

HISTORY AT RISK:  
A SURVEY TO DETERMINE THE SIZE AND STATUS OF LOCAL TELEVISION  
NEWS ARCHIVES IN THE UNITED STATES

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by  
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The undersigned, appointed by the dean of the Graduate School, have examined the thesis entitled

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LOCAL TELEVISION NEWS ARCHIVES IN THE UNITED STATES

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and hereby certify that, in their opinion, it is worthy of acceptance.

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## Dedication

I would like to dedicate this to my wonderful wife, Patty, who encouraged me all the way. I would also like thank my late parents, Bess and HL Hammond. While neither of them ever attended college, they understood that learning is a lifelong adventure.

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ABSTRACT

It is a generally accepted fact that local television news archives are slowly deteriorating. In 1999 the AMIA created the "Preserving Local Television Case Studies and Symposium Project Proposal". One of its goals was a survey of local TV stations to determine how much is at risk. Unfortunately, that was not completed. This project accomplishes part of that goal by surveying 117 local television stations to determine the size and status of their videotape archive. The survey found the average number of videotapes in responding local television stations is nearly 9,000. Of great concern is that nearly one third of the stations said they do not have the necessary equipment to play back all the formats in their archives. Another problem is that less than half of the respondents said their videotape archives are stored under conditions which will ensure long term survival. This survey shows the magnitude of the problem and gives archivists and historians a starting point to lobby for more resources to tackle the challenge of preserving this historical legacy.

## **Chapter 1**

### **Introduction**

Every minute, what may be the most comprehensive record of human history ever created is slowly disintegrating. The United Nations Educational, Scientific and Cultural Organization calls moving image documentary heritage both a mirror of the world and its memory. But the organization also points out that every day irreplaceable parts of this memory disappear forever. (UNESCO, 2007) That is especially true in the world of local television news. During the last 40 years television news operations have been documenting local happenings in the United States more extensively than any other period. From recording significant events and politicians, to visiting national figures or the common man, tens of thousands of events, stories and people have been photographed and interviewed leaving their magnetic imprint on various formats of videotape.

But in many cases that videotape is quietly decomposing in some dark corner of the television station. Various video archivists say that the shelf life of the magnetic particles on the tape is about 30 years. That assumes the tape is being properly stored in a dry and cool environment. While some of the earliest videotapes may last another decade, others have already been lost to a relentless degradation process.

It is a loss with both journalistic and historical ramifications. The ability to research not just the written word, but both the pictures and sound from



newsworthy people or events is critical. The moving images of people, places and events were recognized as historical documents with unique properties as early as 1898. (Kula, 2003) Not being able to reach across time to bring those images into the future is a huge loss because historical archives embody the shape and public perception of what is valuable and important in our society. (Cook, 2002) We save what we consider significant. As time passes and memories or oral histories fade, it gives even greater significance to historical documentation that survives. Congress recognized the value of moving images as well as sound in 1976 when it created the American Television and Radio Act. As a result, the Library of Congress in Washington, D.C., contains within its Division of Motion Pictures, Broadcasting and Recorded Sound approximately 80,000 television programs. However, the vast majority of these recordings are prime-time entertainment series, (Negra, 2010) which means that, in most cases, it is up to the individual local station to come up with a way to preserve its archive, assuming it sees value in maintaining such a collection. .

The purpose of this study is to assess both the size and status of video tape archives at local TV stations around the country. By surveying individual stations, this study hopes to create a picture of what is, or is not, being done across the nation to deal with the issues of video tape degradation. The resulting numbers will allow an individual station to compare the size of its archive to others around the nation. It will also allow them to see what percentage of stations have begun taking actions to preserve their libraries. In addition to helping local stations, this project will also be the first to give media archivists an

understanding of the size and complexities of local news video tape libraries across the country.

In 1940 C.E. Butterfield (1940) predicted the ability of television to bring news and events to viewers through what he called, “the new newsreel”. While the first local newscasts may have accomplished Butterfield’s vision, it was done primarily with film depicting national and international events. This ultimately laid the foundation for network television news. While much has been written about the history of network news, it is much harder to find comprehensive details about the origins of local television newscasts. Craig Allen’s book, *News is People* (2001) points out that in the beginning of local television, the one thing that stations did not cover was local news. He explains how the first stations to broadcast news in New York City aired only national and international stories. There was no attempt to cover what went on in their own city. That changed on June 16, 1948. WPIX, which was owned by The Daily News, decided to create its own niche by covering local events. The big story on the first Telepix Newsreel was the station’s sign on (which happened the day before). The next day it covered a plane crash. While the other stations carried week old news from Jerusalem and Berlin, Telepix had pictures from the crash scene on its 7:30pm newscast and advertised more “film at a 11”. As the year went on, Telepix covered everything from the opening of a new airport to kids going off to camp and, of course, the obligatory crime and mayhem.

Craig points out that WPIX’s vision was not initially appreciated. Just one month after Telepix went on the air *Variety* panned the coverage of stunts,

entertainment and people on the street as “tabloid entertainment”. While that may have been at least partially true, *Variety* did not recognize that a genre had been born.

It’s hard to say whether the concept of local television news was copied or simply sprang spontaneously in cities around the country. A year before WPIX’s effort, WBKB (now WBBM) started a local newscast on a smaller scale in Chicago. Craig claims KTLA and KTTV, both LA independents, started the first local TV news war in the late ‘40s. In 1952 KTLA had live coverage of an atomic bomb blast in Nevada. By the mid ‘50s WBAP in Dallas was using 17 film cameras to produce a 15 minute Texas Newsreel. (Craig, 2001)

It is impossible to estimate or even guess how much film was shot by local news crews during the next three decades. Most of that film has been lost or destroyed. According to testimony presented at the Library of Congress hearings on the state of television programming and news footage preservation in 1996, less than 10% of TV news film had been donated to colleges, universities and historical societies. (Murphy, 1997)

In the mid 1970s videotape began to replace film as the dominant medium for recording local news events. (Lewis, 1997) Originally developed in 1934, the first practical videotape recorder was developed by Ampex in 1956. (Wheeler, 2002) It was not, however, until Sony developed the ¾ inch U-matic videocassette that videotape became an important part of television news gathering. (Caldwell, 2008) While the early equipment was bulky and heavy, the videocassette required no processing and could be erased and reused multiple

times. Compton (2007) calls surviving  $\frac{3}{4}$  inch tape one of the most endangered broadcast formats due to its inherent fragility. Wheeler (2002) disputes such claims but makes it clear that videotape will only survive to its greatest potential age if stored under the proper conditions.

Sony's Betacam, introduced in 1981, was lighter and easier to use. It quickly became the standard of the local television news-gathering equipment. It also created yet another problem: multiple videotape formats. In the decades which followed, local stations have used a variety of formats for various reasons. Since the invention of  $\frac{3}{4}$  inch tape, at least 48 different formats have been used including Beta, MII, DVCPPro, Beta SP, Digital Beta, DVCam. (Olson, 2008) While some are slightly compatible with the format they replaced, others are orphans no longer supported by their original manufacturers. For example, newer Beta SP machines will accept older Beta formats. However, in most cases, only the machine designed to play back the specific format can be used to view the videotape. (Lindner, 1996) An example of that is Panasonic's MII format. While it has the same dimensions as a VHS tape, it can only be viewed with an MII playback machine.

The purpose of this study is to assess both the size and status of video tape archives at local TV stations around the country. By surveying individual stations, this study hopes to create a picture of what is, or is not, being done across the nation to deal with the issues of video tape degradation. The resulting numbers will allow an individual station to compare the size of its archive to others around the nation. It will also allow them to see what percentage of

stations have begun taking actions to preserve their libraries. In addition to helping local stations, this project will also be the first to give media archivists an understanding of the size and complexities of local news video tape libraries across the country.

Certain terms which will be used throughout this study require a brief definition. A local television station is a broadcast entity licensed by the Federal Communications Commission to a particular US city. While it may be owned by a television network or be part of a company which owns other stations, the local station operates independently. Local television news is any broadcast product produced by the local station involving current events. The stories may cover national issues, but were produced by the local station (as opposed to network news broadcasts which are merely aired by that station). Videotape refers to tapes which use magnetic particles to record images and sound. These cover a variety of different formats used in the broadcast industry (such as 3/4, Beta, MII, etc.) The words archive and library can be used interchangeably to describe the collection of videotapes containing either a) individual stories that have already aired b) portions of or complete newscasts c) raw tape or compilations of unedited tape associated with previously aired stories. Video tape degradation is any action or natural process that renders the videotape unusable. This could be the result of improper handling or storage or the slow loss of magnetic particles. Digitization (sometimes referred to as digitalization) is the process of transferring an image or data into a digital format. For the purpose of this paper digitization will be used primarily to describe the process of transferring the information on

magnetic videotape into digital forms. The term market, or marketing, will be used to explain the process of a local station selling the rights to use its video tape library to outside companies such as documentary producers or network programs. Historical societies will describe an organization which is primarily focused on preserving history of any sort regardless whether the words are a part of the organization's formal name.

## Chapter 2

### Review of Literature

The problems associated with saving videotape raise a very basic and central question. Why should stations care whether the videotape is salvaged before it self-destructs? The first reason is journalistic. Archives are maintained to enhance the story telling ability of today's reporters. The ability to find video from one year or twenty years ago allows current reporters the ability to give their stories historical perspective. More than just telling their viewers about the past, they use the archives to *show* them those past events. A comprehensive and well organized archive is an asset which can be used to create the impression that one station has greater resources than another and thus has a stronger ability to both report and interpret the news.

Television archives have also created an unintended effect. Local television film and videotape libraries now constitute some of the most pervasive and fundamental records of 20<sup>th</sup> century life. (Davidson, 2002) They are a chronicle of both events and culture on a local level. And while there may be some debate about the value of what has been recorded as news, at a minimum it is still a significant social record. (Allen, 2008) While much has been written about the important function of the press in a democratic society, there is also an argument that the ability to historically reconstruct events and actions can play a role in keeping both public officials and the press itself accountable to the public.

(Snider, 2000) However, as videotape degrades and becomes unusable, not the viewing public, historians, nor the reporters can fully examine those historical events. (Lynch, 1996)

### **Transmission of Social Heritage**

Media theory as originally formulated by Harold Lasswell and later modified by Charles Wright assigns four primary functions (Severin, 2001), all of which relate directly to the functions of local television news.

The first is Surveillance. Lasswell's use of the term is actually very limited. He uses it to describe how the media, and more specifically journalists, serve a critical societal function by simply watching and reporting. From Woodward and Bernstein's investigative work to a traffic reporter's update on a morning television newscast, the media functions as society's eyes. The second is correlation. It takes those observations and adds insight and interpretation. It is not just the facts, but the facts as viewed through a broader or perhaps historical perspective. Transmission of Social Heritage is the third step. It is the idea that the media functions to pass social norms from one generation to another or even from one geographic region to another. Wright added the fourth function of entertainment which, while it has a significant role in some forms of media, it is not a primary function of journalism.

It is the transmission of social heritage function that addresses the need to preserve local television news archives. In the United States, journalism effectively performs the surveillance function as the news media reports on various events, and to a degree various journalists take part in correlation



through the interpreting of those events. (Krippendorff, 2004) Those same journalists may not realize it, but an unintended side effect may be the transmission of social heritage. While much has been written about surveillance and correlation, transmission of social heritage is still much more open to interpretation. One could argue there are two perspectives on this theory. The first is an immediate concept. Viewers on opposite ends of the country can watch a story on a network newscast and share immediately in aspects ranging from its message to its style. They see how others dress and how they speak. They understand opinions of people with whom they might never come in contact. On a smaller level, the same effect could hold true for a story on a local newscast.

The term heritage, however, does imply reaching beyond the immediate past. Social heritage is also the historical events and actions which lead to the decisions of today. Traditionally, books have been considered chiefly responsible for passing social heritage. (Poindexter, 1999) They were regarded as more permanent than other forms of communication. However that does not mean that other forms of media cannot play a role.

T.R. Schellenberg espoused the theory that archived materials have two functions, which he referred to as primary and secondary. (Schellenberg, 1956) The primary function is its initial purpose. In the case of videotape produced by a local news operation, its primary function might be to complete a packaged report for a ten o'clock news story. Portions of that videotape may then become a part of the station's archive where it might be called upon at a later date to be a part

of another story. One could argue that the second story is still primary use. After all, the intended purpose of the video was for a news story.

A secondary function is something which takes the archived item beyond its original purpose. Because Schellenberg dealt mostly with governmental documents he considered an item having a secondary life when used by other agencies and private users. Local news videotape can also have secondary functions. The first could come at the television station. The video might be used as part of a promotional campaign or as part of a sales presentation. While still being used by the same company, it has a new purpose which was not a part of the original videotaping.

That videotape could also have a secondary function which goes well beyond its usefulness to the station which created it. It could have historical significance as well. Even though they might no longer be used for their primary purpose, archived videotapes have what Schellenberg called informational value. (Kula, 2003) This is where archival theory and media theory intersect, in essence the informational value *is* the transmission of social heritage.

Schellenberg suggests a three part test to determine the informational value of an archived item. He says they should be judged by their (1) uniqueness, (2) form, and (3) importance. Uniqueness refers to whether the item can be found elsewhere. A combination of the way videotape is shot together with how it is edited makes most archived news video unique. Even if the event was photographed by multiple videographers, each has a different angle. Form is

the way the information is stored. In the case of video it is a particular electronic format such as Beta or ¾ inch. The easier information is to access, the greater its value. Access has two dimensions when it comes to valuing videotape. Most local television stations do not make their archives available to non-employees. This reduces its value to the outside world. A second aspect is the question of whether the local television station has the necessary playback equipment. Without it, access is limited even to those individuals who work for the company. Finally there is importance. Schellenberg calls this the “realm of the imponderable.” How can any one person determine the ultimate value of an archived item? Still there are some video examples more obvious than others. The election-night victory speech by a politician who goes on to either greatness or infamy, or the groundbreaking for a downtown building that ultimately helps define a city’s skyline. More difficult to assess are the stories about the general public. Still, it is easy to make a case for why most local news videotape has secondary value.

Modern archival theory suggests that the keeper of the archive is not a passive player. After all, “Archives – as records – wield power over the shape and direction of historical scholarship, collective memory and national identity, over how we know ourselves as individuals, groups and societies.” (Cook 2002) Therefore the person or organization responsible for the archive also has some measure of power over history, memory and the past. (Kaplan, 2002) Control of the archive can mean control in determining history’s winners and losers. (Cook, 2002) History has plenty of examples of one group wiping out the history of

another. Centuries ago Spanish invaders burned the indigenous texts of the Incas. It left a void in native accounts which could be filled by a Spanish viewpoint. This is why archival theory is not based around the process of collecting, but rather society needs for the preservation of rights and values. (Dirks, 2004)

Of course, before any archival decisions could be considered, first came the decision of what should be photographed. While newsreels began recording current events nearly a century ago, the topics were confined to those images and issues of significant national or global importance. It is only with the advent of local television news that newsmakers and events of regional significance were recorded first on film, and next on videotape. For the first time moving images of local politicians and citizens were captured only for a geographically limited audience. While this film and video was gathered primarily for creating deadline driven news content, it has now taken on historical significance.

Most journalists are not likely to view themselves as historians. They might view their job as covering the news of the day without regard to how their stories might be viewed or interpreted in years to come. In most cases they are concerned only with Schellenberg's primary function. Vos (2005) discusses how journalistic role conception refers to the journalist's own formulation of how the journalist ought to function in society. Most researchers would likely view this as the debate regarding whether journalists should cross from the surveillance to the correlation function. But journalists also serve a role as a creator of historical documents and images.

James Carey (2007) wrote, in his *A Short History of Journalism for Journalists: A Proposal and Essay*, “While tentative and perishable, journalism also forms a permanent public record, and as a result, other forms of writing—fiction, history, and drama—are parasitic off journalism. Journalism may not produce a reliable record at every turn, but it is the record we share in common.” (p.4) This means that while the journalist may move on quickly to the next story, his or her previous work is left behind. It may remain as a reference to be used for that journalist’s future stories, or it may be used by historians who look back decades later to understand how events of the day were viewed and reported.

While the journalist’s role as historian may fall within the transmission of social heritage, there appears to be little theory beyond that associated with this function. It is, however, accepted as an empirical fact. It is impossible to count the number of researchers who have based their studies on historical news accounts. After all, as former Washington Post publisher Phillip Graham famously stated, journalism is the first draft of history. Others have called it history with a 5pm deadline. (Feldstein, 2004) And while there may be questions about the bias, agenda or reliability associated with a publication or story, historians attach a higher degree of credibility to news reports because the time-lapse between the event and the published story is usually very short. (de Wet, 2003) In 1926 Lucy Maynard Salmon addressed the question of how newspapers should be used for research. She stated that while newspapers do not give history in the accepted use of the term, they do give an enormous amount of raw

material from which history is written. She went on to say that the task of journalist and historian are mutually complimentary. (1926)

While the text of a story may describe the events, it can be argued that the moving images transcend the transmitter's written version and the receptor's individual interpretation to add another dimension to the understanding of an event or statement. Mayer's (1994) multiple representation principle makes it clear that it is better to present an explanation in words and pictures than solely in words. This means that while it is true that even camera angles can create a distorted perspective, it is likely the viewer will get a better grasp of the meaning of a speech or events through moving images.

### **Videotape Degradation**

Unfortunately the images stored on videotape are turning out to be both frail and problematic. According to Librarian of Congress James Billington, videotape was both a blessing and a curse. (Murphy, 1997) Videotape's ability to be reused may have been a financial boon to TV stations, but it was an advantage that hurt local archives. Videotapes were regularly recorded over multiple times, erasing whatever story or stories were there earlier. (Gomery, 1996) Film, on the other hand became a permanent record which could be spliced but not altered.

More importantly, videotape has a relatively brief life span. While some researchers have suggested videotape stored properly can last as long as 50 years, or perhaps longer, most estimates put its lifespan between 20 and 30 years. Lindner (1996), however, suggests that virtually all magnetic tape that was

recorded more than ten years ago is in serious jeopardy. Ironically, that is a much shorter life span than the film it replaced. This is partially because videotape was never engineered to be a permanent record. The 1997 Television and Video Preservation Study presented to congress states, "Next to nitrocellulose film (known for its ability to self destruct) videotape is probably the next best medium for a society which did not wish to be reminded of its past." (Murphy, 1997)

There are a variety of problems which plague videotape. It is sensitive to its environmental storage conditions. Even under the best conditions the adhesive used to attach the oxide to the base can disintegrate, resulting in a gummy, sticky residue. In other cases, the oxide can literally flake off. (Whitson, 1995) A recent article in a London newspaper described a form of mold which is affecting videotape. It can be seen as a fine white dust on the tape and renders it unusable. (Bloxham, 2008)

And even if the tape survives, there is the question of finding the proper playback machines. As manufacturers move on to new formats, it does not take long before they no longer manufacture or support the previous versions. That means to achieve its maximum archival life, recording systems, spare parts and technical manuals would need to be preserved along with the videotape. (Van Bogart, 1995)

### **Local News Preservation Efforts**

In 1997 the Librarian of Congress conducted the Television and Video Preservation study. It was a massive project which involved public hearings in

Los Angeles, New York City and Washington DC. The first line of its executive summary states:

The American television and video heritage is at risk. Early television was broadcast live, kinescope or film copies were made selectively, other programs were deliberately destroyed, and videotapes were erased and recycled, still an unfortunate practice in the production of local television news. (loc.gov)

Much of the study dealt with losses on a national level. The introduction listed a series of examples ranging from television coverage of the 1948 election to the first Super Bowl which was recorded on videotape and then erased in 1967. However, the study says that some of the most devastating losses have already occurred among news film and videotape files of local television stations across the United States. It points out most of the devastating losses are not the result of a pattern of intentional destruction, but rather the result of widespread indifference. The study mentions a survey of local television stations which was done in 1986. It suggests that only 14% of the nation's 107 oldest stations have retained their film libraries and makes no reference to the status of videotape archives.

Among the study's recommendations is the need to increase the amount of descriptive information about television and video holdings in both public and corporate archives across the country.

There have been some isolated studies of efforts to preserve local television film or videotape archives around the country. The KSTP-TV/Minnesota Historical Society study looked at the collaboration between a commercial station and a public archive. It details how news film and videotape



from KSTP-TV in Minneapolis were donated to the Minnesota Historical Society for the express purpose of preserving images associated with the state's history. As of 2001 the Society held three million feet of 16mm film and twenty-four hundred  $\frac{3}{4}$ " videotapes covering the years 1948 to 1985. An agreement between the two organizations transfers copyright to the Society 25 years after program creation. It also provides that KSTP-TV receives proper credit when others use footage in the collection. (Deutsch, 2004)

In Maine, a group of television stations teamed up with Northeast Historic Film to collect and preserve film and video relating to the history and culture of northern New England. Northeast Historic Film is a tax-exempt nonprofit organization founded in 1986. The materials donated by WABI, WCSH, WLBZ, WGME, WAGM, WVII, and the Maine Public Broadcasting Network to Northeast Historic Film have occurred over a 20 year period. At present the collection is believed to contain between ten and fifteen thousand individual stories. The study points out that while the collection does produce revenue it does not produce profit. Sales of rights from the collection averaged \$13,500 during the eight years previous to the study. Of that annual total, approximately \$3,000 came from the television collection. (Weiss, 2004)

Another preservation effort is underway at the Florida Moving Image Archive. The organization first began to acquire local television news film and videotape in 1989. The majority of the donations have come from WCKT and WTVJ. Currently, the collection has 1.1 million feet of 16mm newsfilm, 300 kinescopes of news and public affairs and 1843  $\frac{3}{4}$  inch videotape cassettes of

news stories and newscasts dating from the mid 1970's through the late 1980's. A former curator for the collection said the images give a Florida perspective on national events as well as detailed views on issues of local importance such as immigration, the citrus industry, tourism and senior citizens. The collection also chronicles the impact of the influence of Cuba and Latin America on Florida. In addition to historical events, the collection also shows the evolution of local news broadcasting including both technological and ethnographic changes. Much of the work has been done through the financial support of the National Historical Publications and Records Commission. (Davidson, 2004)

The Association of Moving Image Archivists has also created a pamphlet entitled "Local Television: A Guide to Saving our Heritage." (AMIA, 2004) Its opening paragraph begins with the statement, "Local television stations are the pioneers of the television industry and, in a very vital way, the guardians of our local heritage." The pamphlet includes a self assessment to be used by local stations. It lists 20 questions which are designed to help the person responsible for a local station's archive gauge how well they have addressed preservation issues. It then goes on to detail steps a local station can take once it commits to preserve its archive including defining the physical situation, long term goals, and financial issues.

While the 1997 Television/Video Preservation Study created interest and momentum towards cataloging and saving local television film and videotape archives, much of that has been lost during the last five years. The Preserving Local Television Case Studies and Symposium Project Proposal (AMIA, 1999)

listed several primary goals including: a two day symposium, creation of case studies and the creation of a database describing the local television holdings of public archives and stations. While there was an initial effort to create such a database, it has yet to be accomplished. In 2001 and 2002 the AMIA's Local Television Task Force attempted to conduct a survey of television stations in the United States. The survey results were not published.

In 2007, a survey was completed by Rob Fain at the Rochester Institute of Technology to determine how much 16mm film is still being held by local television stations. 631 local stations were mailed surveys asking questions about both the amount and status of news film still in their archives. 166 stations replied to the survey. 25% reported having news film in their building with numbers ranging from two reels to 10,000 reels. Fain reported the mean span of years covered by the survey results was 19. As to the condition of the film, 44% of the stations reported that the film showed symptoms of vinegar syndrome, otherwise known as triacetate degradation. This is a particular problem associated with older film in which a chemical reaction causes the natural deterioration of the film base.

While Fain's primary interest was in the local station's film archive, he did ask one question in his survey which related to videotape. The question asked the station to list the number of boxes associated with various videotape formats. The results were listed as an appendix to the study showing that  $\frac{3}{4}$  inch video tape was the most common format still being held. 68% of the stations responding reported having  $\frac{3}{4}$  inch videotape in their archives. Fain states that

one station currently holds 20,000 boxes of videotape. As for other formats, 47% of stations reported having Beta SP, while 29% held Beta in their archives.

Because Fain's primary interest was 16mm film, he did not include more detailed questions about the videotape library such as condition or age ranges.

In reviewing the available literature it appears that, to date, no one has completed the AMIA's goal of creating a data base which provides information about videotape archives held by local television stations in the United States. Carter (2006) points out stations find themselves frozen at the crossroads without resources or expertise to take action to preserve their archives. Part of that problem is a lack of information about how their archives compare to others and what is being done on a national level to protect them. This study will attempt to give those stations a starting point to assess their own archives.

While this study will give a greater understanding of the status and condition of local television news videotape, it will not be a comprehensive look into the relationship between journalists and their role as transmitters of social heritage. There will be no attempt to gather information about how often archival footage is accessed for current stories and how those stories might allow for the passing of social norms from one generation to another. Nor will it attempt to fully examine the role of journalists as historians and whether current journalists would view their role differently in light of the potential for historical significance.

## **Chapter 3**

### **Research Methods**

This survey will attempt to study three primary research questions:

**RQ1: What is the size of local television videotape archives in the United States?**

**RQ2: What is the status of local television videotape archives in the United States?**

**RQ3: What efforts are being made to preserve or protect local television videotape archives in the United States?**

A fourth research question will also be included although because the population may not be as representative of journalists as a whole, the results will be considered with less authority:

**RQ4: Are journalists historians?**

This study began with three hypotheses. The first hypothesis is that local television stations contain a tremendous number of videotapes in their archives. The second hypothesis is that the videotape archives are being neglected and the tapes themselves are at risk because of degradation. The third hypothesis is that only a limited number of local television stations are taking the necessary steps to begin the process of migrating their videotape content to digital formats.

One intention of this study is to meet the original goal of the AMIA's (1999) local television project of creating a database of archive materials in the United States. While Fain (2007) established numbers for local station film archives, this study will complement his by creating a similar database for videotape collections.

This descriptive survey was a cross-sectional study of local television stations in the United States. The cross sectional method was chosen because of its ability to create a snapshot of the existing situation at a given point in time. The online company SurveyMonkey.com was used to administer 19 closed-ended questions plus the opportunity for an open-ended follow-up explanation. The online method was chosen in an effort to contain project expense. (Van Selm, 2006) While the interview subjects were not part of a specific association, their roles and companies were sufficiently similar to create a representative population through the online method. Also, the nature of the news industry likely makes them "connected and technologically savvy" which makes delivering the survey instrument in an online fashion a favorable method. (Sills, 2002)

The survey used a population which was created in two ways, recruited and unrestricted. (Medlin, 1999) An initial sample was recruited by sending e-mails to the television members of the Radio Television News Directors Association. The population was increased by with unrestricted samples which were generated by spreading word of the survey broadly within the TV news community through an online newsletter called ShopTalk. Because the goal was to create a cross section of TV station markets, and because the surveys would

be identified by station call letters, it was possible to determine which market ranges were underrepresented. At that point a third level of recruited participants would allow for a more complete collection. The third group, however, was chosen in a random method. A database of all network affiliates was assembled and stations were selected randomly to receive e-mails and/or phone calls.

The population was limited to local television stations with news departments. While some stations may have videotape archives remaining from a news operation which was no longer functioning, they would not be included. There was no stratification. While there could have been a distinction made between market sizes or length of time that a news organization had been in operation, this population was treated homogenously from the start.

The survey instrument was created by first referencing some of the questions used in the Fain film study. Because a goal of the survey was to complete efforts by the AMIA to study the situation, the questions were created in such a way to give that organization a broad overview of the situation. Finally, the questions were referred to members of a thesis committee at the University of Missouri who helped judge substance and relevance.

Potential respondents who received an invitation to the survey through e-mail were given the following information:

My name is Rick DeBruhl. I'm a Master's degree candidate at the University of Missouri Journalism School. My thesis is a survey of local television news videotape archives. My goal is to create a nationwide assessment of both the size and status of videotape archives. This information will hopefully help stations around the country determine what can be done with these archives. Would you please take a few minutes to fill out a survey about your archives? There are only 19 questions and it should take 7 to 10 minutes.

Take the survey by clicking on this link:  
[http://www.surveymonkey.com/s.aspx?sm=7MbaQOITFzrpvPEEoPrX\\_2fA\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=7MbaQOITFzrpvPEEoPrX_2fA_3d_3d)

If you think someone else at your station would be better suited to answer these questions (chief engineer, operations manager, etc.), please forward this to them.

An announcement placed in the online newsletter Shoptalk contained similar information.

Most of the questions were nominal in nature. Eleven questions allowed for answers of yes, no or unsure, while two other questions allowed for slightly modified versions of the yes/no answers. Two questions gave respondents the ability to rank their answer on an interval scale, while one question allowed multiple answers.

In addition to those hypotheses which relate directly to the purpose of this study, an additional theory was also studied. It hypothesized that journalists will consider themselves historians and their work product an historical document. This relates to the foundation of why the degradation of videotape archives could be considered a loss to society. Because this survey was being completed by a relatively narrow group of professionals within the news business, it would not have the depth or breadth to make accurate conclusions. It might, however, give other researchers a starting point to create a more definitive study about the role journalists play in the collection and interpretation of potentially historical information.

A complete list of survey questions is available in Appendix 1. All questions and procedures were approved through the University of Missouri-Columbia Institutional Review Board.



## Chapter 4

### Results Summary

The survey was delivered in three different ways. The first method was an e-mail blast sent to all television members of the Radio Television News Directors Association (RTNDA) database. The price for a single e-mail blast was \$400, with a second follow-up e-mailing at a reduced rate of \$200. The first e-mail blast was delivered successfully to 601 recipients. 176 recipients opened the e-mail. Of those who opened the e-mail, RTNDA says 104 followed the link. The result was approximately 70 completed surveys. The second e-mail blast brought an additional 20 surveys.

The next method used was a public request. ShopTalk is a daily newsletter read by many in the broadcast industry. ShopTalk agreed to post an announcement at the bottom of its online newsletter for several days requesting individuals to fill out the survey. Because each survey was connected to an individual station, there was no concern that this second method would create duplicates from the same station. This method returned an additional 25 surveys.

In an effort to increase the final numbers, a telephone canvas was made of selected stations. The calls were made from a randomly created list of stations from a database of network affiliates. Calls were made to stations on the list asking for either the news director or news operations director. When that person

was available, they would be asked if they would be willing to fill out the survey. If they answered yes, they were sent the link.

The final result was 141 completed surveys. Some stations returned more than one survey. Those stations were then contacted to find out which survey was most representative. Two individuals filled out the survey twice, in those cases the survey with the earlier date was used. Four surveys were returned by cable news operations. While their answers were relevant to the topic, they did not meet the defined group of local television *broadcast* stations and were not included. Finally, six additional surveys were returned by non-news entities such as NASCAR Media and NASA TV. Again, their answers were not included because they did not fit the defined population.

Each e-mail, as well as the ShopTalk announcement, asked for either the recipient to fill out the survey, or to forward the request to the person at the station best suited to answer. Although the survey did not request titles, follow-up e-mails indicate that the surveys were filled out by news directors, operations directors, editors, reporters and station librarians.

Anonymity was not critical to this survey. The information obtained was not likely to be considered sensitive or something that might be withheld for competitive reasons. Survey participants were, however, given the option of asking that their answers to the survey not be used in such a way that it can be attributed directly to them or their station. If they choose this option, their station will be named in the list that has returned surveys, but their answers will only be viewed as part of the aggregate.

Question number one was used for tracking information. It requested the respondent's name, station, city, state and e-mail address. This was critical to ensure that a single station's information would not be submitted more than once through different respondents. This information also ensured the project surveyed a cross section of market sizes to develop a valid national projection. It also allowed for further research by breaking down the information into various market sizes.

Three questions operationalize research question one: "What is the size of local television videotape archives in the United States?" Those questions asked the size of the archive as well as the date and the various formats included in the collection.

Five questions operationalize research question two: "What is the status of local television videotape archives in the United States?" Those questions asked about the completeness of the collection, how it was cataloged, how it was stored, whether the station had the equipment necessary to play all formats in the collection and whether there was a single individual responsible for maintaining the archive.

Five questions address research question number three: "What efforts are being made to preserve or protect local television videotape archives in the United States?" Those questions asked whether any of the videotape had been transferred to digital formats and whether cost had impacted such efforts. There were also questions about whether the station had attempted to market or donate portions of its collection and whether it was being managed by outside company.

One question asked whether a tax credit would make the station more likely to donate portions of its archive. These answers will be particularly of use to local stations which may be considering what can be done with its existing archive.

Because of the foundation for this research lies in the role of journalist as historian, two additional questions relating to that topic were included. The first asked whether the respondent considered the videotape archive an historical record. The second asked whether the respondent considered journalists historians. While the numbers surveyed in this sample may not be statistically significant, they potentially create interest to expand this area of research with regards to journalism.

Two questions were used to determine whether the respondent wanted his or her station's call letters associated with the results and whether they wanted to receive a copy of the results when the project is completed.

The final question also gave respondents the opportunity to include additional comments. It included an open text box with the following statement: "Do you have any additional comments or thoughts about the issues raised in this survey?"

## Question 1

***Please provide some tracking information. Contact information will not be made public.***

142 Surveys were completed. 25 surveys were disqualified. 12 surveys were not included in the total because they were duplicates from various stations. In most cases, the respondents were contacted and asked which survey best represented their station. If there was no response, the survey with the earlier completion date was used.

11 other surveys were disqualified because they did not come from local television stations. This included organizations such as NASA TV, NASCAR Media, Universities, CBS News and cable news operations. One came from a low power university station. While each share similar concerns regarding their archives, they were not local TV stations and therefore did not fit the study group. The result was 117 completed surveys. Because some stations are duopolies or multi-license, the surveys actually covered 123 stations. Because we have no information about how their archives are blended, or whether they ever kept separate archives, this study will treat each survey as covering an individual station.

The markets represented in the survey ranged from New York (DMA #1) to North Platte, NE (DMA #209). Ten surveys were completed by stations in the top five markets. 57 surveys were completed by stations in top 50 markets. 85 surveys were completed by stations in the top 100 markets. 19 surveys were

completed by stations in markets larger than DMA 125. The result is a broad cross section of market sizes.

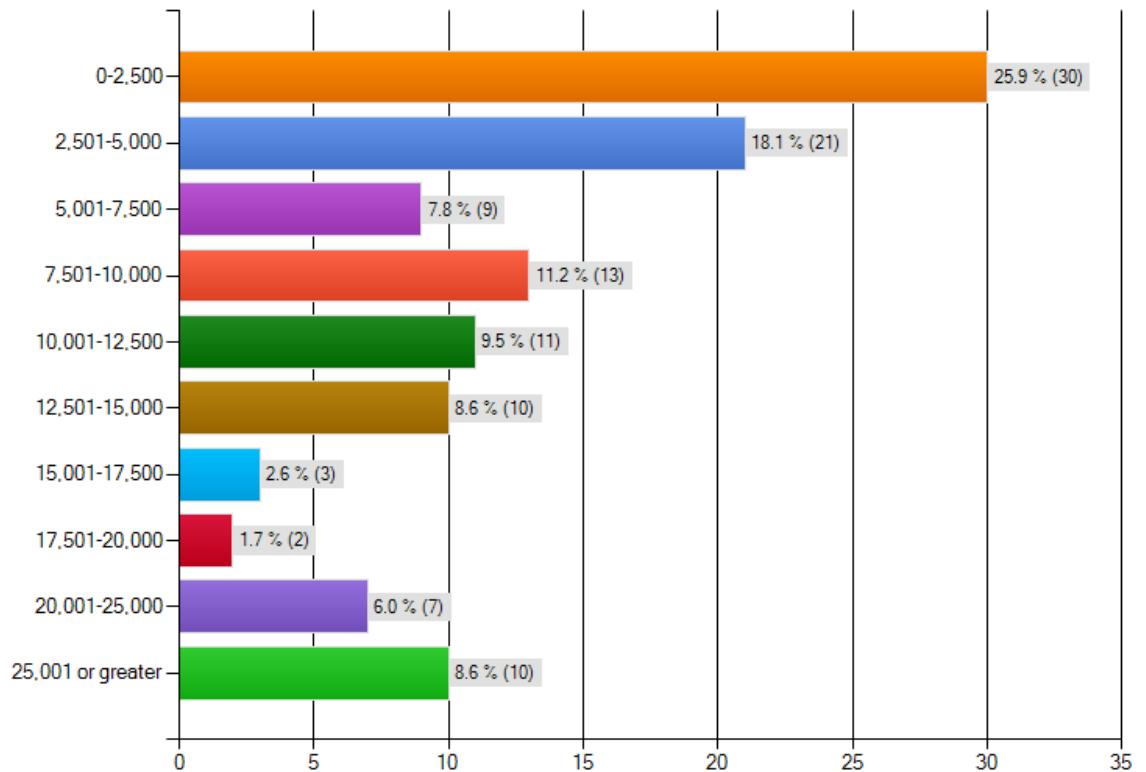
While not included as a separate item in the survey, my conversations with a number of respondents indicated that news directors, operations managers, chief photographers, reporters and station archivists generally answered the questions.

Question 2

***How many videotapes are in your local news archive? (If there is no exact number, please approximate.)***

116 respondents answered this question. This question allowed respondents to choose one of ten categories. Stations which answered 0-2,500 were the largest group comprising 25.9% of the total. Adding up the percentages from the first four answers showed that 63% of the respondents had fewer than 10,000 tapes in their library. At the other end, 8.6% of respondents said their archives contained more than 25,000 tapes.

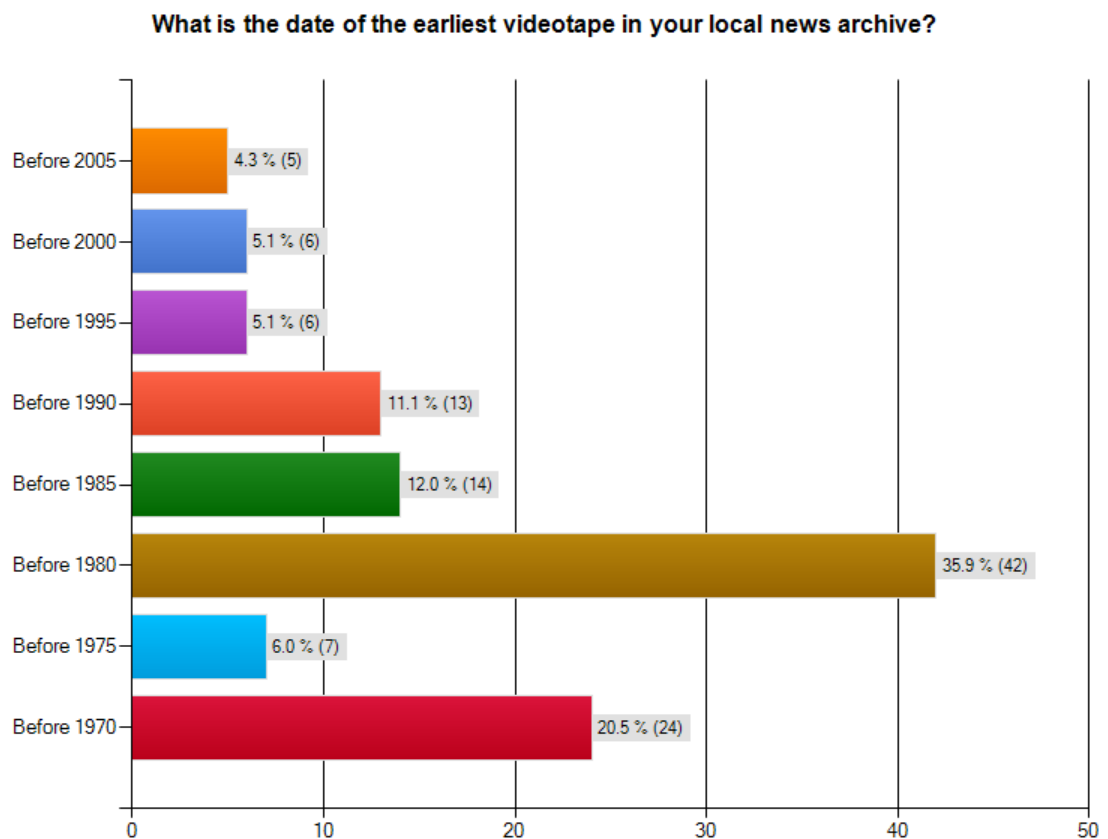
**How many videotapes are in your local news archive? (If there is no actual number, please approximate.)**



### Question 3

#### ***What is the date of the earliest videotape in your local news archive?***

No one skipped this question. This question gave respondents the opportunity to choose one of eight answers that dated their earliest videotapes within a five year range. 14.5% of respondents said their libraries date back to before 1995 (but after 1990). 61.3% of the respondents believed their archives contained tapes created before 1980, with the single largest group, 35.3% dating their archive between 1975 and 1980. The number of respondents who stated their archives pre-date 1990 shows 86% of the local stations have collections which are more than 20 years old.

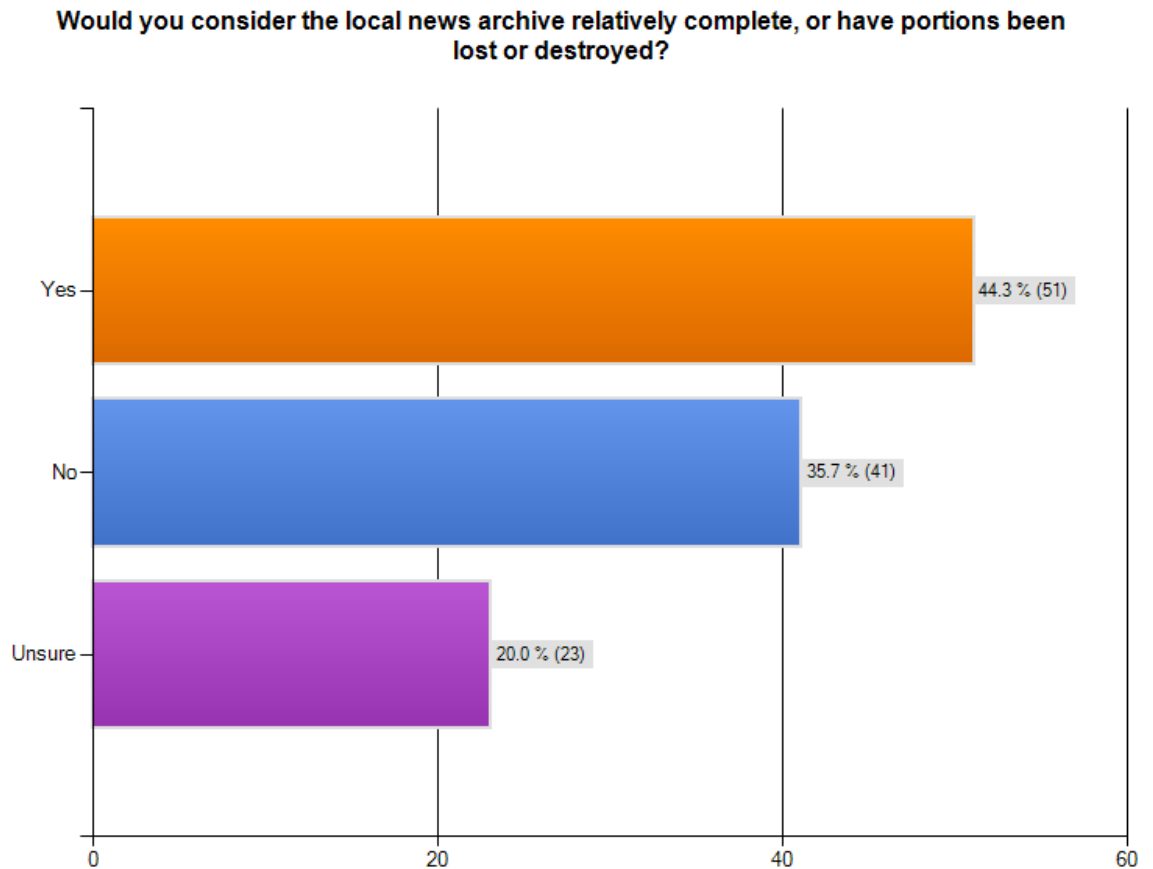




Question 4

***Would you consider the local news archive relatively complete, or have portions been lost or destroyed.***

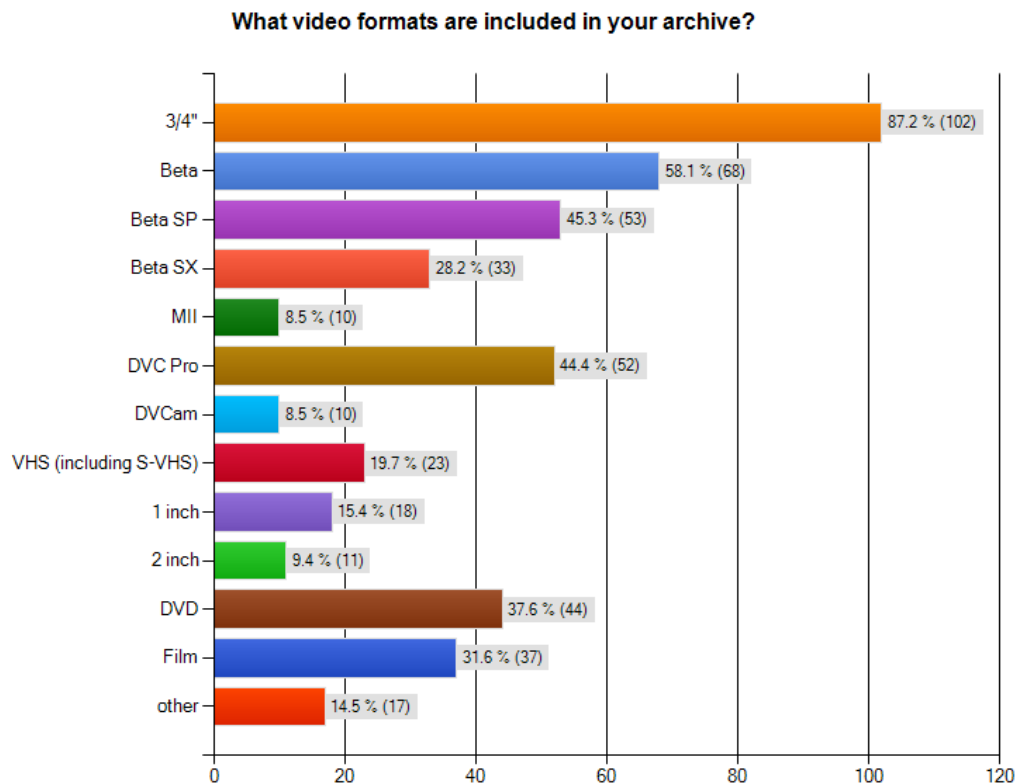
115 answered this question. This question created the most comments. Unfortunately, the wording inadvertently combined two separate concepts. 44.3% of respondents answered yes, 35.7% answered no and 20% were unsure. Again, because of the confusion associated with the wording, the results for this question may not be accurate.



## Question 5

### ***What video formats are included in your archive?***

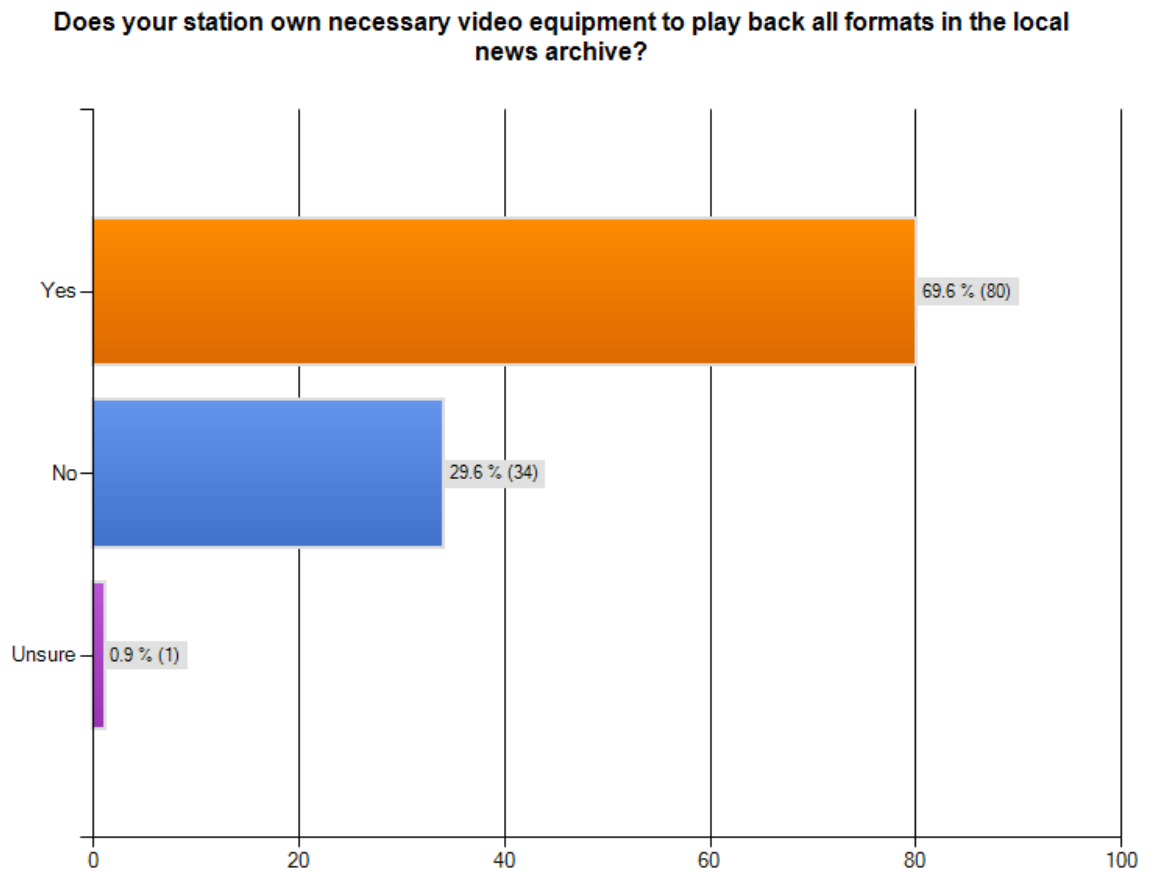
No one skipped this question. This question gave respondents the opportunity to choose one of 11 videotape formats as well as an “other” category. Although this survey is focused on videotape libraries, there was also an opportunity for respondents to state whether their collection includes film. Because archives often contain multiple formats, respondents were allowed to choose more than one answer. As a result, the percentages total greater than 100%. 3/4” videotape is the most common format in archives, with 87.2% of respondents said it is included in their collections. Beta was second with 58.1% followed by Beta SP with 45.3% and DVC Pro with 44.4%. 31.6% of respondents said their archives also contain film.



Question 6

***Does your station own necessary video equipment to play back all formats in the local news archive?***

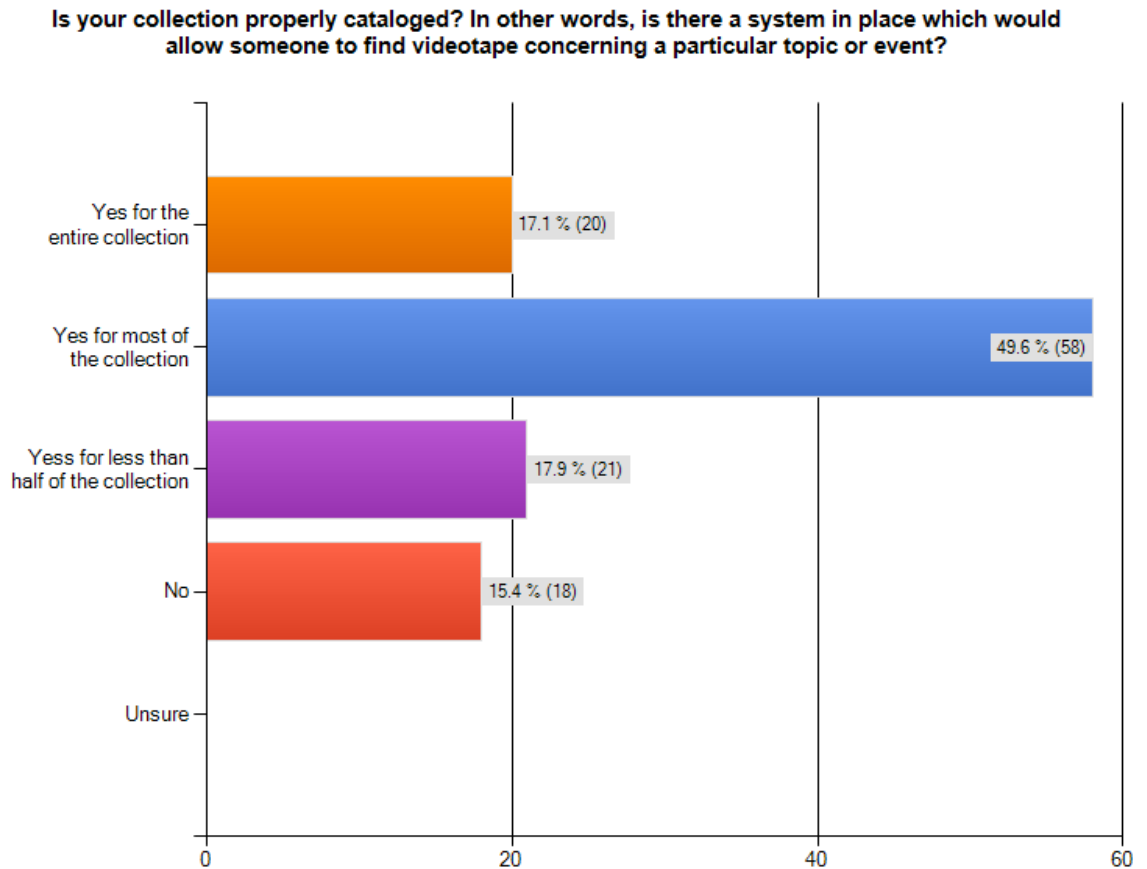
115 answered this question. The overwhelming majority of respondents, 69.6%, said their stations had the necessary equipment. Only a single respondent said they were unsure.



Question 7

***Is your collection properly cataloged? In other words, is there a system in place which would allow someone to find videotape concerning a particular topic or event?***

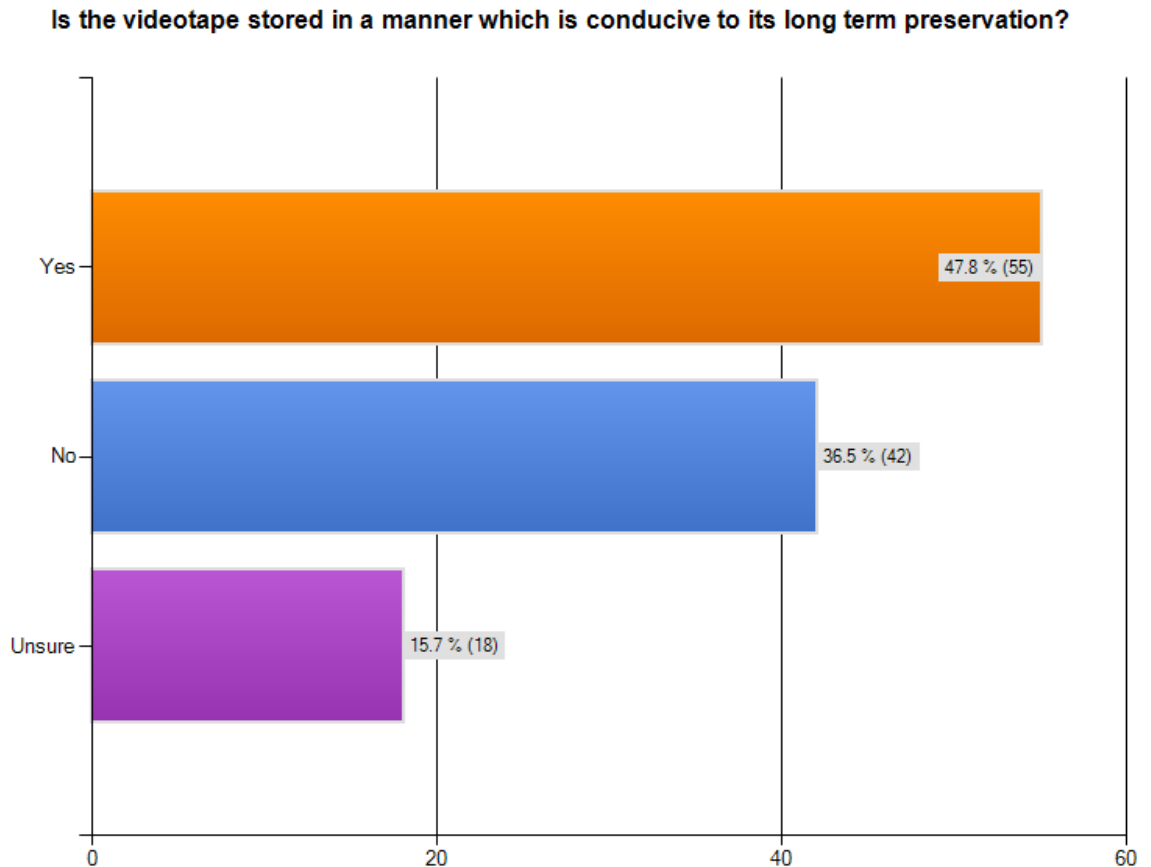
No one skipped this question. Nearly 66.7% of the stations surveyed were confident their collection was either entirely or mostly cataloged. 17.9% felt that less than half their collection was cataloged and 15.4% felt they did not have a system in place which would allow someone to search for video related to a particular topic or event.



Question 8

***Is the videotape stored in a manner which is conducive to its long term preservation?***

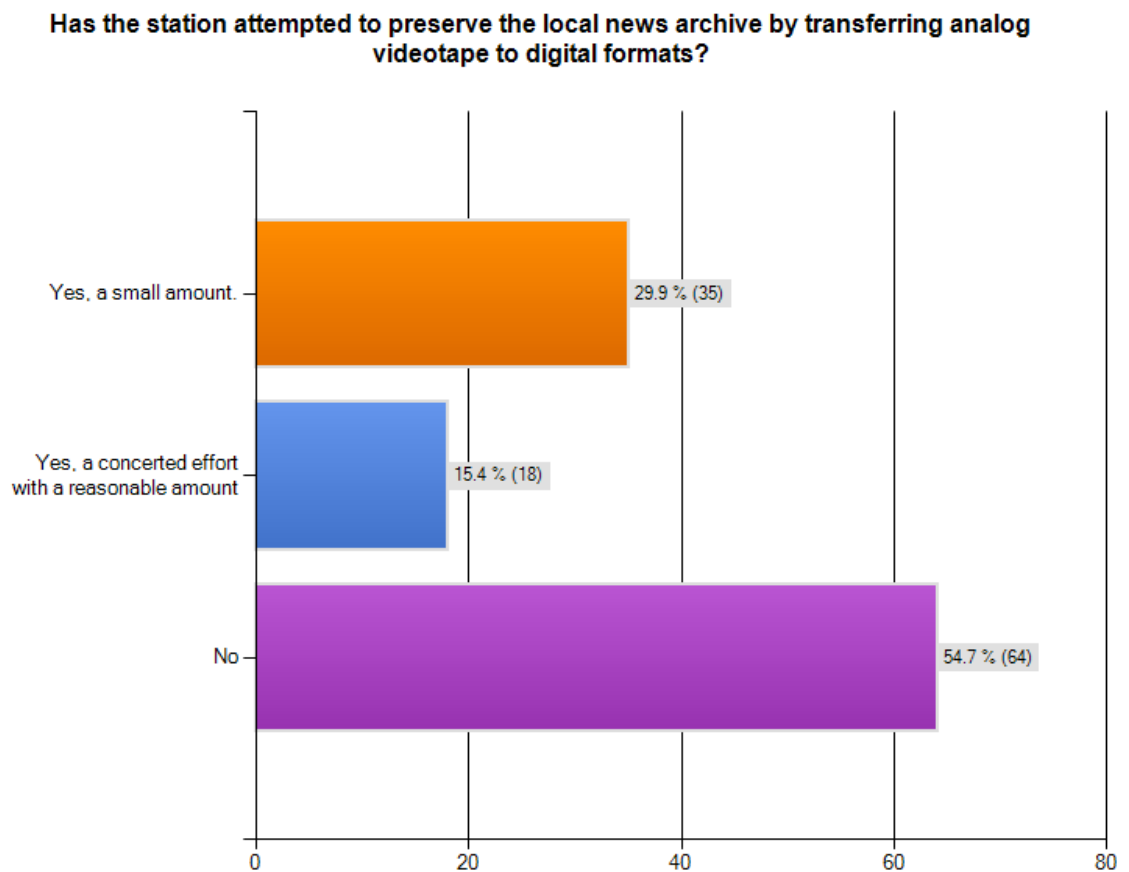
No one skipped this question. Nearly half, 47.8%, were confident that the way their tape was being stored would allow it to survive for an extended period of time. Unfortunately more than half of the videotapes covered in this survey were at risk. 36.5% felt that was not the case, and another 15.7% were not sure.



Question 9

***Has the station attempted to preserve the local news archive by transferring analog videotape to digital formats?***

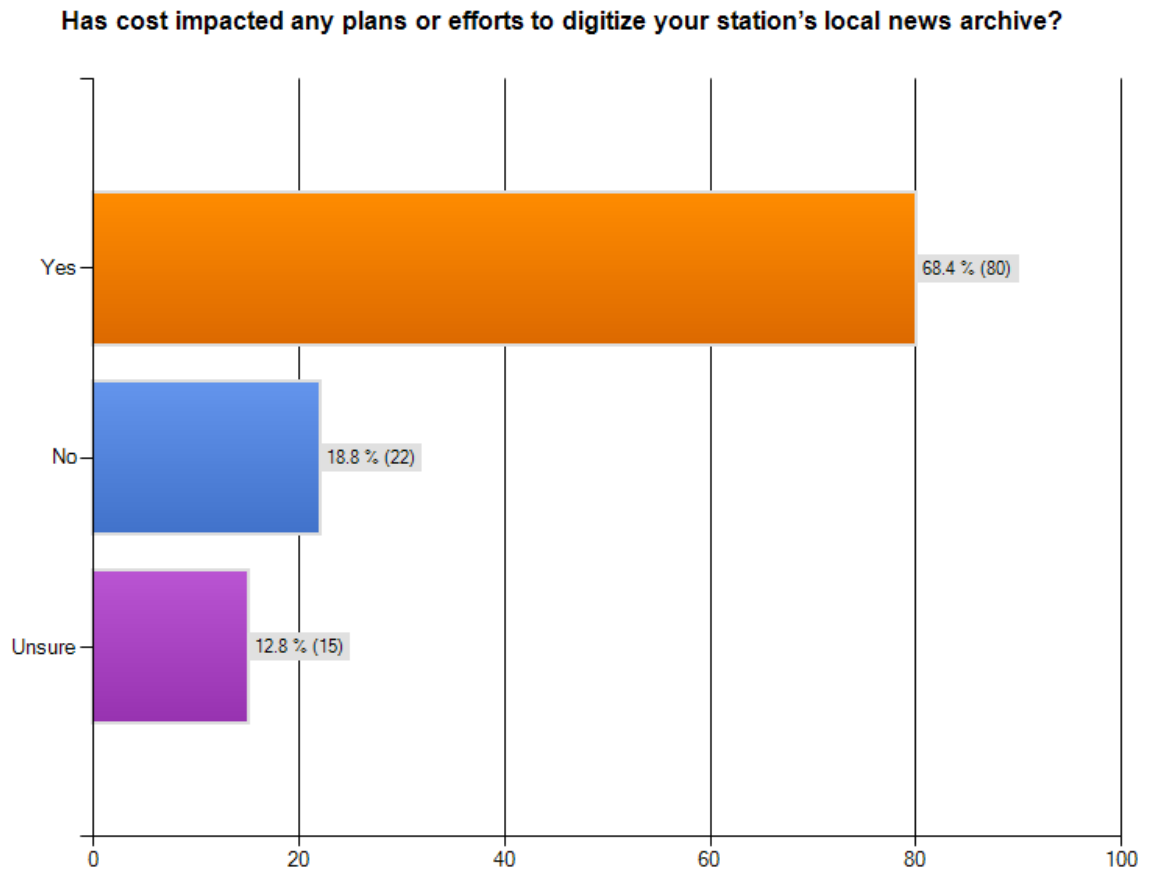
No one skipped this question. 84.6% of the respondents said their station has made no significant progress towards transferring their videotape archive to a digital format. Only 15.4% of stations said that progress had been made in transferring their videotape to a digital format. More than half said nothing has been done.



Question 10

***Has cost impacted any plans or efforts to digitize your station's local news archive?***

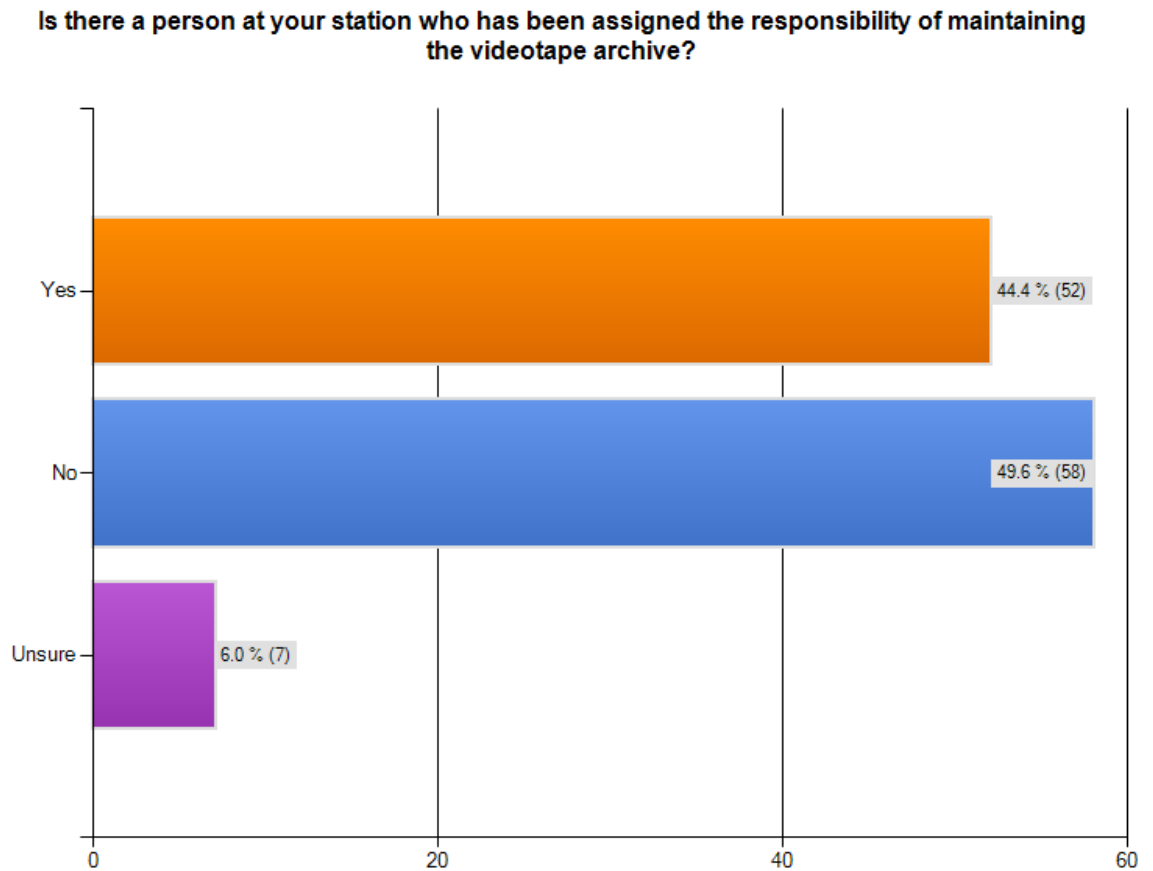
No one skipped this question. The answer to this question leaves no doubt that cost is the overriding factor when it comes to transferring videotape to a digital format. 68.4% of respondents said it impacted the decision. Only 18.8% said it made no difference (although it doesn't mean those stations have paid for the conversion, only that cost was not a deciding factor).



Question 11

***Is there a person at your station who has been assigned the responsibility of maintaining the videotape archive?***

No one skipped this question. 49.6% of respondents said there was no one at their station can be identified as having the responsibility of maintaining the archive. Fortunately, only slightly fewer said someone at their station does have that role.

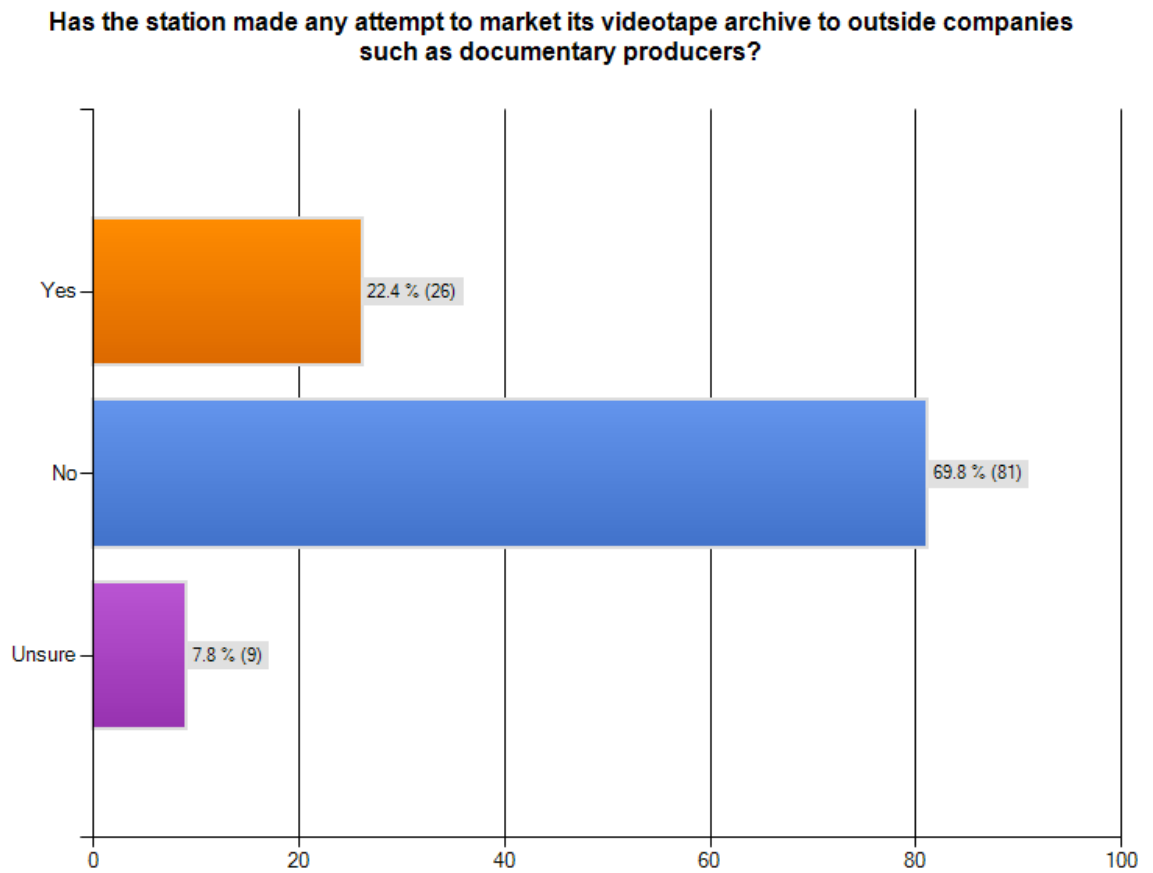




Question 12

***Has the station made any attempt to market its videotape archive to outside companies such as documentary producers?***

116 respondents answered this question. 69.8% of respondents said their station has not tried to market its videotape. Slightly more than one in five stations said they have made an effort.

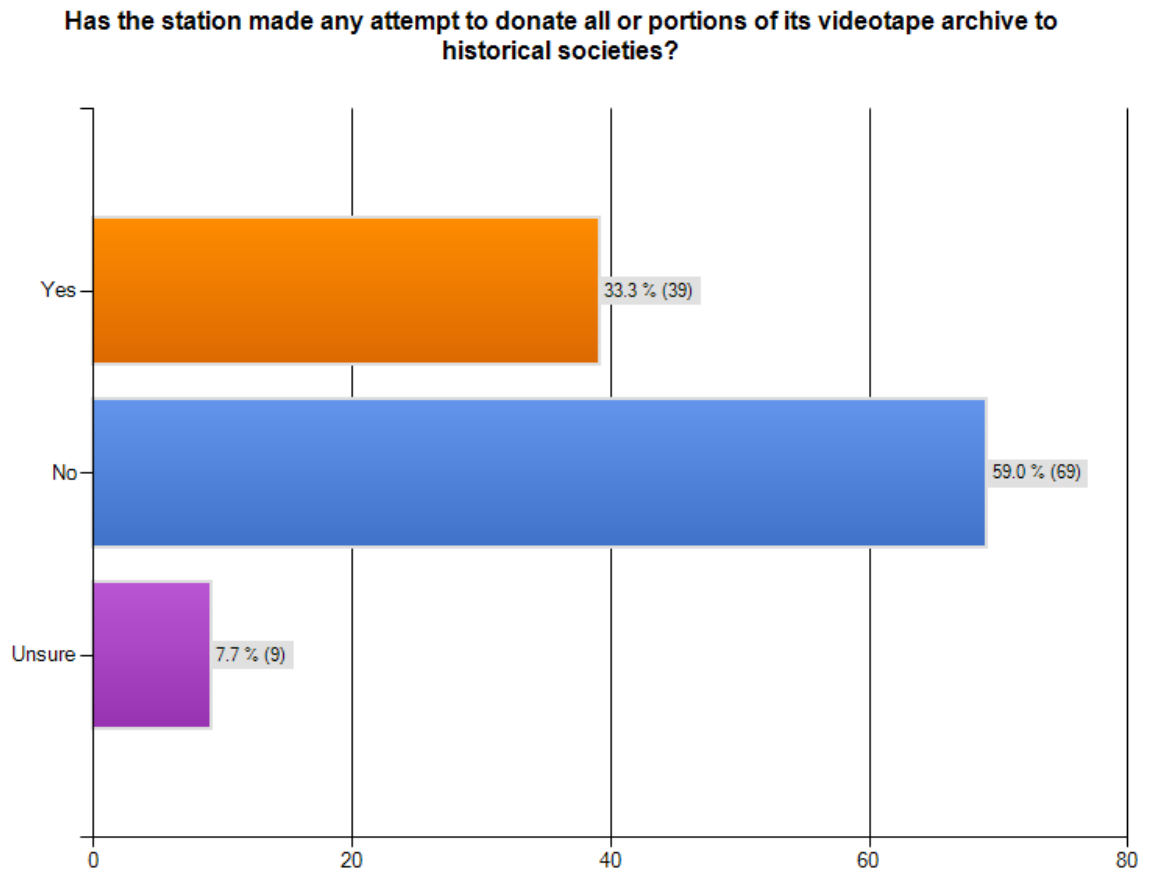


Question 13

***Has the station made any attempt to donate all or portions of its videotape archive to historical societies?***

No one skipped this question. Nearly one third of stations say they have at least attempted to donate portions of their videotape to historical societies.

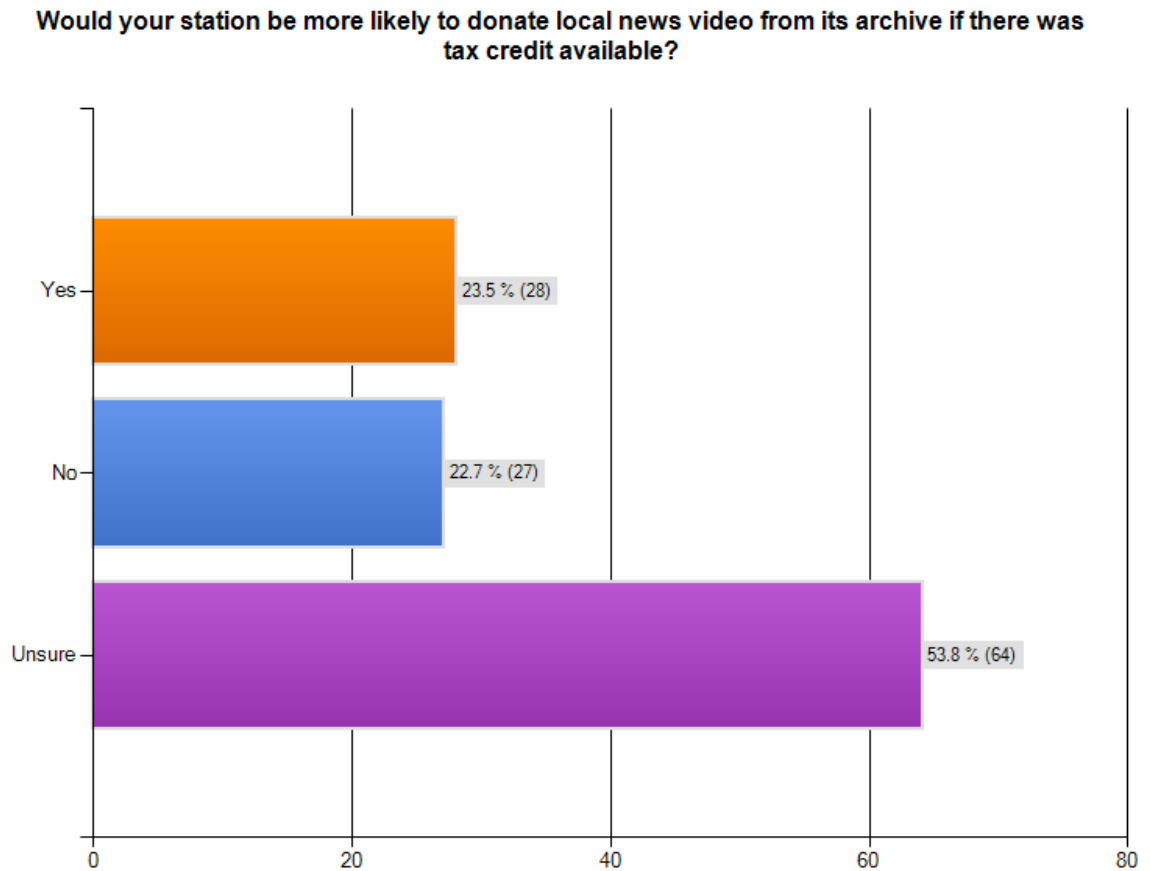
Unfortunately, nearly twice that number says their station has not made such an attempt.



Question 14

***Would your station be more likely to donate local news video from its archive if there was tax credit available?***

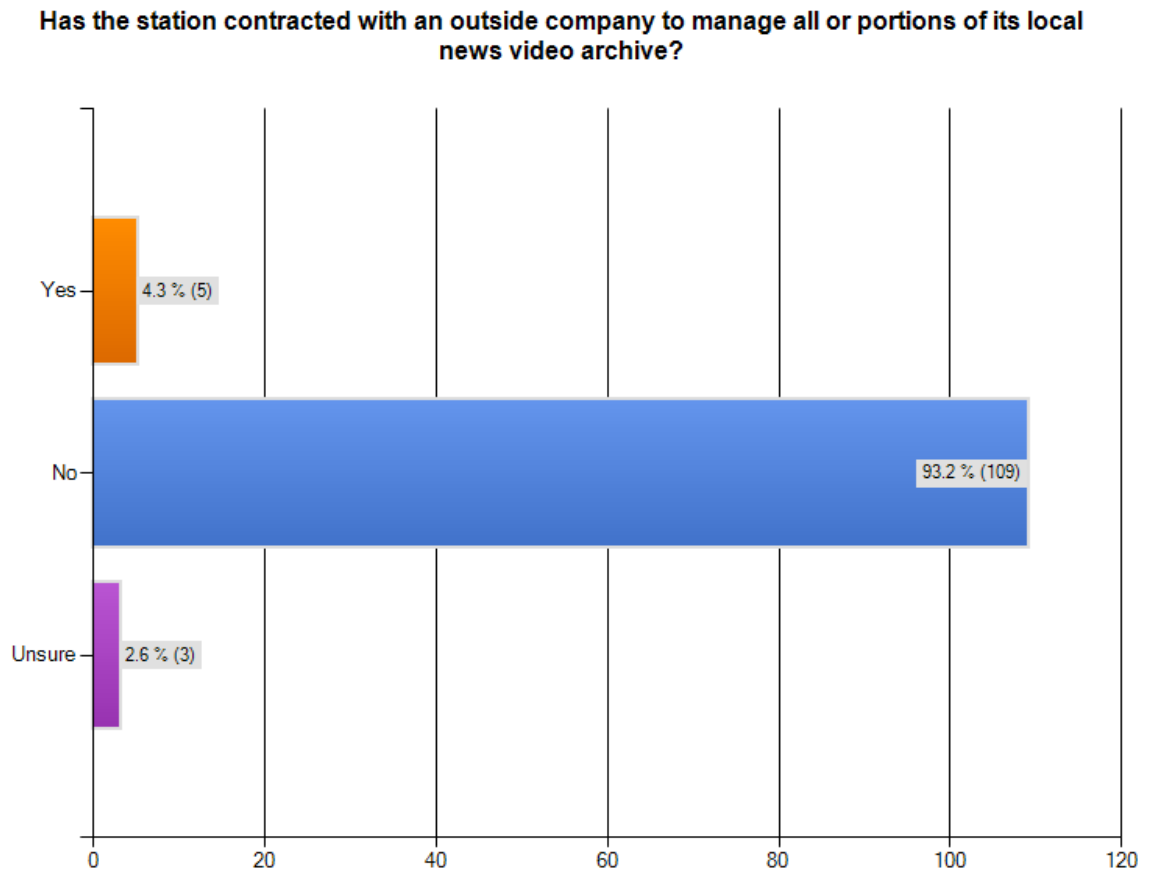
No one skipped this question. This question generated the greatest number of “unsure” answers. 53.8% did not know if the tax credit would make a difference in the decision to donate. Nearly one quarter felt it would be a factor, while only a slightly smaller number said it would not make a difference.



Question 15

***Has the station contracted with an outside company to manage all or portions of its local news video archive?***

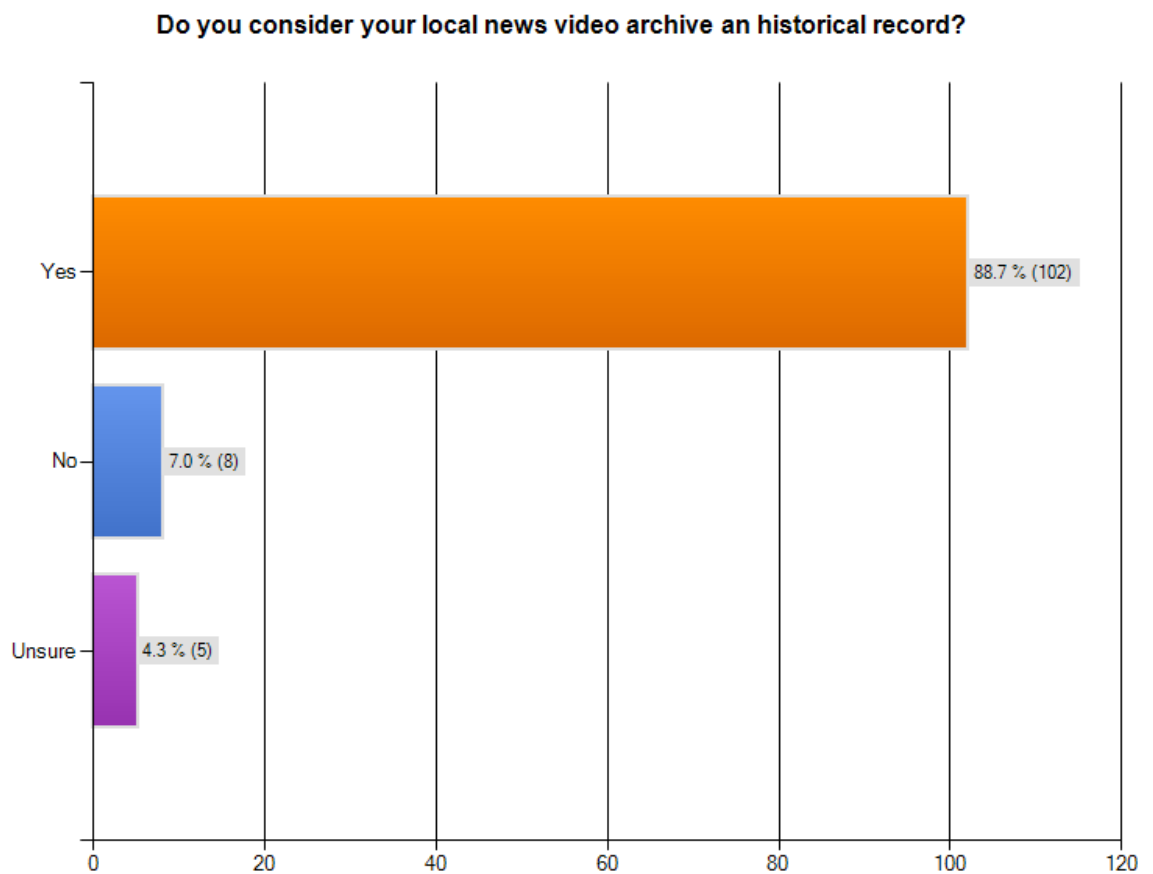
115 answered this question. This question made it clear that most stations are dealing with issues relating to their videotape archive on their own. Only 5 respondents said their stations have contracted with an outside company to manage the archive. The overwhelming majority of 93.2% said they have not.



Question 16

***Do you consider your local news video archive an historical record?***

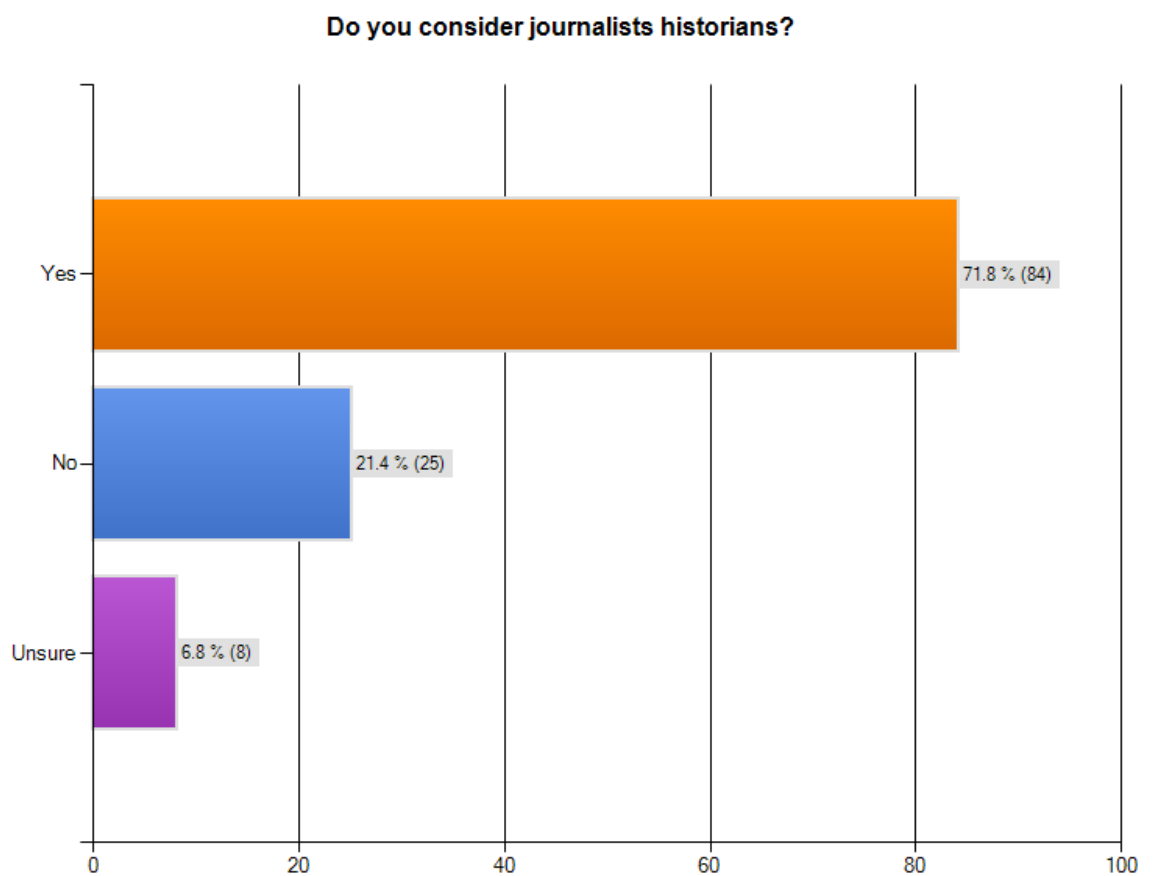
115 answered this question. There is little doubt that a large majority of respondents view the videotape archive as more than just a resource for the newsroom. 88.7% answered that they believe the archive is an historical record. Only 7% felt it did not qualify for such status.



Question 17

***Do you consider journalists historians?***

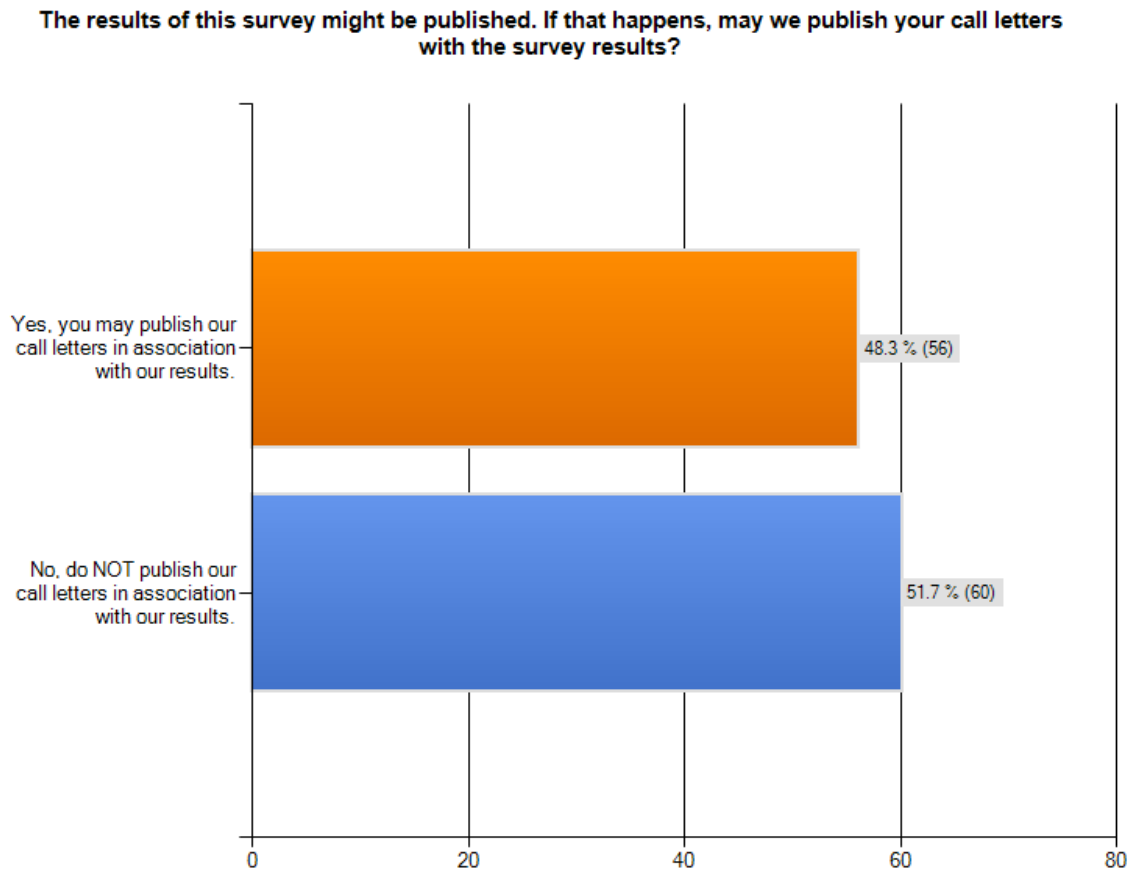
No one skipped this question. While the percentage was not quite the same as the previous question, the majority of respondents felt that journalists also performed a role as historians. Slightly more than one in five felt that journalists were not historians.



Question 18

***The results of this survey might be published. If that happens, may we publish your call letters with the survey results?***

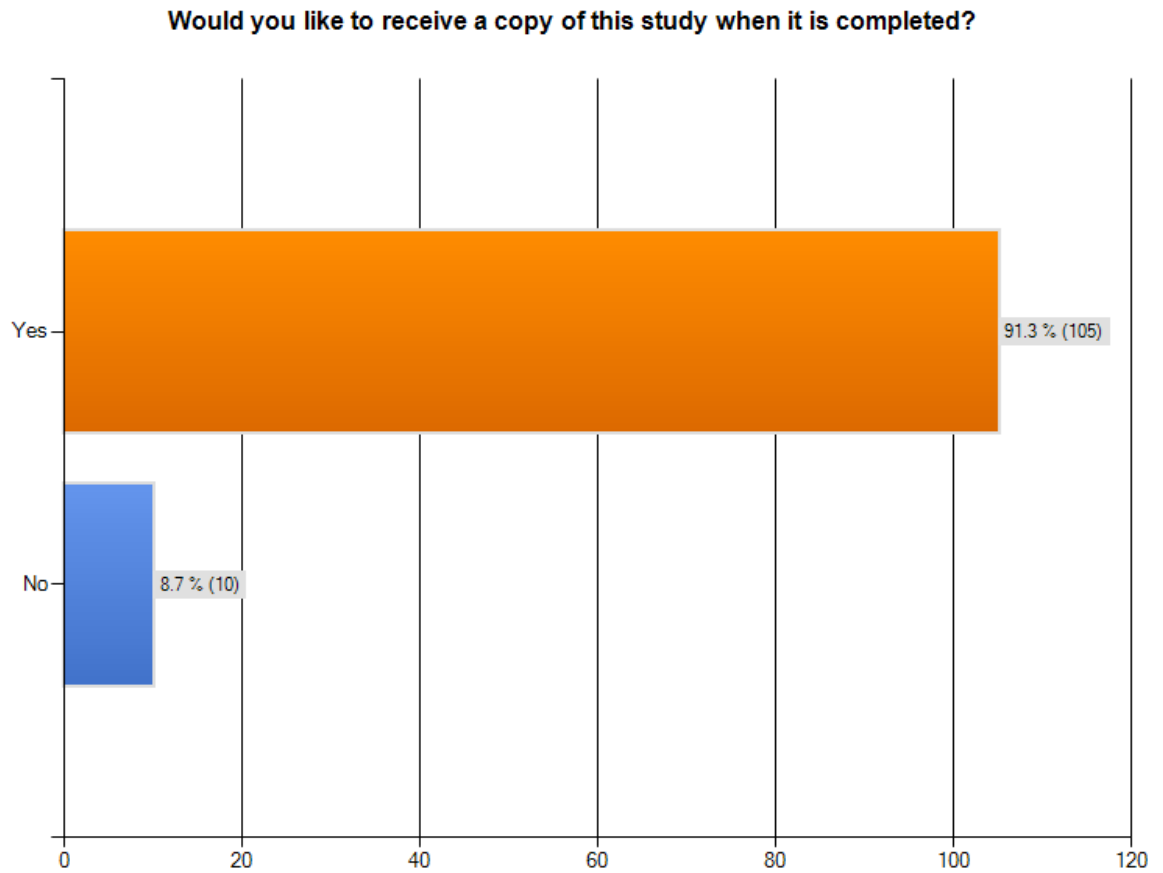
116 respondents answered this question. Interestingly, this question generated an almost even split. 51.7% chose not to allow the results to be published in with their call letters. 48.3% agreed to allow their call letters to be used.



Question 19

***Would you like to receive a copy of this study when it is completed?***

115 respondents answered this question. Nearly 91.3% requested to receive a copy of the completed survey.





## Comments

Respondents were also given the opportunity to list any additional comments. While some responses mentioned how archiving is progressing, others expressed frustration at watching the valuable and historic archive face a variety of issues. These comments will be included in the appendix. (Appendix 4)

## Chapter 5

### Discussion

#### **RQ1: What is the size of local television videotape archives in the United States?**

While the survey does represent a solid cross section of local TV stations around the country, it was not truly a random sample. As a result it is not possible to use this set of data to infer the total number of videotapes with any statistical accuracy. We can, however, make an unscientific extrapolation.

By finding the median of each archive size category (from question 2), multiplying that by the number of responses and then adding them together, the number of videotapes covered by this survey population would be approximately 1,041,250. That would mean the average size of an archive covered by this survey is 8976 videotapes.

The number of local television stations operating newsrooms has shifted over time. The Pew State of the Media 2007 says that as of 2005 there were 748 network affiliates which employed news directors. There are also independent stations which have news operations, although the number is relatively small compared to network affiliates. For the purposes of this discussion we will use network affiliates (ABC, NBC, CBS, Fox) as a baseline. Of the 116 respondents who answered the size question 110 were network affiliates. They would represent 14.7% of the 748 network affiliated stations in US. If we were to

extrapolate the numbers by multiplying the average archive size times the number of network affiliates (8976 x 748) we could estimate there are approximately 6,714,048 videotapes stored in local TV station archives of network affiliates around the country. Unfortunately determining the number of independent stations with news archives is not an easy task. One can assume, however, adding the tapes stored in those archives would potentially put the number at more than seven million videotapes.

Taking this effort to another level, we can estimate how many individual stories might be stored on those tapes. If we make an assumption that each archive tape is 60 minutes long, that they are filled with individual stories and that the average time allotted to each story is two minutes (including leader and black between stories and that short voice over segments will offset longer packages) there are approximately 30 stories per tape. That could mean the possibility of approximately 201,421,440 individual stories archived on videotapes around the nation. Again, this is an unscientific, although not unrealistic, number.

Six of the ten stations which stated their archives had greater than 25,001 videotapes were in top ten markets. Only two top ten markets said their archives had less than 2,500 tapes. The smallest station to report more than 25,001 tapes was in Medford, Oregon. 66.6% of the stations (20 of 30) which said their archives had less than 2500 tapes were in markets higher than 100. 62.3% of all the responding stations said their archives date back before 1980. 20.5% said their archives contained videotape which was created before 1970. While larger markets tended to have older archives, 11 of stations (9.4%) in markets larger

than 100 dated their archives before 1980. This information simply reinforces the fact that the archives are invaluable historical resource covering the last 30 years and in some cases stretching back 40 or more years.

It should come as no surprise that the tape format reported most commonly in archives was 3/4 inch. Introduced by Sony in 1971 it was one of the first formats to house the videotape inside a protected cassette. ([sony.net](http://sony.net)) It remained popular until the early 1990's when Sony's Beta format, introduced in 1981, became more commonly used. The result is that 87.2% of stations say they still have 3/4 inch tape in their archives. Although as Margaret Compton states "It is now one of the most ubiquitous and simultaneously most endangered broadcast formats in archives due to its inherent fragility -- it was never designed to be stored long term." (Compton, 2007) Beta's popularity as a replacement format is evidenced by the fact that 58.1% of respondents say that form of videotape is in their archive.

The web site [videopreservation.conservaion-us.org](http://videopreservation.conservaion-us.org) has compiled a list of what it considers endangered formats. (2009) The following table shows what it considers the status of some of the formats covered in this survey:

Format	Percentage of Stations with Format	Status of Format
3/4 inch	87.2%	Threatened
Beta	58.1%	Threatened

M-II	8.5%	Vulnerable
VHS	19.7%	Lower Risk
1 Inch	15.4%	Extinct/Critically Endangered/Endangered (Depending on specific 1 inch format)
2 Inch	9.4%	Critically Endangered

Carl Fleischhauer from the Library of Congress calls 2-inch quadruplex videotapes “the poster children for playback problems”. Not only are the machines and parts no longer being manufactured, and the tapes are “shedding oxide as they are played,” but he also points out that even if the equipment is available it requires an engineer’s vigilance to minimize banding during playback. This is where the multiple heads on the 2 inch machine render segments of the picture in slightly different ways. In other words, just having the equipment is not enough. It is nearly as important to know how to use it and what issues may need correction with a particular type of tape. (archives.gov, 2003)

Incidentally, the videopreservation.conservancy-us.org web site also includes references to a variety of formats which were not included in this survey. It lists a total of ten formats which it rates as either extinct or extremely threatened.

While ¾ inch videotape can be a fairly stable format when stored correctly, the bigger problem is having the necessary equipment to play it back. ¾ inch playback units are no longer manufactured. While there is still a large supply of

used machines available, the problem is that there are few parts available to repair machines which break down. Sony's corporate policy states that the company will attempt to maintain a stock of replacement parts for seven years after model discontinuation. (pro.sony.com, 2005) The company's service and support web site has a listing of models it no longer manufactures as well as the date that model was discontinued. Sony manufactured two lines of  $\frac{3}{4}$  inch U-matic machines, BVU for professional and VO for industrial. According to its web site, Sony stopped manufacturing the BVU line in July of 1990 and the VO line in April of 1990. The result is that while many of the 87.2% of stations with  $\frac{3}{4}$  inch videotape may still have the ability to play that format, their ability to keep the playback equipment in proper repair is becoming more and more difficult.

It is interesting to point out that 37.6% of stations say their archives now contain DVDs. While the DVD is a digital format which should have a longer life span, there are questions about the use of DVD as an archive material. The national Archives has suggested that the "CD/DVD experiential life expectancy is 2 to 5 years". (archives.gov/records)

The National Institute of Standards and Technology is more optimistic, stating that DVDs should last for decades. (Byers, 2003) But the NIST raises concerns about both storage and the potential for technological changes that might make the DVD data unreadable. Unlike the  $\frac{3}{4}$  inch U-matic format which was manufactured and used for decades, the rapidly changing face of current technology makes it likely that DVDs will not enjoy the same fate. Technological advances could potentially make current optical disc types obsolete within

several years. The problem is that merely putting a TV program into a digital format is not "preservation" in itself. (Compton, 2007) According to Byers, archiving digital content requires an ongoing technological strategy to ensure access to stored collections over time.

Still, transferring the existing videotape to any digital format at a minimum extends the life of the archive. It also put the video into a digital form which will be easier to transfer to whatever new formats or storage methods are used.

31.6% of the stations also reporting having film in their archive. It is ironic that properly stored film may outlive the videotape which became its replacement. Fain's study on the size and status of film archives in the US gives a broader picture about what is being done to protect that format.

## **RQ2: What is the status of local television videotape archives in the United States?**

The five questions relating to the status of videotape archives make it very clear that large chunks of historical records are at risk. The question which raises what may be the greatest concern asked about whether the videotape was being stored in a manner conducive to its long term preservation. Less than half of respondents answered yes. 36.5% of those answering the survey made it clear that their archives are not being stored properly. Another 15.7% said they were not sure.

Wheeler (2002) says the primary enemy of tape life is humidity. Ideally, videotapes should be stored with humidity of approximately 25% and at a

temperature less than 70 degrees Fahrenheit. An ideal temperature for long term storage is closer to 46 degrees Fahrenheit. This means it is important not just to have the storage facility necessary to create these conditions, but also someone who has enough expertise or interest to maintain those conditions.

Question 11 raises doubts about the second part of that equation. 49.6% of respondents said no one at their station has the primary responsibility of maintaining the videotape archive. While 44.4% said someone does have that responsibility there is still the question of whether those individuals have not just the interest, but also the expertise to properly maintain the archive.

Another concern with archives goes beyond the physical stability of the tape. To be effective as a news asset or an historical collection the archive must be cataloged. While that is true for any collection, it is especially important when the contents of the collection cannot be viewed without the aid of additional equipment. In this survey only 17.1% of respondents felt that their entire collection was properly cataloged. 49.6% felt that most of their collection was properly cataloged. This question was not quantified; respondents were allowed to make a judgment about how to define the word "most". Combining those two groups shows that 66.7% of the stations have what could be considered an effective archive. Unfortunately 15.4% felt their archive was not properly cataloged and 17.9% felt less than half of their collection fell into that category. That means roughly one third of all the surveyed archives have organizational issues that may render them useless.



Taken together, the answers already discussed make it clear that local television news archives are not just at risk, some of them have already edged into the critically endangered status. As was mentioned earlier, question 4 had phrasing questions, but it does imply that portions of the archives have already been lost or destroyed.

**RQ3: What efforts are being made to preserve or protect local television videotape archives in the United States?**

While it appears that some modest steps have been taken to ensure the long term viability of local news videotape archives, the results of this survey show there is considerable question about how much progress has been made.

Only 15.4% of respondents said their stations had made a concerted effort to begin the process of transferring their analog videotape to some type of digital format. 29.9% said their stations had done a small amount. The majority of respondents said their station had not started the process. 54.7% said their stations are not transferring archives to a digital format. Part of the problem may be technological, however, financial issues are likely a greater concern.

While archives have news value and historical value, most do not generate revenue. In the current economic climate, local television stations are more concerned about the bottom line than ever before. As a result, anything that does not create income is not likely to get additional funding. 68.4% of respondents said that financial issues have impacted their station's efforts to

digitize the archive. Only 18.8% felt confident enough to say that cost had not been a factor.

This is not to say that archives do not have monetary value. There is a market for archival video. In some cases it is from documentary producers who need video of specific individuals or events to complete a project. Sometimes documentary producers are interested in video of a general nature to depict a particular era. Companies like Getty Images, Corbis or Conus Archive, for example, maintain a library of stock video which they license for a variety of uses. The market is, however, limited. The AMIA case study of Northeast Historic Film reported that organization receiving approximately \$3,000 in revenue from its television collection. (Weiss, 1994) The study also noted NHF's annual budget at that time of \$330,000. A recent discussion with NHF Executive Director David Weiss by this study's author revealed that the TV collection currently averages \$2,000 in annual revenue. Of course another factor which influences value is the subject matter. Video which shows individuals or events that have national or international value can command greater prices. Video of local news events may have significant historical value to a region, but might not create much revenue in a secondary market.

While it is likely that nearly every local news archive holds video with value, it appears that stations have not made much effort to use it to create revenue. 69.8% of respondents said their stations have not made any attempt to market videotape to outside companies. Only 22.4% said that step had been taken. The ability to market video hinges on its quality. As videotape begins to

degrade, the ability for an archive to generate revenue decreases. Even if the videotape is still viable, a poorly cataloged collection is very difficult to market because it is not easy to find the video containing the individuals or events which have the greatest opportunity for distribution.

There is a glimmer of hope for preserving archives from a historical perspective. 33.3% of respondents said their station has made an effort to donate part of all of their archives to historical societies. In some cases that has happened as a result of an organized effort. Northeast Historic Film approached seven of the television stations in Maine and convinced them to donate material. (Weiss, 1994) The State Historical Society of Wisconsin creating a similar collection by approaching stations in that state's capitol. (Wisconsin Historical, 1991) While much of the footage in those collections is film, they also contain videotape. More importantly they show that an organized effort can be successful. Other stations have handled these donations on an individual basis. KSTP-TV in Minneapolis not only donated a large amount of film and video to the Minnesota Historical Society but also donated arranged for a \$750,000 grant from the station owner's foundation to fund the collection. The result is the KSTP/Hubbard Broadcasting Media Center. It is interesting to point out that in this example, while the ownership and copyright of the video transfers to MHS after 25 years, KSTP-TV still has contractual rights to access the video as well as insuring that the station is given proper credit when others use the video. (Deutsch, 2004)

There is one issue which clouds the concept of donating video archives. The donation does not qualify as a tax deduction. In November of 2000, the Internal Revenue Service issued a Technical Advice Memorandum. It raised the question of whether a television station's charitable contribution of its film library qualified as tax deductible. (Appendix 5) The IRS concluded that the costs associated with establishing the library were expensed as incurred. As a result, the company's cost basis for the film library is zero. In other words, while it may hold historical value, as a business asset it had reached its maximum depreciation. The IRS says a company cannot get a deduction from something which has no value. While the last line of the memorandum states it is advice that may not be used or cited as precedent. It would definitely make a tax advisor question donating a video archive if the goal was to achieve a tax benefit. (irs.gov, 2000)

This situation led to question 14. Without giving the background of the issue, it asked whether the respondent's station would be more likely to donate if a tax credit were available. 23.9% said yes, while an almost equal number, 22.2% said no. The majority of respondents, 53.8%, said they were unsure.

#### **RQ4: Are journalists historians?**

Two questions were included in the survey which did not address the questions relating to the size and status of videotape archives in the United States. They were included in the survey to lay the foundation for why preserving the archives has historical significance beyond the ability to use the video for

future news stories. Question 16 asked whether the respondents considered their archive an historical record. The overwhelming majority agreed that it was. 88.7% answered yes. In fact only eight of the 115 people who answered this question felt the archive was not an historical record.

Interestingly, a follow-up question did not have the same margins, but did make it clear that journalists are more than just observers. 71.8% of respondents answered that they considered journalists historians. That means whether journalists are writing the first draft of history, or simply another chapter of a massive volume, respondents in this survey believe their role has significance for future generations. One can likely infer that the results of their labors, whether it be text or video hold the same historical importance.

## **Chapter 6**

### **Conclusion**

This project has attempted to quantify what many people in both television and historic circles have speculated for years. A massive amount of our nation's history is slowly disintegrating in TV stations around the country. In some cases it is a lack of resources, in other cases it is a lack of concern. Either way the result is the same.

Moving forward two problems need to be addressed. The first is technical. What is the best format to preserve the recorded images? How do we salvage the necessary equipment to playback the older formats? Once we find that equipment, what medium should be used to store it in the future? How much quality are we willing to sacrifice for speed and ease of conversion? Do we attempt to transfer everything or do we attempt to pick and choose which items may be of historical nature?

There is no shortage of technical interest. While the Association of Moving Image Archivists has broad goals, television news archives are included in their

efforts. The group's listserv (<http://lsv.uky.edu/archives/amia-l.html>) maintains a steady dialogue of individuals working together to resolve problems associated with archiving and to learn from one another through networking. Television news video is often a topic of discussion.

The International Federation of Television Archivists is another resource. Founded in 1977, it promotes cooperation among various archives with a goal of preserving and exploiting moving images worldwide. One of its goals is to establish international standards on key issues regarding all aspects of audiovisual media archive management.

While not directly related to transferring, The Moving Images Collection documents moving image collections around the world. It maintains a catalog of titles and directory of repositories. Those collections which are already properly cataloged can find enhanced value by adding to the MIC database.

While the technical side has significant hurdles, they pale in size to the financial side. While older archives may prove invaluable when a television station needs a particular clip to complete or enhance a story, the reality is that many of them are rarely used. The result is that they are viewed as a financial liability rather than an asset. They are often maintained at minimal levels because there is little or no cost/benefit return to warrant further investment. As outdated videotape players have broken down, many stations have elected not to replace them which means large portions of their archive are unusable. While some stations would like to move forward and begin migrating to formats which will stretch out the collection's life span, the cost of such a process is also a

difficult expense to justify. For example, the Vanderbilt Television News Archive says that it takes roughly five hours of human time to catalog one hour of news footage. (Ubois, 2005) When you consider there are millions of archived tapes, the cost is staggering. Combine that with complications associated with the current economic environment for the broadcast industry and the cost/benefit ratio is hard to swallow for most stations.

There is also the National Television and Video Preservation Foundation ([www.ntvpf.tv](http://www.ntvpf.tv)). It was formed in 2004 as an independent, non-profit organization to raise money in an effort to preserve unique television and video materials in the US. One of its stated goals on its web site is to “Foster and support joint preservation projects between public archives and private sector producers and broadcasters.” However this study’s author was recently told that currently the organization is facing major financial hurdles and has not made significant progress.

Of course there is also the question of whether the keepers of those archives have a greater responsibility. Lasswell’s theory about the transmission of social heritage creates a role is not something to which most journalists consciously aspired. It has, however, become their responsibility through default. As the creators of these collections, they have also become the keepers. Journalists understand their surveillance role. For most, it is not a burden, but a calling. Despite conditions which can sometimes include low pay, poor management and bad hours, they find job satisfaction on a personal level knowing that they are helping people by fulfilling their journalistic goals. (Weaver,



1996) Is it possible to meld that passion for helping others together with their opportunity to carry social heritage forward into a meaningful effort to protect the existing archives?

Compton (2007) suggests that in the end, collaboration between scholars and archivists may be the answer. As noted in the research, some stations have already begun the process of donating portions of their archives to historical societies. Of course, this may only shift the costs of maintaining and transferring video. However, the videotape would then reside with an organization which has a specific interest in maintaining the historical value. The collection could be viewed as an asset rather than a liability. A non-profit historical society may also have the ability to raise funds to manage the collection in ways that a commercial station could not. This does not mean that the donating station must lose control of the archive. In the KSTP example, the station still maintains access to the video and receives credit when portions are used by outside sources.

Of course part of the problem in forging such a collaboration is that many of the people responsible for creating or maintaining the archives don't consider themselves archivists. If these archives are to survive there needs to be an effort to educate these keepers so that they understand the historical significance of the collections which have been entrusted to them. While some keepers are aware of Schellenberg's secondary value, most are likely looking at it from a marketing perspective. They are hoping that some documentary producer might find value in a portion of their archive and be willing to pay for the access and

use rights. The survival of the archives likely depends on finding someone to take a longer term view of the collections.

It is easy to question the value of archives, especially when they contain such a wide variety of stories. But how do you determine which stories are important? What seems like a significant event today, may have less importance 30 years from now. And how are we to know today that some seemingly insignificant event may be the foundation for something truly profound years later? And even if the video does not show something of significant, does that mean it has no value? Archivist Terry Cook points out that archives, “Are the basis for and validation of the stories we tell ourselves, the story telling narratives that give cohesion and meaning to individuals, groups and societies.” (2002) As memories fade, it is archives that provide the facts to verify or disprove the myths and legends passed from one generation to the next. In essence, archives are our collective memory.

As was mentioned, it appears that there is currently no tax deduction given to television stations which donate videotape archives. Despite their historical value, they are little more than depreciated assets. While it was unclear in the survey as to whether a tax benefit would further donations, it might be worthwhile for broadcasting groups to consider lobbying for such a change.

Moving forward there is still plenty of opportunity for research. A number of stations appear to be successfully migrating to digital formats. Case studies about how that is being managed would be especially helpful for stations struggling with decisions about how to protect their archives. It would be also be

educational to learn more about how some stations have contracted without outside companies to manage their archives

There is potential foundation for theoretical research into the journalist's role as historian. Clearly many of these respondents believe their work product qualifies as historical documentation. Many view the journalists themselves as historians as well. Connecting the loop between the present and the future role of journalists and their transmission of social heritage might give greater impetus to protect the story for whatever form it is needed in tomorrow.

Finally, it is important to point out that there is no time to waste. Equipment is dying, videotape is deteriorating and local television managers are questioning the value of how much they should invest to protect older archives which are often an unused asset. It has been more than a decade since the Local Television Case Studies and Symposium took a long look at the problem and proposed a variety of solutions. It is unlikely the individuals responsible for the project would be satisfied with the progress made during the intervening years. While there has been some success in preserving local television news archives, it has been limited. We are at the point where we can choose to preserve the video history of a generation, or we can choose to let it fade away.

**Appendix 1**  
**Survey Instrument**

**Local TV Videotape Archive Study**

**1. Default Section**

**\* 1. Please provide some tracking information. Contact information will not be made public:**

Name:

Station:

City/Town:

State:

Email Address:

**2. How many videotapes are in your local news archive? (If there is no actual number, please approximate.)**

- 0-2,500
- 2,501-5,000
- 5,001-7,500
- 7,501-10,000
- 10,001-12,500
- 12,501-15,000
- 15,001-17,500
- 17,501-20,000
- 20,001-25,000
- 25,001 or greater

**3. What is the date of the earliest videotape in your local news archive?**

- Before 2005
- Before 2000
- Before 1995
- Before 1990
- Before 1985
- Before 1980
- Before 1975
- Before 1970

## Local TV Videotape Archive Study

**4. Would you consider the local news archive relatively complete, or have portions been lost or destroyed?**

- Yes  
 No  
 Unsure

**5. What video formats are included in your archive?**

- 3/4"  
 Beta  
 Beta SP  
 Beta SX  
 MII  
 DVC Pro  
 DVCam  
 VHS (including S-VHS)  
 1 inch  
 2 inch  
 DVD  
 Film  
 other

**6. Does your station own necessary video equipment to play back all formats in the local news archive?**

- Yes  
 No  
 Unsure

## Local TV Videotape Archive Study

**7. Is your collection properly cataloged? In other words, is there a system in place which would allow someone to find videotape concerning a particular topic or event?**

- Yes for the entire collection
- Yes for most of the collection
- Yes for less than half of the collection
- No
- Unsure

**8. Is the videotape stored in a manner which is conducive to its long term preservation?**

- Yes
- No
- Unsure

**9. Has the station attempted to preserve the local news archive by transferring analog videotape to digital formats?**

- Yes, a small amount.
- Yes, a concerted effort with a reasonable amount
- No

**10. Has cost impacted any plans or efforts to digitize your station's local news archive?**

- Yes
- No
- Unsure

**11. Is there a person at your station who has been assigned the responsibility of maintaining the videotape archive?**

- Yes
- No
- Unsure

## Local TV Videotape Archive Study

**12. Has the station made any attempt to market its videotape archive to outside companies such as documentary producers?**

- Yes  
 No  
 Unsure

**13. Has the station made any attempt to donate all or portions of its videotape archive to historical societies?**

- Yes  
 No  
 Unsure

**14. Would your station be more likely to donate local news video from its archive if there was tax credit available?**

- Yes  
 No  
 Unsure

**15. Has the station contracted with an outside company to manage all or portions of its local news video archive?**

- Yes  
 No  
 Unsure

**16. Do you consider your local news video archive an historical record?**

- Yes  
 No  
 Unsure

**17. Do you consider journalists historians?**

- Yes  
 No  
 Unsure

## Local TV Videotape Archive Study

**18. The results of this survey might be published. If that happens, may we publish your call letters with the survey results?**

- Yes, you may publish our call letters in association with our results.
- No, do NOT publish our call letters in association with our results.

**19. Would you like to receive a copy of this study when it is completed?**

- Yes
- No

Do you have any additional comments or thoughts about the issues raised in this survey?

	5
	6



## Appendix 2

### Survey e-mail template

My name is Rick DeBruhl. I'm a Master's degree candidate at the University of Missouri Journalism School. My thesis is a survey of local television news videotape archives. My goal is to create a nationwide assessment of both the size and status of videotape archives. This information will hopefully help stations around the country determine what can be done with these archives.

Would you please take a few minutes to fill out a survey about your archives? There are only 19 questions and it should take 7 to 10 minutes.

Take the survey by clicking on this link:

[http://www.surveymonkey.com/s.aspx?sm=7MbaQOITFzrpvPEEoPrX\\_2fA\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=7MbaQOITFzrpvPEEoPrX_2fA_3d_3d)

If you think someone else at your station would be better suited to answer these questions (news director, chief engineer, operations manager, etc.), please forward this to them.

If you have any questions, please feel free to contact me.

Rick DeBruhl  
602-XXX-XXXX  
XXX@yahoo.com

University of Missouri Archive Survey

### Appendix 3

#### List of Responding Stations

WCBS-TV	WCCO	WITI
WNET	KUSA-TV	WPEC
KABC TV	KMGH	WIAT-TV
KCBS/KCAL	WFOR	WZZM
WFLD	WKYC-TV	KLAS-TV
WFMZ-TV	WEWS	KRQE-TV
KXAS	WKMG TV	KFOR-TV
KDAF-TV	WFTV	KWTV
WFAA	KXTV	KVUE
KTVT/KTXA	KATU TV	WDRB-TV
KTVU	KGW	WHAS
KPIX	KDKA	WWL
WSB-TV	WCNC-TV	WIVB-TV
WGCL	WBTV	WGRZ
WTTG-TV	WCCB	KLRT
KPRC	WISH	WATE-TV
KHOU	WRGV 6	KTUL-TV
KPHO	WJZ-TV	KOTV
KPNX	KUSI	KOLD
KNXV	KTVX-TV	KSNW
KIRO-TV	KSHB	KWCH
KING	WBNS	WTVG
WTSP	WCMH	WGGB

KYTV KY3	KCOY
KHQ	KVRR-TV
KXLY-T	WIFR
KPTM	KBAK
WPSD	WREX
SC ETV	KOMU-TV
WHAM-TV	KRCG
WHEC-TV	KBJR/KDLH
WHNT-TV	KOBI TV
Wisconsin Public TV	KDRV
KCRG	WJET /WFXP-TV
KXXV-TV	KIMT
KRDO	WABI TV5
WCYB	KFYR-TV
WCAX	WUFT-TV
WCSC	KXII-TV
WEHT	KPVI
KHAS-TV	KSWT
WTLH	KECI-TV
WPTA / WISE	WBOY
KTVN	KOTA
WKBN/WYTV/WYFX	KQTV
KSPR	KNOP-TV
KVAL	
KEYT3-TV	

## Appendix 4

### Respondent Comments

1. Question #4 is a two pronged question that cannot be justifiably answered given the choices of "Yes," "No," or "Unsure."
2. In regards to Question 9, we transferred the vast majority of our file footage from 3/4" to DVC PRO, and we transferred our actual newscast archives from VHS to DVD. Since May 2008, we are archiving current file footage on a server.
3. I am the station archivist for KTVT and KTXA, and I'd be happy to answer any other questions you might have. Please don't hesitate to contact me if I can be of any further assistance, and good luck with the survey!
4. we lost the years 1970-74 when the then-news director threw the film away. Our archive begins in 1963, with a tiny bit of film from earlier than that, and is computer indexed beginning in 1984
5. i have tried to get approval from management to save the old tapes but no decision yet... many years running
6. There is definitely a market for a fast, efficient and cost effective ways to archive media for long periods of time. Currently, we archive to (126 minute tapes on a daily basis) DVC Pro tape which is expensive (\$17 per 126 tape) and also requires up keep of tapes decks for playback. In digital newsrooms, this means of archiving archaic. It is time consuming and not an efficient method to save media. But change comes at a price and in the current economic climate, few stations are updating archival equipment.
7. Question 4 is confusing - No it is not complete because material prior to 5/28/75, which is the start of our archive, was destroyed. Yes, It is complete since 1975.
8. Reword question number four. Asks two things.
9. Question 4- not able to give a good answer based on the way the question was asked and the answer options. Real answer- some portions have been lost or destroyed.
10. We are now archiving on Sony "blueray"
11. the study seems odd. digital systems do automatic archiving to servers
12. Good luck, Rick! This is an important project on an overlooked topic.
13. question #4 cannot be answered yes or no.

14. Some of the answers aren't conducive to yes/no answers...for example #11 ...it's a collective responsibility of the editors. The cataloging question is another example...there's a big difference between a collection of old notebook/binders and a searchable data base with appropriate meta data. Also, like many places we have a certain amount of accessible tape in house and a lot more, in God knows what condition, in storage off site.
15. we have multiple systems for searching for archive tapes due to changing formats along with changing news room archiving systems and computer programs.
16. Preservation is the priority here. Our 3/4 and Beta tape machines are soon to be retired, so we've burned those formats' archives to DVD. We will do the same for DVCPPro within the next year. We have been able to do the work on a minimal budget. Tape editors did the DVD burns as part of their work shifts; the executive producer (me) and a photographer cataloged, labeled and put relevant tape & story information into our iNews system for easy access. Each edit room has a DVD player for playback into Vibrant/Avid editing systems. Feel free to email with further questions. Chris Turner, EP, WDRB-TV Mizzou MA '87.
17. I have answered "unsure" for question #11 because although I have never been actually "assigned" the duties pertaining to the maintenance of our archive collection, I basically have taken it upon myself.
18. WWL has donated a significant portion of its archives to the Secretary of State of Louisiana for its archives.
19. Only attempt at conservation over past 25 years was about 15 years ago. An injured photographer was assigned to transfer 16mm film to video tape as a "make work" project. Our station is under out-of-town management. As far as I know, they place no value whatsoever on the tape archive. Someday, it will probably be thrown into a dumpster, as Warner Brothers did with their collection of cartoon animation cells.
20. It really is a shame. Our 3/4 inch tape maybe has one pass and our film is even more questionable.
21. with an "or" in it, 4th question can't be answered in a yes or no.
22. Question four is confusing. Are you answering yes or no to the first or second cause in the sentence. We have transferred our two inch tape to beta SP. Most of those program length tapes are at the state historical society. We've transferred most of our three quarter inch material to DVC pro. That material is held in house. We have several data bases but they aren't coordinated with each other. This is important. Good luck.

23. Our station did not go on the air until 1985, so it does not have some of the history of other stations. We do not have a reliable way of finding material before 1995 because there was no computer system before then.
24. I HATE surveys. you want us to put our responses into your preconceived notions. #3/ we have negative film from the fifties. #4 presumes we file air stories. WE DO NOT. we DO keep video record of our broadcast, but the video files are generally raw tape, edited by photographers to include material that was on air, and some that was not. This makes later use of the file tape much easier.. the producer is not bound by the first editing. #13 We refuse to sell to outside producers for a variety of legal reasons.
25. Our station shoots and edits in all digital XD format, however we still back all archives on to Beta.
26. We don't have a local news dept. Our 10P news is produced by another station but aired live on ours.
27. We have a robust and unique file based archive system using portable hard drives daisy chained allowing browsing from an edit station and importing QT movies into an edit bin. The system is backed up by DVD copies with second DVD copies in a secure room.
28. The problem with the archives for a small station like mine is the evolutionary change of formats when made some tape systems obsolete plus the changes in software/hardware makes the information storage more difficult.
29. Archiving over the years in numerous formats has become a challenge for many of the stations for whom I've worked. Keeping track of that archive has been a compelling and nearly impossible task.
30. QUESTION 3: Almost all of our file has been transferred to DVC Pro from various formats (3/4", VHS, Beta, Hi-8, 1") with some of that material dating back to the 1950s but the actual videotape it's been transferred to is post-2000 in vintage. QUESTION 4: The way this is phrased is potentially contradictory. To the "relatively complete" inquiry the answer would be "yes." As to "portions lost or destroyed" the answer would still be "yes" in our case but if that were not the case, let's say the collection was "relatively complete" but the "lost/destroyed" inquiry was a "no" the question couldn't be accurately answered as stated.
31. We are slowly attempting to transfer everything to DVD. This is invaluable historical footage. I wish journalists were historians, but most young entry-level employees have no sense of the past.

## Appendix 5

### IRS Technical Memorandum

#### INTERNAL REVENUE SERVICE NATIONAL OFFICE TECHNICAL ADVICE MEMORANDUM

November 21, 2000

Number: **200119005**

Release Date: 5/11/2001 Index

(UIL) No.: 170.11-00

CASE MIS No.: TAM-114563-00/CC:ITA:B3

Is the amount of Company's charitable contribution of its film library reduced under §170(e)(1) of the Internal Revenue Code?

#### CONCLUSION:

Yes. Company's film library is excluded under §1221(3)(B) from the definition of a capital asset and, therefore, the amount of Company's charitable contribution is reduced under §170(e)(1)(A).

#### FACTS:

Company is a broadcasting company operating as an S corporation. During the years at issue, Company incrementally contributed its film library to Organization, a charity described in §170(c) that is not a private foundation described in §509(a). The film library consists of footage documenting local news stories. Company states that the contributed materials have been copyrighted or are eligible for copyright protection.

The costs associated with establishing the library were expensed as incurred; therefore, Company's basis in the film library is zero. The library is composed of footage produced by Company's employees. The contributed materials were not included in Company's inventory and were not held for sale to customers. On Company's federal income tax returns for the years at issue, Company reported contributions of the film library in amounts equal to fair market value. Organization's use of the film library was for a purpose related to the basis for its exemption under §501.

TAM-114563-00

#### LAW AND ANALYSIS:

The authorities discussed below are as in effect for the years at issue.

Section 170(a) of the Internal Revenue Code allows, with certain requirements and

limitations, a deduction for contributions and gifts to or for the use of organizations described in §170(c).

Section 1.170A-1(c)(1) of the Income Tax Regulations provides that the amount of a contribution made in property other than money is the fair market value of the property at the time of the contribution reduced as provided in §170(e)(1) and §1.170A-4(a).

Section 170(e)(1)(A) provides that the amount of any charitable contribution of property is reduced by the amount of gain that would not have been long-term capital gain if the property contributed had been sold by the taxpayer at its fair market value. (The limitations in §170(e)(1)(B) do not apply because the film library will be used by Organization in a manner related to its purpose or function, and Organization is not a private foundation described in § 509(a).)

Section 1.170A-4(a)(1) provides that §170(e)(1) requires that the amount of the charitable contribution that would be taken into account under §170(a) without regard to §170(e) shall be reduced in the case of a contribution by a corporation of ordinary income property, as defined in paragraph (b)(1) of this section, by the amount of gain that would not have been long-term capital gain if the property had been sold by its donor at its fair market value.

Section 1.170A-4(b)(1) defines "ordinary income property" as property any portion of the gain on which would not have been long-term capital gain if the property had been sold by the donor at its fair market value at the time of its contribution to the charitable organization.

Section 1.170A-4(b)(4) provides that, for purposes of applying §1.170A-4(b)(1), property that is used in the trade or business, as defined in §1231(b), shall be treated as a capital asset.

Under §1231(b)(1)(C), the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in §167, held for more than 1 year, and real property used in the trade or business, held for more than 1 year, which is not a copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, held by a taxpayer described in §1221(3).

The term "capital asset," as defined in §1221, includes all classes of property not specifically excluded by §1221(1)-(5).

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Section 1221(3) excludes from the definition of capital asset a copyright, a literary, musical, or artistic composition, a letter or memorandum, or similar property, held by - (A) a taxpayer whose personal efforts created the property, (B) in the case of a letter, memorandum, or similar property, a taxpayer for whom the property was prepared or produced; or (C) a taxpayer in whose hands the basis of the property is determined, for purposes of determining gain from a sale or exchange, in whole or part by reference to the basis of such property in the hands of a taxpayer described in subparagraph (A) or



(B).

Section 1.1221-1(c)(1) provides that a copyright, a literary, musical, or artistic composition, and similar property are excluded from the term "capital assets" if held by a taxpayer whose personal efforts created such property. For purposes of §1.1221-1(c)(1), "similar property" includes a theatrical production, a radio program, a newspaper cartoon strip, or any other property eligible for copyright protection.

With respect to a letter, memorandum, and similar property, §1.1221-1(c)(2) provides that "similar property" includes a draft of a speech, a manuscript, a research paper, an oral recording, a transcript of an oral recording or interview, a personal or business diary, a log or journal, a corporate archive, office correspondence, a financial record, a drawing, a photograph, or a dispatch. Section 1.1221-1(c)(2) does not apply to property to which §1.1221-1(c)(1) applies.

Section 1.1221-1(c)(3) states that, for purposes of §1.1221-1(c), a taxpayer, such as a corporate executive, who merely has administrative control of personnel and who does not substantially engage in the direction and guidance of the work does not create property by personal efforts.

In Chronicle Publishing Co. v. Commissioner, 97 T.C. 445 (1991), reconsideration denied, 63 TCM 1899 (1992), a newspaper publisher claimed a deduction for the contribution of its newspaper clippings library to a charity described in §170(c). The amount of the charitable contribution claimed was the fair market value of the clippings library at the time of contribution. The Tax Court held that, under §1221(3)(B), the clippings library was excluded from the definition of capital asset and, therefore, the amount of the charitable contribution is reduced by the amount of gain that would not have been long-term capital gain if the property had been sold at its fair market value. Under §1221(3)(B), the clippings library was property similar to a letter or memorandum that was prepared or produced for the newspaper publisher. Referring to §1.1221-1(c)(2) for examples of property similar to a letter or memorandum, the court determined that the clippings library was a corporate archive. The court cited the definition of "archive" in Webster's Third New International Dictionary (1981) and Webster's New Dictionary of Synonyms (1968), noting in particular that an archive is a collection of information, an institutional record that has been preserved, and includes a library.

Company's film library is a corporate archive because it is a collection of information and a library as well as an institutional record that has been preserved. The fact that

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Chronicle Publishing involved written news stories while Company's contribution involved film footage of news stories is not a significant distinction for purposes of categorizing the properties as corporate archives. Although the film library may also be "similar property" under §1.1221-1(c)(1), it is not held by an individual or entity whose personal efforts created the property. Therefore, the property is not property to

which §1.1221-1(c)(1) applies.

The film library is property similar to a letter or memorandum prepared or produced for Company as described in §1221(3)(B) and is therefore excluded from the definition of capital asset under §1221. The film library is excluded from "property used in a trade or business" under §1231 because the library is a "letter, memorandum, or similar property" held by an entity for whom the property was produced.

Because the film library is not a capital asset, its sale at fair market value would have produced a gain that would not have been long-term capital gain. The charitable contribution for a donation of ordinary income property is limited to the basis of the property. Because Company's basis in the library is zero, Company's charitable contribution for its donation to Organization is reduced to zero.

We might also have arrived at our conclusion by finding that the film library falls within other categories of similar property under §1.1221-1(c)(2), such as an oral recording, a log or journal, or a photograph. See Glen v. Commissioner, 79 T.C. 208 (1982) (tapes of interviews are "oral recordings"); Rev. Rul. 82-9, 1982-1 C.B. 39 (records, logs, and histories are substantially similar to memorandums or such similar property as business diaries, logs or journals, office correspondence, drawings, or photographs). Moreover, the list of similar property in §1.1221-1(c)(2) is prefaced with the terms "includes, for example." It is a well-settled rule of statutory construction that this phrase, followed by a list of items, means that the list is representative and not exhaustive. A film library is sufficiently similar to the items listed to consider it as part of the list.

#### CAVEAT

A copy of this technical advice memorandum is to be given to Company. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent.

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