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# House of Cards: The Academic Library Media Center in the Era of Streaming Video

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*Movies teach us—of that there is no question—and they show us worlds to which we cannot travel. [1]*

The arrival of streaming video has created a perception among many both inside and outside academia that video resources are poised to become more accessible in the not-so-distant future. In fact, even librarians who work primarily with print collections have reason to see digitization and the cloud as vehicles for increasing access to these materials. With the promise of open access within scholarly publishing and the creation of institutional repositories, the future does look bright in many ways and the expansion of access in many areas of our collections is truly worth celebrating.

Still, there are numerous reasons to temper one's optimism. The fact that some items are becoming more accessible, doesn't mean that all types of video traditionally found in academic libraries is on a trajectory towards greater accessibility. There are reasons for media librarians, for example, to worry about a future in which their collecting of feature films—now a commonplace in academic libraries—will be hampered and sharply curtailed, due not to technology per se, but to copyright and commercial pressures brought about by digitization.

**Literature review**

In a 2010 article, Vallier asks what the purpose of the academic media center will be in the near future. "Perhaps media centers are so crucial to the future success of these libraries that they will emerge as [the libraries'] *killer app*. Or is the academic media center already an obsolete relic of twentieth century design?" He adds, "Will these centers, along with the librarians and staff that support them, fall into oblivion, their collections absorbed into library stacks or replaced by batteries of subscriptions?" He rightly notes that video's having become indispensable in the classroom is by no means a guarantee that the academic library media center will continue to exist.[2]

The latter possibility has been elaborated upon by Handman. While he does try to foresee future trends in academic media center collection development, he limits his discussion to educational and documentary films. He acknowledges the importance of commercial feature films in media centers, but decides not to address the issues surrounding this type of content. As he provocatively notes, the "economic models ultimately developed for delivering features and other home video will almost certainly be geared to mass market, pay-per-views sales, and the future availability to institutional licensing for mass marketed titles is uncertain…librarians and educators are almost completely unlikely to have any say in the direction or practices of this industry, now or in the future."[3] He is most likely correct that the film industry hopes to create a market of individual subscribers that sidesteps the library entirely. If budget-conscious higher-education administrators might like to see students purchasing their own streaming video, Hollywood would surely be even more eager. This possibility leads back to Vallier's question of whether our media centers will become "batteries of subscriptions." Will most of the subscription-buying be done by students in their roles as consumers rather than by libraries acting on students' behalf?

Most scholarship on academic media centers focuses on the question of how best to provide media to support academic curricula. Emanuel explores an important byway—the impact of media center usage policies on scholars. Emanuel acknowledges that librarians have worked harder to make print resources more accessible to scholars; a commensurate level of effort has not been made for media, in spite of its growing importance. She further observes that the dizzying array of international formats and the general lack of interlibrary loan for media keep it out of the reach of scholarly researchers.[4] Emanuel does not specifically address the issue of streaming media. The introduction of this format, however, is likely to complicate the problem of access.

In her 2010 article, Bergman suggests that an increase in openness and resource sharing (via open stacks and interlibrary loan) will alleviate some of the barriers to access that Emanuel identifies.[5] Her paper assumes that media stored in physical formats will continue to be an

important part of library media collections, and she doesn't address the issue of internet-based video delivery. Unfortunately, at the moment streaming video is licensed content that absolutely prohibits the kind of collaboration and sharing that Bergman rightly identifies as desirable and necessary in academia.

Widzinski notes that origins of today's media centers lie in early 19th-century non-print collections of photographs and pictures.[6] That said, today media centers are largely associated with movies on DVD and videocassette. Whether or not the media center will continue to evolve by offering other kinds of materials or services (e.g., assistance in the making of media rather than in the provision of mass-produced media) is an intriguing question, but is outside the scope of the present investigation. At any rate, as Widzinski shows, the collecting trajectory for non-print collections over the past century has been to *increase t*he scope of what is collected. Withdrawing from collecting certain categories of materials would, then, be a serious deviation from past practice. In this respect, then, the direction we are heading in might be considered as a step backward. This is an idea worth pondering at a time when the notion of replacing physical information objects with e-resources is almost invariably thought of as an improvement or advance.

Dimmock dismisses the possibility of excluding popular DVDs from academic library media collections, noting that these items are important primary sources.[7] She adds, "Today's university students are constantly moving in and out of texts presented in a variety of formats, and they are immersed in a media culture that draws no distinctions between popular and scholarly discourse in creating new narratives."[8] Eliminating non-educational media from academic libraries, then, cannot be justified on scholarly or pedagogical grounds. The Moss quote used as the epigraph of this paper amplifies this point; Barbara Stanwyck's sly smile in the film *Baby Face* and Loretta Young's leporine terror as she confronts her predatory boss in *Employee's Entrance* tell us something about American life in 1933 that no other type of primary source material—be it newspaper or novel—can convey in quite the same wordlessly expressive way.

**Do I Contradict Myself?**

It is worth noting how full of paradoxes this literature review is. Like Walt Whitman, it contains multitudes: to wit, the notions that media is essential in the classroom, but that the library media centers may be obsolete; that access to feature films is required for both scholarship and pedagogy, but that libraries are unlikely to have any say over how or whether such films are available in libraries; and finally, that resource sharing is necessary and desirable, although circumstances demand that we invest in subscriptions to databases that preclude any collaboration or reciprocity between academic institutions. While this paper doesn't pretend to resolve any of these conundrums, it does attempt to illuminate them and offer recommendations for action.

I concur with all these opinions voiced by authors cited in the literature review, even if that seems self-contradictory or oxymoronic. The library media center is going to be put under enormous pressure. Given the importance of media in the classroom, however, it must continue to provide a wide variety of videos in spite of the challenges of new formats and technologies; students and faculty have become accustomed to finding Hollywood and foreign feature films alongside educational video and documentaries. While some might be tempted to say that university libraries have no mandate to collect anything other than "educational media," that simply isn't accurate or realistic. Popular films have proved themselves as educational tools. Film studies and media arts have become important disciplines over the past several decades; failing to provide for these classes would lead to the evisceration of important academic disciplines. Furthermore, the nature of contemporary university education requires robust access to non-print popular culture items. Interdisciplinary programs such as gender, area, and ethnic studies and are almost unimaginable without access to these sorts of materials.

Vallier asks whether library media centers will turn into mere "batteries of subscriptions"; it seems quite likely that at some point the need for access to popular films and the difficulty in supplying them will result in some administrators questioning why students can't

simply subscribe to a video-rental service (such as Netflix) as a prerequisite to enrolling in a course. Of course students have always been asked to buy required texts; libraries are not expected to provide everything needed for class. Unfortunately, it is hard to see what entity could replace the library, with its collections based on local needs and its shelves full of obscure materials that may no longer be available for purchase. Netflix does not have anything approaching a comprehensive collection of titles—not in its DVD-by-mail service, and even less so with its streaming video.

What those who lack familiarity with the uses of media collections may not understand is that the stable, reliable inventory of films that university faculty and students require simply cannot be guaranteed by any for-profit service that seeks primarily to serve a consumer market. Asking students to buy Netflix subscriptions may seem like a solution to a thorny problem for libraries and universities, but it would merely be the addition of another fee to the student financial burden without really solving the problem of long-term access to a rich variety of appropriate films. Netflix has a consumer-oriented list of titles that is apt to exclude items that are very far out on the Long Tail.[9] Foreign DVDs that are Region 2 PAL titles (unplayable on ordinary American players) as well as comparatively expensive Manufactured on Demand (MOD) disks will never be financially feasible additions to Netflix's inventory. (The company has historically turned a profit by buying hot new releases in bulk at low prices.[10]) And yet such films are essential to university-level classes. Furthermore, the video market is seeing a fragmentation in which intermediaries are disappearing. Netflix, for example, is de-emphasizing its role as a conduit of content from a wide variety of sources. Rather, it focusing on presenting original television series such as *House of Cards* and *Orange is the New Black*.

Streaming video, which has been a factor in the video marketplace for years has taken on a new urgency in the academy because of the advent of MOOCs and the hope that online education will somehow save an academy beset with financial problems and in the midst of a

crisis of identity. Throughout academia, the problem of diminishing resources and the sense that universities need to change dramatically to remain relevant has ushered in a culture of austerity and corporate-style efficiency. University administrations are looking for lower levels of financial commitment, and favoring expenditures that allow for maximum flexibility. (Parallels can be seen with the erosion of tenure and the preference for adjunct labor.) This mindset favors the rental of information rather than its purchase. As universities introduce new programs to entice students and raise enrollment, they may prefer both faculty and library resources that don't require any long-term obligations. These factors are already diverting investment away from permanent library collections.

There are countervailing forces as well. Librarians in the academy have the opportunity to participate in or at least influence decision-making. However, the expertise of the vast majority of librarians is limited to text-based formats. Many if not most academic libraries have no dedicated media librarian. Librarians who primarily focus on the acquisition of print materials are often expected to be the stewards of media collections; it is to be expected that they may not be familiar with the issues that may hamper the acquisition and preservation of video, and may therefore not have the requisite knowledge for critical decision-making in this area. This article is an attempt to clarify these issues for librarians who are not specifically media librarians, but who are nevertheless in charge of video collections. It is also intended to provide advice to other media librarians, to provide a historical context to the situation we find ourselves in today, and to offer advice as to how to proceed.

### What's Not to Like?

At the heart of the problem is something I alluded to before: there is much to like about streaming video and the delivery of video online. It's an ultra-convenient consumer-oriented product. Videos can be watched by students off-site, and faculty who request films may be able to use them in the classroom almost immediately. Furthermore, without the physical constraints of the real world, collections can theoretically grow to enormous proportions.

These advantages, however, are technological advantages. When we start thinking about commerce and copyright, the disadvantages become clearer. That is, technology gives with one hand, while our country's legal and commercial structures take away with the other. For example, databases of materials bring quantity but not necessarily a commensurate improvement in quality—or relevance. Collections always used to be built by librarians based on the needs of their communities. Now curation responsibilities are increasingly being left with vendors who may lack librarians' professional training and who are not members of the scholarly communities they serve. While celebrating greater overall numbers of available items, one must ask whether what is being acquired will be as desirable to patrons as what they had access to in the past—or will streaming video databases just offer a glut of material of inferior quality that has not been selected by librarians or teaching faculty?

Even more concerning is the impact of copyright on video collecting, The fact that there is a flood of digital material overall doesn't mean that the most commercially viable and potentially lucrative information objects will become more available. Some librarians have noticed that while e-book database packages provide much material, the really essential items—the most important and influential books—must often be bought separately. For media librarians, the primary concern is not that individual titles will have to be purchased à la carte at a higher price. Rather, the issue is that feature films, which are a critical part of academic library media collections, are so commercially desirable that they won't be offered to us for sale at all anymore. As I will show, the film industry, unlike the publishing industry, has for the most part never really wanted to offer its wares to libraries at all. Library collections of videos—except for a handful of educational titles—were always built over the objections of the industry that produced them. Furthermore, once on-site media collections are replaced with streaming video hosted on remote servers, the very films that have become so important to our collections—and to academia in general—will very likely no longer be available.

The lack of attention to this problem has most likely been due to the fact that such a small percentage of working librarians are dedicated media librarians; if it isn't one's job to worry about media then there are certainly a whole host of other budgetary issues that can seem more immediately pressing. Furthermore, Jensen makes the very important point that "librarians too often think of scholarly content as primarily something to purchase, categorize, metatag, and archive (and provide to patrons), independent of the content's quality or utility."[11] It is true that librarians feel pride over the vast numbers of items they can now offer via convenient internet access, but some of that pride seems misplaced. When I contemplate these issues, I am often reminded of a time when one of my student employees attempted to give a social work professor a DVD of *The Philadelphia Story* instead of the film the professor had requested, *Philadelphia*, which we unfortunately only had in VHS format. In the student's mind, offering the professor a video in a more convenient, modern format was of paramount importance. While I like the idea of social work students being introduced to a classic George Cukor 1940s screwball comedy, it cannot provide what *Philadelphia* does—a document of the AIDS crisis, a film made when being HIV positive was a death sentence.

Just as *The Philadelphia Story* is in no way a replacement for *Philadelphia*, being able to offer, say, more scholarly journals or e-books or documentaries to will be no consolation to professors accustomed to using feature films in the classroom. Because librarians are trained professionals (and not naïve 20-year-old college students) we should be concerned. Do the high tech cyberlibraries we envision require a change in mission—and the jettisoning of entire categories of information objects? If so, is that something that librarians are willing to tolerate or are there ways to fight back?  Will offering more resources overall compensate for the loss of entire categories of items?

**Shifting Formats and Changing Fortunes**

Before attempting to guess at what the future will bring, a careful look at the past is in order—in this case, it makes sense to try to put history of media formats into a context that is relevant for academic libraries. Librarians are often annoyed by the public perception that the profession is inextricably linked to books and the publishing profession. Still, there is a kernel of truth in this notion, and it has significant impact on the way librarians think about the video in their collections.

In fact, librarians are far more familiar with the publishing industry than with the film and television production industries. To get some insight into the current situation in the market for consumer video, it is useful to think of the way technology and commerce have affected the acquisition of written materials. Over millennia, librarians and archivists have been the stewards of records and information stored on clay tablets and papyrus scrolls, and then the handwritten codex, followed by print codices produced first on hand presses and then by mechanized printing presses.[12] Over the past 20 years, these sorts of text-based information objects have been increasingly available digitally via the Internet. This history is a dramatic one, but because it has played out over such a long time, few individual generations over the course of history have had to deal with seismic change. Movies, on the other hand, have existed for a century rather than millennia, and every generation or so there are dramatic technological changes that lead to new formats and methods of delivery.

Furthermore, although there have been disputes between authors and libraries in the digital era (e.g., the Author's Guild lawsuit against HathiTrust) and between libraries and publishers such as Harper-Collins and Elsevier, it should be understood that these disputes have taken place within a context of longtime interdependence and an appreciation of mutual benefit. If the publishing industry currently appears to be lashing out at libraries, it should be understood that this is an industry desperately seeking a viable 21st century business model.[13] On the other hand, there has been hostility between Hollywood and libraries—and even a fair amount of rancor and distrust between documentary filmmakers and libraries—for decades.

At the heart of the antagonism is the first sale doctrine. The idea that a copyrighted item purchased by an individual or organization could be loaned or sold by that individual has historically not been hugely controversial—when the item in question is a book. Publishers and libraries have had something of a symbiotic relationship. In the 19th century, before the advent of mass-market books, libraries were the primary market for book publishers. The wealthy few indulged in book collecting, but most readers gained access via cooperative or subscription libraries.[15] In the United States, the advent of the public library took the libraries that the public used out of the commercial realm but it changed the relationship between publishers and librarians very little. Even the introduction of cheaper mass-market books didn't alter the fact that libraries were an important part of publishers' overall sales.

Today, that historic connection has frayed and it remains to be seen whether there can be a cordial relationship between libraries and publishers. On the one hand, publishers can no longer depend on libraries needing to replace books that have gone missing or are falling apart. Understandably they want to build in some kind of planned obsolescence by strictly limiting the number of checkouts (while just as understandably, librarians, whose institutions are financially squeezed, feel angered by publishers trying to recoup lost market share by trying to extract more money from non-profit educational and governmental institutions.)[16] On the other hand, brick and mortar bookstores—once an important venue for author readings and book visibility—are disappearing, and it is possible that the public library may be one of the few institutions (along with the academy) that can take on that role. Clearly, publishers have always relied on intermediaries to sell and promote their books. This has been an integral part of their strategy, and while there is discord, there is reason to think that these issues will be resolved (although the pressures of digitization combined with a consolidated and corporatized publishing industry may make the relationship irreparable).

In order to really understand how different the relationship between libraries and the commercial film industry is, one needs to learn something of the history of Hollywood and the film industry's relationship with all of its intermediaries, including libraries.

In the early years of film, as Wu documents in *The Master Switch*, the movie studios produced movies; the theaters that showed those movies were independent. This changed quickly, however; by 1926 Paramount gained control of more than a thousand theaters, serving 2.5 million customers daily. Wu writes: "The late 1920s would thus prove little more than a mop-up operation. Paramount, MGM, and Universal hunted down most of the independent theaters, producers, and distribution companies." By the advent of the sound era of film in 1928, Hollywood controlled the entire chain of movie-making and distribution.[15]

Starting in the late 1940s, a new medium came on the scene: television. According to Segrave, rather than viewing the invention of a new technology as an opportunity to sell to a new market, Hollywood regarded television as a competitor. Hollywood refused to do business with the fledgling industry until it became obvious that if it would not sell its product to television, viewers would simply watch shows produced for television, bypassing movie industry heavy hitters entirely.[16]

Hollywood, then, has always engaged in battles over control with its intermediaries. Although some universities collected celluloid film starting in the early 20th century—with many more starting to collect during the rise of film studies in the 1960s—the intense friction between the Hollywood film industry and video intermediaries (e.g., libraries and video rental companies) goes back to the early 1980s—when home video formats were introduced to the market.[17]

The history of Hollywood and libraries begins in earnest in the 1980s with Sony v. Universal. In this case, Universal sued Sony for having developed the videocassette recorder— and lost in the U.S. Supreme Court. [18]

Hilderbrand portrays Sony v. Universal as a conflict between the content-producing film industry on one hand and Sony (in its role as a developer and manufacturer of videocassette

players) on the other hand. Or, to put it another way, entertainment companies have been fighting the technology companies for decades. [19] The friction between today's entertainment-producing companies and, say, the Google-owned Youtube should be viewed in this context. (By way of contrast, Lynch notes that the publishing industry never engaged in lawsuits against Xerox for having invented the photocopier, perhaps because the photocopier was less of a threat to magazines and books, or perhaps because the mid-century 20th-century publishing industry was simply less aggressive and monopolistic.[20]) There is, then, nothing new about the struggles between content providers and the companies that develop technologies allowing individuals to reproduce and consume individual works of entertainment without paying content providers. In the Sony v. Universal case, Universal argued that technology companies should not be permitted to facilitate the duplication of television broadcasts. Doing so allowed consumers to timeshift— that is, to watch on demand and to fast-forward through commercials or create recordings that eliminated advertisements entirely. Furthermore, home taping allowed consumers to own copies of their favorite movies and television shows, which had the potential to keep them from feeling that the choices available at any given time on television (or in the movie theater) were their only entertainment options. By inventing a device that recorded television shows, Sony had liberated viewers from the tyranny of the broadcast schedule and allowed them to amass home video libraries with impunity.[21]

While Sony was the official winner in the case against Universal, there were many beneficiaries—consumers, but also libraries and their patrons. Because once the video recorder was deemed perfectly legal, in order to survive, the film industry had to start producing movies on videocassette that could be purchased by consumers. Not doing so would have been ceding this lucrative field to video bootleggers.

As mentioned before, the first sale doctrine is a provision of copyright law that states that a copyright owner loses control of an object once it is sold. It is this provision that has historically allowed libraries to lend out books over and over again to numerous patrons. This provision

within copyright law, accepted by book publishers, was deeply problematical in the eyes of the film industry, which, after the crushing blow of Sony v. Universal lobbied mightily in the early 1980s against extending the first sale doctrine to videocassettes. In 1984, that battle was lost, too, when Congress decided that videocassettes would be covered by the first sale doctrine—thereby paving the way for stores to rent videos to customers, and libraries to check videos out to patrons.[22]

With the introduction of the easy-to-use new technology of home video—no projectionist needed!—and the creation of a legal framework that facilitated video lending, movie collections in libraries were able to expand beyond the rarefied realm of celluloid collecting. Starting around 1980, academic library media center collections grew exponentially as libraries started buying videocassettes and encouraging their use by faculty and students.[23] A decision that legalized the development of a cheap, easy-to-use method of video distribution meant that any college or university, including those without the resources to support an actual film collection, could offer cinema studies classes. While in earlier times film departments might have built and housed their own video collections, the library became the purchaser of media collections and the repository for videos at most institutions. This meant that college and university video use was not limited to film scholars and students enrolled in film classes. The library made videos available to all students, paving the way for video to become an important pedagogical and scholarly tool in a variety of disciplines.[24]

We see, then, that Hollywood resisted the videocassette recorder and even litigated in an effort to keep it off the market. Although one can argue that the industry ultimately profited enormously from the purchase of videocassettes by libraries and consumers, Hollywood's decision to mass-produce officially-sanctioned videos was a decision arrived at only when their initial strategies failed.[25] The relationship between libraries and the film industry has been tense ever since. The industry has long resented libraries' ability to buy one copy of a video and lend it out to multiple patrons. With the introduction of streaming video, however, Hollywood is now in

a position to regain the advantage over library patrons and other consumers. In this case, it is the analog technology of VHS that first allowed libraries to make movies freely available to patrons, and it is the digital technology of streaming video that is threatening to make access difficult. As Bartow notes:

> '[W]hat is' in terms of real space copyright use norms is not making the transition to cyberspace, and will not absent legislative intervention. Instead, copyright owners are using the attributes of digitalization to realize their own normative view of 'what ought to be,' absolute control over copyrighted works that are embodied in electronic formats.[26]

After losing the Sony case, Hollywood set to work creating what Johns calls an antipiracy "industry." That is, Hollywood was determined to make copying—even perfectly legal copying—impossible.[27] The movie industry has taken steps to create software that prevents consumers who have legally purchased DVDs from copying and using those video files with multiple devices.

Streaming video is the most sophisticated scheme, and one that threatens the ability of libraries to provide films to patrons. This is not to say that many consumers do not want streaming video. Streaming video, as mentioned earlier, offers unparalleled convenience. A recent survey (done with respondents from college campuses) indicated that consumers enjoy commercial streaming video services' ease of use and compatibility with a variety of portable devices.[28] Still, it is clear that while streaming video is convenient it has, thus far, provided significantly less diversity of offerings than has been available via DVD. Furthermore, some consumers actually prefer DVDs. Warner Bros., for example, has launched its own streaming video service, Warner Instant. Nevertheless, senior Vice President George Feltenstein revealed in an interview with Cineaste that among collectors, the desire to own a tangible object—the DVD—remains strong. He says, "There are still people who want to have collections and who know that a file can get corrupted or go away."[29] Warner Archive releases no-frills Manufactured

on Demand (MOD) DVDs. The Criterion Collection, another collector favorite, has chosen to cater to a market of movie buffs by offering high-quality DVDs that aspire to replicate the theatrical viewing experience. [30] It appears that just as there is a market for both downloadable MP3 music files and vinyl records, the DVD continues to be a prized format for some, even as streaming video grows in popularity. It may be that libraries will have the opportunity to buy DVDs for some time—or, they may vanish from store shelves well before the market for them disappears simply because Hollywood resents the advantages that a physical home video format has given consumers. The film industry might very decide to push consumers into the newer technology prematurely.[31] Streaming video offers convenience to customers to be sure; it also offers film producers a greater ability to control content and track users' viewing habits and preferences.

The struggle between movie theaters and Hollywood over the conversion from film to digital provides a glimpse into the future for everyone wanting to obtain access to Hollywood movies. Currently, the movie industry is trying to pressure theaters into buying digital projection systems (DCPs) by making 35 mm film unavailable. For older films, DCP copies "are only available for film's 'greatest hits,' not for the obscure gems people expect from independent theaters," according to *LA Weekly*. The article describes a situation in which well-known classics are available to art house cinemas, but not the offbeat or little-known releases that are the lifeblood of indie movie houses. The owners of such theaters complain that this strategy, while profitable to the film production industry, threatens the survival of their small businesses, and the cinephile subculture in general. [32]

This is the mirror image of the situation academic libraries are in; video on demand (VOD) and digital projection systems present similar challenges. Our patrons, in particular scholars, rely on us to make all kinds of movies—especially "obscure gems"—available for study. Once Hollywood is able to control access via VOD technology, it will determine what libraries can buy and make available to patrons. Given the experience of independent theaters, it

is difficult to imagine a scenario in which any effort is made to offer the range of films that our patrons require.

At the moment, a subscription to a single database can cost an academic institution tens of thousands of dollars a year. And yet those that do offer some feature films to libraries (such as Swank and Alexander Street) do not provide librarians with opportunities to build comprehensive collections that could replace academic libraries' DVD collections of feature films. (For example, Alexander Street provides a selection of silent films and foreign films.) Furthermore, when databases' content is controlled by vendors rather than libraries, there is no guarantee that the films that are accessible one semester will be available the next, making it difficult for faculty to reliably build syllabi and lesson plans around them. Finally, should funding evaporate, an entire collection can be eliminated all at once when a subscription is not renewed. While the axing of databases is always painful, the impact is different for video databases than for say, articles databases. Articles at least have some potential to be obtained via interlibrary loan while with streaming video no such possibility exists.  Projects such as LOCKSS and Portico—embarked upon with the cooperation of publishers—cannot be replicated in an arena where the corporations providing the content are more interested in foiling piracy than preserving access.[33]


In spite of the difficulty of these issues, not all the news regarding media in libraries is bad. The 2012 court decision in which the University of California, Los Angeles (UCLA) successfully defended itself against a lawsuit from the Association for Information Media and Equipment (AIME) was a landmark for any librarian managing a media collection. UCLA decided that the only way to ensure short-term and long-term access to the videos in their collection was to convert DVDs to streaming video. Rather than wait for the industry to provide a way out of the current stalemate, UCLA chose to copy some DVDs—in this case, educational DVDs—and stream them to those students required to watch them for class. The judge in the case

did not censure UCLA for converting academic DVDs into streaming video files. While UCLA hailed the decision as a victory, the reality is more nuanced. The judge decided that the plaintiffs in the case lacked standing to sue. The decision is, therefore, maddeningly inconclusive, but also suggestive and encouraging. The judge wrote that "no Court [sic] has considered whether streaming videos only to students enrolled in a class constitutes fair use, which reinforces the ambiguity of the law in this area."[34] While this should not be seen as explicit permission to start copying and streaming academic library media collections, it is a good sign. The judge did not rule that UCLA's copying strategy was illegal; her decision not to censure UCLA appears to suggest that the university library's migration of content from one format to another in order to facilitate use by students falls within the scope of legal use of copyrighted material.[35] Indeed, it is in keeping with the notion that copying may take place when no other copy may be obtained at fair market value.[36]

The fact that DVDs are protean digital content that librarians can repurpose is the most important reason to continue to collect in that format. Should libraries be able to convert these files and use them in a streamed format, they will have the flexibility that Hollywood appears to be trying to take away. While this will not help us in securing new releases that may never be released on DVD, it will help us maintain our collections of films already released on DVD. Ensuring ongoing access to the rich, century-long history of national and international cinema for academic purposes is certainly no small accomplishment. There certainly is legal precedent going back to Sony v. Universal and the earliest days of home video that libraries and academic institutions deserve special considerations and freedoms.

Another potential glimmer of hope is the emergence of the blended classroom format. Although MOOCs have been grabbing headlines, this educational model is accompanied by high dropout rates and low levels of student engagement. Blended learning, on the other, has the potential to take advantage of the best of both online on on-site pedagogical models. [37] Blended learning can serve as model and metaphor for hybrid library collections in which materials in a

variety of media formats are purchased and made available for patrons, and physical information objects can be valued in the same way that in-person classes still are. Furthermore, because some consumers appreciate the materiality of the DVD, it may remain available for purchase for some time to come.

The current message being disseminated throughout the library world is that libraries must change and innovate in order to remain relevant. This is certainly true. On the other hand, this imperative masks a basic truth about libraries: they are by their nature conservative—that is, libraries have traditionally been stewards of collections full of materials that we select and that we house on-site. This is in fact a real advantage for libraries, and one we have perhaps not sufficiently valued. Libraries should by all means become comfortable study halls, computer labs, classrooms, and maker spaces. But without collection development and management, they are in some sense not libraries at all since all these other functions are by no means unique to libraries and do not need the unique knowledge or expertise of librarians to exist or thrive.

**Conclusion**

In 2007, in writing about the preservation of scholarly communication and "the double-bind of e-journal collections," Fox wrote, "the best that libraries can do right now is hedge their bets."[38] In 2014, the same can be said in regards to media collections. It's not a totally satisfying response to the uncertainty we face, but it's an honest and realistic one.

The pressures today are different and more intense than they were when Fox wrote his paper. In 2007, the economy wasn't nearly as stressed and online education was on the horizon but MOOCs had yet to be touted almost as the future of higher education.

Streaming video has its place, but the rather inconvenient truth is that the feature films that have become standard throughout academia and that are de rigueur in film and media studies classes will be tricky if not impossible for libraries to obtain. In an environment that increasingly questions the value of the humanities, it is easy to see how cinema and media studies may be seen

as an unaffordable luxury. Still, defending access to information—all kinds of information that has become essential to scholarly and pedagogical activity, regardless of vocational relevance or current educational trends and fashions—is the job of librarians. Anything less than a vigorous defense of media collections and of their ongoing importance would be an abdication of responsibility; librarians should defend their collections against educational cycles and trends. Frankly, the building of hybrid media collections and a commitment to reformatting rather than abandoning collections will cost money, and librarians need to be prepared to argue why they are essential to protecting long-term access. Even if many talk about trying to eliminate entire academic disciplines from the academy—Governor Rick Scott of Florida, for example, has claimed that his state university system shouldn't be producing anthropology majors—the range of materials being studied in  university classrooms is only broadening and expanding as our student population grows more diverse.[39] Not unsurprisingly, the rhetoric of politicians bears little relationship to what is actually going on in the classroom. That being the case, the range of what must be collected in libraries should expand as well—not contract

Furthermore, as librarians we may need to reexamine what Fox calls "an obsession with rapid access and the economics of convenience."[40] The subscription database model is convenient, but the elimination of local collection development will sharply curtail the bespoke quality that is the essence of the research library and that even modest college and university libraries require to meet local patrons' needs. At the moment, only a DVD collection can provide that tailor-made individuality. Not even the purchase of individual streaming video titles will suffice, as licenses are generally purchased for a limited period of time and only a tiny sliver of what libraries have traditionally purchased (i.e., educational media) is even being offered to educational institutions in that format. The continued viability of the DVD for certain kinds of users demonstrates that viewers do value qualities other than rapid access and convenience. Indeed, even Netflix, which has been trying to minimize the DVD-by-mail side of its business for

years has not yet eliminated it entirely since customers who value comprehensiveness as much or more than rapid access continue to subscribe to that service.

Academic librarians should make the case for hybrid collections and for a vision of media use that acknowledges that video is critical to modern scholarship and pedagogy. Librarians should not permit themselves to become mere brokers of information, buyers of subscriptions. The history of film access shows that if those of us in academia do not concern ourselves with obtaining precisely the right video for each individual user's needs, no one else will. Film studios, for example, pursue their antipiracy efforts with fervor, but make little effort to make sure that unusual and offbeat films can continue to be enjoyed by the public.

Netflix is, like the academic library, a media middleman, and the direction it has taken only underscores how important it for the library to continue to fulfill its traditional functions— not just collection development and management, but contributing to the public good. The fact is, Netflix, Warner Bros., and all the other companies mentioned or alluded to in this paper are doing nothing more than looking out for their own profits within the framework provided by our capitalist society. Corporations are designed to provide revenue to their owners and shareholders, not to contribute to the public good.

Netflix is in the process of abandoning the business model it was founded on—DVD-by-mail—and is now investing heavily in producing original content. Libraries, on the other hand, aren't designed to produce revenue and therefore don't have millions of dollars to spend on getting David Fincher, Kevin Spacey and other top Hollywood names to help us reinvent ourselves.[41] The fact is, while we do need to reinvent ourselves, we also need to renew our sense of responsibility towards the purchase of information in formats that facilitate research and teaching. Netflix can experiment with its business model. Frankly, if Netflix fails, it will only be its employees and its shareholders who will have reason to be disappointed, since its customers will have already abandoned it for something else that does a better job of meeting their desires and needs. Academic libraries, on the other hand, need to retain their media collections and make

them available to patrons now and well into the future. They can best do this by building hybrid

collections and advocating and planning for a future in which the digital information currently on

DVD can be liberated and transferred to other formats as time goes on and technologies change.

Academic libraries are the only entities that can fulfill this responsibility; there are no

alternatives. They cannot afford to fail.

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