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## A History of the Orphan Film Symposium

### Coining the Term “Orphan Films”

The Orphan Film Symposium is “somewhere between a festival and a conference,” according to Dan Streible in an interview with Leonard Lopate in February 19, 2008 to promote that year’s symposium at the IFC Center in New York.<sup>1</sup> Streible, who has headed up the symposium since its inception in 1999 at the University of South Carolina (USC), has been characterized as the godfather, or father, or even uncle of this biannual event to celebrate and explore “orphan films.” Writing a history of the Orphan Film Symposium would be particularly difficult without first exploring that term. So then, perhaps it is appropriate to start with the question: what is an orphan film?

Pinpointing a definition for an orphan film is as difficult as defining the Orphan Film Symposium or even describing Streible’s role--there are many definitions, but no one correct way to describe them. Our question is not so easily answered, nor is it easy to divorce it from the definition of the Orphan Film Symposium or the description of Streible’s role. One might even suggest that there are as many definitions for orphan films as there are orphan films that exists. In reality, this is the root of the problem of defining orphan films: If you try to limit the definition, one might certainly omit certain films that others would classify as an orphan, and so on. So maybe the quickest and easiest way to define an orphan film is by saying what it is not. When writing about the first symposium, Streible aptly described orphan films as “meaning that Hollywood features [are] decentered for a change.”<sup>2</sup> In short, an orphan film is anything outside of commercial films; they are films that have been abandoned and neglected.

As easy as it might seem to assign a simple definition to the term “orphan film,” to understand what is an orphan film is a much greater task. Therefore, it may be beneficial to

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<sup>1</sup> “Orphan Films,” Audio File, *The Leonard Lopate Show* (New York: WNYC, February 19, 2008), [http://www.wnyc.org/story/55509-orphan-films/?utm\\_source=sharedUrl&utm\\_medium=metatag&utm\\_campaign=sharedUrl](http://www.wnyc.org/story/55509-orphan-films/?utm_source=sharedUrl&utm_medium=metatag&utm_campaign=sharedUrl).

<sup>2</sup> Dan Streible, “Saving Orphan Films: A South Carolina Symposium,” *International Documentary*, (December 1999): 18–22.

explore where the term came from. After all, is this not what all archivists, scholars, historians, et al are trying to find out: Where did this or that orphan film come from? Well, where did the term “orphan film” come from?

Streible highlights two points of origin in 1938-1939 that signal the beginning of so-called orphan films: The founding of the International Federation of Film Archives (FIAP) the central organizing force for major motion picture archives, and Howard Walls from the Library of Congress saving thousands of rolls of pre-1912 motion pictures printed on paper for copyright deposit.<sup>3</sup> These two events triggered a heightened interest in the preservation of motion pictures, particularly when it came to silent films which had been forgotten or about which little was known. This moment established the notion of orphan films, that is, the notion of archives caring for these neglected film fragments, without actually adopting the term.

Fast forward forty-plus years to a world in which archives started to realize how severely neglected the state of film preservation was. In 1988, the first legislation was created to address film preservation in the United States, and the law was updated with the signing of the National Film Preservation Act of 1992. This mandated that the Librarian of Congress and his advisory panel, the National Film Preservation Board, devise a plan to address film preservation. In 1993, they conducted hearings with the heads of many major Hollywood studio archives to understand what they knew about film preservation, resulting in a report called the “Film Preservation 1993: A Study of the Current State of American Film Preservation.” During the Los Angeles hearings, Philip E. Murphy then-Vice President of Operations at Paramount Pictures said in a statement that “those titles are called orphans because they have no protectors, no organization with the wherewithal to transfer the material to safety film to assure that future generations will have the opportunity to view what the early part of our century looked like on film.”<sup>4</sup>

As the hearings proceeded, David Francis, former head of the Division of Motion Pictures, Broadcasting and Recorded Sound at the Library of Congress, pushed for solution about what to do with these “orphans.” The other studios point out the ultimate conundrum facing the preservation community. The studios are taking care of their holdings, but what about these “other” films that are not anyone’s responsibility?<sup>5</sup>

As a result of this report, the responsibility ultimately fell on the shoulders of the National Film Preservation Foundation (NFPF), which was created in 1996 as a result of this

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<sup>3</sup> Streible, “Saving Orphan Films: A South Carolina Symposium,” 18–22.

<sup>4</sup> Melville, Annette and Scott Simon. “Los Angeles Public Hearing.” Film Preservation 1993. Library of Congress, February 13, 1993. <https://www.loc.gov/programs/national-film-preservation-board/preservation-research/film-preservation-study/los-angeles-public-hearing/>.

<sup>5</sup> Ibid.

report by the National Film Preservation Act, which was a private foundation aiming to raising funding for and coordinating efforts to save these neglected films. It was determined that America's films were rapidly deteriorating, and the most affected films included documentaries, silent-era films, newsreels, historically significant home movies, avant-garde works, industrials, and independent films.<sup>6</sup> In fact, the NFPF goes even further to describe the films affected as “not the Hollywood sound features that had become synonymous with American film” but the “‘other’ motion picture heritage [that] fell outside the scope of commercial preservation programs,”<sup>7</sup> which is basically using the reductive definition to describe orphan films. At this time, there was not a robust community using the term “orphan films,” and the establishment of this foundation urged archives to address these problems, if not directly, through leading by example.

In addition to the establishment of the NFPF, Streible points to other concurrent events that helped set the stage for the Orphan Film Symposium. Along with the passage of the NFPA and the ensuing report on the state of film preservation, an understanding was forming of the dire need to address the problems created by the neglected and disintegrating films, and this was marked by the spawning of the first moving image archiving and preservation programs, including at the University of East Anglia in 1990 and the Selznick School of Film Preservation at the George Eastman House six years later.<sup>8</sup> Also in 1990, the Association for Moving Image Archivists was formed providing a professional forum around which to discuss archival and preservation practices. As to be expected, this organization allowed for robust discussion on orphan films and the challenges to preservation and access that surround them. By the end of the decade, the archival field and the academic environment was primed for deeper discussion and understanding of films outside of the Hollywood canon, and the creation of the Orphan Film Symposium quickly filled that role.

### **The Birth of the Orphan Film Symposium**

Going back to our original question of what an orphan film is, maybe the best way to answer that is not with a simple dictionary definition. The problem with that kind of answer is that it does not capture all of the caveats and nuances of what an orphan film can be. Over the years, one of the major strengths of the Orphan Film Symposium has been that it has opened discussion of

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<sup>6</sup> “National Film Preservation Foundation: Why the NFPF Was Created,” accessed April 28, 2017, <https://www.filmpreservation.org/about/why-the-nfpf-was-created>.

<sup>7</sup> Ibid.

<sup>8</sup> Streible, Dan. “Saving, Studying, and Screening: A History of the Orphan Film Symposium.” *Film Festival Yearbook 5: Archival Film Festivals*, 2013, 163–76.

what an orphan film could be. So perhaps it is best to respond to that question with the long answer, which is to understand the creation and history of the Orphan Film Symposium and exploring the topics that it has presented during its lifetime.

So to that end, the Orphan Film Symposium was born out the University of South Carolina's desire to showcase their Fox Movietone News Collection. After years of collaboration between Fox, who owned the collection, and South Carolina Educational Television (SCETV), USC faculty, and Fox Movietone subsidiaries, the university finally acquired the collection in 1979, marking the beginning of USC's film archive. The acquisition was not seamless, however, and due to some last-minute finagling by then-owner of Fox, Marvin Davis, the total amount to be donated to USC was greatly reduced. Davis wanted to hold on to as much of their assets as possible. Regardless, the donation ended up being a very expansive and one of the most complete collections of silent news footage from the 1920s and early sound-recordings from around the world.<sup>9</sup>

With this donation, USC's Moving Image Research Collections (MIRC) was established, and over the years it has amassed a much more robust collection surrounding the Fox Movietone material. In order for the University to get a better understanding of their holdings, the former Dean of Libraries, the late George Terry, came up with an idea to showcase the films in their collections with the hopes of it leading to more preservation funding.<sup>10</sup> In 1997, USC hired several faculty members, one of which was supposed to organize the yet-unnamed film festival. The next year, when the person who was supposed to run the show left USC, Terry turned to two of the film history professors, Dan Streible and Susan Courtney, to run the conference.

Courtney remembers being brought into the Terry's office with Streible and asked to organize the event. They had not been at the University very long but were well aware of the Fox Movietone News Collection. The event was described as a film festival with her and Streible to be co-organizers, but Courtney soon realized that Streible took a particular interest and had a certain talent for organizing the event. Soon, she says, this event that was intended as a way to encourage work with the people working in the film archive eventually "morphed into something that they wanted," something more than just a film festival. And to Courtney, it started to become clear that Streible had a special calling when it came to this new festival.<sup>11</sup>

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<sup>9</sup> Greg Wilsbacher, "The Fox Movietone News Donation: A Brief History," *University Libraries, Moving Image Research Collections, University of South Carolina*, accessed May 2, 2017, <http://library.sc.edu/p/Collections/MIRC/FoxMovietoneNewsGift>.

<sup>10</sup> Streible, "Saving, Studying, and Screening: A History of the Orphan Film Symposium," 163–76.

<sup>11</sup> Susan Courtney, Susan Courtney Interview, interview by Gregory Helmstetter, Phone, April 28, 2017.

The AMIA conference that year proved to be an essential part of Streible's approach to the festival. He noted that even though the organization had only been around for about 7 years at the time, it was already one of the central organization for those concerned with moving image archiving and preservation. There he recruited several leaders in the field to speak about orphan films and preservation.<sup>12</sup>

Fellow USC film professor and filmmaker, Laura Kissel was also involved with the yet-to-be-named Orphan Film Symposium. She was hired the August before the first festival, and she recalls being interviewed by Terry for the job as film professor and that he had continued to refer to it as film festival, which she envisioned to include filmmakers and stars.<sup>13</sup> She imagined it was going to be an event much more in-line with what one typically associates with a film festival. What quickly became evident (based on the lineup that Streible was putting together) was this was not going to be an ordinary festival.

The first Orphan Film Symposium was billed as a film preservation symposium and took place for three days in September of 1999. It was an intense schedule that included historical and academic presentations, film screenings, talks on preservation projects, and there were even tours of USC's Newsfilm library. Dubbed "Orphans of the Storm: Saving 'Orphan Films' in the Digital Age," the symposium was an effort to bring together scholars, artists, archivists, collectors, curators, conservators and enthusiasts to talk about the neglected films that fell outside of the Hollywood mainstream. Another part of the symposium, as Courtney characterized it, "was about the [USC] faculty getting educated about archiving. Being involved with [the Orphan Film Symposium] gave me a much deeper understanding of what that means and why it's necessary."<sup>14</sup>

The original name "Orphans of the Storm" was derived from D.W. Griffith's 1921 film *Orphans of the Storm*, starring Lillian and Dorothy Gish as two sisters orphaned during the French revolution, and the source material produced four different film versions (not including Griffith's), three of which no longer exist.<sup>15</sup> The fourth, 1911's *The Two Orphans*, which played at the symposium, has a history appropriate for the symposium and highlights the concerns facing film preservation. It was found in the home of Alois Detlaff, who was a private collector who amassed over 500 silent films, 64 of which were in no other archive.<sup>16</sup> *The Two Orphans* was an

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<sup>12</sup> Streible, "Saving, Studying, and Screening: A History of the Orphan Film Symposium," 163–76.

<sup>13</sup> Laura Kissel, Laura Kissel Interview, interview by Gregory Helmstetter, Phone, April 23, 2017.

<sup>14</sup> Susan Courtney, Susan Courtney Interview

<sup>15</sup> "What Is an Orphan Film?," *Orphans of the Storm II: Documenting the 20th Century, An Orphan Film Symposium*, accessed May 7, 2017, <http://www.sc.edu/filmsymposium/archive/orphans2001/programfr.html>.

<sup>16</sup> Ibid.

orphan work at the time; only part of the film survived anywhere outside of Detlaff's collection and the discovery and preservation of the film was emblematic of the symposium. So, not only did the title aptly pay homage to the type films that the symposium was trying to address, it also incorporated the new term "orphan films" which was gaining traction and acceptance in the field to refer to the neglected or abandoned works.

Another unique element of the first symposium was that it brought together people from related groups around the film and preservation community. Highlights from the first symposium include film screenings, presentations, and discussions of the many different issues related to orphan films. Highlights from the symposium are vast and have been written about on many occasions. Two of the most notable addresses include Paolo Cherchi Usai's speech "What Is an Orphan Film? Definition, Rationale, and Controversy" and Gregory Lukow's "The Politics of 'Orphanage': The Rise and Impact of the 'Orphan Film' Metaphor on Contemporary Preservation Practice." Both set a tone for the symposium: first, Cherchi Usai provided context for the orphan film metaphor; while Lukow provided a legal context to the term. These two speeches have been cited in numerous articles that have attempted to understand orphan films and the symposium. While both make very valid points which have been incorporated into this retelling of the symposium, they ultimately capture the inquisitive nature of the symposium. Each person who attend interprets the metaphor differently and applies it in different contexts.

Other highlights from the symposium show the breadth of possibilities that the symposium would be known for nurturing. The structure of the first symposium was exemplary in defining orphan works; there were sessions titled "Films without Owners," "Experimental Cinema" and "Low' and Local," which opened the symposium up to home movies. The session "Newsreel Preservation" featured, of course, the Fox Movietone News Collection. There were also several other notable films that were screened during a session called "Contemporary Filmmakers Use Orphan Films, which included filmmaker Alan Berliner's documentary portrait of his father, *Nobody's Business* (1996), which used ephemeral footage from the filmmaker's own collection.<sup>17</sup>

Before the end of the first symposium, Streible, Courtney and even USC realized that they had captured lighting in symposium, so to speak. Courtney said, "there was all this excitement before the next one came." The first symposium was interesting, in that, as she recalls, "It was a cool thing to get together [this] eclectic gathering of people who don't usually talk together. Now after all these years they do talk together. There were people presenting all this preservation technology. I had been to archives and knew about them, but I had never been

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<sup>17</sup> Streible, "Saving, Studying, and Screening: A History of the Orphan Film Symposium," 163–76.

that familiar with them. We kind of thought there were some cool conversations.” These conversations, she elaborated, may never have happened if it were not for the symposium.<sup>18</sup>

On the shirttails of all this excitement, the second symposium was beginning to formulate. Streible reiterated what Courtney said about the energy that the symposium created, saying that there were even calls from attendees for a sequel event. Along with word of mouth from artists, archivists and scholars, Streible wrote, “The USC Library administration was so pleased with the outcome, that the dean wanted to mount a second symposium a year later. I suggested two years would be needed. We agreed to 18 months.”<sup>19</sup>

The second Orphan Film Symposium took place in March 2001 and was titled “Orphans II: Documenting the 20th Century,” inferring that this was in fact a sequel. Much like the first one, there were many different sessions that show the diversity of orphan films. The most publicized event that came out of this second symposium was as discovery made by Gregorio Rocha, who uncovered “14 reels of footage on Pancho Villa, including the previously lost feature *The Life of Villa*, starring soon-to-be director Raoul Walsh.”<sup>20</sup> There were also sessions that discussed Harold Walls’ effort to save the Library of Congress’s Paper-print collection, which was accumulated through the Copyright office; and how major studios used music licenses to hold onto their films that have fallen into the public domain, an example of which involved *It’s a Wonderful Life*. Both of these instances worked as ways of explaining the complex world of the U.S. Copyright Office. In a session titled “Rescue Operations,” other challenges were discussed about regarding filmmakers bringing new life to commercially available films. Filmmaker Alfred Leslie presented on two films that were nearly lost in a fire, while critic Jonathan Rosenbaum talked about subtitling Iranian filmmaker Forough Farokh’s *The House is Black* (1962) to make the film more accessible through the New York Film Festival.<sup>21</sup>

Most importantly however, two legacies started to emerge after the second symposium. Upon reflection, Paul Cullum commented on the benefit of studying orphan films in his L.A. Weekly article:

If all films are both an objective record and an expose of their origins, then orphan films may be the truest. Whatever their primary intention, they give us a world where men and

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<sup>18</sup> Susan Courtney, Susan Courtney Interview.

<sup>19</sup> Streible, “Saving, Studying, and Screening: A History of the Orphan Film Symposium,” 163–76.

<sup>20</sup> Paul Cullum, “Orphanistas!,” *L.A. Weekly*, April 18, 2001, <http://www.laweekly.com/film/orphanistas-2133230>.

<sup>21</sup> Melinda Stone and Dwight Swanson, “Orphans of the Storm II: University of South Carolina, March 2001,” *The Moving Image: The Journal of the Association of Moving Image Archivists* 2, no. 1 (2002): 208–12.

women don't speak of sex in veiled algorithms, where the corporate state is often naked in its ambitions and where raw propaganda is unmediated by all the sophistication an age can muster. This is the reason to preserve the filmic record and is the task to which the so-called Orphanistas have applied themselves.<sup>22</sup>

Not only does he explain that the Orphan Film Symposium allows these works that have generally fallen by the wayside to speak for themselves, unaltered and naked, but he also introduces the term "orphanistas" to refer to those who attend the symposium. It was quickly becoming a popular event for archivists, scholars, and artists and was colloquially referred to simply as "Orphans."

A definition also started to emerge from the symposia, outlining three possible connotations of what an orphan could be. The first: one deprived of protection or advantage (*orphans of the storm*). The second: an item not developed or marketed because its limited use makes it unprofitable (an orphan drug). And, the third: a discontinued model (an orphan automobile).<sup>23</sup>

The momentum of the first two symposia carried into the third symposium which was titled "Orphans III Listening to Orphan Films: Sound/Music/Voice," taking place in September of 2002. It followed suit with many archival screenings and explorations of technical aspects of sound on film. There were sessions that discussed sound on newsreels, early optical sound films, found home movies and avant garde works, as well as the use of piano accompaniment to the use of voice narration and sound in documentaries.<sup>24</sup> The third symposium also saw a subtle shift in content; no longer did the holdings of USC's Fox Movietone News Collection dominate the program. By this time, sponsorship of the event was expanding. Not only did many departments within USC sign on, but Streible managed to secure stamps from film labs like Cineric, Inc. and other corporate sponsorship like from Sony. Martin Scorsese, President of the Film Foundation, endorsed the symposium.<sup>25</sup>

The fourth symposium, called "Orphans '04 On Location: Place & Region in Forgotten Films," took place in March of 2004, and expanded the orphan classification even further. The event again featured a large number of Fox Movietone films, while also looking at the films of itinerant filmmakers like the Mitchell and Kenyon company and Robert Southard, to name a

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<sup>22</sup> Cullum, "Orphanistas!"

<sup>23</sup> "What Is an Orphan Film?," <http://www.sc.edu/filmsymposium/archive/orphans2001/programfr.html>.

<sup>24</sup> "Orphans III: Program," *Orphans III: Listening to Orphan Films: Sound/Music/Voice*, accessed May 8, 2017, <http://www.sc.edu/filmsymposium/archive/orphans2002/program.html>.

<sup>25</sup> Martin Scorsese, "A Message from Martin Scorsese," n.d., <http://www.sc.edu/filmsymposium/archive/orphans2002/endorsements/scorsese-endorsement.html>.



couple. There were also travel and tourism films, films aimed to document lost landscapes of America, and even films from space. Another key addition noted on the Orphans website at the time was the involvement of students from New York University's Moving Image Archiving and Preservation (MIAP) program, who conducted research on orphan films from USC MIRC's collection.<sup>26</sup>

For the fifth symposium, held in March 2006, the focus was on orphans related to science, industry and education. The content of the meeting surrounded industrial filmmaking, the use of film in the history of science, educational films (political campaigns, news, training), nature documentaries, and scientific and technological developments in film and media preservation.<sup>27</sup> An important project that spawned this conference theme was Rick Prelinger's "Industrial, Institutional & Sponsored Films: A Field Guide," which cataloged and described for more than a thousand industrial and educational titles.<sup>28</sup> This volume has been used as example of one of the successes not only of the symposium, but also as a success for films outside the Hollywood canon. It has brought new light to the worth of ephemeral films, industrials and educational films.

Up to this point, the Orphans symposia had been held at USC, and one of the benefits that both Susan Courtney and Laura Kissel would agree upon is the sense of community that was created in Columbia, South Carolina. Courtney described it this way: "Columbia is a college town, mid-sized city. It had a sort of camp feeling where you would do mid-sized town sorts of things. And everyone did everything together, with the same people for four intensive days and nights, same hotels, same busses."<sup>29</sup>

Kissel, who attended each of the first five Orphans, remembers moving to Columbia from Chicago in 1999, the year the symposium started, "working and living in Columbia was different then. They were still flying the Confederate flag on the statehouse. It was a smaller city, in some ways it might be called 'backwards.' It almost felt stagnant at times. It was a hard adjustment form coming from Chicago." But she also explained the feeling that the symposium brought to city and to her, "It was about finding commonality with peers, about finding something meaningful."<sup>30</sup>

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<sup>26</sup> "Orphans 4 Program," *Orphans '04 "On Location: Place & Region in Forgotten Films*, accessed May 8, 2017, <http://www.sc.edu/filmsymposium/archive/orphans2004/program.html>.

<sup>27</sup> "Orphans 5 Program," *Orphans 5: Science, Industry, and Education*, accessed May 8, 2017, <http://www.sc.edu/filmsymposium/>.

<sup>28</sup> Jan-Christopher Horak, "Editor's Foreword," *The Moving Image: The Journal of the Association of Moving Image Archivists* 6, no. 2 (2006): vi-x.

<sup>29</sup> Susan Courtney, Susan Courtney Interview.

<sup>30</sup> Laura Kissel, Laura Kissel Interview.

That is what the Orphan Film Symposium had done to Columbia, or rather what Columbia did, for the better, to the symposium. It forced all of these people from around the country, and even the world, into one place. It forced together people, these filmmakers, collectors, archivists, scholars, who did not often come together, and they all talk about what they had in common: movies. The fifth symposium marked, what could have been, a dramatic shift with the symposium, for Dan Streible, who had become, rather fittingly, the adoptive father of the symposium, had decided to take a position at NYU to head their Moving Image Archiving and Preservation program.

Courtney reflected on Streible's move, "Early on, Dan's energy and living and breathing [the symposium] was why it went with him to NYU. He had all the energy about it." The dean at the time, Paul Willis, as she recalled, was not thrilled about the move because he knew they were losing something special. Streible did the lion's share of the work to organize the symposium, Courtney continued, "He was always sending the emails, and it became a passion. It suited many of his talents. He was very good at connecting other people. It congealed because of Dan."

Regina Longo wrote after the fifth symposium, "while I was waxing nostalgic for my archival days, the University of South Carolina was acknowledging just how much it was losing with Dan Streible's impending exodus to NYU, where I am certain he will continue to collaborate with archivists and scholars."<sup>31</sup> And that he did. In fact, one might say that the symposium flourished in New York.

Indeed, the transition to New York reached far beyond the organizers at USC. Orphanista and Lecturer of Film at Bournemouth University, Claudy Op den Kamp, puts it one way, "Orphans 2006 [Science, Industry, and Education] was hands down one of my favorite conferences that I have ever been to. You walked into this group of super dedicated people. There was this great venue with 200 people, everyone was together all the time [...] It seemed like you spent a week there but it was only a day." She goes on to describe the transition from South Carolina, "That was the biggest shock of New York. It was still very much catered [...] It was fun, but it felt less together. Because you were competing with New York, especially for people from other countries, they would use afternoon to go to places like [The Museum of Modern Art] and to see what else the city had to offer. I don't remember if there was a conference hotel, most people had arranged to stay with friends, and they could potentially be very far out. At the last screening of the conference people spilled out into the streets and

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<sup>31</sup> Regina Longo, "Fifth Orphan Film Symposium: Science, Industry, and Education," *The Moving Image: The Journal of the Association of Moving Image Archivists* 7, no. 1 (2007): 92–94.

disappeared. In Columbia, there were three bars, and you ran into everyone at the conference. In New York, it is more cliquy.”<sup>32</sup>

As Devin Orgeron wrote in his report on the sixth Orphan Film Symposium, there was quite a bit of uncertainty surrounding the change. “The University of South Carolina was the symposium’s previous and original home, and some of us wandered, half-jokingly, if there was something about Columbia, South Carolina, that held this delicate blend of ingredients in suspension. Was it the ineffable magic of Southern hospitality? Were conference organizers slipping something into the traditional sweet tea that graced our tables at lunch? What, we asked, would Manhattan do to Orphans VI?”<sup>33</sup>

### **A New Direction: Orphans in New York**

When Streible brought the Orphan Film Symposium to New York when he was hired to head their MIAP program, the spirit of the symposium remained the same. There were changes to venue which alleviated orphanistas from the confines of the symposium, but the goal remained the same: to bring attention to these neglected films. The symposium was also reaching a wider audience. The sixth symposium took place in March of 2008 and focused on the role of orphan films in recording, representing, constructing, and imagining “the state,”<sup>34</sup> which included a wide variety of interpretations. There were the standard bearers of the symposium, who brought the newsreel footage that was synonymous with the events in South Carolina, but it had a New York twist, focusing on films like the restoration of New York Newsreel’s *The Army Film*. There was mainstay Rick Prelinger who presented films for government and business from his ephemeral collection, and many other presentations explored topics like “Political Campaigns, Counterpropaganda Campaigns” or “Left Films Left Behind.”

A key addition, however, was the the Helen Hill Award, aimed to honor the artistic legacy of fellow orphanista, Helen Hill, who was tragically murdered in her home in January of 2007. Hill was a friend of the symposium, native of Columbia, and had returned to New Orleans (where she lived) after Hurricane Katrina to help rebuild the community. Filmmakers Jimmy Kinder and Naomi Uman received the first award, and there was a screening of their work.<sup>35</sup> Hill was an amateur filmmaker in her own right and the award was set to honor filmmakers who capture the communal spirit of her work. This was only fitting that the symposium that has been

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<sup>32</sup> Claudy Op den Kamp and Gregory Helmstetter, Claudy Op den Kamp Interview, Phone, May 5, 2017.

<sup>33</sup> Devin Orgeron, “Conference Report: Orphans Take Manhattan: The 6th Biannual Orphan Film Symposium, March 26-29, 2008, New York City,” *Cinema Journal* 48, no. 2 (2009): 114–18.

<sup>34</sup> “Orphans 6: A Film Symposium,” accessed May 8, 2017, <http://www.nyu.edu/orphanfilm/orphans6/>.

<sup>35</sup> Orgeron, “Orphans Take Manhattan,” 114-118.

about community building from day one should honor one of its own, who embodied what Orphans was all about.

Many changes graced the symposium during its sixth iteration. Not only were they in a new city, but there was a new university sponsoring the event. With that, Op den Kamp remarked, “The New York [symposia] that I attended, there was shift toward student involvement.” As she described it, all the “big names” were not necessarily there anymore, but she attributes that more to their shifting interests. What she was referencing as she clarified was “Who needs to hear this message? I learned from [working in a] law department that they ask: what’s the problem and what’s the solution? Who is the audience and what are you trying to do? Are we just trying to talk about films with people? [The symposium] has become its own thing. Do I still understand what it is for and what it is doing? 2006 was still very niche,” but she continues, that is when the big names started to be the center of the conference. What Op den Kamp underscores is the point at the heart of the original symposium, that it was created to include people with all different perspectives. As Streible described it early on, Orphans is “hyper-interdisciplinary,”<sup>36</sup> and what better way to do that than including the students in the process.

Over the lifespan of the Orphan Film Symposium, each event has given new insight into what could be defined as an orphan film. With the seventh installation of the symposium in April 2010, “Moving Pictures Around the World” were explored, with presentations on repatriation by symposium stalwart Paolo Cherchi Usai, as well as films from Africa, Asia, South America, and Europe. There were also two presentations on the Audiovisual Preservation Exchange (APEX), the first of which sent NYU MIAP students and advisors, led my MIAP professor Mona Jimenez, to Ghana in 2008 and to Buenos Aires in 2009, led by Streible. APEX was and continues to be a way of sharing knowledge about archiving and preservation. Both Jimenez and Streible presented on their experiences at the exchange.<sup>37</sup>

In 2012, the 8th Orphan Film Symposium took place at the Museum of the Moving Image in Astoria, Queens, which the subtitle “Sensation | Transformation | Persuasion.” Streible wrote in the introduction of the DVD for this symposium that the theme for emerged from topics discussed at the previous symposium and that Orphans 8 featured neglected films that “influenced thought, opinion, and perception (or tried too).”<sup>38</sup> This was particularly appropriate mantra for the symposium, which had been growing and influencing the archival and

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<sup>36</sup> Stone and Swanson, “Orphans of the Storm II: University of South Carolina, March 2001.”

<sup>37</sup> “Moving Pictures Around the World,” *Orphans 7: A Film Symposium Program*, March 2010, [http://www.nyu.edu/orphanfilm/orphans7/images/Orphans7\\_Program\\_7.pdf](http://www.nyu.edu/orphanfilm/orphans7/images/Orphans7_Program_7.pdf).

<sup>38</sup> “8th Orphan Film Symposium,” accessed May 8, 2017, <http://www.nyu.edu/orphanfilm/orphans8/>.

preservation fields since its inception. Not only that, the symposium that sought out to bring together people from all different areas of focus surrounding film including scholars, artists, archivists, collectors, curators, conservators and general film enthusiasts was doing just that. Its ultimate mission was to persuade anyone interested in film or movies or the like that orphan works deserved the attention of history.

According to Susan Courtney, the symposium has over time affected the scholarship around orphan films and in particular the way that scholars view archives. She gives an example of how her involvement and attendance at the symposium has affected her work as a film historian. “Orphans is a unique place,” she says. “I have had particular relationship with it because of my role [as co-organizer for the first five symposia], but it also has had a strong impact, a key to expanding and changing the questions and objects that film studies scholars look at.” There would be much scholarship, she claims, that would not exist without Orphans, “Something like [the symposium] wasn’t done before, that I know of. It would be interesting to look at the conference programs to see the impact of where scholarship has gone. [Orphans] was a big game changer.” She goes on to comment that she has never been to AMIA, but as far as she knows it does not cross the aisle to reach out to film historians and scholars the way that Orphans does.<sup>39</sup>

Laura Kissel (fellow USC film professor), who worked closely with Streible and Courtney during the first five symposia, offers similar thoughts on the symposium. The film collection at USC was what drew her to the position at the university; there was this untapped, understudied and underused collection to mined. She also said of the symposium that it brought together all of these technical people who were talking about burn rates, or avid film collectors and makers of custom film preservation tools. As opposed to AMIA where you can pick and choose what sessions you want to go to, Kissel says the strength of Orphans is “that it got these people together to hear people talk. [At] Orphans, everyone sees and hears the same things.” However, she does offer a caveat to that assessment, that while filmmakers who utilize archival footage have always attended, “It is not really a conference for filmmakers. It’s more for historians and preservationists. Although filmmakers always find it to be something unique to attend.”<sup>40</sup>

In contrast, Claudy Op den Kamp, who has a book coming out soon titled *The Greatest Films Never Seen: The Film Archive and the Copyright Smokescreen* that explores in-depth the topic of orphan films as they relate to copyright issues, weighs in on how the Orphan Film Symposium has affected not only the archival and preservation community, but also how it has

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<sup>39</sup> Susan Courtney, Susan Courtney Interview.

<sup>40</sup> Laura Kissel, Laura Kissel Interview.

affected our perception of film history. She says that “This meta question is at the heart for me, where the term orphan works fits perfect with this definition. When I started working in a museum, none of the films [in their collection] fit into the knowledge of film history I had.” Op den Kamp remembers from Orphans 5 that there was this long hallway with computers in it, and on those computers, a DVD compilation of orphan films was playing with the request that viewers and passers-by can offer insight on the films. Orphans opened a new way of approaching their collections, Op den Kamp says, “Archives would go back home and look at their collections in a different way. There were under-researched collections that you’d look at differently. What [Orphans] is so good at is highlighting different modes of researching that can be more interesting than studying the history of Hollywood.”<sup>41</sup>

When Orphans came to New York with Streible, it continued, somewhat paradoxically, to offer new angles and ways of researching and even defining orphan films. The main orphan symposium spawned what is called the Orphan Film Project, which includes smaller Orphans-related events beyond the symposium’s original biannual reach, or as Susan Courtney prefers to call them, “orphanettes.”<sup>42</sup> The project sponsored numerous events outside of both South Carolina and New York to increase the visibility of Orphans, including: Orphans West in Los Angeles in 2009; Celebrating Orphan Films held at UCLA in 2011; a program at the Wisconsin Film Festival in 2011; After Dark: Mars, at The Exploratorium in San Francisco in 2012; as well as The Real Indies: A Close Look at Orphan Films hosted by AMPAS, with Penelope Spheeris, Elvis Mitchell, Rob Epstein, Jeffrey Friedman, S. Pearl Sharp, Ralph Sargent, Rick Prelinger in 2013, just to name a few. There were also offshoot events held in New York, like the Orphan Film Project x7 at the To Save and Project, MoMA International Festival of Film Preservation in 2010; Orphans of NYC, at the DOC NYC Festival in 2010; and Orphans Redux at Anthology Film Archives in 2011. There were also many DVD compilations produced by MIAP students.<sup>43</sup>

In 2013, orphanistas descended upon Bloomington, Indiana. The symposium was co-presented by NYU and Indiana University, and though it covered many of the same topics and there many of the usual suspects, Orphans Midwest: Materiality and the Moving Image opened the symposium to a new geographical region, making it possible for some to attend that had never been able to before. The same could be said for ninth Orphan Film Symposium held in Amsterdam, The Netherlands, in 2014. For the first time, the main symposium was held outside of South Carolina and New York, buying into a more international approach. NYU joined the EYE Filmmuseum and the University of Amsterdam to host Orphans 9, whose theme was “the

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<sup>41</sup> Claudy Op den Kamp, Claudy Op den Kamp Interview.

<sup>42</sup> Susan Courtney, Susan Courtney Interview.

<sup>43</sup> “The Orphan Film Symposium,” accessed May 8, 2017, <http://www.nyu.edu/orphanfilm/>.

Future of Obsolescence.” It dealt not only with the obsolescence of technology and formats but also “the ways that audiovisual media have recorded and deployed ideas, content, representations, genres, narratives, fashions, and ideologies deemed obsolete or outdated.”<sup>44</sup>

Film curator at the Danish Film Institute (DFI), Thomas Christensen, says that the Amsterdam Orphans was his first symposium, and he weighed in on what attracted him to the event, “it reminds me of the fact that I got into film for the fun and with a passion.” He calls the symposium more of a “Luxury” event in that “I think it is a fine balance between bringing awareness to forgotten films and giving too much attention to very ephemeral films. Some of the projects presented show great expenditure on somewhat irrelevant content, while I know that are very serious and important collections out there rotting away at great speed.”<sup>45</sup> This is what the Orphan Film Symposium has had to do over its lifespan. Maybe that is its greatest strength: finding that happy-medium between too academic and too technical. Over the two decades, some symposia have teetered one way or the other, but on average, it has been a good balance of both.

In 2016, the symposium returned stateside for its tenth installation, held at the Library of Congress’s National Audiovisual Conservation Center in Culpeper, VA. The symposium was colloquially called Orphans X: Sound touched upon many similar subjects that were addressed at the Orphans III except highlighting more of the Library of Congress’s collection. Of the many presentations, there was one session called “Paper and Sounds from the Library,” which again focused on the LOC’s paper print collection.

Much attention has been paid to these unique artifacts of films history. However, what seems most relevant to Orphans is not simply their ephemeral qualities but their deep-rooted ties to United States Copyright law. As has been discussed at the Orphan Film Symposium on several occasions, the paper print collection had accumulated in the early days of the film industry. In order to copyright their films, producers submit a record of their work, if they so choose, but at the time, the U.S. Copyright Office did not except celluloid objects so producers printed their films on rolls of paper. For many of the films in the LOC’s paper print collection, no other record of these films exists. It is ironic, then, that the office which has the power to address the problem of orphan films, like their own paper print collection, is exacerbating the problem.

## **Legal Definitions and the Future Orphans**

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<sup>44</sup> “Orphans 9: The Future of Obsolescence,” accessed May 8, 2017, <http://www.nyu.edu/orphanfilm/orphans9/>.

<sup>45</sup> Gregory Helmstetter and Thomas Christensen, Questions about Orphans, Email, April 28, 2017.

The benefits of the Orphan Film Symposium and the smaller “orphanette” conferences on orphan films is that they bring a great deal of attention to what orphan films are, but one point where the symposium has not gone far enough is addressing the issue of copyright. There have been numerous presentations on the subject at many of the Orphan Film Symposiums as well as numerous writings (see [Streible, “Orphan Films.”](#)<sup>46</sup>), but there has not been a concerted effort for new copyright legislation. The NFPA offered a definition of what an orphan film was, and it even went on to create a funding arm to address the preservation of these films. However, it did little to address the problem that the preservation and access to many orphan works are stymied by U.S. Copyright law.

In his address at the first Orphans of the Storm symposium in 1999, Gregory Lukow (interestingly now with the Library of Congress) asked many questions that still linger in the world of orphans to this day. Lukow recognized the difficulty of defining what an orphan film is:

It is important to acknowledge the definition of an orphan film is bound up within the discourses and legal distinctions of US copyright law and the various revisions to these laws that have occurred in the past decade. Those brought about first by NAFTA then the Gaps Treaty and more recently the 20-year term extension signed into law in October of 1998. The definition of the orphan is not always or necessarily a simple matter of declaring a specific film title to be unpublished or never copyrighted or not renewed or some other way entered the public domain. Much too often such determinations are elusive at best.<sup>47</sup>

He continues to explore all of the scenarios in which orphans are created. For example, what if a film is still under copyright but the company that owns the rights no longer exists and there is not clear benefactor? Or, if there is a clear corporate right holder that has no interest in preserving a film? These are certainly not the only scenarios that one could imagine, and there have been more concrete examples of bizarre cases surrounding copyright. While Orphans has done much to heighten films outside of the Hollywood mainstream for consideration in film history and scholarship, seldom has the symposium taken an active approach towards copyright, particularly in the United States.

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<sup>46</sup> Dan Streible, “Orphan Films,” *Oxford Bibliographies - Cinema and Media Studies*, May 1, 2015, <http://www.oxfordbibliographies.com/view/document/obo-9780199791286/obo-9780199791286-0064.xml>.

<sup>47</sup> Gregory Lukow, “The Politics of ‘Orphanage’: The Rise and Impact of the ‘Orphan Film’ Metaphor on Contemporary Preservation Practice” (Orphans of the Storm: Saving “Orphan Films” in the Digital Age, University of South Carolina, September 23, 1999), <http://www.sc.edu/filmsymposium/archive/orphans1999/2.2%20Gregory%20Lukow.htm>.



In Europe however, there has been progress on this point with the Directive 2012/28/EU, which aims to provide a legal framework for libraries, archives, and other cultural heritage institutions to provide online access across the European Union. The Directive goes on to establish how to identify an orphan work (i.e., through a “diligent search”) and, if a work is determined to be an orphan, what uses can be made of it.<sup>48</sup> Christensen (DFI film curator) has been closely involved with the Directive and presented on its status at this year’s Orphans event that took place at the Cinematheque française in Paris. In an email, he characterized the Directive as needing strong political backing for legislation like this to be effective, so he sees this as a positive sign--the people at the political level actually care. Of course, he adds, “There are many issues with the directive, and even if it is a pan-European legislation, many issues are in the individual member states.”<sup>49</sup> This is the crux of the problem. In order to prove a work is an orphan, a diligent search must be conducted, and the Directive does not outline what exactly constitutes a diligent search but instead leaves that interpretation to the member states.<sup>50</sup>

Op den Kamp also agrees that the Directive is problematic because what constitutes a diligent search? She goes on to say, “It’s easier for some institutions than other because of resources. The fact they have to comply with a diligent search, is that we’re searching for fourth-generation heirs and we’re not going to find them but we still have to do the work. On the other hand, if you are a rights holder, it’s very subjective. How do you determine when the rights holders are impossible to find?”<sup>51</sup>

Christensen adds a similar thought which strikes to the core of the problem, “You have to ‘prove’ a double negative: The work is *not* in the Public Domain, and the authors can *not* be located, i.e., it is like proving the nonexistence of God. Therefore, the lawyers are still the main beneficiaries, and not the citizens, unless the legislative and executive branches overtly support a positive interpretation [of what a diligent search is].” Op den Kamp adds that “Archives don’t win because they don’t have the resources. Orphans don’t win because it doesn’t focus on all of the problem. The problem starts earlier. There are no central databases to look up who owns it. It tries to do one thing, but doesn’t prevent current works from becoming orphans. Is it a problem that can be solved at all?” It is worth noting that the EU Directive has in fact created a database for the orphan works, which collects information gathered during the diligent search;

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<sup>48</sup> “MEMO/12/743 Orphan Works – Frequently Asked Questions,” October 4, 2012, [http://europa.eu/rapid/press-release\\_MEMO-12-743\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-12-743_en.htm?locale=en).

<sup>49</sup> Gregory Helmstetter and Thomas Christensen, Questions about Orphans.

<sup>50</sup> “Directive 2012/28/EU of the European Parliament and of the Council on Certain Permitted Uses of Orphan Works,” October 25, 2012, [http://ec.europa.eu/internal\\_market/copyright/orphan\\_works/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/orphan_works/index_en.htm).

<sup>51</sup> Claudy Op den Kamp, Claudy Op den Kamp Interview.

however, that only includes information about works on which research has been conducted and does not offer information on all works. (Specifically, it does not address the database solution that Op den Kamp suggests.) It has created a band aid to the problem of orphan works, and it has not considered the time and resources that institutions, which are already underfunded (even in Europe), would be required to put in to determine if a work qualifies.

So, what does this mean for the future of orphan works? It seems only appropriate to bring this argument around full circle to the first Orphan Film Symposium, during which Paolo Cherchi Usai extends the orphan metaphor, “when it comes to orphans, there is one mother, but there is normally more than one father [...] the producers, the bad guy, the filmmaker(s), and sometimes the archive.”<sup>52</sup> With this extension, he suggests that it is (in part) the responsibility of archives to save these orphans, but regardless of the effort we put forth to address this problem, they will continue to exist, to be exploited, and to be taken advantage of. As conference attendee at the second Orphans, Jackie Stewart commented, “Perhaps orphan films lead us to understand the limitations of the notion of film history in the first place.”<sup>53</sup> With the upcoming symposium appropriately titled “Love” to be held at the Museum of the Moving Image in 2018, the Orphan Film Symposium will continue to shed light on and encourage scholarship of this forgotten corner of film history and culture. It will continue to convene artists, archivists and academics to build an understanding of a subject that they *love*. They will continue to seek new meanings of what orphans are and what can be done to salvage them.

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<sup>52</sup> Cherchi-Usai, Paolo. “What Is an Orphan Film? Definition, Rationale and Controversy.” presented at the Orphans of the Storm: Saving “Orphan Films” in the Digital Age, University of South Carolina, September 23, 1999. <http://www.sc.edu/filmsymposium/archive/orphans1999/2.1%20Paolo%20Cherchi-Usai.htm>.

<sup>53</sup> Stone and Swanson, “Orphans of the Storm II: University of South Carolina, March 2001,” 208–12.