



THE JOURNAL OF THE CAUCUS FOR TELEVISION PRODUCERS, WRITERS & DIRECTORS

Volume XX

Editors: Roger Gimbel, Fay Kanin

The Caucus for Television Producers, Writers & Directors
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Editor's note: the opinions expressed in this journal are those of the individual authors.

FROM THE EDITORS

Fay Kanin
Roger Gimbel

Maybe it's the times, but we can't seem to get off our soap box. Len Hill in his brilliant speech to the Caucus has it right when he quotes Paddy Chayevsky, "We're mad as hell, and we're not going to take it anymore." A lot of this controlled fury is evident in our twenty-eighth reunion transcript that we thought was worth passing on. Don't miss Gil Cates' articulate article on pirates altering feature films to suit "public tastes" (p. 14). The eradication of creative credits describes a new abuse in the documentary area written by Mel Stuart (p. 10). There is no question about it, the creative community is under heavy attack. Where is Spider Man when we need him — and "all that jazz"



Caucus members have won every major national and international television award and created most of the dominant forms of television programming: filmed and videotaped series, motion pictures for television, docudramas, live specials and miniseries.

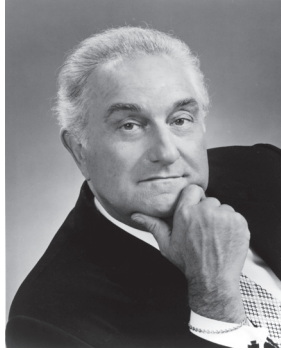
CHAIRMAN'S REPORT

Chuck Fries
Chairman of the Caucus

On January 10, 2003, we held our 20th annual Caucus Awards dinner. The proceeds went to support the Caucus and to operate our Foundation, which supplies Film Completion Grants. I want to give special thanks to our Awards Chair, Lee Miller, our administrator, Penny Rieger, Richard Licata and his team from Rogers and Cowan, and to Jamie Gillie our event coordinator and her staff at Outreach Productions. These are the people who helped make it happen.

At our awards dinner, we honored worthy producers, writers, directors and executives—men and women who are at the top of their field. We also introduced some of the student filmmakers who are the future of our industry.

We presently have two significant programs amongst many others at the Caucus. The first is the issue of media consolidation. The Caucus has always opposed the horizontal and vertical combinations that strangle the creative and economic lives of the independent producer within the production community and that have a tendency to impact the quality and diversity of television. Whether it is on guild matters or industry issues, the creative com-



munity often finds itself on the opposite side from the corporate community and in this case the creators have to stand together as a united group to maintain our creative integrity.

To help me carry out this mission, I have a stellar Steering Committee of committed producers, writers and directors and I want to give special thanks to our Government Affairs

Chair Len Hill.

Our Foundation is the other main thrust of our Caucus activities. This year we have gratefully accepted two new endowments—a \$25,000 cash grant to be paid out in five annual \$5,000 grants provided by the Hollywood Charities Foundation. In addition, a \$50,000 in-kind post production grant to be provided at the rate of \$10,000 per year over five years made in the name of Fred Goldey by John Berzner of the American Video Group. John's group will also edit the student promo reel for each year's awards dinner.

We have now proffered grants to 20 students for a total of \$117,500. Our grant recipients have shown their creative abilities by the awards they have received and the festivals that have accepted their films. We're helping to nurture the filmmakers of the future.

THE CAUCUS THROWS A BIRTHDAY PARTY

On December 11, 2002, the Caucus celebrated its 28th anniversary with a reunion members luncheon at the Beverly Hills Hotel. Attending were several founding members – Norman Lear, Leonard Stern, George Eckstein, Aaron Rubin and a number of former chairmen including Leonard Stern, Bill Blinn and Roger Gimbel.

Chairman Chuck Fries welcomed the members and guests with an appreciative nod to Kodak, which has been a strong supporter of the Caucus and funds the publication of our *Caucus Journal*. He then introduced the master-of-ceremonies and former Chairman, Jerry Leider.

JERRY LEIDER: Thank you, Chuck. It's really wonderful to be back among this group of people, some of who remember whom I used to be. Twenty-eight years for the Caucus, and we're still going strong, working to do what's best for the creative community as it struggles to do its best for television and cable programming.

But on with our program—taking a little trek down memory lane. It's a pleasure to introduce a former chairman and founder who's so prolific, so talented and so much of a "mench" that he should be knighted, or at the very least someone should teach him how to hit a cross-court backhand. Please welcome George Eckstein.

GEORGE ECKSTEIN: I've been asked to deliver a toast to the Caucus on this occasion of its twenty-eighth birthday. I have vivid memories of the birth of the Caucus and its various delivery rooms – the homes of Paul Mason, Aaron Spelling, Norman Lear, the

Sportsman's Lodge and other such nests of revolutionary malcontents. Although some of the issues have evolved over the ensuing years, the enemy then, as now, were the major media giants—who then, as now, were almost contemptuous of the creative community. Nearly three decades later, the Caucus is still alive and well and fighting the good, if somewhat of a quixotic fight. Lesser folk would long ago have thrown up their hands in the face of these corporate juggernauts. The fact that we are here today celebrating our continued survival is a singular tribute to all those who, for years, have been meeting, discussing and taking action against the forces that would diminish both the quality of television and our professional working lives. So here's to all the chairpersons and all the men and women of the Steering Committees who have labored so long and so hard for no money, no glory, and only adequate refreshments.

JERRY LEIDER: Thank you, George. Next, I am pleased to introduce a four-term chairman, Leonard Stern.

LEONARD STERN: Chuck asked me if I would speak about what happened back then and compare it to where we are now. Fortunately, I have some of the more memorable moments written down. You've got to remember that when we started the Caucus, we were going into virgin territory—it was new. We decided that our primary interest or objective was to recapture creative control from the networks. And we set a deadline. If this seems a romantic or audacious notion, it was actually practical because the deadline we set was 2055. We started out as a group of heavy hitters—

with shows in the top ten. But the climate has changed; the world has changed. Now there isn't that passion for collectivism, there isn't the recognition of our interdependence. This is very sad, but I think it's rectifiable. I'm hopeful that we can still realize those long-ago objectives, though it won't be easy.

There's a story I can tell that best exemplifies the way talent was, and perhaps still is perceived. I was having lunch with Michael Crichton, and a young man approached us and introduced himself as a representative of an artist's agency, "Mr. Crichton, I consider this an honor," he said. "I'm a great admirer of your work. I love your writing. I want you to know that I've read a synopsis of every one of your books."

JERRY LEIDER: The difficult part of introducing a celebrated person like Chuck Fries is to find a clever or original way to do it. I want you to know I haven't found one. Ladies and gentlemen, Chuck Fries.

CHUCK FRIES: Thank you, Jerry. Recently, one of our new members, Liz Lange, a producer with Robert Greenwald Productions said, 'I think the most important thing for me is networking, meeting people and finding out what's going on in the industry. That's what I like about the Caucus.' That, of course, has been the core of our overall program. In addition, we've formed a Foundation that can make contributions to the educational process. Many students get started making films and run out of money, not uncommon in the independent field. So we decided to put up a Completion Film Grant. Instead of helping to get films started, we help the students to finish them. So far, we've provided 20 Completion Grants in the amount of \$117,500.

We've invited several of our grant recipients to be with us today:

SONYA CHI – AFI – *Shui Hen* is based on her mother's journey as a teenage girl raised in China who had to cope with rejoining her estranged family in Cuba after 15 years of separation.

SARAH JOHNSON – USC – *Hairless* is about a college bound student determined to openly deal with her illness, living in a world where so much is based on appearance.

YON MOTSKIN – NYU – *The Cutman* is based on a fusion of his parents' struggle and the battles of the Veteran Boxers Association.

SARA RASHAD – USC – *Tahara* is a dramatic narrative film portraying the harsh reality of female genital mutilation in the United States.

ANDRE SALA – NYU – *Madison Rye* is an exceedingly personal story about how children use their imagination and creativity to deal with the things in life that aren't being explained.

Our next important project is our stand on the issue of media consolidation. For a report on that I'll yield to our Government Affairs Chairman, Len Hill.

(The following are excerpts from LEN HILL's remarks):

LEN HILL: I was told to keep this short and to make it funny. I've known most of you a long time, and I don't think any of you can recall when I was either short or funny, so I apologize.

I was struck by member Leonard Stern's remark that we may have lost our passion for collectivism. It is painfully clear to those of us who work on the Government Affairs Committee that we are dealing with a new media universe governed by a handful of media titans—and they have certainly not lost their passion for collectivism. There is an ever-swelling tidal wave of consolidation among the four or five media barons who have accumulated assets in vertical and horizontally integrated empires. They're engaged in a pattern of self-dealing and anti-competitive actions to the considerable detriment both to the creative community and the public at large.

A couple of weeks ago, Norman Lear gave me a book by David Bollier entitled "Silent Theft." The subtitle of the book says it all:

“The Private Plunder of Our Common Wealth.” Bollier talks about those collectivists who, with passion for only bottom-line profits, have managed to work in great concert to accumulate assets that truly belong to the public and now operate them as private property.

The validity of Bollier’s thesis was evident in comments made the other day by Mel Karmizin, the president of Viacom. Karmizin was angered by the way viewers were using TiVo and other technologies to zap commercials. He declared that Viacom would turn CBS into a cable network if the viewers continued to ignore his ads. There are some of us who think that CBS is made up of over-the-air stations that are licensed in the public convenience, interest and necessity. At least that’s what the FCC license says.

Karmizin also argued that CBS/Viacom should have the right to create what they call ‘triopolies.’ Despite current FCC regulation that restrains any two networks from being under common ownership, Viacom already controls both UPN and CBS. Now Karmizin is advancing the notion that there should be no limit on network ownership and that duopolies aren’t harmful and triopolies might be even better.

I understand Karmizin’s desire to convert public property to his private gain. What I have trouble understanding is the public acceptance of this power grab. The public reaction to Karmizin’s announcement was somewhat like Tom Daschle’s reaction to Trent Lott. Passive acceptance. Where is Paddy Chayevsky when we need him? In the face of such blatant efforts to corral the public airwaves for personal profit, there should be a loud chorus of protest. It’s time we all stick our heads out of our

windows and yell, ‘I’m mad as hell and I’m not going to take it any more.’ But Chayevsky has passed on—and so too, apparently, has public concern.

The huge media syndicates not only seek to convert public assets to their corporate accounts, they now invent

an entire new vocabulary to explain their behavior. The new vocabulary includes words like ‘re-purposing.’ I remember one of our leading members carrying on about the creative in-roads that were being made by networks, the ever-greater number of prerogatives that were

being extracted from the producers, writers and directors. First, the right to approve casting directors, then the right to approve five and six cast members, then approval over cinematographers and editors and composers.

It isn’t simply creative control that is being eroded. The attack is not only on the creative integrity of what we produce; it is on the very value of the show itself. Re-purposing is a tool that allows vertically integrated media conglomerates to strip-mine our shows to build value for their various distribution chains. All of us here, whether we’re aware of it or not, have been re-purposed. When our product is designed for network and then handed off by that network to a related cable or satellite entity, we are being harmed. The transfer of off-network rights is not done in the free market; it does not reflect fair value. Our residual interests, our profits, evaporate through the simple act of re-purposing.

Occasionally there is a fight. Steve Bochco took Fox to court for selling *NYPD Blue* to the Fox cable channel, FX, but the suit never made it to court. There was a confidential settlement. Most of us can never afford to sue a network. We depend on the bright line of federal regulation to protect us against the

***“All of us here,
whether we’re aware
of it or not, have been
re-purposed.”***

predatory practices of the huge corporations who operate with substantial federal entitlements. Those protections are now under attack—and we are losing our commitment to collective action.

Re-purposing has significantly eroded, if not outright bankrupted, our collective bargaining agreements. When you, as members of the Writers Guild, Directors Guild, Screen Actors Guild negotiated in good faith with your employers, the assumption always was that secondary market use would trigger a residual. In many cases, that residual was a percentage of the gross. A show that came off the network and was sold to cable resulted in a residual that was a percentage of the gross sale. However, when Fox takes a show off the Fox network and gives it repurposed to FX three nights later, they don't impute any value to it. They suggest that repurposing is part of their promotional campaign and that you should be grateful that you're not being compensated for secondary use.

So, animated by the very effective passion for collective behavior that has been displayed by Murdoch and Redstone and AOL/Time Warner, we have, through the Government Affairs Committee tried to galvanize an agenda. We intend to advance this agenda in both Washington and Los Angeles. Our agenda speaks to the concern about implications of this appropriation of public property for private gain. It talks about the significant erosion of creative rights, and not just creative rights, but financial rights because the two are tied together. If you cannot profit by your labor, we are all the poorer for it.

We are at a critical crossroad. The FCC has just announced what they call a 'Notice of Proposed Rule Making.' Over years passed,

the Caucus has done important work fighting the concerted network efforts to abolish the financial interest and syndication rules. The FCC now confronts the last major rules that regulate our public discourse. Those rules involve things like newspaper/media cross-ownership restrictions and television and cable ownership caps. A variety of mandates that seek to create competition and promote diversity are coming up for review.

We're fighting an uphill battle. We must try to preserve the cross-ownership protection in the belief that a vital competitive public marketplace of ideas is necessary to stimulate the very basic ideas that support democracy. Dissent,

critical points of view, seem to be muted as networks merge with newspaper companies and video outlets become merely ways of retransmitting what the newspaper put out that morning.

We must fight to maintain caps on local station ownership. Right now, networks cannot own more than 20 stations that have a national reach of not more than thirty-five percent of the country. They're trying to get rid of those ownership caps. The concept of localism is the bedrock of the FCC Charter. It means nothing in the absence of ownership caps. People should be served in their communities by stations, which are responsive to the localities that license them. That spectrum belongs to those communities.

All these various issues will be part of 'The Notice of Proposed Rule Making.' We, as a Caucus, have filed a specific paper on diversity in regulation—the only organization so far to address this point. It should be noted that the WGA has been our active partner on the issues of consolidation. As this rule making reaches critical phase, the DGA has yet to

“Go out and tell your guilds that you’re mad as hell.”

take a position on this point, as well as SAG.

We hope SAG, DGA and PGA leadership can be mobilized. Go out and tell your guilds that you're mad as hell. Without the Caucus magnifying the issues of consolidation and taking it to Washington in light of the new 'Notice of Proposed Rule Making,' the collective passion for consolidation, so evident in the board rooms of the media giants, will hold sway.

I hope that this reunion will not just be a celebration of the past. I hope it can also be a beginning. I hope we can rekindle the passion of some of you who have become less active to re-energize our commitment to maintaining that core value. The belief that in both creative and financial fields our rights to be rewarded in our work is being diminished by

corporate intrusions. I believe that if we work effectively on the political front and with our sister guilds, we can genuinely make a difference in the coming year.

Under the banners of Leonard Hill Films, Hill/Mandelker Films and Hill/Fields Entertainment, LHF has supplied over 160 hours of primetime filmed entertainment, representing nearly \$350,000,000 in production. The company has employed such international stars as Angela Lansbury, Michael J. Fox, Kirstie Alley, Karl Malden, Ava Gardner, Brooke Shields, Ted Danson and Jennifer Jason Leigh. Slay The Dreamer, a legal thriller concerning the cover-up of the assassination of Martin Luther King, a joint venture with Stephen J. Cannel Productions, will constitute LHF's first theatrical feature.

“In an industry where women directors are underrepresented, it is wonderful to have the support of such a noteworthy group of professionals.”

**Sarah Johnson, Writer/Director
“Hairless,” USC**

CAUCUS SPEAKERS BUREAU PLANNED FOR THIS YEAR

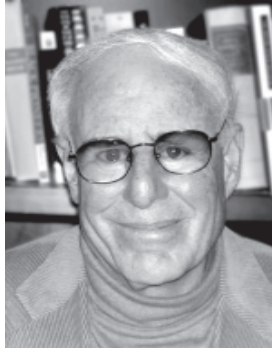
Drawing from the talents, experience, and collective body of work of our members, the Caucus plans to form a speakers program for local colleges and universities that celebrates what we have accomplished as prominent producers, writers, and directors in the television industry. In charge of this promising program will be producers Vin DiBono and Lee Miller. For further information, contact the Caucus: (818) 843-7572, caucuspwd@aol.com

CAN ON SCREEN CREDITS SURVIVE NETWORK CUTTING?

Mel Stuart

Although the casual television viewer may not fully appreciate it, the question of credit for the contributions of the creative personnel in the industry is of utmost importance to the people involved. It is not merely a question of ego satisfaction. Credit for their role as a producer, director, writer, cinematographer, editor or composer in the production of a successful program is a key element to their progress in the industry. The recognition of these creative endeavors is not without precedent. Acknowledgment of an artist's contribution—be it a painting, sculpture, book, musical composition, or an article in a newspaper—has been part of the canon of Western aesthetics for the past hundreds of years. In the formative decades of television, this tradition was part of the format of all television programming.

However, in the past two decades, there has been a major shift in the television industry regarding credits for creative personnel. The advent of a cable presence that claims between 50 and 60 percent of the audience share of prime time has resulted in changes, all for the worse, in the presentation of creative credits. Years ago, a credit end roll of a minute in length, with the names clearly presented was not considered remarkable. It certainly would be extraordinary today. Credit rolls of 30 seconds or less, with the names and credits squeezed to one half the screen, are a common occurrence. In place of individual



cards, a rapid almost unreadable roll call of names constitutes credits in far too many of today's programs. Broadcasters claim that it is necessary because the audience, sensing the end of the program, will turn to another network in search of alternate programming.

This philosophy reached a breaking point when Discovery Communications suggested that in the future creative credits would be removed from programs entirely and placed on the Discovery website for six months. There was an industry wide response, particularly among the non-fiction community. It resulted in the formation of the Documentary Credits Coalition (DCC), which is made up of representatives of all the Hollywood guilds, the International Documentary Association, and various independent filmmaking organizations. Everyone realized that this practice could easily spread throughout the whole industry.

Discovery Networks Deserves High Praise

Three appointed members of the DCC met with executives from the Discovery Networks. It was mentioned that in all probability, programs without credits would most likely not be eligible for various awards such as the Emmys. They pointed out that, among other solutions to the problem, the credits could easily be placed over footage at the beginning of the program in a manner that is standard on network programs such as *Everyone Loves*

Raymond. As a demonstration, DCC took the end credits off a two-hour documentary that had been produced for The Learning Channel and placed them over various images at the beginning of the show. The result: credits that could easily be read yet would not interfere with the thrust of the program's opening images. After a series of similar discussions with the DCC over a period of time, Discovery abandoned their website credit plan.

At present the DCC is faced with a threatening situation by Scripps Networks who are following a policy of eliminating creative credits altogether. I quote from their reply to a letter the DCC sent to Scripps, asking that they change their policy: "Despite your passionate arguments, we remain convinced that it is not in the best interest of our business—which is focused on providing the best possible product for our primary constituents, the viewers and the advertisers—to alter our current position on this matter. We will continue to provide production company logos or courtesy credits at the end of programming, as well as

continue, when appropriate, to issue news releases promoting the programs and their producers. The rationale is simple: our networks strive to forge direct, strong and personal connections

with our viewers. The crediting you propose, whether at the outset or the conclusion of a program, would interfere with that core objective." In the words of Shakespeare, "The Devil can cite scripture for his purpose."

This anti-credit concept, like a virus, could spread throughout the industry.

In the coming months the DCC will try, by a variety of means, to change the Scripps policy. With the support of all the members of our creative community, we trust that we will be able to do so.

Mel Stuart is a filmmaker who has worked for over forty years producing and directing both in television and motion pictures. Among his credits are Willy Wonka and the Chocolate Factory, The Rise and Fall of the Third Reich, and the TV series Ripley's Believe It or Not.

**Producers, Writers,
Directors:
"Therefore, send not
to know
For whom the bell tolls,
It tolls for thee."***

* by English poet John Donne

WORDS INTO PICTURES

(A master class in storytelling)

In June, a thousand people attended the third edition of Writers Guild Foundation's Words Into Pictures, an industry conference characterized by writer-director Phil Alden Robinson as "a master class in storytelling." The following are excerpts from the remarks of some of the screenwriters. They shared their insights into the art and craft of writing for the screen with the hundreds of would-be-screenwriters who attended.

The Process

Phil Alden Robinson (*Field of Dreams*):

If you're blocked, it's just giving yourself an excuse not to write. Just ask yourself – What does this character need to do next?

Scott Frank (*Minority Report*, *Get Shorty*):

Focus on the writing so that your voice and point of view come through ... Commit to writing, not to selling.

Bruce Joel Rubin (*Ghost*):

I can only talk about my process – yours will be different. The real understanding comes from actually writing.

Eric Roth (*Forest Gump*):

Writing is like walking from Spain to Vladivostock on your knees.

Rob Festinger (*In the Bedroom*): The first draft is your baby and the rest is heartbreak.

Stephen Gaghan (*NYPD Blue*, *Traffic*):

At the point when they start purging the work

of any idiosyncratic expression, I put my foot down and say 'No!' This business is not for the faint of heart.

Charlie Kaufman (*Adaptation*):

I just write after thinking about it for a long time. I write in fits and starts. If I go through the script linearly and something changes, I go back to the beginning and work through it again.

Robert Towne (*Chinatown*):

Write what you love. Have a few good friends read your script out loud – it can be a rude and salutary shock.

Scott Frank:

You're not selling your script, you're selling yourself. Take total responsibility for your work. Most road blocks will fall away if you have a strong voice and something to say.

Ed Solomon (*Men in Black*):

You are the engine. Be unwilling to stop until it's done. And don't focus on the rejections.

Following Rules?

Phil Alden Robinson:

Rules are interesting analytical tools, but they can't help you write. Until you're on page 22, you won't know what it is supposed to be.

Nick Kazan (*Reversal of Fortune*):

Be true to yourself and finish the script, then you can adjust it. Write from passion. You're better off breaking every rule initially. As long

as you're moving the story forward, that's all that matters.

Eric Roth:

I'm suspicious of screenwriting courses, I prefer to learn from reading literature and seeing plays. There are no rules for any of it. But courses encourage you to write, which is good.

**Should You Bear The Market In
Mind?**

Walter Parkes (Co-Head, Dreamworks):

It's best to follow your instincts. It may be commercial and you'll have a success.

Scott Frank:

You can't decide ahead of time what people are trying to see. If you do that, you're in trouble.

Paul Attanasio (*Donnie Brasco*):

If you try to write a result, or write for a marketplace, it's always fucked up. Whenever I've written from a place where I want to say something, I've always written my best work.

Akiva Goldsman (*A Beautiful Mind*):

The most marketable thing you can do is write your best work, whatever that is. Do the thing that matters. Write about what you love.

***“The Caucus Foundation turned my dreams
to a reality with the necessary funds to
finish my film. Thanks.”***

Sonya Chi, Producer

“Shui Hen,” AFI

DIRECTORS UP IN ARMS ABOUT COMPANIES WHO ALTER FILMS WITHOUT PERMISSION - WHAT'S GOING ON?

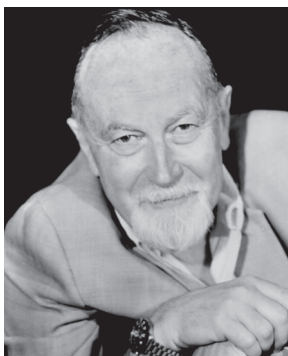
Gilbert Cates

From its inception in 1936, the Directors Guild of America (DGA) has existed to protect its members' economic and creative rights. For over 60 years we've fought battle after battle with the studios to defend and extend the rights of directors, and we've been fortunate enough to win our fair share. When we have won creative rights for directors, it is because we persuaded the studios that our proposals would benefit the film as well as the director.

As we prepare to enter a new year, we are unfortunately in combat mode once again, only now we're riding into the fray with the studios by our side. This time our opponents are companies that are taking our movies and altering them without permission, then renting, selling or in some way profiting from *their* versions of *our* films.

Companies Say That They Are Merely Doing What Is Already Done

Whether it's removing or changing a few cuss words, cutting a violent scene, or chopping out several minutes in the middle of the film, it makes no difference. What these companies are doing is taking something that has been created by others and is owned by oth-



ers, changing it without permission, and then making money off the versions they've created. The DGA believes this is unethical and illegal, and the motion picture studios—the copyright owners—agree.

Some of the companies altering our movies like to say that they are merely doing what is already done when a film is edited for broadcast

television or for viewing on an airplane. However, there is a crucial difference that they conveniently overlook. Movies that are edited for television, or airlines, or for overseas sales, are done so at the behest of the studio and with the input of the director. In fact, the DGA has provisions in its contract with the studio that make it mandatory for the director to be consulted whenever such editing is done. (As a side note, directors are not paid for editing these versions. For us, it's strictly a matter of protecting our films as best we can).

Let me make one thing absolutely clear. Consumers have the absolute ability to control how they watch movies in their own home, and neither the DGA nor any director would ever say otherwise. What these companies do is neither the legal nor ethical equivalent of using a remote control.

Some of these companies, such as CleanFlicks, EditMyMovies and Family Flix, rent or sell copies of videotapes and/or DVDs

that have been physically edited and altered. Others, such as ClearPlay and MovieMask, sell software that provides pre-programmed movie-specific filters to consumers who must purchase their own DVD copy of the film. The latter companies have tried to draw a distinction between what they do and what CleanFlicks, for instance, does, based on the fact that the use of their software does not physically alter the DVD. However, in the end, it's a distinction without a difference.

Both ClearPlay and MovieMask create "fixed" alternative versions of films, none of which is authorized. They are not selling editing software that allows consumers to self-create edited versions of their personal DVDs. Instead, they sell software that presents *pre-programmed* versions of the film. While the software may give purchasers a "menu" of which version to watch, *each and every* version from which they can choose is decided not by the consumer but by the programmers creating the software.

In addition, MovieMask boasts that future versions of its "masks" will not just have the ability to remove, but also to add things such as product placements, or change things such as swords into light sabers in *The Princess Bride*. Remember, that this same technology can be used to insert prurient items and objectionable language in otherwise family films.

For Directors This Is Not A Financial Issue

Consumers can use their remote to fast-forward through scenes, press "mute" to elimi-

nate language they find offensive, watch the same scene over and over again, or do anything else they want in the privacy of their own home. A consumer can even edit a videotape he or she has purchased. Additionally, every child is affected in different ways by different scenes, and only a parent knows what is appropriate for his or her own child. No total stranger's idea of what is suitable can substitute for an individual parent's own judgment. A remote control works along with a parent's knowledge about his or her child to provide the most suitable viewing experience for a particular family.

For directors, this is not a financial issue. In fact, it could be said that directors would lose money if these companies were put out of business, because they will not get the residuals generated when the companies purchase copies of the original versions to alter. This is about directors and copyright owners standing up for their intellectual property rights and not wanting to see their films, which continue to carry their names, altered without their input.

Gilbert Cates is recognized as a leader in television, film and theater. His extensive accolades include Academy Award nominations for the films I Never Sang for My Father and Summer Wishes, Winter Dreams and Emmy Awards for NBC's To all my Friends on Shore and ABC's Academy Awards. From 1990-1998, Cates served as Dean of the UCLA School of Theater, Film and Television, which he founded. Currently, Cates presides as Producing Director of the Geffen Playhouse, and recently produced the 75th Annual Academy Awards show for ABC.

SOME OF WHAT THE CAUCUS ACCOMPLISHED IN 2002

- ◆ TOOK SUBSTANTIVE ACTION OPPOSING NATIONAL MEDIA CONSOLIDATION ISSUES IN WASHINGTON, D.C.:

ENTERED INTO AN AGREEMENT WITH MARGARET CONE FOR PROFESSIONAL REPRESENTATION IN WASHINGTON DC;

OPPOSED THE MERGER OF AT&T AND COMCAST;

OPPOSED THE MERGER OF ECHOSTAR AND DIRECTV;

THROUGH POSITION PAPERS, LETTERS AND PERSONAL CONTACT, ESTABLISHED OUR OPPOSITION TO FCC'S POTENTIAL REVISION OF THE DEREGULATION PROVISIONS AS A PART OF THE REVIEW OF THE TELCOM ACT OF 1996;

PARTICIPATED IN A COALITION OF AFL-CIO PROFESSIONAL EMPLOYEES AFTRA, DGA, WGA, SAG ASKING FOR FCC FIELD HEARINGS ON ANY POTENTIAL DEREGULATION;

MADE DETAILED RESPONSE TO THE FCC ON THE ISSUE OF THE LACK OF DIVERSITY IN TELEVISION AS A RESULT OF MEDIA CONSOLIDATION.

- ◆ PUBLISHED AND DISTRIBUTED TWO ISSUES OF *THE CAUCUS JOURNAL* SUPPORTED BY EASTMAN KODAK COMPANY.
- ◆ ESTABLISHED FIRST ANNUAL PANEL: TELEVISION – A YEAR IN REVIEW MODERATED BY BRIAN LOWRY OF THE *LA TIMES*.
- ◆ ORGANIZED AND PROGRAMMED TWO CAUCUS CONNECTION BREAKFAST MEETINGS WITH BROADCAST/CABLE EXECUTIVES OF HBO AND THEN LIFETIME TO DISCUSS THEIR DEVELOPMENT PROGRAM WITH MEMBERS AND GUESTS.
- ◆ PARTICIPATED WITH THE ALLIANCE SPEARHEADED BY DGA ON FEDERAL AND STATE WAGE BASED TV CREDITS TO ENCOURAGE PRODUCERS TO SHOOT IN THE UNITED STATES.
- ◆ PARTICIPATED WITH THE DOCUMENTARY CREDIT COALITION AND THE INTERNATIONAL DOCUMENTARY ASSOCIATION (IDA) TO STOP BROADCAST/CABLE COMPANIES FROM ELIMINATING SERIES CREDITS.

- ◆ WITH ROGERS & COWAN, ARRANGED PUBLIC RELATIONS ASSOCIATED WITH *HOLLYWOOD REPORTER* ON CAUCUS AWARDS 2003 AND TELEVISION: A YEAR IN REVIEW PANEL 2003.
- ◆ INCREASED THE SCOPE AND TYPE OF CONTENT ON THE CAUCUS WEBSITE. (WWW.CAUCUS.ORG)
- ◆ ESTABLISHED A NEW ASSOCIATES MEMBERSHIP CLASSIFICATION.
- ◆ ESTABLISHED AND PROGRAMMED FIRST ANNUAL HOLIDAY REUNION AND BIRTHDAY BASH.
- ◆ ESTABLISHED A MENTORING PROGRAM FOR CAUCUS MEMBERS TO ADVISE GRANT RECIPIENTS.
- ◆ PROVIDED GRANTS TO 10 STUDENT RECIPIENTS FOR A TOTAL OF \$67,500 FOR 2002. INCREASED TOTAL GRANTS TO \$117,500 AND 20 STUDENTS.
- ◆ ENDOWMENT INCREASED FROM \$58,333 TO \$112,500 THRU ADDITION OF A \$25,000 ENDOWMENT FROM HOLLYWOOD CHARITIES FOUNDATION AND \$33,333 FROM MICROSOFT/ULTIMATE TV TO COMPLETE THEIR \$50,000 ENDOWMENT. BOTH ARRANGED BY ROGERS & COWAN.

“Without the generous support of the Caucus Foundation, not only would my film not have screened at Sundance, it wouldn’t even have been completed yet!”

**Yon Motskin, Writer/Director
“The Cutman,” NYU**

IS THERE A ROLE FOR CENSORSHIP TODAY? PART I

Al Schneider

I recently had my memoirs published by Syracuse University Press. The book is entitled *The Gatekeeper: My Thirty Years As A TV Censor*. In seeking comment in *The Caucus Journal*, I was asked how I would perceive the role I played then in today's environment. Is there still a need for script and picture review? Have standards changed? Or



has the environment become so prolific that whatever is being done to exercise review is mere tokenism?

Addressing these questions is a formidable challenge. I am privileged to have known many members of the Caucus over those formative years. Writers, producers and directors serve as the bastion of free expression and have contested my role and decisions over the years and with good reason. So it seemed appropriate to reconsider the questions that drove my career as a censor for so many years in light of current content and milieu.

America is still searching for answers to deal with the conundrum of youth violence and teenage anti-social behavior.

The media, particularly television, are singled out for condemnation as a contributing factor to such behavior. What is the responsibility of those entrusted with the public interest obligation of a broadcast licensee? How does one balance the mandate of freedom of speech with the call for censorial demands on creative fare? Does the industry not have a conscience?

When I began my career, a censor needed to understand the relationship among the historic forces of free speech, the public interest, and the business structure of the industry. Broadcasting in the United States operates in a free enterprise system, answerable to shareholders or private entrepreneurs to produce a profit. A network is a voluntary affiliation of stations, each station

in a contractual relationship with the network. The stations, in essence, buy programs produced by the network or licensed by the network from others, which each could not afford to produce individually. In exchange, the stations grant the network time to sell advertisements within or adjacent to the programs.

In order to examine the role of censor in the present, an analysis of the relationships I mentioned within the context of the legal framework in which the role of censor developed is required.

The business structure of commercial broadcasting means programs must be scheduled that appeal to the most viewers. The underlying questions in every programming decision are: Will the audience tune in? Will the affiliates air this program? And the critical question, will the advertisers buy time?

In a sense, programming decisions based on economic forces are all censorial activities not unlike the function of those of us who act as editors/censors in the review of program content for questions of taste, acceptability, language, violent portrayals, sexual innuendoes

and veracity. In legal fact, the First Amendment does not apply to activities of a private individual or corporation. The Amendment's prohibition is against congressional or government action. Editorial review, deletion, revision of material, whether for print or broadcast, does not violate the First Amendment.

However, in the world of ideas and creativity, the concept of freedom of speech is so ingrained in the American psyche that it pervades television in spirit if not in law. Television is also unique in that it transmits news and information programs on the same channel with entertainment programs.

In our system, several themes govern the definitions of the censor's role. (1) The government can censor only where there is a finding that an important governmental interest is at stake—a public interest obligation—which outweighs a freedom of speech privilege; (2) An individual or private corporation can censor as long as its action is not conspiratorial nor collaborative with government action and is not discriminatory; (3) The spirit of the law recognizes freedom of expression as a concomitant of creativity in a democratic society; and (4) At the foundation is the democratic concept that freedom of choice is the people's right.

When the Communications Acts of 1927, 1934 and 1996 were written, Congress incorporated the principle of free speech in the "no censorship" provision of the several acts. Congress also set a standard for the granting of a license to operate a radio or television station. That standard, vague and ambiguous as it may be, requires that an owner of a license must operate "in the public interest." The Act states ... "the Commission (FCC), if public interest, convenience, or necessity will be served thereby ... shall grant ... a station license... The

"public interest" standards define a station operator's service requirement.

What then is "the public interest"? In all the legislation relating to broadcasting or communications, "public interest, convenience and necessity" are never defined. The legislative history is little help, nor do court decisions provide much guidance about compliance standards. The terms have generally been defined case by case.

This amorphous concept of "public interest" retains some sense of respect for family and order in society and support for institutional values. Perhaps one can go even further. Application and interpretation of such words as fairness, balance, truth, and dignity of the human spirit can also be attributed to the meaning.

In the 1960s and '70s, stations were required to "ascertain" the needs and interests of the community in order to serve the public interest. This ascertainment process led to the scheduling of a number of public affairs and documentary programs on a weekly or monthly basis. When the rules were discontinued in the late 1980s, along with the Fairness Doctrine, many of the programs disappeared. In the 1960s and '70s, license renewals were challenged because of programming practices and lack of affirmative action in employment. Minority and women ownership issues and occasionally advertising and children's program deficiencies also engendered license challenges. Children's programming required special attention. Concern with the quality of programs designed primarily for children, as evidenced by the 1990 Children's Act, seems to be the only vestige of this once robust regulatory policy. All of these activities contributed to a definition of the "public interest."

"What then is 'the public interest'?"

In 1987, with the industry already in the middle of major changes, there was a landmark decision that grew out of a comedic routine about words forbidden on the air. George Carlin, a “satirical humorist,” gave a 12-minute monologue entitled “Filthy Words” before a live audience in a California theater. That performance of “the words you couldn’t say on the public, ah, airwaves...the infamous Seven Dirty Words” was recorded.

On a Tuesday afternoon at 2 p.m., the Pacifica Foundation’s FM radio station in New York City, WBAI, played the monologue during a discussion about society’s attitude about language. That broadcast ignited the debate

about indecent programming on radio and television.

The wind of change was about to become a hurricane.

The second portion of Al Schneider’s thoughts regarding the role of censorship in our turbulent industry will detail the more recent history as well as noting steps to be considered in the future. Formerly chief censor for ABC, Alfred R. Schneider is an attorney and consultant in the communications business and an adjunct professor at Fordham University’s Graduate School of Business Administration.

(To Be Continued...)

“Caucus support is enabling me to finish my thesis project on film – which opens it up to being seen by a larger audience.”

**Andre Sala, Director
“Madison Rye,” NYU**

DOES “DIGITAL” HAVE A SOUL?

Bob Fisher

After decades of funeral notices, why is film still the dominant medium of choice for narrative stories on television? One obvious answer is that video technology has been chasing a moving target. In 1956, Kodak offered one color negative film with a recommended exposure index of 50. In simple terms, it required a lot of light to properly expose images. Today, there is a full menu of color films with specialized imaging characteristics, including exposure indexes ranging from 50 to 800. There have been parallel advances in telecine technology that make it possible to transfer more nuances in colors, contrast and other details on the negative to the television screen.

However, that doesn't tell the whole story. Herbert Marshall McLuhan provided a more interesting answer nearly 40 years ago. In 1963, he organized the Center for Culture and Technology at the University of Toronto. His media studies ranged from radio to film and video. McLuhan relied on such objective measurements as pulse rates and brain waves to determine how the medium affects the message. His research was recapped in his books *Understanding Media* (1964) and *The Medium Is the Message* (1967).

McLuhan's over-arching conclusion was, "Each medium, independent of the content ... has its own intrinsic effects, which are its unique message... the medium shapes and con-

trols the scale and form of human association."

We asked Kodak's Entertainment Imaging Division Vice President Brian Spruill to explain some of the fundamental differences between film and digital imaging and how they affect audiences. Spruill explained that film and the human eye "see" images approximately the same way. Every frame of color negative film consists of multiple layers of

chemical emulsions coated on a gelatin base. Each frame contains billions of microscopic silver halide crystals scattered in a random fashion. When light reflects off a person or object, it sends a beam of photons (energy) through the lens. When the photons

strike silver halide crystals they create a chemical reaction that forms a latent image. The latent images are amplified billions of times when the film is processed by a lab.

In contrast, digital cameras capture image data when light strikes a two-dimensional grid of pixels (picture elements) on a CCD sensor. The fixed positions of the pixels cause "aliasing" and other artifacts that may not be noticeable on a conscious level, but audiences "feel" the difference like there is a veil between them and the images.

"I think there is a fundamental difference between digital images and this magic lantern where you shine light through something and get this organic chemical reaction," said cinematographer James Anderson, ASC. "Film

***"Each medium,
independent of the content
... has its own intrinsic
effects, which are its
unique message..."***

has a warmth and a smoothness. It has a much more organic quality. Digital images are ... kind of ... like a record as opposed to an impression.”

Spruill emphasized that film provides a 1,000:1 dynamic range in its capacity for recording shades of tones and colors in between the darkest shadows and brightest highlights. In contrast, digital video provides a 100:1 dynamic range. In simple terms, that means film has the capacity to record much more detailed nuances in colors and contrast.

We asked George Spiro Dibie, ASC how that capacity affects storytelling. Dibie is national president of the International Cinematographers Guild. He has earned six Emmys and seven other nominations.

The cinematographer replied by citing a Mark Twain quote, “The difference between the almost right word and the right word is really a large matter—it’s the difference between lightning and the lightning bug.”

Film also provides spatial flexibility that enables cinematographers to speed up or slow down the passage of time by shooting at different frame rates.

“Every cinematic technique creates an emotional response, whether it’s a handheld 16 mm camera or an anamorphic shot and everything in between,” said cinematographer Russ Alsobrook, ASC. “It all has psychological and emotional effects that influence how the audience responds to the story and characters. The same is true of lighting, choice of camera angles and lenses. All of those things can have a profound affect on the audience. Fortunately, there are aesthetically-minded producers who feel that the look and filmatic quality of their shows are important ... film has a magic that will never be duplicated with videotape, whether you call it digital or some-

thing else.”

Cinematographers use words such as “dream-like” and “organic” to describe a film-look and “bright and sharp” when they talk about digital images. They overwhelmingly reject the notion that digital video makes the work easier or simplifies lighting.

Stephen Lighthill, ASC said, “The successful producers understand that there are photographic issues ... for example, at the present time, digital images are relatively plastic-looking. It takes a cinematographer who knows how to deal with lighting, filters and make-up to make adjustments so the actors don’t have that plastic look ... In contrast, there is an interaction between the silver halide crystals and the chemistry that gives

you a more fluid, naturalistic look with film.”

Lighthill noted that the medium affects the message in other ways. At the beginning of his career, he was a newsfilm cameraman for CBS Television and *60 Minutes*. Lighthill recalled how the portability of 16 mm cameras resulted in more flexible, interpretive and interesting storytelling.

“You could let your imagination soar and find different ways to tell stories,” he said. “You could get behind the scenes and find things that nobody else had. The original video cameras used for television news were very cumbersome and tethered to recorders in a van, so they could transmit live reports. That changed the grammar of television news. Every channel had anchors standing in front a place where news had happened. They all had the same images in the background with their anchors talking about what happened instead of using the medium to take the audience into the stories.”

Cinematographer Paul Maibaum said that portability was one factor that led to the deci-

“... digital images are relatively plastic-looking.”

sion to produce the episodic series *Do Over* in Super 16 format. The pilot for the sit-com was produced with multiple 24P HD cameras. Producer Michael Ovitz decided to shoot the series with a single Super 16 camera instead.

“Once the writers and directors understood what types of shots were possible with Super 16 cameras, they began to write them into the scripts,” Maibaum said.

The cinematographer believes audiences instinctively respond to the film look.

“I think when people are flipping through the channels they are subconsciously comparing images,” he said. “They might not say that doesn’t look as good, but they’ll decide to watch another show without knowing exactly why.”

We saved the last word for Buddy Squires.

The cinematographer has collaborated with Ken Burns since they were students at Hampshire College in Massachusetts some 25 years ago, including such classics as *The Civil War*, *Jazz*, *Baseball* and *Mark Twain*. Until last year, Burns produced all of his films in 16 mm format. He only recently switched to Super 16 format.

“Ken is really committed to shooting on

film because it has texture, subtleties and a broad range of latitude When we are working on *Lewis and Clark*, we were driving on a coldish, overcast day on a high plateau, which is sort of windblown and desolate. I saw a small break in the clouds. We stopped the car just as the sun emerged. The wind started blowing like mad. A snowstorm came out of nowhere. There was a strong sidelight and beautiful dark clouds. We set up the camera in 30 seconds and shot for five minutes in amazingly beautiful light. That shot helped the audience experience what the explorers probably saw on that trail 180 years ago. They could empathize with how they felt.”

That’s an eloquent way of saying, Marshall McLuhan was right.

“... audiences instinctively respond to the film look.”

Bob Fisher has authored more than a 1,000 magazine articles about cinematographers and other filmmakers talking about their art form during the past 25 plus years. He has also moderated many panel discussions at film festivals, conferences and Internet chats for both the American Society of Cinematographers (ASC) and the International Cinematographers Guild (ICG).

“The Caucus Foundation award confirms my dedication to diversify cinema and tell the stories of minorities not currently represented in the mainstream.”

**Sara Rashad, Writer/Producer/Director
“Tahara,” USC**

CAUCUS MISSION STATEMENT

- ☞ Our mission is to protect and actively promote the artistic rights of producers, writers and directors. We actively oppose any interference with these creative rights whether they originate from government, studios, networks, or special interest pressure groups.
- ☞ We are opposed to the growing concentration of ownership of development and television production in fewer and fewer hands. When a small number of mega-corporations control the vast majority of the process, diversity of voice is threatened, and our creative rights and our ability to compete as entrepreneurs are gravely endangered.
- ☞ We are aware of the powerful impact of television and we will strive to elevate program quality and encourage responsible programming for the public.
- ☞ Our continuing task is to increase communication among Caucus members about creative and business issues in the television industry and communicate our concerns to those outside our organization.
- ☞ From time to time we will lend our support to other groups and causes that support our mission.

**The 20th Annual
Caucus for Television Producers, Writers & Directors
Awards Dinner & Ceremony
held at The Beverly Hills Hotel
January 10th, 2003**

Jerry Offsay

Executive of the Year Award
President, Programming - Showtime

Victoria Riskin

Chair's Award
President, Writers Guild of America West

David Gerber

Caucus Lifetime Achievement Award
Executive Producer

Anne Hopkins

Caucus Distinguished Service Award
Executive Producer

Robert Dowling

Journalism Award
Publisher & Editor-in-Chief,
The Hollywood Reporter

Larry Lyttle

Diversity Award
President, Big Ticket Television

Caucus Honors

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Marian Rees

Writer

John Gay

Director

Mark Rydell

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MARCH 2003

Abbott, Chris	David, Larry*	Hopkins, Anne	Rich, John
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Brooks, James L.*	Finney-Johnson, Sarah	Lathan, Stan	Shea, Jack
Burton, Al	Fontana, Tom	Leder, Mimi*	Sherman, Harry R.
Butler, Robert*	Freeman, Seth	Lovenheim, Robert	Silverman, Fred
Campanella II, Roy	Fries, Charles W.	Markell, Bob	Solt, Andrew
Cardea, Frank	Gay, John*	Marshall, Garry	Spielberg, Steven*
Carsey, Marcy	Gerber, David	McNeely, Jerry	Spelling Aaron
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Cherbak-Norell, Cynthia	Goldberg, Gary	Mischer, Don*	Stevens, Jr., George
Chermak, Cy	Goodson, Jonathan	Moffitt, John C.	Strangis, Greg
Chetwynd, Lionel	Green, Jim	Oringer, Barry	Thomas, Tony
Clark, Dick*	Greene, David	Otto, Linda	Trussell, Hal
Cohen, Harold D.	Greenwald, Robert	Paolantonio, Bill	Vincent, Edward Duke
Colla, Richard A.	Grossman, Gary	Papazian, Robert	von Zerneck, Frank
Considine, Dennis	Guenette, Robert	Parkin, Judd	Weintraub, Lloyd
Converse, Tony	Gurin, Phil	Peterkofsky, Eric	Weller, Robb
Cooper, Hal	Haffner, Craig	Petrie, Daniel	Winkler, Henry
Cosgrove, John	Halmi, Sr., Robert	Petrie, Dorothea G.	Witt, Paul Junger
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Crane, David*	Hanks, Tom*	Pierson, Frank	Wolper, David
Culver, Carmen	Hargrove, Dean	Powell, Norman	Wrye, Donald
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