

Movie Theater Captioning – Why Stop at 50%?

We all remember the days when movies in the theater were not captioned. We had to wait six months to almost a year before these movies could be rented on VHS tapes to see them with closed captions. By the time we could get our hands on a VHS tape of a movie we were dying to see, it seemed everyone except us had already seen it. Whenever a movie made a good conversation piece, we could not participate even when we knew what the topic was. Such was life for people with hearing loss in the 1980s and early 1990s.

Only after the Americans with Disabilities Act passed in 1990, signed into law by President George H. W. Bush, did things start to change. Slowly. One by one, movie theaters began providing captions for a few selected movies. Some theaters chose to provide captions for one movie on one day of the week. Others chose to provide captions on movies that had already been in the theaters for several months. Many of these theaters provided captioning via Rear Window, where deaf and hard of hearing people could place a reflector in the cup holder in the seat armrest. The reflector would “reflect” the captions displayed from the back of the theater. It was a start, but countless movies remained uncaptioned.

Fast forward to 2011. Theaters provided more and more captions with pre-selected showings. Nowadays, we could go into a theater on any night of the week and see perhaps two or three captioned movies out of about fifteen showings. They either had rear window captioning, open captions, or subtitles. However, these shows might not be what we hoped to see on that given night. Another way deaf and hard of hearing people could find captioned movies in their area is to use captionfish.com, a searchable site that displays all captioned showings for the next three or four days in a particular town or zip code. The search results could be sorted either by movie title or theater location.

Yes, things are much better now than they were twenty years ago. In July 2010, the U.S. Department of Justice (DoJ) announced they were considering regulation updates to require movie theaters to show captioned movies. This new rule was put up for public comment for a period of several months. Many, but not all, supported more captions. Since movie theater owners and

operators were very slow to provide captioning, open or closed, people with hearing loss and the DoJ saw fit to act on this issue.

The DoJ's approach was to give movie theaters up to five years to caption 50% of their showings. While the DoJ now requires movie theaters to show films with captioning, they limited this requirement to no more than 50% of all films shown. While HLAA appreciates the action taken by the DoJ, HLAA disagrees with the 50% limit: "HLAA believes that 'full and equal enjoyment' of services under the American with Disabilities Act means that people with hearing loss must be provided the kind of accommodations that would allow them to attend any movie at any time. This means 100% captioning is the goal. We believe that an across the board 50% cap is arbitrary and inconsistent with the law," (*Hearing Loss Magazine, March/April 2011, Volume 32, Number 2, Page 20*).

While I am happy that steps are being taken by the DoJ to push for more captioning, and 50% is far more than what we have now, I pose this question: *Why stop at 50%? Why not go for 100%?* People with hearing loss are tired of missed opportunities to see movies with friends and family. Having 50% captioning would mean that people with hearing loss would still miss 50% of opportunities to see movies. While I personally prefer to take on a half-glass-full view on life, this arbitrary 50% cap seems unnecessary. If the DoJ intended the 50% number to be an initial benchmark that required all movies to meet in five years, that is acceptable as long as the DoJ has plans to create additional benchmarks to raise the percentage of captioned films to 100% of all films shown. In other words, the 50% benchmark needs to be viewed as a means to an end, not an end itself.