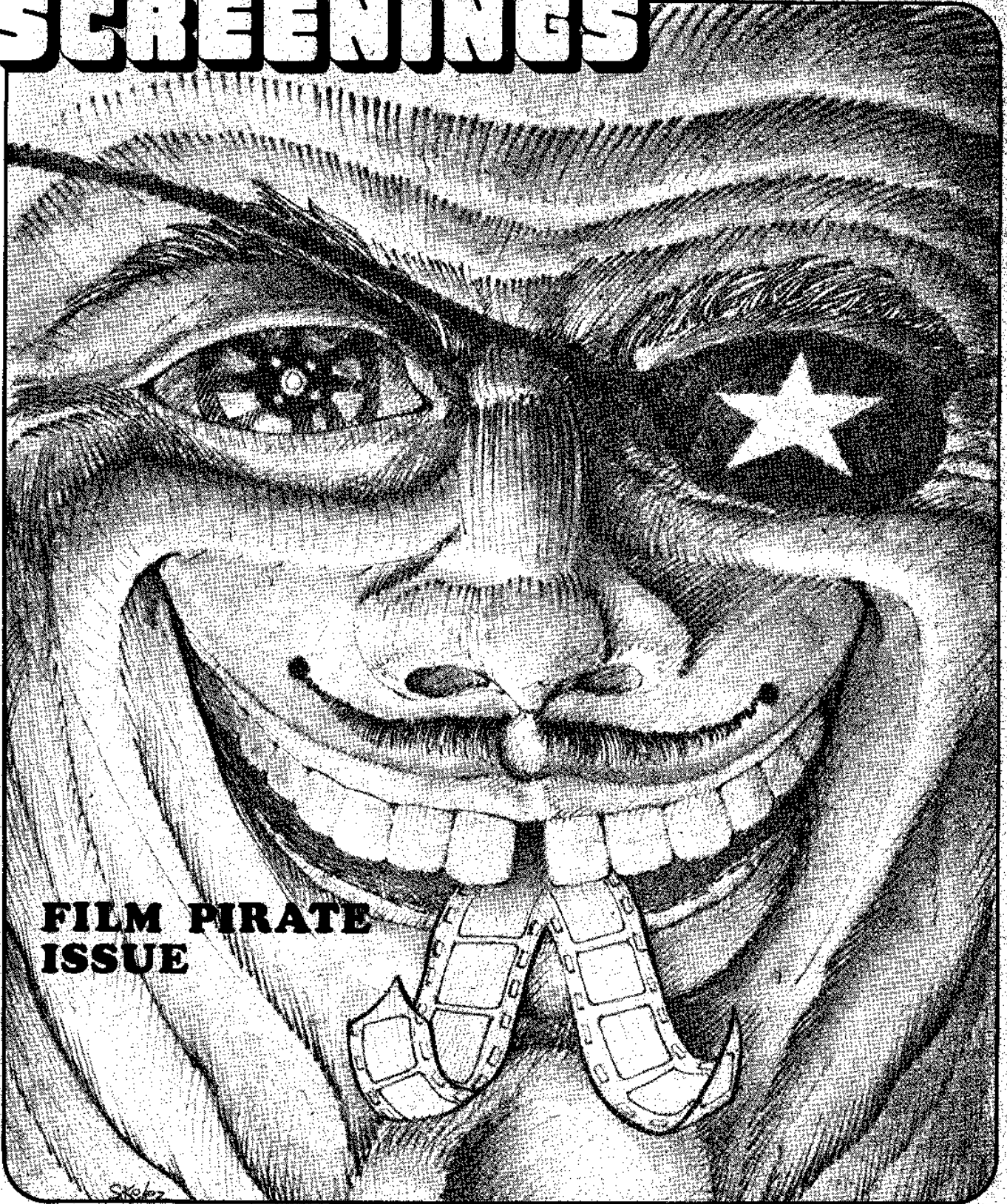


PRIVATE SCREENINGS

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**FILM PIRATE
ISSUE**

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THREADING UP

PRIVATE SCREENINGS

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At this time, the entire hobby of film collecting is in great jeopardy. A massive investigation by the FBI and film companies have caused a sense of panic throughout the world. Many collectors now store their films in hiding places as far away as other states. Some have liquidated theirs, while still others have totally lost them to the authorities and even getting the legal prints back may be an impossibility.

The major interest seems to be in the elimination of dupers and pirates from the industry. To prove their honesty, many magazines and dealers are now condemning those very pirates who at one time supplied films to the majority of film collectors. We are not ones to judge those who point the finger at this corps of pirates, but we do see that if anything at all is done, it should be done together.

Everyone is busy watching out for himself. We at PRIVATE SCREENINGS, although not condoning the illegal duplication of copyrighted films and selling them to foreign countries (causing the major film companies loss in revenue), do staunchly feel that every American has the right to own and view any film in the privacy of his own home.

There are many film collectors in the country today, and if we stand together and demand the right to view these films, we will be heard. However, if each one begins to accuse the other of having caused the problem, we will be taken one by one until the hobby will no longer exist.



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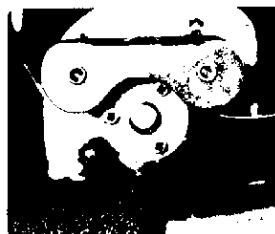
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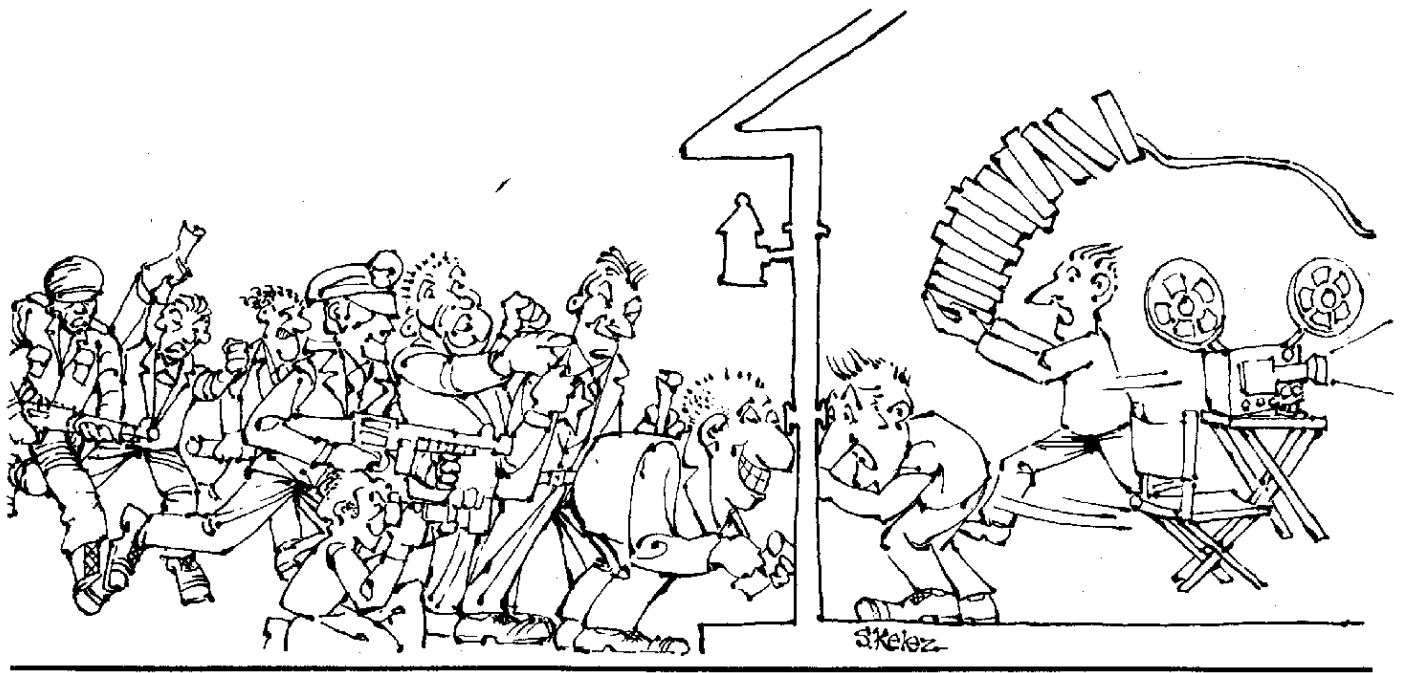
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FILM BUSTS

by
**Edward
Shaw**

Today, the world of the film collector is tinged with fear. Fear of a massive effort by the FBI and the motion picture industry to stop the hobby as effectively as possible. Raids, threats, and other tactics are being used by the attackers to throw the collector into a feeling of hopelessness. Film piracy is a term used to describe the business of either duping, stealing, or selling illegal prints of films. The pirates are the ones who sell and the collector is the one who buys. A small difference since most collectors also deal by trading or selling unwanted films for others more desirable, hence most collectors are actually "pirates."

A KIND OF HISTORY

Oddly enough, the first film pirates were the companies themselves. During the days of the silents, the companies had trouble for there was no real way to copyright films. Some tried copyrighting each frame as a picture, and thus the Library of Congress has actual books which are nothing more than a film frame by frame. It is from these books that many lost classics are reclaimed (by reshooting the film frame by frame out of the book).

One of the best sources for this early piracy is **MILLION AND ONE NIGHTS** by Ramsaye. On pages 318-321 he

discusses the common practice of duping films to be shown in more than one theatre. On pages 395-396 George Melies' trouble with dupers is mentioned. Even with the copyrighting of films there were problems, and to attempt to halt wide spread film thievery many companies resorted to putting their trademark actually in the picture. In LIFE OF AN AMERICAN FIREMAN (1902-3) you can see the Edison trademark hung on the wall, in the bedroom, like a picture. As late as 1912 in THE NEW YORK HAT you can see the "AV" Monogram of Vitagraph in many of the interior scenes. And this was several years after films could be copyrighted, so even with protection producers were not safe from unscrupulous dupers.

Little information exists after that, but during WWII, many 16mm prints for the armed forces found their way into collector's hands. Also, one cannot forget that many stars had collections of their (and others) films. Lou Costello was rumored to have had the largest collection of films in Hollywood. It must have been truly enormous to beat out W. R. Hearst's film library.

Perhaps the most information of duping could be found by going through Sunday newspaper supplements of the late '60s when articles began running, saying how bootleg films were floating around. I personally remember one printed in the southwest that had as its first fact that you could buy GONE WITH THE WIND for \$1000! Collecting became more popular as more and more people began to discover it, and after a while it lost its "newsworthiness" and disappeared from papers. It took until 1974 for the hobby to once again be big news, and this time they were condemning it.

THE LEGALTY OF FILM

Film collecting (unless one buys solely from national distributors like Blackhawk, Disney, etc.) is illegal. A broad statement, but 99% true. The prints floating around are either dupes, discarded originals (by rental companies or tv), or plain old-fashioned stolen originals. With such an obvious infringement of the laws, how can anyone possibly condone collecting? Does it serve a purpose, or like so many illegal acts, is it a bad habit?

The studios are quick to point out that pirated prints cost them millions in lost revenues. How true is this? No doubt quite a few prints do find themselves into

theatres in foreign countries (at the moment South Africa is the prime culprit). This can be done because many countries do not honor our copyright laws, or have different laws and punishments. In South Africa, for instance, a copyright violation is little more than a parking ticket. For collectors though, South Africa is a long way off. The average film fan will show films to guests and friends, with the more bold doing special showings for hospitals and community groups. This of course means lost rental revenue by the companies... or does it?

Ron Miller, executive producer for Walt Disney, claimed that DAVY CROCKET had played twice on tv to large ratings, "The following year it appeared in theatres and earned \$2.5 million (Arkansas Democrat, 12-29-69)." Card Walker, executive vice-president for Disney, stated that SO DEAR TO MY HEART (1949) had been shown on the Disney tv show and later released in the fall - "not the best time of the year" - and pulled \$1,000,000 domestically (Hollywood Reporter 9-4-69). Disney isn't the only lucky one, Bing Crosby productions announced a high rated telecast of WALKING TALL on ABC generated demand for repeat bookings in theatres. Charles Pratt, BCP president, claimed it showed, "telecasting of motion pictures while they are still being exhibited can be mutually helpful (Variety 3-26-75)."

If national televised showings for free can increase motion picture business, what harm can a few unrelated showings do?

No doubt the greatest aspect of collecting is preservation. Many times, it is the collector and not the studio that has prints of rare classics. In fact the studios often show huge neglect and almost determined effort in losing pictures. This year's Filmex was able to screen the classic OLIVER TWIST (1922) thanks to a print that was found in Yugoslavia! Sol Lesser, the original producer, claimed the film was burned many years ago to salvage its \$80 worth of silver content (Variety 3-21-75). The discovery of this print was the work of David Sheppard, former American Film Institute archivist, and Blackhawk films.

Speaking of the AFI, in the April 9, 1975 issue of Variety, a story reported the first all-industry open house of the institute. The major force of the conference was a pitch for missing prints sought by the AFI. They note the recent

FBI raids were making private collectors more silent and wary, and thus actually depriving the institute of needed films. The FBI couldn't scare some collectors though, and several "lost" Frank Capra films were located. Another famous director, John Ford, had one of his missing films (the original STAGECOACH) replaced with the help of John Wayne's personal 35mm print. Hopefully the FBI won't hear about "Duke's" collection.

LEGAL FILM

What with duping and dealing, we know what most collectors are doing about film collecting, but what are the studios doing? With the obvious market for films, most companies are releasing abridgements of their films in regular and Super 8 and 16mm. Disney, Columbia, Paramount and Universal (both under Castle Films), 20th Century Fox and United Artists (under Ken) are available in "short" versions. They offer everything from complete cartoons and shorts to abridgements (ranging from 2 to 20 minutes) of classic features. Many collectors claim that no abridgement can take the place of the complete film. Disney and Castle both do the best they can with excellently edited editions, that are often more fun than the features and make nice showpieces. Ken and Columbia are less desirable with over done narration and sloppy editing. In almost all abridgements you lose either character or story, and usually both.

Many companies strictly for the collector such as Blackhawk, Thunderbird, Niles, Hollywood Film Exchange, etc. offer complete features and serials for the completists. They generally sell either "special arrangement" films or public domain material. Public domain is material that has gone out of copyright, either by age or mistake of the production company. This situation may soon change, for the House Copyright Subcommittee began hearings on May 8th to re-inspect the copyright laws. This panel is headed by Robert Kastenmeier (D-Wis). The last changes in the laws were passed in 1967, exactly what this group will come up with is unknown. One frightening rumor is that they will extend copyrights to 50 years after the death of the creator!

On the matter of copyrights, it is interesting that only in films do the public lose control of viewing. On books, records, plays, and paintings there is ample opportunity for the average man to

WHEN ITS IT ILLEG TO DUPLICATE DUPLICATE U.S. Grand Jury Indicts Budget On Piracy Charges

3 Sheriff's Agents Must Pay 60G For Burning Films Seized From Pacific Film Industries

TESTIMONY OF EVAN H. FOREMAN

Infringement on a proprietor's copyright can invoke specific statutory penalties ranging from \$100 to

by securing certain rights for the proprietor exclusively. Over the years, however, these exclusive rights have been tempered by a growing body of judicial decisions which have increasingly attempted to balance the authors' need for compensation with the public's need

First in what is expected to be a series of Federal indictments revolving around film piracy within the industry was returned by the U.S. Grand Jury yesterday against Budget Films and Albert J. Drebin, charging piracy involving three Warner Bros. films

AFI Looking For Missing Prints

American Film Institute's first all-industry open house April 26-27 and May 3-4 at its BevHills Coast h.q. will include a niche for missing

presented to the United States Senate Subcommittee on Patents, Trademarks

Print Security Office Okayed By MPAA Board

A print security office dealing

get them. If it is a film, no chance. The copyright owner has the right to sell the film itself and have a new one made (as in LOS HORIZON, TRADER HORN, HOUND OF THE BASKERVILLES, etc.) causing the original to be lost to audiences. We are indeed lucky the author or copyright holders to such books as Tom Sawyer, War and Peace, and The Martian Chronicles can't have the book re-written and the older classic pulled from library shelves.

Some legal films are sold used, by such companies as Home Movie Wonderland and National Cinema Service. These used films are usually from collections and unwanted rental copies. Even these films can be suspect many times. The availability of tv shows from used sources makes one think they are legal, but many are highly questionable. Many times a station will buy a series, show it for a while and then sell it to a recovery plant (that recovers the silver). Often the contract does not call for the specific destruction of the film, so these operations will sell the prints to distributors. The question arises whether they had the rights to sell them and whether the collector has a right to own them.

THE INVESTIGATION STARTS

As for the current situation, the "heat" is really on the collector. What caused this? Why did it happen in 1974? There are rumors aplenty about the beginning. These range from the MPAA giving a contribution to the Republican party to the new Videodisc explosion.

Videodiscs? This is a new form of home entertainment that will allow a person to watch any show or movie he wants to on his tv set. The outfit, not unlike video-cassettes is simpler because the object is a record played by either a laser beam or needle on a unit attached to your set. Records or "discs" would contain new and old films and tv shows along with many specially done items.

One of the large backers of this is Universal-MCA and their Discovision. Arrangements have also been made with Warners, 20th Century Fox, and Paramount to release their products. Discs would be sold for \$2 to \$10 or rented for smaller fees. A boon to many film fans, but there will still be those who prefer the large screen and fun of collecting the actual film. Why this new form of entertainment would cause this

trouble is really quite easy to see. First, the only real competition to this form would be the actual collecting, so it has been suggested they are trying to force film collectors out of film into discs. Second, legal problems may arise for the companies in filing cases. If a person can buy a copy of the film on a disc, is a copy of 16mm illegal? That's like asking if it's illegal to own a xerox of a book. However all of this is just idle speculation.

Whatever the reason, it started. The first big news break came in the fall of '74 when it was rumored that Gaines "16" had been busted for film piracy. In quick succession, many other dealers were either raided or ceased operations. On January 11, the Los Angeles Times reported that for several months, grand jury hearings were going on into the field of film piracy. One of the main reasons was that illegal prints of various films, most noted being the EXORCIST, had been sold to South Africa via Harry David Katz, of Johannesburg, through Hollywood Film Exchange.

The article also mentioned that Budget Films, of California, and Robert Brown, of Indianapolis, had also been raided with films confiscated. The grand jury had heard testimony from all of the studios

prior to the raids. The man in charge of the investigation is Asst. U.S. Attorney, Chester Brown, who formerly worked on the pirated 8 track tape market.

The next big news came on the 17th when it was reported nation wide that Roddy McDowall had been linked to Ray Atherton and had his films confiscated. Besides these two articles, the entire investigation was kept very quiet. Some said the low key profile was used to keep collectors off guard, and keep the public on their side. Those who met with the FBI found the experience far from quiet.

FBI RAIDS AND YOU

"Generally," states one raided collector, "the FBI is very nice, they are simply agents who have been trained to do a job and they are doing it." The collector went on to say that unfortunately there are one or two "hard-guys" who come in and threaten you by claiming that no films are legal and you will be going to prison for a long time. In fact another collector who told them that he had largely only Blackhawk and similar legal films was told that if he didn't have the receipts then the films were illegal and open for confiscation. For this reason, it is wise to find and keep all receipts readily available. Some companies are even now sending special notice cards that declare the film as a legal print.

The biggest problem is what to do if the FBI does come to your door. On this, I was given several opinions, but the most common was (believe it or not) do not co-operate! If they come, demand to see a search warrant and be sure it is properly filled out and signed by a judge. If they come just to question you, refuse to talk to them. Tell them you wish to speak with your attorney (even if you don't have one), they may not come back, but the minute they leave go out and get an attorney. Remember, if you co-operate, you will lose your entire collection which is a large investment, and you might be charged with a serious charge. If they do come with a warrant, call the police, the police and FBI are separate agencies. Tell the police that there are some men who claim to be FBI agents with a warrant and you'd like an officer to assist you.

Remember, the most important thing is to say nothing, no matter how much they press you. They may try various tactics, like claiming you were turned in by "so and so" and would you like to get even by pinning him. It is rumored to get

into one apartment they told people they were looking for a draft dodger, whether true or not, these agents are looking for information and will try for it any way possible.

Many of those already subpoenaed have talked quite a bit, otherwise they would not be going on with the investigation. In fact the MPAA has opened a "turn in your buddy" office in Hollywood, where the studios have hired several ex-FBI agents for an unknown length of time. If they get little or no response, the office may close in a year or two. That's right, over a year... and if the collectors fail to band together and continue to light the fire, the investigation could conceivably go for many years.

Of course an investigation of this size is quite expensive. One collector alone had over \$2 million spent to indict him. The average cost per person is around \$750 thousand (when one considers man hours, etc.). The charges range from conspiracy to copyright infringement.

The question is, what can the little man do. The answer is plenty! Someone once said that the small man has no power, actually he has a great deal of power... it is just usually mis-directed. If you want to do something, don't just write your congressman and senators, they are lawyers and were put in by the large corporations. Who you want to aim at is the media, for the best way to get pressure off yourself is to put it on someone else. If your city has a crusading reporter or journalist, get a hold of him. Let him know what is going on. They are unconnected to the business world and would love a good chance to fight the large corporations and monopolistic hold of the film companies. By putting pressure on the FBI and film industry, you can bring to the attention of the average man what the government may try to take away next. First the right to own a film, next the right to own a car.

THE VERDICT

After the huge investigation and nine months of grand jury testimony (all of which is unavailable to outsiders) indictments were finally handed down on May 29. The grand jury returned 16 indictments against the various lab operators and dealers. Indictments charged violations of copyright statutes as well as transportation in interstate and foreign commerce of stolen property.

The following people were charged with various counts of copyright

infringement and transportation: Woodrow Wise (formerly of Hollywood Film Exchange), Raymond Gaines (of Gaines 16), Jeffrey Andrew Joseph. Charged with only copyright infringement were Raymond J. Atherton, Peter R. Dyck, Franklin E. Wetzel, Thomas J. Anders (of Tom's TV Sales and Service), Roy H. Wagner, Robert V. Crawford, Harrison A. Baker Jr., Vlademer D. Portianko, Richard H. Wesselink Jr., David J. Butler (of Wisconsin), Marc S. Olander, and Edward N. H. DeRoo. Films involved ranged from THE STING and THE EXORCIST to the WIZARD OF OZ and Ironside tv episodes.

Albert C. Drebin, Lawrence S. Fine, Bruce Venezia and Budget Films, Inc. had been previously indicted when a superseding indictment was filed, and on the 29th still another superseding indictment was filed. The Budget Films case is the only one in which the indictment specifies a foreign market.

THE FUTURE

According to the article in Variety on May 30, 1975, there are a number of other investigations in progress. How far this will be carried is not sure. One precedent has been set down with the dropping of all charges against Roddy McDowall. It now seems that there are some above the law, and this will be tested for many of the lists confiscated contained names of other lawyers, government officials and more big stars.

As for the collector, there are still hot prints floating around (some at remarkably low prices as some try to liquidate collections hurriedly). Even the Super 8 market is getting into the act, for in many foreign countries this popular gauge is rented by companies. It now seems some of these prints are beginning to surface over here. The largest problem is that new collectors are being scared out and those that are staying are having trouble getting sources and meeting other collectors. In other words, the hobby is slowing changing from an open and fun hobby to something reminiscent of a "speak-easy" atmosphere with secret meetings and whispered conversations in parking lots.

What happens next is anyone's guess, but any new developments are certainly going to make the rules in this new hide and seek version of collecting. As for now, just keep a level head and don't believe everything you hear.

