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LIBRARY OF CONGRESS

MAY 15 1996

MOTION PICTURE, BROADCASTING  
AND RECORDED SOUND DIVISION

May 9, 1996

Bill Murphy  
Motion Picture  
Library of Congress  
101 Independence Avenue, SW  
Washington, DC 20540-4690000

Dear Bill:

It is a great honor for me to submit a statement to support the Library of Congress efforts to access the current State of American Television and Video Preservation. As you know I organized the Television Preservation as Public Policy Conference for the Annenberg Center in Washington, DC in 1989 which was the last time this subject was formerly addressed. Summery of the proceedings were published and recently re-released on CD ROM.

Participants from the same communities attending Annenberg were represented at the Library's recent hearings: broadcast industry, scholars, producers, and archivists from profit, non-profit and government holdings. In fact a number of the participants again submitted eloquent testimony to all phases of television preservation. I regret not being able to make any of the hearings as they were all scheduled during key trade shows I was required to participate in.

My professional interest and experience still remains as an advocate for access to television and video materials. The Annenberg Conference ended with a dilemma as television archives were viewed as corporate property by the production companies and cultural legacy by scholars, non-profit archivists, and students. How does one find a middle ground? I do not think any progress has yet been made to achieve this goal. The American Radio and Television Act helped in terms of acquiring contemporary material, but could not help much with collecting older titles. The Library itself is sitting on valuable programming because ownership is no longer identifiable.

Negotiations with the industry are necessary to come to some balance these key concerns. Once television and video are made more accessible, the American public will more easily support the need to preservation. This was very eloquently presented by testimonies given by my colleagues both at Annenberg and the Library's recent hearings.

As stated before, my entire professional life has been as an advocate for use of these images in education, production, and scholarly research. Forgive the long summary of career below but it is also a chronology of improved access to television resources.

During the early 1970's, I developed programs for the emerging educational television field, and later worked with college library systems to institute circulation of these programs with film and video titles just as print material currently was at the time. As a result of these efforts, I was awarded a fellowship at the National Endowment for the Arts where I created the Media Arts Program Archive in conjunction with the Library of Congress Motion Picture section.

From there I founded the Television News Study Center at George Washington University. In conjunction with Vanderbilt University Television News Archives, we made television newscasts available as easily as microfilm of old newspapers. This was incorporated into the new Media Resources Center at the University. It during this time I met Dr. Billington when he was head of the Wilson Center as we provided necessary resources to his media fellows. With a professor of political science at the university, I edited the first textbook in how to research, analyses, and write about television news which was highly acclaimed. We also initiated courses around the subject, and attracted high profile scholars to support the Center at the University. During the first year of our existence we doubled nation-wide requests for Vanderbilt materials.

I then went onto establish the National Jewish Archive of Broadcasting, at The Jewish Museum in New York City. It was the first ethnic/religious subject oriented broadcast archive. Needless to say, the research identifying this specific programming, especially for entertainment shows from the beginning of broadcasting, was quite a challenge. I negotiated contracts with television networks, major studios, production companies, estates, and other archives for programming relating to Jewish culture and history. We supported scholarly research, produced documentaries, and curated a number of exhibitions which traveled around the country, most notably the trial of Adolf Eichmann, the first televised trial.

In the mid 1980's, I went onto the creation team of the Museum of Jewish Heritage, where as their media curator I was introduced to interactive computer technology and created one of the first interactive encyclopedias utilizing text, video, audio, animations. This work was then completed to international acclaim at the US Holocaust Museum in Washington, DC.

While developing all the previous mentioned innovative programs in advancing television for scholarship and production, I was prolific in writing books, chapters, and journal articles in identifying sources of television archives for research and education. I also spoke frequently on this topic at major academic conferences, was active in national and international television archive organizations in addition to organizing the Television Preservation Conference at The Annenberg Washington Program.

I finally made the transition into the profit sector at ABC News Archives, then at Archive Films/Photos where I initiated the marketing of images to emerging multimedia developers, game designers, and interactive television. I then started my own consulting company, Multimedia Trading Company where I work primarily with Second Line Search (a major content research and licensing company which owns two major stock film libraries). I am taking this business model into an on-line format working with telecommunication companies as they race to create high quality video for digital distribution. I continue as an advocate in using video in multimedia products and internet efforts. It is interesting to note that Second Line has just purchased all the rights to Footage 89/91, the definitive guide to footage sources and I am in the process of developing a business plan to update, expand and enhance the information as well as to add international sources. This included print, CD ROM and internet versions.

The US is just starting to feel the effects of the Berne Convention as issues of artists' and society's rights become more prevalent in interpretations of our copyright law. At the same time, new communication media such as CD ROMs, on-line services and the internet are creating demand for access to all forms of information, including television and video. A new work force is emerging from college where they have learned to first access the internet for any information pursuit. The Library has been at the forefront of this most profound change.

But many of these netsurfers come up against a brick wall when they need to access visual sources. They cannot accept it being more controlled than print data as it is equal in value as information. I agree with them as this is the same argument I had with library system administrators in 1976 when

justifying the circulation of video and film with books. Today we are dealing with a new distribution platform with global proportions.

It is time to recommend changes in our copyright law to support this evolution. Let us call for at least for a moratorium on those past programs with unknown ownership to be made accessible for educational applications.

All aspects of our society are in the process of evolving from an industrial to electronic age. Our schools and universities are in a painful transition with mostly private institutions privileged with tools and instruction to prepare their students for the next century. Children write with media. Segments from print media are permitted to be quoted, but this is not the case with our television visual legacy. Images and/or sound must be able to be "cited" by students, as well as scholars and educational publishers. It is also necessary include this data into school/college learning materials.

The challenge is to create a public policy to encourage content owners to support such a change. The first is for them to understand that the definition of "access" is not limited to viewing copies at the Museum of Radio and Television or Library of Congress but to support increased availability of these materials beyond in-house viewing stipulations at non-profit television archives throughout the US. Access is also controlled by licensing fees and there must be affordable ratecards for bonafide educational productions, products and services.

Of course content owners will not agree to any change if they will lose money in such participation. However, they must understand that a 6 year old using a clip from Rin Tin Tin for a multimedia paper is not a lost market. Commercial outlets for the most part, except for television news divisions, are not setup to license small segments. Exceptions are made for feature films and some documentaries when paying top dollar. They need to understand that multimedia demands for clips from an entire work is in effect a "quote", and a growing market worth incorporating into their business model. One can make just as much licensing segments at lower rates to meet the volume demand by this market.

Introducing tax incentives is very tough, but any deductions for educational related services which may be introduced or modified in current legislation should include production companies donating content or services.

The Clinton Administration has consistently supported widespread distribution of information via technology in particular for education. Public policy must be expanded to identify visual information including television

and video content thus linking preservation and access of these resources to meet our national goals. The minimal federal funding which was eliminated to support this effort must be replaced and even increased to achieve this end.

I would be very happy to participate in any efforts to help you enhance support for television and video preservation.

Sincerely,

A handwritten signature in black ink that reads "Fay Schreiber McGrew". The signature is written in a cursive style with a long horizontal flourish at the end.

Fay Schreiber McGrew  
Vice President