



LIBRARY OF CONGRESS

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MOTION PICTURE, BROADCASTING
AND RECORDED SOUND DIVISION

March 15, 1993

Mr. Steve Leggett
NERS Division
Library of Congress
Washington, DC 20540

Dear Mr. Leggett:

Please accept this letter as my sense of the importance of the principle of preservation of film with some means of public access. Enclosed is a single sheet vita that will testify to my lifelong professional and personal interests in film. The only things missing are the last of a continuing flow of books and articles and an appointment, still ongoing, as Visiting Professor of Afro-American Studies in Harvard University.

First, I do not think that at the beginning of my professional association with American film culture that I would have participated in a hearing or other proceeding designed to define the nature of film preservation (and access to it). My interests were served in so many archives all over Europe and America by allowing me to see films, copy stills and frame enlargements, and to copy for eventual broadcast or public projection films that, upon eventual use, were willingly paid for in recognition of the right of copyright holders to protection from infringement.

As a result however of recent court decisions that have made every single issue of copyright a matter of judicial rather than legislative prerogative, the entire concept of fair use and that of use for research have been set aside. Sadly, it was the intention of the outgoing administration that this be so because the courts were the "proper" place for such decisions.

The result has been a chill that has settled over archives everywhere, both film and printed collections. Just as court decisions have wiped out the ancient principle of "fair use" in manuscripts---by judging them to be a form of real rather than literary property, and therefore not susceptible of the severance of snippets for research purposes, so film archives have chosen a sort of "high church" view of public access.

This linkage between film and manuscripts may seem to you to be a somewhat precious one, but I can testify that the resulting closure of access for research has resulted in not only a diminution of the pace of research but also a thwarting of it in ways that constitute a form of censorship.

I share the concerns of, most probably, many of your correspondents who have responded to this issue but I wished my letter to reflect a point of view arising directly from my own research problems. Finally, I mean this as no reflection on a particular archive such as, for example, the Library of Congress which has been my intellectual and cinematic home for forty rich years.

Sincerely,

Thomas Cripps
University Distinguished Professor