

## Commentary: The Smithsonian Goes Cable

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In March 2006, the Smithsonian Institution announced that it had entered into a contract with Showtime to form a new entity—Smithsonian Networks—that would produce and disseminate audiovisual programs in various formats through a variety of platforms. Its first offering would be Smithsonian On Demand, video programs offered over cable television, satellite and internet networks. The Smithsonian represented the arrangement as consistent with its mission, within its legal purview, and necessary in order to reach larger audiences with its material. Critics lambasted the idea. Archivists and historians protested the possibility that access and use of Smithsonian collections, archives and resources would be unduly limited. Independent film-makers worried that they would be excluded from making their own films and forced to work with Showtime. Public interest advocates argued that the Smithsonian was questionably, and to the detriment of the public, collaborating with a for-profit commercial company. Many scholars, curators, scientists, archivists, educators and other staff within the Smithsonian itself questioned the arrangement, worrying that it might curtail some of their substantive work and impose external demands upon their time, research and educational efforts.

These varied concerns resulted in numerous newspaper stories, on-line petitions, formal resolutions by scholarly organizations, and a hearing before the U.S. House of Representatives Committee on Administration. The latter resulted in an investigation of the Smithsonian Networks contract by the U.S. Government Accountability Office (GAO) at the behest of the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies.

In this essay, I provide an institutional and historical context for the cable venture, describe the Smithsonian On Demand (SOD) operation, examine the contentious issues, provide current information and data, and also look at the challenges and opportunities it may pose especially for museum anthropologists. I write as a museum anthropologist, though not a disinterested one. I serve as the director of the Smithsonian Center for Folklife and Cultural Heritage as well as director of Smithsonian National Programs. In August 2006 I was asked to chair an internal Smithsonian On Demand committee composed of museum and program directors, curators and archivists.

### The Smithsonian

To avoid some confusion about its legal status and the nature of its operations, a thumbnail sketch of the Smithsonian is in order.

The Smithsonian is named after James Smithson, a wealthy Englishman and scientist who in the early 19th century left his fortune to the United States to found in Washington an institution bearing his name and dedicated to the “increase and diffusion of knowledge.” While consistent with enlightenment ideas that were to define other scholarly organizations, it was a curious bequest from a man who, though estranged from the British aristocracy, had never visited the then-young nation. It took the U.S. Congress a decade to figure how to incorporate such a private bequest and structure the envisioned institution. In 1846 Congress passed and the President signed a bill establishing the Smithsonian as a unique independent trust—not a federal agency or arm of the executive branch—and designating a Board of Regents as its governing body. The regents appointed a secretary to serve as its executive.

In the early days, the federal government did not appropriate any funds to the Smithsonian; that changed a decade later as the Smithsonian took on functions desired by the federal government, most dramatically caring for its national collections.

Currently, the Smithsonian endowment, which was initiated with Smithson's bequest of about \$500,000, is now worth about \$900 million. The Smithsonian Board of Regents consists of 17 members—the Chief Justice of the U.S., the Vice President of the U.S., three senators, three members of the House of Representatives, and nine citizen members—mainly leaders of universities, corporations and foundations. The secretary of the Smithsonian is not a federal employee. Roughly \$650 million a year comes to the Smithsonian as an appropriation from the federal government, and the Smithsonian follows federal rules with regard to the expenditure of those funds. About \$100 million a year comes in the form of federal contracts and grants—mainly from NASA to the Smithsonian Astrophysical Observatory run jointly with Harvard University.

Another \$250 million or so is annually generated by the Smithsonian in non-federal funds (referred to internally as "trust funds") from gifts, grants and donations, interest on the endowment, and proceeds from business activities including among others *Smithsonian* magazine, food concessions and museum shops in its facilities. Since in addition to being a public trust, the Smithsonian is a not-for-profit, tax-exempt educational organization under Section 501(c)(3) of the Internal Revenue Code, the Institution files reporting forms with the Internal Revenue Service with regard to these trust funds, and develops its own guidelines for managing its money—which are not required to be and, in fact, are not the same as those for managing federal funds. All of these funds—federal and trust—support 19 national museums and a zoo that in 2006 drew about 23 million visitors, as well as a number of scientific and scholarly research centers and educational activities that reach literally hundreds of millions more around the nation and the world.

While federal funds pay most salaries, and help support the institution's operational infrastructure and physical plant, the Smithsonian depends upon raising and generating hundreds of millions of dollars a year and on capital campaigns to pay salaries, produce new exhibitions and indeed, refurbish,

revitalize and even build new museums. The reopened National Portrait Gallery and Smithsonian American Art Museum, the new National Museum of the American Indian, the new National Air and Space Museum Steven F. Udvar-Hazy Center, and the revitalization underway at the National Museum of American History have required more than half a billion dollars in funds raised from individuals, foundations and corporations in addition to a like amount of federal appropriations. Additionally, new program initiatives are typically funded by private sources—not federal dollars, particularly given the tight budgets over the past two decades.

### The Smithsonian's Television History

From the late 1950s onward, Smithsonian leaders were well aware that television might be a good way to convey knowledge to a broad public. The new National Museum of History and Technology (now the National Museum of American History) included a television studio on its ground floor for producing programs. Not having the federal funds, the capital, nor the human and technical resources to fully produce and broadcast television programs on its own, the Smithsonian mainly partnered with others—sometimes local Washington-area stations, sometimes national networks, sometimes non-profits, but more often commercial companies, to do so. The Smithsonian first partnered with the Washington Educational Television Association (WETA) and local commercial television stations to produce a variety of programs, and with NBC to produce eighteen half-hour shows that aired nationally on Saturday mornings as well as a children's television program. Among the anthropological topics covered in such productions were underwater archaeology, the hall of physical anthropology, osteology, Catlin's paintings of American Indians, and American folk art. In the early 1960s, a new unit, the Smithsonian Museum Service, created to develop a whole range of public outreach activities for the institution, took the lead in developing television programs. Before the decade was over, the Office of Public Affairs took on the role of coordinating productions with television stations, and the Motion Picture Unit was charged with producing documentary films and those for exhibitions.

In 1972, following an unfulfilling agreement with CBS for the production of a series of prime-time specials, Secretary S. Dillon Ripley, leading officials

and an ad hoc committee seriously deliberated the institution's television presence. The consensus was that television offered a major opportunity for the Smithsonian to realize its educational mission, but that the Smithsonian could not go it alone. The cost and skills for producing television programs and the need for an effective distribution mechanism were far beyond the institution's capability. Good partners were needed, and whether or not they were from the educational or commercial television world, and involved either the networks or independent producers were open questions. A series of key memoranda summarized institutional concerns—while the Smithsonian was willing to have its name used by a partner, its reputation and dignity had to be preserved; television programs had to be factually accurate and promote knowledge, the institution had to have a reasonable say over content, and the operation had to allow museums to recoup costs and if possible realize potential revenue. Exclusivity was also a concern. Although the public nature of the Smithsonian was recognized, and the conceptual and practical difficulties of enforcing a truly exclusive arrangement with a partner were discussed, there was no objection to enacting agreements with companies that would provide exclusivity within a carefully defined domain. Indeed, the Smithsonian had such agreements for the production of films at the time. But the institution needed flexibility for its own productions and found it important to allow access for news coverage and films made by others.

The pattern of internal and co-produced films coupled with commercial and educational network distribution continued in the 1970s. Smithsonian produced programs, including a series on the Folklife Festival, were aired with the publicly supported Appalachian Community Service Network. The Smithsonian also aided the production of television and documentary programs by others, cooperating for example on the BBC's "The Ascent of Man." The Smithsonian continued to produce film programs for exhibitions and public service use through the Motion Picture Unit of the Office of Exhibits Central. In 1975, the Smithsonian created the Office of Telecommunications which, headed by former "Sunrise Semester" producer Nazaret Cherkezian, won a Washington Emmy for "The Smithsonian with S. Dillon Ripley" in 1979, and produced numerous films for television over the course of two

decades. At the same time, the power of audiovisual imagery and its connection to Smithsonian collections was most powerfully illustrated in the IMAX theater of the newly opened National Air and Space Museum—the subject of a PBS documentary "A Place of Dreams" a few years later.

By the 1980s, television production expanded across the Smithsonian. In 1982 and 1983, to mark the 10th anniversary of the Smithsonian Jazz Program started by Jim Morris and Martin Williams, the Smithsonian signed an agreement with Adler Enterprises, Ltd. to produce a video series of eight one-hour programs, entitled "Jazz at the Smithsonian." Performances featuring luminaries such as Benny Carter, Joe Williams, Red Norvo, Art Blakey and the Jazz Messengers (including Wynton Marsalis and Bradford Marsalis), were filmed live in the National Museum of American History's Baird Auditorium, aired on local PBS stations and sold in the home video market.

The Office of Folklife Programs, the predecessor to the Center for Folklife and Cultural Heritage, was producing a series of ethnographic films on southern potters, Washington, DC firefighters, Tule technology, Pullman Car porters, Finnish-American identity, Korean potters, Appalachian dancing, Indian puppeteers and Native American drum makers, led by the efforts of Smithsonian staffers Ralph Rinzler, Steve Zeitlin, Jack Santino, Thomas Vennum, Marjorie Hunt and collaborating filmmaker Paul Wagner. The latter duo won Academy and Emmy awards for their film "The Stone Carvers," based upon Hunt's dissertation research and programs featuring workers at Washington's National Cathedral at the annual Folklife Festival. Another Office of Folklife Programs film, "Celebration," featured the work of Victor and Edith Turner and was based upon a pan-Smithsonian exhibition on that topic. A "Here at the Smithsonian" series featured some 150 two- to three-minute stories on a huge variety of Smithsonian topics, and aired on PBS and in network news programs.

The most ambitious and widely aired programs were those in a weekly one-hour series, *Smithsonian World*, produced by Adrian Malone in cooperation with WETA and PBS that ran from 1984–1991. As its promotional literature suggested, the purpose of *Smithsonian World* was "to explore the full scope of modern culture—investigating art, science, history, literature and technology—in order to illuminate

the culture of Americans and related people and nations." Smithsonian World was hosted by David McCullough. Thirty-two programs in all were produced, two of which won Emmy Awards in the Outstanding Information Series category in 1987 and 1990. Numerous programs, from "Tales of the Human Dawn" to "Islam," from "Nigerian Art-Kindred Spirits" and "Desk in the Jungle" to "The Way We Wear" and "Speaking without Words" treated anthropological topics.

At the same time, the Smithsonian developed several programs for educational and scientific use. As one example, the Smithsonian down-linked a "National Teleconference on Biodiversity" to college campuses across the U.S. As another, American History Museum scholar and civil rights activist Bernice Johnson Reagan organized the eight-part "Voices of the Civil Rights Movement" that was co-produced with Howard University and aired on public television.

The Office of Telecommunications began to consider the emerging cable television market in 1981, and museum and education directors discussed the possibility of developing a Smithsonian cable channel in the late 1980s, but such a plan never rose to the level of high institutional priority, particularly given the tight fiscal situation at the time. The Smithsonian began cooperating closely with cable channels on the production of programs, for example, the 1990 weekly series "Invention" and the 1992 five part Colombian Quincentenary series "The Buried Mirror" with the Discovery Channel, and "Smithsonian Expeditions" with A&E. The Smithsonian also cooperated closely with Japan's NHK for a series of programs in the mid-1990s. Television programs with PBS and local affiliates on "Old Ways, New Visions: Hispanic and Native American Traditions in New Mexico," "River of Song: Music Along the Mississippi," and "Workers at the White House" were strongly anthropological.

In 1996, the Smithsonian viewed television as particularly important in the celebration of its 150th anniversary and its outreach to Americans. Funded by large contributions from corporate partners Discover, MCI, Intel and TWA, the Smithsonian entered into a relationship with CBS for the production of three prime time television specials titled "Smithsonian Fantastic Journey" and "Smithsonian Minutes." Although aired opposite "Friends" and "Seinfeld," the television programs featuring

Smithsonian research, conservation and exhibition work were viewed by millions. The minutes, televised numerous times through the year, had Maya Angelou, Barbara Bush, Jimmy Carter, Hillary Rodham Clinton, Whoopi Goldberg, Dustin Hoffman, Anthony Hopkins, Jesse Jackson, Bette Midler, Sandra Day O'Connor, Colin Powell, Carly Simon, Esteban Torres, John Travolta, Robin Williams, Trisha Yearwood, and even Kermit the Frog and Miss Piggy among others speaking about their favorite Smithsonian artifacts and stories.

In ensuing years, Smithsonian units continued to work with particular partners and sponsors in producing television programs. Some were successful, others not. For example, an agreement with Showtime to produce three programs on African American themes did not come to fruition, but another series of historical and anthropological interest—"Save Our History"—with the History Channel did.

All together, approximately 100 hours of television broadcast programs were produced in over four decades, from 1960 to the formation of Smithsonian Networks. Arrangements with co-producers were typically enshrined in formal contracts and included terms for the use of the Smithsonian name, approval rights concerning program content, and to varying degrees, exclusivity and revenue sharing. While scores of television programs were produced over the decades, the overall effort never developed a long-term sustainable platform for the production and distribution of audiovisual programs. Save perhaps during the eight year run of *Smithsonian World*, there was little ongoing cumulative effect in building a "brand" identity and reaching mass audiences. For the most part, the Smithsonian's involvement with television lacked an overarching strategic vision and the financing necessary that could turn such a vision into reality. Symptomatic of this, Smithsonian Productions, the former Office of Telecommunications and lead Smithsonian unit charged with producing or co-producing television programs, was abolished in 2002 after having steadily lost staff and funding.

### **The Context of the Deal**

From the late 1980s through the 1990s, the Smithsonian wanted to reach a larger and broader audience of Americans and was encouraged by members of Congress and various constituencies to do so.

Adding resources to the Smithsonian Institution Traveling Exhibition Service (SITES) so that its exhibitions—now typically 50 a year traveling to some 200 venues in communities large and small across the U.S.—was one strategy. In 1997, Secretary Michael Heyman established the Smithsonian Affiliations Program—a network of museums that would use the Smithsonian name, borrow objects from its collections, and host cooperative public programs. That network has currently expanded to 153 museums in 39 states and the District of Columbia, Puerto Rico and Panama. The rapid and uneven expansion of the Institution's website also gave it a national presence and helped “get the Smithsonian out of Washington and beyond the Beltway”—a useful refrain when seeking funds from Congress.

Still, museum visitorship could never compete with the reach of electronic media—particularly television. Visitorship to the Smithsonian's museums reached a peak in fiscal year 2001 with more than 33 million visits. After 9/11, visitorship fell precipitously to about 20 million, and has since been on a slow rebound. Impressive as those numbers are, more people watch “American Idol” every week than visit all the Smithsonian museums in a year. Additionally, the cost of reaching people through museum exhibitions is high and the cycles through which exhibitions turnover are painfully slow. Even though admission to the museums is free, it requires large commitments of time and sometimes dollars to travel to Smithsonian museums, particularly if one does not live in Washington, DC. From the Smithsonian perspective, the cost of maintaining museum infrastructure is high, and the cost of museum exhibitions extraordinary. The new Ocean Hall at the National Museum of Natural History is expected to cost about \$30 million for the basic installation; temporary exhibitions typically cost about \$2-3 million and take years to produce. U.S. art museums figure that they spend about \$50 per visit—an amount impossible to recoup from admission fees alone—even if they are charged.

If in recent years, television has looked promising in terms of extending the reach of the Smithsonian; it has also looked like an increasingly good source of new funding. The proliferation of cable and satellite television has opened up the possibility of generating income from monthly subscription fees. More recently, the advent of on-demand programming, both on cable and through the internet

allows for more flexible viewing schedules for audiences, and, at least according to some projections, new sources of revenue from user and downloading fees.

### Showtime

Convinced that the time was right, Smithsonian Business Ventures (SBV)—a part of the Smithsonian that runs *Smithsonian* magazine, the museum stores, catalog sales, and manages a variety of licensing arrangements including food concessions, book publishing with HarperCollins, and travel tours—began in 2002 to seek out possible partners for a cable television venture. SBV Chief Executive Officer Gary Beer had experience with creating the Sundance Network and oversaw these efforts. SBV held discussions with eighteen different television producing organizations, including PBS, several cable channels and even the commercial networks. Progress was regularly reviewed by Smithsonian Secretary Lawrence Small, the board overseeing business ventures, and the Board of Regents, but given the confidentiality required in most high-profile business negotiations, plans were not widely shared or discussed within the Institution or with museum and program directors, curators, scientists, archivists or educators.

In the end, SBV managers found that Showtime was the only organization willing to make the large capital investment necessary to make a sustained television presence viable and also meet various Smithsonian conditions with regard to editorial oversight. After more than a year of negotiation and numerous internal discussions with Smithsonian management, including with a number of museum directors, a series of contracts, approved by Showtime and by the Smithsonian leadership and Regents sealed the deal, which officially took effect January 1, 2006. The GAO study found that the Smithsonian acted within its established legal authority to do so and indeed employed proper, competitive, business practices in choosing Showtime as its media partner.

The contract itself, as well as its particular terms, has been controversial. The Smithsonian does not typically disclose the terms of its trust fund contracts, citing that good business practice precludes it from doing so as such contracts may contain proprietary and confidential information that might be used by others to negatively affect the outcomes

envisioned. But the GAO study found that in this case, even the information about the contract that was released by the Smithsonian, both to its own staff and to the public, was released in a manner that fueled concerns. The information dribbled out; it lacked clarity and sowed confusion and even anger. Members of Congress, filmmakers, advocates of the public interest and the media demanded to see the contract, citing the Smithsonian's federal nature, regardless of the non-federal nature of this particular contract.

The Smithsonian was reluctant to share the contract—actually a series of inter-related contracts—with Congress, citing confidentiality concerns and obligation to its partner, Showtime. Overcoming its own initial resistance, the Smithsonian did provide the contract to its Congressional oversight committees. The GAO issued a public report on the contract and its administration.<sup>1</sup>

The contract addresses many of the same issues delineated in internal Smithsonian discussions about its forays into television three decades earlier. The basic business terms are that Smithsonian Networks is a formal legal partnership between Showtime and the Smithsonian, in which the Smithsonian is the minority partner. According to the contract, Smithsonian Networks can use the Smithsonian name in particular approved ways. Showtime puts up all the capital for the company, a guarantee that amounts to several hundred million dollars over the life of the 30-year deal. It guarantees the Smithsonian a minimum amount of money each year, plus a share of the income. The Smithsonian also owns 10% of the equity, and can sell its share as well as buy additional shares.

Revenue from the operation will support the Smithsonian costs of managing the relationship, paying museum costs for filming, and staff costs for researching, participating in, and reviewing programs. Proceeds over and above those needed for such purposes will be distributed both to museum, research and educational units for their primary substantive functions, and to the Smithsonian's central administration for re-distribution. If the venture is financially successful, it should help boost unrestricted trust funds in the Smithsonian, and hence provide a new source of support for the Institution's research and education mission.

The business itself is the distribution of audio-visual television-type programs on scientific,

historical, cultural, and educational subjects, which will be a combination of original Smithsonian Networks productions and programming acquired from third parties. Smithsonian Networks initially planned to offer these programs as an "on demand" option with one's cable service—as one chooses movies in the guest rooms of many hotels. A menu of as many as 40 programs refreshed monthly would be available on a dedicated channel; the viewer, using a television remote control, then selects a program from the menu. There is no "pay-per-view" charge, nor does one have to subscribe to the Showtime channel to receive the service; rather it is included in one's overall cable or satellite television package. Computers—in homes and in classrooms—might provide another platform. The Smithsonian On Demand menu could be available on a website, with individual programs viewable either on a download or subscription basis. Additionally, programs will also be distributed in a linear format (with a standard television schedule) as Smithsonian Channel on satellite and cable television 24 hours a day, seven days a week.

While in large part a licensing deal allowing Smithsonian Networks to use the institution's name and produce and procure programs, the contract calls for several categories of productions. A number of the original productions created annually will be "puts"—these are "mission critical" programs chosen by the Smithsonian and designed to be about topics and issues of curatorial or scientific concern and presented from a Smithsonian perspective. Other films that include Smithsonian content will be made under the supervision of Smithsonian Networks, while still others will be made by or purchased from third-parties and will be about topics closely related to or inspired by the Smithsonian—essentially the same recipe that characterizes *Smithsonian* magazine. Most films would be shot in high definition digital format.

The Smithsonian has the right, even the responsibility, to review all programs for factual accuracy and for consistency with the reputation of the Institution. While the GAO report faulted the Smithsonian for its slow implementation of procedures that would allow it to carry out this function, that deficiency was corrected last summer. An SOD Committee, comprised of distinguished and well-respected directors, curators, scientists and archivists, formed in August 2006, has provided

reputational reviews of all programs, enabled and monitored the factual review process, and rationalized the means within the Smithsonian for developing “mission critical” programs.

Programs are reviewed in rough cut and fine cut stages, and in some cases at the treatment and script stages as well. One or more factual reviewers—typically the Smithsonian scholar closest to the subject matter—is asked by the committee to review the program in terms of its factual accuracy. As these have occurred, the committee has refined its language and thinking about what constitutes a factual review. Currently, reviewers are asked to examine facts of commission in terms of validity, reliability and accuracy, facts of omission—where missing facts can alter the story, factual arguments—so as to avoid “cherry-picking” in arriving at conclusions, facts of association—so that narration accurately matches image and sound, and facts in the light of presentational techniques—how the facts fare in say a docudrama sequence, for example.

Reputational reviews are usually conducted by three members of the committee who view each film in terms of a set of reputational guidelines it has developed from the Smithsonian mission statement, institutional standards of conduct, and the contract. The committee can raise reputational objections to any program and recommend to the Smithsonian leadership that they formally object to its airing through Smithsonian On Demand. Programs meriting such objection are those that reviewers find have a poor factual basis, are not adequately backed up by research in the arts, sciences or humanities, rely on faulty logic and interpretations, or have such poor narrative structure or low production values that they are inconsistent with the reputation of the Smithsonian for quality. Other grounds for reputational objection to a program are that it promotes or appears to endorse practices typically regarded as unprofessional and unethical by Smithsonian staff, that it includes or endorses things like pornography, drug use, gambling, and criminal behavior, or that it advocates a particular religious or partisan political belief.

Areas of controversy about the deal have revolved around several contractual matters. One worry of historians and archivists was that the availability of materials in the Smithsonian would be restricted because of the deal. The Smithsonian On Demand Committee has been working to address

that concern so that it is understood within the Institution. As numerous statements from the Smithsonian have reiterated, and the GAO study found, the contract has imposed no new restrictions of access to archival materials, records, documentary collections or artifacts, or even to curators and staff. The various Smithsonian museums, research centers, and archives have long-standing rules and procedures in place that govern access to materials, and those remain in place. If anything, the misunderstanding about the impact of the Showtime deal has led to an effort within the Smithsonian for all units to better and more clearly define their policies regarding access to their materials.

*Use* is another matter. There are *no* new restrictions for using Smithsonian materials or personnel for curriculum-based and academic audiovisual programs originating with or produced by Smithsonian staff or by third parties. Ideas generated by Smithsonian staff for audiovisual scholarly programs that may also be appropriate for general audiences need to be offered to Smithsonian Networks first, before being produced and offered through other distributors, but no such restrictions apply to third parties. Filmmakers and scholars outside the Smithsonian do not have to submit their ideas or proposals to Smithsonian Networks for approval or clearance. Nor are there restrictions for a news program, or say C-SPAN coverage of an event. Again, as was the case prior to the Showtime arrangement, anyone who wants to involve a Smithsonian staffer, or use a photograph or a recording or a film or an object in the Smithsonian collections for inclusion in an audiovisual program needs to conform to the pre-existing policies of the museum or archive. Additionally, there is the matter of securing rights in intellectual property. The Smithsonian does not necessarily “own” the intellectual property rights to items in its collections. Rights to use materials for publication or broadcast often reside with donors and with third party writers, photographers, interviewees, artists, musicians or composers. All producers, whether the Smithsonian itself, Smithsonian Networks, or others, need to secure permission from rights holders.

There are other restrictions that result from the logic of not having the Smithsonian compete with its own Smithsonian Networks ventures. For example, there are, as a result of the deal, new limitations on the format of Smithsonian webpages

(the number and length of audiovisual programs on a single webpage), in order to assure that a webpage does not look like a video-on-demand menu and compete with Smithsonian on Demand.

The most significant restriction for use of Smithsonian material or personnel is for an audiovisual program for broad public dissemination—what the contract considers “commercial”—whether on television, or on the internet (though movies in theaters are not affected). Here, the contract calls for the Smithsonian to allow for only “incidental” use of such material or personnel on camera in most non-Smithsonian Networks productions. The American Historical Association has decried this restriction upon everyone’s claim on the national “trust,” and questioned the distinctions between commercial and non-commercial, and between access and use.<sup>2</sup>

The restriction to incidental use by third parties is an important, complicated and controversial provision of the arrangement. The Smithsonian and Showtime agreed that this was an appropriate limitation in light of Showtime’s investment and financial risks in the venture. Smithsonian Networks will be able to present something unique to media distributors by featuring, focusing upon, and utilizing Smithsonian resources—and branding itself as “Smithsonian.” If other companies and organizations promoted themselves as “Smithsonian” or offered much Smithsonian content, Showtime would lose a competitive advantage, undermining its investment. Without some type of restriction, other channels and networks might increase their use of Smithsonian materials and personnel in a way that would then obviate the unique offerings of Smithsonian on Demand.

While not something either I or many others in the public service world would embrace, some type of “exclusivity” provision was thought necessary to close the deal. Negotiations revolved around how much Smithsonian content in a third-party film would constitute “incidental” use. While various threshold percentages of on-air time were bandied about, other considerations were discussed. For example, would the Smithsonian approve even minimal shooting in one of its museums if the film was solely about a Smithsonian museum or object in one of its collections? In the end, the Smithsonian believed it was better to leave “incidental” imprecisely defined. This would allow for flexibility in applying the term on a case by case basis, and thus

allow for greater use of Smithsonian resources by all than might be achieved by a hard and fast numerical standard.

So, how has this restriction played out in fact? Operationally, the Smithsonian, while following the contract, has sought to continue to permit third-party filming at its museums or of its collections and curators wherever possible. The Smithsonian received 134 third party filming requests in 2006—not counting hundreds of news and public affairs programs, about the same as in previous years. Of those, about 53% were not pursued by the requester or were declined for usual reasons—because the filmmakers’ requests were judged by the museum to be inappropriate, or because filmmakers did not want to pay the standard fees for set-up and facilities use, or because filmmakers failed to follow-up or did not want to comply with the museum restrictions. None of these had anything to do with the Showtime deal. The Smithsonian approved about 45% of the requests. Only two requests of the 134 were disapproved because they could not be permitted given the terms of the Smithsonian Networks contract. While the GAO study noted that the record keeping for these requests had to be improved, it nonetheless concluded that the Showtime arrangement had “minimal” impact upon the use of Smithsonian collections by filmmakers. Members of the Smithsonian On Demand Committee and other program managers dealing with such requests have come to the same conclusion.

That pattern appears to have continued in 2007, with 74 requests as of July resulting in not a single disapproval because of the restriction provisions in the Showtime contract. In only one case has the Showtime deal been in question. That concerns a heavily publicized case of Oliver North wanting to film a program in the Udvar-Hazy Center using the Enola Gay. While the Smithsonian has insisted on his production company following the same rules and conditions as others in filming at the museum, North has tried to use public and Congressional unease over the Showtime deal as a means of arguing for unfettered access to and use of the Smithsonian.

The other concern about exclusivity is a provision in the contract that gives Smithsonian Networks the right of first refusal to produce a program initiated by the Institution’s staff if that program might have broad public appeal. In such a case, the idea, or treatment, or proposal would be

reviewed, and if Smithsonian Networks wants to make the program, they would hire a filmmaker to produce it. Smithsonian staff saw this as restricting their freedom of action and in many cases, their ongoing relationships with filmmakers and other organizations. Third party filmmakers saw this as restricting their interactions with Smithsonian colleagues and their ability to make programs in a way they desired.

Those effects are mitigated by both contractual rights and operational factors. Contractually, the Smithsonian can make films outside of Smithsonian Networks with a Smithsonian sponsor, if that sponsorship provides a significant level of financial support to an exhibition or project. Most importantly, the Smithsonian is also entitled to authorize six programs annually (five after the service reaches 25 million households) that can use a more-than-incidental amount of Smithsonian content and be distributed by companies other than Smithsonian Networks—like PBS, Discovery, National Geographic or the History Channel, or with ABC for that matter. Four such programs were approved in 2006 and two more thus far in 2007. Given the Smithsonian's recent history, this arrangement provides ample opportunity for curators and filmmakers to collaboratively produce programs as they have in the past.

### **Consequences for Museum Anthropologists**

The creation of Smithsonian Networks has several consequences for museum anthropologists, both within and beyond the Smithsonian.

Museum anthropologists of course have long history of producing ethnographic films and participating in other documentaries—featuring the work of archaeologists and physical anthropologists for example. The Smithsonian has a particularly long record in this regard. Scholars in the National Museum of Natural History's Department of Anthropology and in the historic, but now defunct, Bureau of American Ethnology have made films stretching back a century and have had their work featured in numerous films made by others. In 1975 the National Anthropological Film Center (now the Human Studies Film Archives) was established, using film as a research tool. From its holdings, several ethnographic films have been produced in recent years including "A Spirit Here Today: A Scrapbook of Chopi Village Music" by Gei Zantzinger (1994), "We Know How to Do these Things: Birth in

a Newar Village" by Barbara Johnson (1997), "Intimate Truths: The Canela Indians of Brazil" by Steven Schechter and Jake Homiak (1999), and "A Kalahari Family" by John Marshall (2002).

Other anthropologists, folklorists and area studies specialists in other Smithsonian units—the Center for Folklife and Cultural Heritage, the National Museum of African Art, the National Museum of American History, and the National Museum of the American Indian have used film documentation for their research and exhibition work, as well as made or participated in programs for television broadcast. The National Anthropological Archives and the Human Studies Film Archive in the Natural History Museum serve as the main repository of ethnographic films—about 8 million feet of film, but other units, such as the Ralph Rinzler Folklife Archives and Collections also have significant holdings.

One consequence of the Showtime deal is that anthropologists, folklorists, musicologists, and others in various cultural fields potentially will have a stronger, easier, and better funded pathway toward making desired programs than ever before. Typically, it has taken years of proposal writing and fund raising to find the resources to make a documentary film, particularly for television broadcast. With Smithsonian Networks, literally scores of programs will be made each year, and while there is no quota system in place for particular percentages of science or art, history or culture topics, a sizable number of anthropological programs will be made. Of course the challenge will be to make programs of high quality, where anthropological sensitivities toward representation and understandings shape the content and narrative, and while aimed at a broad popular audience, do not suffer as a result.

This will be a challenge, particularly for ethnographic documentaries. Traditionally, such documentaries develop over a number of years with a long period of rapport and trust-building between ethnographer, filmmaker and film subjects, often punctuated by stops and re-starts. Given that the Smithsonian Networks business model necessitates the production of scores of films each year, programs will have to depend upon strong relationships, clear purposes and understandings from the outset of production—conditions not easily achieved. There will also be stylistic issues. Ethnographic films are

generally noteworthy in their slow pacing, giving ample time and attention to the voices of local cultural exemplars who often explain themselves, their traditions and perspectives. Smithsonian On Demand programs are primarily intended for the broadest cable television audience, not anthropology students or specialists. The cable environment seems to favor a faster paced flow and a more linear narrative or story-line than most ethnographic film. Some cable shows also involve celebrities as narrators and hosts. While I do not think Smithsonian Networks will adopt the style of network television shows—driven by celebrities, with a relentless pace, and stripped down to basic story line—I expect they will exhibit many of the characteristics of contemporary non-fiction cable television. So, while more documentaries will be made, they might be somewhat different from what we are used to seeing at ethnographic film festivals.

As Smithsonian Networks will also collaborate with other organizations, institutions and independent scholars in making films, as well as purchasing films from other producers, their activities should help increase the demand and support for the making of documentary films. This would be a welcome development given the decline in government support for anthropological films due to cutbacks by the National Science Foundation in the late 1970s and the priority given to “grand narrative” films by the National Endowment for the Humanities over the past few decades. If Smithsonian Networks is successful in producing anthropological films with accessible themes and popular yet substantial treatments for broad public audiences, Smithsonian On Demand could have a salutary effect by creating renewed popular interest in this narrative form and in restoring financial support for anthropological filmmaking in other contexts.

Another consequence of the operation is that older archival film at the Smithsonian—some of it dating to the first half of the 20th century—may become more accessible and see greater use than ever before. A pilot project is underway with the Smithsonian Institution Archives, the Human Studies Film Archives, the Ralph Rinzler Folklife Archives and Collections, the National Museum of American History Archives Center, and the National Air and Space Museum Archives to identify hundreds of hours of film and video holdings, digitize a portion of it (considering significance and rights

issues), and make that available, not only to Smithsonian Networks, but to other filmmakers, scholars, and educators as well. The ethnographic impact of such an effort could be dramatic. For example, consider some of the early twentieth century footage of traditions, cultures, and peoples residing in the Human Studies Film Archives. That historical footage could be used, combined with current footage to tell the story of, and interpret, social and cultural change around the planet. Filmic accounts between “now” and “then”—pioneered so dramatically by Bob Connolly and Robin Anderson’s “First Contact” (Papua New Guinea, 1984)—but little used since, would be enlivened by such digitization and accessibility.

Finally, there may be a larger, more profound methodological consequence. Video documentaries are neither exhibitions nor monographs. They provide another way for weaving bits of reality and data and perspective into a narrative form for public presentation. All Smithsonian Networks filming at the Smithsonian, whether in the form of B roll or final production can be used for display in exhibitions. The film footage can help museum curators and exhibition designers tell their stories. But more importantly, the sustained and intense interaction between curators and filmmakers—over a 30-year period—may expand both the tool kit and the conceptual basis for construing narrative audiovisual representations—as it has generally through the history of visual anthropology.<sup>3</sup> That is, the filmmaker’s perspective, eye, and techniques may be usefully examined and adapted by curators seeking to do their exhibition and documentary research work. Conversely, anthropological sensibilities may affect filmmaker’s assumptions about such fundamentals as framing, agency, and presentation. That such can occur as film is seen through such relatively new platforms as cable television and the Internet—and who knows what in the decades ahead—would be a very positive consequence of the Smithsonian-Showtime arrangement.

### The Future

The reputation of the Smithsonian was called into question by a number of its own staff, several scholarly/professional organizations, public interest groups, cultural institutions, members of Congress and the general public disturbed over the agreement with Showtime and particular terms of the contract.

Negative publicity may have had an impact upon Smithsonian membership and perhaps donations. The House of Representatives voted to cut the Smithsonian's fiscal year 2007 budget by \$20 million because of the deal; that cut was avoided due to the way in which the overall U.S. budget was resolved. The reaction to the Smithsonian Networks deal was conflated with public and Congressional controversy over executive compensation at the Smithsonian—with negative reaction suggesting that the Smithsonian was being put up for sale to profit-making companies for the benefit of inordinately high paid senior staff. That later issue came to a head in late March 2007 with the resignation of Smithsonian Secretary Lawrence Small and the announcement two months later that SBV head Gary Beer would also resign.

Currently, following the issuance of the GAO report, Smithsonian and Showtime are proceeding to fulfill their contractual agreements, with Smithsonian On Demand scheduled to launch in 2007. Smithsonian staff, Congressional, professional and public perceptions still have a long way to go before reaching a comfort level with the arrangement. That, in my opinion, will depend upon Smithsonian Networks bridging the gap between its for-profit commercial business goals and the need to advance the historical mission and integrity of the Smithsonian by producing intellectually legitimate, educational, if engaging and entertaining high quality television programs.

The financial success of Smithsonian Networks depends in part upon the viability of its business model in today's rapidly changing media world. Will on-demand and linear cable and satellite television generate the kind of revenue its purveyors seek?—frankly, I do not know. Will Smithsonian On Demand work best as a website, offering its programs for digital download or for a monthly subscription fee? That remains to be seen. I am thoroughly agnostic on the question of whether Smithsonian On Demand, as a business activity will generate the revenues needed to sustain its operations and also, as expected, to contribute to the future fiscal vitality of the Smithsonian.

Should Smithsonian On Demand be financially successful, questions will no doubt linger about the nature of a public-private partnership. Are not the nation's public treasures being used to generate profits for a private company, i.e., Showtime? The answer

would be yes—just as it is in the case for exhibition design firms, and all sorts of Smithsonian contractors and service providers. But those revenues would also help support a public institution, the Smithsonian, which does not receive sufficient federal funds for its activities and has the legal status for, and a 160-year-old tradition of, securing non-governmental funding.

On the content side, one hopes that the Smithsonian Networks partnership actually results in the making of good, even great films that extend the knowledge of Smithsonian scholars and the stories of its artifacts, artworks, specimens, and archives well beyond the museums to the American and world's people. That process is underway, and readers can view Smithsonian Networks' publicly available website with excerpts from various programs to get a sense of how they are, at least initially, shaping up, and soon enough see full programs on the air. In my opinion there are some very fine films being made in this initial offering; others are not as strong as I would like.<sup>4</sup>

Programmatically, Smithsonian Networks is led by an accomplished hand, David Royle, who serves as Smithsonian Networks Executive Vice President for Programming and Production. He spent nine years at National Geographic Television and Film in a similar role, winning seven Emmy Awards. Prior to that, he developed television and video programming for the A&E Network and NBC. Joining him is an adept and experienced team that hires, coordinates and guides a number of independent film makers and decides on film purchases.

The Smithsonian too has a very formidable staff, at the curatorial, scholarly, scientific and archival levels dedicated to the representation of the Institution's collections and work. The process of mutual engagement has not been without its glitches and misunderstandings. Sometimes interests conflict—making a film, doing it quickly and efficiently without large expenditure, and telling a story a certain way may be at odds with curatorial protocols and procedures, sensibilities and interpretations. There have been discussions, disagreements and healthy debates over program content, style, treatment and reputational consistency. Reviewers have sometimes lambasted, and sometimes praised filmmakers for their treatment of the facts presented in programs. Smithsonian staff have wrestled with films that offer approaches to subject

matter different than their own. The SOD Committee has debated the merits of docudrama as a viable presentational technique, and it has raised reputational objections to some films, recommending corrections.

Overall, curators and filmmakers, scientists and cameramen, public information officers and producers have been figuring out how to work with each other, and have been trying to produce high quality programs. The entire venture has required a great deal of staff time and work. If the operation continues along the trajectory of its first, start-up year, Smithsonian Networks will produce more hours of television about the work of the Smithsonian in two years than have been produced in the previous four and a half decades.

The idea is simply to make the Smithsonian more accessible. And, the source of programs will go well beyond the Smithsonian to affiliate museums and to many other museums, research centers and cultural institutions. Some 97 million American households currently have cable television. That number is expected to grow to almost national scope within the next few years. As it does, having a strong, dynamic museum, research and cultural presence through household televisions and home computers is a good and sound idea. That presence can deliver knowledge and insight, and generate important feedback, as well as stimulate and inspire interest in museology and a whole range of scholarly and scientific disciplines. If it does that job well, the venture might then seem to have been worth all the trouble.

#### Acknowledgments

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#### Notes

1. See <http://www.gao.gov/new.items/d07275.pdf>, accessed June 1, 2007.
2. See <http://blog.historians.org/advocacy/18/smithsonian-secretary-lawrence-small-replies-to-aha-presidents-letter>, accessed June 1, 2007.
3. See "History of the Human Subject Film Archives" by Jake Homiak, Director of the Human Studies Film Archives and a member of the Smithsonian On Demand Committee. [http://www.nmnh.si.edu/naa/guide/film\\_history.htm](http://www.nmnh.si.edu/naa/guide/film_history.htm), accessed June 1, 2007.
4. See <http://www.smithsoniannetworks.com>, accessed June 1, 2007.

#### Editorial Note

Richard Kurin's essay was requested by the editor as a means of clarifying and advancing the specific discussion surrounding the Smithsonian On Demand project, especially in relation to museum anthropology and folklife activities at the Smithsonian. More broadly, my goal was to promote additional consideration of the implications, for museum-based scholarship and public programs, of the progressive enclosure of museum collections, worldwide. It is anticipated that organized discussions of the issues that are raised by the Smithsonian project will be staged on the Museum Anthropology weblog and in *Museum Anthropology Review*. Dr. Kurin's essay is an invited editorial and was not subject to peer-review. It does not necessarily represent the views of the *Museum Anthropology* Editorial Board. Appreciation is extended to Dr. Kurin for his willingness to quickly craft a clear and effective account of the project, despite a daunting array of administrative responsibilities at the Smithsonian.

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