TELEVISION QUARTERLY

VOLUME VII NUMBER 4 FALL 1968

THE JOURNAL OF THE
NATIONAL ACADEMY OF
TELEVISION ARTS
AND SCIENCES

Published by The National Academy of Television Arts and Sciences with the cooperation of the Television and Radio Department, Newhouse Communications Center, Syracuse University

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TELEVISION QUARTERLY

FALL 1968 VOL. VII NO. 4

CONTENTS

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THROUGH A GLASS DARKLY

To those with some sense of history, the irrational and brutal events of this decade are cause for neither optimism nor despair. War, riot, assassination and angry declamations from all points in the land can only serve to remind us of the ageless, uncomfortable truth that man's political skill seems always barely to outrun his savage instinct.

Yet the circumstances under which we now observe this truth are alarmingly new and different. Never in history has socio-political turbulence been thrust into the private citizen's consciousness in such sustained and unrelenting fashion. Never before has an entire populace borne such direct and vivid witness to its own capacities for hate, anger and violence. Never has there been so totally involving an exposition of a nation's agonies. The national experience of the past decade has led us to this certain conclusion: the medium, and the entirely new perceptual situation in which it operates, has pushed all of us into the complete social experience of our time—forcing recognition of conditions we might prefer to ignore, and demanding that we respond to them.

For too many in our society, the response is a combination of fear and anger, and it is unfortunate that their resentment and frustration is not channeled into constructive appraisal of the people and conditions which precipitate social discord or unrest, but into bitter reaction against the medium which merely reports the resultant events. In this regard, we may consider a seemingly unrelated incident. Only last month a number of presumably mature adults in our culture actually called the *police* when they were denied the opportunity to see the final minute of an exciting football game. Such behavior is symptomatic of the mood of our age, a commentary upon the incredible expectations which some parts of society now hold for television, and convincing demonstration that a few people are growing ugly in their insistence that the medium conform to their *private* interest, convenience and necessity.

Such demands may or may not be of consequence in connection with entertainment programming, but since Chicago a great deal of pressure has been exerted upon television's reporting of social upheaval and confrontation—and it is here that we have genuine cause for concern. For it is clear beyond doubt that the degree to which any group succeeds in enforcing its will upon television will necessarily diminish the medium's capacities to serve all of society. It is another of the ironies which seem to surround the medium that its very commitments have created a service which is more closely attuned to the public interest than would be the case if the power of those who most loudly insist that it does *not* serve those interests were extended.

TV journalism's commitments spring, after all, from our basic precepts of freedom of expression, coupled with our long-standing conviction that men of good will, who are possessed of a tradition of sound and responsible judgement in the reporting of the events and conditions of our time, must be allowed to exercise that judgement without fear of restraint. We are, of course, aware of the fact that some journalists who say they are disci-

plined and responsible do not always behave in such manner. At a recent RTNDA conference, for example, an hysterical Canadian "newsman" saw fit to make reference presumably to the President of the United States as "that animal in the White House," and on election eve one could discern background cheering and applause in one network newsroom when it was announced that Humphrey had won New York. Too many of TV's reporters often slip, err and otherwise display an amazing lack of impartiality toward—not to mention understanding of—events they are reporting. The flaws, particularly in time of crisis events or during extended hours of coverage, are many, and at least some small part of the blame may be laid upon those schools of journalism offering training in "broadcast journalism" which consists of two parts camera operating, one part libel law and no parts thinking.

But even though we may hold the capacities and credentials of some newsmen suspect—or wonder about the larger framework of "impartiality" in which their judgements are formulated—we are obliged to cling to this relative truth: a man who claims the title of journalist must also claim some stake in the journalistic tradition. Even if his lapses in judgement occur as frequently as those of politicians and policemen (a doubtful situation, but one made untenable by the fact that the TV reporter has the advantage of a powerful initial thrust) we can neither limit nor suppress his right to report what he sees—or thinks he sees. It cannot be otherwise.

Television Quarterly herewith offers two essays which may enlarge our understanding of this dilemma. A thoughtful observer of the medium, ***Merrill Panitt,*** notes that the audience has begun to develop a new and foreboding attitude toward television—one which could lead to enforced distortion, if not outright suppression, of what the medium tells us about ourselves. The challenge before us, implies Panitt, is two-fold. We must first recognize the inherent danger of letting men use so powerful a medium to "tell it like it is"—and then we must have faith enough to let them proceed to tell it.

Richard W. Jencks' essay moves to the specific instance of what actually is at stake when Federal officials, however well-intentioned, are made apprehensive by events and by the imprecations of a few viewers and take it upon themselves to begin inquiry into the principles and practices of electronic journalism. Mr. Jencks makes a calm appraisal of the events at Chicago, his network's role in transmitting what happened there, and the doubtful wisdom of FCC concern with that transmission. The argument he raises serves to elaborate upon Jack Gould's recent observation that "whatever ailments may exist in electronic journalism, implied or real control of the media is far from the cure."

A.W.B. *

* In March, 1968 I asked NATAS and Syracuse University to permit my resignation as Editor of this journal. At the request of both institutions, I agreed to continue through the current volume year, which concludes with this issue.

I cannot begin to name the many kind people whose interest and enthusiasm made my tasks less burdensome over the past seven years. To all, my sincerest thanks and good wishes for continued success.

A DARK PERCEPTION — THE CHALLENGE

MERRILL PANITT

In the eyes of many, television journalism suffered a great defeat in its attempts to inform television viewers of the events of last August in Chicago. The facts on who started what in Chicago will be brought out in the grand jury reports, in the FCC's investigation of network fairness during the Democratic convention, in Congressional studies of television's participation in news events, in the Eisenhower Commission's study of violence, and in many other investigations and studies of television in the next few months.

At this moment, however, the television industry—thanks to the performance of network news departments during the Chicago convention and, to some extent, the Miami Beach convention—is on the defensive. Thousands of viewers have written letters condemning the medium to the networks, to the Congress, to the FCC, to *TV Guide,* and to newspapers. There also have been some letters—not many—defending television or even praising it for doing as well as it did despite all the obstacles put in the broadcasters' way by the Democratic National Committee, by Mayor Daley and his police, by the telephone workers, and—finally—by the Yippies and other demonstrators.

MERRILL PANITT has been with *TV Guide* magazine since its beginning in April 1953—first as managing editor and, since 1958, as Editor. Mr. Panitt began his association with television as a columnist for *The Philadelphia Inquirer* in 1947.

But whether the medium did well or poorly, whether it intruded on a news story and became part of it, whether Walter Cronkite talked too much or David Brinkley got emotional—all these matters are unimportant in relation to what emerged in the American consciousness during television's coverage of what happened in Chicago. What is now evident is that whether we like it or not—and most of us don't like it a bit—there is a lot of trouble in our country today. And that's bad news to viewers, who don't want to know about any more trouble. Just as in Ancient Persia—where the king would chop off the head of the messenger who brought news of defeat—in America today, when a news medium brings the public bad news, the medium itself is held to blame and is attacked.

What we saw going on in Chicago, though, was hardly the first sign of what is happening in our country. We have seen bits and pieces of evidence on our television screens for several years now. Chicago merely emphasized, by bringing it violently to our attention, the size of the tremendous problems we face—the width of the schism that is splitting our country. But while it is ridiculous for critics and the public to condemn television because it is the medium that brought us the proof of the split in America, it is also perfectly clear that without television the split would not have come about. At least it would not have happened for another generation or two.

Even the pollsters, Harris and Gallup, recognize the divisions in American thought. Gallup tells us that Congress has lost touch with the people. As an example, his conclusions say that our voters are ready to reform the entire electoral system by throwing out the electoral college, setting up direct primaries and shortening the campaigns. They want elections in September instead of November so that the President-elect will have some time to prepare for the office. Gallup says the people are 50 years ahead of Congress, but nobody listens to them because the Establishment gets in the way. The one ray of light in Gallup's findings is the hope that a whole new breed of young people will not put up with the old ways.

Lou Harris also sees change coming, but not just from the activity of young people. He sees two new groups on the political scene—groups which are not mutually exclusive, but do represent new political forces. These are the people who *want* change and those who *don't* want change. These two coalitions cut across party and economic lines. The "No-Changers," Harris says, are older people, whites in the Deep South, lower-income whites in Northern urban centers, and conservatives in the suburbs. The "Changers" are the

young people, the blacks, members of some minority groups, and the new affluent who earn more than $10,000 a year.

Harris sees two revolutions going on in America simultaneously—the revolt of the blacks, which we all know about, and the revolt of the educated people. He says the professionals dominate this change, and they have no roots in any corporate structure which might dampen their political views. He says they represent about 25 per cent of the voting populace now, but by 1975 will constitute about 25 per cent of all voters. Among the most interesting of Harris' findings is the tendency for the most privileged people to *want* change, and the least privileged to *not* want change. It's Karl Marx upside down, says Harris, and he adds that the "Change" coalition was satisfied with neither Nixon nor Humphrey, but is fractionalized in its political leanings. His theory is that Nixon and Humphrey are perhaps the last expression of the "Old Politics," interposed on an emerging structure of "New Politics." George Wallace, Harris told us, drew his support almost wholly from the "No Changers," and Wallace may be the progenitor of the "No-Change" candidate of 1972.

Finally, Harris agrees with Gallup that the people are well ahead of their political leaders. His research indicates that only a few weeks ago, 88 per cent of the public favored some sort of *detente* with Russia, a majority favored diplomatic relations with Peking, and most favored seating China at the United Nations. Thus both of our leading pollsters are agreed that the American Establishment today does not reflect accurately the feelings of the people. Further, if Harris is right the Establishment is not fully aware of the new polarization of thinking in the country and the new coalitions that are forming around the "Change" and "No-Change" positions.

But even without the pollsters, we know that in the past few years a number of significant and fundamental social changes have taken place. First, we have seen the transformation of our black minority from a deprived, unhappy and resigned segment of our population to a striving, determined, and sometimes fanatical movement toward full participation in the free, full life our country has to offer. We have also seen opposition to our conduct of the war in South Vietnam grow to a point where once tentative doubts—expressed only at cocktail parties and student bull sessions—mushroomed into full-fledged protests that have actually won primary elections in several states for a candidate whose chief—almost sole—campaign issue was opposition to the war. Finally, we have seen student resentment of

unprogressive university administrators burgeon into open revolt. These students wanted to participate, to assert themselves as individuals, and to have something to say about how they were taught. Even though they were often led by irresponsible elements, and often used deplorable methods, there was a unity of purpose born of common grievance against mechanization of education as university populations exploded.

All these movements—the black revolution, the protest against the war in South Vietnam, and the student revolt—had certain common elements—a refusal to accept the status quo, a refusal to abide by old rules, and a demand for individual participation in decisions. And the common enemy was "they"—the people who ran things, the white man, the Government, the University administration.

All this is a long way from television—or is it? I think television is the key factor in all this upheaval we are witnessing. We are for the first time seeing things as they actually are for ourselves instead of through the eyes of newspapermen and magazine writers and book authors. Granted we don't see everything, and often the emphasis is on the sensational rather than on the pertinent (and in some cases the interpretation of what we see depends upon the background and the understanding of the commentator) but television—to my mind—is at the heart of the "Change" versus "No Change" conflict in our country, and in other countries, today.

Marshall McLuhan, of course, attributes nearly all change and progress to communications, and his views about the importance of television are well known. But McLuhan is controversial, and it is considered "in" to criticize his thinking and to deprecate his so-called "inability to communicate." It might be more pertinent, then, to cite Gunnar Myrdal, director of the Institute of International Economic Studies in Stockholm in charge of United Nations economic studies of Europe and South Asia.

"Let me note for the record," Myrdal said,

> ...that television is a big factor in what has been going on. If we had had television in 1918, we would have seen Woodrow Wilson, Lloyd George and Clemenceau making peace. We would have seen the poor refugees coming out of Turkey. Later we would have seen the bombing of Ethiopia. We did not see these things. We were protected from the horrors of the world. When John F. Kennedy was killed, that almost happened *in* our homes. This is tremendously important. All the dreadful things that happen are brought into our living rooms. This includes war.

> Every child knows about the physical horrors of the Vietnam War. This is not fiction. Real people are killed. We see them lying dead. The effect is that youth discovers the credibility gap. It sees the horrible reality of the war. It feels that it is being talked to by liars. To young people this is serious. This is what has roused the generation. This is what has given us the present period of protests and demonstrations.

Myrdal doesn't analyze the authenticity of what is on television or the manner in which it is presented. And, I suppose, it really makes no difference so long as what is presented does make the impression he describes.

Let me cite still another authority. In *Fortune* magazine Max Ways theorizes that what is really happening in this country is a change in perception. He says the communications media always need an integrating theme—a story line which helps bring some measure of coherence to the millions of facts, impressions and opinions that pour in upon them and which they sift and pass on to the public. In the past, according to Ways, we had the "Bright Perception"—the theme of the communications media was an America of freedom, opportunity, progress, the good life. That gradually broke down, Ways says, "partly because of the weight of its own treacle and partly because so many visionary expectations were disappointed by the fragility of human virtue."

If society wasn't moving up, it had to be moving down. So there was an immediate shift from the optimism of the "Bright Perception" as a central theme of the communications media to the pessimism of what he terms the "Dark Perception." Conflicts, frustrations, gloom, replaced the old American virtues. The Vietnam war came along when the fashion in reporting was shifting from bright to dark. In former days war correspondents emphasized glory and courage and comradeship and played down bloodshed, but now the new war correspondents accentuate the negative. They find their best TV footage in the goriest horrors of war. Thus do they confirm the "Dark Perception," a thesis which fits well with Myrdal's analysis of what prompted young people into revolt—the horrible reality of war, seen in their own homes.

To pursue the point, in *TV Guide,* former FCC commissioner Lee Loevinger has written that television is a Rorschach Test in which people see what they want to see, and that each viewer has a sense of presence, participation and involvement which are his own. To my mind, this observation explains the conflicting reactions of view-

ers to the Chicago demonstrations. Just as each of us sees either a spider or a butterfly or a beautiful woman in bed when he looks at a Rorschach ink blot, so we see what our background equips us to see when we watch television. In Chicago, many viewers saw police unjustifiably beating up demonstrators. Others saw police forced to defend themselves against verbal and physical assault by the demonstrators. It all depended upon their point of view.

It was one's point of view, too, that decided whether *television* was fair at the Chicago convention, whether the floor reporters were putting words in the mouths of the politicians they were interviewing, whether the commentators were grabbing the spotlight away from the convention rostrum. It all depended upon the individual viewer's interpretation of the television ink blot.

If we add them together—Myrdal's theory that young people feel they are being talked to by liars, the "Dark Perception" thesis of Max Ways, and the Rorschach analogy Loevinger presents—perhaps we can begin to understand what is happening to our nation, and perhaps we can understand that television, if it is not *causing,* is at least *communicating* the upheaval we are living through now—and certainly will continue to live through for the next decade. Each new event the medium reports compounds the problems we face by pushing us—according to the interpretation each of us places on what we see—either into the camp of "Change" or the camp of "No Change." Through it all, those of us who are unhappy with what we see will undoubtedly blame television. We'll find fault of some kind whether it be biased reporting, or cameras intruding themselves on news events, or too much coverage or too little coverage. That's what we'll say. But what we'll really mean is that we don't like what we see on our screens. We don't want riots and protests and discontent. We want the good old "Bright Perception" back again.

We don't want to believe what we see. We don't even want to see what isn't pleasant. We hate the "tell it like it is" cliché because it means reality, and reality means change, and change means we probably won't be as comfortable and pleased with ourselves as we'd like to be. We certainly don't want to accept the incontrovertible fact that by 1975 half our population will be under 25. Those youngsters now demonstrating and protesting and demanding a bigger voice in everything will soon be outvoting us.

So the prime-time schedule lags behind the times, giving us old television shows along with the old movies, successfully selling products and keeping the old economy chugging along and the old

thinking comfortably secure. Perhaps our security is justified. We are, after all, still the wealthiest nation on earth, with the highest standard of living and the greatest material possessions. The very fact that we are concerned about poverty and racial injustice is evidence of the vitality of even our *old* thinking. But while television's prime-time pattern is still the same, the news shows and the special events and some of the documentaries are reflecting what is happening in our country today. We see the ugliest manifestations of the demand for change—riots, looting, disrespect for our leaders, filthy language—often from filthy people.

Those who are against change say that television, by showing first the good life that so many of our citizens can't share, and then the riots and protests, is actually generating more discontent, more hatred, more lawbreaking.

Those who favor change say that by reporting the current turmoil, television is furthering a movement that eventually will bring about orderly, legal changes that will guarantee a more peaceful world, respect for our neighbor, more emphasis on the rights—and the participation—of the individual in our society. This is the question facing us: Is today's "Dark Perception" but a step toward a new "Bright Perception" of our traditional goal—an America of freedom and individualism and equal opportunity for all? Or is today's "Dark Perception" merely proof that general permissiveness—by parents, by schools, by government—leads to a breakdown of law and order that can be remedied only by ending permissiveness? I don't know the answer. I only know that television, as our major means of communication, is going to help us find it.

Within weeks after Chicago, CBS and other networks received a letter signed by *William B. Ray,* Chief of the F.C.C. Broadcast Bureau's Complaints and Compliance Division. The letter, dated September 13, 1968, asked CBS—within 20 days from that date—to give to the Commission its comments regarding "hundreds of complaints concerning the television coverage by the major networks of events in Chicago during the convention." The letter stated:

> The complaints basically allege that the television coverage did not fairly present the issues on a number of grounds; e.g., failure to give exposure to the views or statements of city government officials of Chicago, with respect to alleged 'brutality' by the police; and bias in favor of views or opinions in opposition to the policies of the national government with respect to the war in Vietnam.
>
> You will appreciate that it is difficult to make an explicit statement of summarization of such a volume of material. However, the entire group of complaints pertaining to your network received by the Commission in this matter will be made available for examination by your representatives at the Commission's office in Washington, D.C.

On October 7, CBS responded to the above inquiry. In a letter prepared by Vice-president and General Council (now Executive Vice President, CBS Television Network) **Richard W. Jencks,** the network's position vis-a-vis its journalistic responsibilities and its reporting at Chicago was delineated. The following article reproduces the essential content of the Jencks statement.

RICHARD W. JENCKS first joined CBS in 1950 as attorney in the CBS West Coast Law Department. Three years later he became the CBS West Coast Resident Attorney, a position he held for six years. In 1959 Mr. Jencks resigned from CBS to become President of Television Film Producers, Inc. When that organization merged with the Association of Motion Pictures Producers in 1964, he became Vice-President and Television Administrator of the merged organization until he rejoined CBS in 1967. He was graduated from Stanford University in 1946 and from Stanford Law School in 1948.

A DARK PERCEPTION — THE PRICE

RICHARD W. JENCKS

The violent events which transpired in Chicago were without precedent either in the history of American politics or in the experience of American journalism. Irreconcilable opposition, both within and without the convention, to an unpopular war; organized attempts by radical leaders to exploit this sentiment in the interest of disrupting the convention and the American political process; resort by hundreds of people to the tactic of goading the police into overreaction; the consequent loss of control and restraint by the police during which many newsmen as well as hundreds of ordinary citizens were injured; extreme divisiveness and rancor on the convention floor—all contributed to a week which tested to the utmost the ability of television and other news media to do a fair and objective job of reporting. It must be borne in mind, as well, that coverage of these events took place under restraints upon the freedom of movement and technical resources of television—imposed as the result of a crippling communications strike and by city and convention authorities—which have never before been imposed on the medium.

This coverage reached 52 million American homes, representing 93 per cent of all U.S. television households. The complaints thus made available to us by the Commission concerning that coverage, relating to all three networks, totaled, by our count, 653 letters.

CBS is not prepared to assume that the Federal Communications Commission, in requesting comments within 20 days, expects that CBS will undertake a point-by-point refutation of complaints which the Commission found too numerous even to permit of summarization—dealing with coverage which, in the case of CBS Television, consumed more than 38 hours—and of which complaints, indeed, only one out of eight singles out a specific network for mention.

Nevertheless, after securing copies of the complaints, we have

carefully read each of them. Of the 653 letters, 516 contained allegations of bias or distortion in the reporting of the demonstrations and the subsequent confrontations between demonstrators and police. There were 94 complaints of bias in the reporting done from the convention itself, and 63 complaints which expressed criticism of the networks for having cut away from podium presentations in order to cover delegate interviews and activities.

The allegations of the complaints which present issues of fact—namely, that CBS failed to report acts of provocation by the Chicago demonstrators or that CBS failed to give exposure to the view of Chicago officials—are without foundation.

CBS correspondents did report many instances of provocation, such as the carrying by the demonstrators of Viet Cong flags, the hauling down by them of an American flag, the hurling of bottles and stones and plastic bags of liquid, as well as instances of direct incitement of mob violence on the part of demonstration leaders.

With respect to the allegation that there was "failure to give exposure to the views or statements of city government officials of Chicago. . .," it is of particular interest that, in the film subsequently prepared on behalf of the City of Chicago, the key presentation of the city's official viewpoint was made, with our permission, by means of excerpting portions of a 23 minute interview by Walter Cronkite with Mayor Daley which had been broadcast by CBS News in prime time on the last night of the convention.

The primary thrust of these complaints is not to dispute facts, but to question the news judgments made by the networks in reporting a complex and volatile historical event which inflamed the passions of those present as well as those who listened to it on the radio or saw it on television.[1] On this issue of bias in the exercise of news judgment, the complaints themselves are instructive. A charge of bias normally addresses itself with specificity to the performance of a particular organization or of a particular person. As has already been indicated, the complaints involved here generally allege bias and unfairness not in the coverage of any one network, but in network coverage as a whole. By thus indicting three independent and fiercely competitive news organizations, the complaints impute incompetence or bias to hundreds of trained professional newsmen. Prominent among these are reporters whose names and faces—and whose reputations for fairness and objectivity—have been familiar to the public at large, as well as to the Commission, for months and years in hundreds of news broadcasts.[2]

Indeed, in reading the complaints it is impossible to escape the conclusion that they might well have been addressed not merely to the three networks but to the press as a whole. It may, of course, be true that all working newsmen in Chicago shared a degree of ineradicable bias due partly to the physical restraints imposed on them by Chicago authorities and partly to the physical violence visited upon more than 30 newsmen by the Chicago police at an early stage of the convention. We believe, however, that most newsmen were sufficiently professional to put aside animus arising from these events. In any event, however, the outpouring of complaints against the press as a whole has been a phenomenon widely commented on in recent weeks. *Time* magazine, commenting on this at length in its issue of September 20 ("The Press"), quoted *Washington Post* columnist Joseph Kraft to the effect that the outcry against Chicago convention coverage means that the press has lost touch with "the great mass of ordinary Americans" who, according to Kraft, have come to distrust columnists and reporters. If this is true, it is, of course, no less serious a matter for our concern.

Yet we would point out, however, that our coverage of the events in Chicago has not been without its defenders. They, like those who attack our coverage, are doubtless influenced by their own bias and subjective judgments.[3] We note among others a letter written to CBS President Dr. Frank Stanton on September 4, 1968 from the American Civil Liberties Union in which, while acknowledging that "the very limitation on the TV media precluded an indepth study of the underlying causes of the events recorded in on-the-spot news coverage," the ACLU stated its disagreement with the proposition that the media presented a one-sided view of the matter.[4] We also note Robert Lewis Shayon's TV-Radio column in the September 1 *Saturday Review* in which he stated: "Most viewers who followed the NBC and CBS television gavel-to-gavel coverage of the Chicago convention of the Democratic party would probably agree that these two networks did outstanding jobs reflecting accurately the drama and the truth of the most ghastly week in the history of American politics." And we note Michael J. Arlen's review of the convention coverage in the September 7 *The New Yorker* magazine in which he referred to television as having done "as well by all of us as I think it humanly could have. . . ."

Before concluding this letter we again urge the Commission to re-examine its policy with respect to complaints of bias against broadcast licensees. As I pointed out in my letter to you on May 29, 1968

(relating to a Commission request for comments on an earlier complaint) such letters from the Commission, while couched in terms of a request, take on the nature of a command and, in doing so, "extend the appearance of program content control far beyond what the Commission's rule making or formal decisions would suggest. . . ." I also pointed out that this practice is "in direct contravention to strong and frequently eloquent disavowals by the Commission of supervisory concern over the content of particular programs." Indeed, it amounts to that continual process of demanding explanations which the United States Government itself has recently characterized as coming "dangerously close to the kind of program censorship which is barred by the First Amendment and Section 326 of the Communications Act."[5] The point made is given added force by the recent opinion of the United States Court of Appeals for the 7th Circuit in which that Court, in the course of striking down the Commission's so-called personal attack rules, seriously questioned what it called "the Commission's contention that the broadcast press is entitled to a lower order of First Amendment protection than the printed press."[6]

We are particularly concerned when, as in this request for comments, the complaints to which comment is especially invited are complaints that a licensee has given insufficient attention to views or statements of Government officials or has displayed bias against the policies of the national Government. That those charges are unfounded does not lessen the grave implications which would be raised by any attempt, on the part of an agency authorized to license broadcasters, to require broadcasters to make special efforts to disseminate approved Government views. As the late Justice Jackson, speaking for the Court in one of his most eloquent opinions, stated:

> If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.[7]

The strength and independence of broadcast news, and of the national network news organizations in particular, is an important national asset. Surveys constantly indicate that television is the nation's primary news source and that the public places greater faith in what it sees on television than in news on any other medium. This Commission and its individual Commissioners, while not invariably endorsing all aspects of network performance, have com-

monly bestowed praise on the discharge of network news and public affairs functions. A distinguished network news journalist, who works for a competitor of CBS News, was recently quoted by William Whitworth in an extensive account of that competitive network news organization in the August 3, 1968 issue of *The New Yorker* magazine as stating: "I think our medium—television—is the freest and most nearly independent news medium on earth." In the same article, Herbert J. Gans, a sociologist who is making a long range study of the mass media, was reported as saying: "Despite the old stereotype that media employees report the news as their owners and advertisers see fit, this is not true of national television and magazines, however true it may be of the local press. People who work in the media I have studied so far are surprisingly free from outside interference on the part of nonprofessionals and business executives, and can decide on their own what to cover and how to cover it." It would be a tragedy if this medium, which has deserved such impressive tributes for its independence from commercial or other private influences, should have secured such independence only to succumb to the current wave of demands for more active Government surveillance or control.

We assure the Commission that we are neither unmindful of our own obligations nor insensitive to communications from the public. We are glad to have the reactions of our viewers, and in the case of those complaints which have come directly to us concerning our convention coverage, we have been in the course of preparing and sending replies which we hope will be responsive and helpful. CBS News is proud of its reputation as a news medium and its concern over Governmental surveillance does not mean that it intends to be indifferent to claims that its reporters are guilty of biased or inaccurate reporting. As CBS News President Richard S. Salant said in a talk on September 26 to the CBS Radio Affiliates Convention:

> One of the embarrassments of suggesting First Amendment application in these areas is that it appears to put whoever makes such a suggestion in the position of arguing that it is proper for a newsman or a news organization to be unfair, or biased, or inaccurate. So let me be crystal clear about it: Anybody in news who is unfair or biased or inaccurate—deliberately or negligently—despoils his journalistic heritage and demeans his profession. Whoever does such things is wrong—totally, completely. And he must be accountable—to his editors, his employers, to his readers or listeners or viewers, to critics—and in the case of network news, to all affiliates.

We again urge that Section 326 of the Communications Act, which prohibits to the Commission the power of censorship over radio communications, should be regarded by the Commission as giving it an affirmative obligation to support the independence of broadcast news. Neither CBS nor any other network or licensee news organization needs such support when, as is usually the case, there is general public approbation of what we do. When, however, as in the present instance, the passions aroused by a difficult period in our national life have brought about demands for Government censorship and control of this great medium, more than ever there is a need for the Commission to interpose itself, as we have suggested on a previous occasion, "as a shield for the defense of the integrity of broadcast journalism and as a champion of the First Amendment rather than as a willing inquisitor."

NOTES

1. The difficulty of this job was, ironically, demonstrated by Mayor Daley's own official version of the events. As one reviewer observed (Nicholas Von Hoffman in the *Washington Post*, September 16, 1968): "This was the television program that was to show the pro-police, pro-city of Chicago materials that Daley said the three major networks failed to put on the air. It didn't." He went on to say that "[I]t may, however, demonstrate to people like Mayor Daley how difficult it is to make movies of what transpires in a riot."
2. Another notable aspect of the complaints is their source. While viewer reaction to national network broadcasts usually manifests itself in a representative distribution of complaints from various parts of the country, over half of the complaints of the Chicago convention coverage which we secured from the Commission were from the State of Illinois, most of these from the Greater Chicago Area. It may be reasonable to assume that complaints of unfairness from that quarter are, understandably, the product at least in part of strong loyalty to that area and city.
3. A telegram to CBS President Dr. Frank Stanton dated September 10 from Blair Clark and Richard N. Goodwin, Campaign Manager and Coordinator, respectively, for Senator McCarthy, while conceding "the networks and other media did not present a distorted view of the chaos in Chicago" stated: "Insofar as you did make editorial judgments conditions in Chicago were shown in a more favorable light than they deserved."
4. The letter was signed by John de J. Pemberton, National Executive Director, and Jay A. Miller, Executive Director of the Illinois Division, of the ACLU.
5. "[A] continual process of demanding explanations as to why particular news items...were or were not shown would come dangerously close to the kind of program censorship which is barred by the First Amendment and Section 326 of the Communications Act." Brief filed by appellant United States of America in No. 21147, D.C. Cir., *United States v. FCC*, p. 108 (dismissed January 23, 1968).
6. *Radio Television Directors Association v. United States.* Decided September 10, 1968.
7. *West Virginia Board of Education v. Barnette*, 319 U.S. 624 at 642 (1943).

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A NON-PROFIT ASSOCIATION DEDICATED TO THE ADVANCEMENT OF TELEVISION

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PROGRAMMING

In October, *TV Stations, Inc.* conducted another in a series of seminars which are designed to review problems which confront the industry. After ***Leonard Goldenson's*** keynote address, the conferees heard various panels review the challenges which lie ahead. The discussion of programming's future, moderated by TVQ Editorial board Chairman ***Lawrence Laurent,*** is reported herewith.

PROGRAMMING — CHANGE AND CHALLENGE

JACKIE COOPER, JEROME REEVES,
GENE ACCAS, HERMAN RUSH

MR. COOPER

Whether one looks at the matter from a producer's, agency, network or local station point of view, it is clear that all of us should be concerned not with the length or kind of future programs, but with the relevancy of their social content. Future programming must reflect the world around us to a far greater degree than the programming of the past. Speaking only from the producer's point of view, I know that it is time that we began to consider where we stand, what our new responsibilities are, and how far we are willing to go. But I also know that however good our intentions, the producer's capacities to reflect the reality of life will to a large degree depend upon the commitment of advertiser, network, and local station.

JACKIE COOPER is presently Vice-President in charge of Screen Gems Television Program Production Division. Before assuming his present managerial responsibilities he performed in his own television series, *Henessey*. ***JEROME REEVES*** was the first graduate of Ohio State to receive the BA degree in Broadcasting. Since June, 1967 he has been the President of Westinghouse Broadcasting Company Productions and Program Sales. He was General Manager of KDKA and National Program Director for Corinthian Broadcasting before his present appointment. Formerly at ABC, ***GENE ACCAS*** is the Vice-President of Network Relations for the Burnett Company. He has also written two best-selling books. Since 1949 ***HERMAN RUSH*** has been working in all areas of television. Currently, he is the Executive Vice-President for the Creative Management Association.

It should be understood, then, that the producers stand ready. Just because we operate out of the "Hollywood world of tinsel and makebelieve"—a phrase we never made—does not mean that we are insensitive to the urban rot that lies a few miles southeast of us, to the lost kids making their nightly pilgrimage up and down Sunset Boulevard, to student unrest, to the fear of violence, and to the violence that comes of fear. To varying degrees, these have crippled virtually all of our communities.

Now, by the very nature of our profession, we are a very verbal, articulate, communicative people. Like all thinking Americans, we are concerned, too, with human welfare, social justice, and our democratic institutions. And like all others, we are "up tight" about the world around us, and want to do something about it. We feel that we had better do something about events, and we are all trying to meet the enormous responsibilities to all of our citizens which naturally befall a TV producer.

In some ways our efforts lead the industry, particularly in the creation of equal opportunity at every job level in front of or behind the camera. But such achievement, and our autonomy in exercising new efforts, ceases to exist in all matters related to the *content* of programs. Most of us realize that our shows are being seen by 20 or 30 million people, and that inevitably makes us want to say more and do more. The feeling gnaws away at us quietly, but constantly—when bright young people ask us questions, when we look at our own kids, but especially when we pass through a blighted area of the city, see the faces of the ghetto children, and begin to wonder what is in store for them. All of this heightens our awareness of the unique power which the TV entertainment program can have in influencing the progress of our people and institutions, and in bringing about positive and productive change.

We know that an *I Spy,* a *Julia,* or an *Outcasts,* however imperfect they may be as drama, mean much more to more people that we are trying to reach than an *NBC White Paper,* a *CBS Reports,* or an ABC documentary on black history. Isn't it certain that a *Mrs. G. Goes to College* or an *East Side/West Side,* or a *Mr. Novak,* however frivolous or pretentious they may appear to the sophisticated, say something pertinent about personal relationships? About relationships between generations? About the small man's relationship to the big institutions of government? Isn't it equally certain that these kinds of shows say things better to more of the people who need to be reached in our society? Within the context of an entertainment

program, I am convinced, we can say something about the human condition, say it better, and say it to more people than any well-meaning documentary.

But the challenge is difficult. The economics of our business still dictate what we produce. We have to satisfy the network, who wants to satisfy the advertiser, who wants to satisfy the viewers who turn to each local station. As a result, programs with socially-real content more often than not do not fare as well in the ratings as programs that offer pure escapism. Thus advertisers still tend to shy away from programs that are somewhat controversial—if for no other reason than that such do not always get clearances from local stations. The *Mrs. G. Goes to College Show,* for example—which in its own quiet way said something about the generation gap and about brotherhood—had an unbelievably low station clearance of about 70 stations when it went on the air. How is it possible for a show with such a lineup to be successful in the ratings?

The challenge is also made more difficult as a result of the hypocrisy of a few well-meaning critics who berate television for not producing shows with "more meaningful content." But what happens to a producer who attempts a meaningful show in spite of the known obstacles? Too often, a few critics will still find some reason to demean his efforts as ineffectual or irrelevant. The most recent expression of this confusing inconsistency of standards can be attributed to the critic who simply dismissed *The Outcasts*—a series that many of us fought to have made, which was finally brought to the air reluctantly, and is, I may add, a damned good show. This critic chose to devote his entire review to belaboring the network because it chose to depict black-and-white conflicts in the context of 1868 in the West, rather than as they exist in Watts and Bedford-Stuyvesant in 1968. Even though this program represents a significant step forward, this critic would not acknowledge it. The facts are these: in 1968—considering the economics of our business and the structure of our entire industry—we can say many more honest things about *today* to more people by saying them in the context of a Western set in 1868 than in a drama set in Watts in 1968. Yet as far as one critic was concerned, we evidently had not advanced the civil rights cause by a single step.

Entertainment program producers must, I believe, ignore weakness on the part of our critics and vacillation within our system. Our responsibilities are defined by our consciences. We want to produce more and better programs which look realistically at the

world around us, but we can do so only in a co-operative effort. The producers want to see the dramatic programming they are capable of producing—and are anxious to produce—brought before the TV audience. But without the co-operation of the network, advertiser, and local station—without realistically-based newspaper criticism—we may never reach our goal.

MR. REEVES

We have long been aware of television's power as an entertainer, educator, and a dispenser of information, as well as of its slow but certain emergence into an art form. But we also know that it is young, affluent, and still just exploring its own potential. In these respects, television is not unlike the present generation. The 1940's, after all witnessed the birth of twins—television and the generation just now reaching majority. More than any other communication medium, television belongs to those now in high schools and colleges. They were born to it, and their lives were influenced by it to a degree we cannot even measure.

Yet now, in ever-increasing numbers, young people are abandoning TV. Why? We talk endlessly about a "generation gap" as if it is something that has to be smoothed over or filled in, even though 20 or 30 years clearly makes a difference in people—especially in an age when the world has experienced the fastest rate of change that it has ever known. Would it not be better if we accepted the fact that there is a difference between our generation and another, and made an effort to see what the differences really are in order that we might respond to them in some effective way?

We know that there is already a new people in history—a generation of young men and young women who insist that they are not going to be like their fathers. From Tokyo to London and on both sides of the Iron Curtain, the young are calling for change and proclaiming the terms of change in ever-bolder voices. A few years ago they were simply making noise. Now they are making statements. They have defined an "establishment" and said they are against it. And they are forcing the establishment to pay attention.

But too often when adults say that they want to "understand" young people what they really seek are lines of accommodation and areas of agreement. Adults say, "Okay—you may say 'groovy,' I used to say '23 Skidoo'," or they tell the youngsters that they lived through depressions and rebellion, that they, too, experienced war,

and that they had their own singers, performers, and actors. Anyone who has ever started a conversation with a young person knows exactly where this leads to, and it is *not* to "understanding."

In addition, too many adults try to imitate youth, or even compete with them. Men of 50 try to look 45, 45 becomes 30, 30 becomes 25. Their ideas may be out of *Vanity Fair,* but they know the language and like to think that they are "with it." Because men of 50 have new ideas, many begin to believe that they "think young." The fact that their ideas are born of years of work and experience is overlooked—and thus the 50-year olds are demeaning their own true accomplishment. Wherever this faulty logic is applied, the 20-year old loses his audience for an idea. In most shops the answer to him becomes "we already *have* young thinkers. They've been with us for quite some time." The kind of confusion does little to advance the cause of either generation.

Maintaining the status quo, a goal which seemed to characterize our "conforming" youth of the 50's, has given way to an activist and exploratory mood among the youth of the 60's. It is not the duty of the telecaster to agree or disagree with what the young are saying or doing—but it is his responsibility to take seriously that which is meant seriously. He is obliged to give the young a hearing, for while they presently constitute one-half the population, they are among the most poorly served by television. Most of the prime-time programs have been conceived, written, and produced to satisfy the tastes, and represent the values, of the adult generation.

Those programs which do attempt to reach the young often lose their audience because they present only caricatures of youth as the older generation would like to read them. Maybe that is the reason why young audiences are turning to films for their entertainment. Kids who were raised on *Howdy Doody* are today's audience for *Rosemary's Baby* and *Blow-Up.* The youngsters who made up a faithful audience for *I Love Lucy* are now the followers of Albee and Godard. They consider films the art form of the 20th Century, and they look to films for a sense of identity, for discovery, significance and meaning.

If we consider the recent history of the media, we learn that motion pictures had to *relate* to survive. Will television wait for that same lagging—a lack of audience, falling revenues, and slumping ratings—before it responds to the social revolution of our time? The circumstances of the world in which the young find themselves have not only affected them, but all of the comfortable notions we

used to have of what it's all about and what it's all going to be about. We know television is the single most promising instrument for education, entertainment, and enlightenment of the masses that the world has ever known—but more than any other medium it is the instrument of the very young. It is to them that we must look for answers. It is to them that we must look for new approaches.

MR. ACCAS:

Television's future poses challenges which are not limited to writers, producers, or executives. Heavy demands will be placed upon inventors—who must develop new, less expensive, more compact technology for program recording. Authors who do not now serve television must respond with new creative ideas for program forms. Publishers and editors from the world of print—whose concepts and techniques may be transferable to or translatable by television—must help to shape the future of the medium.

The challenges are equally obvious for marketers and their advertising agents—whose investments built and now sustain this two-and-a-half billion dollar industry and who have set standards of performance efficiency. Undeniably, they are challenged to develop new standards. Challenge also confronts the researcher, for until we know infinitely more about what television does to people—how it attracts them, how its messages motivate them, what a fair cost is for a thousand homes, or people, or women, or coffee drinkers, or instant coffee drinkers—we may all be spinning the wrong wheels.

For me, of course, the challenge rests in that area in which I may hold some slight competence—that of new programming ideas and forms which may have marketing application. And as I consider the way ahead, I am compelled to raise some questions about the way things were done in the past. Why must television programming come in 15 minute units or multiples thereof? Is it not more sensible to consider the canvas of time as the artist considers his white space or as the author considers paper? Why shouldn't the program be as long or as short as it has to be? Why can't there be a seven-minute comedy, a 42 minute drama, an 18-minute musical show, or an event that last eight hours and fourteen minutes? Why must most programming come on reels of films or cores of tape? Isn't television's greatest capacity it's "nowness?" Does TV not function best when it is reflecting human activity which is spontaneous and unrehearsed? The implications underlying these questions must be

recognized when we consider the effect upon program content and schedules at a time when TV increasingly reports human activity as it happens.

The changes in medium activity and function also pose great challenges to our present concept of a "significant" audience. Why is only *mass* critical? When is a minority large enough to be considered? Isn't programming that talks to the interests of tens of thousands, or hundreds of thousands as valid as any other? Doesn't such programming have a place in the communications schedule? I believe such "narrow-casting" may be even more attractive and effective as a marketing tool than broadcasting as we know it.

Some programming, for example, might consist of advertising and advertising only. Handbills exist. Classified advertising pages, and classified advertising sections, exist. Catalogues exist. And we must assume that all of those exist because there is need for them—yet television seems to ignore this. Part of the national and local spectrum of programming might be devoted to vehicles in which advertising is the sole content, and such units might not be as dull as some entertainment programs now are.

We have also given too little attention to the simple fact that program schedules don't have to be continuous! One of the critical problems of the industry is the spiraling cost of program inventory. The Stock Exchange fights cost by reducing activity—by having no program service, so to speak, on certain Wednesdays. How treasonous is it to conceive a sequence of programming similar in design to a magazine: stories, some articles, an editorial, short filler subjects, a cartoon, some advertising—all run in a "package" for some 55 minutes followed by 35 minutes of nothing, followed by the same 55 minutes of programming repeated. How much real thought has been given to possible new forms in this challenge-filled future?

Why is the diversity of program types limited to Nielsen's 35 "sub-categories" (and the four "super-categories") he has devised? Isn't the entire range of human experience and imagination the stuff of programming? Who says there isn't an audience for a simple reading of poetry? Who says that some thousands might not be stimulated and uplifted by seeing a painter at work? These conjectures seemingly are supported by a study recently reported in *Television Quarterly*. Findings by a group of specialists in communications research show that while, on the average, 48 per cent of viewing was done for psychologically supportive functions—("to help kill time," "to keep me company when I am lonely," etc.) 72

per cent of respondents stated they view "to learn new things I didn't know before." Can this not at least suggest an 8:30 to 9:00 p.m. network program on Comparative 19th Century American Literature? Why is the creativity of this industry so limited?

Last year American industry paid nearly seven million dollars in bonuses to employees for creative suggestions. There were almost 100,000 usable suggestions—ideas which made some product or service better, less expensive, more attractive, or improved it in some way. It is clear that the world's largest, most efficient industrial complex seems to have sense enough not to say, "we can't do it because it's against policy," or "we can't do it because it hasn't been done before." TV might—indeed it must—profit from such example in the future. Of this I am certain—in the small universe of broadcasters, advertisers, program suppliers and agencies, there does exist an untapped well of creativity which can and will change and improve our business.

MR. RUSH:

Last year, in a discussion held at this seminar, a number of knowledgeable programmers and producers reviewed the dynamic changes TV is undergoing as a result of the making of feature films expressly for the medium. Among the salient points then presented was the observation that we are witnessing the most important programming and scheduling revolution television has yet seen. It was also suggested that features for television have become the single most important source of programming with the most consistent track record.

I refer to these remarks for the purpose of developing my own position with reference to the creative challenge that faces the independent producer—and perhaps the entire television industry—today. Obviously, one of the results of the increasing number of features on the air is a pro-rata reduction in the amount of time available for other kinds of programming. The independent producer, of course, cannot really complain about this. If the public wants to see features—and thus far all indications are that they do—then they should have them. In other words, if features have created a new kind of competition the independent would be shortsighted if he did not accept it.

It is certain, however, that the effects of the revolution have not yet been completely felt. We need to assess the potentially negative

effects of this new trend, and there is little doubt in my mind that some of these pose serious threats to the future of television programming, and to the independent. Let me review the nature of this threat in greater detail.

Features-for-television were originally started because the number of theatrical features on the air were increasing, demand was growing, and it became apparent that sometime in the foreseeable future theatrical production levels would no longer meet television's needs. Consequently, features-for-television were conceived as a means of meeting that deficit, and NBC and Universal made the first experimental step. Many felt specially-made TV features would not succeed—that they could not match the appeal of theatrical releases. They were wrong. It was not long before we had clear evidence that television features could in fact equal the appeal of the theatrical releases to the TV audience. Indeed, in many cases they outrated conventional theatrical releases. In sum, the short sweet history of change is this: The audience indicated it wanted features; there was a shortage, and American business found an ingenious way to fill the need.

At this point, however, the independent producer had to face some unpleasant realities. First, simultaneously with the increased production of features for television, but wholly apart from it, program pilot costs began—and continue—to spiral. The result is that each pilot now produced involves a much greater financial risk. To make matters worse, this kind of financial risk has to be considered in light of the obvious fact that—as a result of the increased number of features being programmed in network schedules—there is less opportunity to get a program on the air.

This situation is made all the more untenable for the independent because the networks have developed an important secondary use for their TV features, which is to use them as pilots or as "spin-offs" for possible one-hour or 90 minute series. Let me enlarge upon how this practice can affect the development of new series. A one-hour pilot may cost in the area of $600,000 to $700,000. If the series does not get on the air, which is more than likely, this represents an extensive loss—a loss which is carried by the network if it was produced by an independent producer, or shared with the production company if it was a major studio deal. Under the best circumstances, this is a gamble of some magnitude, and to reduce its effect, the network has devloped a new tactic. It asks the producer to make a pilot as a two-hour feature at, say, a cost of a million to a million-

and-a quarter dollars. If no series results, the network agrees to run the film twice as one of their feature programs and will allocate $800,000—which they normally pay for feature programs—to the producer. This logic assumes that the producer should easily be able to recover the balance of his investment through either foreign distribution of the film or subsequent syndication. Thus, from the standpoints of both the production company and the network, a no-cost pilot has been made. At no cost, the producer has a chance of getting a series on the air.

Now, although this practice does not stem from some dynamic audience need—as was true in the case of the initial development of features for television—it does make economic sense, and has had its effects. In the first place, this arrangement requires someone who can, at least initially, engage in a fair degree of deficit financing. Consequently, the network now approaches a major production company and asks it to make eight features for each of the next three years. Furthermore, they are asked to make them as pilots for future series. This arrangement also specifies that the network and the production company will jointly decide, at a later date, what the properties are going to be. Obviously, such a multiple, initially-deficit-finance deal can only be made by a major studio, and this will, inevitably, limit the capacities of the independent producer.

But there is a more foreboding aspect to this kind of arrangement. The fact is that the networks—for the first time in their history—are making deals for future programs without the slightest inkling of what the future programs are going to be. In short, economic necessity has pushed programming judgment aside. Program decisions are being made solely on the basis of monetary, rather than creative, considerations. If these activities were good for the industry as a whole, the negative effect on a sub-group like independent producers could be overlooked, but I submit that it is not good for the industry as a whole. This blind, mass-buying of future programs will inevitably limit the sources of program supply and program diversity.

THE COPYRIGHT DILEMMA

M. WILLIAM KRASILOVSKY

An individual in Detroit has been waiting for the world to beat a path to his door in order to purchase his ideas. He advertised in *Variety:*

> IDEAS FOR SALE
>
> Gentleman with prolific imagination has several original story ideas suitable for developing into novels, stage plays, television scripts or movies. Unique themes of the caliber of *The Graduate, Alfie, The Pawnbroker, The Red Shoes, The Bicycle Thief,* etc. Available to Studios, TV Packagers or other recognized professionals.

Undoubtedly, this gentleman honestly believes that he has property rights in these great ideas which are capable of commercial transactions the same as one can deal with a ton of steel, a bunch of bananas, or a copyrighted script. His assumption is wrong in as much as ideas are protected only to the extent that the originator can keep his ideas to himself through non-disclosure, except in so far as he can establish a contractual relationship with the would-be purchaser through express or implied agreement. Most offers of ideas actually result in immediate rejection by the "recognized professionals" solicited in the *Variety* ad.

M. WILLIAM KRASILOVSKY is the copyright attorney for Warner Brothers—Seven Arts in New York City.

W. C. Fields accepted an idea submission of gags from a stranger only after placing the following condition upon the relationship:

> If you would like to submit a couple of script gratis and I am able to use them, who knows, both parties being willing, we might enter into a contract. My reason for injecting the vile word "gratis" is that we get so many letters from folks who if we answer even in the negative, immediately bring suit for plagiarism. Whilst we have never had to pay off, they sometimes become irritating no end.

Even in this case, W. C. Fields' irritation was without end because a California court gave a judgment to the idea merchant who brought suit despite the acceptance of the condition.[1]

The irritation of persons who fall into trouble by accepting the submission of ideas can underline the reason for rejecting property rights to the bald idea. If the law were to protect ideas as the private property of the first person to think of the idea, it would create chaos in the entire field of the arts. Idea protection would reward the indolent and restrain the energetic author or artist from expressing himself to the public.

The United States Copyright Office states:

> Ideas, plans, methods or systems cannot be copyrighted. It is only the particular manner in which an author expresses himself in his writings that can be protected by copyright. The ideas, plans, methods or systems that he describes, or that are embodied in his works are not copyrightable.

Elsewhere, the office has also stated:

> It is not possible to register a claim to copyright in the idea for a motion picture, television program, story or any other kind of work.

This absence of protection to ideas was a basis of denying relief to Orson Welles in a law-suit against CBS for a reproduction of a portion of his famous "War of the Worlds" radio show. The Court found that Welles had truly conceived of the idea of presenting the original radio dramatization by means of radio news announcements describing a contemporaneous invasion by Martians. Nevertheless, the rule of law applied was that ideas per se are not copyrightable, but only the expression of the ideas are the subject of copyright.

The basic authorization of copyright statutes is found in the United States Constitution authorizing Congress:

> . . . to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries.

Note that this short provision contains restrictions and distinctions which emphasize the peculiar nature of copyright. The rights

are, first of all, for "limited times" after which they are to be in the public domain. (These limited times are presently for two successive terms of 28 years, but as a result of copyright revision studies in recent years, new expirations have been deferred since 1962.) The second essential point is that "authors" are to receive right of copyright, and that connotes originality and creativity. A third item to be noted in this Constitutional provision is that protection of copyright is extended to "writings" which necessarily excludes ideas and other unexpressed creative output and has even been held to exclude protection to *titles*.

The most important point to note in the Constitutional provision is the over-all philosophy expressed in the statement of purpose of promotion of the progress of science and the useful arts. This demonstrates the concern of enriching culture for the public as a whole rather than recognition of any inherent natural right of an author. As early as 1826, the then-leading lobbyist for copyright, Noah Webster, expressed his disinclination to accept the concept of copyright as a privilege in the following words:

> I do not see why an interest in original literary composition should stand on different grounds from all other personal property. . . . Literary composition (is) a species of property more peculiarly a man's own than any other, being a production of a man's mind or inventive facilities. . . while a horse or an acre of land, which a fool may obtain by muscular exertions, is a permanent inheritable estate.

Webster also said:

> The right of a farmer and mechanic to the exclusive enjoyment and right of disposal of what they make or produce is never questioned. What then can make a difference between a product of muscular strength and the product of the intellect?

One early advocate expressed the argument of "sweat of the brow" quite literally, and in his own poetic style, as follows:

> . . . we possess as absolute a right over our thoughts as we have over the brain cells whose rhythm gives to the sensational impulses the thought form, and whether we use the thought form to mould words with our mouth or bricks with our hands, the product is equally our property.

These arguments have been consistently rejected and the principle of copyright as a privilege granted in order to induce creative work is well established. This motivating factor underlying copyright was stated by the U.S. Supreme Court in the following language (a language which, unfortunately, stresses economic incentive without reference to right of control of manner and extent of use):

> ...encourage of individual effort by personal gain is the best way to advance public welfare through the talents of authors....Sacrificial days devoted to such creative activities deserve rewards commensurate with the services rendered.

This would seem to be a finding that "personal gain" is the best way to motivate the writer. It would seem quite an adequate answer as regards works such as *Valley of the Dolls,* the *Batman* television series, and many a popular magazine article or story. It does not, however, seem a complete answer to the following Sinclair Lewis question:

> One of the most curious questions about a writer and one least answered in biographies, is why he ever became a writer at all: why...he should choose to sit alone year after year making up fables or commenting upon what other and livelier citizens do.

A. H. Maslow's general answer is:

> Clearly creative behavior is like any other behavior in having multiple determinants. It may be seen in innately creative people whether they are satisfied or not, happy or unhappy, hungry or sated. Also it...may be compensatory, ameliorative or purely economic.

The purely economic motivation of a truly creative author is described in sorry tones by Eugene O'Neill anent a movie right sale:

> ...you may understand what my feeling is about a film sale of a favorite play I know Hollywood will distort. Let's consider *The Hairy Ape*. It remains one of my favorites.... I sold it because, with two homes and ranch overhead on my neck, I had to sell it or sell some of my annuities whose income pays the alimony....I tell you I was not going to see the film—nor read one word about it—nor even admit that it exists. I sure mean it! But all the same I will always feel guilty.

Fortunately for O'Neill, he was able to assuage his guilt some time later when he received a cable saying that Jean Harlow, as America's foremost actress, wanted O'Neill, as America's foremost dramatist, to write an original screen-play for her. He was asked to reply as to terms in a collect cable of twenty words. His reply read: NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO, NO,.... O'Neill.

The constructive aspect of economic reward as a motivation for the writer should, of course, be recognized. Rudyard Kipling's biographer notes that when, in the first year of marriage, Kipling was faced with a bank failure and loss of all but $100, he merely turned more assiduously to his writing and soon recouped his fortunes as "lack of ready cash was no great obstacle to a man who could always

sell his wares." When James Joyce was a failing medical student, he turned to his writing as a means of earning a livelihood as a serious occupation rather than avocation. Undoubtedly, if writing was not a source of economic return controlled by the writer as business-man, we would find many an otherwise capable writer devoting his talents to currying favor with his subject—a form of prostitution of pen—rather than objectively setting forth his best efforts. The old saw that quality is most effectively produced by a starving artist in a cold garret is no longer accepted.

The adequately-fed-and-housed writer or artist can better devote his time to writing rather than to selling real estate or potatoes. He can fulfill the roles summarized by Susan Sontag as being quite apart from any economic motivation:

> ...the ego can be interpreted as the writer's need to communicate with the reader, to delay the immediate gratification of the inspirational vision through a barrier of language and form: while the super-ego represents the writer's most moralizing sense of submission to an artistic devotion inflated to the importance of religion.

The "super-ego" spiritual communion was described by James Joyce:

> This supreme quality is felt by the artist when the esthetic image is first conceived in his imagination. The mind in that mysterious instant Shelley likened beautifully to a fading coal. The instant where that supreme quality of beauty, the clear radiance of the esthetic image is apprehended luminously by the mind which had been arrested by its wholeness and fascinatedly by its harmony is the luminous silent stasis of esthetic pleasure, a spiritual state very like to that cardiac condition which the Italian physiologist Luigi Galvani...called the enchantment of the heart.

Although appealing, this "enchantment of the heart" cannot be regarded as the source of most creative activity in the field of writing and the arts. Nowadays, most copyrights are obtained not by the lonely artist submitting to a compulsion to express himself, but by persons, collaborators, firms, and corporations who have other motivations. Recently the President of McGraw-Hill called attention to the very prolific field of writing in science and engineering—a field which is very unrewarding in terms of direct economic gain, but satisfying in relation to other indirect economic motivations. We know that the busy scientist or engineer who spends some twenty years in producing his *magnum opus* writes for personal satisfaction and professional prestige rather than for the limited royalties involved. His indirect returns come in the form of promotions, better

jobs, and higher consulting fees. All of these, however, are consistent with copyright's power to control publication and publisher, and towards achieving the most prestigious presentation possible. The corporate publisher of scientific and engineering works must make substantial investments in preparing manuscripts for publication, often with only limited marketing potential, and he must retain economic control over selling price in order to justify his investment.

Many contemporary works are created by highly impersonal "authors" in the form of giant corporations employing dozens or even hundreds of individuals working under corporate supervision and control towards one creative result. Any modern motion picture, for example, may employ teams of writers, composers, lyricists and choreographers as well as executants in the form of directors, conductors, costumieres, make-up men, hairdressers and, of course, actors and actresses. The million-dollar film budgets now regarded as normal will not be invested unless maximum economic control over the product is possible. Accordingly, the "employee-for-hire" who is the actual author or composer for film works has only such rights as his contract provides. For copyright purposes the corporate employer is the "author," and retains the resultant privileges. Thus MGM keeps tight control over *Gone With the Wind* in order that no television showing diminishes the potential theatrical audience. Thus the corporate owner of *Around the World in 80 Days* could reject millions of dollars for television use of the film. Otto Preminger, on the other hand, could not restrain television showing of *Anatomy of a Murder* even on grounds that necessary cutting for commercials hurt the artistic integrity of his film, and George Stevens could not retain similar rights with respect to *A Place in the Sun*. Both suits were based on right to screen credit and integrity of work rather than copyright.

The right of control is a natural and essential part of copyright. Abraham Kaminstein, the Register of Copyrights, has said:

> Copyright as it now exists combines two elements; control and remuneration. Take away the first and you no longer have copyright; you have patronage. Within the next few generations I feel sure that there will be strenuous efforts in every country, developed as well as developing, to take the author's control over his work away from his copyright, or to restrict it sharply, leaving him with rights of remuneration on which limits are placed....

In the United States today we have several forms of copyright which carry no right of control. Any non-dramatic work can be

publicly performed if the performance is not for profit. (A municipal band playing in a park, or a poetry reading in school or club). In the highly commercial area of phonograph recordings, any musical composition can be recorded under a compulsory license of two cents per record once the copyright owner has permitted any first recording to be released. Juke-box use, or recordings for public performance—even though for profit—are also exempt from copyright protection under present law. This practice of exemptions and compulsory licenses of works otherwise under copyright is also utilized in a number of countries for permitting local translations with a view towards serving public demand rather than private ownership.

The general right to control uses of creative works is often recognized as essential if the artist is to be forestalled from figuratively emulating Gaugin—and destroying his own work. The world has copyright to thank for Pulitzer-prize winning play *A Long Day's Journey Into the Night.* Eugene O'Neill let the manuscript out of his hands only on written condition that it not be opened for 25 years after his death. His publisher, Random House, agreed to this condition and honored it after O'Neill's death, only to find that as the copyright devolved to O'Neill's widow upon his death, she insisted upon the release of the play for stage performance and for publication by Yale University Press.

The right of control of use of copyrighted works also encourages early and broader release of certain works. Curtis G. Benjamin has remarked, in connection with medical books, that:

> Frontier research must be proved and published in the professional journals and accepted conclusively at that stage before it can appear in medical books, for the physician and the public must not be given false information or false hopes.

Lord Macauley expressed another view of periodical publication not being available for book use without author's control. Upon learning of American publishers taking advantage of lack of copyright, he said:

> ....if they are to be republished, it is better that they be republished under the eye of the author and with his corrections rather than with all the blemishes inseparable from hasty writing and hasty printing....The public judges, and ought to judge, indulgently of periodical works. They are not expected to be highly finished. Their natural life is only six weeks. Sometimes their writer is at a distance from the books to which he wants to refer....He may blunder; he

> may contradict himself; he may break off in the middle of a story; he may give immoderate extension to one part of his subject, and dismiss and equally important part in a few words. All this is readily forgiven if there be a certain spirit and vivacity in his style. But as soon as he republishes, he challenges a comparison with all the most symmetrical and polished of human compositions.

This author's right to choose his medium is even more important in the highly diversified forms of media that technology makes available today.

The right to remain unpublished, or to limit forms of publication, is actually a right of privacy. In their precedential article on privacy, Warren and Brandeis cited copyright principles as follows:

> ...that the protection afforded to thoughts, sentiments and emotions expressed through the medium of writing or of the arts so far as it consists of preventing publication is merely an instance of enforcement of the more general right of the individual to be left alone.

Dean Chafee called attention to the perpetual right under common law (as distinguished from limited rights under statutory copyright) with regard to unpublished letters, as follows:

> The letters of James McNeill Whistler are lost to the world because a crabbed niece would not allow his chosen biographers to print them. Suppose that a new manuscript of Poe should be discovered tomorrow. His descendants could keep it hidden if they so desired and according to judicial dicta could do so forever.

Of course, as in the case of *A Long Day's Journey*, the heirs of a deceased author may also release for publication an otherwise unavailable work. Certainly, if property rights are to be respected in unpublished works, it is more desirable that society look to a living person for a negotiated release than to have to be controlled by a dead hand from the grave.

Society may also consider itself enriched by the very right of privacy and limited publication which, in the short view, may bar publication. At least, through assurance of privacy, the author is less restrained in his expression of thoughts. Professor Alan Westin, in his recent book on privacy, says:

> ...the democratic society is strengthened when individuals have a sense of personal autonomy since it produces traits that are desirable in citizens of a free state: independent thought, diversity of views, and non-conformity.

Each of these traits was admirably displayed in the 1968 statements on television following the President's State of the Union message, when James Farmer, ex-ambassador Reischauer, William

Buckley, Daniel Moynihan, Floyd McKissick and others engaged in a spontaneous give-and-take within minutes of the close of the President's message. "Spirit and vivacity" (mentioned by Lord Macauley so many decades ago with respect to periodical publication) were the goal—at the expense of symmetry, polish, research, and even logic. Undoubtedly, some of the participants would refuse to allow publication of their remarks, but there is no doubt that the dialogue produced on the spot was more valuable to the public than even the most polished and definitive printed statement. In this and other oral statements, the right of control may be a more essential motivation of public statement than is economic reward.

The right of control also encourages enrichment of archives for limited scholarship and historical purposes. Public official's papers are a frequent subject of archive storage but there are many others. The copyright office itself furnishes an archive function of unpublished lectures, dramas and musical works which are registered for copyright in unpublished form. Eugene O'Neill told the story of a particularly productive period of his life when...:

> ...thought I was God, I'd finish them and rush down to the post office to ship them to Washington to be copyrighted before somebody stole them...

The odd result, however, was that this early diligence in obtaining exclusive control by copyrighting unpublished plays was not matched 28 years later when he fought to renew the copyright and therefore permitted them to fall into public domain—where they were freely available in authentic preserved form and were published without his permission.

An admirable Library of Congress Archive project is its recorded-poetry collection. Among some 850 poets who consented to record their voices in the project are Robert Frost, William Carlos Williams, Langston Hughes, Marianne Moore, and Lionel Trilling. Yet the foreword to the catalogue shows that less than half of the recordings are available to the public. (Copyright only covers the poetry itself, not the performer's rendition, but it may be assumed that the Library of Congress has an obligation in the nature of contract with some of the individual poets not to release their recorded rendition.)

In the ever-changing balancing of the scales of public interest and private incentive, the courts have evolved some exceptions called "fair use," a concept best illustrated in the generally recognized right of critics and reviewers to quote portions of copyrighted works without asking permission or paying for the use. Chief Judge Leon

R. Yankwich of the California Federal District Court has cited the following considerations to be given in determination of fair use:

> . . . the quantity and importance of the portions taken; their relation to the work of which they are a part; the result of their use upon the demand for the copyrighted publications.

The interesting aspect of fair use is the risk involved by the prospective user. Of course a bona fide book reviewer can rely on fair use, but can a dramatist allow a character to enter on stage whistling a few bars of *Happy Days Are Here Again?* Can a magazine article describe a news event by quoting a few lines of a poem recited in a Courtroom? Even *Time* Magazine will often prefer to give a copyright credit when it might rely on fair use, but to the credit of the *New Yorker* it may be noted that it went to court to establish their rights to limited quotation in a non-fiction article involving the *Perils of Pauline.* The very nature of risk involved in fair use is what makes it flexible and appropriate to an ever-changing world of publication and new media.

Chief Justice Warren and Vice President Humphrey were in the audience when the United States Marine Corps band played, without copyright clearance some very impertinent variations on songs. The President was the butt in the following (sung to the tune of Davey Crockett):

> *Built himself a fortune through the FCC*
> *Lyndon, Lyndon Johnson, the buck-skin buccaneer*

And Richard Nixon was described to the tune of a Cole Porter tune:

> *I've got it under my skin*
> *The White House, Deep in the heart of me*
> *So deep in my heart it's really a part of me*
> *I've got it under my skin*

In this use of parody and satire, the Gridiron Club was in the company of Sid Caesar who was allowed to use portions of *From Here to Eternity* to the extent needed to bring to mind the portions of the plot that were the subject of satire and parody. Similarly, *Mad* Magazine was permitted to use limited portions of lyrics in "Louella Schwartz Describes Her Malady" (A Pretty Girl is Like a Melody) and "The Last Time I Saw Maris" (The Last Time I Saw Paris). The Court in that case noted that the Constitutional purpose of copyright is promoting the progress of art.

In this regard, the Court said that "financial reward is but an incident to this general objective" and that there is a fear that the art of parody, which has thrived from the time of Chaucer would be stifled if its propriety were tested entirely on the precise amount

appropriated from the original. "We believe" said the Court, "that parody and satire are deserving of substantial freedom, both as entertainment and as a form of literary criticism...many a true word is indeed spoken in jest."

As previously noted in the above discussion of the Constitutional basis of copyright, the *originality* of a work is a *sine qua non* of copyright. Judge Jerome Frank said, with regard to copyright, that "original" means that the particular work "owes its origin" to the author. This is to be distinguished from "novelty" or "newness" which is a requirement of the sister field of patents claimed by inventors. The distinction is interestingly put in an oft-quoted decision of Judge Learned Hand:

> ...if by some magic a man who had never known it were to compose a new Keats' *Ode on a Grecian Urn,* he would be an author and, if he copyrighted it, others might not copy that poem, though they might, of course, copy Keats'.

As far-fetched as this example may seem, the possibility of coincidental original authorship occurs frequently in cartography, directory compilation, photography, and music in its simpler forms. As we approach the days of electronic authorship through computers and in electronic music composition the frequency of coincidence of originality may increase. A computer can have an intake of a thousand earlier works and come out with a combined factual answer utilizing many different sources. Works of electronic music can merge, twist, bend and even develop themes and treatments of a hundred prior composers. The editorial work of earlier public domain sources can result in coincidental "original" editorship worthy of copyright to two or more "authors," but the more disturbing question is how is the original author of contributing portions to be identified, much less compensated?

Originality has not always been appreciated with the same fetish-like devotion that is now accorded through copyright laws. William Hazlitt said:

> Homer appears the most original of authors, probably for no other reason than that we can trace the plagiarism no further....

Goethe said:

> The most original modern authors are not so because they advance what is new but simply because they know how to put what they have to say as if it had never been said before.

Zimmerman, in a recent issue of *Musical Quarterly,* stresses the frequent plagiarism of composers as great as Handel with the ob-

servation that mercantilism had its effect in the world of art in the 16th Century when the publisher and not the patron sought economic return rather than communion with the arts. He searches back to the First Century for Quintillian's observation that:

> (there is) a universal rule that we should wish to copy what we approve in others...(and)...improve upon the good things and vie with the original in the expression of the same thoughts....

An early Supreme Court case, *Emerson vs. Davies* in 1845 held:

> In truth, in literature, in science and in art, there are, and can be, few, if any, things which, in an abstract sense, are strictly new and original throughout. Every book in literature, science and art, borrows and must necessarily borrow, and use much which was well known and used before.... If no book could be the subject of copyright which was not new and original in the elements of which it is composed, there could be no ground for copyright in modern times, and we would be obliged to ascend very high, even in antiquity, to find a work entitled to such eminence. Virgil borrowed much from Homer; Bacon drew from earlier as well as contemporary minds; Coke exhausted all the known learning of his profession; and even Shakespeare and Milton ...would be found to have gathered much from the abundant stories of current knowledge and classical studies of their days....

As previously noted, copyright is a privilege granted by the government in order to motivate original expression. As such, there is a continuing need to observe that copyright maintain its function of incentive of artistic expression rather than to hamstring other creative expression. Principals of fair use and compulsory licenses assist this delicate balance of interests but the law of the market place is of even greater importance in supplying copyright clearance for the ever growing variety and volume of derivative uses.

The current Copyright Law Revision Bill now before the Senate defines a "derivative work" as:

> ...a work based upon one or more pre-existing works, such as a translation, musical arrangement, dramatization, fictionalization, motion picture version, sound recording, art reproduction, abridgment, condensation, or any other form in which a work may be recast, transformed or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a "derivative work."

Familiar examples of derivative works are *My Fair Lady, South Pacific,* and *West Side Story* of the Broadway stage; the television adaptations of *Batman* and *Charlie Brown* comic strips; motion pic-

tures such as *Gone With The Wind* and *Around the World in Eighty Days,* and the numerous translations of books from abroad. There are two sides of the question of copyright in each derivative work; the right to make the new version in the first place and the right to stop others from copying the new version in the second place.

A promotional statement used during the recent Canadian *EXPO 67* described a modernistic conglomerate as "a fusion of sound, film, and architecture designed to bounce the participant and make him rummage through his mind and spirit." This combination of the arts and its goal of making the observer a "participant" through his "mind and spirit" brings to mind the definition of culture offered by Ortego y Gassett—"that which a man has in his possession when he has forgotten everything that he has read."

Derivative works often do no more than bring to mind a forgotten plot applied to modern times, such as *West Side Story* or *Damn Yankees*[2]. Jerome Kern was found to be sufficiently cultured to have a sub-conscious plagiarism in the writing of *Dardanelle* and undoubtedly many a creative author or composer finds similar difficulty in distinguishing inspiration of the muses from appreciation of an earlier work.

Culture has a way of absorbing and digesting bits and fragments of musical, literary and artistic expression into an accumulated fund from which it is difficult to distinguish originality from copyrighted works and works of public domain. Susan Sontag has noted that the accumulative nature of knowledge which we used to restrict to science is tending to appear in the arts as well. She has pointed out that:

> ...Art does not progress, in the sense that science and technology do. But the arts do develop and change....The most interesting works of contemporary art are full of references to the history of the medium; so far as they comment on past art, they demand a knowledge of at least the recent past. As Harold Rosenberg has pointed out, contemporary paintings are themselves acts of criticism as much as creation. The point could be made as well of much recent work in films, music, the dance, poetry, and (in Europe) literature. Again, a similarity with the style of science—this time with the accumulative aspect of science—can be discerned.

Miss Sontag has found that much of modern art's creative role is in the "idea and concept." This is the very thing that copyright is designed to *exclude* in the interest of motivating an expression of the idea and concept in concrete form.

In the light of cultural and technological changes, we must be

continually aware that the line of demarcation between creative author and cultural consumer is becoming more of a penumbra. Creative roles are more frequently recognized in the *user* whether he is a film producer, opera director or recording artist—and the original author, for his part, is often closer, through tape recorders, xerox machines and other technical instruments, to the bald purveyor of ideas. It may be that copyright has been purposely kept narrowed to the chain of title attributed to the basic expression because of difficulties of tracing and of bookkeeping. Perhaps computers can assist in broadening this aspect to include other recognizable creative participants. It may also be that some historic or romantic notion of lonely artists working independently helps to preserve the right of copyright owner from stopping further development of his brain-child (as distinguished from the world of patents) but there too, a simple analysis of registrations will show the corporate and partnership status of most works registered, and the resultant reduction in principles of inviolable paternity. The question remains as to whether mere financial return under fair distribution principles would suffice if copyright were broadened to reward all creative participants and to permit maximum permutations. ASCAP and BMI, the music clearing houses that control nearly all copyrighted music in the United States are demonstrations of the minimal or non-existent demands other than fair compensation once a work is initially released to the public. Also, the compulsory two cent license for phonograph reproduction of music—with a resultant maximum variation on any one theme regardless of original owner's taste—has not worked noticeably against the public's cultural needs despite a few rock-and-roll versions of old standards.

The end question remains whether ideas which have reached public acceptance (through protected expression) enough to become part of a national culture are to be the sole province of the purchasers of copyright or of those authors who manage to keep ownership in themselves. If the market place is sufficiently active, it would seem that the limited term of copyright is a safe period of mercantile monopoly; but when the owners refuse to show up for trading in the market, we might consider—when public need is evident—applying the same principles of eminent domain that are available in real estate.

NOTES

1. The lyric of a song sung by Danny Kaye and written by Sylvia Fine illustrates the problems of idea acknowledgment. In describing a presentation of "Manic Depressive Pictures", the lyrics state:
   "Screen play by Glotz, from a stage play by Motz, from a novel by Sock, from a story by Block, from a chapter by Rock, from a sentence by Stoke, *from an idea by Croak, based on a Joe Miller joke.*"
2. *Damn Yankees* as a Broadway play gave appropriate credit to being based on the play *The Day the Yankees Lost the Pennant.* They neglected, however, the earlier credit to Goethe's drama, *Faust* which was the basis of Gounod's opera and Thomas Mann's novel and which, in turn, was based on Christopher Marlow's *Dr. Faustus* which was also the inspiration of a Rembrandt etching and a cantata by Marius.

IN MEMORIAM — BILL McANDREW

...When an event occurring in one part of the world can be bounced off a satellite into our living room, we want to be sure that men of integrity and broad vision are focusing our attention on what is of real significance....By placing the direction of so vital a matter in the hands of men like you, the television industry has shown that it recognizes its responsibility to mankind. We honor you for your mastery of a new and powerful instrument of communication. What is of greater importance to all of us is that you have consistently used it to enlighten Americans about their own history as it is being made.

—Citation read upon the
awarding of an Honorary Doctor
of Journalism degree to
William R. McAndrew.
Providence College, June, 1967

William R. McAndrew, then-President of NBC News, died on May 30, 1968. He was 53.

Bill McAndrew's career in news dated from his college days at Catholic University in Washington. He worked on the school paper and was a part-time reporter for the Washington *Herald,* before he was graduated with an A.B. degree in Economics in 1935. His first full-time news job was as a copyboy with United Press. He was soon promoted to reporter and covered Washington stories varying from kidnappings and murders to Senate hearings on the veterans' bonus and air safety.

He remained with UP for two years, then moved to NBC News in Washington as news editor and managing editor of the *Esso Reporter* radio news program on Station WRC. During the next four years he held various editorial jobs in the Washington bureau, then left to become Executive Editor of *Broadcasting Magazine* in Washington.

Early in 1942 he became Chief of Information for the Board of Economic Warfare. Six months later he joined ABC in Washington as editor for news broadcaster Earl Godwin. In January, 1944, after 18 months with ABC, he returned to NBC News, taking over direction of the Washington news bureau.

In 1949, he was promoted to Station Manager for the NBC Owned Stations in Washington, WRC-TV and WRC, and in 1951 was assigned to New York, where he became Manager of News and Special Events for the NBC Television and NBC Radio Networks. He was named Director of News in 1955; Vice President, NBC News, in 1958; Executive Vice President, NBC News, 1961, and President of NBC News in 1965.

MAGIC, MYTH, AND MONOTONY: MOVIES IN A FREE SOCIETY

BOSLEY CROWTHER

Make no mistake about the movies. In pursuing an examination of the functioning and effects of mass media in a free society, we must commence with a clear understanding the movie medium is essentially engineered to provide the people with entertainment indulgence escape. It is unwise and deluding to tackle movies with the idealistic thought that we can find in their commercial organization and production some ardent impulse to make them flow into forms that will have social purposes and values of an educational and soundly humanizing sort.

The prime aim of movie-makers is to catch the customers, to provide them with distraction and enjoyment by means of representations that conform to the customers' calculated prejudices and interests or their tolerance for surprise, and thus send them forth contented that their tastes and intelligences have been satisfied. The prime aim of moviemakers is to give you what they think you want—you being a thousand million people in this country and all over the world.

I am not being critical, at this point. I am not trying to denigrate and taunt a great device of communication that serves a

BOSLEY CROWTHER'S years of service with the *New York Times* has ranked him among America's most distinguished film critics. The essay here is based upon a transcript of Mr. Crowther's address to the recent *William Allen White Seminar* at the University of Kansas.

recognized purpose in a difficult world. Keeping the natives contented in their established environments has always been a function of merchants, as well as governments. And surely exercise of the privilege of seducing one's fellow man—or woman—with distracting enticements is respected in a free society.

To justify movies as ingenious commercial enterprise is not enough. We must assay the marginal service they are doing and have done over the years more than entertainment to people—in bringing enlightenment and enrichment to lives that are presumably needful of the felicities in a crass society. There is also the exploration of the possibilities and likelihood of this medium doing more to expand the awarenesses of people and help them live more fully and productively in the years ahead.

Now I must note that by this presumption of a function for movies above and beyond the simple one of giving entertainment, we are putting ourselves in the way of having to make and support value judgments that may tax our logic a great deal more than we suspect. Let us remember that we are not coming to this question of the role of movies in a free society as though this were the first time the question had ever been asked. Since the very beginning of movies, earnest people have solemnly inquired what are the effects of this medium and what are its social responsibilities.

Preachers and educators, social scientists, and critics have asked what are the movies doing to the people—or *for* the people. Are they helping to uplift and educate? Are they providing something more than entertainment? Are they providing wholesome entertainment? That is the word!

I emphasize this point very clearly because I want to establish the fact that the movies are probably the most closely examined and frequently challenged medium we have. Although they are under no obligation by their cultural nature to communicate fact or truth, as presumably is the press, and they are certainly under no compulsion to perform the responsibilities of preachers and teachers in leading people in the paths of righteousness, they have been constantly called upon to perform these functions and assume these responsibilities. The movies have been candidly expected to be everything from a truant officer to an Art.

Therefore we must proceed with caution and care in defining our expectations of this medium, if we mean to be reasonable and fair. And we must also be sharply realistic in recognizing what movies actually are. At the risk of being somewhat preceptorial, I

would like to make a hasty review of the history and expansion of this medium.

When movies were first exhibited to the public, they were magic—sheer magic—only that. They were an experience so novel and amazing that the thrill of looking at them (of seeing pictures actually moving before one's eyes, out of context from all experience of nature) was all anybody wished. Those were indeed the days when the *medium—just the medium—was the message.* That was enough. Thousands, even millions of people, were fascinated by the magic of random images moving on a screen.

But the novelty of mere movement didn't last long. Repetitions of railroad trains rushing at you or school girls skipping rope or factory workers coming out of factories soon became quite monotonous. Thus occurred the first indication of a phenomenon that has been persistent in the commerce of the screen: the pertinent peril of transition from magic to monotony.

How to use the magic medium to provide the public with something that would entice and maintain its interest was the problem of the inexperienced men who operated the funny little cameras. And, of course, they soon came up—quite by chance—with the telling of little stories that were essentially myths.

Folk stories they were, simple fictions right out of the cheap literature that was familiar, understood and indeed demanded by the great majority of Americans. The magic movies became a mechanism for manufacturing and communicating myths: the myths of their fictitious contents and the myths of the heroes and heroines they evolved.

It is a safe guess that 99 and 44/100ths per cent of the movies made in the United States and in the rest of the world, for that matter, since *The Great Train Robbery* have communicated myths of one sort or another. They may have been grossly myths, or they may have been myths that came so close to the romantic ideals, heroic concepts and wishful thinking of the great middle-class that most of us were delighted and moved by them and regarded them as revelations of truth. Or they may have been myths of such conspicuous and charming fantasy, such as the films of Charlie Chaplin or Walt Disney, that we found joy and reassurance in them.

There is no need to run a lengthy recount of the formulae of these myths: the convention that the good guys beat the bad guys in every crucial showdown of strength; that the good girl gets the

good guy away from the bad girl, at the end; that every American soldier is basically a hero, that our country always wins its righteous wars. I challenge anyone to analyze any movie—any fictional movie, that is—with rare exceptions, and not find it a compound of a convenient and comforting middle-class myth.

Even those films we have called documentaries because they have appeared to organize and show up facts—and those obsolete items known as newsreels— have been generally tinctured with myths because they have propagandized along lines of wishful thinking or they have mainly catalogued the happier aspects of our lives, such as beauty contests and horse races. The screen has rarely been a conveyor of trenchant truth, of the real natures contained in men and the frequent injustices and ironies of society as they exist.

And even if there did come a filmmaker who wanted to manifest such things—who wanted to shock and disturb the preconceptions and the illusions of the middle-class—we have had laws and regulations to restrict and control exposés. The mechanisms of statutory censorship by which the movies (and *only* the movies) were rigidly bound in this country after 1915—right down to within the past few years—kept filmmakers from putting forth concepts that were really anything more than myths.

Indeed, I have often wondered, if we had had no statutory censorship—if anybody had been free to manufacture or merchandise any sort of film he wished—I have wondered if we would not have still had pretty much the same sorts of films—the same purveyance to a middle class market, with its prejudices and tastes—as we did. For the Screen Production code, which was adopted to regulate the output of Hollywood—to force it to accept moral strictures was the consequence of reaction to the pressures and demands of citizen organizations that insisted upon their middle-class myths.

The defense of the Code during its dominance was that it enforced some social values on films. But it did not do that. It simply forced a nervous adherence to the parochial canons of its administrators' taste. For instance, they didn't think divorce, abortion or miscegenation were respectable. Therefore these things could not be shown as advantageous in a movie, and they could only be suggested in the most carefully guarded terms. There were dozens of other obfuscations of reality supported by the Code.

This is not saying that there weren't some good movies—some very good, entertaining ones—made under these restraints of middle-

class taste and regulations. But for all their glints of realities—as in *The Grapes of Wrath,* for instance, or in the ironies of a *Citizen Kane*—they were pragmatically designed to arrive at resolutions that perpetuated sentiments and myths.

So the first burst of sheer movie magic was followed by a long period of profitably merchandised myth, which only showed its mechanical obsolescence and its aesthetic monotony when radio came along. The magic and myths of silent movies were sufficient all through the First World War and into the 1920's. Then the sounds and voices that came out of that little radio provided the public with a new kind of magic, and the monotony of movies without voices crept in.

Because of the radio, the movies were in a calamatous state—virtually dying for lack of attendance—when they were miraculously saved by the magic of sound. The fortuitous injection of talking movies brought a new aesthetic dimension and excitement to the screen. Attendance boomed, even though the Great Depression soon followed. The rotation from magic to myth occurred again. For even though many new subjects and devices of story-telling were allowed by dialogue and sound in movies, the contents continued to be myth. Poor Clark Gable married rich Claudette Colbert in *It Happened One Night.* Scarlett O'Hara regained Tara in *Gone With the Wind.*

This historical rotation of magic, myth, and monotony represents the basic pattern of the cultural and commercial progress of films. And its cyclical swing has been commanding right down to the present day.

What happened when a totally new magic called television came after the Second World War? It completely preempted the public's time, and quickly exposed the monotony of the conventional, repetitious theatrical films.

Most people assumed television was a new medium. It wasn't at all. It was and is motion picture projected in the home instead of in a theater. True, the material projected by this means and the commercialized programming of it is somewhat different from the material and techniques of movies projected in theaters, and it is given the distinguishing name of Video Broadcasting. But it is movies, all the same, and its fascination lay at first in its magic—in the marvel of being able to sit at home drinking beer, eating pretzels, and watching movies for free. As Alfred Hitchcock once said: "The invention of television was like the invention of inside

plumbing. It did not essentially change the impulses of the individual. It simply made the accomplishment of the impulse more convenient and comfortable."

Good taste and critical judgment of the mass audience had nothing whatsoever to do with the encouragement given television. If good taste and critical judgment had ruled, the device would have died aborning. It was simply the magic of the thing.

But again the theatrical movie lost its audience to an alarming degree, and again it was only saved from disaster by the chance uncovering of another magic of its own. That was the fascination of the giant, pseudo-three-dimensional screen—which allowed for the projection of images of a massive and thrilling size. This device quickly capture public enthusiasm, and its felicities were spread through several large-screen techniques of a nature that induced the making of mammoth spectacle films.

So again through mechanical magic the theatrical screen was miraculously saved from what was, by turn, becoming the monotony of TV. But it was notable that only an occasional movie—maybe one out of five—aroused public interest and enthusiasm to the point where it became a hit. This new aspect in the rotation (this discovery that the incidence of theatrical hits, money makers,) was reduced by the contention of the also myth-projecting TV-caused decay in the ranks of movie-makers and movie merchants, and they diligently sought to change or spice up the content of movies so as to pull the customers out of their homes.

One was the costly production of bigger and grander spectacle films—which, of course, were but further penetrations and projections of the platitudes of myth. Another was the exhibition of carefully picked foreign films which had bold and uncommon dramatic content and were usually laced with surprising discoveries of sex. These brought on stern action by the censors, and this led film importers to bring court actions against statutory restraints. They were successful, and the barriers of censorship were progressively broken down.

In turn, American film-makers injected their films with more elements of sex and compelled what we called a liberalization and now virtually an abandonment of their Production Code. Customers were attracted. A new series of myths about sex was launched. And the redundance of entertainments of this nature was headed towards another rotation of monotony.

I have dwelled upon this pattern—this cyclical flow of films—because I know this is a fact of movie commerce that no immediately foreseeable changes are likely to break. Right now we are seeing television competing with theatrical films by presenting home viewers with old movies of comparatively recent vintage and quality. This is indeed an amazing and amusing irony: the Box making capital of the relics of its older and more eminent peer.

The already evident rejoinder of theatrical film-makers is to come out with even bigger, more elaborate, more myth-pushing spectacle films—as, for instance, the extraordinary line-up of big musicals that we will be seeing later this year. Also evident is a move by producers to bring a new magic to the theatrical screen by adapting some of the multi-image techniques that were so sensational in film exhibits at *Expo 67* last year.

While in Hollywood the other day I was given glimpses of two almost finished films that use uncommon and pictorially dazzling compositions and sequences of many images piled together at the same time within the panel of the large screen. The purpose is to compress information in these quick composites and multiply the intellectual and emotional effects. Other films using these techniques are being started. So perhaps here the cycle starts again.

By this insistence on the cyclical pattern in the history of films, the significant fact is that mechanical innovation more than any essential improvement in dramatic content and social philosophy has accounted for the continuation and apparent progress of the commercial movie in our free society.

Caught between the fundamental cultural pressure of the mass audience for entertainment that is fashioned on myth and the constant demands of a galaxy of theaters for more and more product that they can merchandise, the never too intensely philosophical filmmakers have been prevented from exercising their skills on precisely true or bravely penetrating dramas. They have been pushed too often in the direction of mediocrity and thus eventual monotony.

This is the case with the great bulk of our movies—and it is this great bulk, of course, which has spread its coating of myth and deception over our willing society. The great majority of our American movies and many of those we have imported from abroad have done nothing more than assist our self-indulgence and support our eternal optimism and complacency. If any one charge of malfeasence and culturally criminal negligence can be brought

against the movies, it is that they have failed to present us and pervade us with realization of our trueselves and of the world in which we live.

How much have movies really shown us and told us of the complex nature of the mind and the impulses of man? How much have they informed and enlightened us about the horror and futility of war? How fairly and comprehendingly have they hinted at—much less dramatized—the existence and the monstrous inequities of the race conflict in the United States?

As for the complex nature of the mind and the impulses of man, what the movies have given us has been largely a reflection of our comfortable middle-class myths. Man is often cruel and villainous, full of selfishness and greed. But that sort of man invariably gets his comeuppance. The good man—the man for all seasons, or maybe just for the football season—prevails.

Even Citizen Kane, who is probably the most complex and challenging character ever contemplated in an American film, was shaped for us as an arch and ambiguous monster for whom an understanding and sympathy were developed only through the middle-class fixations that he was industrially ambitious, and he was in love with a sled when he was a little boy.

Our few and tentative explorations into the dark, subconscious chambers of the mind (which is an area, of course, that is known by scientists to be most productive of the vital impulses of man) have been mainly in the nature of melodramas—science-fiction, almost—the best of which would probably be Hitchcock's *Notorious* and *Psycho*—the worst of which, some of those mad-doctor things with Vincent Price.

And to show just how antipathetic our mass audience would likely be to any American film that honestly invaded the most noxious and noisome chambers of a troubled mind, I cite the general indifference and even hostility in this country to the series of brilliant Swedish films made by Ingmar Bergman, in which he explored several aspects of psychopathia. Particularly, consider the disgust that was indicated by many people who did give brief support to Bergman's recent *Persona* and his earlier *Through a Glass Darkly*. These were films in which he probed sexual and psychotic aberrations—incestuous and lesbian impulses. Revolting, too many people said. But the pathetic perversion which is covered by the term lesbian will not be seen and dissected in an American movie—maybe never—as sensitively as it is in Mr. Bergman's

pictures. And even if it were, the film wouldn't have much chance with the American audiences, outside of the metropolitan and university areas.

We are interested in sex—oh, yes—in movies, but it has to be what is called "nice, clean, *wholesome* sex" like Bonnie giving her pure, white body to a temporarily impotent Clyde, then feeling romantically frustrated and having to content herself with Clyde's left-behind pistol, smack of Freudian symbolism that not too many wholesome people got.

I have often criticized too much sex in movies when it was dragged in for mere sensation's sake. I have never criticized it when I felt the purpose and the achievement was to use it to comprehend and reveal the genuine appetites or hang-ups of characters, as was done in such films as the Swedish *Dear John* and the Anglo-Irish *Ulysses.*

As to the impact of showing sex in movies, or playing around with sex themes, I feel it better when these things are treated frankly than when they are treated with sly suggestiveness and peek-in-the-bedroom leers. The manner in which the affair of the young man and the older woman in *The Graduate* is handled is one of the more honest, mature and moral details I've ever seen in an American film. Here we know what is happening, we are made to sense the the physical sloppiness of it, and we are led to realize the boredom of the woman and the significant disgust of the young man. I have been greatly heartened by the way a myth is put forth and exposed in *The Graduate.*

My concern about too much sex in movies—too much phony, clumsy, leering sex, that is—is that it's simply artless and tasteless and as gauche as someone using dirty words. It's like kids ogling nudie postcards, a juvenile pastime they have to outgrow. And I'm not too fearful that the seeming excess of this in American and foreign films these days is likely to corrupt young people or encourage any further loosening of moral restraint. I suspect it is likely to generate an eventual mass monotony, not towards sex, but towards these movies about sex. As Samuel Goldwyn once said, "Sex will outlive all of us."

I also asked a moment ago how much our movies have informed us and enlightened us about war. How much have they made us sense war's horror, its degradation, dehumanization, and futility? In almost any American war film—from *The Big Parade* back in the silent films to Frank Sinatra's *Von Ryan's Express,* or *The*

Dirty Dozen or John Wayne's *Green Berets*—the public will see a film that may show the brutality and gruesome discomfort of war. But they'll also see the fellows they're made to root for as heroes, and they'll be led to have a vicarious satisfaction in the soldiers' triumphs or sacrifices if they are killed.

Outside of a few films such as the French *La Grande Illusion* and Stanley Kubrick's *The Paths of Glory*—which grimly said that war is madness and the forcing of men into it is folly and injustice of the most inhuman sort—the run of war films is aimed at supporting the popular myth that war may be hell but it is one of those things that good fellows just have to do for their country every now and then.

Right now, of course, we are seeing a lot of war pictures on TV—actual news shots of fellows slogging, fighting and dying in Vietnam. While this is valid information as to the nature and the anguish of that war—and most of it is presented to make us sense how dismal it is—the endless repetition of these pictures almost every night tends to numb the nerves and weary the emotions and put the constant viewer into a state of apathy. What's more, the showing of them right there in the Box, alongside cigarette commercials and serial dramas of the most banal sort, reduces them to the shock importance of—let us say—an automobile collision in *Peyton Place* or the heroic suffering and dying of men in *The Bridge on the River Kwai*. Somehow, I fear the illustration of war in Vietnam merges the reality of that sad conflict with the unreality we safely endure in our war-film myths, and we are not quite sure—or care, in some cases—whether we are seeing the fighting in Saigon or the blowing up of the bridge on the River Kwai. In short, our war films of the past have not prepared us for revulsion to the war in Vietnam—revulsion of the sort that many young people, and many of us older ones, have learned from other sources of enlightenment about war.

Neither have movies shown us—except in a few documentaries of late, and in one or two minor feature pictures—the immensity and the tragedy of the long drama of racial injustice that has been occurring in our midst. Only a half-dozen or so movies have forcefully dramatized some of the surface aspects of racial conflict and discrimination in the United States. There was *The Defiant Ones*, some years ago, with Tony Curtis and Sidney Poitier as two chain-gang convicts who have escaped and are shackled together so they have to co-operate, even though filled with mutual hate. There was

Intruder in the Dust, a splendid picture about a white boy saving an elderly Negro from a threatened lynching in the South. There was *Nothing But a Man,* a moving drama of a young Negro husband who can't get a job. There have been others, but not many—certainly not enough to illuminate this most cruel and ironic situation in a free society. Nor enough to make us aware of the many natures and the many problems of Negroes, as we have presumably been made aware of the whites'.

In this connection, I am happy about the recognition and success that have come to Sidney Poitier as a fine performer, but I am worried about the stereotype of the strong, valiant, never failing hero that he is being called upon to play. The man he is in *Guess Who's Coming to Dinner,* and even in *In the Heat of the Night,* is but an extension of the sentimental figure he was in *To Sir With Love* and *A Patch of Blue.* This is again a calculated adjustment to the prevalence of middle-class myth. This is the standard ideal of the *Good Negro.* Next they'll have Mr. Poitier playing James Bond.

What this shows is the disposition of the average movie-goer to commit himself—to allow for self-involvement—with the attractive or the romantic type. Commitment to the unattractive—to the antisocial or even the psychotic type—is much more difficult and reluctantly extended by American audiences.

There has been no reluctance whatsoever by millions of people to let themselves become involved with the comical, sentimental delinquencies of *Bonnie and Clyde.* Two rollicking, fun-loving youngsters who just happen to rob banks and kill people are allowed to be part of the current myth of liberated and just possibly misguided youth. And when these two people are gunned down by the nasty, sadistic police, it is accepted as a poignant demonstration of crime—no matter how unintended—doesn't pay. The taste for *Bonnie and Clyde* is one of the strangest manifests of sentiment I have ever seen.

On the other hand, very few people will commit themselves—not even their minds—to the ugly pair of dark, inexplicable murderers that are represented so accurately and relentlessly in the film *In Cold Blood.* Here is a study and a drama that does show us something of the madness in our world, something of the kinds of dangerous people that are running loose, something of the terrifying weaknesses of our protective systems to prevent. This uncomfortable film shows too clearly the aberrant and animalistic nature

of too many human beings. As from some of the films of Ingmar Bergman, people turn away from this one in disgust.

Mention of these two pictures brings up a matter that has been startlingly conspicuous this past year and of great concern to many people. That is the excess of violence that has been evident in films—the calculated displays of raw aggression, sadism, hurt and shock. Oddly enough, there is an artful minimum of actual graphic show of the commiting of violence in *In Cold Blood.* The four mad murders are not literally shown—just the events leading up to their occurrence. Thus the imagination is that much more intensely fired.

But there is plenty of bloody, nauseous violence in the playful *Bonnie and Clyde* and a hideous amount of gruesome sadism in *The Dirty Dozen,* culminating with a roomful of Nazi officers and their women being bathed in burning gasoline. There is torture in a film called *The Penthouse,* vicious cruelty and killing in one called *Point Blank,* terrorism and hurtful tormenting done by two hoodlums abroad a subway train in a little item called *The Incident,* and nice chunks of extra rare violence in any number of other films.

Why this sudden deluge hit us all of a heap last year—and is continuing into this one—is not altogether clear to me. It may be because the film-makers, the trend-following film-makers, were very impressed and inspired by the amounts of fantastic, grotesque violence there was in the successful James Bond films, and decided that this sort of stimulation was what the mass audience currently desired. This is my only explanation for it. And this theory may be supported by other evidences that the public is commiting and tolerating other violence in actuality and in myth. Anyhow, the deluge of it in movies, just at this critical time, has been exceedingly unfortunate, to my mind, a way of communicating and stimulating violent emotions that has not helped matters in the least. To be sure, I am not able to prove this—as we never have been able to *prove* that movies alone—or what is in them—primarily inspire behavior patterns and essentially affect our ways of life.

I can only retell, for instance, that at a showing of *Bonnie and Clyde* in a Broadway theater, I saw and heard young fellows around me stomping their feet and squealing gleefully when the policemen were shot in the ambush scene and, at the end, when Bonnie and Clyde were mowed down. Evidently there have been great changes in public values and tolerance of shock in the past few

years, and maybe movies have been but reflecting such change. But I wonder whether this is an accurate estimation of the larger public sense of rightness and desirability. I ask whose ox is being gored.

This is a hasty, sketchy survey of what our movie communication is today—that is, in the major, dominant area of the theatrical commercial film. I have not made more than passing mention of minor kinds and uses of films—that is, in the line of documentaries, industrial, educational films. In these areas, some exceptionally constructive and encouraging things are being done. The device of the motion picture is being employed to make films that shed light, agitate thought, study behavior and generally educate.

An example of such picture-making is an excellent documentary called *A Time for Burning.* It is a literal, on-the-spot account of the confusions and reactions in the congregation of a Lutheran church in Omaha when the young minister tried to get his white parishioners to associate on a social and parochial level with members of a Negro Lutheran congregation in the same city. It is a startling, devastating and sad revelation of middle-class behavior in the face of this burning issue of integration and humanity in these difficult times.

Not many people saw it, for its producers have had a difficult time getting distribution for it. It was shown briefly in a commercial theater in New York, and it has been shown on educational television—several times, here and there. It was also up for an Oscar this year, but it didn't win. This is an example of the limitation of communication by movies of this sort in our free society.

What of the future? What progress or changes are likely for movies in the years ahead?

The most hopeful prospect for advancement, to my way of viewing it, lies in the expanding areas of interest and exhibition of films in the schools and colleges. The great phenomenon we have seen in the past decade of young people discovering cinema, not as we did when we were youngsters—in the front rows of our neighborhood theaters, watching Tom Mix or Humphrey Bogart—but in the theaters that have been showing foreign films that offer kinds of entertainment and attitudes considerably different from those of Hollywood. It is this growth of student interest, begun in the metropolitan universities and areas, and now spreading to colleges, universities and high schools all over the United States, that has encouraged the opening of film societies and

the distribution of special films—new imports, old imports and American classics—on hundreds of campuses. Thus a new appreciation of motion pictures and new values are being spread. Film-making is being taught in university courses, and an expanding body of student-made films is now finding circulation on the college circuit. The ferment is intense.

My only concern about it is that it may encourage too many dilletantes—too many students who use cameras the way dilletantes in the past used paint. In a sense, this surge of excitement about movie-making by students may be but an extension of elementary school show-and-tell. Students may simply be demonstrating their precocity with movie cameras the way we kids used to demonstrate our precocity with hand printing-presses and saxaphones. That may be all right. Out of this, some artful and skillful film-makers may emerge. And certainly the appreciation of motion pictures that is being spread is splendid.

Some highly ambitious and esoteric experiments in the usage of films for exciting and educating large masses of primitive peoples are being carried on by the National Film Board in Canada. In this sort of thing, and in the possibilities of computer-tape and long-line distribution of education films to school systems all over the country, there are prospects of progress with this medium.

I suspect, too that the whole system of distributing commercial films in theaters may be radically changed with the ultimate perfection of a system of pay-TV. Feature films in the home—*without commercials* and with higher production qualities could be the next big move of magic to shake up, even so briefly, the inevitable slump into the next phase of monotony.

But this, of course, is likely to bring upon us the burden that has not been fully shed—that is the burden of control of film content by some statutory agency. The present threat is what is called classification—the idea of judging and grading films as to their suitability for children. And this is but another way to impose the tastes of the middle-class preceptors and their censors on a free society.

I cannot be brightly optimistic about the overall improvement of movie culture. I know that the big periods of expanding energy in the content of films have come only after great and even calamitous crises in human affairs.

Perhaps we may have to undergo some terrible passage through a valley of social strife—some further upheaval—before we or our children witness an essential change in the culture of films.

And yet I continue to go to movies—to study and indeed enjoy them, even when I may be sitting there steaming at the things in them that cause pain.

Perhaps I am like the husband of the lady my wife overheard talking to another lady in a beauty-parlor one day. The other lady had asked her friend whether she had seen the film called *God Created Woman,* which was showing just at that time. *God Created Woman,* was a sensational French film with Brigitte Bardot, and it was of such a nature that there wasn't any question that its principal character *was* a woman.

"No, I haven't seen it," said the lady. "But my husband saw it the other day in New York. And he was shocked by it—absolutely shocked. Indeed, he was not only shocked the first time he saw it, but he was shocked the *second* time, too!"

Well, I'm sure we'll all keep on going to movies, and I daresay we'll keep on being shocked.

BOOKS IN REVIEW

Edward Barry Roberts. ***TELEVISION WRITING AND SELLING.*** Boston: The Writer, Inc., 1967.

Some men blow their brains out with a gun. Some struggle for oblivion by swimming out to sea. The masochists, however, who are dedicated to an eternity of suffering, become free lance writers. For that growing brotherhood, I recommend this new revised edition. It is an excellent how-to-do-it manual and a fine college text.

Obviously no one can "teach" writing in the sense that he can teach accounting. What can be done is to spell out basic techniques of the craft. A good craftsman can earn his living at writing and some may go on to become creative artists.

Roberts understands the nature of writing for television and more important the problems of selling. He has been in the business as a writer and editor long enough to know all its pitfalls and hardships. He doesn't try to make writing a romance between man and his typewriter. I suppose anyone who has met more than 3,000 writers and read more than 40,000 scripts without losing his enthusiasm has to damn well love this crazy business.

Roberts covers every step a young writer must take in order to sell a script. He demonstrates the difference between a play that can be done "live" and one that can be put on film. And although he deals in basics, he is not condescending. He answers the questions I have heard hundreds of times. What form do you use? How do I get an agent? What kind of story will sell?

Some critics might tag Roberts as old-fashioned. He is a fundamentalist who still believes in the unities of Aristotle. But he is quite capable of understanding a happening or enjoying *Hair*. He just knows that *Hair* won't be sold to television this year. Much of what he says has equal value for anyone writing for the stage and screen. Roberts, however, never forgets that his book is a manual for television writers.

For me his most interesting and instructive chapter deals with the adaptation of Lawrence Edward Watkin's novel, *On Borrowed Time,* into an hour-long television drama. "The novel names forty-two characters, major and minor," Roberts explains, "and literally hundreds are mentioned and inferred, so that the feeling pervades that a whole town and its citizens are parts of the story."

The television play presents only ten characters, Roberts writes. In order to make the drama effective, Roberts breaks the action into its component plot elements and shows how the story grows out of these parts.

In every business the man selling his product must know the quirks of those in a position to buy. Roberts lists some of the mistakes young writers make that antagonized him as an editor.

He cautions writers not to get panicky when they don't hear from the editor after 48 hours and reminds young playwrights that "sometimes as many as fifteen people must read a script before it is bought."

The list of cliché stories and cliché lines might be funnier if we professionals weren't so self-consciously aware of our own overuse of the tired situation and

plot. The professional likes to believe that it is no longer a cliché because he has given it a fresh treatment. After all what is the story of Romeo and Juliet, but Abie's Irish Rose? Still Roberts' warnings make sense for the young writer.

Throughout his book, Roberts emphasizes the writer's responsibility to make the material he chooses acceptable and believable to the audience.

More than that, Roberts agrees with William Faulkner who said, "I believe that man will not merely endure: he will prevail. He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance. The poet's, the writer's duty is to write about these things."

And even for the writer in television, these things must not be forgotten.

Syracuse University Martin Fass

D. A. de Korte. ***TELEVISION IN EDUCATION AND TRAINING.*** London: Philips Technical Library, 1967.

Any book that attempts to familiarize teachers, school administrators, and training officers with television's unique contribution to education must rate an "A" for effort. For giving the American reader a capsule tour of some applications taking place in Great Britain, France, Italy, and the Netherlands even adds a plus to this type of book.

Do not be misled, though, by the title. The book is not about television in education and training exclusively. It virtually covers the waterfront on audio-visual aids devoting a healthy portion to the historical development and technical aspects of film and slide projectors, tape recorders, teaching machines and the like.

Unfortunately, Mr. de Korte's discussion of ITV (a term he never uses by the way) in the United States is disappointing. His failure to cite any of the vast number of instructional television operations on open-channel television stations geared to pupils distorts the presentation. The uninitiated reader may conclude falsely that all "school television" in the United States is conducted via closed-circuit.

Despite its shortcomings, this book transmits its author's concern with the extent to which audio-visual media can and will contribute to the communication of knowledge. The final chapter with its look into the future is stimulating. De Korte concludes, "Television has already made its mark on society as a whole. It has its own potentialities as an invaluable medium of communication and, moreover, is capable of serving us as an electronic means of imparting information through other audio-visual media as well. Seen in this perspective, television will surely make a unique contribution towards the very serious and ever widening domain of education."

WNYE-TV Florence M. Monroe

TELEVISION QUARTERLY INDEX, VOLUME VII, 1968

ARTICLES

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