STATE'S ATTORNEY (Rko Radio, 1932) Director: George Archainbaud; Producer, David O. Selznick; Screenplay by Gene Fowler and Rowland Brown from a story by Louis Stevens; Camera, Leo Tover; 80 minutes.

With: John Barrymore, Helen Twelvetrees, Jill Esmond, William Boyd, Ralph Ince, Mary Duncan, Oscar Apfel, Raoul Roulien, Frederick Burton, Ethel Sutherland, Leon Waycoff (Ams), C. Henry Gordon, Nat Pendleton, Lloyd Ingraham.

It's astonishing how similar films from the same year fare so differently with the passage of time. Barrymore's "Counselor at Law", also 1932, based likewise on a stage play and directed by William Wyler, remains a much more vital and cinematic work than "State's Attorney", which actually smacks a little less of the theatre, but has rather more of the typical "sound of early talkie". But its shortcomings in its Barrymore material, at its best, almost hand-tailored for him by his friend Gene Fowler, even if it does give him scenes and characteristics painfully reflective of his own personal problems. Based on the career of the famous lawyer Fallon (also the basis for Warren William's "The Mouthpiece" and remakes with George Brent and Edward G. Robinson) it gives Barrymore full rein for deliberate theatrics (as in the dynamic if hardly legal court-room episodes), for wry comedy, and for those moments of almost unbearably affecting pathos which nobody could do as well as he. The sequence wherein, with genuine remorse, he tells his mistress that he has just married, is a beautifully played episode. If not at his peak, Barrymore is still very good indeed and moreover seems to be enjoying his role, so that he quite transcends the somewhat dated aspects of much of the film. However, the gangster/prohibition background adds its own flavor, and the various political chicaneries remain nicely topical. Most of its flaws as a film can be traced back to director Archainbaud, fine on silent melodramas and slick talkie westerns (later he did some of the best Hopalong Cassidy's, but a little out of his depth in straight dramatic material. Incidentally, "State's Attorney" was remade in the late 50's as "Criminal Lawyer", with Lee Tracy, Margot Grahame and Eduardo Ciannelli. Sadly, Rko's preservation work has not been of the best and many of their earlier talkies, with admittedly not much commercial future outside of television, are, like "State's Attorney", preserved only via 16mm dupe negatives which give the rather soft pictorial quality and harsh sound that you'll hear and see tonight, and that shouldn't be taken as representative of the film's original technical quality.

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PENTHOUSE (MGM, 1935) Directed by W.S. Van Dyke; Screenplay by Frances Goodrich and Albert Hackett from the Cosmopolitan story by Arthur Somers Roche; Camera, Lucien Andriot, Harold Rosson; 86 minutes.


Made towards the end of 1935, "Penthouse" reflects a growing disenchantment with the rash of gangster stories. Though a crime melodrama pure and simple, most of the gangster action (even the climax is kept off screen) is gone. The title, though not meant to do so, does try to suggest a more genteel and romantic kind of film. W.S. Van Dyke, one of MGM's best and most reliable directors, and certainly one of their most commercial, had the reputation of course for being a director who rushed through his films at lightning speed. Considering the quality of most of them (including "Trader Horn" and "The Thin Man") critical snobbery was often unfair, but "Penthouse" does at times show his methods at their less productive. It's a glossy and thoroughly efficient production, but there's no time wasted over frills or fancy lighting and editing; too, some of the performances from lesser players have been too much of a time-saver. They lack of brokerage and acceptance of the first take. Myrna Loy comes into the film late, and is flattered neither by the camera nor by her two gowns. Lack of a score (other than for night-club music), though a common flaw in many early talkies, also works against some of its effectiveness. Somehow its casual morality and equally casual mistresses (and what a delight Mae Clarke is in such a role) seem to belong far more to the hard-bitten Warner school, and even Baxter as the high-pressure lawyer never gets a chance to indulge in Barrymore's more courteous, well-acted, well-written romantic melodrama, as entertaining now as then if no major work, but perhaps a shade too elegant and polite for its own good.

(An interesting comparison with a similarly plotted later Van Dyke film, "It's a Wonderful World", although that one was played purely for zany laughs, Colbert and James Stewart taking over from Loy and Baxter). Incidentally, we're sorry we can't duplicate the stage show that played in support when the film opened at the Capitol in the Fall of 1935 - Morton Downey, and Barbara Stanwyck enacting key scenes from her movie! Willalard K. Everson.