

Preface

The format wars and legal battles that marked home video's early history have seemingly been rewound and replayed repeatedly in the age of peer-to-peer file-sharing networks, online video streaming, and HD DVD format competition. This book seeks to rethink videotape's recent histories from the vantage point of a cultural moment when DVD (and increasingly downloaded and streaming video) has eclipsed videotape as the primary home video format and when both the entertainment industry and the government have sought to clamp down on "piracy." Any device that has been widely adopted and altered audience uses is necessarily of its own moment and might eventually evoke nostalgia once it becomes (theoretically or actually) obsolete. In fact, the appearance of home video in the mid-1970s might be said to be culturally linked to the purported nostalgia craze of the time by making old movies and syndicated shows recordable for reviewing.¹

In this book I situate videotape and VCRs culturally—through popular rhetoric, market shifts, legal regulations, and love stories. The book, in turn, can be situated in dialogue with cinema and television studies, histories of new media, critical legal studies, and copyleft advocacy. A substantial body of literature has analyzed the theories and uses of video, yet such work has not captured all the cultural meanings, experiences, or prevalent uses of videotape. One survey of the academic literature on video claimed a lack of critical consensus on video specificity except that it has no specificity.² A wave of foundational scholarship about video, which extended from British television and cultural studies and American postmodern theory, appeared in the late 1980s and early 1990s.³ Other work oriented toward history or the social sciences reflects varied disciplinary approaches to video. On the sociological and ethnographic end of communications approaches, researchers

have clocked subjects' uses of VCRs and related technologies, focusing less on what is watched than on how and for how long. This behaviorist approach emphasized individuals' actions and motivations.⁴ Industry-oriented communications and political economy work has examined statistics of VCR adoption by consumers and corporate strategies of exploring and exploiting the home video market.⁵ Such market research offers a macro view that again abstracts content in favor of hard numbers for units sold and commercial exploitation. When video's aesthetic potential has been explored, it has been as a "problem" for cinema studies or in the separate milieu of video art; although video art reflected upon the technology and ideology of television generally, it ultimately offers limited resemblance to more pervasive entertainment uses of videotape.⁶ In analyzing video as a haptic medium, cinema scholar Laura Marks looks to a site of aesthetic analysis close to my own heart: video grain and decay.⁷ (More on that in the introduction and chapter 4.) Such cinema studies and communications approaches rarely investigate the history of video technology in dialogue with both aesthetic and legal issues, the strategy of the present book.

Comparative academic histories of "old" and "new" media have been prone to juxtaposing vinyl LPs and CDs or celluloid and streaming digital video while erasing "middle-aged" or residual magnetic tapes and cassettes from the evolutions of formats and practices.⁸ Analog videotape was once a new technology, and before too long, DVDs and MPEGs will seem old as well. By treating magnetic tape technologies as merely transitional and inferior to what came before and after, such work presents a distorted and incomplete account that ignores the material and experiential attributes of these recording and playback technologies—and the new modes and expectations of access that they introduced.⁹

Old, middle-aged, and new technologies co-exist, rather than offering a radical break. Historians' attention to new technologies often infers that once a device is commercially available, it is adopted and immediately displaces prior technologies, and new media studies often dwell on the newness of the present or the promise of the future. But technological predictions often miss the mark, as devices are often imagined to become ubiquitous years or even decades before they even become commercially available. And just because a technology has been invented and marketed does not mean it is adopted or instantly becomes part of everyday life. Technological obsolescence doesn't quite work so efficiently, either: analog technologies remain useful and in use. Planned obsolescence, a marketing racket developed through short-lived pop music singles and annual automotive

model updates, has extended to frequent “innovations” in computers and cell phones. Hardware manufacturers, looking to develop a new market, and the studios, eager to sell rereleases of familiar content, have pushed the idea of analog technologies’ obsolescence. Just as availability does not mean adoption, and market penetration takes time, so does obsolescence. VHS and VCRs linger on as “residual” technologies, patched into TVs to play back old tapes or lingering on in the pre-landfill limbo of basements and garages.¹⁰ As one scholar put it, “The venerable VHS cassette has been around since 1976, a geological tenure in electronic media terms.”¹¹ Thus I agree with arguments against seeing new media as revolutionary; rather, new media reveal continuities, collaborations, and periods of coexistence as technologies change. New technologies do not necessarily kill media when they upgrade the devices.¹² What’s new about new media is specific technologies, interfaces, and uses, but these technologies often rework preexisting practices, concepts, and content.

Media archaeology looks for the new in the old, the stories in the past, and the tangents among the facts. Although I haven’t followed this as a methodology exactly, as someone who is often more interested in asides and footnotes than in a book’s thesis, I can only hope that I have done just this, by looking to the legal feuds and lurid associations in home video’s past.¹³ My book is unabashedly nostalgic, just as I suspect that the affective uses of videotape have often been.¹⁴ At times, this will mean articulating the obvious, drawing the reader’s attention to aesthetics, uses, and materialities of videotapes that were almost instantly taken for granted, that may need to be rethought, or that may only be noticed for the first time now. This will entail mixing subjective and scholarly tones, anecdotal and archival evidence, though the boundaries are not so discrete: some of the anecdotes come from archives. This study is not an ethnography of bootleggers but rather a series of histories, reflections, and analyses of the ways that videos have created, changed, and circulated texts. I have attempted to integrate policy with media historiography, reception studies, material culture, and cinema aesthetics. Thus, I hope that this book not only gives videotape a worthy send-off but also transcends the plastic tape and cassette casings to suggest how thinking about analog video is generative for understanding other times and technologies.

The concept of cultural memory describes less-than-systematic ways in which personal experience, popular culture, and historical narratives intersect. Experiences of home video are largely entangled with memories of media. So many of our personal and social memories are of cultural



1. The weathered sign in front of an independent video store in Cambria, California, continues to advertise VCR rentals. The robot's belly says, "The Video Kid." Photo by author, October 2006.

productions, whether epiphany-inducing masterpieces or familiar sitcoms. The private tactics and affects of videotape bootlegging in effect help to produce and sustain cultural memories; videotape allows users to save or seek out the media texts that have shaped them and that would otherwise be forgotten in "objective" histories.¹⁵ Writing about both video and cultural memory, Marita Sturken formulates the intersections of the two: she acknowledges the materiality of video and theorizes cultural memory as entangled with history in the way the past is recalled and reexperienced. Videotapes are "technologies of memory" that "embody and generate memory."¹⁶

If you will indulge me, I would like to share my own memories of videotape since my readings of historical documents and legal codes are inevitably subjective. Videotape has been formative throughout my life. When I was a kid, videotape became my means of accessing the world beyond my small Midwestern town. I loved to browse the video boxes at the public library, the video store, and the video sections at the gas station or grocery store, and to take home as many as I had time and money to watch. In the early 1980s, before my family finally bought our own VCR, we would rent the deck along with the videotapes. We'd regularly lug home a heavy, top-loading VCR in its

protective blue nylon foam carrying case. This made the convenience and experience of home video affordable even before the cost of the decks dropped to consumer-friendly rates. Despite being a respectable Baptist family, we had a propensity for renting lowbrow comedies with significant amounts of nudity. “Cover your eyes” was a common refrain my parents would use as we watched *Vacation*, *Revenge of the Nerds*, or *Porky’s*. (Of course, I peeked between my fingers, perhaps instilling a connection between video and sexual discovery; rewinding, pausing, and slow motion later became favorite tools during puberty.) Not long after my family did finally get a VCR of its own, I began to hoard it by keeping it in my room, patched into the minuscule television I had saved a year’s worth of allowances to buy. When I went east to college, my first major purchase was a VCR of my own, which became a symbol of my adult independence.

Much of my higher education about film, television, and video art—and most of what was interesting—I learned from bootlegs. I first saw *Superstar: The Karen Carpenter Story*, the tape that inspired this project, in an undergraduate film course called Oppositional Cinemas. In addition to examples of Third Cinema and Paper Tiger TV media deconstructions, we also watched the graduate student adjunct’s own homemade VCR-to-VCR abridgement of a Lifetime TV miniseries, which reduced four hours of melodrama to a more manageable hour-long text with softened video colors and jump-cut transitions. During and after college, I became a professional bootlegger when, as a film critic, I often received second-generation preview tapes; and as a publicist, duplicating tapes for other critics was part of my job. The more compelling or obscure the work, the more likely I was to keep a copy for myself. In grad school, I saw many more tapes of dubious provenance, including video art, perverse practices, old industrial documentaries, early television, Hollywood films taped off-air, foreign films undistributed in the United States, and recordings of “authoritative” or otherwise unavailable archival prints. Such screenings were typically prefaced by apologies for the tape quality or half-proud explanations of the recordings’ pilfered origins.

I have researched and written this book while VHS teetered on the brink of obsolescence, and this project has largely been an attempt to keep the memory of VHS alive. During the temporal vortex known as grad school, DVD effectively pushed VHS out of the market, and video stores across the country began liquidating outmoded inventories of still-functional cassettes. Curiously enough, when I later moved to Los Angeles, I discovered a heartening preponderance of independent video stores that maintained actual video-tapes—and not just small sections at the back, but racks and racks of them,

up front and banged up from handling. vhs lived on in the home of the entertainment industry that had once opposed it, and this vitality renewed my conviction about the format as I began revising this manuscript. But when I tried to replace the vcr that conked out at my (illegal) sublet, I discovered, to my practical frustration and academic dismay, that new stand-alone vcrs had already become almost impossible to buy. As I hope this account indicates, for me, at least, access, aesthetics, and affect are intertwined.

The introduction defines some of the concepts that have informed my project and highlights the basic issues at play throughout the book, such as video's interventions into the ways audiences use and experience the media and the intersections of copyright regulations and video practices. Chapter 1 expands the discussion of videotape to suggest a complex conception of analog magnetic video's format specificity. I situate video technology historically, in relation to prior analog audio and more recent digital video media, examine changes in its uses and discourses effected by the market, and finally suggest the aesthetics of analog video by examining bootlegs and amateur pornography. Chapter 2 offers critical legal histories of copyright, fair use, and legal restrictions in the era of digital media. In tandem with the historical intentions and legislations of copyright law, I analyze two major Supreme Court decisions that have sought to think through and, to some extent, expand the fair-use doctrine and its relationship to home video recording. *Sony v. Universal* (1984) set a major judicial precedent that has been much debated and much relied upon in subsequent discussions of fair use and personal media consumption. This decision also served as the defense in the later wave of lawsuits against peer-to-peer file-sharing services, as well as the primary allusion in press and critical legal commentary on these cases. This suggests that the Betamax case not only set a legal precedent but also that vcrs established practices that have informed institutional and private paradigms for domestic media that have continued into the digital era. The chapter concludes with an analysis of the Supreme Court opinions in *MGM v. Grokster* (2005), which considered the relevance of the analog ruling for digital file sharing and reconsidered the continued authority of the prior ruling more generally.

The first two chapters work to establish the more institutional—one might say more coherent, though hopefully still surprising—histories of videotape and copyright. Following these foundational chapters, a trio of case studies, while chronological in sequence and contextualized within their specific accounts, deviates from the standard histories of analog video.

These case studies examine practices that reflect myriad ways videotape has enabled access through alternative preservation and distribution and are intentionally distinct in scale, ambition, and milieu—although all of them derive from personal initiative to use videotape to preserve and circulate politically, aesthetically, or socially significant media works. The studies range from a long-term, systematic, institutionalized historical project to record news, to idiosyncratic person-to-person tape dupes and trades that have informally maintained a public life for an underground film, to a loosely structured feminist network for exchanging work.

Chapter 3, the first case study, focuses on the Vanderbilt Television News Archive. This archive was the first project of its kind: a broadcast taping project begun in 1968 to record and collect the nightly network news for political, historical, and scholarly analysis. Following meetings and correspondence with the Vanderbilt archive, CBS sued the archive for copyright infringement. Vanderbilt countered that the archive project was acting in the interest of the First Amendment (which suggests the freedoms of speech and the press) and the Fairness Doctrine (the FCC policy that attempted to balance political perspectives in broadcasting) by providing public access to information. The lawsuit extended over the course of three years; although numerous motions were filed, it never reached a trial. The litigation was eventually resolved in Congress, rather than in court, through the comprehensive revision of the copyright code in 1976, which included a special copyright exemption for libraries and archives to record the news, mandated the creation of the American Television and Radio Archive at the Library of Congress, and offered the first statutory fair-use exemption. Not only did video recording introduce a new relationship to television news, giving it a controversial new status as an object of study during a period of cultural conflicts, but this new relationship also raised critical issues of politics, preservation, and the rights of access.

Moving from innovations in video preservation and debates over the legal status of recordings, I next consider more experiential concepts of aesthetics and affect. The second case study, chapter 4, turns to the bootleg history of Todd Haynes's *Superstar: The Karen Carpenter Story* (1987). This text, which dramatizes a pop-culture history of the Nixon era, was originally conceived as an allegorical text for the Reagan era, one that traced the beginnings of a conservative shift in American political and popular culture and the ambivalent appeal of the seemingly wholesome and reactionary sibling singing duo the Carpenters. The film was withdrawn from official distribution after Haynes received cease-and-desist letters threatening copyright

litigation over the film's unauthorized inclusion of the Carpenters' music. But *Superstar* had clearly struck a chord with audiences and has continued to circulate via bootleg videotapes, semi-secret screenings, and eventually DVD-Rs and downloadable MP3s. Thus *Superstar* was a film phenomenon of the home video age, as the common consumer technology aided in duplicating and circulating the text for a wide viewing public that, in an earlier era, would have known of the work only through rumor. The chapter recounts and clarifies this cult film's screening and legal history and then examines the underground tapes as unique texts that encode their own histories of multiple-generation dubbing. Through these tapes, format-specific aesthetics become more pronounced as analog interference and lost resolution cloud the image and distort the soundtrack. Because the film has historically circulated through direct, interpersonal copying and loaning, the cassettes themselves become mementos of specific people or time periods in their owners' lives. Thus *Superstar* bootlegs suggest both aesthetic and affective relationships rarely attributed to videotapes.

The final case study, chapter 5, presents the Joanie 4 Jackie (formerly Big Miss Moviola) video chainletter project as a model for bootleg self-distribution in a turn that moves the discussion away from productive copyright infringement toward willful open-source sharing. This project, initiated by the performance and video artist Miranda July, established an alternative, person-to-person video distribution network for women and girl media makers. Influenced by riot grrrl, zine, and punk principles (though predated by early video collectives and exchanges), the project works like this: female media makers send in a tape of their work, and it is compiled onto a mix videotape (a "chainletter") that is then returned to the makers and available to anyone who wants to buy a copy. The project is specifically analog in its uses of videotape reproduction and the U.S. Postal Service's distribution infrastructure. I examine this project as providing a space for female artists located in western and midwestern towns to express their experiences in American regions rarely portrayed in mainstream or alternative media. The tapes often present autobiographical or essayistic accounts of female experiences, which suggest a form of community building based on shared intimacies that dates back to prior waves of feminist organizing. Begun in the mid-1990s and continuing into the first decade of the new century, the Joanie 4 Jackie project offers an analog video distribution model that predates widespread online file sharing and digital-era public-domain endeavors such as Creative Commons. The participants forgo copyright

protection and royalties to express themselves, communicate, and foster a nationwide feminist media network.

Appearing in chronological order, these bootleg studies offer examples of productive video uses in the 1970s, 1980s, and 1990s, respectively, although all of the described practices continue. The different intentions and practices suggest a range of uses of video, and each study attempts to contextualize practices within American culture—political, artistic, and social. Additionally, these studies indicate cultural shifts in relation to copyright law, from attempts to work with and through the law, to resisting it, to inventing participatory alternatives to it. Although each case study presents exceptions to everyday videotape practices rather than exemplifying them, they do indicate the increasing disconnections between copyright law and the ways users interact with media (and mediated communities).

Between chapters, I interject quick, illustrative interludes called “video clips” that focus on specific sites and debates for videotape bootlegging and exchange. In effect, these represent some of the illicit practices that elude sustained studies but must not be overlooked. I have been fortunate to live in the two U.S. media capitals—Los Angeles and New York—while working on this project; certainly this facilitated much of my research. But it was also important to me to look beyond these cities or even nearby Orange County and New Jersey (though these suburbs are present in the clips) to some of the other locations where bootleg taping and access have been so important, such as Nashville and Oklahoma City. *Inherent Vice* examines the ways that practices, regulations, places, and experiences of videotape technology have raised new means and concerns for media participation, preservation, and circulation.

This book is primarily historical in orientation, but in the epilogue, I turn to one of the most popular developments in video sharing of the twenty-first century: YouTube. Although there is much specifically new and wonderful about YouTube, I suggest that the most prominent discourses surrounding it—the democratization of media access and the threat of piracy—recall the decades-old ideologies and panics that have long defined video. YouTube not only revives these familiar tropes, but also facilitates reviewing the video past.