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On the night of August 8, 1974, millions of Americans sat tensely before their television sets as Richard Nixon announced to the nation that he was resigning as the thirty-seventh president of the United States. It was a moment of high drama, an instant created by the pale-faced man behind the podium and the viewers riveted to their television screens.

Four days later the same millions of Americans turned again to their televisions as Gerald Ford addressed the Congress and the world from the Speaker's dais of the House of Representatives. Again, it was an hour of intense drama. Sitting in their living rooms across the country, people reacted with hope and relief to the tone of the new president's voice and the smile of House Speaker Carl Albert.

In both instances, television brought events to the people and allowed them to participate as surely as if they had been there.

Researchers say nearly two-thirds of the American people get most or all of their news from television. The images and sounds of events transported into every home by television have created a new kind of first-hand experience. In the tumultuous days of the 1960s, Americans were not only told that their cities were in flames, they saw them burning. During the Vietnam war American families ate dinner to the chatter of machine gun bullets fired in a real war to kill real men.

What kind of experience is watching the news?

What, in fact, is the news?

How has it affected the watchers? Or the watched?

These are questions that historians of tomorrow will be asking. But where will they go to find the answers? Who archives the air waves?

Alert librarians have already been asking these questions, and some have begun to seek answers. But television is an odd medium. Unlike a book, which you can hold in your hand, a television broadcast is here one moment, then gone. Like the book, however, the television film can be reproduced. So the question becomes, Who has the right to reproduce it?

Since 1968 Vanderbilt University has been taping the nightly news broadcasts of three U.S. television networks, plus their coverage of the national conventions of both political par-

Inside Washington

ties and the Watergate hearings. The university has developed a subject index to this stream of videotape, and potential users can select what they want by identifying the times of the desired film footage. Technicians at the university then simply retape the segments and send the reduced version to the requesting institution.

Frank Grisham, Vanderbilt librarian, says the tapes cost borrowers \$30 per running hour of edited footage, less for straight replay of the entire master tape. Vanderbilt gets about six enquiries a day from interested institutions and individuals and has supplied film to the U.S. Congress and the N.Y. State Crime Commission. Grisham says the university's charges barely cover the cost of reproduction.

In December 1973, Columbia Broadcasting System filed suit in federal court to stop Vanderbilt from reproducing and distributing what the network considered its private property. CBS argued that it had the sole right under existing copyright law to make copies of its "performance" of the evening news. At issue in the case are the most basic questions of private property rights, scholarly fair use, and accessibility to material broadcast over the public air waves.

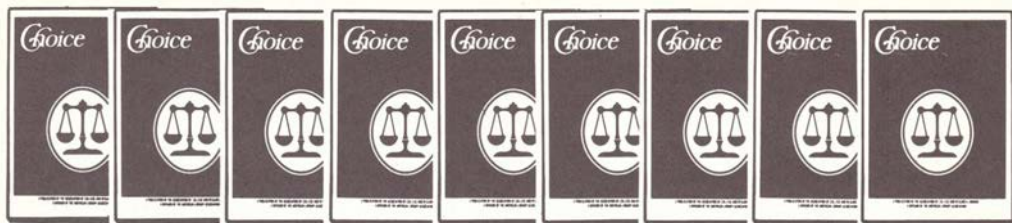
There are no easy, nonpartisan answers to the CBS-Vanderbilt collision.

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Last November, having outraged scholars and librarians by suggesting that the university should destroy its tapes and cease making new ones, CBS concluded a pact with the National Archives calling for a two-year arrangement making videotapes of news broadcasts available to "responsible researchers."

According to the initial agreement, the archives would receive a master tape of newscasts and news specials from CBS which could then be copied for use by other institutions. The network then suggested the university hand over its tapes to the archives.

Vanderbilt refused. The archives agreement, the university argues, is only a two-year arrangement, involves only one of the three networks, and fails to provide any of the sophisticated indexing and condensing aspects of the Vanderbilt operation.

Meanwhile, CBS continues to take depositions and has hired a battalion of lawyers to press its copyright infringement case before the U.S. District Court for Middle Tennessee. Vanderbilt continues to tape the news each night and the university's Board of Trustees has lined up staunchly behind the librarian.

Neither the existing 1909 copyright law nor the proposed Copyright Revision Bill now in Congress provide a clear answer here. In an attempt to straighten out Vanderbilt's status, Sen. Howard Baker got the Senate to pass a bill last year freeing the university from liability in this one instance, but the bill didn't clear the House before Congress adjourned.

The Supreme Court ruled in the 1974 Teleprompter case that a cable television station had a right, under the 1909 law, to retransmit network television programs, saying this relaying of the signal did not constitute a "performance" of network property. On the other hand the new revision bill would make the cable operators pay royalties for just these broadcasts. On the other hand, is taping and editing a broadcast in a library the same as a CATV retransmission?

In all this darkness and confusion there has emerged one glimmer of hope, however. Last July the head of the Washington, D.C. Public Library's department of community services, Larry Molumby, negotiated a simple contract with the local Public Broadcasting Service station allowing the library to tape local and national news produced by station WETA. Of critical importance is the library's right to tape programs produced by the station's subsidiary, the National Public Affairs Center for Television, which does the bulk of the Public Broadcasting Service's national news.

While copyright lawyers may see pitfalls for both sides in this document, it is a step in the right direction.

The contract said the station was granting D.C. Public:

a non-exclusive license to record and duplicate the programs produced by its NPACT Division (except as may otherwise be specifically excluded by letter from time to time) for use by the libraries as reference materials subject to the following conditions:

1. It is understood that the right and title in all programs remain at all times the property of GWETA and that this right is being granted to you solely for the purposes of research and private use of individuals, group viewings, community meetings, and discussion groups related to programs, *all at libraries*.

2. You agree that the print or copy will not be shown publicly other than as provided above, nor for profit, nor will an admission be charged, nor will it be rebroadcast, duplicated or further distributed by you in any manner whatever without prior consent of GWETA.

3. You agree to indemnify and hold harmless GWETA from and against any liability, loss, or damage caused by you or your use of any of the programs covered by this right.

4. GWETA for its part warrants that it possesses the right in the contents of these programs sufficient to grant the rights provided in this letter.

5. This license shall be effective on July 1, 1974 and shall remain in effect continuously for one year from this date and from year to year thereafter unless terminated by either party upon thirty (30) days written notice.

Unfortunately, so far Molumby has been unable to talk the local commercial stations into a similar agreement because they don't want to give away any rights that might develop out of the CBS-Vanderbilt litigation. ■■

A different kind of library handbook, *WOW Library* rated a front-page news story in the college newspaper and was called "light-hearted, entertaining and enlightening" by *Wilson Library Bulletin*. This mimeographed, loose-leaf handbook is available for \$1.00 to cover postage and handling. Send requests to Ms. Jeanne V. Schramm, Reference Dept., West Liberty State College, West Liberty, WV 26074.

Serials Catalogers Take Note

Could you benefit from a detailed table of contents or an index to the new revised chapter 6 of AACR? If so, contact Gregory Koster, Serials Cataloger, Columbia University Libraries, New York, NY 10027 for a copy of the contents and index he has drawn up.