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Sarah Zjebell Mann

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# American Moving Image Preservation 1967-1987

by

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# Thesis

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# American Moving Image Preservation 1967-1987

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This work analyzes the political, economic, and social forces behind the work of preserving films and television programming in the U.S. The period under scrutiny represents the first wave of federal involvement in moving image preservation. Spanning from 1967, with the creation of the American Film Institute, to 1987, the year of the first national, dedicated film preservation legislation, the study documents America's awakening to and involvement in preserving its moving image heritage.

American Moving Image Preservation 1967-1987 argues that a national moving image consciousness, focused on the artistic and cultural value of moving images, blossomed in the U.S. during the late 20<sup>th</sup> century. Bound up in that consciousness was increased public attention to preservation concerns. But the moving image preservation landscape was contested ground, with struggles of competing visions and priorities both inside and outside of the moving image preservation community. The author addresses the range of factors contributing

to the increased prominence of moving image preservation within the larger culture industry.

In treating moving image preservation between 1967 and 1987, the author utilizes four primary components: legislation, funding, professional association, and culture. Legislative discussions explain how arts, copyright, and preservation laws and court decisions impacted film and television preservation. Funding analyses chart public and private grant-making to film and television archives. Professional histories document the genesis and evolution of four associations supporting the work of American moving image archivists. Cultural arguments contextualize moving image preservation as a component of the entertainment industry. The author supports her conclusions through legal, funding, and organizational records; interviews with professionals active in the field during the period under study; and moving image history and criticism.

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#### INTRODUCTION

#### Preface

According to eminent Australian audiovisual archivist Ray Edmondson, moving image preservation includes all practices and procedures necessary to ensure continued access—with minimum loss of quality—to the visual and/or sonic content and/or other essential attributes of moving image media. Film, video, and digital formats of motion picture and television materials are defined as moving image media, and their examination, repair, restoration, duplication, surveillance, and storage all are preservation activities.<sup>1</sup>

Historically, preservation was considered by many as the central activity of moving image archivists. Preservation was the goal, and moving image archives were the bodies working toward this goal. Funding came to moving image archives for preservation projects, groups of moving image archivists formed under the aegis of preservation, and much of the literature of the field was dedicated to this complicated endeavor. The preservation-centric position of moving image archives was justified by the staggering blows suffered by the American moving image heritage. In the U.S. alone, 50% of film titles before 1950 and 80% of silent films have been lost, and a mere 10% of local television newsfilm libraries still survive.<sup>2</sup>

Despite this deep identification with a preservation mission, moving image archivists engage in work beyond preservation. Long ago, they adopted the title of "archivist" to describe themselves, in virtue of the fact that they fulfilled a safeguarding role for moving image records just as traditional archivists did for other types of records. However, moving image archival work evolved into a professional activity distinct from that of traditional archival practice.

Moving image archives diverge sharply from traditional archives in at least four ways. First, arrangement of moving image media differs since many moving image "collections" can not be broken neatly into fonds (those records belonging to a particular creator). Second, item level (and sometimes even element-within-item level) description, a practice not subscribed to by most traditional archives, is essential in many moving image archives for the successful provision of access. Third, access procedures may differ substantially, since moving image archives often circulate and/or exhibit their materials more than their paper archival counterparts. Fourth, because of copyright issues and the common practice of reusing moving images, film and television archives have a much stronger relationship to the entertainment industry that creates the majority of their records than do, for example, paper archives with government or academia.

In examining the history of moving image archives, this author's goal has been to avoid placing them within a larger archival framework and thus expecting them to behave in "archival" ways. Moving image archives have a story that is only beginning to be told in works as this which concentrate on film and television records as the centerpiece, rather than as a "non-print" adjunct to some larger archival operation. Recognizing the deeply entrenched preservation focus of the

American moving image archival community, this work instead strives to examine preservation as the principal theme, rather than archival practice.

## Scope of the Work

Two abiding theses bind together American Moving Image Preservation 1967-1987. First is the fact that between 1967 and 1987, a national moving image consciousness came to fruition in the U.S. This consciousness entailed the re-valuation of moving images as both art and artifact, whether this value was manifested in film's ascendancy to the realm of fine art or in television's fight for appropriate treatment as both a cultural record and a mode of expression. The range of factors eventuating in the development of a national moving image consciousness undergird moving image preservation's escalation into a public issue.

Second is the concept of a struggle by different groups for dominion over national moving image preservation. Beginning as dispersed entities with differing methodologies, yet working toward the common goal of preserving moving images, these groups of archivists and concerned individuals from the entertainment industry would evolve into units of power, banding together to attack the preservation problem. Finally, this united American moving image archival community came into conflict with external forces which contested its professional practices, yet simultaneously instilled within it new goals.

These theses are examined via four primary components: legislation, funding, professional association, and culture. Legislative discussions explain how copyright laws and court decisions impacted moving image preservation.

Funding analyses chart public and private grant-making to film and television archives. Professional histories document the genesis and evolution of three associations supporting the work of American moving image preservationists. Cultural arguments contextualize moving image preservation within the landscape of the American entertainment industry. The author uses legal, funding, and organizational records; interviews with professionals active in the field during the period under study; and moving image history and criticism to support her conclusions.

Any work that collocates spans of years into distinct periods opens itself to differing interpretations and criticism. This is particularly so in a subject as moving image preservation, where there is limited documentation and a fluid chain of events. The works that have treated American moving image preservation tend to fall into two camps: histories of the early, or founding, years of archives and analyses of recent events related to preservation, such as preservation legislation of the late 1980s and early 1990s. Substantial gaps exist between these moments, and the author has attempted to fill in some of the missing years in this study. The boundaries of American Moving Image

Preservation 1967-1987 are the 1967 creation of the American Film Institute, the first national arts organization charged with a preservation mission, and the National Film Preservation Act of 1988, the first enacted preservation legislation.

### Moving Ahead

Picking up in medias res is never easy and rarely helpful. Thus, a prehistory, "Turning on the National Culture Machine," is offered in order to set up the proper context for the story that begins in 1967. This prefatory iteration starts earlier, in the early 1960s.

The subsequent three chapters of this work cover the years 1967 to 1987 and are entitled "Defining the Preservation Landscape," "Forming Units of Power," and "The Struggle of Competing Visions." They chart the growth of the American Film Institute, the changing sentiments about moving images as art, the development of moving image preservation as a distinct activity, and the film and television industries' stake in the world of moving image preservation. The final chapter, "Onward to the Era of Cautious Victory," discusses the substantial shifts in moving image preservation beyond 1988. Central to the work is the question of how moving image preservation achieved the national prominence it experienced in the 1990s, which can be understood only by closely examining the relationships between federal arts policy, the AFI, moving image archives, and the entertainment industry at large.

<sup>&</sup>lt;sup>1</sup> Ray Edmondson, "The Building Blocks of Film Archiving," Journal of Film Preservation 24, no. 50 (1995): http://www.cinema.ucla.edu/fiaf/english/jour.html (26 July 2000).

<sup>&</sup>lt;sup>2</sup> Annette Melville and Scott Simmon, Film Preservation 1993: A Study of the Current State of American Film Preservation, 4 vols. (Washington: National Film Preservation Board of the Library of Congress, 1993), 7; William T. Murphy, Television and Video Preservation 1997: A Report on the Current State of American Television and Video Preservation: Report of the Librarian of Congress, 5 vols. (Washington: Library of Congress, 1997), 11.

## CHAPTER I: TURNING ON THE NATIONAL CULTURE MACHINE

#### Introduction

More than any other public figure, President Lyndon Baines Johnson had the distinction of being the progenitor of both American cultural subsidization and federal support for moving images. On September 29, 1965, President Johnson signed the *National Foundation on the Arts and Humanities Act of 1965* establishing the National Council on the Arts, the National Endowment for the Arts, and the National Endowment for the Humanities. America lagged behind other developed countries in instituting federal funding for the arts, and the road to fulfillment of this goal was long and winding. The birth of the Arts and Humanities Endowments created a new relationship between the public and culture; namely, that of grantor and grantee.

# Federal Arts Support and an American Film Institute

Of particular significance to moving images was the National Endowment for the Arts (NEA), under whose aegis fell the visual, performing, architectural and media arts.<sup>2</sup> The inclusion of media arts within the scope of the NEA was no small matter; President Johnson can be credited, in large part, with ensuring that it was on the Endowment's agenda. When he signed the historic National Foundation on the Arts and Humanities Act of 1965 in the White House Rose Garden in September, 1965, Johnson made an unexpected declaration:

We will create an American Film Institute that will bring together leading artists of the film industry, outstanding educators, and young men and women who wish to pursue this 20th century art form as their life's work.

The advisory committee that had worked to design the structure of the NEA had recommended that the Endowment support film in some capacity, but until President Johnson's announcement, it still had not determined what this involvement would entail.<sup>4</sup>

While Johnson had suggested some broad outlines for an American Film Institute, its purpose still had to be defined. The direction of the Institute was based, in large part, on the goals of the NEA. Roger Stevens was appointed the first Chairman of NEA; his inaugural year was spent developing the Endowment's practical structure. Congress had given the NEA a mission which included increasing public access to and appreciation of the arts, encouraging artists to strive for the highest quality of expression, and developing national arts policy through research and planning. Arts-related activities appropriate for NEA support were defined as "presentation, performance, execution, and exhibition ...and the study and application of the arts to the human environment." The mission of an American Film Institute would have to take into account these parameters.

One of the areas of prime interest to Chairman Stevens when he began to delineate the NEA's functions was that of Johnson's recommended American Film Institute. Indeed, at the first meeting of the National Council on the Arts, Council members recommended procuring a feasibility study of such an institute. In February, 1966, the venerable Stanford Research Institute (SRI) was commissioned to conduct the study. SRI began its work quickly. In October,

1966, after the NEA appointed a Film Advisory Council composed of members of the film industry to assist SRI,<sup>6</sup> the researchers began to visit institutions around the world and to conduct interviews with leaders in the film and archival communities. By the time SRI's study was completed, analysts had interviewed more than 100 people and had visited 18 foreign film institutions, at a cost to the NEA of approximately \$80,000.<sup>7</sup>

SRI concluded that an American Film Institute was greatly needed in order to bring the U.S. up to par with its contemporaries, especially since the motion picture was considered by most a uniquely American art form. In visiting film institutes in other countries, SRI researchers discovered that two conditions ingrained into the missions of these institutes did not apply to the U.S. First, many nations had created film institutes in order to combat the hegemony of American film, that is, to build their own national film industries. Second, film institutes often were the only source for education in film production within a nation, since unlike the U.S. most countries did not have university courses in film.<sup>6</sup> Nevertheless, the SRI did not eschew the possibility that an American Film Institute should be charged with producing films and educating future filmmakers, not simply stimulating overall film culture. Instead, SRI seemed to adopt as necessary for an American Film Institute every function other institutes had developed including production, education, publicity, and preservation.

## Conceptual Precedents for an American Film Institute

While he was the first public official to make a concrete call for an American Film Institute, President Johnson did not himself invent the concept. Indeed, the idea of some type of American Film Institute had been floating around the media and arts communities for at least five years prior to Johnson's historic Rose Garden announcement. In a 1961 article in the journal Film Quarterly, film historian Colin Young offered a comprehensive proposal for an American Film Institute based on discussions held at a 1960 theatre symposium. Young proposed archival, cataloging, education, publishing, and production functions for an American Film Institute, using as his model two revered European institutions, the British Film Institute and the Cinémathèque Française.

Young's proposition was most significant in its sophisticated understanding of the delicate balance between the proposed Institute's overall mission and its specific activities. Preseryation was an apt case in point. While it was not uncommon for other film institutes to house national film archives, the U.S. did not have a solid base from which to build in this regard. The Library of Congress had been collecting films avidly since 1942, but significant collections of the American film heritage were dispersed at the National Archives, the Museum of Modern Art, and the George Eastman House. Thus, an American Film Institute would be less effective as a collocation of the American film heritage than as a broad center working to develop a network of archives charged with collecting American films. What Young understood so well when he issued his proposal for an American Film Institute was that simple coordination of archival activities would not beget an effective national film preservation program. Instead, an American Film Institute would have to stimulate a climate conducive to public support of preservation work:

The physical perishability of film is widely understood; the artistic life of a film, however, is also dependent on 'climate'...[The Institute would] assist in the establishment and maintenance of a climate conducive to the production and exhibition of film as an art. It should be...less difficult to find public support for the various programs of preservation [if the Institute were to] show and circulate films of merit.<sup>9</sup>

Young viewed the success of film preservation efforts not as being determined solely by archival safeguarding but as being dependent upon a program of film exhibition that made preservation meaningful and that activated archival films. This perspective could have been anticipated by Young's reference to the Cinémathèque Française as a model for the American Film Institute. The Cinémathèque's founder, Henri Langlois, an internationally venerated film archivist, was a proponent of the exhibition of archival films as part of their preservation, spreading such adages as "Films are like Persian rugs. You keep them at their best by using them"10 or "[Films are like] animals, pets, condemned to the dreariness of being locked away in the dark. Projection must be good for them, an outing, a treat."11 Langlois' preservation "strategies" were viewed as somewhat capricious in his day, especially by such conservative institutions as the British Film Institute (BFI). The head of the BFI's preservation program, Ernest Lindgren, was more realistic in his approach to preservation, advocating careful cataloging and storage of the British film heritage. Nevertheless, what is significant about Langlois and Young is that they both viewed film preservation as a crucial component of the overall concept of film art.

The model of the British Film Institute, although different from that of the Cinémathèque Française, was widely known and respected. In addition to research on the BFI conducted by the SRI, the National Council on the Arts learned of the work of the British concern from Richard Kahlenberg. Film scholar Kahlenberg had studied the organization and programs of the British Film Institute (BFI), founded in 1934, and thought that the BFI's balance of publishing, preservation, and exhibition activities in conjunction with the funding of film production and stimulation of film education<sup>12</sup> was precisely the blend an American Film Institute required.<sup>13</sup> Later, when the American Film Institute was founded, both Kahlenberg and BFI archivist Sam Kula were hired as staff members.

#### Conclusion

There is an important point to make in regard to NEA and the early development of an American Film Institute—important because it foreshadows larger problems related to the advancement of moving image preservation in the U.S. The initial conception of the NEA's involvement in arts-related activities was limited to "presentation, performance, execution, and exhibition....and the study and application of the arts to the human environment." Significantly, no mention is made of preservation. While the NEA would come around on this matter and end up endorsing preservation as a crucial activity of the American Film Institute, preservation was not conceived of as an overall direction for the Endowment. The practical breach between preservation and the rest of the moving image's life cycle (production, distribution, exhibition) would be mended by the NEA when it created the American Film Institute. Yet the ideological separation of preservation from the guiding principles of the Endowment would persist as a

problem for the American Film Institute as it attempted to garner support from the NEA for its preservation activities.

National Foundation on the Arts and Humanities Act of 1965, Public Law 209.

89<sup>th</sup> Cong., 29 September 1965.
Media arts included motion pictures, television, radio, tape and sound recordings. (National Foundation on the Arts and Humanities Act of 1965, 2).

Lyndon B. Johnson quoted at American Film Institute, "AFI Historical Background," (2000): http://www.afionline.org (26 July 2000).

Emily Yoffe, "Popcorn Politics," Harper's 267, no. 1603 (1983): 22. 5 National Foundation on the Arts and Humanities Act of 1965, 2.

6 National Endowment for the Arts and National Council on the Arts, Annual Report for the Fiscal Year Ended June 30, 1968 (Washington: National Endowment for the Arts and National Council on the Arts, 1969), 8, 45.

Ted Johnson, "Going Public: Nonprofit AFI Reaches Beyond Big Donors, Gov't

in its Mission," Variety 367 (16 June 1997): 18.

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9 Colin Young, "An American Film Institute: A Proposal," Film Quarterly 15

(Summer 1961): 44.

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"Penelope Houston, Keepers of the Frame: The Film Archives (London: BFI

Publishing, 1994), 50.

12 British Film Institute, "This is the BFI," (2000): http://www.bfi.org.uk/about/guide/index.html (26 July 2000).

John Kuiper, "The Decade of Access? Moving Image Archives in the USA, A Retrospective Look and a Status Report," Journal of Film and Video 40, no. 1 (1998): 50.

# CHAPTER II: DEFINING THE PRESERVATION LANDSCAPE (1967-1977)

### Introduction

In the decade spanning 1967 to 1977, moving image preservation gained a national platform for the first time. This platform was made possible through creation by the National Endowment for the Arts (NEA) of the American Film Institute (AFI), whose mandate included furthering the recognition of the moving image as an art form. If the moving image was an art form, the reasoning went, then it certainly was worthy of being protected and preserved. However, prior to the AFI, American moving image preservation as a distinct activity had never been comprehensively defined. In the first decade of its existence, the AFI played a major role in determining how moving image preservation would operate in the U.S. for the remainder of the twentieth century. The AFI did not accomplish this monumental task in a vacuum; changing values and priorities in the larger culture industry helped to stimulate a national moving image consciousness.

# Film's Struggle for Legitimacy

A major victory for moving image preservation was realized with the founding of the AFI. President Johnson's unanticipated, yet prescient call for the establishment of an American film institute was answered in February, 1967, when the National Council on the Arts, the NEA's advisory body, endorsed Stanford Research Institute's (SRI) findings regarding the purpose and need for

such an institute. The NEA formally announced its award of \$1.3 million to create the AFI in June, 1967, and was supported by the Ford Foundation and the Motion Picture Association of America, both of which gave \$1.3 million for the project. Even with formidable foundation and industry backing, creating an organization with the scope and size of the AFI was a major undertaking for the NEA, a federal agency still in its infancy.

When the AFI was founded, film was not readily recognized as one of the arts, hence the NEA's decision not only to *include* film under its aegis but to *financially support it* as a separate sub-entity was a bold move. In taking the Institute under its wing, the NEA did much to legitimize film as an art form. And, according to SRI's research, increasing the stature of American film as art was the paramount mission of the AFI. SRI also recommended that the AFI should be directed toward cultivating incentives for the production of quality American films, developing appropriate training for filmmakers, and fostering the preservation of American film.<sup>2</sup> NEA's incorporation of preservation into the AFI's mission was visionary, as it signaled a major awakening to the nitrate film crisis, theretofore never addressed on a federal level, and because film was the only art so supported with a preservation component.

George Stevens, Jr., and Gregory Peck were instrumental in moving preservation onto the AFI's agenda. Former head of the U.S. Information Agency's Foreign Propaganda Film Program, Stevens was appointed Director and Chief Executive Officer of the AFI. Actor Gregory Peck was named

Chairman of the 41-member AFI Board of Trustees. Stevens had been aware of film preservation since the 1963 Cannes Film Festival:

[Cinémathèque Française founder] Henri Langlois accosted me, sat down and started this tirade about the failure of America to preserve its films. I was very ignorant of these circumstances...In the immediately ensuing years when we were planning the American Film Institute, it certainly put preservation at the forefront of my mind and made it a cornerstone when the AFI was founded.<sup>4</sup>

It may seem strange that George Stevens, Jr., whose father was an eminent Hollywood director and who was himself a producer, would not have known much about film preservation, especially since nitrate film had been discontinued from use for over ten years by 1963 because of its volatility. However, prior to the publicity generated about film preservation by the AFI, the specifics and extent of the film decomposition problem was not commonly known, even among Hollywood filmmakers.

Both Stevens and Peck had been involved in the arts community for some time before the creation of the AFI, as appointees to the National Council on the Arts.<sup>5</sup> Stevens recalled that part of the work that he and Peck did as Arts Council members was to "revers[e] the *exclusion* of film from the Congressional legislation which created the National Endowment for the Arts.<sup>6</sup> and to testify before Congress about the need for federal support of film preservation.<sup>7</sup> In Peck's words, "What seemed to be the No. 1 priority was the conservation and preservation of films." If not for the work of Stevens and Peck, who bridged the gap between Hollywood and the national arts community, the AFI probably

would not have enjoyed joint public and private sector support and most certainly would not have focused on preservation issues. And the NEA's support of preservation was considerable: some \$1,464,163 or nearly 40% of the AFI's funding between 1968 and 1972, was allocated to the AFI Archival Film Program."

# Building the AFI Archival Film Program

Little time was wasted in instituting AFI's preservation functions. In 1968, Sam Kula, a seasoned archivist formerly of the British Film Institute's National Film Archive, took charge of the AFI Archival Film Program. Much of the initial work entailed developing a relationship with the Library of Congress (LC). The first cooperative preservation agreement between the AFI and the LC was signed on June 13, 1968, giving the AFI the responsibility of acquiring new films and raising money and the LC the responsibility of maintaining the AFI's acquisitions in a designated National Film Collection. Some \$345,225 of NEA funding between 1969 and 1972 went to the LC for its preservation activities, which included the installation at the Library of a specialized film copying facility.

The AFI Archival Film Program did not arise in a complete void. In Kula's words:

We couldn't run the AFI program like the British Film Institute because other organizations in the U.S. already existed. AFI's purpose was to accelerate the work of the other organizations and to acquire films in the national interest. <sup>13</sup>

Several major institutions, including the Library of Congress, the National Archives (NA), the George Eastman House (GEH), and the Museum of Modern Art (MoMA) already had been preserving film in the U.S. for several decades. Shortly after the AFI's founding, Stevens moved to create a formal relationship with moving image archives by forming an Archives Advisory Committee in December, 1967. Original members of the Archives Advisory Committee included Edgar Breitenbach and John Kuiper (LC), James Card (GEH), Willard van Dyke (MoMA), and film historians William Everson and Arthur Knight. In the first three years of the AFI's existence, the Archives Advisory Committee primarily advised the Institute on acquisitions and helped it to make contacts with private collectors and the international film archives community. Changes were in store at the NEA, however, that soon would result in an expansion of the Archives Advisory Committee's role.

### Tumult

The year 1969 began a new era in the NEA. Nancy Hanks, an appointee of Richard Nixon, was sworn in as the new Chairman of the Endowment in October, 1969. Initally, the Nixon administration was very supportive of the Endowment. As one historian explained, "Nixon...was concerned with using the arts to neutralize opposition among the arts patrons of the 'Eastern Establishment,' who otherwise preferred [presidential contender New York governor Nelson] Rockefeller to him." However, when Nixon was re-elected as president in 1972, he no longer had to compete with Rockefeller. Accordingly,

he wanted to scale back government support of the arts drastically and claimed that, "The arts are not our people...we should dump...the whole culture business." The Endowment survived, however, in no small part due to the efforts of Nancy Hanks. During her tenure as the Endowment's Chair, Hanks succeeded in increasing the agency's budget by a stunning 1,200%, from \$7.8 million (1969) to \$94 million (1977).

One of the areas that Hanks first tackled was the NEA grant funding procedure. Under the first NEA Director, Roger Stevens, the agency had no systematic structure for its grant application process, and directors of the individual NEA programs had nearly absolute authority over funding decisions within their programs. This resulted in criticisms of "cronyism" and "closed circle" funding. Hanks developed a program-based panel system (for example, a music panel and a public media panel) whereby independent citizens reviewed program grant applications and made recommendations for funding to the program directors and the National Council on the Arts.

This formalization of the NEA grants structure affected the AFI, but not by making it subject to the "peer review" process. Until 1995, the AFI was the only NEA-funded organization that received its funding outside of the panel system. Instead, the AFI received its allocation through a process of annual budget negotiations between the AFI Director and the head of the Public Media (later, Media Arts) Division of the NEA.<sup>18</sup> Nevertheless, the AFI Archival Film Program did undergo a significant change as a result of the NEA funding reform.

Beginning in 1971, it started to award NEA-funded preservation matching grants to moving image archives. John Kuiper, formerly of the LC, explained how the NEA-AFI Film Preservation Grant Program evolved:

The search for continuing funds for film preservation led the AFI to NEA with requests to offer national film preservation grants. Part of this and subsequent contracts also funded the AFI's own archive program.<sup>19</sup>

In a unique application of the NEA's peer review process, the Archives Advisory Committee, whose name officially became the Film Archives Advisory Committee (FAAC), began meeting to "divvy up the [NEA] funding pie." As Sam Kula joked, "We started calling ourselves FAAC just so that we would have a meeting to go to." In the early 1970s, FAAC's principal members were Sam Kula (AFI), James Card (GEH) and Eileen Bowser (MoMA). Thus, within the span of three years after its inception, the AFI Archival Film Program was accomplishing exactly the work it had set out to do: coordinating and supporting the preservation activities of American film archives. However, AFI's initial seed money was starting to run out, and with it, momentum within the organization began to shift away from dollar-draining archival work toward the more exciting work of educating future filmmakers.

Because of uncertainty about whether the AFI could survive when it had to raise the lion's share of its own funds, the year 1971 was considered a crisis year at the Institute. As Kula explained, "By the third year of its existence, AFI had used up its endowment. The industry gave lots of money at first, but then assumed that the government would take care of the rest. This did not

happen."21 Accordingly, AFI's 1971 budget, itself only \$2.5 million, went down by one-sixth, or \$400,000.22 The decline in revenue led the AFI to terminate its research staff, a move that received much criticism from American film scholars.

Both inside and outside of the Institute, another AFI project was becoming a major source of debate during the crisis period. In 1969, AFI opened its film production school, the Center for Advanced Film Studies, in Beverly Hills. Writing in a 1971 Film Quarterly article, film historian Ernest Callenbach summarized the prevailing criticism about the Center: "the existence of the Center has tended to distort over-all AFI budgeting. Heavy Center expenses... have drained away funds that should have been spent on archives, research, and education on a national level." Callenbach even went so far as to recommend that the Center be spun off and run by Stevens, a suggestion ridiculed by Stevens in his rebuttal to Callenbach in the subsequent issue of Film Quarterly. To Stevens, the AFI had to be a multi-faceted organization, not simply an archives or a school, in order to justify its existence as a national entity. However, even within the AFI, some staff were unhappy about the founding of the Center, as Kula explained:

George Stevens Jr. came up with the idea of the Center for Advanced Film Studies, which turned out to be a bottomless pit. We couldn't raise enough money in Hollywood for the expensive real estate, classrooms, libraries. One of the things robbed for the school was the preservation program. There was some bitterness among the AFI staff about everything being cut for the school.<sup>26</sup>

When the AFI's overall budget is compared against the money it allocated to the Archival Film Program annually (Table 1), it becomes clear that, indeed, funding was being allocated in increasing amounts to other portions of the organization.

Table 1: AFI Allocations to Archival Film Program, 1968-1972

Fiscal Year	Archival Film Program Budget	Entire AFI Budget <sup>27</sup>	Percent Allocated to Archival Film Program
1968	\$168,592 <sup>28</sup>	\$576,500	29%
1969	[\$365,285]	\$1,894,038	19%
1970	[\$365,286]	\$2,950,269	12%
1971	\$265,000 <sup>29</sup>	\$2,566,574	10%
1972	\$300,00030	\$2,657,309	9%
Total	\$1,464,16331	\$10,644,690	14%

The gradual shift in AFI's internal funding priorities away from film preservation was accompanied by considerable concern that its resolution was waning.

In spite of the downward pattern of support by the AFI, the NEA steadily increased its commitment to film preservation, whose funding grew slowly between 1973 and 1977. However, in comparison to the overall budget of the NEA, commensurate support for film preservation did not expand in accordance with the success of the Endowment (Table 2).

Table 2: NEA Allocations for AFI Archival Film Program, 1973-1977

Fiscal Year	Archival Film Program Allocation <sup>32</sup>	Entire NEA Budget <sup>33</sup>	Percent Allocated to Archival Film Program
1973	\$390,000	\$38,200,000	1.02%
1974	\$390,000	\$60,800,000	0.64%
1975	\$406,084	\$74,800,000	0.54%
1976	\$522,509	\$116,000,000	0.45%
1977	\$604,336	\$94,000,000	0.64%
Total	\$2,312,929	\$383,800,000	0.60%

# Vying for Independence

With its federal and industry start-up funding gone, the AFI sought alternative ways of maintaining and expanding its programs. Direct public and private sector fundraising appeals proved to be nearly fruitless. Special events, as National Film Day, a project started in 1973 whereby theatres donated a portion of their box office receipts to the AFI, could be lucrative, but were not the stuff from which to generate accurate budgetary projections. The AFI decided to appeal directly to Congress for support. On October 2, 1974, Representative John Brademas (D-IN) introduced H.R. 17021, the *American Film Institute Act*, which called for the AFI to become an independent agency. The bill gave the AFI no new responsibilities, but did change the number of members on AFI's board from 41 to 23 members. H.R. 17021 mentioned nothing about how the Independent AFI would be funded.<sup>34</sup> After the House Select Subcommittee on Education held hearings on the bill in October, 1974, which included testimony from the AFI, the NEA, filmmakers, and film scholars, among others, the

Subcommittee submitted a nearly identical bill, H.R. 17504, on November 25, 1974.<sup>35</sup>

The revised American Film Institute Act was different from its predecessor in one substantial aspect: it required the federal government to fund two thirds of the AFI's annual budget. The projected cost was \$2.5 million for 1976 and increased each year by one half million until 1980, when the cost would be \$4.5 million. The funding amounts were reasonable, considering AFI's general budgetary progression—its 1975 budget was \$3,420,084, 37 and its requested budget for 1976 was \$3,750,000. However, the bill never even made it out of the House; it died on December 10, 1974, within two months of its creation. This experience proved that Congress was not interested enough in supporting film to take the step of establishing the AFI as an entity separate from the NEA, much less in funding this new agency.

Just as the AFI was in the midst of its own internal conflicts, the Film Archives Advisory Committee (FAAC) was struggling to support its own growth. Before the AFI, moving image archives did not have as many funding opportunities or as much national attention, but they had autonomy. The AFI Archival Film Program and its self-assigned coordinating role was construed by some archives as too much authority, while simultaneously FAAC members knew that some modicum of control and coordination would be necessary for national moving image preservation to advance.

Control of the Contro

The FAAC of the mid-1970s suffered from schizophrenia—induced by alternating moments of cooperation and competition. Some accounts characterize FAAC as a unified organization whose members met regularly to work out funding and acquisitions issues in a companionable fashion. Others, however, remember FAAC's struggles erupting over leadership of the group and over the direction of preservation efforts. In his work, Nitrate Won't Wait: Film Preservation in the United States, Anthony Slide described a 1975 FAAC meeting in which James Card accused the AFI of "attempting to act as chairman of the group... determining what preservation activity will be accepted." At one point, FAAC even tried to deal directly with the NEA, but the NEA countered that "the AFI was contracted to administer the funds, and had a responsibility for resolving the resultant difficulties." As FAAC began to broaden its member constituency, this struggle among competing interests, though all essentially working toward similar goals, only intensified, especially in the area of funding.

# Making the Case for Television Preservation

Concurrent with the AFI's work to advance the recognition of film as an art form were several endeavors seeking to preserve the American television heritage. While both film and television were considered moving image material, a significant breach existed between the two mediums in the 1960s and 1970s. Film was becoming accepted as art, but television still was considered by many as disposable ephemera. While the AFI and FAAC had begun to coordinate

their film preservation efforts, most television preservation pioneers worked alone in their struggle to advance the cause of preservation for their medium.

By the late 1960s, three major television preservation efforts had been initiated. First, the National Library of Television, a project of the Academy of Television Arts and Sciences (ATAS), had found a home at the University of California at Los Angeles (UCLA). Since 1953, the ATAS had gathered and organized television output from the three U.S. networks. Instead of creating its own institution, the ATAS original intention was to house branches of its Library at three U.S. universities—UCLA, New York University, and American University—but in 1965 decided to consolidate all of its collections at UCLA Film and Television Archive. In 1972, the National Library of Television at UCLA conducted a study that involved surveying the television collections of over 200 American institutions.

The Television Library's was not the first study to attempt to measure the television heritage. In 1967, CBS President William S. Paley commissioned Professor William Bluem of Syracuse University "to conduct a[n]...investigation into the desirability and feasibility of establishing a master collection of documents representing the history of radio and television." Bleum finished the study in 1971, concluding that there was an urgent need to create a centralized television collecting institution. Building upon Bleum's suggestions, the Paley Foundation appointed a committee in the early 1970s to further investigate the feasibility of a private institution charged with preserving the television heritage.

A portion of the Paley committee's work, funded by the National

Endowment for the Humanities (NEH), focused on establishing collecting
priorities and uniform retention guidelines for the television heritage. The
committee determined that news, public affairs, and cultural programs should be
avidly collected and retained. In a second tier came sports and entertainment
programming, which were to be collected and retained on a selective basis.

Finally, the committee placed in a third tier materials that never aired, to be
collected and retained on an item-by-item basis.

4

A third attempt at television preservation occurred outside of the industry when on August 5, 1968, Vanderbilt University began off-air taping of the nightly newscasts of the three American television networks. The Vanderbilt project was the result of one man's heroic attempts to preserve American television news. In 1969, Paul Simpson, a concerned citizen, discovered that neither the networks nor any institution systematically recorded and safeguarded television news broadcasts. (While the ATAS project was collecting some television news, it had no uniform policy for recording broadcasts.) Simpson decided to take action, in an uncomplicated but effective way:

Using three videotape recorders, he simply taped the network evening news five days a week as broadcast in Nashville straight off three television sets installed in the University library. 46

The work of Simpson, Paley, and ATAS to preserve the American television heritage may have been distinct in practice, but it shared one common characteristic. It indicated an awakening to the value of television not simply as a commodity to be bought and sold, but also as a cultural record and a mode of expression. Unlike the motion picture industry, whose members had been resistant to supporting the AFI's film preservation work, the television industry not only supported, but led preservation efforts.

On a federal level, the hard distinction between television preservation and film preservation made by the U.S. government from the very beginning of its involvement in the arts resulted in a clear hierarchy of attention. One such example of the breakdown between the film and television worlds was the NEA-and Corporation for Public Broadcasting-funded film preservation "best practices" study, published in 1974 as *Preserving the Moving Image*. Despite the fact that the Corporation for Public Broadcasting was an entity much engaged with television, the study was oriented solely toward film preservation.

As Ralph Sargent, head of the study, explained, "Philip Rubin of the Corporation for Public Broadcasting was brought in to address the archiving of videotape."

Videotape was considered only because some avant-garde and amateur filmmakers had begun to use it in their work—not because it was the medium of frequent use in television settings. For the NEA, television still was not worthy of attention.

Unlike the NEA, the AFI supported television preservation and in the mid1970s began to take an active role in advocating this cause. The AFI supported
the creation of a public "archive of record" for television material, which diverged
from the ATAS and Paley efforts to form private institutions for the keeping of

television.<sup>48</sup> The AFI also was responsible in 1974 for securing the participation of the Ford Foundation in funding television preservation.<sup>49</sup> In 1975, AFI Director Stevens addressed the annual meeting of the Popular Culture Association with a television preservation message:

We are here to sound an alarm: for the past 25 years, we in America have been unconsciously 'shredding' much of the visual transcript of our culture. The shredding must cease; the time has come to vigorously seek out, collect, and assure the permanent preservation of what remains of television's reflection of our age.

Stevens advocated a three-part strategy to combat the loss of television programming. First, the Library of Congress and the National Archives should place equal emphasis on visual and printed materials. Second, private broadcasters and public institutions must be encouraged to participate in a coordinated approach to television preservation. Third, a commission should be established to plan for television preservation policy 50

Despite the fact that the AFI was charged only with film concerns, in making the case for television, Stevens was attempting to broaden the national scope beyond film or television preservation to moving image preservation.

Were these efforts, as film historian Anthony Slide argued, a way for the AFI "to push its way into television preservation and discount the efforts of other archives already being funded for television preservation?" The facts do not support Slide's assertions. He overemphasizes the AFI's role in the early television preservation, which was one of advocacy rather than one of direct action. The AFI may have publicized the television preservation problem, but

groups like ATAS, the Paley Foundation, and Vanderbilt Television News

Archive engaged far broader initiatives. And the institutions performing
television preservation grew quickly: by 1975, the UCLA Film and Television

Archive, the Broadcast Pioneers Library, the University of Wisconsin, the
University of Georgia's Peabody Awards Collection, Wesleyan University, and
the National Archives all took part in some form of television preservation
activity.

The new interest in television preservation did not go unnoticed by lawmakers. Inspired by the work that the Vanderbilt Television News Archive was doing to preserve news broadcasts in his home state, Senator Howard Baker, Jr. (R-TN) in 1971 began introducing successive bills to establish the regular deposit of network news broadcasts in the Library of Congress. Description of the Library of Congress work to pay off in enacted legislation. The 1976 copyright act included a provision to create an American Television and Radio Archives (ATRA) at the Library of Congress. The purpose of the ATRA was "to preserve a permanent record of television and radio programs... and to provide access to such programs... without encouraging or causing copyright infringement. The ATRA legislation introduced "fair use" provisions for television materials, including the right to tape off-air for educational use. Institutions that taped newscasts also were allowed to duplicate the tapes for on-site access.

The ATRA legislation also helped the LC in acquiring more television records. Networks began to copyright their programs retroactively, and the Library could request recent programs bearing copyright notices but not formally registered. Because copyright protection only extended to works in a fixed medium, it was in the best interest of the networks to record and retain copies of their programs. However, the law did not specify that works had to be preserved in order to be protected by copyright, which left it up to the LC to convince the networks to deposit their programs with it for safekeeping. 57

Early in 1977, the LC held a symposium on television archives, which brought together for the first time those institutions and individuals who managed television archives in the U.S. Erik Barnouw at the Library convened the symposium in response to television archivists' frustration at being denied their own committee within the Society of American Archivists (SAA). According to pioneer television archivist Fay Schreibman, SAA deemed the number of television archivists insufficient to warrant a distinct committee. The LC symposium offered a way for those concerned with preserving the television heritage to discuss issues of common interest and to plan for more coordinated work in the future. <sup>59</sup>

While supporting the idea of television preservation overall, television networks put up a great deal of resistance when it came to situations in which their own programming was being taped without their consent. William S. Paley and CBS are a good example of this dichotomy. Paley spearheaded the Bleum television preservation study and the subsequent committee to investigate television collection and retention policies, and he cemented his commitment to the television preservation cause in 1976 with the founding of the Museum of Broadcasting. A significant undertaking, the Museum was designed to collect, preserve, and showcase to the general public representative samples of American and international television programming.<sup>60</sup>

Simultaneous with his positive preservation work, Paley, also head of CBS, took an opposite position with regard to the Vanderbilt Television News Archive. To prohibit Vanderbilt from off-air taping its programming, CBS filed a lawsuit charging copyright violation.<sup>61</sup> The suit never went to trial; after the ATRA legislation was passed, CBS dropped it.<sup>62</sup> Was Paley afraid that if CBS allowed off-air taping, it would lose control of its network output, either in an economic or an intellectual sense? Some television preservationists would say "yes," arguing that because the copyright law did not entirely clarify the terms of "fair use," networks were reluctant to release their programming, even to scholarly institutions.<sup>63</sup> Alternately, others might claim that networks simply did not want any institution besides industry-sanctioned partners like the Museum of Broadcasting or the ATAS Library in charge of securing the television heritage.

# Moral Rights

The matter of private ownership of the moving image heritage is an important one to ponder when exploring how television became entrenched in arguments over the moral rights of its creators. The complex issues surrounding moral rights are best understood when they are applied. The case of Gilliam v.

American Broadcasting Companies, Inc. (1976) presents the issues well.<sup>64</sup>

Since the first United States copyright law was passed, creators have retained specific economic rights that allowed them to permit or prohibit the copying of their works. Unless works were done for hire or rights were transferred, copyright resided with the creator. In addition to the concept of the common law economic right, the fundamental basis on which the U.S. copyright system rests, there is an important international, civil law concept of the "moral right," or "droit moral." The concept of the moral right first was codified at the 1886 Berne Convention for the Protection of Literary and Artistic Works:

Independently of the author's economic rights, and even after the transfer of said rights, the author shall have the right to claim ownership of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honour or reputation.<sup>65</sup>

Moral rights have direct relevance to American creators of moving image works. Because most film and television creators' works were done for hire, the studio or network usually retained the copy rights. Commonly, copyright owners would lease the rights to films and television programs to third parties for television broadcast, brokered through a contractual agreement. Both parties would agree to permit editing of the work to accommodate commercials, to comply with government or industry regulations, and to meet time requirements. The copyright holder accepted a certain amount of change to the film or television program in exchange for the economic benefits derived from the

television broadcast. However, some television broadcasters, in an attempt to radically shorten programs or censor what they viewed as specious content, would edit films or television programs beyond the bounds of reasonable practice. Film and television creators had no way to prohibit this type of editing because they did not own the copyright to their works. Thus, the possibility of presenting a moral rights argument in defense of maintaining the integrity of their works was very attractive to American moving image creators. Gilliam v.

American Broadcasting Companies was a case in which this type of argument was used to defend the work of Terry Gilliam and those who collaborated with him in creating the British television comedy series "Monty Python's Flying Circus."

Gilliam v. American Broadcasting Companies originated in 1973 when Time-Life Films acquired the international distribution rights to the British Broadcasting Corporation (BBC)-produced series "Monty Python's Flying Circus." The BBC and Time-Life films entered into a contract that allowed only for program editing for "insertion of commercials, applicable censorship or governmental...rules...and National Association of Broadcasters and time segment requirements." Time-Life Films made an agreement with American Broadcasting Corporation (ABC) that allowed ABC to broadcast three "Monty Python" episodes in October, 1975. A month later, when the creators viewed a tape of the three episodes broadcast by ABC, they were shocked to find that 24 minutes out of the 90-minute original broadcast, or 27% of the program's

content, had been omitted. While some of the cuts were done to accommodate commercial breaks, a number of others, according to ABC, were made because the original programs "contained offensive or obscene material."

ABC wanted to rebroadcast the same edited "Monty Python" episodes in December, 1975, to which the creators objected. The creators filed an action to enjoin ABC from broadcasting the program. In an evidentiary hearing, after comparing the original and edited programs, Judge Morris E. Lasker of the U.S. District Court for the Southern District of New York found that:

The plaintiffs have established an impairment of the integrity of their work [which] caused the...program...to lose its iconoclastic verve...The damage that has been caused to the plaintiffs is irreparable by its very nature.

Nevertheless, Judge Lasker denied a motion for a preliminary injunction because he felt that the ownership status of the "Monty Python" programs was unclear. 66 Unwilling to take the leap to declaring ABC in violation of the creators' moral rights, he instead adhered to a strictly economic interpretation of copyright.

Since the creators could not then prove that they owned the copyright to "Monty Python," Lasker was unwilling to find in favor of them. Still sympathetic to the plight of the creators, Lasker ordered that ABC had to broadcast a disclaimer during the program stating that "the group disassociated itself from the program because of the editing." However, ABC was granted a stay of execution, and in the end had to broadcast only a disclaimer stating that the program had been edited. 67

In April, 1976, Gilliam was argued before a panel of three judges in the Second Circuit U.S. Court of Appeals. The Appellate Court concurred with Judge Lasker's finding that there was substantial mutilation to the "Monty Python" programs, yet reversed Lasker's decision in favor of the appellants. The Court's conclusion was based partially on new evidence indicating that the creators, Terry Gilliam and his collaborators, held the copyright to the underlying screenplay on which the "Monty Python" episodes were based. In the Court's words:

Since the copyright in the underlying script survives intact despite the incorporation of that work into a derivative work, one who uses the script, even with the permission of the proprietor of the derivative work, may infringe the underlying copyright.<sup>69</sup>

The Appellate Court found just cause for the appellants' action and issued a preliminary injunction prohibiting ABC from broadcasting the "Monty Python" episodes again until a final decision following a full trial was reached.

In filing their opinion on the case, the Appellate Court agreed with Judge Lasker that the "Monty Python" program was considerably mutilated and that it "impaired the integrity of the appellants' work and represented ... a mere caricature of their talents." The phrasing used by the Court is a moral rights argument. Unfortunately, in 1976, a straight moral rights strategy was not open to the "Monty Python" appellants, as the U.S. had not yet acceded to the Berne Convention of 1886. To get around this, the Court invoked the Lanham Act, <sup>70</sup> a trademark statute that prevents "misrepresentation that may injure plaintiff's

business or personal reputation, even where no registered trademark is concerned."<sup>71</sup> Had Gilliam v. American Broadcasting Companies gone on to a full trial, the Court recommended using the Lanham Act as a justification for their complaints of mutilation. However, the case was taken no further. The decision of the U.S. Second Circuit Court of Appeals was the final word on the Lanham Act being used as a roundabout moral rights argument.

To the average television viewer in 1975, the "Monty Python" case may have passed unnoticed. Most Americans in that time were not used to thinking about television programming as anything special, much less as something that must be preserved in its integrity and safeguarded for time immemorial.

However, Gilliam v. American Broadcasting Companies, Inc. was a watershed case for artists' rights and moving image preservation because it focused attention on the importance of maintaining the integrity of an artist's vision for a moving image work. The spirit of artists' rights expressed in the Gilliam decision matched the general trend among the cultural elite toward the legitimization of moving images as art. Gilliam's outcome was especially important because "Monty Python" was a television program and television creators were rarely treated as artists in their own right.

In the 1980s, when debates over the colorization of films and television programs heated up, moral rights became repositioned as a moving image preservation issue. Creators argued that their work was substantially altered because of colorization and that these changes constituted a threat to the

integrity of the moving image heritage in total. Those who did colorization work, however, claimed that colorization was a tool for preservation, since all works that were to be colorized first had to have at least an archival-quality black-and-white reference print. While the moving image preservation message is only latent in *Gilliam*, the case offers a substantial base from which further artists' rights and preservation discourse erupted.

#### Conclusion

The first decade following the creation of the AFI may be conceived as one in which the preservation landscape was defined. Moving images, especially film, struggled to achieve a definition as art, and entities such as Congress, the NEA, the AFI, and the LC sought to find their proper roles in creating, promoting, and preserving American moving images. Film and television artists strove to mark (and expand) the boundaries of the rights associated with their creations. The AFI was the vehicle embodying the contours of a burgeoning American moving image preservation movement. These contours were not smooth curves, but jagged edges. On one edge, FAAC was positioned as a collection of institutions, all working toward similar preservation goals, but simultaneously craving independence from an overall national (and thus, hierarchical) preservation structure. On another edge, groups concerned with the television heritage were striving to define programs for managing preservation, but often in ways that came into conflict with one another. Poised on yet another edge were film scholars like Ernest Callenbach,

William Everson, and Arthur Knight, who aimed to outline their place in advocating for and participating in preservation efforts. On the final edge perched external interests such as the Corporation for Public Broadcasting and the film industry, whose support for preservation was intermittent and idiosyncratic. What was only beginning to be defined in this formative period was the preservation mission itself, something to be further honed in the years to come.

<sup>&</sup>lt;sup>1</sup> U.S. House, American Film Institute Act, 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess., H.R. 17504, 10 December 1974, H. Rpt. 93-1552, 3.

<sup>2</sup> lbid., 4.

<sup>&</sup>lt;sup>3</sup> Ernest Callenbach, "The Unloved One: Crisis at the American Film Institute," Film Quarterly 24, no. 4 (1971): 43-44.

George Stevens Jr. quoted in Tom McGreevey and Joanne L. Yeck, Our Movie Heritage (New Brunswick, NJ: Rutgers University Press 1997), 68-69.

<sup>&</sup>lt;sup>5</sup> National Endowment for the Arts and National Council on the Arts, Annual Report for the Fiscal Year Ended June 30, 1968 (Washington: National Endowment for the Arts and National Council on the Arts, 1969), 45.

<sup>&</sup>lt;sup>6</sup> George Stevens, Jr., "About the American Film Institute," Film Quarterly 25, no. 2 (1971): 38.

McGreevey and Yeck, Our Movie Heritage, 69.

<sup>&</sup>lt;sup>8</sup> Ted Johnson, "Going Public: Nonprofit AFI Reaches Beyond Big Donors, Gov't in its Mission," Variety 367 (16 June 1997): 18.

<sup>&</sup>lt;sup>9</sup> Stevens, "About the American Film Institute," 39; Susan Dalton. National Center for Film and Video Preservation at American Film Institute submission printed in Annette Melville and Scott Simmon, Film Preservation 1993: A Study of the Current State of American Film Preservation, 4 vols. (Washington: National Film Preservation Board of the Library of Congress, 1993), 92; National Endowment for the Arts and National Council on the Arts, 1972 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1973), 101; American Film Institute Act, H. Rpt. 93-1552, 10.

<sup>&</sup>lt;sup>10</sup> Anthony Slide, Nitrate Won't Wait: Film Preservation in the United States (Jefferson, NC: McFarland & Company, Inc., 1992), 76-77.

Slide, Nitrate Won't Wait: Film Preservation in the United States, 81.

<sup>&</sup>lt;sup>12</sup> Ralph Sargent, Preserving the Moving Image (Washington: Corporation for Public Broadcasting and National Endowment for the Arts, 1974), 6.

<sup>&</sup>lt;sup>13</sup> Sam Kula, 1999, telephone interview by author, 7 December 1999.

<sup>14</sup> Stevens, "About the American Film Institute," 38.

Nichard Jensen, "The Culture Wars, 1965-1995: A Historian's Map," Journal of Social History 29 (Supplement) (1995): 19.

<sup>16</sup> Jensen, "The Culture Wars, 1965-1995: A Historian's Map," 27.

<sup>17</sup> National Endowment for the Arts, National Endowment for the Arts 1965-1995: A Brief Chronology of Federal Involvement in the Arts (Washington: National Endowment for the Arts, 1995), 22-30.

Gregory Lukow, 1999, telephone interview by author, 9 December 1999.

<sup>19</sup> John Kuiper, "The Decade of 'Access? Moving Image Archives in the USA, A Retrospective Look and a Status Report," Journal of Film and Video 40, no. 1 (1988): 51.

<sup>20</sup> Sam Kula, 1999, interview by author, Montreal, Quebec, 4 November 1999.

<sup>21</sup> Sam Kula, 1999, telephone interview by author, 7 December 1999.

22 American Film Institute Act, H. Rpt. 93-1552, 10.

<sup>23</sup> National Endowment for the Arts and National Council on the Arts, Annual Report for the Fiscal Year Ended June 30, 1969 (Washington, National Endowment for the Arts and National Council on the Arts, 1970), 29.

<sup>24</sup> Callenbach, "The Unloved One: Crisis at the American Film Institute," 48, 54.

25 Emily Yoffe, "Popcorn Politics," Harper's 267, no. 1603 (1983): 18.

<sup>26</sup> Sam Kula, 1999, telephone interview by author, 7 December 1999.

27 American Film Institute Act, H. Rpt. 93-1552, 10.

28 Stevens, "About the American Film Institute," 39.

<sup>29</sup> Dalton submission, Film Preservation 1993: A Study of the Current State of American Film Preservation, 92.

National Endowment for the Arts and National Council on the Arts, 1972 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1973), 101

<sup>31</sup> The total spent by AFI between 1968 and 1972 on the Archival Film Program according to Stevens, "About the American Film Institute," 39. Because exact figures for 1969 and 1970 were unavailable, the remaining sum of \$730,571 was split in half between these two years when the percentages were calculated.

National Endowment for the Arts and National Council on the Arts, 1973 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1974), 21; National Endowment for the Arts and National Council on the Arts, 1974 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1975), 89; National Endowment for the Arts and National Council on the Arts, 1975 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1976), 81; National Endowment for the Arts and National Council on the Arts, 1976 (Washington: National Endowment for the Arts and National Council on the Arts, 1977), 101; National Endowment for the Arts and National Council on the Arts, 1977)

<sup>33</sup> National Endowment for the Arts, National Endowment for the Arts 1965-1995: A Brief Chronology of Federal Involvement in the Arts, 25-30.

<sup>34</sup> U.S. House, American Film Institute Act, 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess., H.R. 17021 (2 October 1974).

<sup>36</sup> U.S. House, American Film Institute Act, 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess., H.R. 17504 (25 November 1974).

36 American Film Institute Act, H. Rpt. 93-1552, 12.

37 Ibid., 10.

<sup>38</sup> Lawrence F. Karr, "The American Film Institute and the Library of Congress: A Twelve-Year Perspective," Quarterly Journal of the Library of Congress 37, nos. 3-4 (1980): 364.

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<sup>42</sup> Murphy, Television and Video Preservation 1997: A Report on the Current State of American Television and Video Preservation: Report of the Librarian of Congress, 156-157.

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<sup>49</sup> Murphy, Television and Video Preservation 1997: A Report on the Current State of American Television and Video Preservation: Report of the Librarian of Congress, 157.

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<sup>52</sup> Kula, "Preserving the World at Six O'Clock," 10; Kriegsman, "From the Editor,"

<sup>53</sup> American Television and Radio Archives Act, Public Law 553, Section 113, 94th Cong., 19 October 1976.

<sup>54</sup> Arlene Balkansky, "Through the Electronic Looking Glass: Television Programs in the Library of Congress," Quarterly Journal of the Library of Congress 37,

nos. 3-4 (1980): 458.

<sup>56</sup> The Annenberg Washington Program, "Rapporteur Summary," Roundtable on Television Preservation, A Colloquium Convened by the Annenberg Washington Program, Washington, DC, 19 May 1989, photocopy, 4.

<sup>16</sup> Ibid.; Balkansky, "Through the Electronic Looking Glass: Television Programs

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56 Slide, Nitrate Won't Wait: Film Preservation in the United States, 84.

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CHAPTER III: FORMING UNITS OF POWER (1978-1982)

#### Introduction

In four short years, between 1978 and 1982, American moving image preservation moved from being a decentralized, somewhat obscure activity carried out by institutions only beginning to communicate with one another to a unified cause with a strong federal presence and increasingly robust alliances with film creators, studios, and the general public. This growth can be attributed to changes in the NEA's leadership and structure, increased collaboration among archivists, the redefinition of the AFI's and the LC's roles in moving image preservation, and the participation of filmmakers in spreading the preservation message. Instead of tackling preservation of the American moving image heritage singularly, institutions and individuals increasingly joined forces to form units of power. The composition of these units grew more diverse, a sign that the preservation message was sharpened and primed for mass consumption.

## Expanding NEA Support

When Nancy Hanks left the NEA after nine years as its Chair, the Endowment was in good financial shape, however, artists and arts supporters alike had their qualms about the agency's direction. In what at the time seemed to be a painless transition, Livingston Biddle was appointed in late 1977 by President Carter as the third Chairman of the NEA. While the Endowment under Biddle continued to grow modestly, brewing under the calm surface were widespread concerns that the panel system used by the NEA in allocating grants was "lacking in its responsiveness." Even though Hanks had tried to combat concerns of "cronyism" by instituting the panel system in the first place, many in the arts community still thought the NEA did not extend its reach far enough beyond the obvious worthy institutions and individuals. Soon after Biddle assumed the NEA Directorship, he moved to increase panel specialization and diversification throughout the NEA so as to reflect better the Endowment's broadening constituency.<sup>2</sup>

Biddle's changes meant that the AFI Archival Film Program, too, would be subject to a panel process. The AFI would continue to receive its overall funding from the NEA through an annual budget negotiation process until 1995, but beginning in 1978 it was charged with assembling a peer review panel to award film preservation grants to archives. The AFI Archival Film Program would invite applications from any institution that did film preservation work, instead of just the FAAC-member archives (AFI, LC, GEH, MoMA). In 1978, the AFI peer review panel awarded some \$630,000 in film preservation matching grants to institutions including the American Jewish Historical Society, Anthology Film Archives, the Center for Southern Folklore, New York University, Oregon Historical Society, Pacific Film Archive, Fort Lee Public Library, the National Archives, and UCLA Film and Television Archive.

Table 3: NEA Allocations to AFI for Film Preservation, 1978-1982

Fiscal year	Film Preservation Allocation	NEA Annual Budget <sup>5</sup>	% of total
1978	\$630,000	\$123,850,000	.5%
1979	\$487,500	\$149,585,000	.3%
1980	\$650,000	\$154,610,000	.4%
1981	\$731,000	\$158,795,000	.5%
1982	\$500,000	\$143,456,000	.3%
Total	\$2,998,500	\$730,296,000	.4%

The 1978 change to the NEA panel system grant allocation process for film preservation was significant for two reasons. First, NEA support offered both legitimacy and a modicum of security to new and developing archives.

Prior to receiving AFI Archival Film Program funding, most of non-FAAC archives depended on the often unstable and idiosyncratic support of private donors to fund their film preservation work. Being awarded coveted NEA funding for preservation raised the status of film archives, which could be used to buttress efforts to obtain further support from other sources. Further, by 1978, the AFI received federal funding for film preservation for over ten years. In conjunction with a Congress and President sympathetic to arts concerns, this gave the AFI Archival Film Program at least the veneer of stability.

Second, the AFI funding distribution changes led to increased involvement of a new contingent of American archives in film preservation efforts as a whole. Many of the newly funded archives joined FAAC, whose mission essentially expanded from advising the AFI Archival Film Program on funding allocations to bringing together American archives involved in film preservation

work. Indeed, even some Canadian archives began to become involved with FAAC after the 1978 changes, a distinct sign that a burgeoning film preservation movement was gaining momentum throughout North America.<sup>6</sup>

#### Archivists Collaborate

On the television front, a group similar to FAAC began to coalesce during the late 1970s. In response to the Library of Congress symposium, the AFI helped to convene the Television Archives Advisory Committee (TAAC), which first met in January, 1979.<sup>7</sup> The AFI never expected TAAC to fulfill a direct advisory role, despite its name. Instead, TAAC was a "consortium of institutions" whose purpose was to "encourage cooperation among television archives through the sharing of experience and information."

Despite the fact that many archives that collected film and television participated in both FAAC and TAAC, TAAC's structure was more open than that of FAAC. Eddie Richmond, who began working in moving image preservation at the UCLA Film and Television Archive in the late 1970s and who attended his first FAAC meeting in 1981, explained the distinction between the two groups:

TAAC was still meeting separately at this time. FAAC was by invitation only, but TAAC was open to all. There were about 20 people involved with TAAC. The way it was structured was that FAAC would usually meet one day, then TAAC the next. FAAC had no set agenda. Eight or nine people would sit down at a table with a blank piece of paper and create the agenda at the start of the meeting.<sup>10</sup>

The difference between FAAC and TAAC went back to their origins. FAAC was the "insider" group, formed with the creation of the AFI in 1968 and given distinct

responsibilities that it had relinquished only a couple of years earlier, in 1978, with the NEA panel system changes. TAAC was more organic. Prior to the late 1970s, television archives always worked separately, with little knowledge of what other institutions were doing to preserve the American television heritage. The group of television archivists that had attempted to form within the SAA was thwarted in 1977, but the LC symposium later in 1977 enabled these archivists to keep their momentum in working to create their own group. TAAC was the culmination of this drive toward better coordination of television preservation and differed from FAAC in that its members had no voice within the NEA and no AFI-imposed directive.

Germane to the consolidation of film and television activities was the
Library of Congress' move in 1979 to unite its film, television, radio, and sound
recording interests into a Motion Picture, Broadcasting and Recorded Sound
Division (M/B/RS). This change resulted from the Copyright Revision Act of
1976, which charged the Library of Congress with creating an American
Television and Radio Archives. Librarian of Congress Daniel J. Boorstin,
recognizing the conceptual, industrial, and technological similarities of
audiovisual mass media, had the foresight to create one division for these
records, with expanded responsibilities and staff. Boorstin appointed film
historian Erik Barnouw as Chief of the new Division and Paul Spehr as Assistant
Chief. M/B/RS was divided into four sections: Laboratory Services, Curatorial,
Processing, and Documentation and Reference.<sup>11</sup> The institution of M/B/RS

would help the Library to consolidate forces to better attack the problem of moving image preservation and would help to foster a feeling of cooperation, rather than competition, among film and television interests.

Another demonstration of the Library's evolution during this period occurred when it joined with the AFI in November, 1978, to hold a significant conference on film cataloging. The need for such a conference was desperate, since no standards existed for either the organization or description of film records. Archives usually developed their own systems for cataloging the films in their collections—systems that were often a hybrid of library and archival methods. Also, there was resistance within some institutions to the idea of a publicly accessible film catalog itself. These sentiments sprang from a tradition of film archives guarding (and indeed, sometimes hoarding) film lists, mostly from fear of being shown to have questionable claims of ownership on films in their collections. Of the catalogs that existed, many were incomplete, and few were computerized. The lack of standardization in film catalogs made it impossible for archives to share information in a meaningful way and presented a major obstacle to researchers attempting to access films in different collections.

Thus, the LC/AFI film cataloging conference was a big step for American film archivists, who turned out in abundance for the event. Over 50 different organizations sent representatives to the conference, whose stated intention was to "define minimum level information requirements and standards for

inclusion of cataloging data in using computers in cataloging."

As a result of the conference, archives decided to collaborate on film cataloging standards. For this purpose, two committees were formed, one to work on a standard film catalog record, and one to investigate the use of computers in film cataloging. The work begun at the LC/AFI film cataloging conference of 1978 would uitimately lead, in 1984, to the creation of the National Moving Image Database Project (NAMID) of the AFI, a project to create a comprehensive database representing the holdings of the nation's film archives. The film cataloging conference of 1978 also had another substantial benefit to the field of moving image preservation at large, as is explained in a history of the NAMID project published by the AFI:

For the first time, moving image cataloging personnel had a recognized voice. This contributed to the creation of a forum for expression of the needs of moving image cataloging in the American library community. In giving a voice to a diverse community with common goals and problems, the AFI conference filled a political need and contributed to the growth and influence of that community. <sup>13</sup>

# Changes at the AFI

The AFI, like the Library of Congress, experienced great structural changes around the turn of the decade. Having served as the Institute's Director since its inception in 1967, Stevens resigned in late 1979 to return to television and film production. In his place, Jean Picker Firstenberg, a seasoned cultural administrator, assumed the AFI Directorship beginning in 1980.<sup>14</sup> One of the first matters with which Firstenberg had to contend was the expiration of the

organization's ten-year lease on Greystone Mansion in Beverly Hills, the location of the AFI Center for Advanced Film Studies. By August, 1980, the AFI and Firstenberg had found a new home on the former campus of the Immaculate Heart College in Los Angeles, which was purchased for the substantial sum of \$4.9 million. In Firstenberg's words, "It was an exciting, invigorating, thrilling experience. It really set the stage and tone for the rest of my years at AFI."

Indeed, the move to the new, expanded Immaculate Heart College site set a new tone for the AFI. Despite the fact that AFI's educational component always had been in the Los Angeles area, the move to the new location shifted the entire Institute's home base westward, from Washington, D.C., to Los Angeles. While AFI's Archival Film Program still remained situated in Washington, the emphasis of the AFI was less on maintaining a federal presence as on increasing its contact with the film industry. This can be understood somewhat by the AFI's need to be close to the film industry, from which it had come to seek its primary support. However, as Kula pointed out, this move did not benefit the Archival Film Program, which necessitated a high degree of contact with the NEA:

It was really evident that the AFI had changed when Jean Firstenberg moved from Washington to L.A., because this was where all the action was (because of the school). The AFI no longer operated out of Washington as a national program at this point.<sup>17</sup>

It is quite possible that Firstenberg anticipated that changing the emphasis of the AFI from a federal program to an industry partner would benefit all parts of the

organization. The film industry showed initial interest for the new AFI site when Warner Bros., the Louis B. Mayer Foundation, and several other industry members donated over \$3.5 million for purchase and renovation of the Immaculate Heart College campus. However, the move did not lead to the industry becoming more forthcoming with funding for film preservation; the AFI's evolution only further separated it from its federal, NEA, roots.

### The Color Film Crisis

While funding did not pour in from the film industry, the film world was beginning to take notice of preservation concerns, especially in regard to color film. Between 1979 and 1981, the problem of color film fading received more concentrated publicity than any other film preservation problem ever had. A quick bibliographic search of the major American film journals alone revealed more than ten articles on the color film crisis during this period. 19

To adequately address the problem of color film fading, the history of color filmmaking must be discussed. A fundamental point to understand is that not all color film output was endangered; there was a definite economic reason for the color film crisis. In 1932, the Technicolor Company developed the Technicolor three-strip process, in which three separate rolls of color-sensitive film (magenta, cyan, and yellow) were exposed simultaneously in a film camera. Technicolor prints were produced using a process called "imbibition," in which magenta, cyan, and yellow color dyes were applied separately to the film base. The Technicolor process produced striking and compositionally stable color

films, but was inefficient and costly, requiring time-consuming printing procedures and expensive, bulky cameras.

In the early 1950s, Kodak began to produce a new color film under the trade name Eastmancolor that contained, on one strip of film, the three dyesensitive layers necessary for a color picture. Eastmancolor was much more economical, removing the need for large Technicolor cameras and complex printing processes. As Bill O'Connell remarked in his seminal 1979 Film Comment journal article on color fading:

Unfortunately, the introduction of Eastmancolor in the Fifties laid the foundation for the problems in color fading we are seeing today. Hollywood and the public accepted Eastmancolor without really noticing the difference in color quality.<sup>20</sup>

After weighing the strong economic incentives of Eastmancolor film against negligible losses in picture quality, the American film industry began to switch en masse from Technicolor to Eastmancolor filmmaking. The last Technicolor imbibition plant in the United States closed in 1975.

The problem with Eastmancolor film was that the dyes used in the film base were unstable and faded at different rates. Even when color fading of film became a public issue, Kodak continued to refuse to release information on its studies on the longevity of color film. In an internal Kodak report obtained by Variety in 1980, the amount of time allotted to Eastmancolor film stock before it lost at least 10% density in one or more of its dyes was six years or less.<sup>21</sup> By then, the film industry had awakened to the possibilities of television broadcast of

classic films and the reissuing of films for theatrical exhibition and had begun to preserve its most commercially viable Eastmancolor films using a black and white separation procedure. Producing black and white separations of the color negatives and cold storage for color film at the time were considered to be the only means of preserving Eastmancolor film. On average, only 20% of color films produced annually were preserved by the studios, which left 80% of the color film heritage at risk.<sup>22</sup>

Despite the neglect of the industry, a number of factors brought the color fading issue into the spotlight. The LC and AFI led the preservation field, when in 1979 they sought and received \$514,215 in NEA funding for color film preservation research.<sup>23</sup> While American archives and some sectors of the film industry recognized the problem of color fading for some time before the Library of Congress and AFI received NEA funding, filmmakers, exhibitors and select film audiences were only becoming aware of it in the late 1970s. With the increased circulation of classic color film prints during this period due to the repertory cinema boom, audiences and theatre owners alike were shocked to find that many color classics had lost their lustre. As one exhibitor, Jack Tillmany of Gateway Cinema in San Francisco, lamented:

We are presently presenting the only "in service" print of the 1963 Academy Award Winner, "Tom Jones." Color by De Luxe. The vivid greens that were so vital to the marvelous photography of the film are now just a memory. The whole damn thing has turned fire engine red. Tom Jones is now romping across a red countryside under pink skies. Thank you, Eastman Kodak.<sup>24</sup> Exhibition of classic films at repertory theatres helped to publicize the color film crisis. By demonstrating graphically the tragedy of color film fading through showing badly degraded prints, repertory film houses sometimes drew new supporters to the cause of film preservation. Classicist David Packard became a fervent supporter of film preservation in 1981 after viewing some archival prints at the Vagabond Theatre in Los Angeles. Between 1981 and 1992, the David and Lucile Packard Foundation donated \$2 million to several American archives for film copying, exhibition, and research. Packard also was responsible for purchasing and restoring the Stanford Theatre in Palo Alto, California, so that classic films could be exhibited in that historic venue.

Filmmakers, who feared for the longevity of their work due to the color fading problem, also began to get involved in the American film preservation movement. Steven Spielberg's comment about the problems with his film, Jaws, exemplified the frustration of filmmakers: "After only five years the blue is leaving the waters of "Jaws," while the blood spurting from Robert Shaw's mouth gets redder and redder." Upon learning of color fading, director Martin Scorsese began a massive effort to rally filmmakers and other members of the film industry to address the problem. Responding to Bill O'Connell's 1979 Film Comment article, which first broke the news to the film community at large of the color fading crisis, Martin Scorsese wrote in the January-February 1980, issue of Film Comment:

From filmmaker to cineaste, preservation of color film must become a public issue... I cannot understand an industry that promotes new directors and new films without regard for the built-in obsolescence of those new movies. Through benefits, fund-raising, publicity, demonstration of the problem, and if need be, militant action, we must band together to face the issue and solve the problem.<sup>28</sup>

Shortly after writing in *Film Comment*, Scorsese sent a letter discussing the color film crisis to more than 1,000 industry leaders, which resulted in a July 1980, petition signed by virtually every well-known filmmaker in the world.

Scorsese and the petitioners had two main demands: first, that Kodak should develop a more stable color film stock; and second, that there should be a standard clause in every film contract stating that Eastmancolor films must be kept in cold storage vaults until suitable film stock is developed.<sup>29</sup> The heroic words of the filmmakers on behalf of the color film preservation problem must have been a balm to archivists, who for years had tried to awaken the film community to preservation concerns. "Please don't underestimate the power we have in the areas of generating publicity, enlisting the support and assistance of motion picture producers and distributors," wrote the filmmakers, "We intend to use every means at our disposal to find the solution to the problem that threatens our work."

Early in 1981, the film industry and Kodak met to discuss color film fading at a forum and panel discussion organized by the Directors Guild of America, an event given 24 pages of reportage by Richard Patterson in the July and August 1981, issues of *American Cinematographer*. Kodak claimed that with proper

storage, color film negatives could last hundreds of years and reported that it had developed a new color film stock with more stable dyes. When Kodak representatives were asked whether they would discontinue the less stable stock, since they had developed a better product, the answer was "no." Kodak representatives argued that the new stock was more expensive to produce and that most of their customers "do not consider dye stability an important factor in release prints."31 Release prints, not original picture negatives, often were the copies placed in archives for preservation. Martin Scorsese's idea was to fund research into new film preservation technologies by asking directors to contribute 1% of their earnings.32 Scorsese's plan, unfortunately, never garnered enough support among directors to become a reality, yet the creative community's attention to the issue of color film preservation set a precedent for their involvement in preservation concerns—involvement that would intensify again later in the decade around another color issue, "colorization." With the color film crisis, the interests of film artists began to intersect with those of film archivists. Common to both groups was a concern for preserving the integrity of the original moving image. Woven into the color film crisis was another version of the "artists rights" issue that began to appear in the 1970s in cases like Gilliam v. American Broadcasting Companies, Inc. This time, it concerned the rights of artists to protect their work not from mutilation through editing, but from alteration through color fading.

### Films on Videotape: A Moral Rights Issue?

At the same time, another potential threat to the integrity of filmmakers' work began to be discussed in the film community: videotape. Despite the fact that video technology existed since the 1950s, it took over twenty years for it to saturate the marketplace. With the expansion of cable television and the popularization of home viewing of films using videocassette recorders in the early 1980s, the demand for films on videotape reached an all-time high. Further, television stations and some filmmakers began to use videotape as original production material in increasing numbers.

To filmmakers who still relied on film as their original production medium, videotape was both a blessing and a curse. Filmmakers who wanted their films to be seen by as large an audience as possible had no choice but to welcome the chance to distribute their films on the inexpensive, mass-produced medium of videotape. However, videotape had its attendant costs. When films were transferred to videotape, their timing often was disrupted. Companies that did the film-to-videotape transfer often compressed the film so that it would fit on one videocassette. This meant that certain parts of the film, often songs, would be sped up. Alternately, when films were too long to fit on one videocassette, the changeover to the second videocassette often cut off the action in the middle of an important scene.

Rectangular wide-screen films presented a problem of their own, since a portion of the rectangular frame inevitably would not appear on a square television screen. The most common method of transferring wide-screen films to videotape used a process called "scanning" in which each film frame would be edited, or "panned," to depict its most significant portion. However, some film-to-tape transfers did not use panning to capture the best wide-screen image; these transfers relied on a more dubious, standardized center scanning process to obtain all relevant information in the frame. All types of scanning resulted in the edges of the frames being dropped off, obviously a problem for films that utilized the entire frame for their action.<sup>33</sup>

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The paradoxical nature of the film-video viewing experience was cogently expressed by critic Jonathan Rosenbaum in his 1979 American Film article, 
"Cinema Via Videotape":

[Classic films] lose on television...a level of visual ambiguity, complexity, and nuance that requires a certain size and definition in order to be seen and responded to... Even if, by my reckoning, none of my favorite films qualify exactly as "films" on videotape (I'd sooner regard them as ghosts of movies I once knew, or as snapshots of friends I'd hopefully meet again), these hybrid reproductions could assist my work in countless ways.<sup>34</sup>

Filmmakers and film scholars objected to this form of "mutilation" of films through videotape transfer, but not as loudly as might have been expected. Scanning had been used since the early 1960s<sup>35</sup> but had only become prominent with the drastic increase in the numbers of films being transferred to videocassettes. Videotape alterations did not receive nearly the publicity of the color film fading issue, despite the serious ethical questions involved in the compression and center scanning processes. Perhaps filmmakers were willing to accept a

modicum of alteration in exchange for the possibility of a much-increased audience, and perhaps film scholars like Rosenbaum would accede to videotape technology because of its convenience, ignoring the missing parts of the frame or the sped-up soundtrack. While film on videotape may have worn the clothes of another burgeoning artists' rights issue, it never acquired a sufficiently large or attractive enough wardrobe to become a significant rallying force within the creative community.

#### New Direction for the NEA

With the election of President Ronald Reagan in 1980, the national culture industry, as represented by the NEA, came under increased scrutiny. In the words of one historian, "During the Reagan years, conservative intellectuals turned their attention to the Endowments, which they saw as the federal feedbox for liberalism." <sup>38</sup> Consequently, these politicians attempted to "zero fund" the agencies, or at least to cut their budgets drastically. In June, 1981, President Reagan appointed a Presidential Task Force on the Arts and Humanities co-chaired by actor Charlton Heston; Hanna H. Gray, President of the University of Chicago; and Daniel J. Terra, Ambassador-at-Large for Cultural Affairs, charged with "find[ing] methods of increasing private support for the arts and humanities." <sup>37</sup> The Presidential Task Force reported that while abolishing the panel system as a means of grant award decision-making or awarding grants on a pre-determined formula might be less expensive, it also would be less effective. <sup>38</sup> The NEA was not the type of agency that could be streamlined in

such a way since its constituency consisted of a staggeringly diverse group of artists with projects ranging from traditional folk art to postmodern performance art. Trying to apply a set formula for selecting projects to fund would be disastrous for the arts, as would taking the funding decisions out of the hands of qualified public volunteers. The Task Force's finding helped the NEA to fend off threats to cut its budget in half in 1981; the agency's budget remained steady at \$158,795,000. In 1982, Reagan succeeded in reducing the NEA's budget by 10%, to \$143,456,000, attributing the cut to the rising federal budget deficit. The repercussions of the NEA budget cut spread to the AFI Archival Film Program, whose allocation went from \$730,000 in 1981 to \$500,000 in 1982, a drop of 32%.

The Reagan era was not completely dominated by budget cuts and insecurity for the AFI Archival Film Program, however. President Reagan's appointment of Frank Hodsoll as fourth Chairman of the NEA in late 1981 would prove to be a great asset to the film preservation cause. Under Hodsoll's direction, the NEA "embraced film preservation with perhaps more passion than any other activity on [its] agenda," according to preservationist Gregory Lukow.<sup>41</sup> Hodsoll came up with the idea of a National Moving Image Database (NAMID) project in which archives, studios, and private collectors would contribute data on their holdings to one central system. NAMID would allow for better coordination of preservation activities, enabling easy access to information about the location of film elements needed for preservation projects and helping the NEA to be

more effective in the projects it chose to fund. Further, NAMID was a relatively unthreatening way of stimulating partnerships between public archives and private film studios and collectors. Rather than requesting funding from the film industry for preservation, as had been the convention, Hodsoll instead was requesting information.

The most logical home for the NAMID project was the AFI, since it was already coordinating preservation efforts on a national level. However, Hodsoll thought that work of managing the NAMID project and stimulating further public-private sector involvement would require more resources than the AFI had been devoting to the Archival Film Program. His idea was instead to create a new organization, the National Center for Film and Video Preservation (NCFVP), 42 which began to take shape under his direction in 1982. The NCFVP would prove to be an organization that, like its parent institution the AFI, was tossed around in the winds of federal, industry, and public caprice.

### Conclusion

The American film preservation movement occupied a favorable position at the end of 1982. It had a new NEA Chairman who was not only sympathetic to its cause, but had a vision for a new national preservation organization. On another front, the LC had just formed a vital new film and television branch.

Membership in the moving image preservation professional associations FAAC and TAAC was expanding, and archivists had begun to coordinate efforts to address the creation of film cataloging standards. The film industry and the

David and Lucile Packard Foundation had begun to provide major publicity and support for the preservation cause.

Regarding the trend among American archives in the late 1970s toward increased attention to television and color film preservation concerns, film historian Anthony Slide wrote:

To many it might well appear, with reason, that some in the archival film community were trying to hide their relative lack of success in coping with nitrate film preservation by deflecting attention to a new area of concern. It was very much a matter of covert admission of failure to raise funds for one form of preservation, and the need to try to find money for another area.<sup>43</sup>

Slide's interpretation of this period is highly reductive. Television preservation had evolved as an area of concern over several years and through the broadbased efforts of broadcasting, academic, cultural, and archival institutions. The issue of color film preservation exploded in the late 1970s, in large part due to factors above and beyond the purview of archives. It is true that the nitrate film preservation problem was not solved, nor most likely would it ever be, given the tremendous output of American cinema on nitrate film and the relative poverty of the institutions charged with preserving it. But to imply that archives should not have tackled these new moving image preservation problems because nitrate preservation was not completely under control is short sighted. Archives made huge steps between 1978 and 1982 in terms of public awareness, collaboration, and preservation. Not to become involved in fundraising for television and color film would only have expanded the preservation crisis and perpetuated public

perceptions about archives as passive, unresponsive repositories. Consolidating forces gave American moving image preservationists momentum and an increasingly unified vision. Fortunately for our moving image heritage, this vision then included television and the cinematic output after 1950! Instead of deriding the efforts of archives to diversify their activities as part of a plan to neglect nitrate film preservation, their progress must be lauded.

2 Ibid.

Ann Mary Galligan, "The National Endowments for the Arts and Humanities: An Experiment in Cultural Democracy" (Ph.D. diss., Columbia University, 1989), 82.

<sup>3 &</sup>quot;AFI News," American Film 3, no. 6 (1978): 61.

Annual Endowment for the Arts and National Council on the Arts, 1978 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1979), 157; National Endowment for the Arts and National Council on the Arts, 1979 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1980), 131; National Endowment for the Arts and National Council on the Arts, 1980 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1981), 155; National Endowment for the Arts and National Council on the Arts, 1981), 1997 (Washington: National Endowment for the Arts and National Council on the Arts, 1982), 210; National Endowment for the Arts and National Council on the Arts, 1982 Annual Report (Washington: National Endowment for the Arts and National Council on the Arts, 1983), 122.

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Gregory Lukow, 1999, telephone interview by author, 9 December 1999.

Jan-Christopher Horak, AMIA submission to Library of Congress study, printed in Annette Melville and Scott Simmon, Film Preservation 1993: A Study of the Current State of American Film Preservation, 4 vols. (Washington: National Film Preservation Board of the Library of Congress, 1993), 29.

<sup>&</sup>lt;sup>8</sup> Gregory Lukow, 1999, telephone interview by author, 4 August 1999.

<sup>&</sup>lt;sup>9</sup> Anthony Slide, Nitrate Won't Wait: Film Preservation in the United States (Jefferson, North Carolina: McFarland & Company, Inc. Publishers, 1992), 84.

<sup>&</sup>lt;sup>10</sup> Eddie Richmond, 1999, interview by author, Montreal, Quebec, 2 November 1999.

<sup>&</sup>lt;sup>11</sup> Doug Herrick, "Toward a National Film Collection: Motion Pictures at the Library of Congress," Film Library Quarterly 13, nos. 2-3 (1980): 23.

<sup>&</sup>lt;sup>12</sup> National Center for Film and Video Preservation, "The National Moving Image Database Project," Press Packet, National Center for Film and Video Preservation, Washington, DC, ca. 1988.

13 Ibid.

- <sup>14</sup> Todd McCarthy, "Stevens Jr. Cites 4 'Big Makes' of American Film Institute," Variety 298 (13 February 1980): 22.
  - 15 American Film Institute, "AFI Historical Background," (2000):

http://www.afionline.org (26 July 2000).

<sup>16</sup> Rick Schultz, "Carrying the Torch into 21st Century," Variety 367 (16 June 1997): 12.

<sup>17</sup> Sam Kula, 1999, telephone interview by author, 7 December 1999.

- <sup>18</sup> American Film Institute, "AFI Historical Background," http://www.afionline.org.
- <sup>19</sup> These articles included: Bill O'Connell, "Fade Out," Film Comment 15, no. 5 (1979): 11-18; Brynda Pappas, ed., "AFI News," American Film 5, no. 1 (1979): 85; Paul Spehr, "Fading Fading Faded: The Color Film Crisis," American Film 5, no. 2 (1979): 56-61; Martin Scorsese, "Letter to the Editor," Film Comment 16, no. 1 (1980): 79; Harlan Jacobson, "Old Pix Don't Die, They Fade Away," Variety 299 (9 July 1980): 1; Brynda Pappas, ed., "AFI News," American Film 5, no. 9 (1980): 69; Simon Perry, "British Archive Woes Echo Scorsese's: Seeks Coin to Maintain Prints," Variety 300 (27 August 1980): 5; "Penn. Prof on Trail of Fading Color Pix:; Cure and Prevention," Variety 301 (5 November 1980): 1; Jean Firstenberg, "The Record is Vanishing," American Film 6 (April 1981): 80; Richard Patterson, "The Preservation of Color Film Part I," American Cinematographer 62, no. 7 (1981): 694; Richard Patterson, "The Preservation of Color Film Part II," American Cinematographer 62, no. 8 (1981): 792.

20 O'Connell, "Fade Out," 12.

21 Jacobson, "Old Pix Don't Die, They Fade Away," 28.

22 Ibid.

23 Pappas, "AFI News," American Film 5, no. 1, 85.

<sup>24</sup> Jacobson, "Old Pix Don't Die, They Fade Away," 28.

- <sup>25</sup> Tom McGreevey and Joanne L. Yeck, Our Movie Heritage (New Brunswick, NJ: Rutgers University Press, 1997), 82.
  - 26 Lukow, telephone interview with author, 9 December 1999.

27 Jacobson, "Old Pix Don't Die, They Fade Away," 28.

26 Scorsese, "Letter to the Editor," 79.

29 Jacobson, "Old Pix Don't Die, They Fade Away," 28-29.

30 Ibid., 29.

<sup>31</sup> Patterson, "The Preservation of Color Film Part I," 697.

32 Patterson, "The Preservation of Color Film Part II," 822.

33 Les Paul Robley, "Movies on Tape," American Film 7, no. 6 (1982): 22-23.

<sup>34</sup> Jonathan Rosenbaum, "Cinema Via Videotape," American Film 5, no. 2 (1979): 23-24

<sup>35</sup> Submission of John Belton on behalf of the Society for Cinema Studies to the Register of Copyrights. Printed in Ralph Oman, Technological Alterations to Motion Pictures and Other Audiovisual Works: Implications for Creators, Copyright Owners, and Consumers: A Report of the Register of Copyrights (Washington: United States Copyright Office, 1989), Appendix 1, p. 6.

<sup>36</sup> Richard Jensen, "The Culture Wars, 1965-1995: A Historian's Map," Journal of Social Minters 2007.

Social History 29 (Supplement) (1995): 19.

<sup>37</sup> National Endowment for the Arts, National Endowment for the Arts 1965-1995: A Brief Chronology of Federal Involvement in the Arts, 36.

<sup>38</sup> Galligan, "The National Endowments for the Arts and Humanities: An Experiment in Cultural Democracy," 97-98.

National Endowment for the Arts, National Endowment for the Arts 1965-1995:
A Brief Chronology of Federal Involvement in the Arts, 37.

<sup>40</sup> National Endowment for the Arts and National Council on the Arts, 1981 Annual Report, 210; National Endowment for the Arts and National Council on the Arts, 1982 Annual Report, 122.

<sup>41</sup> Gregory Lukow, "The Politics of 'Orphanage': The Rise and Impact of the 'Orphan Film' Metaphor on Contemporary Preservation Practice." Paper read at the Orphans of the Storm Film Preservation Symposium, University of South Carolina, Columbia, SC (September 1999): 4.

42 Lukow, telephone interview with author, 9 December 1999.

43 Slide, Nitrate Won't Wait: Film Preservation in the United States, 105.

# CHAPTER IV: THE STRUGGLE OF COMPETING VISIONS (1983-1987)

### Introduction

After defining the preservation landscape and forming units of power throughout the 1970s and early 1980s, moving image archives had reached a pivotal stage. With consolidated forces, archives began to challenge some of the conventions that had prevailed in American preservation practice since its inception, though increased public awareness of moving image preservation motivated outside forces to thrust upon moving image archives new responsibilities and goals. The struggle that characterized the period of 1983 to 1987 broke down into two camps: internal versus external. On the one side were moving image archives challenging the status quo-finding new funding sources, developing a united professional organization, and shifting the focus of moving image preservation work. On the other side were outside forces trying to mold preservation to fit their aims, which ranged from creating new institutions in the name of preservation to employing preservation as the rallying tool for a complicated fight between directors and the film industry. Moving image preservation would come out of this period as more stalwart, but the struggle over its jurisdiction would evolve commensurately.

# The NEA, the AFI, and the NCFVP

Frank Hodsoll moved quickly on his proposed National Center for Film and Video Preservation (NCFVP). Since the AFI already coordinated American moving image preservation through the AFI-NEA Film Preservation Grants

Program, FAAC, and TAAC, Hodsoll approached AFI Director Jean Firstenberg in 1983 with the plan for the NCFVP. At first, the AFI was not particularly interested in sponsoring the NCFVP. Film preservation was not the Institute's foremost priority, and AFI leaders feared that supporting NCFVP would mean being harnessed with additional fundraising burdens. Also, there was some resentment within the AFI about the spirit of Hodsoll's initial proposal for the NCFVP. As former NCFVP Director Gregory Lukow explained,

Essentially, NCFVP was seen as a way for the NEA to reform the AFI—to create a mechanism by which the AFI would be more responsible to the archival community. At the summer 1983 meeting of F/TAAC [Film and Television Archives Advisory Committee], the NEA announced how the NCFVP would work.<sup>1</sup>

Moving image archivists also were uncertain about the NCFVP. As an organization with a clear preservation mission, the Center was positioned to serve the archival field better than the more multi-faceted AFI, yet few archivists initially fully understood the motives of either the NEA or the AFI in establishing it. Confusion led to feelings of distrust about the new Center—suspicions that it was another ploy to increase publicity and funding for the AFI's other programs. General wariness throughout the field was ameliorated greatly by the appointment in late 1983, of Robert Rosen, Director of the UCLA Film and Television Archive, as the Founding Director of the NCFVP. Rosen, "a principled critic of the AFI," took a 2-year leave of absence from his post at UCLA to serve as the Center's Founding Director.<sup>2</sup> He was an excellent choice for the position

because of his experience and international respect within the film and television field.

The year 1983 was exactly ten years from the 100th anniversary of the birth of the motion picture. Seeing a chance for a clever public relations twist, AFI declared 1983 to 1993 to be the "Decade of Preservation." AFI gave the "Decade of Preservation" a three-part mission: to increase public awareness, to accelerate the rate of preservation work, and to raise funds. At a gala dinner in June 1983 at the Beverly Hilton Hotel, Bette Davis, Jessica Lange, and James Caan joined the AFI in announcing the "Decade of Preservation." RKO, which had helped to sponsor the event, pledged \$200,000 for preservation, and attendees viewed a slick, five-minute promotional trailer on film preservation narrated by Jack Lemmon.

While the period of 1983 to 1993 did prove to be successful for moving image archives in myriad ways, the AFI and its "Decade of Preservation" motto only played a minor role. During the 1970s, the AFI was an essential catalyst for increased collaboration among moving image archives, and it deserves recognition for this accomplishment. However, by the 1980s, the Center for Advanced Film Studies, and not preservation, had become the *raison d'etre* of the AFI. Writing in the December, 1983, issue of *Harpers*, Emily Yoffe opined that:

The problem with preservation is that after Bette Davis, Jessica Lange, and James Caan go home the whole thing is a little dull. Once you've successfully preserved a film, what you've got is a film in a can in a

temperature-controlled warehouse—and AFI doesn't even own the warehouse. The satisfaction of preserving old films just can't top the thrill of having, as AFI had this past year, [famous film figures] come to your very own campus to hold a seminar.<sup>5</sup>

Yoffe is accurate in her expression of the competing priorities AFI faced as it set up the NCFVP. The rocky history of the NCFVP may be traced to its uncertain beginnings as the brainchild of Frank Hodsoll, an outside power broker, who nearly forced it into existence at the AFI at a time when the need for a new national moving image preservation coordinating organization was, at best, unclear. It is not that the NCFVP did not meet with some degree of success, but, in some ways, the fates were against it from the outset.

The NCFVP was created as a "separate but integral" part of the AFI, with its own Board of Advisors, but under the fiduciary control of the AFI.<sup>6</sup> The NEA funded the NCFVP with \$230,000<sup>7</sup> for its inaugural year, and the AFI was responsible for raising the rest of the Center's funds. The NCFVP was officially opened to the public in January, 1984, and screenwriter Fay Kanin and television executive Elton H. Rule were appointed co-chairs of its Board of Advisors.

During its first year, the Center worked to revive the AFI Catalog, a massive multi-volume effort to document all American feature films; to develop the NAMID project; and to coordinate national film preservation efforts through the AFI-NEA Film Preservation Grants Program, FAAC, and TAAC. Between 1983 and 1987, the AFI received NEA funding for both the NCFVP and its AFI-NEA Film Preservation Grants Program. (Table 4).

Table 4: NEA Allocations to NCFVP, 1983-1987

Fiscal year	NCFVP Allocation <sup>8</sup>	NEA Annual Budget <sup>9</sup>	Percent Allocated to NCFVP
1983	\$730,000	\$143,875,000	0.51%
1984	\$520,000	\$162,223,000	0.32%
1985	\$779,000	\$163,660,000	0.48%
1986	\$500,000	\$158,822,240	0.32%
1987	\$1,100,000	\$165,281,000	0.67%
Total	\$3,629,000	\$793,861,240	0.46%

In 1983, the House Appropriations Subcommittee on Interior and Related Agencies asked the NEA to develop a five-year plan. The resulting report, Five-Year Planning Document 1986-1990, was published in February, 1984, and is a good source for understanding Hodsoll's vision for the future of moving image preservation. Media Arts, the division under which AFI and the NCFVP fell within the NEA, specifically listed preservation among its overall "future directions," and the document's authors noted that the NCFVP "should allow us to approach the whole of the preservation problem with studio-archiveindependent cooperation."10 The plan projected "considerable movement" in four areas related to preservation: the National Moving Image Database (NAMID), the AFI Catalog project, nitrate preservation, and exhibition. The first three areas all were ongoing NEA-AFI projects; NAMID was an outgrowth of LC film cataloging conferences of the late 1970s and early 1980s and was the catalyst for Hodsoll's involvement in moving image preservation. The AFI Catalog had been on hiatus for nearly ten years prior to the founding of the NCFVP.11 Nitrate preservation had been supported by the NEA since 1968. The fourth area was

new. The NCFVP was charged with developing and coordinating a means of evaluating film preservation work in conjunction with scholars and film exhibitors. The NEA planning document stated:

[The] evaluations will show us (the funders, the film community, including the studios), and the public at large why such preservation was accomplished and what we got in return. We need to establish criteria of what we mean by 'returns.' How many Napoleons, how many Rear Windows, etc.?<sup>12</sup>

Two significant themes expressed in the NEA preservation plan are worthy of mention. First, the idea of "studio-archive-independent cooperation" as a means of achieving preservation goals corresponds with the prevailing philosophy of shifting arts support from the public to the private sector common to the Reagan area. The public-private paltnerships and "avoiding duplication of effort" advocated for in the NEA plan were Hodsoll's way of adhering to Reagan administration goals while simultaneously furthering the goals of the Endowment. Second is the attempt to quantify preservation successes through the "exhibition" mandate—to give the government a report on the returns of its investment in culture. The phrasing "How many Napoleons, how many Rear Windows" is reminiscent of classical Hollywood studio financiers, who often would set production budgets based on the number of "Bette Davis" or "Jimmy Stewart" pictures needed to meet that year's desired financial returns.

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Holding archives accountable for the preservation dollars awarded to them was reasonable, but estimating projected returns for the entirety of American archival preservation work would seem to have been nearly impossible. Even an equation attempting to arrive at a solely economic valuation of a preserved film, consisting of the amount of funding expended for preservation work versus the revenues generated from a reissue of the preserved film, would be difficult to produce. And this equation leaves out the crucial heritage valuation of the preserved film. Beyond economic returns, a preserved film produces its own cultural capital. The desire for accountability and verification of the necessity of film preservation projects manifest in the NEA planning document is reasonable, but the means of achieving these objectives would seem baseless. According to former NCFVP staff member Gregory Lukow, the "exhibition" mandate never left the planning stage and was never implemented by the NCFVP. 13

#### The Television Boom

TAAC continued to grow as more state archives, historical societies and academic institutions faced with preserving local television news began to join its ranks. By the mid-1980s, local television newsfilm collections skyrocketed in number, primarily due to significant donations of newsfilm libraries by television stations as film was phased out and videotape was adopted as the principal broadcast medium. As one television reporter explained:

At first, the old film libraries were used daily. But as stations accumulated several years' worth of video images, the old film was less useful. Eventually many stations decided the archive is taking up more space than it's worth. 14

Television stations that decided to divest their newsfilm collections had a choice. They could sack the newsfilm outright, which many did. Fear of lawsuits lay behind many stations' decision to destroy their archives. Television news could be subpoenaed and used in libel cases against reporters; when the news existed no longer, this ceased to be a risk.15 Stations also had the option, which many exercised, of donating their newsfilm collections to an archival repository for a small tax write-off. Lamentably for the television heritage, the tax laws did not encourage donations; television stations could deduct only the actual cost of the raw film stock, rather than the additional cost of the information contained on the stock (another example of government's unwillingness to consider the full value of archival assets).16 Nevertheless, many institutions across the country, ill-equipped to handle the preservation and access responsibilities of massive television newsfilm collections, abruptly became responsible for them. The archivists and librarians who managed these new collections needed help, and they turned to fellow television archivists in TAAC and to the American cultural organization traditionally responsible for the written records heritage, the National Historical Publications and Records Commission (NHPRC).

The year 1984 was the first in which the NHPRC awarded grants for moving image projects. Preserving local television newsfilm was the type of initiative that appealed to the NHPRC; a large part of the agency's mission entailed the support of local records preservation and access. The validation and funding offered by the NHPRC for local television newsfilm preservation

grant-making were available for television preservation, much less for *local* television news, commonly viewed as ephemeral. NHPRC awards aided two institutions' collections in 1984: the Mississippi Department of Archives and History's Channel 3 Newsfilm Collection (\$29,251) and the University of Baltimore's A.S. Abell Collection (\$55,000).<sup>17</sup> In 1987, the Louis Wolfson II Media History Center received NHPRC funding for the examination and preservation of 3 million feet of newsfilm dating from 1949 to 1979.<sup>18</sup>

With its member constituencies quickly expanding, TAAC joined with FAAC in the early 1980s to form one organization, the Film and Television Archives Advisory Committee (F/TAAC)<sup>19</sup>. The NCFVP served as the Secretariat for F/TAAC, keeping its mailing list and taking meeting minutes. Through 1986, F/TAAC met biannually, usually for two-day meetings, each hosted by a different F/TAAC-member archives.<sup>20</sup> In an interview with the author, Eddie Richmond of the UCLA Film and Television Archive discussed the F/TAAC meetings and how they quickly outgrew their structure:

We began each meeting going around the table, but the table kept getting larger. Everyone would introduce themselves and take a few minutes to talk about initiatives in their institution and problems they needed help on. After that, there would be agenda topics that anybody could add to. But that session got incredible, impossible. It finally came to a head at the Madison conference [1985], when that beginning session took a day and a half...F/TAAC began to snowball beyond anyone's expectations.<sup>21</sup>

Beginning in 1987, F/TAAC began meeting annually each fall, and its members started looking for a way to transform this once-informal group of film and television archivists into an organization more befitting its size and importance. They would reach a decision to form the Association of Moving Image Archivists (AMIA) in 1990. F/TAAC's explosion was inextricably bound up in the tremendous growth of regional moving image archives, themselves products of the advent of many new local television newsfilm and other special collections around the country.

Observing the general direction toward integrative film and television preservation work, in 1984, the NCFVP submitted to the NEA a report entitled "Preservation of Television and Video: A National Plan of Action." The report's authors persuasively argued that the preservation of television and video materials had been ignored too long by the national arts community and that these records deserved to be "elevated from their second-class status." The Center offered its assistance by recommending that its mission be expanded to include the coordination of television and video preservation.<sup>22</sup>

Although its name included the term "video," the NCFVP did not have a robust television or video component when it began. One goal of the report was to familiarize the NEA with the relevant television and video preservation issues and to increase its comfort with the NCFVP taking on a stronger role in this arena. The move by the NCFVP was positioned as the logical next step in uniting film, television, and video preservation into moving image preservation,

just as preservation practitioners had done when they created the allied organization of F/TAAC. The NEA accepted the report and gave the Center the responsibility of coordinating national television and video preservation efforts, however, in accordance with its traditional position on the separation of film from television, the NEA declined to fund this new work.<sup>24</sup>

The lack of NEA support did not deter the NCFVP from continuing to advocate the television preservation cause. In November, 1985, the Board of Advisors of the NCFVP called for a two-year, voluntary moratorium on the disposal of television programming. It approached over 80 television networks, station owners, and producers in 1986 with the plea not to destroy any film or videotape that might be valuable to the American cultural heritage. To aid companies in adhering to the moratorium, the Center, with input from the Society for Cinema Studies, developed guidelines for retaining television material. 25

The moratorium and retention guidelines helped archives in acquiring materials, but television archivists also needed assistance in managing acquisitions once they were in the door. Considering the expansion of the number of institutions doing television preservation work and their need for guidance, the NCFVP in 1986 requested funding from the NHPRC to hold a local television news archives conference. The NHPRC responded favorably, and the Center convened a well-attended television conference in October, 1987, hosted at the State Historical Society of Wisconsin in Madison.<sup>27</sup>

Also in 1986, the NCFVP was awarded a \$20,000 grant from the National Endowment for the Humanities (NEH) "to support the development of procedures and standards for the preservation and restoration of motion picture film and video materials," which resulted in a 1987 Preservation Technicians' Seminar<sup>26</sup> The NEH previously had supported the work of the *AFI Catalog* project, but never had given funding specifically for moving image preservation. The grants received by the NCFVP from the NEH as well as the NHPRC represented the type of work that Hodsoll envisioned the Center would do: wide-sweeping, national projects best undertaken by a coordinating institution rather than by one archives in particular. The NCFVP fulfilled a vital role with these initiatives—surveying the field, identifying the needs, and obtaining funding for projects to address these needs. While the NCFVP and moving image archivists were more unified than ever in attacking preservation problems by the mid-1980s, an acute technical impasse loomed on the horizon: vinegar syndrome.

## Vinegar Syndrome, or "Nitrate Will Wait"

"Nitrate Won't Wait!" long had been a phrase used throughout film archives to encapsulate succinctly the preservation problem to the public at large. In a brutal turn of events in the early 1980s, archivists awakened to the exigency of deteriorating cellulose acetate (or safety) film, concluding that motion picture film itself—irrespective of stock—had a relatively short shelf life.

Commonly called "vinegar syndrome" because of the distinctive vinegar-like odor

given off by degrading prints, safety film deterioration was a problem of monumental significance to moving image archives. Copying nitrate films onto safety stock had been the goal toward which moving image archival activities had been directed for decades and was the basis upon which many funding arrangements were organized. However, archives were loath to approach vinegar syndrome with the same missionary zeal as they had the nitrate problem (referenced by their suddenly irrelevant slogan "Nitrate Won't Wait!"), due to the potential public relations disaster that would occur if the field ever gave the indication that film preservation just did not work.

Because of vinegar syndrome, moving image archives were forced to radically reconsider their preservation policies. New research indicated that the physical environment was the most important determinant of the longevity of nitrate and safety film. Rather than spending all of their funds and energy on copying nitrate film onto safety film and then considering their work accomplished, archivists began to see preservation as a process. The reconceived "process" involved adhering to proper temperature and humidity controls, employing appropriate storage facilities, monitoring collections frequently, and copying films on a more selective basis.<sup>29</sup>

#### Colorization

While moving image archives were grappling with the unforeseen technical dilemma of vinegar syndrome, the film industry was creating a monster of its own with a new process called colorization. Computer color encoding of films, commonly called "colorization," was a procedure in which black and white film prints were transferred to videotape, encoded with color through the use of specialized software. Film colorists made aesthetic decisions about the colors used in the black-and-white film, essentially becoming the art directors of the colored work.

Rights owners of black-and-white films and television programs commissioned colorization companies to alter their works so that they could distribute them more successfully in the cable television and home video markets. Some studies indicated that the mass audience preferred programs in color to those in black-and-white, and profits from colorized classic works validated this public propensity. Not unlike the reissue of classic films, colorization was viewed by many within the entertainment industry as a way to achieve residual profits from works long residing in company vaults. However, most classic film reissues did not radically change the work's appearance, as did the colorization process. In the 1980s, many film and television libraries were sold off from their original studios and networks to companies with interests outside of the entertainment industry-companies with a smaller historical stake in preserving the integrity of classical film and television works. Ted Turner's purchase of the MGM Library in 1986 and subsequent rush to colorize MGM's films is a classic example of this trend toward the commodification of archival films.

Within the span of a few years, colorization would explode into a massive public relations nightmare for the entertainment industry. Colorization, Inc., of Toronto, Canada, was the first company to do computer color encoding, and the first film to be colorized was the Laurel and Hardy feature *The Music Box*, which was completed in 1983.<sup>31</sup> Yet the colorization controversy did not really begin to spark until 1985, when Frank Capra came out strongly against the colorization of his film, *It's a Wonderful Life*. During 1985 and 1986, several companies submitted colorized films to the U.S. Copyright Office for registration, which forced the Copyright Office to make a policy decision about how to handle copyrighting these works.<sup>32</sup> The Directors Guild of America's (DGA) declaration in September, 1986, against colorization as "cultural butchery" and "artistic desecration" finally ignited the flame that would consume the film, television, archival, and legal communities, and the public at large, for years to come. As Gary Edgerton commented in his critical essay on the colorization controversy:

[The] conflict provided plenty of melodramatics whereby several presumably honorable heroes [the directors] confronted a venal, aspiring villian [Ted Turner] in a media-saturated spectacle, pitting European-based conceptions of art and morality against America's paramount allegiance to the right of private property and its attendant promise of commercial gain.<sup>34</sup>

After the DGA declaration against colorization, events escalated quickly.

In September, 1986, the U.S. Copyright Office issued a request for public comments on the issue of copyright registration of colorized films and television programs.<sup>35</sup> The AFI held a press conference on October 1, 1986, with AFI

chair-elect Bonita Granville Wrather, AFI Director Jean Firstenberg, actor James Stewart, and director Franklin J. Schaffner visually demonstrating their unified opposition to colorization through monochromatic clothing. During the press conference, a letter from Turner Entertainment President and CEO Roger L. Mayer to Jean Firstenberg was circulated. Mayer strongly criticized the AFI's involvement in the colorization controversy:

I feel that it is totally inappropriate for the AFI to take sides in an issue that in my opinion is political in nature and that might have an adverse economic effect on the very companies within the industry which have been most supportive of the AFI and its activities over the years.<sup>36</sup>

Conflicts of interest over the spirit, versus the economics, of colorization such as the one experienced by the AFI were very common throughout the entertainment industry. The Academy of Motion Picture Arts and Sciences, for example, voted not to make a position statement about colorization, despite a strong contingent of its Board members which supported anti-colorization efforts, because two of its Board members were involved in the colorizing business.<sup>37</sup>

Plenty of other organizations and individuals were willing to take up the torch for the anti-colorization cause, and from October, 1986, onward, many guilds, unions, and personalities became involved in the fracas. One of the most poignant moments in the colorization saga occurred during a November 13, 1986, press conference at the DGA, involving revered director John Huston. Then 80 years old and requiring supplemental oxygen, Huston was wheeled into the DGA press conference where he decried the colorization of his film *The* 

Maltese Falcon, shown the previous night on Ted Turner's Superstation WTBS.

In Huston's passionate remarks he said: "It would almost seem as though a conspiracy exists to degrade our national character. Yes, bring it down to the lowest common denominator. Condition it to accept falsehood at face value."

As many of the arguments of the anti-colorization advocates did,

Huston's comment contained no small dose of elitism—elitism not limited to the

creative contingent of the "anti-coloroids." As one writer put it in the May-June,

1987, edition of Society:

No artist, auteur, or cinematographer will colorize these films; a technician with a computer will allow the machine to make the changes it is capable of making... The costs of computers and the economies of scale central to mass marketing mean that historically significant films must now suffer mutilation to fit in with the demands of not a limited, but an expanded technology. Instead of making art objects more beautiful, this technology makes them shabbier. 40

Not only do the anti-coloroids sound class-conscious, but also they sound like Luddites. Film colorists certainly do not let the computer do the colorization work itself; the computer merely follows the commands sent to it by the operator. Referring to "lowest common denominators," equating mass marketing with shabbiness and calling film colorists "technicians" (definitely not artists in their own right) make anti-coloroid claims of looking after the public interest through their activism questionable. Social critic Bernard Beck, also writing in 1987, cemented this point: "A common strategy for the elite worlds of high art is... an insistence on doctrinal purity, even at the cost of forsaking wide public participation. The foes of colorization appear to be moving in that direction."

This digression to examine the anti-colorization discourse is not an attempt to vindicate the colorization position, but instead to demonstrate how even the most seemingly justifiable of positions can have behind it very fallible biases. Such was the case with the anti-coloroids and the colorizers themselves, as well as a third party that got dragged into the whole melee...the U.S. Congress.

On May 12, 1987, the Senate Subcommittee on Technology and the Law held hearings regarding colorization.<sup>42</sup> In his opening remarks, Senator Patrick Leahy (D-VT) stressed that the Senate was not holding the hearings in response to any particular bill, but instead because they needed "to stay ahead of the curve" in order to avoid continuing to "fit new technology into old legal holes."43 The Subcommittee heard testimony on three fronts; one representing the anticolorization viewpoint with directors Elliot Silverstein, Sydney Pollack, Woody Allen, and Milos Forman and actress Ginger Rogers; the second with colorizers Roger L. Mayer (Turner Entertainment Company), Rob Word (Hal Roach Studios), and Buddy Young (Color Systems Technology); and the third presenting the legal perspective on colorization with Paul Goldstein (Stanford University). The directors and Ginger Rogers went first, outlining their primary arguments against colorization: it mutilated their films and the films of deceased artists who could not defend their work; it was in the public interest to see films as they were originally made; artists should have rights over their creations beyond property rights; and the colorizers were solely in it for the money.

After the anti-coloroids came the colorization companies themselves, and this is where the rhetoric of preservation as justification for colorization first surfaced. Roger Mayer and Rob Word argued that they were sitting on huge assets with their film libraries that were virtually unmarketable because of the public's disinterest in watching black-and-white movies. As Rob Word explained:

There never has been a reason for the studios to spend money to preserve films. But now because of colorization, people now have a reason to restore their films. I know Roger [Mayer] at MGM has spent 30 million to restore that great library, and we are glad he did, but he wasn't able to do anything with it until color happened. Now, he is going to be able to expose it to a new generation and older generations that have enjoyed it.<sup>44</sup>

This notion of colorization as both an economic incentive for the preservation and a panacea for the recirculation of classic films was foremost in the minds of the rights owners during this time. They were concerned with maximizing the profits derived from their assets, and if this meant that in the process the classical Hollywood cinema heritage also would be preserved, then that was all the better, philanthropically. It is important to bear in mind that only a small segment of the black-and-white cinematic and television output ever would be colorized: the hits. In this sense, the entire colorization debate centered not on the rights of the film and television creative community in total, but rather on the rights of the few popular artists whose canonized works had the most potential for exploitation through colorization.

The colorization dispute over artists' rights intimated far deeper economic and cultural connotations which law professor Paul Goldstein clearly expressed in his testimony to the Senate Subcommittee concerning the legal applications of the moral rights concept to colorization:

There is a strong cultural tendency in the civil law tradition to honor authors' rights—a tendency that doesn't exist in the United States. It has cultural roots. To the extent that we want to adopt that, it is a noble object, but there may be countervailing considerations, one of them being the principle of freedom of contract which has its own cultural content in this country.<sup>45</sup>

Goldstein made a consequential point: in the United States, free enterprise trumps artistic integrity. Historically, the owner's right to enter into a contract in order to derive profit from a property has been more important than the creator's right to protect the property from alteration once a contract has been negotiated. But was the colorization dilemma truly about artists' rights, or was it instead a means of asserting economic rights through emotionalist subterfuge—sanctioned under the guise of "preservation" and under the watchful eyes of Congress?

The DGA had negotiated with the Motion Picture Association of America (MPAA) since 1981 for a "creative rights" contract. Market changes throughout the 1970s resulted in a huge shift in the way that motion pictures made their profits (approximately 10% theatrical, 20% home video, and 70% broadcast television). In negotiations with the MPAA, directors sought to expand their contracts to include residual profits from the ancillary markets of home video and broadcast television. Contract negotiations were stymied when the colorization process began to gain popularity in the mid-1980s. Colorization was yet another

way in which directors would be short-changed in their share of the tremendous profits to be realized from their creations, not to mention having their names degraded through association with gaudy knock-offs of their work. Perhaps recalling their success at garnering industry attention for another preservation problem of just a few years earlier, the color fading crisis, directors saw an opportunity and quickly organized around colorization as a preservation issue. Elliot Silverstein, head of the President's Committee of the DGA, admitted as much when he recalled that after the DGA and MPAA contract negotiations reached an impasse in late 1985, "There was a direct bridge between [the] negotiations and the campaign against colorization. We were looking for a platform."

When the DGA came calling, Congress was ready for it. On May 13, 1987, the day after the Senate Subcommittee hearings on colorization, Representative Richard Gephardt (D-MO) introduced H.R. 2400, the *Film Integrity Act of 1987*, which purported to "provide artistic authors of motion pictures the exclusive right to prohibit the material alteration, including colorization, of the motion pictures." "Artistic authors" were defined as directors and screenwriters, and the *Film Integrity Act* gave them protection in perpetuity. H.R. 2400 was sent to the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice on May 15, 1987, where it languished until the following summer, primarily due to the intense lobbying of the MPAA. Since he was concurrently a presidential hopeful, Representative Gephardt's

motives for introducing the Film Integrity Act were questioned by the press as being related to his desire to secure Hollywood financial support from Hollywood's creative community.<sup>51</sup> Indeed, Gephardt proposed the bill just days after competing Democratic presidential candidate Gary Hart, a Hollywood favorite, withdrew from the race following a public scandal.<sup>52</sup>

A final *denouement* still was to come in the colorization saga: the decision of the U.S. Copyright Office regarding the registration of colorized motion pictures. On June 22, 1987, the Copyright Office issued a Notice of Registration Decision, <sup>53</sup> stating that as long as colorized films and television programs revealed a minimum amount of individual creative authorship, they qualifed to be registered as derivative works. Copyright protection only was extended to the sections of the work that had been altered, while the black-and-white portions remained the property of the original rights holder. The Copyright Office also stipulated in a subsequent Final Deposit Regulation<sup>54</sup> that the copyright applicant had to submit both a black-and-white, archival-quality copy and a colorized copy of the work in question at the time of application. This regulation offered the Library of Congress a chance to acquire archival copies of many classic Hollywood films that it did not have in its collections, since not all films had been registered for copyright originally. Later writing about the colorization decision, Register of Copyrights Ralph Oman explained:

The evidence also suggests that directors do not seek moral rights legislation strictly for the purpose of preserving the original theatrical version of the motion picture, but rather seek to permit or prohibit alteration of their work. While there is nothing wrong with such a desire, it does undercut the directors' invocation of the public interest as a basis for legislation. 55

From Oman's quote, it is evident that the agenda of the anti-coloroids was selective. But the directors' use of preservation as a rallying mechanism in the fight against colorization was at least partially authentic. Most artists wanted their works preserved in their original form, and the wizardry of colorization posed a threat to the integrity of film and television works. The Copyright Office's stipulation regarding the mandatory deposit of a black-and-white print of a colorized work helped to ease concerns, but the regard for preservation of original film and television works was legitimate. Nevertheless, directors were involved in contract negotiations that dovetailed a little too closely with colorization to allay criticism that they had other goals with their activism.

Faultfinding the anti-coloroids did not stop them from lobbying, nor did it stop Congress from responding to the artists through dedicated "preservation" legislation.

### Conclusion

By the late 1980s, it seemed as though just about everyone had an opinion about what preservation was and to what end it was to be used. Even if moving image archivists themselves were unsure of what steps they needed to take next to manage their post-vinegar syndrome collections, groups like the NEA had plans for them. The NEA-created NCFVP was instrumental in evangelizing the preservation message through stimulating partnerships

between archives and federal agencies and helping the large number of new television archives to situate themselves in the preservation world. F/TAAC represented the concatenation of film and television interests into one professional group, ending nearly 15 years of institutionalized separation of these like media. The new archival organization came along just in time for colorization, itself the crossroads of preservation and artists' rights.

In the end, the struggle of competing visions resident in the period of 1983 to 1987 made moving image preservation only stronger. NEA's intrusion, as represented by the NCFVP and Hodsoll's ambitious preservation plans, created new bases of support for preservation and fostered higher aims in archives. Colorization proponents and foes both utilized preservation as justification for their positions, sometimes making it appear just a meaningless buzzword. Yet the fact that preservation was even in the minds of filmmakers, studios, networks, and Congress simultaneously was something altogether momentous. Archivists soon would discover ways to turn the public preservation discourse to their advantage, gaining more widespread support for their mission than would have seemed possible when the colorization debates began.

<sup>1</sup> Gregory Lukow, 1999, telephone interview by author, 9 December 1999.

<sup>2</sup> Ibid.

<sup>&</sup>lt;sup>3</sup> Jean Firstenberg, "Films for All Time?" American Film 8, no. 7 (1983): 80.

Slide, Nitrate Won't Wait: Film Preservation in the United States, 87.

<sup>&</sup>lt;sup>5</sup> Emily Yoffe, "Popcorn Politics," Harpers 267, no. 1603 (1983): 22.

Lukow, telephone interview by author, 9 December 1999.

<sup>&</sup>lt;sup>7</sup> National Endowment for the Arts and National Council on the Arts, 1983 Annual Report. (Washington: National Endowment for the Arts and National Council on the Arts, 1984): 122.

<sup>8</sup> AFI-NEA Film Preservation Grants Program allocations hovered around \$355,000 annually. Other NCFVP functions funded by the NEA included NAMID, AFI Catalog, and national coordination. Gregory Lukow, 2000, telephone interview with author, 13 August 2000; National Endowment for the Arts and National Council on the Arts, 1983 Annual Report, 122; National Endowment for the Arts and National Council on the Arts, 1984 Annual Report. (Washington: National Endowment for the Arts and National Council on the Arts, 1985): 110; National Endowment for the Arts and National Council on the Arts, 1985 Annual Report. (Washington: National Endowment for the Arts and National Council on the Arts, 1986): 86; National Endowment for the Arts and National Council on the Arts, 1986 Annual Report. (Washington: National Endowment for the Arts and National Council on the Arts, 1987): 89; National Endowment for the Arts and National Council on the Arts, 1987 Annual Report. (Washington: National Endowment for the Arts and National Council on the Arts, 1988): 90.

<sup>9</sup> National Endowment for the Arts, National Endowment for the Arts 1965-1995: A Brief Chronology of Federal Involvement in the Arts. (Washington: National Endowment for the Arts, 1995), 38-43.

<sup>10</sup> National Endowment for the Arts, Five-Year Planning Document 1986-1990.

(Washington: National Endowment for the Arts, 1984), 59.

Most of the funding from the AFI Catalog came from the National Endowment for the Humanities.

12 Ibid., 235-36.

13 Lukow, telephone interview by author, 13 August 2000.

<sup>14</sup> Bryan Jay Bashin, "The Great History Throwaway," Center for Science Reporting, 15 May 1985, photocopy, 1.

15 Ibid., 6.

16 Ibid., 8.

<sup>17</sup> National Historical Publications and Records Commission, Annual Report for 1984 (Washington: National Historical Publications and Records Commission, 1985), 25.

<sup>18</sup> Steve Davidson, 1999, interview by author, Columbia, SC., 24 September 1999.

<sup>19</sup> The author could find no source indicating an exact date that FAAC and TAAC became F/TAAC.

<sup>20</sup> Gregory Lukow, 1999, telephone interview by author, 4 August 1999.

21 Eddie Richmond, 1999, interview by author, Montreal, Quebec,

2 November 1999.

<sup>22</sup> William T. Murphy, Television and Video Preservation 1997: A Report on the Current State of American Television and Video Preservation: Report of the Librarian of Congress, 5 vols. (Washington: Library of Congress, 1997), 160.

<sup>23</sup> Lukow, telephone interview by author, 13 August 2000.

24 Ibid.

<sup>25</sup> Nancy Bilyeau, "News You Can Use," American Film 11 (September 1986):

11.

<sup>26</sup> Murphy, Television and Video Preservation 1997: A Report on the Current State of American Television and Video Preservation: Report of the Librarian of Congress, 160.

27 Davidson, interview by author, 24 September 1999.

<sup>28</sup> National Endowment for the Humanities, Twenty-first Annual Report 1986 (Washington: National Endowment for the Humanities, 1987), 125.

<sup>29</sup> Gregory Lukow, "From Silver Reclamation to Asset Protection: Moving Image Archives and the Historiography of an Emerging Profession." Paper read at the Graduate School of Library and Information Science Colloquium, University of Texas at Austin, Austin, TX, October 1999.

<sup>30</sup> Ralph Oman, Technological Alterations to Motion Pictures and Other Audiovisual Works: Implications for Creators, Copyright Owners, and Consumers: A Report of the Register of Copyrights (Washington: United States Copyright Office, 1989), ix.

31 Ibid., 57.

32 Ibid., 5.

<sup>33</sup> "Directors Guild Committee Blasts 'Colorizing' of Any B&W Films," Variety 324 (September 17, 1986): 3.

<sup>34</sup> Gary R. Edgerton, "The Germans Wore Gray, You Wore Blue," Journal of Popular Film and Television 27, no. 4 (Winter 2000): 24.

35 "Color Lines Being Drawn in Capital: Ask: Is Tinting Copyrightable?" Variety 324 (September 24, 1986): 5.

<sup>36</sup> Todd McCarthy, "AFI Squares Off Against Colorization," Variety 324 (October 8, 1986): 40.

<sup>37</sup> "Picture Academy Washes Its Hands of Coloring Feud, Variety 325 (December 24, 1986): 3.

<sup>36</sup> Writers Guild of America West; International Alliance of Theatrical Stage Employees, Camera Local 659 and Costume Designers Local 892; American Society of Cinematographers; Screen Actors Guild, etc. per David Robb, "Writers, 2 Locals Join Directors in Colorization War," Variety 324 (October 8, 1986): 5; "Cinematographers Register Opposition to Pic Colorization," Variety 324 (October 15, 1986): 5.

<sup>39</sup> David Robb, "Huston Blasts Colorizing," Variety 325 (November 19, 1986): 4.

40 George Lipsitz, "Blue Money," Society 24 (May-June 1987): 14-15.

41 Bernard Beck, "Inglorious Color," Society 24 (May-June 1987): 10.

<sup>42</sup> U.S. Senate Subcommittee on Technology and the Law of the Committee of the Judiciary, Legal Issues that Arise When Color is Added to Films Originally Produced, Sold, and Distributed in Black and White, 100th Cong. 1st sess., 12 May 1987, S. Hrg. 100-391.

43 Ibid., 1.

44 Ibid., 79.

45 Ibid., 105.

45 John Belton, "The Shape of Money," Sight and Sound 57, no.1 (1987): 45.

47 Edgerton, "The Germans Wore Gray, You Wore Blue," 24.

<sup>46</sup> U.S. House, Film Integrity Act of 1987, 100th Cong., 1th sess., H.R. 2400 (13 May 1987); 1.

49 Ibid 2-3

50 Edgerton, "The Germans Wore Gray, You Wore Blue," 24.

51 "House Hearing Covers Colorization Spectrum," Broadcasting 112 (18 May 1987): 78-79.

52 Edgerton, "The Germans Wore Gray, You Wore Blue," 24.

<sup>53</sup> U.S. Copyright Office, "Notice of Registration Decision," Federal Register 52

<sup>(22</sup> June 1987): 23443-23446.

54 U.S. Copyright Office, "Final Deposit Regulation," Federal Register 53,
(9 August 1988): 29887-29890.

55 Ralph Oman, Technological Alterations to Motion Pictures and Other
Audiovisual Works: Implications for Creators, Copyright Owners, and Consumers: A Report of the Register of Copyrights, 180.

## CHAPTER V: ONWARD TO THE ERA OF CAUTIOUS VICTORY

Beginning in 1988, American moving image preservation began a shift toward the wider public domain, into a new era of cautious victory. The preservation mission matured and became publicly palatable due to the concentrated drive of members of the archival, arts, and entertainment communities, who went from being dispersed entities in the 1960s to a distinct American moving image preservation front by the late 1980s. While united, at the close of 1987 the moving image archival community still faced the real danger of losing control over preservation, as the very rhetoric of preservation was appropriated for other purposes at the highest levels of public policy. The post-1987 national moving image consciousness was simultaneously a reward for twenty years of archival perseverance and a threat to the continuance of the preservation mission in its then-present form.

The prototype of cautious victory for moving image archives was not built overnight. In fact, there was no distinct demarcation between the period when American moving image preservation was a struggle of competing visions and when it evolved beyond this struggle toward a more triumphant future. Yet, four signs of a new wave were the passage of the National Film Preservation Act of 1988, the founding of The Film Foundation in 1990, the steady decline of the NCFVP, and the evolution of F/TAAC into the Association of Moving Image Archivists in 1990. The year 1987 signaled the end of a twenty-year era of

diminishing public obscurity and foretold a future in which preservation was brought to the foreground of the national discourse.

On the legislative front, the *National Film Preservation Act of 1988'*(NFPA), was enacted on September 27, 1988. The *NFPA* established the National Film Preservation Board, initially composed of 13 members charged with overseeing the selection by the Librarian of Congress of up to 25 "culturally, historically, or aesthetically significant" films per year for inclusion in a National Film Registry. While given the title of "preservation," the *NFPA* essentially was a low-grade film labeling bill that was a concession to the artists who had been lobbying against colorization. The law specified that the 25 works chosen as part of the National Film Registry could not be "materially altered" without being labeled on the outside of the package and in the film's opening credits in the following manner:

This is a materially altered/colorized version of the film originally marketed and distributed to the public in [black and white that] has been altered without the participation of the principal director, screenwriter, and other creators of the original film.<sup>4</sup>

The NFPA also included a provision that required the Library of Congress to attempt to obtain a copy of the original version of each film selected for the National Film Registry, to be placed in a "National Film Board Collection" at the Library.<sup>5</sup>

The National Film Preservation Act of 1988 represented the confluence of the controversial platform of artists' rights with the more universally accepted notion of film preservation. The *NFPA* was a prime example of the way in which preservation terminology was acquired by the larger culture industry and coopted for use in a way unrelated to the actual work of preservation. The crafting of the *NFPA* involved artists and legislators who had grown wise to the utility of the preservation metaphor in sanctifying their causes as pure. The *NFPA* indicated that the fecund national moving image consciousness was ripe with its own notions of preservation and signaled to moving image archivists that they had reached a turning point in their struggle. With the *NFPA*, they had a legally codified national platform, yet were in danger of losing control over their professional discourse if the law continued to be implemented with the focus of artists' rights rather than preservation. The resulting struggle over the dominion of moving image preservation continued with successive *National Film Preservation Acts of 1992* and *1996*, but because of the activism of the moving image archival community, each grew closer to having an actual preservation mission.

While with the legislation they helped to enact in 1988, film artists may have been involved in co-opting the term "preservation," they soon made a move that demonstrated their real commitment to the goals of moving image preservation. In May, 1990, filmmakers Martin Scorsese, Woody Allen, Francis Ford Coppola, George Lucas, Stanley Kubrick, Sydney Pollack, Robert Redford, and Steven Speilberg announced the creation of The Film Foundation, to be "dedicated to ensuring the survival of the American film heritage." The Film

Foundation's creators identified four primary goals for the organization that encapsulated the progress made in the previous 20 years in terms of linking preservation concerns with creative concerns.

First, The Film Foundation strove to foster awareness among the general public about the urgent need to preserve the American film heritage. Many of the members of the Foundation had experience in consciousness-raising for preservation because of the color film fading and colorization crises. They had learned to rally other sectors of the entertainment industry around the cause of preservation and had discovered how to incite the industry toward action.

Raising funds for film preservation on behalf of archives was a second goal for The Film Foundation. Anyone involved was well aware that moving image archives were severely under-funded. There was some feeling among the creative community that the NCFVP was not doing enough to advocate for increased funding for moving image archives. Film Foundation directors thought that because of their status they might have better luck than archives in appealing directly to private funders.

Third, The Film Foundation aimed to facilitate cooperative preservation projects between studios and archives. As with fund-raising, the directors knew that they had a direct link to the studios. And due to the work of Hodsoll, the studios already were somewhat receptive to the idea of partnerships with archives. The Film Foundation took on the responsibility of convincing the

studios to expand their definition of "partnership" to include sharing preservation responsibilities with archives.

A fourth goal of the Foundation was to ensure that some concept of preservation was resident when films were created. This goal helped preservation, but it also reflected the priorities of directors, who were committed to compelling manufacturers and studios to curtail the use of low grade, impermanent film stock in Hollywood filmmaking—to avoid, for example, another color film fading crisis. The Foundation enlisted the expertise of moving image archivists in determining suitable film stocks and preservation formats, a sign that moving image archivists had gained considerable prestige within the creative community.

To the NCFVP, the creation of The Film Foundation, a prestigious entity competing for preservation dollars, was "the nail in the coffin." The national moving image consciousness realized by the late 1980s opened doors to increased preservation funding by concerns such as the NEH, the NHPRC, private foundations, and the general public, yet it did nothing to improve the NCFVP's standing with the NEA. Moving image preservation lost a strong advocate with the resignation of NEA Director Hodsoll in 1989, and successive Endowment administrations never embraced the preservation cause to the degree of Hodsoll. Moreover, public debates over federal funding of the arts that began to heat up in the late 1980s made NEA funding for both the NCFVP and film preservation even more precarious. The NCFVP's struggle to coordinate

American moving image preservation faltered because of the NEA's disinclination to fund it adequately and the AFI's unwillingness to prioritize preservation concerns and its concomitant inability to obtain other methods of support for the Center's functions. Never entirely satisfied with the ways in which the Center represented them, the moving image archival community perceived its downward trend by the early 1990s and proceeded to move beyond it.

Thus, on the professional front, moving image archivists began to consider expanding their role in directing the progress of the moving image archival field. For this reason, in 1988 a committee was formed within F/TAAC called the "Future of F/TAAC Committee" to explore the options available to the organization in relation to its growth and future development. The Future of F/TAAC Committee was necessary for several reasons. F/TAAC had expanded rapidly throughout the 1980s, and its then-present meeting structure was growing increasingly untenable. With this expansion came many new interests represented in the organization. Whereas FAAC in its early days had been a limited contingent of the nation's top nitrate archives, F/TAAC by 1988 included representatives from regional, subject-based, and television collections among its regular meeting attendees, all with their own concerns and priorities.

Within the ever-broadening constituency of F/TAAC, there were differing opinions about the necessity of the group remaining tied with the NCFVP. Some thought that F/TAAC had grown out of NCFVP into its own and should become

an independent organization, while others did not want to lose the alliance with the AFI, from which the group had originated. Still others thought that F/TAAC should attach itself to a larger organization, such as the Society of American Archivists, that already had a strong voice. Thus, an independent, volunteer committee to examine the various options available to the group was established at the F/TAAC meeting in Ottawa in November 1988. Represented on the committee were the interests of government archives, television archives, the NCFVP, and academic archives.

Early deliberations regarding the possibility of F/TAAC becoming a section within the Society of American Archivists (SAA) quickly eliminated this option from strong consideration. While SAA's staff, network of archivists, and respectable publications attracted some F/TAAC members, overall many felt that F/TAAC would lose autonomy if it were to join SAA. The Further complicating matters was the organizational composition of F/TAAC itself. While the majority of its constituency comprised moving image archivists, the group in addition had representatives from stock footage companies, film labs, networks, and studios, whose presence was more tied to the media with which F/TAAC members worked than with the archival profession itself. F/TAAC certainly did not want to alienate this portion of its membership. Finally, writing of the "cold prejudice of the print archivist," some within F/TAAC questioned how well their concerns would fit within SAA.

Maintaining F/TAAC as basically the same organization, allied with the NCFVP, also did not appeal to many in the F/TAAC constituency. As one Committee member put it:

Currently when F/TAAC wants to make a stand on an issue, the [NCFVP] usually responds. Unfortunately, that Center has its own bureaucracy with the [AFI] etc. and may not always be able to follow through for political reasons. 12

Many moving image archivists were frustrated by both the lack of visibility they had during the crafting of the NFPA legislation and the insufficient influence they exercised in making the law more meaningful for preservation.<sup>13</sup> Leaders at the NCFVP were unsure whether a new professional organization of moving image archivists would be a partner or a competitor. Thus, when they realized that F/TAAC was going in the direction of creating a new organization, Center staff advocated that the new group have an individual-based, rather than an institution-based membership structure.<sup>14</sup>

After more than two years of deliberations involving two separate volunteer committees; reams of letters, articles, and surveys distributed throughout the moving image archival field; and countless by-law revisions, F/TAAC in late 1990 became the individual-based Association of Moving Image Archivists (AMIA). Choosing an individual-based membership structure aligned AMIA with more open and professionally oriented library (American Library Association) and archival (Society of American Archivists) associations, rather than with the more elite groups like the International Federation of Film Archives

and the International Federation of Television Archives, both of whom had an institution-based membership structure. AMIA would continue to expand the national moving image consciousness as well as to assert itself more willfully into the struggle over the dominion of American moving image preservation. In the words of Eddie Richmond:

I know the idea of moving image archives as a profession really did not exist before AMIA. People for the first time began to think of themselves as moving image archivists, not as librarians who dealt with film. I think that is an intangible contribution that AMIA has made. 15

### Conclusion

With the founding of AMIA and The Film Foundation, moving image archivists could feel justifiably proud, yet the *NFPA* and the decline of the NCFVP both were potential impediments to the progress of the preservation mission. This balance of victory over accomplishments and caution about the battles still ahead exemplify the American moving image preservation field after 1987. After the creation of the AFI in 1967, archival pioneers had struggled among themselves and against outside forces to define and expand film and television preservation work and had reached a point of considerable success in 1987. Work remained to be done—shaping laws to address preservation directly, finding a means of coordinating national moving image preservation in the absence of a strong NCFVP, strengthening and bringing new interests into the profession through AMIA, and continuing the positive work begun with the entertainment industry.

But the fruits of the era of cautious victory would never have matured if not for the previous twenty years of slow yet steady headway of the moving image archival community. During this period, moving image preservation went from being an obscure activity practiced by persons with little professional identity to a burgeoning discipline whose supporters (and challengers) included filmmakers, Congress, and the public at large. No one person or group can be credited with providing overall leadership, but progress would have been strongly hindered without the guidance of institutions like the AFI and the LC. Moreover, if not for the perseverance of individual American moving image archivists whose national, rather than institutional, orientation was upheld by the professional groups of FAAC, TAAC, F/TAAC, and AMIA, preservation never would have reached the simultaneously developing national moving image consciousness. The American moving image archival community grew its roots between 1967 and 1987, and from that point, it was able to branch out to reach new constituencies and embrace concerns that built upon its original preservation goals.

<sup>&</sup>lt;sup>1</sup> National Film Preservation Act of 1988, Public Law 446, 100<sup>th</sup> Cong., 27 September 1988.

<sup>2</sup> Ibid., section 2.

<sup>3</sup> Ibid., section 3.

<sup>4</sup> Ibid., section 4.

<sup>5</sup> Ibid., section 3.

<sup>&</sup>lt;sup>6</sup> The Film Foundation, Press Release (1 May 1990): http://www.cinema.ucla.edu/filmfoundation/press90.htm (26 July 2000).

Ibid.

<sup>&</sup>lt;sup>8</sup> Jan-Christopher Horak, 1999, interview by author, Columbia, SC., 24 September 1999.

<sup>10</sup> Letter from Larry Viskochil to Gregory Lukow and Michael Friend, 7 October 1988; letter from Gregory Lukow to the Future of F/TAAC Committee, 5 December 1988. Association of Moving Image Archivists Records, Association of Moving Image Archivists,

Beverly Hills, CA.

<sup>11</sup> Letter from Sarah Richards to Gregory Lukow and Michael Friend, 11 October 1988. Association of Moving Image Archivists Records, Association of Moving Image Archivists, Beverly Hills, CA.

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<sup>13</sup> William T. Murphy, "F/TAAC needs to Change," June 1989. Association of Moving Image Archivists Records, Association of Moving Image Archivists, Beverly Hills, CA.

<sup>14</sup> Letter from Gregory Lukow to William T. Murphy, 4 April 1990. Association of Moving Image Archivists Records, Association of Moving Image Archivists, Beverly Hills, CA.

<sup>15</sup> Eddie Richmond, 1999, interview by author, Montreal, Quebec, 2 November 1999.

<sup>&</sup>lt;sup>9</sup> Future of F/TAAC Committee members included Barbara Humphrys from the Library of Congress, Sam Kula from the National Archives of Canada, William T. Murphy from the National Archives, William Reader from the Department of Defense, Sarah Richards from the National Library of Medicine, Wendy Shay from the National Museum of American History, Sara Meyerson from ABC News Archives, Fay Schreibman from the Jewish Museum, Steve Davidson from the Louis Wolfson II Media History Center, Susan Dalton and Gregory Lukow from the NCFVP, and Maxine Fleckner Ducy from the Wisconsin Center for Film and Theatre Research. Letter from Gregory Lukow to the Future of F/TAAC Committee, 5 December 1988. Association of Moving Image Archivists Records, Association of Moving Image Archivists. Beverly Hills, CA.

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