

# THE SUNDAY TIMES *magazine*

JANUARY 19, 1975



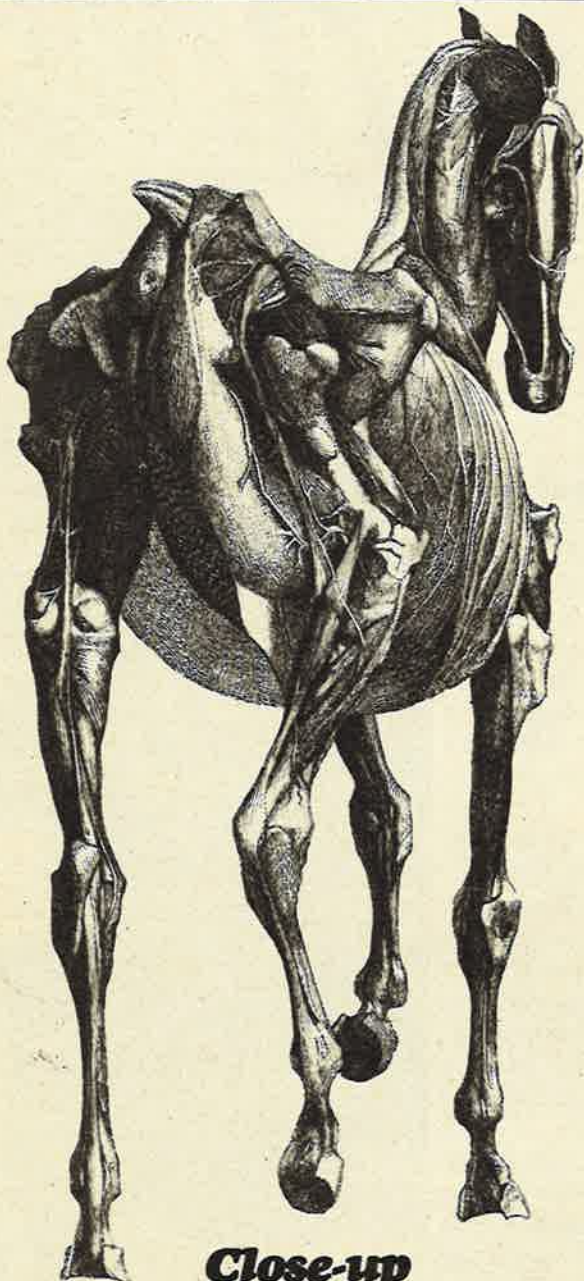
## **MY FIRST BULL... AND MY LAST**

**An English girl's survival in a Spanish ring**



**The biggest fish and chip shop in the world:** Harry Ramsden's Yorkshire institution, by Gordon Burn; photographs by Colin Jones. **Page 8**

**Beauty and the bull:** Georgina Ward explains why she decided to fight a bull in a Spanish ring, by Peter Gillman; portrait by David Montgomery. **Page 18**



**Close-up**

**The horse beneath the skin:** the anatomical drawings of George Stubbs, from a newly-published collection. **Page 22**

**Death in the Mediterranean:** how two marine biologists are fighting to save marine life in the Bay of Cannes, by Susan Raven; photographs by Jean-Marc Stévenino. **Page 26**

**The silent empire of Raymond Rohauer:** the cinema's strangest mogul and his ever-expanding power, by John Baxter; photograph by Carl Fischer. **Page 32**

**Bridge** by Boris Schapiro; **Chess** by Peter Clarke; **Mephisto Crossword.** **Page 41**

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**The Police Graduate Entry Scheme.**



# THE SILENT EMPIRE OF RAYMOND ROHAUER

The ever expanding power of the cinema's strangest mogul, by *John Baxter*; photograph by *Carl Fischer*

If an Oscar is ever given for the greatest achievement in infuriating the motion picture community, its first recipient will almost certainly be a podgy 50-year-old New Yorker named Raymond Rohauer. In the eyes of most fans of the cinema, Rohauer is to the movies what Dr Jekyll is to medicine. In a hectic 10-year campaign he has come close to cornering the market in silent movie classics, and though his ownership is bitterly denied, he claims control over the work of Buster Keaton, D. W. Griffith, Douglas Fairbanks Sr., Harry Langdon and Mack Sennett, as well as films featuring Greta Garbo, Laurel and Hardy, Rudolph Valentino, W. C. Fields and other stars. Any infringement of his alleged rights is greeted with threats to sue, delivered by an international team of lawyers who even monitor film society and television schedules for unauthorised screenings.

Copyright law is a jungle which threatens to engulf the early cinema, and few people know its thickets better than Rohauer. In the United States there is a copyright period of 28 years on any work of art, with provision for one renewal for the same period. But it's a movie truism that if a film doesn't make money in three years it won't make any money at all; many film companies never bothered to renew copyright after the first 28 years, others didn't last that long. Their films fell into public domain, fair game, like the bulk of literature, for anyone wanting to use them. An industry grew up to distribute these films to film societies, private collectors, schools and television, and its operators tended to ignore the copyright issue.

Only a few lawyers realised that a writer who sold his novel to a film studio did not necessarily sell it for all time – only until the company let copyright lapse on the film they made. And a star paid by the studio with a share of the film still owned that share when the company was long forgotten. Though the issues

were seldom this simple, copyright law was virgin ground for a smart operator with the minimum of ethics, as Raymond Rohauer found.

Shrewdly exploiting the vague and often contradictory statutes, Rohauer has renewed lapsed copyrights in his own name, tracked down writers or their heirs and bought the literary rights to classic films, revived dead companies and signed contracts with old stars to distribute their work. Significantly, none of the silent cinema's good businessmen – Harold Lloyd, Charlie Chaplin – had more than passing dealings with him. His clients are the desperate and the destitute, or widows and heirs who smell money in the work of the dead. Watching his activities among the aged, infirm and sometimes senile survivors of 1920s Hollywood a disgusted associate nicknamed Rohauer 'The carrion crow of Beverly Hills'.

Most film museums in Europe and the U.S. know Rohauer all too well, but the public hears his name less often. It appears on BBC programmes like *Golden Silents* and *The Sound of Laughter*, for which he supplied comedy film clips; and any Buster Keaton revival carries a Rohauer acknowledgment in larger type than that of the star. Sharper eyes will spot it at the foot of a comic strip based on Bob Monkhouse's *Mad Movies* series, and on posters for holidays in Morocco which feature a still of Valentino from *The Son of the Sheik*: in 1971 Rohauer extracted £250 from the Moroccan Tourist Board on the strength of his dubious rights to this film and forced the advertising agency to add his credit to five hundred posters. Credit means as much as money to Rohauer. A London film distributor was recently required to stamp an acknowledgment to him across the pages of a new catalogue, and when *The Sound of Laughter* was being filmed at the National Film Theatre he arranged for a sign to be erected in the foyer emphasising that he had supplied some of the films being used.

Despite this obsession, Rohauer keeps low. He is not incorporated as a company, has no office staff, and once told a U.S. court that he wasn't sure where his business records could be found. He doesn't advertise or publish a catalogue. Asked how he can function as a film distributor in such secrecy, he said, "People know what I have available and they contact me." In fact contacting Rohauer is not easy: having spread his net, he waits quietly for someone to stumble in. Occasionally he surfaces in New York or Paris, and more regularly at London's Mayfair Hotel, whose private cinema, the Starlight Club, has become his British showcase. Tracing his past can be equally hard, but by sifting reams of court testimony and newspaper clippings it is possible to compile a rough biography.

Born in Buffalo, New York, in 1924, Rohauer moved to California in 1942, briefly did pre-law studies at Los Angeles City College but left without graduating. For some of this time he worked as a grave-digger. In 1947 he took over the Society of Cinema Arts, a small Los Angeles film society. His first coup, he proudly recalls, was to lure the retired D. W. Griffith to a screening of *The Birth of a Nation*. Old and drunk, it was all Griffith could do to acknowledge the applause. In the late Forties, Rohauer free-lanced as a concert promoter, directed a few amateur films, apparently bad, and in 1950 rented the Coronet Cinema in La Cienega Boulevard, which became his base for seven years.

Over the next decade Rohauer became one of America's most active and unusual movie traders. "When I joined the American Film Institute," says archivist David Shepherd, "Rohauer" was already a generic name for film pirate." Films leased to him by private companies were illegally copied and the duplicates sold or placed in his swelling collection: in 1971 he boasted a personal hoard of twelve thousand titles. Persuading the New York

Museum of Modern Art that the Coronet was a film appreciation society, he borrowed many famous film classics, most of which can now be bought on the collectors' market. American film buffs accuse him of preying even on other collectors. One method, they claim, was to represent himself to the gullible as an agent employed by the studio to retrieve illegal prints, then confiscate their collections and disappear.

The Coronet quickly became a centre for film fans and other, odder, elements. Professor Raymond Fielding, now head of the Radio, Television and Film Department of Philadelphia's Temple University but during the Fifties a Los Angeles student with a keen interest in Rohauer's activities, recalls that his cinema was the hang-out for "homosexuals, people who were 'bent', and other exotica". Its printed programmes playfully encouraged them by such subtleties as consistently misprinting the surname of poet Jacques Prévert as 'Pervert'. In October 1957 the Los Angeles police swooped on the Coronet and arrested Rohauer for exhibiting a number of pornographic homosexual films. Because Kenneth Anger's experimental masterpiece *Fireworks* was among them, the artistic establishment rallied to his support, but in February 1958 he was found guilty, fined 250 dollars and placed on three years' probation, a decision reversed later on appeal.

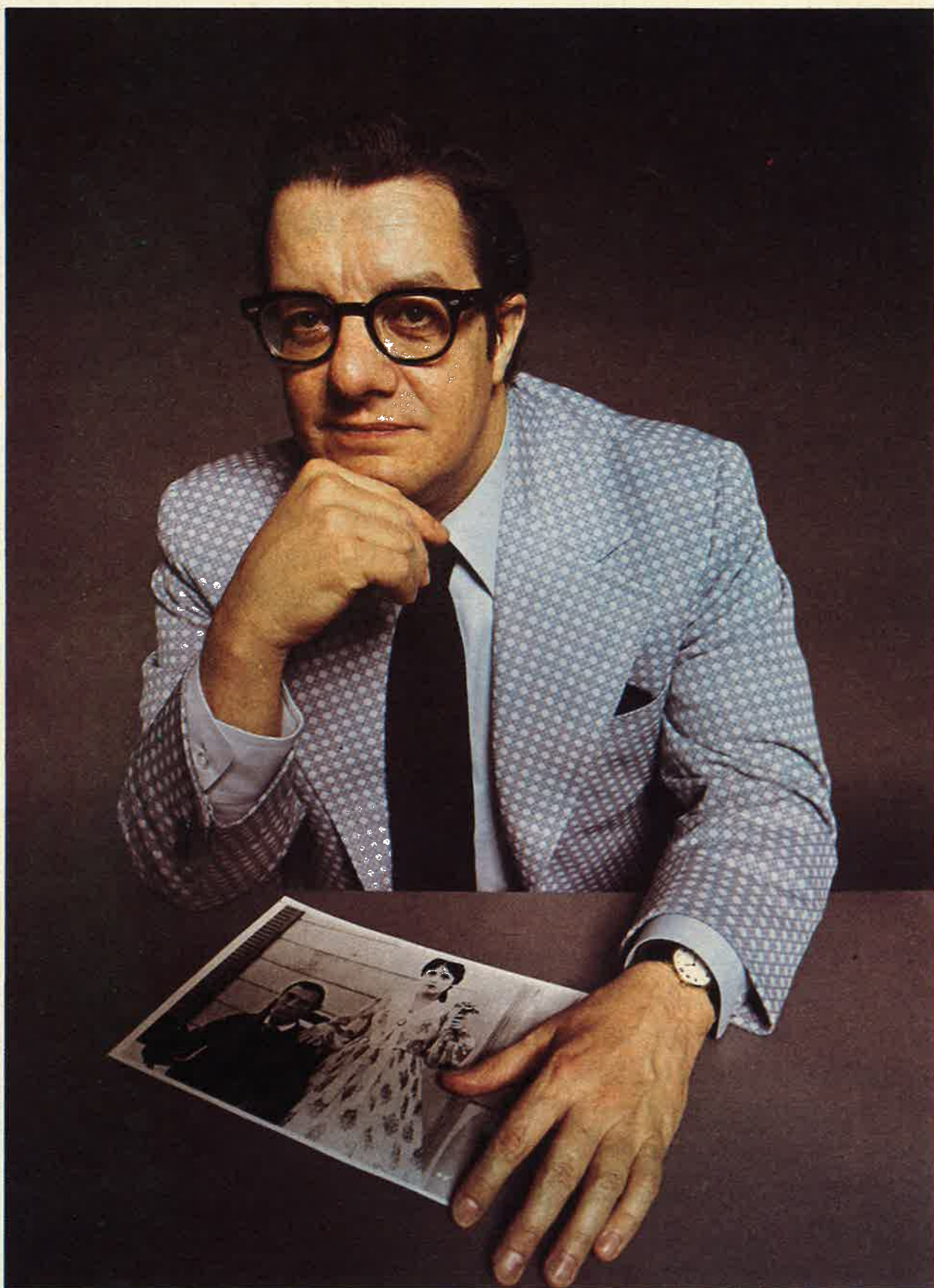
Less easy to square was a collision with Charlie Chaplin. Hounded for his leftist politics, Chaplin left America in the 1950s to live in Europe. Shortly afterwards, Rohauer acquired at auction a number of battered Chaplin films. Though possession of a print conferred no right to distribute it – the shrewd Chaplin had retained control of almost all his work – and notwithstanding their bad condition, many being worn or incomplete, Rohauer sold the films to cinemas and set up a company, Artistic Films, to exploit them. But even in Switzerland Chaplin kept his eyes open, and lawyers were put on to Rohauer's trail. This case was clearly only one of many copyright abuses committed by Rohauer, and in 1962 he was indicted on 29 charges of wilful infringement of copyright for profit on such films as Chaplin's *Shoulder Arms*, *The Gold Rush*, *The Great Dictator* and *City Lights*, and the French classic *Carnet de Bal*,



owned by Paramount. But shortly before the case was due to be heard, all the Chaplin indictments were withdrawn; film people surmise that the prosecution feared the effect of anti-Chaplin sentiment on the jury or were unable to bring the comedian back to the U.S. to testify. Rohauer pleaded guilty on the *Carnet de Bal* charge, on which he was fined 500 dollars and given five years' probation.

His leases on the Coronet and another Los Angeles cinema, the Riviera-Capri, disposed of, Rohauer moved to New York and turned his eyes to Europe, helped by his new association with the comedian Buster Keaton. In the 1920s, Keaton had been the most inventive of film comics. *The General*, *The Navigator*, *Steamboat Bill Jr.* and *Sherlock Jr.* earned a fortune, soon frittered away in high living. Most of the stock in Buster Keaton Productions was owned by his producer brother-in-law Joseph Schenck, who 'sold' Keaton to Metro-Goldwyn-Mayer when the studio was formed. There, production-line methods and changing fashion eroded his talent. By the mid-1950s he was a sick old man living in the small suburban house he had bought for his mother in the fat days. His films were barely remembered except by scholars and a few fans.

The exact relationship between Keaton and Rohauer is shadowy. Rohauer likes to paint himself as the devotee who rescued his idol from obscurity, spent years tracing the ownership of his films and finally restored Keaton and his work to rightful eminence. The truth is less romantic. After his agreement with Keaton, Rohauer re-formed the defunct Buster Keaton Productions and began circulating his films; but in 1962 Leopold Friedman, a trustee in the liquidation of Buster Keaton Productions and also the estate of Joseph Schenck - the majority shareholder - filed an injunction to stop him. Friedman successfully claimed that Rohauer had shown *The Navigator*, among other Keaton comedies, without any right, and he was forced to pay 250 dollars fine and 600 dollars costs, as well as surrender the Keaton films he held. It was not through his friendship with Keaton, who owned, at most, 25 per cent. of his films, but rather as part of a deal with Friedman that he was licensed to re-release Keaton's work.



Rohauer also began a campaign against MGM to relinquish Keaton's later works on the grounds, admittedly sound, that they were not being effectively distributed. To Rohauer's credit he did restore Keaton to the limelight, engineering well-deserved tributes like a 1963 Venice Film Festival retrospective which re-introduced him to the young European audience, but Rohauer's interest in Keaton seems

to have been at least as much commercial as artistic. One British critic recalls breaking to him the news of Keaton's death in 1966 from lung cancer, having heard a radio report en route to a meeting with him. "I'm sorry to tell you Buster is dead," he said gently. Rohauer fixed him with a beady eye and snapped "Is it confirmed?"

Strengthened by his control of Keaton, Rohauer campaigned ruth-

lessly among the world's film museums during the 1960s, forcing many of them to surrender their copies of Keaton's films as well as those of other stars whose work he now claimed, notably Douglas Fairbanks Sr., with whose son he went into partnership. Archivists, mostly amateurs, were terrified by the eruption of big business into their gentlemanly field. "None of us wanted to grasp the nettle of copyright,"







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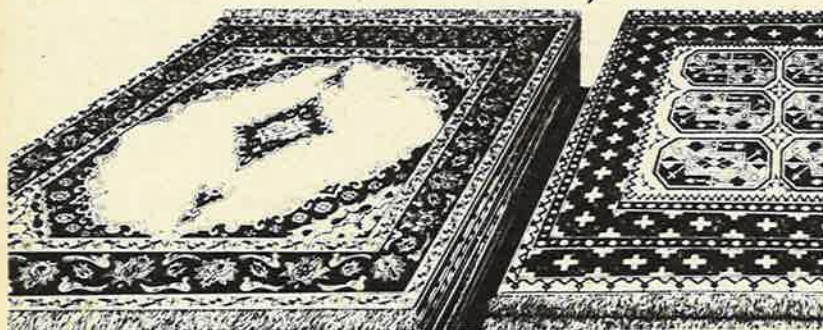


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of all Gifford's letters to Ward. Surmising that Rohauer intended to copy the films, Gifford refused and was fired. Some months later, Brownlow received his payment – poor copies of tenth-rate films, with no sign of *Greed* or any of the promised masterpieces. As an added insult, he was also presented with a £300 bill for customs duties.

It's only in Europe that Rohauer continues to get away with it. In the USA several incidents have shattered his credibility. In 1960 he sued the Berkeley Cinema Guild for 150,000 dollars for showing Keaton's *The General*. The Guild's manager, sharp-tongued critic Pauline Kael, snapped back: "*The General* must be available from at least half a dozen distributors . . . I have a letter from the copyright office of the Library of Congress saying 'Search . . . failed to disclose a renewal registration relating to this entry'." Keaton's lawyers had also told her the film was in public domain and could be freely used. Rohauer hastily announced a 'settlement' and the suit was dropped. His lawsuit against a distributor of *The Son of the Sheik* was peremptorily dismissed 'with prejudice' and a portion of the costs, and a 1.5 million dollar case on the ownership of Douglas Fairbanks's films settled without judgment or damages when Rohauer was unable to substantiate even one of the three hundred alleged infringements. Rohauer came to even more dramatic grief in 1970 in a scandal involving millionaire dilettante Huntington Hartford. Among Hartford's projects was the Gallery of Modern Art, a small New York museum whose tiny cinema Rohauer acquired as a showcase. As Film Curator – surprisingly often misprinted as Film Curator of the Museum of Modern Art, a vastly more prestigious institution – Rohauer lured out of retirement such big names as Busby Berkeley. For a season on animator Max Fleischer, Rohauer persuaded his son Richard, a top Hollywood director, to appear and introduce the films, but at the last minute Fleischer withdrew, claiming that pressure had been put on him to give Hartford's wife a screen test as the price of recognition of his father's work. Rohauer's connection with the Gallery ended abruptly.

The liveliest of Rohauer's opponents is Paul Killiam, a respected New York distributor who pioneered

popularisation of silent movies in his series *Silents Please*. Killiam outbid Rohauer in a 1959 auction of D. W. Griffith's estate, acquiring most of his films, including the *Birth of a Nation* and *Intolerance*, but in 1964, at the urging of a partner he reluctantly licensed some rights in the films to Rohauer. He was staggered when Rohauer began claiming total ownership of *The Birth of a Nation* and, in defiance of his agreement, released clips of other Griffith films to television.

A furious Killiam was blandly told that Rohauer no longer recognised parts of the 1959 sale. According to his theory, Griffith could not have really owned certain of his films, since they had been financed by others. *The Birth of a Nation*, he announced, was actually the property of the Epoch Producing Corporation, formed in 1915 by producer Harry Aitken and the Rev. Thomas Dixon, author of the book on which Griffith based the script. The company was kept alive by Aitken's brother Roy, who still scratched a precarious living distributing Griffith's masterpiece on an individual booking basis. In a series of deals, Rohauer bought the rights of Dixon's widow, sued Epoch for an accounting of all money earned by *The Birth of a Nation* since 1915 and effectively settled the suit by helping the Jay Ward company to acquire control of Epoch from Aitken. Though over 80, Aitken resisted the moves to buy him out until Rohauer pursued him even into the hospital where he was recovering from a car accident. Not surprisingly, he agreed to sell.

Armed with these rights, Rohauer sued both Killiam and the Museum of Modern Art for misuse of the film, demanding also that all negatives and prints be handed over to him. After more than eight years the case is still unsettled, but most libraries have been frightened into withdrawing this and other Rohauer-claimed films. The public wishing to see *The Birth of a Nation* today have little option but to view a 'sound' version which Epoch distributes. Lillian Gish, the film's star was aghast when she saw it. "The synchronised score is only a tinny echo of Mr Griffith's original. Despite claims that it is 'uncut and uncensored', three whole reels have been eliminated, for what reason I cannot fathom, as these cuts weaken the impact of the film and reduce



many scenes to gibberish."

Miss Gish testified for Killiam in a recent hearing of the case, but the court rejected as hearsay her memories of Griffith going out on forays to find money, and decided that Epoch were the film's true owners, though it refused to order that the museum surrender its negatives and prints. Killiam contests that the judge, unsure of his ground in this complex field and failing to grasp the significance of ancient tax records exhumed by the defence, misdirected the jury, and an appeal is under way. Meanwhile, the harassed Killiam is fighting yet another Rohauer suit, this time over *The Son of the Sheik*.

Paul Killiam shares the film trade's bewilderment at Rohauer's methods and aims. A phalanx of lawyers, countless lawsuits, international wheeling and dealing - all for a film, such as *The Son of the Sheik*, which, even at the most generous estimate, will net him a few thousand dollars. Film archives have found that a show of submission will maintain an uneasy peace, and though executives of the British Film Institute privately loathe the man, succeeding administrations have been unwilling to test his claims in court as long as he could be bought off with appeasing gestures. Happily the current director, Keith Lucas, seems prepared to break with tradition. "I am appalled by the inhibiting effect this has on the exhibiting of many films of great artistic importance," he says. "I personally find the situation intolerable. There is talk of mounting a National Film Theatre season this year featuring some of the films recently wrested from Rohauer's grasp, a project which is bound to loom large to the anti-Rohauer forces since it could be the first vital breakthrough in Britain.

Only a face-to-face meeting with Rohauer gives one any insight into his bizarre career. He unhesitatingly agreed to an interview when he passed through London en route to a French film festival recently. Significantly our rendezvous was at the Mayfair, whose Starlight Room was full for a screening of two Busby Berkeley musicals and a personal appearance by their distributor. Plump and beaming, Rohauer apologised to the audience for not having 'Buz' with him - "He's getting a bit old, and kinda hard to handle" - but offered instead his latest trophy, Marian Mack, the septuagenarian ingenue of

Keaton's *The General*, coaxed out of retirement to appear with him at the festival. Her obvious respect for Rohauer, the uncritical audience - a contrast to that at the American Embassy and National Film Theatre, who have hooted him - and the fawning programme notes create an atmosphere gluey with esteem.

This is Rohauer's court and he loves every scrap of it. Talking later, his manner is ingratiating, the smile a fixture, unshaken by even the baldest suggestion that he hounds organisations like the BFI from spite and an urge for self-aggrandisement. It's they who are persecuting *him*, he says,

because he has exposed their illegal use of films. "They were making prints of *The Navigator* and *Sherlock Jr.* and selling them on the side, and all sorts of illegal things. If you think Watergate is bad, you should realise what was happening in there." But surely *he* was accused of abusing copyright in the Chaplin case and forced to give up his prints? "I was happy to return them. They were taking up space I needed for other things". Apropos of nothing, he says, "Y'know, in the States I'm regarded as a film copyright expert. Big companies hire me to give an opinion on copyright". He

looks around with evident satisfaction. At a nearby table Richard Evans, producer of the BBC's silent movie programmes, phlegmatically cools his heels as he has done for an hour. Miss Mack sits in a straight-backed chair by the restaurant door, waiting to be taken to dinner. A minion hovers, rebuffed with a snarl when he interrupts to point out that the lady wants to eat - "Can't ya see I'm being recorded here?" Downstairs they are laughing at one of his films, and here he is being interviewed for THE SUNDAY TIMES MAGAZINE. Not bad, one can hear him thinking; not bad at all ●



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