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Review of Porst, Broadcasting Hollywood

Cynthia Meyers
College of Mount Saint Vincent, cynthia.meyers@mountsaintvincent.edu

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Porst, Jennifer. *Broadcasting Hollywood: The Struggle over Feature Films on Early TV.* New Brunswick, NJ: Rutgers University Press, 2021. 250 pp. $32.95 (paperback) ISBN: 978-0-813-59621-1, $150 (hardcover) ISBN: 978-0-813-59622-8.

Reviewed by Cynthia B. Meyers (College of Mount St Vincent, Emerita)

Why, you ask, should you care about a brief period in media history, roughly 1948 to 1956, when audiences were not able to view most Hollywood movies on television? Movies did eventually appear on television and eventually became a significant program category. So what? As media historians, we *should* care. The delay bringing movies to television screens, routinely attributed to the snobbishness of some Hollywood executives toward the low-resolution, small-screen medium of television, was in fact the result of extensive struggles among a multitude of entities around a range of issues including intellectual property, labor compensation, music clearances, pricing, market demand, format limitations, and the constraints of regulatory regimes. And a full account of these struggles, such as this case study provides, can teach us a great deal about the process of technological, industrial, and economic change in this period and other transitional periods in media history.

Jennifer Porst's approach is grounded in meticulous research. While sometimes drawing on trade publications, Porst bases most of her analysis on archival sources, most effectively with legal documentation of two anti-trust cases, *U.S. v. Paramount Pictures, Inc., et al.* and *U.S. v. Twentieth Century Fox, et al.*; the lawsuits that B-movie stars Roy Rogers and Gene Autry brought against Republic Pictures; and the negotiations over contracts with a variety of unions and guilds, such as the American Federation of Musicians. Porst digs out detailed testimonies of executives in the film, television, and advertising industries, illuminating the conflicts, confusions, and competing agendas of various industry entities, and so bringing out key points that have hitherto been overlooked or misunderstood in previous scholarship.

To analyze the complexities of this period, Porst parses the differences among major studios and the independent film studios; the pressures from exhibitors on the studios to maintain theaters as the primary distribution outlet; the tensions among the television national networks and the local stations over how to attribute program costs and advertising revenues; the debates within self-regulatory trade organizations such as the National Association of Broadcasters and Motion Picture Producers and Distributors of America; and the powers of the federal government via Congress, the Department of Justice, and the Federal Communications Commission to shape the emerging television medium and to reorganize the film industry. Labor organizations fought technological change they believed would reduce employment and pay for their members; they succeeded in delaying film distribution to television until reaching agreements on compensation out of future revenues, thus shaping various incentives and disincentives to re-use existing content or develop new content. Porst considers the role of contract law in these negotiations, as well as the Rogers and Autry lawsuits, thus illuminating the actual financial interests generating these conflicts.

Ironically, another case that helped delay the distribution of films to television was the DOJ's 1952 suit against the major studios (*U.S. v. Twentieth-Century Fox, et al.*) for conspiring to restrain interstate commerce by not distributing their films to television in the 16mm format television stations preferred. In fact, many of these films were tied up in labor negotiations, rights clearances, and market confusion (the difficulty to ascertain fair prices in a brand new market). In the *Paramount* case, resolved in 1948, the Supreme Court had ruled that it was unnecessary to prove the intent to restrain trade to prevail in this antitrust case: this resulted in settlements and consent decrees in part because lack of intent was no defense. In the *Twentieth-Century Fox* case, the court disagreed and ruled in 1955 that the studios had not conspired to restrain the distribution of 16mm films to television, and so freeing them to go forward with such distribution at a time when the television market had matured and pricing could be negotiated on firmer ground.

Porst also explores the different business models of film and television: broadcast television was entirely dependent on advertising revenues. Broadcast advertisers had, since the late 1920s, usually controlled the content of the programs they sponsored; they assumed television's advertising efficacy depended on the identification of their brand with the program. This made selling existing films to television challenging, as many advertisers were not interested in advertising adjacent to content unrelated to their product. The tension over the assumed association of content and advertising is illustrated in Porst's analysis of the 1951 Roy Rogers lawsuit against Republic Studios. Rogers, intent on benefiting from his existing sponsored broadcast programs and his future films, wanted to stop Republic from licensing existing films to television in part because any commercials appearing during the films might appear to be a Rogers endorsement of the product. Rogers eventually lost, but not before courts wrestled with the question as to whether or not television program content was also advertising. It would not be until the mid-1960s, when advertising and advertisers were fully separated from programs and content control, that audiences would cease assuming that performers were endorsing the brands of advertisers.

I have a few quibbles. Porst claims that local stations did not earn ad revenue during network-controlled airtime (p. 21), but local stations did sell station break time to advertisers and also earned station compensation from the networks (an ad revenue sharing arrangement that varied by station and market). Porst theorizes that ad agencies may have discouraged clients from sponsoring Hollywood films because they earned commissions on programs they produced themselves (p. 145). However, while agencies charged commissions on airtime and program talent, they never controlled or owned the programs. From the beginning, ad agencies realized television program producing was unprofitable for them and so most of them subcontracted program production out to "packagers" instead, who arranged a variety of ownership rights with sponsors, while the agencies provided oversight to ensure sponsors' interests. I would argue that another factor slowing the studios' ability to sell films to television was that both advertisers, anxious to avoid offending consumers, and broadcasters, hoping to appease the FCC, avoided any program content that could be considered controversial or inappropriate for children. The advertising and broadcasting industries had long criticized Hollywood movies for racy or suggestive content. Consequently, many advertisers (especially national advertisers) may have initially avoided sponsoring Hollywood movies in case their brands would be damaged by association with such films.

Porst makes a strong case for studying past transitions to understand current changes in the media industries. She highlights key similarities between then and now: the difficulty oligopolistic industries face when urged to cannibalize their existing revenue sources in exchange for new businesses that have lower rates of return; the problems of valuing and pricing existing content for distribution on new platforms (e.g., selling streaming licenses instead of tickets); and the problems with entering new markets when existing labor contracts require updating in the face of workers' fears of becoming obsolete. Given these challenges to legacy media industries, I came away from this wondering how much the decisions of leaders matter in adapting to changing conditions. Most media companies are burdened by existing practices, workforce requirements, regulatory regimes, and fixed capital investments; and they are subject large structural changes out of their control—technological, political, legal, and cultural. Porst's case study of the movie industry grappling with the threats and promises of an emerging media industry in a moment of intensive change is useful for understanding these dynamics both past and present.