



January 24, 2011

Disability Rights Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 2885
Fairfax, Virginia 22031 – 0885

Re: Docket # 112; RIN 1190-AA63

Dear Civil Rights Division, Department of Justice:

I am writing in response to the proposed regulations on captioning at movie theaters. The Advanced Notice of Proposed Rulemaking with respect to movie captioning comments strikes close to heart for me as an actress.

Below is my response to one of the questions given in your Advanced Notice of Proposed Rulemaking: Nondiscrimination on the Basis of Disability; Movie Captioning and Video Description. Please take them as the candid opinion of a movie industry professional accumulated across a quarter century of engagement in Hollywood as well as the sincere views of a deaf citizen deserving of and still waiting on the “full and equal enjoyment” promise to those protected by the ADA.

Question #1: The DOJ is proposing that the percentage of movie screens offering closed captioning be set at 10 percent after one year and increased 10 percent a year until 50 percent is reached. Does this approach provide a proper balance between providing accessibility to consumers, on one hand, and giving owners and operators time to acquire the necessary equipment, on the other hand?

No, this approach does not provide for balance, but instead favors one competing interest over others. As regarding to other accessibility issues such as wheelchair ramps, the goal is never compromise but entitlement toward experiencing the same services, goods and access accorded to other customers. As a deaf actress and an advocate of captioning access, I believe my civil rights to be protected by the Americans with Disabilities Act (ADA) to the full extent as possible by existing technology. After 20 years, I find I am still denied access to captioned movies not because of technology but because of attitude. The DOJ’s proposal would limit us to only half of the movies that the general population enjoys.

I find it troubling that captioned show times set by the theaters dictate when I can see a movie. Anything less than 100% access is discriminatory and no such rule should be promulgated by the U.S. Department of Justice.

It is my opinion that onscreen captioning, whether they are open or closed, provides the most equivalent experience to what others enjoy when they go to the movies. Regardless, whatever captioning technology requirements are set forth in the rule as adopted by the U.S. Department of Justice, the standard should be 100% availability. Anything below that expectation insinuates legislated discrimination against deaf and hard of hearing consumers and no such rule should be promulgated by the U.S. Department of Justice.

Further, the NAD is proposing the following:

- Movie theaters should be required to show captions at 100% of movies, in all theaters, on all screens unless doing so is shown to be an undue burden
- Theaters can and should combine various technologies ranging from open captions to on-screen closed captions to ensure 100% access
- Movie theaters should be required to immediately go into compliance with the new regulations

I fully share the position taken by the NAD and appreciate this opportunity to share my views on captioning at movie theaters. I hope to one day attend any movie, at any time, anywhere in the country, and to experience movies in full and equal enjoyment.

Sincerely,

/s/

Marlee Matlin

