

Altered States



Just as payments were finally being made to settle a judgement in a landmark case in France, another case has surfaced to challenge the idea that films are nothing more than “product” to be bought, sold and modified to meet market demands.

In June of 1988, French courts blocked an advertised broadcast of the colorized version of “Asphalt Jungle” because it would be “likely to cause unacceptable and irreparable damage [to the reputation of the film’s authors and to the integrity of the work].” The decision came in response to objections by Anjelica, Danny and Tony Huston, children of the film’s director, John Huston; and by Freda Maddow, the wife of the film’s screenwriter, Ben Maddow. They opposed the broadcast because they said it was a violation of the film authors’ “moral rights” which include the right to object to any distortion, mutilation or other modification of the film as guaranteed in Article 6 *bis* of the Berne Treaty. The French court agreed and, after more than six years of appeals by Turner Entertainment, the French Court of Appeals of Versailles ordered Turner and Canal Cinq to make payments to the plaintiffs. Just two months ago, the first payments were issued to the filmmakers’ estates.

The United States, a signatory to the Berne Treaty since 1989, does not accept the position that the artistic authors of film have any rights that, separate from economic rights, allow them to object to alterations to their work. It is the position of the United States that all rights, in the case of film but not for many other forms of art, go to the copyright owner. The ruling in France, however, the birthplace of the concepts included in the Berne Treaty and the country responsible for drafting the important international copyright treaty, seemed to send a clear signal that the intent of

the treaty should, indeed, extend to film artists.

On May 28 of this year, a colorized version of “The Seventh Cross,” directed by Fred Zinnemann and written by Helen Deutsch, was aired on Italian television. There was no benefit of a warning, as there had been with “Asphalt Jungle,” no opportunity to object.

In 1943, the year “The Seventh Cross” was made, color film stock was available but, Zinnemann says, there was never an option to use color stock for the project. A natural fit for the dramatic shadows and ominous tones of black and white stock, the film is the story of a man who escapes from a Nazi prison camp and attempts to stay one step ahead of storm troopers who comb the countryside in search of him. In the colorized version that aired, the dark tones were replaced by pastels and light hues that obliterated the sense that the

“When all the stories of what happened have been retold, as of course they never can be, the Seventh Cross will be remembered as the story of a few little people who proved there is something in the human soul which sets men above the animals ... and beyond them.”
 — narration that opens the film, “The Seventh Cross”

film’s hero, George Heissler, was in any danger.

“The people in the middle of the night [in the original black and white version] are supposed to be hiding,” Zinnemann says. “In the colorized version, the people are walking around in broad daylight ... I can only say that the soul

was lost, and the mood was lost,” said Zinnemann. “Technically speaking, it was an abomination.”

Zinnemann and filmmakers around the world sent formal letters of protest to the National Association of Cinematographic Authors (ANAC) in Italy, to the Society of Dramatic Authors and Composers (SACD) in France, and to the World Union of Authors in Italy, among others. Gillo Pontecorvo, director of the International Association of Cinematographic Art in Italy, agreed that Zinnemann’s moral rights (as provided in Article 6 *bis*) had been violated and referred the case to both his “High Court,” where protests of this sort are heard by a jury of film peers, and to the Italian court system, where a court date is still pending.

Should the Italian courts decide, as the French courts did with “Asphalt Jungle,” that the broadcast of the colorized version of this film (a version strongly objected to by Zinnemann) is a violation of Zinnemann’s moral rights, it would send a strong message to the United States to revise its laws to adhere to the intent of Berne.

For Zinnemann, the director of many film classics such as “Day of the Jackal,” “The Nun’s Story,” “From Here to Eternity” and “High Noon,” it is not an issue of vanity that drives his fight. It is out of a sense of responsibility to protect his film, and all films, really, from alterations to which the film’s artists object. Because art, Zinnemann says, is the cement that bonds us together as a civilized society. Without respect for it, we sink into savagery.

“I remember a man once saying to me that I had a great responsibility as a movie director,” Zinnemann says. “I’ve never forgotten that.” ■ — Allison Seale

If you have seen a film or have worked on a film that has been altered after its release, please let us know. (310) 289-2036