

“Action Classics”: Ways of Thinking about the Budget DVD Corpus¹

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The cultural artifact that inspired this essay is the DVD box set *Action Classics 100 Movie Pack* (Fig. 1), released in the United States in 2007 by Mill Creek Entertainment and available throughout North America, Europe and other markets. A banal, even degraded product of contemporary audio-visual culture, the *Action Classics 100 Movie Pack* stands, nevertheless, at the intersection of a wide range of economic, legal, technological and cultural logics. The purpose of this essay is to unravel some of these logics as far as is possible or pertinent. As I shall argue, building on arguments developed elsewhere², collections of entertainment software such as this boxed set serve in a sense as alternative cultural monuments. They are one of the devices through which film history is gathered up, sifted and endowed with various forms of coherence within contemporary culture. Within these boxed sets, significant quantities of cultural expression are preserved and made to move throughout the world. In this respect, an artifact like *Action Classics 100 Movie Pack* is an integral part of what, following Janell Watson, we might call the “mode of accumulation” typical of contemporary audio-visual culture³.

1.- The author wishes to thank Caroline Bem for valuable research assistance.

2.- Will Straw, “Embedded Memories,” in Charles Acland (ed.), *Residual Media*, Minneapolis, University of Minnesota Press, 2007, p. 3-15 ; Will Straw, “The Music CD and Its Ends,” *Design & Culture*, Vol. 1, No. 1, p. 79-92.

3.- Janelle Watson, *Literature and Material Culture from Balzac to Proust: The Collection and Consumption of Curiosities*, Cambridge, Cambridge University Press, 1999, p. 40.

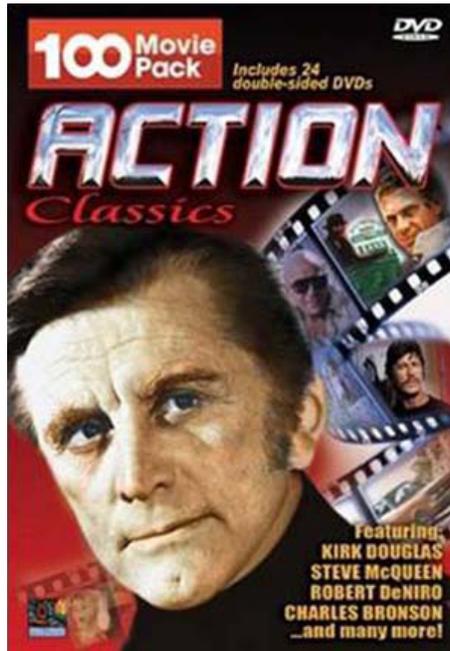


Figure 1. Cover of *Action Classics 100 Movie Pack* (Mill Creek Entertainment, 2007).

Budget DVDs and the Commoditization of Cinema

Action Classics 100 Movie Pack was released in 2007 by the Minnesota-based Mill Creek Entertainment, a company described on its website as the “industry’s leading provider of value DVD compilations.”⁴ This particular compilation is one of a dozen “100 Movie Pack” boxed sets issued by Mill Creek as of August, 2009 ; others are devoted to such themes as “Comedy Classics” and “Family Favorites.” These sets represent the latest responses to what is clearly the “commoditization” of certain types of older films, in the sense that economists use that term. That is, compilations such as this enact and express the reduction of hundreds of films to virtually indistinguishable products of equal value, in a market where competition is based almost exclusively on the offering of greater and greater abundance for ever lower prices. Because the films contained on Mill Creek’s boxed sets are in the public domain, available for commercial release by anyone who might have a copy, there are no rights costs to be paid. Once a digital copy of a film has been procured, the only real costs of commercial exploitation are those of duplication and packaging (there is little direct advertising to potential consumers). The clearest contrast with Mill Creek in the United States is a company like Criterion, whose pricing of DVDs is variable, based on the pre-established canonical status of each film and on the added value provided by the company in the form of high quality restorations and special features.

4.— See the website at <<http://www.millcreekent.com>> (accessed on November 19th 2011).

Over the last decade, the marketing of public domain films in DVD form has moved in two directions. One is towards ever-cheaper and ephemeral versions of single films, like the cheaply printed single DVDs packaged in thin envelopes that turn up in North American dollar stores for as little as 25 cents. Films for children, cartoon packages and old television shows disguised as feature films are common repertory in this market segment. The other tendency, at the heart of the “100 Movie Packs” strategy, seeks to offer a convenient abundance designed, increasingly, to counter the availability of most of these films as free downloads from such sites as the Internet Archive (www.archive.org) or The Entertainment Magazine (www.emol.org).

As the company’s website admits, Mill Creek Entertainment’s *Action Classics 100 Movie Pack* was assembled by combining two previously-released boxed sets, *50 Suspense Classics* and *50 Action Classics*. Indeed, the 24 DVDs contained in the new set are still housed within the envelopes printed for these two original collections, as if the marketplace had changed so quickly that a boxed set offering 50 films quickly ceased being an attractive consumer object and had to be repackaged to increase its appeal. At the same time, the building of the “100 Movie Pack” out of these prior sets is part of a larger logic through which individual films find multiple uses. The same films may turn up on several of Mill Creek Entertainment’s boxed sets, through different inflections of their generic elements. *British Intelligence*, the 1940 Warner Brothers spy film starring Boris Karloff, is available in both the *Action Classics* box and the *20 Movie Combat Pack*, for example, while the 1971 television movie *Yuma*, starring Clint Walker, is included in the 50-film *Gunslinger Classics*, the 20-film *Mean Guns* set and the weighty *100 Western Classics*.

Copyright and the Public Domain

The single factor most determinant of the price of the “Action Classics 100 Movie Pack” is the fact that, seemingly without exception, the films contained within it are in the public domain, at least in the United States. As films fall into the public domain, the only requirement for someone wishing to reproduce and circulate them is possession of a copy, and at the present time that copy need be no more elaborate than a digital file. In a meticulously researched examination of the public domain for films, David Pierce has studied the reasons why U.S. copyright was lost on such major Hollywood films as *Charade* (Donen, 1963), *Of Human Bondage* (Cromwell, 1934) and *It’s a Wonderful Life* (Capra, 1946)⁵. In many important cases, Pierce notes, films fell into the public domain as a result of errors or delays in the copyright or renewal process; these errors explain the loss of copyright ownership of such major studio films as *Topper Returns* (Del Ruth, 1941), *Royal Wedding* (Donen, 1951) or *Father’s Little Dividend* (Minelli, 1951).

5.— David Pierce, “Forgotten Faces: Why some of our Cinema Heritage is Part of the Public Domain,” *Film History*, Vol. 19, No. 2, 2007, p. 125-143.

The principal reason for the loss of copyright on a film, however, is the disappearance, usually through bankruptcy, of a film’s production company, and consequent absence of institutional structures that might enforce copyright ownership or renew it after its normal term has expired. The loss of copyright through collapse of the original production company—often in periods of industry restructuring—is a major reason for the public domain status of films produced by the small studios associated with the “Poverty Row” of the 1930s and 1940s. Similar reasons have led to the loss of copyright for the dozens of European westerns, thrillers and adventure films of the 1960s and 1980s that fill the DVD boxed sets of Mill Creek and other distributors of budget packages. The English-language rights to these films were often sold off multiple times, to national or regional distributors who altered their linguistic and moral features (their levels of nudity and violence, for example) in revamped versions destined for particular markets. As these distributors themselves went out of business, the ownership of large numbers of these films could no longer be established or enforced with any authority.

Observers have noted that the public domain status of certain non-Hollywood films, like the Italian “spaghetti Westerns” of the 1960s and 1970s, is often recognized only in the United States. Films whose copyright is still in force in Europe fell into the public domain in the U.S. as a result of the failure of companies to follow prescribed registration procedures in that country⁶. While efforts to restore the copyright status of these films in the U.S. have been underway for over a decade, a curious effect of their ambiguous legal status is that large numbers of European thrillers, Westerns and combat films are more readily (and inexpensively) available in the United States than in the countries in which they were produced. Their current presence within cheap commercial anthologies of post-1960s cinema, and in the homes of thousands of North American consumers, is disproportionate to the cultural space these films occupied at the time of their original release in North America.

The commercial circulation of several hundred films whose rights have lapsed is rarely addressed in discussions of copyright and its public purpose. Indeed, it is significant that the widespread availability of public domain films fulfills neither of the prominent narratives about public ownership that have circulated around copyright with particular intensity in recent years. The first of these narratives, which underpins copyright law in most Western countries, sees creative works, such as literary novels or musical compositions, as the products of labour for which some limited form of financial remuneration is appropriate. Creative works, from this perspective, should enter the public domain only after a prescribed period has passed, at that point in their lives at which they have provided sufficient reward to their creators to serve as incentives for further creative labour. The public domain, in these scenarios, is a space of collective

6.— See the interesting discussion of these issues on The Spaghetti Western Database Forum at <<http://www.spaghetti-western.net/forum/index.php?topic=2145.0>> (accessed on November 19th 2011).

cultural heritage in which works will repose for eternity once the period of their necessary commercial exploitation has passed.

The contrasting position is familiar from present-day battles over downloading and the notion of a creative commons. Here it is argued that, instead of waiting patiently for the ownership of works to expire, we must liberate these works from structures of ownership and control. From this position, cultural expression is seen less as labour than as speech and information, elements whose unconstrained circulation is deemed essential to the functioning of a true democracy. In more radical versions of this argument, cultural expression contains within itself the impulse to be free, an impulse so strong that it inevitably exposes the obsolete, repressive character of copyright ownership regimes.

The public domain films which fill up Mill Creek Entertainment's boxed sets serve as weak examples in either of these narratives, however. Left unprotected because of accidents or corporate failures, these films enter the public domain for reasons unconnected to ideals of collective heritage or liberated speech. Indeed, the movement of films into the public domain is often one more quirky turn in turbulent textual histories marked by the failure of these films to find a public or maintain their integrity as works through turbulent commercial lifecycles. The release of cheap DVDs of Orson Welles' later, non-Hollywood films, for example, is just one more dismal event in the sad histories of these films—histories which have seen their textual integrity dispersed and fragmented across multiple versions and in the face of uncertainty over the ownership of prints and rights. Likewise, the “liberation” of these films from copyright, and the enhanced availability which has resulted, typically has little to do with political challenges to the idea of intellectual property or the ownership thereof. The unconstrained present-day free circulation of 1970s “grindhouse classics” or of films by minor Hollywood production companies of the 1940s is more often the result of short-term commercial calculation and unscrupulous marketing practices in the past (such as those that stripped studio logos from films when they were sold to television) than of any commitment to the free circulation of information.

As Robert Read has shown, the longstanding availability of public domain films from short lived American studios of the 1930s (first on 8 mm or 16 mm prints, then on VHS tapes or DVDs) has produced a “thickness” for this corpus.⁷ Easily viewed and collected, these films have inspired the growth of fan cultures, specialized distributors and the discourses of non-professional expertise and scholarship. All of these have produced a coherence for this corpus that reverses its original dispersion into obscure channels of distribution and unmaintained corporate inventories. Implicitly, this corpus confirms the archival principal that “lots of copies in lots of places” constitute, in certain cases, a means of preservation just as efficient as the traditional hoarding of rare single copies in secure institutions of patrimonial authority.

7.— Robert Read, “Homemade Surrealism: The Convergence of Past and Present Modernities in 1930s Poverty Row Films,” presented at the 2009 conference of the Film Studies Association of Canada, Ottawa, Canada, May 29th 2009.

Logics of Genre and Geography

The *Action Classics* boxed set is advertised, on Mill Creek Entertainment's website, as one of the company's "instant genre libraries," alongside other sets devoted to Westerns, Spy films, Horror and the Combat film. The "action film," it might be argued, is a more recent construction than these others categories, having had little classificatory prominence in the discourses of the film industry or criticism until the last quarter century. The titles assembled here include many films with no obvious generic affiliation, such as exotic adventure films of the 1930s, like *East of Borneo* (Melford, 1931), *Bird of Paradise* (Vidor, 1932) or the feature edited from the Twentieth-Century Fox serial *The New Adventures of Tarzan* (retitled as *Tarzan and the Green Goddess* [Kull, 1935]). Here, as well, are such curiosities as the 1935 film adaptation of *Winterset*, Maxwell Anderson's play about a miscarriage of justice, and *Cape Town Affair*, the 1967 South African remake of Samuel Fuller's *Pick-Up On South Street*.

With this boxed set, we see the retrospective application of the "action" label to genres (such as the adventure film, the mystery or the western) in which studios on the margins of Hollywood during the 1930s and 1940s tended to specialize. The *Action Classics* box shows, as well, how non-Hollywood film companies of the 1970s and 1980s helped to elaborate the category of the action film as a transnational product, usually in films featuring an American star (like Charles Bronson or Lee Van Cleef) and operating at two or more points of intersection between such genres as the Western, the combat film, the revenge story, the mafia film, the heist narrative or the espionage thriller.

Forty-three of the one hundred films on *Action Classics* (almost half) were released prior to 1962, and all of those are from the United States. Among the peculiar inclusions here are the set's only two silent films, the Clarence Brown/Maurice Tourneur film *Last of the Mohicans*, from 1920, and the late silent John Barrymore vehicle *The Beloved Rogue* (Crosland, 1927). The majority of U.S. titles from *Action Classics*' pre-1962 corpus were made by minor production companies like PRC or Monogram, virtually all of whose output is now out of copyright protection. Other U.S.-made pre-1962 films contained here were issued by the independent companies that emerged in the 1940s, either as producers of relatively big budget product (e.g., Anthony Mann's *The Black Bird*, 1949, produced by Walter Wanger) or as suppliers of B films to major studios (such as Pine-Thomas, makers of low-budget films for Paramount, represented here by such titles as *Submarine Alert* [McDonald, 1949], *Dangerous Passage* [Berke, 1944], and *Wildcat* [McDonald, 1942]).

The American "action classics" made after 1962 have a very different provenance. A half-dozen or so of these are made-for-television films produced in the United States during the 1970s. These films exist within contradictory systems of value that have rendered them unusual artefacts. Made, for the most part, to be shown in prime-time on the major U.S. television networks, these films were often produced, nevertheless, by short-lived and fragile independent production companies who failed to protect copyright in the long term. Because they

regularly featured mid-level Hollywood or TV stars, from periods past those of their greatest stardom, these films present an obvious advantage to the marketers of budget DVD collections. The names and photographs of these stars can be used in the marketing and packaging of these DVD sets to give them legitimacy, with no mention of the fact that these films are from periods in their careers long past those for which they are best known. *Action Classics* includes such made-for-television films as *Ransom Money* (Lee, 1970) with Broderick Crawford, *A Tattered Web* (Wendkos, 1971) with Lloyd Bridges, *Murder Once Removed* (Dubin, 1971) with John Forsyth, *The Woman Hunter* (Kowalki, 1972) with Barbara Eden, *The Night They Took Miss Beautiful* (Lewis, 1977) starring Chuck Connors and *Paper Man* (Grauman, 1971) with Dean Stockwell.

The other half of the corpus of post-1962 U.S. films consists of cheaply made, slightly exploitative films like *The Death Collector (aka Family Enforcer)* (De Vito, 1976), a title available from multiple budget DVD companies, usually in packages that highlight its third-billed actor, Joe Pesci. Another example is *Corrupt (aka Copkiller)* (Faenza, 1983), which features Harvey Keitel, punk star Johnny Lydon and, in one of her last feature film roles, Sylvia Sidney. *Action Classics* conveys a peculiar, distorted image of post-1960s U.S. cinema through the predominance of two very different kinds of ‘minor’ texts. On the one hand, it includes television films made within the most controlled and bureaucratized sector of the audiovisual industries, typically for stable revenues guaranteed in advance. On the other hand, *Action Classics* gathers films, like the aforementioned *The Death Collector* and *Corrupt*, made at a cultural and geographical distance from Hollywood, often within those cultural sectors in which ideals of independence (on-location shooting, naturalistic acting, etc.) overlapped with the logics of the exploitation film (with its emphasis on aberrant sexuality or violence.) The “polyvocality” of films in this latter category—their capacity to speak to distinct audiences at the same time, both to hip cinephiles and to the audiences for cheap genre films—is often signalled in the different titles they carried at different points in their commercial lives.

The earliest of non-U.S. films contained in the *Action Classics* boxed set is the British film *Sword of Lancelot* (Wilde), made in 1963. As this collection moves into the 1960s and onwards, the proportion of non-U.S. films increases dramatically. Of the 56 films included here which were made subsequent to 1962, more than half (30) were produced outside the United States. The sense of film history conveyed here, then, is a curious one, as if countries like Italy or Germany only became part of that history late in the day. Distorted as this image of film history might be, one can see the logic at work here. Non-Hollywood filmmaking is acknowledged within these boxed sets, typically, at those points at which it has broken free of the circumscribed spaces of national cinemas. The European films included here are those which exploit the marquee value of Hollywood actors, for example, often with films made according to generic (or transgeneric) formula designed for a transnational marketplace. These practices, in Italian or West German cinema, would become particularly common in the 1970s, the decade that accounts for more than one third of the 100 films gathered on *Action Classics*.

Colour, Style and Degradation

A longstanding assumption in the marketing of budget-priced films, on videotape or DVD, is that those likely to buy such objects have a clear preference for films in colour over those in black and white. Typically, the visual images and annotative text employed in the packaging of budget boxed sets strain to conceal the dates of the films contained within them or the fact that several dozen of these films might be in black and white. One can imagine selection criteria for these boxed sets which presumes that the black and white, archaic character of older films may be partially compensated for if these films are U.S.-made and in English. It is for this reason, perhaps, that none of the pre-1960 films included here is from outside the United States, despite the widespread availability of public domain versions of such European titles as *Metropolis* (Lang, 1927) or the 1950s Italian films featuring the "action" hero Hercules. Older European films, in black and white and with actors unfamiliar to non-American audiences, would presumably involve too many forms of estrangement for a market dominated by U.S. consumers.

In contrast, colour filming and the presence of Hollywood stars serve to lessen the "foreign" quality of so many European films of the 1970s and 1980s. Italian-made thrillers like *Crime Boss* (De Martino, 1972), with Telly Savalas, or the Italian-West German co-production *Master Touch* (Lupo, 1972), starring Kirk Douglas, bear a sufficient number of features familiar to present-day consumers (recognizable faces and roughly contemporary levels of violence and sexual explicitness) for their foreign provenance to be obscured. At the same time, the availability of these European films allows the *Action Films* box to contain many more recent, colour films with well-known stars than would otherwise be possible. U.S. films of the 1970s or 1980s featuring actors of the stature of Kirk Douglas or Richard Widmark would almost certainly remain within copyright protection, while this is often not the case for European-made thrillers of the 1970s in which both appeared.

Even as European films of the 1970s enhance the perceived "value" of the *Action Classics* boxed set through their use of colour, international stars and familiar generic motifs, these films are often those which betray the highest levels of physical deterioration. More generally, the digital files on *Action Classics* appear to represent points late in the commercial and physical lives of the prints on which they were based. Many of these prints are marked by crude alterations which reveal the marginal industrial status of these films and the convoluted history of their ownership and distribution. In the case of many 1940s films, studio logos have been stripped off and replaced by those of long defunct television distribution companies. Films of the 1970s, however, have been subject to more varied processes of decay and acts of alteration. On numerous films from that decade, credits sequences have been squeezed to meet the needs of pan-and-scan versions designed for television broadcast; sound levels shift between those used for English-speaking stars and those of secondary characters speaking other European languages. In a practice to which Quentin Tarantino

rendered homage at the end of *Death Proof* (2007), the credits or “The End” cards of some films have been superimposed over freeze frames, a technique that facilitates the cheap titling of different versions for different language territories.

The most striking evidence of deterioration of the films gathered together as *Action Classics* involves colour. In a highly suggestive study of the copying and trading of VHS tapes, Lucas Hilderbrand suggests that one effect of the ongoing duplication of such tapes is that “technology becomes a text.” With time, as colours fade and images dissolve into visual noise, videotapes bear the “indexical evidence of use and duration through time.”⁸ This steady deterioration of the image with use is not usually true of the DVD, of course, which captures and holds the decay of its source material at a precise moment in its physical history. Thus, while the digital versions of films collected on *Action Classics* do not themselves fade with repeated use, the boxed set as a whole is full of lessons about the variety of ways in which film prints themselves may decay. In the case of virtually all *Action Classics* from the 1930s and 1940s, black and white has lost its crispness, and the clarity and separation of colours are diminished. Within this corpus, it is more and more difficult to distinguish the stylistic figures of the *film noir* or the gothic horror film from a generalized obscurity that has much to do with physical deterioration and the shrinking of films for television broadcast or 16 mm distribution. One effect of this decay is that films begin more and more to resemble others of their period.

This sense of what Susan Stewart has called the “self-periodization” of popular culture is particularly striking in the 34 films from the 1970s collected on *Action Classics*⁹. Through their repetition, from one 1970s film to another, the marks of physical abuse and colour deterioration which run through *Action Classics* now assume legibility as period style; they occupy a continuum with well-known, intentional gestures of stylistic indeterminacy born in the New Waves or countercultural impulses of the 1960s. These gestures include jump-cuts, zooms, dissolves, temporal jumps, fragmented scenes of love-making and long shots of pensive characters set against empty landscapes. Widely embraced as constituent features of the cinema’s renewal in the 1960s, these stylistic features live out their final days as the sensationalizing clichés of 1970s exploitation films. The creative fatigue that marked these gestures by the 1970s is doubled in the jumps, scratches and moments of warbled sound that now corrupt available prints, further conveying a sense of their exhaustion. Likewise, the bleaching or fading of colour in these films somehow resonates empathetically with the refracted sunlight and kaleidoscopic dissolves that are among this period’s other visual clichés.

As one works one’s way through the films collected on *Action Classics*, the lurid, faded colour of 1970s thrillers from Italy or Great Britain comes to stand

8.– Lucas Hilderbrand, *Inherent Vice: Bootleg Histories of Videotape and Copyright*, Durham and London, Duke University Press, 2009, p. 13.

9.– Susan Stewart, *On Longing: Narratives of the Miniature, the Gigantic, the Souvenir, the Collection*, Baltimore and London, The Johns Hopkins University Press, 1984, p. 167.

allegorically for the decline of these national cinemas, from the critical high points of a decade earlier and from the disciplined nobility of black and white. Indeed, while *Action Classics* serves as a catalogue detailing the multiple forms of degradation of black-and-white film, it is richest as an archive of the ways in which cinematic colour may decay and become abject. David Batchelor has shown the clear link, within contemporary culture, between the unconstrained capitulation to colour and a personal or collective fall from grace. Colour, in this account, comes to embody all that is “[s]ensuous, intoxicating, unstable, impermanent¹⁰”, and the later films on *Action Classics* resonate together to suggest all of these. Faced with the blurry, psychedelic flourishes of *The Boxer* (*Un uomo dalla pelle dura*) (Prosperi, 1972) or scratched, fading surfaces of *The Squeeze* (*Controrapina*) (Margheriti, 1978), we may feel that the greatest value of *Action Classics* lies in the multiple experiences it offers of stylistic decadence and exhaustion.

Aberrant Archives

I have argued elsewhere that abundant stockpiles of failed or discarded cultural commodities (like retail stores selling old vinyl records, or the DVD boxed sets discussed here) perform a heritage function that is almost as meaningful, in relation to the larger cultures of which they are a part, as that performed by official institutions of preservation¹¹. Junk store inventories of music, like DVD sets of public domain films, bring together the most dispersed and disconnected of cultural artefacts. Typically, the films or recordings within these inventories have not been subject to the sorts of critical or institutional processes which link other artefacts within genealogies of tradition or hold them together within corporate back catalogs and reissue programs.

By countering the dispersion of the 100 public domain films contained within it, *Action Classics* offers its own version of film history and lineage of generic traditions. As suggested, one of the idiosyncratic archival functions of boxed sets like this is to document processes of decay in original source materials, by freezing the deterioration of film prints at particular moments in their physical lives. Another archival operation, equally idiosyncratic, is that by which *Action Classics* constructs the relative weight and importance of different periods and geographical areas within film history. The history of cinema conveyed here, as we have seen, is exclusively American until the 1960s, and represented only by films from the margins of the Hollywood studio system. The so-called classic period of American cinema is condensed within a few dozen low-budget films populated by fading matinee idols and bit players promoted briefly to the status of dramatic leads.

10.– David Batchelor, *Chromophobia*, London, Reaktion Books, 2000, p. 31.

11.– Will Straw, “Exhausted Commodities: The Material Culture of Music,” *Canadian Journal of Communication*, Vol. 25, No. 1, 2000, p. 175-185.

The 1960s, enshrined within official film histories as among the richest of decades, is represented on Action Classics by only five films, far fewer than for any other 10-year period since the 1920s. Thrillers of the 1970s and 1980s, produced in Europe, South Africa or the Middle East within obscure and typically fleeting co-production arrangements, figure as the “biggest,” most ambitious and star-laden of the titles compiled on the Action Classics boxed set. In contrast, the American cinema of this period appears minor and ephemeral, reduced to the marginal forms of the made-for-television movie or direct-to-video exploitation film. With *Action Classics 100 Movie Pack*, the vagaries of copyright registration and renewal practice have shaped an eccentric archive which inverts or distorts the familiar spatio-temporal coordinates of film history.