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OVERSTEPPING THE BOUNDS OF PROPRIETY: FILM OFFENDS LANGSTON HUGHES ESTATE

British filmmaker Isaac Julien's film *Looking for Langston* opens with several lines by James Baldwin: "A person does not lightly elect to oppose his society. One would much rather be at home among one's compatriots than be mocked and detested by them.... People cling to their captivity and insist on their own destruction." This quote can be read as an introduction to Julien's cinematic "meditation" on Langston Hughes, his work and reputation in the context of the Harlem Renaissance, and Black gay male sexuality. But Baldwin's words also serve as commentary for the controversy that has surrounded the U.S. release of the film.

The public U.S. premiere of *Looking for Langston*, produced by the London-based independent Black workshop Sankofa, occurred at the New York Film Festival (NYFF) in early October. Those who attended witnessed a curious and disruptive event when, at two points during the 40-minute screening, the soundtrack became inaudible. The second instance—affecting the film's final sequence—proved particularly ironic, since the Hughes poem read on the soundtrack at that point accompanies a scene of skinheads and police raiding the twenties speakeasy/eighties gay disco that serves as the main set in the film.

In Julien's film, this scene is followed by archival footage of Hughes reading his own work, with a jazz band playing in the background. Both scenes, where comprehension depends on sound as well as image, played silently at Lincoln Center. As NYFF director Richard Peña explained to the audience prior to the screening, this and the earlier silent section were not intended by the filmmaker but instead were imposed by the festival in order to avoid legal actions threatened by the Langston Hughes estate.

In marked contrast, the film's exhibition in London had proceeded without a hitch, and the film was well-received. It was first shown last March as part of the new Channel Four gay and lesbian series *Out on Tuesday*. It then opened at a theater in central London, subsequently touring major international film festivals, like Berlin and Toronto. *Looking for Langston* won the Golden Teddy Bear Award in Berlin and was nominated for a British Film Institute award. Following the London release, British bookstores reported an increase in sales of Hughes' poetry as well as that of Essex Hemphill, whose work is heard throughout *Looking for Langston*. The film has been praised by numerous film scholars as well as prominent academic cultural critics like Gayatri Spivak and Cornel West.



British filmmaker Isaac Julien's *Looking for Langston*, a cinematic meditation on Langston Hughes' poetry, his role in the Harlem Renaissance, and Black gay sexuality, faced opposition from the poet's estate during its U.S. premiere.

Courtesy filmmaker

The film's distribution in the U.S., however, has been embattled, bogged down in a series of legal disputes. Shortly before this sequence of events, the Public Broadcasting Service was considering acquisition of *Out on Tuesday* for broadcast in the U.S. and inquired about copyright clearances for the poems by Hughes and the archival footage which appears in *Looking for Langston*. Julien, in turn, applied to the Hughes estate in New York for the U.S. rights to the poems. He had already obtained assurances that the archival footage was in the public domain from jazz archivist Michael Chertok, who sold Sankofa the footage for \$4,000. Before the film aired in Britain, Sankofa also obtained a copyright waiver for the Hughes poems from the British publisher Serpent's Tail Press, whose contract with the U.S.-based Hughes estate allows them to license the work for use in Great Britain.

On this side of the Atlantic, however, the Hughes estate refused to grant permission. Harold Ober Associates, the legal firm representing the Hughes estate, contested the use of the five Hughes poems, as well as the use of Hughes' name in the title. Refusing to sell the rights at any cost, Ober Associates demanded that Julien remove the poems and change the title.

After receiving this notice of the estate's posi-

tion, Julien says that he considered his obligations under U.S. copyright law as well as his aesthetic options. Around the same time, *Looking for Langston* was due to be screened at the 1989 Washington, D.C. Filmfest, held last April and May. Deciding to avoid a confrontation, Julien withdrew his film from the festival and set out to make a second version for distribution in the U.S. He and Ada Griffin at Third World Newsreel, the U.S. distributor of *Looking for Langston* and other Sankofa films, then enlisted attorney Joan Gibbs at the Center for Constitutional Rights (CCR) and CCR cofounder Peter Weiss to represent them in what they correctly believed might become a sticky fight.

Since any attempt to censor is a constitutional issue, Gibbs and Weiss cited the First Amendment and fair use provisions of the copyright law, maintaining that "using portions of Hughes' poems is essential to the point being made in the film." Griffin echoes this, "You can't have a film called *Looking for Langston*, referencing the Harlem Renaissance, without a prominent representation of Langston Hughes."

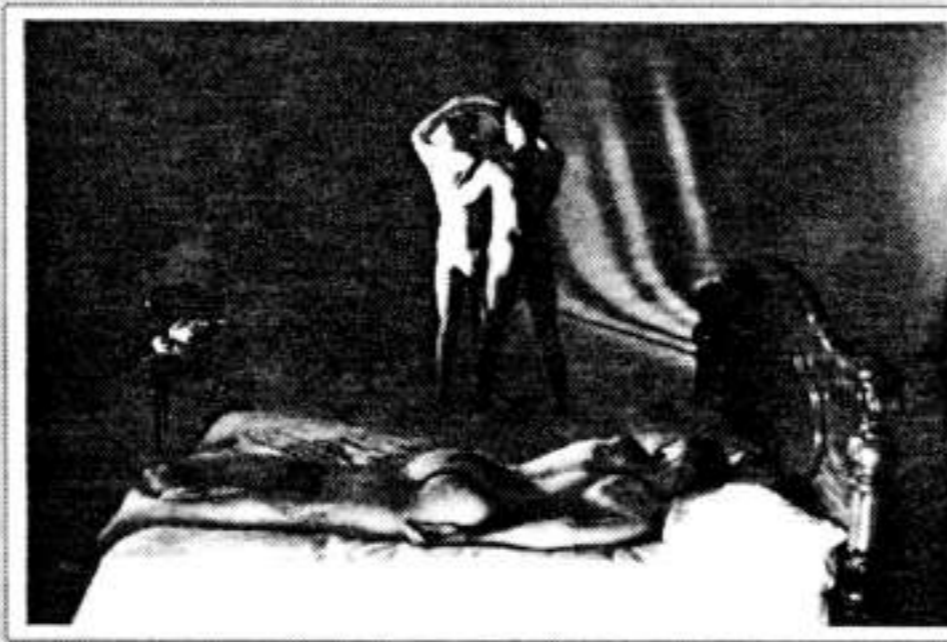
According to attorney Robert Harris, the copyright statute contains "no absolute rule for fair use," and he points out that there are several standards used to determine fair use in copyright disputes: the nature of the use, whether or not the

TABOO OR NOT TABOO

In researching this article, I interviewed the executor of the Langston Hughes Estate, George Bass, and *Looking for Langston* director Isaac Julien (as well as others involved in the dispute). Although these conversations took place on separate occasions, the remarks of both men function as a dialogue on the issues raised by *Looking for Langston* and the disagreement between Julien and Bass over Hughes' life and his representation:

Bass: "Given the choices of Hughes' life, [the film] is a sensationalist misuse of Hughes as metaphor. Hughes was extremely discreet with his personal and private self. It seems to me to be inappropriate to single him out as a metaphor for the question of a Black homosexual artist being constrained by social taboo. That wasn't a problem for him, not in public or private spaces, only in rumors."

Julien: "A main problem for Mr. Bass is that he decodes the film as a documentary, which it's not. It's a play on fantasy and memory, and those things are far more important than any kind of fixed historical notion of what a Black artist did or didn't do. The film is not entirely about Hughes, but rather a subjugated identity."



Bass: "Hughes achieved a wholeness which made his sexuality irrelevant. His enjoyment of his sexual/sensual self wasn't a factor in the shaping and development of his poetic voice, vision, or personality. Julien's meditation is consumed with anxieties about his own sexual self and the search for a sense of wholeness within those anxieties."

Julien: "Why is it that the question around sexuality is such a controversial one? I think it's precisely because Hughes had to live a life which was, in a way, suppressed."

Bass: "Do artists have the right to deliberately misrepresent the life meaning of a person recently dead [1967], that clearly would offend family and those who still cherish his memory?"

Julien: "The question more generally concerns the impossibility of having a Black gay identity

Hughes' estate calls *Looking for Langston* "a sensationalist misuse of Hughes as metaphor." The filmmaker considers it "a play on fantasy and memory....The film is not entirely about Hughes, but rather a subjugated identity."

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within the Black literary arts movement or indeed in any Black cultural movement. On the one hand, James Baldwin is exiled from within the community, chastised by a number of people including Imiri Baraka and Eldridge Cleaver. On the other hand, sexuality is perceived as a non-issue. Hughes is symbolic, and far more representative of the situation and attitude that exists today towards Black artists who could be gay or bisexual."

In his attempts to consign the film to the shelf forever, Bass claims that he is not involved in censorship. He emphasizes, "These are my rights. It's not about censorship. I'm giving Julien limits that are about discipline and choices. If the film had been made without Hughes materials, I would have no voice whatsoever, but I am entitled now because [Julien] misrepresented and violated me as a person and my role as executor of the estate."

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reproduction of the work creates a competitive situation, how much of the copyrighted work is used, how much of the new work is devoted to quotations from the copyrighted source, and the precedents established in legal judgements issued in similar cases.

With the limits imposed by U.S. copyright law in mind, Julien reedited portions of *Looking for Langston*'s soundtrack, removing three poems and substituting work by Hemphill. He combined the remaining Hughes material into a medley. However, the U.S. version of *Looking for Langston* retains the same title (an individual's name cannot be copyrighted), the same image track, and three of eight stanzas from the poem "Ballad of the Fortune Teller" as well as the complete "Night and Morn" (part appearing in the beginning of the film, part at the end). Julien removed the words "Thank you to the Langston Hughes Estate"—which appeared in the original credits—before he shipped this version to New York.

Two days before the film's New York City premiere, representatives of the estate saw an advertisement for the festival in the *New York Times*. They immediately contacted Peña and threatened to serve the NYFF with an injunction. Peña agreed to turn the volume off during the disputed sections. Nevertheless, Julien reiterated his belief that he had not violated the copyright law and introduced his work at Lincoln Center by saying, "I cannot bring myself to apologize for this situation, because I do not believe it is my

fault. It is always the role of the younger generation to rewrite the history of our cultural icons."

George Bass, the executive trustee of the estate, takes full credit for attempting to suppress the film. "Copyright is not the real issue, but I'm using legal technicalities to be noncooperative," says Bass, who is a professor in the Afro-American Studies department at Brown University, adding, "It is my only recourse to stopping the distribution of a film I do not approve of." Bass gives three reasons for opposing the film.

The first has to do with legal matters and copyright licensing. Although Sankofa offered the estate payment of the copyright fee, these offers were consistently refused. Thus, holds Bass, the film violates copyright law. He cites "professional ethics of process" as his second problem. Bass believes, "We could have had a dialogue beforehand, like when a student wants to write a paper and goes about convincing the teacher that it's a worthwhile project." Because this step was postponed, he says, "There has been a loss of trust between myself and Julien. I do not believe this effort was guided by a commitment to the clarity of voice. I feel dishonesty on the part of aesthetic intention. The whole way the filmmaker conducted himself verifies that for me." Bass' third problem is what he deems an ethical one: "This is really a question of the use of a person's life in ways that are violently sensationalist and misrepresentative of that person's sense of self."

In the aftermath of the NYFF clash, Julien has

not lessened his determination to show *Looking for Langston* in the States. About Bass' efforts to stop him, he comments, "At a time when Black gay men are the most threatened in society in relation to certain debates—about homosexuality, representation, AIDS, and the role of the Black bourgeoisie in all of that—you have the role of the Black cultural gatekeeper, casting out his net and allowing just a few things to be spoken about. But I think I'm adding to the debates a complexity that needs to be heard. And those debates have to take place and are going to whether Bass likes it or not."

As the *Looking for Langston* controversy continues, Griffin intends to distribute the film as thoroughly as possible. Two professors teaching film at Brown, where Bass teaches, have contacted Griffin concerning rentals of *Looking for Langston* to show in their classes. Initially Griffin said no, but after the second request, she decided to go ahead.

On the other side of the dispute, Ober Associates representative Wendy Schmalz believes, "It's a dead issue. As far as we know Julien has no plans to show this film elsewhere with Hughes material in it. If he does we will do whatever we can to suppress it. It's in violation of copyright. It's as simple as that."

At one point in *Looking for Langston* the narrator says, "Homosexuality was a sin against the race, so it had to be kept a secret, even if it was a widely shared one." Griffin observes the parallel

between this reference to Black culture in the twenties and the situation circa 1989: “Bass is trying to refuse Julien access to his cultural heritage by suggesting that he and his film go back into the closet.”

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