

# Descriptive TheatreVision™

motion pictures, television and live programs described for the blind and partially sighted

Helen Harris  
President

March 23, 2000

Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

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In the matter of  
MM Docket #99-339  
Implementation of Video  
Description of Video Programming  
Comments of Helen Harris

Dear Ms. Salas:

Enclosed within this package are three separate packages, one of which is to your attention in the above mentioned matter. The other two are addressed as specified in the Notice of Proposed Rulemaking (one to Ms. Wanda Hardy in the Mass Media Bureau, Policy and Rules Division, #2-C221 and the other to the International Transcription Service in #CY-B402), and are being sent in the same package to facilitate overnight delivery. I would greatly appreciate it if the other two packages could be forwarded to their proper destinations.

Thank you for your attention.

Sincerely,

*Helen Harris*

Helen Harris  
President and Founder  
R.P. International/Descriptive TheatreVision™

HH:ag

cc: Wanda Hardy/Mass Media Bureau, Policy & Rules Division, #2-C221  
International Transcription Service /#CY-B402

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**MAR 24 2000**

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Helen Harris  
President

**In the Matter of:**

**Implementation of  
Video Description of  
Video Programming**

**MM Docket No. 99-339**

## REPLY COMMENTS OF

**Helen Harris  
President and Founder  
RP International  
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Descriptive TheatreVision™©  
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## **Helen Harris Reply Comments FCC Reply – 99-339**

The Commission was capable of responding to the needs of the deaf and hearing impaired, and yet we are looking at thousands of pages of comments from organizations around the country who resist the FCC's ability or authority to regulate telecommunications. Telecommunications now makes accessible the rights of the hearing impaired, and the seeing impaired, so if the FCC had the right, and the ability, and the authority to mandate captioning for the hearing impaired, then certainly they have the right to mandate description for the seeing impaired. If they do not have the right to make this ruling for the seeing impaired, then wouldn't this be a form of discrimination against the seeing impaired, in a ruling that has already been accepted and is on the air and being funded by taxpayer dollars already.

The overwhelming "similar responses" from the National Association of Broadcasters, the Motion Picture Association of America, A&E, DirecTV and others who have responded, that the "analog environment" is not the "right environment" to include the seeing impaired, is amazingly unacceptable to the blind and vision impaired. It's a little like saying, "Wait until white canes can be made before you are allowed to cross the street," "Wait until guide dogs are acceptable before you're allowed to visit a restaurant," "Wait until Braille is in the classroom before you teach your blind children how to read," and on and on we could go with these unacceptable and "old hat" ideas of the blind staying behind, "waiting." We believe the blind have waited long enough!

The SAP channel now accommodates "Spanish language" in some cities, and for some programming. Though TheatreVision™ believes that the "Spanish people" deserve equal opportunity in the same way that Polish-speaking people, German-speaking people, Italian-speaking people, Chinese-speaking people, Japanese-speaking people and people who speak many other languages do, we do not believe that these languages are "without blindness among them," and to restrict the SAP channel to "only one foreign language," Spanish, while not accommodating all other languages, would seem unfair in the first place, and then to deal a double blow against the blind because the SAP channel is "reserved" for Spanish, seems discriminatory. Perhaps the television broadcasters, networks and powers-that-be need to decide how to distribute "all languages to all people" in their understanding format, and then provide a special audio signal for the blind and vision impaired, whose language knows no special language barrier, but is a common denominator among all languages.

The wait for "DTV accessibility for the blind" is ridiculous and unacceptable. It's another way of saying "Wait until we feel like giving it to you." Would people with serious illnesses such as leprosy, malaria or pneumonia be told to "wait until a new way of delivering the drug was available," but an old "ordinary" syringe was available? The non-use of the syringe while the vital medicine lay not dispensed to the dying individuals, is a clear example of why this is not acceptable to the blind as "waiting for DTV." It's

simply a matter of using what's accessible and available today, and hoping that things for tomorrow will get better, as it is for the rest of the world's growth in today's high-tech internet accessible, "everything to everyone now" attitude.

The comment that the FCC should concentrate on the "future of digital" rather than "helping those in need today," also is unacceptable. The long wait for DTV is exactly that, "a long wait." Many people who have television sets in their homes today will not be able to afford to just throw them out and replace them with expensive new "DTV technology." In the past, we have all gone through "black and white" TVs, audiocassettes, 8-track cassettes, VCRs, and now the world of digital is here. But looking back, I'm sure we'll all find that the transition was slow, and that the entire world did not just pick up their audio cassette players and throw them out when CD players came on the market. They're still using both. VCRs have not been tossed out either, while the great new DVDs are starting to try to make roots in people's homes. "Both are in use now, if people can afford, or are willing to transition to, the DVD players." The same thing is going to happen with television sets. Who in the world would believe that the entire population would pick up every TV set on the same day, toss it out, and stick in a new digital television set. And what manufacturers would be able to accommodate this, since there are over 200 million families in the United States using television, at least one to a home. Wouldn't it be also possible and feasible that those making money on the "sale of television sets" get involved in this process, so that their television sets, especially "the ones in-home already," can be made accessible now, instead of some far-distant dreamlike future.

The National Association of Broadcasters' comment regarding the "copyright infringement" is amazingly inept. We take issue with this in many, many ways. The comment that copyright infringement could possible occur when "description of a scene to a blind person" would be a "right," not a "gift" from any broadcaster, any writer, any producer. Each person describing to a blind person would of course describe it in the way "they see it," and everyone sees everything in a different way, so that all these descriptions would be "different" and certainly not infringing on anyone's copyright. If the National Association of Broadcasters really understood what description is, this issue wouldn't even be on paper. The fact that something is "described" or captioned for the deaf, has absolutely nothing to do with what is unseen. The lack of information, education and understanding of blindness is clearly laid out in this paragraph by the National Association of Broadcasters, in a way that nobody could possibly understand. If you are to take a look at all of the books that are written by great writers and authors since the beginning of time, and understand that a blind person cannot read one single solitary word in that book, you take the same book, translate it into Braille, which is an acceptable language for the blind (unless the National Association of Broadcasters would like to develop a new language that is simpler for the blind!). You'll see that there are some "changes in Braille lettering" to accommodate words in English, that cannot be said in Braille the same way, yet there has never been a challenge of a copyright infringement. TheatreVision™ would love to be the leader in a class action suit, challenging the National Association of Broadcasters' thoughts that a copyright can be infringed upon by a pair of seeing eyes, and that anyone's script can be kept from the eyes of a blind person

because the National Association of Broadcasters believes there's a copyright infringement. Again, we ask the National Association of Broadcasters to take a look at what they're describing, not someone's infringement on a copyright issue. It's clearly laid out here in the previous document by the NAB that they have no understanding of the loss of vision, and what real "description" is, when they can compare it to closed captioning or open captioning, and cast doubt that there would be any kind of copyright infringement at all.

The World Health Organization estimates that there are currently more than 42 million blind people in the some 240 countries around the world. In India alone, there are at least 6 million who are totally blind. Who will write the copyright law to decide for even "just" those millions in India, what they can and can't be allowed to "see"?

The next comment: The National Association of Broadcasters' comment that audio description is more time consuming and costlier than closed captioning, reminds us of medical history today. For instance, we all would recognize that a heart murmur would be treated possibly with medication, but that a more serious heart condition might require a "bypass," would we then say that a person could not have the bypass because the American Medical Association decided that it was not acceptable, too costly, or too involved for the medical profession to get involved with; that heart patients would have to "wait until some better formula came along," when the bypass was the cure today?

The National Association of Broadcasters, and many of its peers in this response to the FCC, appear to have gotten together to make their comments "compatible." I would recommend that they all look at the real issue, and the issue is that hearing loss is not vision loss. That hearing impaired people can "see what is on the screen," and that visually impaired people cannot see what is on the screen. So if they were to take their television sets and turn the sound off and leave the picture on, then the television – and the word "tele-vision" is what this is about, vision – television is a visual medium... is clearly a more severe loss to the vision impaired than to the hearing impaired. Though TheatreVision™ is very close to the hearing impaired loss and is supportive of captioning, open and/or closed, these remarks are directed to the National Association of Broadcasters and those who have apparently combined their thought processes with these individuals who are continually comparing hearing loss with vision loss: Hearing loss is the inability to hear sound. Vision loss is the inability to see anything. So taking the screen away, the picture away, off the screen, to someone with no vision, leaves that person with absolutely nothing. Taking the sound away leaves that person with a visual picture. Both of these are serious conditions, and need the support of an industry that is getting very wealthy from its viewership. This industry should recognize that the hearing impaired community and the vision loss community are communities that are also "sponsor-driven" communities, and that the sponsors of these television shows and broadcasts should also recognize that the dollar buying power of the hearing loss community and the vision loss community, is a very strong purchasing power dollar amount, and this is totally ignored in all delivery of all programming to the visually impaired, because there isn't one sponsor-driven commercial that can be understood,

recognized or used by 31 million people who cannot see television sponsored programming today.

The National Association of Broadcasters' reference to Jackie Packard's book, quoting that an audience study reveals that the television viewing of visually impaired people is "only enhanced by description," is taken totally out of context. Only enhanced to someone like me, and to the millions of people like me who are blind of visually impaired, means "enjoyed," "understood," "wanting to see more," or putting up "a good front" around other people who are watching television, laughing and crying when "necessary"; seeing the football fly through the air when the Super Bowl is played, and really understanding color, stature and keeping up with the quality of life "style" and tradition and trends of today. It only reinforces the notion that the blind and vision impaired should be "kept in the dark." That the blind and visually impaired community can be "once again" thought of as people who should be given a "little," that "anything is good enough," that "a little will do"; and is a look back at the past when young Lewis Braille, not allowed to attend school because of his blindness, set out to make his own language, which now has 35,000 contractions in an alphabet that has tried to be learned by young people, middle aged people and seniors who sometimes cannot learn this language. The comments about this novel, and that television is "acceptable to the blind" is ludicrous, and if most blind people were questioned, they would truthfully say they do not enjoy television as much as a person with vision does. If they even understood what they were missing on television – and many of them do not, if they have never had eyesight – they would be stunned. TheatreVision™ has heard comments over and over again in its market research and in hands-on showings of TheatreVision™ projects to the blind, which clearly indicate that many, many blind people "have no idea of the concept of our world," because they have never seen it. TheatreVision™ intends to bring as clear and close a description of the world and all that is in it, including television and movies, to the blind so that they can get a better understanding of what life looks like on television and in other visual media arts.

The Motion Picture Association of America's total lack of understanding of the loss of vision is clearly laid out in its comments about the "need to describe" "a little," "a lot," and how this would change the Motion Picture Association of America's "restriction, interference or involvement" with the "world of description," which the Motion Picture Association of America has no right to be involved with. TheatreVision™ believes that the Motion Picture Association of America could have changed the course of descriptive theaters many, many years ago. It had the resources, the power and the involvement in the motion picture industry. TheatreVision™ has spent many hours with the Motion Picture Association of America with meetings, false hopes and promises of help from the Motion Picture Association of America, which never came. I personally take issue with the Motion Picture Association of America deciding for me how or what should be described in a television program or in a motion picture, since the Motion Picture Association of America has made no effort to make my life, or the life of 31 million other people, "accessible" to the media arts that the Motion Picture Association of America enjoys so easily. Its spokesman, Jack Valenti, appears on the television's most watched television broadcast in the history of America and the world, the Academy Awards, every

year. Mr. Valenti looks out over the Shrine Auditorium's vast audience of beautiful celebrities, golden-haired men and women, sparked coiffured children and young adults and seniors; designer-outfitted starlets, elder statesmen, beautiful actresses and actors and their latest "rivaled" dresses, gowns, furs and jewelry. At the grand ball after, the splendor continues, with colors, flowers of every color known to man, and every description of a rosebud. How do you explain a "daisy" to a blind child, Mr. Valenti?

In 1989, Whoopi Goldberg sat on the edge of the former Academy Awards stage in the Music Center, in a summer festival for blindness in August, and she stopped the world in the room, by stopping the show and describing to a blind child what the room looked like. At that moment, Whoopi Goldberg herself was "seeing" the room for the eyes of another. She did not ask permission of the Music Center to do this; she did not ask permission of the thousands of people in the audience to do this; she did not ask permission of the writers of the songs that were going to be sung on the stage, and indeed, she did not ask permission from me, Helen Harris, who had produced the show and "written the script" for the whole evening. Whoopi saw a need and filled it, as she stopped the show, realizing that this one single blind child could not see this environment. She started with the silver and gold sparkling crystal lalique chandeliers – hundreds of them – which decorated a ceiling backdropped by gold-leafed windows, stained glass, lovely figurines; red velvet chairs with woodgrained arms and legs, velvet ribboned-off sections for special celebrities; huge oak doors, beveled-edged windows, and even lush carpeting. She described the look of the bandstand, how far below they were from where the little girl was sitting. She described her own clothes, her hair, her face. She described the actors and actresses that were about to come out after her. She described everything at the first-ever Vision Awards that was "described for the blind and vision impaired" at the event honoring Stevie Wonder in 1989. TheatreVision™ has been in the business of "describing what is happening in the world" to people who live behind a curtain of darkness, for more than 27 years.

It is unfortunate that the Motion Picture Association of America has set itself up to be the conscience of the motion picture industry, and that it dares to insinuate that it has the right to decide what could infringe on someone's copyright, what could "be described in one or more words," "what those words would be or not be," since they have not the experience of blindness themselves. The Motion Picture Association of America did not write the Braille alphabet; it was a 14 year-old boy who was not allowed in school because of his blindness. Was not allowed in school because of his blindness. There could be nothing more important to say to this community, to the FCC and to anyone who can read these documents, than the fact that seeing words on paper is not a privilege that blind people have any longer, that the very simple words, "See Jane run" need to be read and described as they lay on the paper, by the person whose eyes are seeing them and repeating them out loud for the blind listener. Of course, if the person reading and describing decided they wanted to say "See Jane fall" instead of "See Jane run," they could do that; however a blind person has no choice but to listen, to understand, to evaluate, to accept what is given; or to resist it, not listen to it, and to fight on for what is needed in just the simple acts of day-to-day living.

People with vision losses do not have the luxury of having audio description in many places in their lives. Stepping out from their beds in the morning, there's no one there to describe the closet, the color of the pink blouse, whether it matches the pink skirt or jacket or pants; whether the socks are white or black. There are no audio describers in many homes of the blind. They must guess. When they enter the kitchen, there is no one to describe whether their cereal is in a red box, a blue box, whether it's Post Toasties or Cheerios or Corn Flakes. When they open the refrigerator, there's no one to describe whether that's a container of milk or orange juice. When they look in the mirror, there's no one talking back saying "Your hair looks great, fix that little part on the right." When they leave their house and head for a bus, there's no one to describe if there are 14 steps to go down, or 3, or none. There's no one to describe whether there's a car coming, whether it is safe for them to cross the street. There's no one to describe if it is the right bus that they might board, and no one to tell them whether or not they're going to put their change into the right container, or have it fall all over the floor, as disgruntled morning passengers sigh and shout out in anger for the delay. The story of the life of a blind person goes on and on and on, just like this paragraph I'm writing. However, I'm doing this deliberately, so that the person whose eyes are able to trail and continue reading these sentences one after the other, can fully understand that at least they have the decision whether to continue reading on or not. Someone with a vision loss would not be able to make that decision. The words would simply not be there. If they were converted to Braille, I'm sure they would be abbreviated, and the meanings would certainly not be the same.

The Motion Picture Association of America, the National Association of Broadcasters, all the networks and the FCC, should take into consideration only one thing: Audio description for the blind is here. It is here to stay, and whether they believe they have the right to tell someone what they can see or can't see, is probably a matter for their lawyers and for the Supreme Court to decide with them. In the meantime, TheatreVision™ will continue to describe television and motion pictures with the freedom that was granted to all of us by the Constitution of the United States and the American Disabilities Act. Both of these do not allow for interference with the human rights of anyone, anymore. The right to sight for life, is clearly a gift for everyone. It is a right for everyone, and it has no higher power other than the one higher power that has made the world so beautiful that all should see it described or seen by the human eye.

TheatreVision™ can accommodate television programming "live," "on the spot," "pre-recorded," or in any other format that is necessary, because TheatreVision™ is very experienced in doing so. We believe that it will be no hardship on any broadcaster to "say the word" and give us the signal on their broadcast so that we can add our description, bringing "life" to the picture, not a "dreamlike wondering" if a visually impaired person is getting the same information from the picture that a non-visually impaired person is getting.

Blind people have been left behind for far too long, and all of these agencies who set themselves up as "authorities," have absolutely no right to do so. It would be far better if they'd put their time, energies and monies on studies, deliberations, etc., into medical



research to end blindness and into description processes that would accelerate solutions for blindness and audio descriptions today, not tomorrow.

### **Conclusion**

We would like to give an example here of just how ludicrous this whole issue is. This week, the world's most watched television broadcast will air. That television broadcast, called the Academy Awards, will be "language described/interpreted/translated" by foreign broadcasters sitting in RVs posted around the perimeter of the Shrine Auditorium in Los Angeles. Some will be allowed inside, as well. These broadcasters will be allowed to take the "signal" of the Academy Awards in English, in the United States, and it will be sent around the world to more than 240 countries in the "desired language of that particular country. English, Spanish, German, Polish, French, to name a few, will be "given away" at no charge, with no pre-production costs to the network, no screening for copyright, malfunctions or infringements, no deliberations by groups, and no regulations. They will simply be allowed to deliver in the "audio language" of the specific country. This brilliant broadcast to that specific country, while millions of Americans sit in living rooms with television sets on, deprived of their language, their audio language, which is called "audio description." Who made the decision that the languages spoken and understood by people around the world are to be aired while 42 million people have been chosen to have their language of audio description denied? Their language of audio description denied.

TheatreVision™ is grateful that the efforts of the FCC is finally putting forward to grant "audio language" to the forgotten eyes of our world, who function with audio description language. However, the time for waiting is over, and TheatreVision™ believes that the same rights granted to the 240 countries via the global broadcast, should also be a "right" to the millions of Americans, and 42 million worldwide, who cannot receive it in their very own language, the language being TheatreVision™ audio description. TheatreVision™ requests immediate audio description for all television broadcasts, as they equal equality of life, right now.