

F U L C R U M M E D I A S E R V I C E S

December 17, 1992

Mr. Steve Leggett
Library of Congress
M/B/RS Division
Washington, DC 20540

LIBRARY OF CONGRESS

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MOTION PICTURE, BROADCASTING
AND RECORDED SOUND DIVISION

Dear Mr. Leggett:

As a member of the Association of Moving Image Archivists, I became aware of the Notice of Inquiry and Notice of Hearing regarding the National Film Preservation Board's study on motion picture preservation and restoration, as published last month in the Federal Register. Although I do not own an archive, I am a constant user of film archives — particularly those containing historical film materials — and have an undaunted interest in the preservation and accessibility of these materials. I have included my vitae, simply to give you a sense of the context from which I am responding to your survey. You will see that I fall under the category of "professional organizations involved with the production, study, use or preservation of film."

I do a great deal of my work at archives. This work usually consists of three steps: doing paper and computer research to locate historical film, screening the film materials at the archive, and arranging for the duplication of this material for inclusion in films and television shows on which I work. The material I interact with is, in its original form, 35mm and 16mm film almost exclusively, with some news videotape material in 3/4" U-matic or Betacam format. Occasionally, I will work with 8mm or Super-8 film originals. The format onto which I usually have material copied is Betacam SP videotape.

Most producers of documentary and historical films market their finished shows on television and videocassette. While most would prefer to produce and edit on film, the cost has become prohibitive. The industry standard now seems to be to produce historical television/cable/video shows on videotape *unless* distribution plans require a film print release (such as theatrical display, or certain types of foreign distribution).

This problem of the high cost of film and processing has, as you know, impacted **preservation** of material to a tremendous extent. Since no videotape format has the resolution or longevity of film (even with its problems), duplication of master material to film format is necessary for preservation efforts. Unfortunately, most archives can barely pay their utility bills, never mind the massive costs of duplicating all their masters to another film copy (or even screening videocassettes). As a result, when I work in archives, *a large percentage of my screening is done with unique master*. This unique master is going through a viewer, or a flatbed editing machine, constantly subject to

149

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scratching, and sometimes more severe damage as well. The same archives that cannot afford to make copies of their original material often have older viewing equipment, which increases even more the chance of damage to the master. In addition, some archives let the client (often inexperienced in threading or operating this machinery) run the viewing equipment unsupervised.

Thus, historic motion picture film is subject to the same "Catch-22" as our National Parks: we want people to use them, but they become damaged by use. Where do we draw the line? Clearly, I think it's necessary to develop subsidies to archives that would allow screening copies or preservation film copies to be made. Whether these subsidies should come from government institutions, such as the National Historical Publications and Records Commission (NHPRC) and others, or from private funding, depends on who is willing to make the financial commitment.

I would like to address the question of **access** as well. There are two problems facing archival researchers and end-users in this arena: one is that most older archives maintain paper and card records that are cumbersome to use, and are often not in the same location as either the film material, or the researcher. The other is the cost involved with using certain archival materials.

I would like to see some attention given to support for archives to increase accessibility by computerizing their library records, and making this information available to the research community *where the community resides*, via such in-place technology as CD-ROM and on-line databases. ABC News, for example, released a CD-ROM disk of their holdings, completely searchable by any word or phrase, and makes it available to researchers at the nominal cost of \$50. Of course, they did this to increase sales of their material, and they could keep the price down because their records had been input to computer over the years (they didn't have to convert hundreds of file drawers of catalogue cards, for instance). However, this was a boon to the research community. I, and many of my clients sit at our desktop computers and research the material ABC News has to offer. Very few archives, however, make this information so easily available, due to the cost to them of computerizing the information. Almost all have expressed an interest in doing this, but cite cost as a prohibiting factor. Some type of financial assistance would provide a dramatic relief to this limit to access problem. I believe it would be in the national interest as well.

The other problem with access, as I mentioned, is the cost of licensing the material for use. I understand that the intellectual property contained on this material is copyrighted, and I don't for a minute dispute the right of archives to charge license and usage fees.

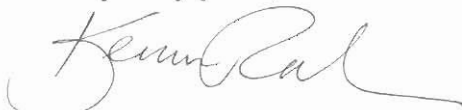
I have, however, been working with the Rockefeller Foundation in the last year or two, through their satellite organization, National Video Resources, to try to develop reasonable rates for archival footage licensing fees, when the archival footage is used in historical, non-fiction, or informational programming. Generally, the archives have been quite responsive. Still, some archives charge prohibitive rights fees, which keep certain documentaries from full distribution, notably in the home video market. Documentaries

in home video do not make much money, but licensing fees are usually priced high. My goal in the work I do with Rockefeller is to make more documentaries available in the home video stores, increasing the potential audience for non-fiction film. I will be continuing my efforts, but my point in bringing it up here is that some legislative help along these lines would be tremendously helpful in putting this film heritage in front of audiences, available to the public via the media through which the public currently "consumes" programming: the television show and the home videocassette.

I would like to discuss this more fully with you at an appropriate time, however, I will give you one brief example: public television documentaries on historical subjects usually gloss over popular history. This is because the licensing fees associated with popular culture (especially popular music and feature films) are so high, they essentially prohibit filmmakers from gaining access to them. One client of mine is producing a major historical series on the Great Depression. Their use of feature film clips is severely limited, despite the major role that Hollywood and the movies played in our national consciousness during that time. The fee required by a major Hollywood studios to use a thirty-second clip, in a documentary such as this, is likely to be 10% of the entire rights budget of the documentary. As I mentioned, I would be very interested in addressing the Board about this issue sometime. I have enclosed a brochure about the National Video Resources/Rockefeller Foundation initiative.

I hope this is the kind of feedback that is useful to the Board, and would like to volunteer to participate in the process in any way you think may be appropriate. Please feel free to contact me at the address on this letterhead with any follow-up questions, or any requests.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kenn Rabin". The signature is written in dark ink and is positioned above the printed name.

Kenn Rabin