Rock Hudson* (New York: Jove Books, 1989), 207–208. The account concerning Calhoun is supported by Ezra Goodman, *The Fifty-Year Decline of Hollywood* (New York: Simon and Schuster, 1961), 52–53 (like Otash, Goodman doesn't use Hudson's name, but it is clear from context that Hudson is the figure in question); by an interview with writer Maurice Zolotow in the 1988 British television documentary *Hollywood Confidential*, in which Zolotow claims that Calhoun told him that the story about him had been offered up to kill the story about Hudson; and rather unenthusiastically by David Ehrenstein, *Open Secret: Gay Hollywood 1928–1998* (New York: William Morrow and Company, 1998), 99–100. Not only did the trade for the Calhoun story make sense in terms of *Confidential's* mass production of scandal, but Calhoun was, like Hudson, contracted to Universal and a client of Henry Willson (who, from every account I have ever read of him, used his clients like pawns, even blackmailing them about the affairs they had with him), and the story came out in 1955, about the time the story about Hudson was supposedly "killed." For an interesting account of Willson's relationships with his clients by a former client see John Gilmore, *Laid Bare* (Los Angeles: Amok Books, 1997). The story about Calhoun was Howard Rushmore, "Rory Calhoun: But for the Grace of God, Still a Convict," *Confidential*, May 1955, 23–25, 51–52. An unsigned editorial in the magazine's September 1955 issue followed up the story with quotes of praise for *Confidential's* treatment of Calhoun's story from the priest who had helped the star.

20. Ehrenstein, *Open Secret*, 99–100.

21. In fact, when Calhoun was informed that the story was going to be published by *Confidential*, he worked with gossip columnist Hedda Hopper to have his past crimes first revealed by her, a Hollywood insider with a syndicated column in the "legitimate" press. In the next few months and years numerous general interest magazines and fan magazines published stories about Calhoun's past, using an "uplift" narrative similar to *Confidential's*. See, for example, Rory Calhoun, "My Dark Past," *American Weekly*, August 21, August 28, 1955; and Rory Calhoun, "Look, Kid, How Stupid Can You Be?" *Photoplay*, February 1957.

22. Cohen, *Sex Scandal*, 8.

23. Telford Taylor, *Two Studies in Constitutional Interpretation: Search, Seizure, and Surveillance and Fair Trial and Free Press* (Columbus: Ohio State University Press, 1969), 80–81.

24. Robert Harrison, "Confidential vs. Hollywood," *Confidential*, September 1957, 22–23.

25. Florabel Muir, "The Truth about Dope," *Photoplay*, December 1948, 32–33, 72.

26. Wade Nichols, "An Open Letter to Robert Mitchum: The Case for the People," *Modern Screen*, February 1949, 27.

27. Florabel Muir, "What Now for Mitchum?" *Photoplay*, April 1949, 31, 98–99.

28. For discussions of discourses that rehabilitated Bergman and Mitchum see Adrienne L. McLean, "The Cinderella Princess and the Instrument of Evil: Surveying the Limits of Female Transgression in Two Postwar Hollywood Scandals," *Cinema Journal* 34 (spring 1995): 36–56; and McLean's essay in this volume.

29. Elsa Maxwell, "I Call It Scandalous!" *Photoplay*, June 1950, 100–102.

30. Louella Parsons, "Hollywood's Most Tragic People," *Modern Screen*, June 1952, 30–31, 95–96.

31. "Hollywood's Ten Best Citizens," *Modern Screen*, February 1950, 46–47, 73–74.

32. Fred Sammis, "The Other Side of the Hollywood Story," *Photoplay*, August 1950, 31–35.

33. "Modern Screen Special Report: Morals in Hollywood," *Modern Screen*, September 1950, 25, 54–60.

34. In 1955 stars Robert Mitchum and Lizabeth Scott and heiress Doris Duke filed libel suits against *Confidential*, and star James Mason filed a libel suit against *Rave*. The magazines received attention in "The Press in the Sewer," *Time*, July 11, 1955, 90; and "The Curious Craze for 'Confidential' Magazines," *Newsweek*, July 11, 1955, 50–52.

35. Ann Higginbotham, "Scandal in Hollywood," *Photoplay*, July 1955, 29.

36. Ted Maddox, "Kim Novak: Stabbed by Scandal," *Photoplay*, February 1956, 54–55, 86–87.

37. Robin Sharry, "What They Forgot to Say about Kim Novak," *Confidential*, January 1956, 31–34. The scandal magazines were mostly bimonthly publications and often came out almost two months before the dates listed on covers (for example, the July 1957 *Confidential* issue with a story about Liberace was already on newsstands when he testified before the Los Angeles grand jury in May 1957). Also, advance copies of the magazine were usually available (and often sent) to the celebrities (or the celebrity's studio) about whom a story was written. Although this was often a ploy to pressure stars into trading a story for the one to be published, it could also give the fan magazines (via press agents and studios) time to quickly write articles in reply. Thus, *Photoplay* was able to quickly respond to the story about Novak in its February issue.

38. Gaylyn Studlar, "The Perils of Pleasure? Fan Magazine Discourse as Women's Commodified Culture in the 1920s," *Wide Angle* 13 (January 1991): 11. DeCordova, *Picture Personalities*, also discusses how the fan magazines both silenced and spoke about scandal.

39. For information on studio-fan magazine relations in the 1930s, which were characterized by the studios' clamping down on control over what the magazines published through "blacklisting" and "whitelisting" certain writers and story themes, see "Publicity Heads Unite to Curb Fan Mags," *Hollywood Reporter*, August 10, 1934; "Fan Mags Promise to Be Good," *Hollywood Reporter*, August 16, 1934; and Goodman, *The Fifty-Year Decline and Fall of Hollywood*, 77.

40. The film is vague as to what Sawyer's trouble is; Martin says only that his mother helped her out of a "jam." According to notes by screenwriter Jerome Weidman, Sawyer was raped by an older man when she was a teen and gave birth to his child (Martin's mother helped her in childbirth); when the child died and its father was murdered, Sawyer went into a mental institution. Weidman expresses displeasure in this back story, and makes notes to make Sawyer less victimized so that Manly can appeal to Martin on the basis of Sawyer's complicity in her own past "sins." However, none of these details are in the film or even in later drafts of the screenplay. See MGM production file on *Slander* (July 23, 1956), University of Southern California Archive of Performing Arts; and Production Code Administration file on *Slander*, Margaret Herrick Library, Academy of Motion Picture Arts and Sciences, Beverly Hills, Calif.

41. Bob Thomas, *Liberace: The True Story* (New York: St. Martin's, 1987), 129. Thomas also makes this assertion in the 1988 British television documentary *Hollywood Confidential*, as do two other Hollywood columnists from the period. In the same documentary Pat Brown, who was California's attorney general in 1957, claims that Hollywood did not pressure him into bringing charges against *Confidential*.

42. Just a few of the articles covering the committee hearings are "Scandal Magazine Curb Looms after Raid Probe," *Los Angeles Herald-Examiner*, February 18, 1957; James Denver, "Girl Reveals Tips to Scandal Mag," *Los Angeles Mirror News*, February 19, 1957; "Giesler May Be Called in Scandal Hearings," *Los Angeles Times*, February 21, 1957; Gladwin Hill, "Sinatra Version of Raid Disputed," *New York Times*, February 28, 1957; "Film Star Blackmail, File Thefts Charged," *Los Angeles Mirror News*, February 28, 1957; Gladwin Hill, "Detective Tells Inquiry He 'Checked Out' 150 'Scandal' Articles for Confidential," *New York Times*, March 1, 1957; Gladwin Hill, "Scandal Inquiry Finds No Answer," *New York Times*, March 2, 1957.
43. "Scandal Magazine Quiz by U.S. Urged," *Los Angeles Times*, March 5, 1957.
44. See D'Emilio and Freedman, *Intimate Matters*; Rochelle Gurstein, *Repeal of Reticence*; and Walter Kendrick, *The Secret Museum: Pornography in Modern Culture* (Berkeley: University of California Press, 1996), for discussions of moral crusades against obscenity.
45. "Film Stars Move to Quash Scandal," *Hollywood Citizen News*, July 29, 1957, 1.
46. "Maureen O'Hara Denies She 'Cuddled in Row 35,'" *Los Angeles Herald-Examiner*, August 18, 1957, 1, 15.
47. Gladwyn Hill, "Film Colony Fidgets in Confidential Case," *New York Times*, August 18, 1957, sec. 4, p. 7.
48. "Film Biz Giving Only 'Lip Service' in Fight Against Smear Mags — Giesler," *Daily Variety*, April 19, 1957.
49. Kenneth Anger, *Hollywood Babylon* (San Francisco: Straight Arrow Books, 1975), 265. Typically, Anger gives no citations for his information. See Matthew Tinkcom, "Scandalous! Kenneth Anger and the Prohibitions of Hollywood History," in Ellis Hanson, ed., *Out Takes: Essays on Queer Theory and Film* (Durham, N.C.: Duke University Press, 1999), 271–287, for an interesting discussion of Anger's fascination with *Confidential*.
50. "Hearing on Publisher," *New York Times*, July 24, 1957. Assistant Attorney General of California Clarence A. Linn made these remarks in the context of an argument made to the state of New York to extradite *Confidential* editor-publisher Robert Harrison to California.
51. Jones, "Wild Pool Party," 18.
52. This claim is attributed to DeStefano in "The *Confidential* Story," *Inside*, December 1957. *Inside* was a pseudoscandal magazine published for a short time in the late 1950s that tried to capitalize on the scandal caused by the scandal magazines. The fan magazine articles in question were probably Louella Parsons, "How the Ladds Reconciled," and William Barbour, "How Long Can It Last?," in *Modern Screen*, May 1955. The *Confidential* article even plays with the title of the latter story, turning "it" into "Dick."
53. "Laxity of Studios Charged in Trial," *New York Times*, August 26, 1957.
54. Jones, "Wild Pool Party," 18.
55. "Atty Calls *Confidential* Tales Funny," *Los Angeles Mirror News*, August 30, 1957. See also "Confidential Trial to Move Over to Grauman's Theater," *Los Angeles Times*, August 31, 1957, sec. 3, pp. 1, 8, for testimony about the humorlessness of the magazine's articles.
56. Jones, "Wild Pool Party," 18.
57. Jack Jones, "Maureen O'Hara Angrily Denies Magazine Story; Dorothy Dandridge Also Charges Article about Her in *Confidential* Was Falsehood," *Los Angeles Times*, August 4, 1957.

58. California Senate Judiciary Committee, *The Interception of Messages by the Use of Electronic and Other Devices* (Sacramento: Senate of the State of California, 1957); and Fred H. Kraft, *Report of the Senate Interim Committee on Collection Agencies, Private Detectives, and Debt Liquidators* (Sacramento: Senate of the State of California, 1957).
59. The literature on this topic is too voluminous to cite individually, but especially helpful to me were Alexander Charns, *Cloak and Gavel: FBI Wiretaps, Bugs, Informers, and the Supreme Court* (Urbana: University of Illinois Press, 1992); John D'Emilio, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940–1970*, 2d ed. (Chicago: University of Chicago Press, 1998); Richard F. Hixson, *Privacy in a Public Society: Human Rights in Conflict* (New York: Oxford University Press, 1987); Carey McWilliams, *Witch Hunt: The Revival of Heresy* (Boston: Little, Brown, 1950); and Alan Theoharis, *Spying on Americans: Political Surveillance from Hoover to the Huston Plan* (Philadelphia: Temple University Press, 1978).
60. Kraft, *Report*, 5–8; California Senate Judiciary Committee, *Interception of Messages*, 12–16.
61. Robert C. Post, "Social Foundations of Defamation Law," 711.
62. *Ibid.*, 712.
63. DeCordova, *Picture Personalities*, 143.
64. Brown's on-camera interview is used in *Hollywood Confidential*. Although the documentary was produced in 1988, judging by the film stock quality, décor, and dress styles in the Brown interview, it appears that it was filmed in the 1970s.
65. James L. Boyd, "Only the Birds and the Bees Saw What Dorothy Dandridge Did in the Woods," *Confidential*, May 1957. According to Donald Bogle, *Dorothy Dandridge* (New York: Amistad, 1997), 375, Dandridge had a copy of the issue by March 1957.
66. Horton Streete, "Why Liberace's Theme Song Should Be 'Mad about the Boy!'" *Confidential*, July 1957, 16–21, 59–60. See Bob Thomas, *Liberace*, for discussion of a famous 1959 libel trial in which Liberace defended his reputation against charges of homosexuality from a British columnist pen-named "Cassandra."
67. We might also consider what the British public believed about Liberace's sexuality after the 1956 publication of the "Cassandra"-authored column in the British *Daily Mirror*. This column used language to "out" Liberace that was so vicious that *Confidential's* article seems pro-gay in comparison. See Bob Thomas, *Liberace*, 121–124.
68. "Maureen O'Hara, Liberace Hit 'Lies,'" *Los Angeles Times*, May 15, 1957.
69. Desjardins, *Recycled Stars*.
70. Gurstein, *Repeal of Reticence*, might see the jury's indecision as representative of a society and its legal system that link privacy and obscenity too closely to individual rights and property. Because the state didn't prove that the stars written about by *Confidential* were hurt by the libelous obscenities in terms of property, the jury was indecisive about the magazine's harmfulness. Gurstein argues that protection of the privacy of individuals—including things about them that might be considered "indecent"—is good for the whole society, protecting basic human dignity.