

April 5,  
2006

Recent media coverage of the Smithsonian on Demand channel has raised some questions and concerns regarding this new venture between the Smithsonian and Showtime. To ensure that the facts of this new partnership are clearly understood, there are a few points that need to be clarified:

The Institution always will be accessible to researchers and to filmmakers for educational and scholarly purposes. In addition, we will continue to be fully accessible to all news and public affairs requests. As in the past, most requests from independent producers will continue to be honored because their documentaries (which are sold to commercial stations) make only incidental use of the Smithsonian, with footage or expert commentary. For programs selected by the new Smithsonian on Demand service, hundreds of filmmakers will be hired to produce the rich variety of programming that will be available on the channel, all day, every day. Smithsonian On Demand, a joint venture of the Institution and CBS/Showtime, allows us to share our resources and collections with the American public in using the latest cable television technology and creating a video library of the Smithsonian.

Here are the erroneous claims in the recent press as compared to the actual facts:

### **1. Claim**

This entire business arrangement flies in the face of the Smithsonian's commitment to make the national collections available to everyone and to its very mission as a public institution.

### **Fact**

This is not an attempt to limit access; rather, it will result in increased exposure for the Smithsonian collections, experts and programs. No filmmaker has done entire programs about the Institution's subjects in more than 20 years. The objective of this venture is to create more than 100 programs a year about the Smithsonian's collections and research, allowing millions of people who do not visit the museums or do research behind-the-scenes to be able to appreciate and understand the Institution as it is made available on television. We fully understand that we are a public institution, but as caretakers of this vast collection, we also have the right to exercise control over the use of it.

### **2. Claim**

The Smithsonian is limiting access to its collections and archives.

### **Fact**

Our collections continue to be open to all researchers, whether they are working on a video for school curriculum or on a video to show in another museum. In addition, we continue to be open to all news and public affairs requests.

Independent producers will proceed as usual completing a questionnaire to determine exactly what they want to film and where they intend to sell the final product. We will then determine what course of action to take, just as we have done in the past.

### **3. Claim**

This is an exclusive or “near exclusive” arrangement which means that producers who formerly had access to Smithsonian now will not.

#### **Fact**

Nearly all of the requests from independent producers for interviews, images and access to the collections will be honored as they have been in the past. Their use of Smithsonian content has been incidental, that is, the Smithsonian is not the subject or the major component of the documentary.

### **4. Claim**

Independent producers will have to work with the Showtime producers or not work with Smithsonian at all.

#### **Fact**

Since most of the programs being produced by independent producers are only using Smithsonian content in an incidental manner, this is rarely an issue. However, if the program proposed is substantially about the Institution or incorporates more than an incidental amount of our content, it will then go through a process during which the Institution will determine whether to proceed. It may be that we want to hire that producer to make the video with SOD; it may be that the producer does the show outside of SOD; or we may decline to participate.

### **5. Claim**

Only a small fraction of TV viewers have “on demand” capability.

#### **Fact**

Not true. Digital cable services are the fastest growing segment of the cable market, currently in more than 25 million households today and with a viewership that grew from 100 million to 1.7 billion in just over a year, according to video- on- demand tracking agency Rentrak (VODs version of Nielsen Ratings). SOD is separate from Showtime, entirely independent to the consumer from Showtime. A consumer does not need to pay for Showtime to enjoy our programming.

### **6. Claim**

Documentary producer Ken Burns says that his multi- series programs on baseball and jazz would not be permitted under this new arrangement.

**Fact**

Not true. In all his PBS series, Burns has used the collections for research but never interviewed a Smithsonian curator on camera. The use of our content would be considered “incidental” to the series and would be permitted.

**7. Claim**

This is a terrible way to treat independent filmmakers; the Smithsonian is cutting into their ability to make a living.

**Fact**

Smithsonian on Demand will be hiring dozens of independent filmmakers each year, probably spending in excess of \$10 million, to produce the programs for this channel. We expect to be creating more opportunities for them to make documentaries using Smithsonian content than they have had in the past.

The filmmakers quoted in news articles all sold their documentaries to for-profit outlets such as The History Channel, Discovery, National Geographic and others. The outlet and the producer derive money from the project and from any spin-offs such as the sale of DVDs. The taxpayers who support the Institution have no obligation to support or enrich these commercial ventures. By creating our own programming service, the Smithsonian will receive funds that will support its collections and programs.

**8. Claim**

The Smithsonian will not divulge the terms of the contract with CBS/Showtime.

**Fact**

True. This is a business contract that does not involve federal funds. Such contracts are confidential as they contain proprietary information that no company should have to share publicly.

**9. Claim**

Most requests from filmmakers will be denied since this exclusive arrangement began.

**Fact**

In the past six weeks or so, we have fielded 26 requests. Of these, 24 were approved.

If you have any questions or would like additional information, please call Jeanny Kim, vice president of VOD/media services of Smithsonian Business Ventures, at (202) 633- 5170 or for media queries call Linda St. Thomas, director of media relations, at (202) 633- 5188.

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