

# Hearing Loss, Cinema and Me

One Volunteer's Successful Campaign for Movie Captioning

By Jerry Bergman

**M**ovies have been special to me my entire life. As my hearing diminished, I obtained hearing aids and, more recently, received a cochlear implant. Like others with hearing loss, I became more dependent on speechreading, would frequently ask for clarification when having conversations, and would look for clues to help fill in the blanks to fathom meaning by inference.

I discovered that such coping mechanisms are of little help at the movies. While listening to all manner and volume of sound effects and movie music, we fail to hear punch lines that make others laugh, miss critical exchanges of dialogue between actors, and miss plot points that drive the action. For this reason, I believe many of the 48 million (about one of every five) Americans with hearing loss have simply stopped going to the movies, except to see an occasional foreign-language film with English subtitles.

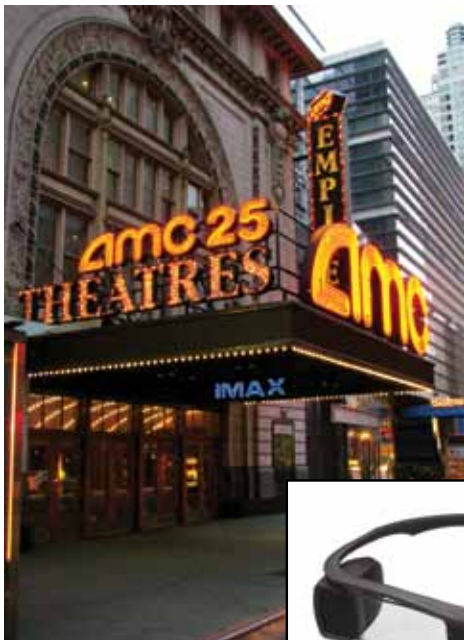
I chose instead to work toward more and better hearing accommodation in movie theaters. A little more than two years ago, I embarked on a quest to learn all I could about cinema access—what types of hearing accommodations are technically possible, what our rights are under the Americans with Disabilities Act (ADA) and ensuing U.S. Justice Department regulations, and what cinema operators can and should provide. My journey of discovery and advocacy was aided considerably by my involvement with HLAA and by John Waldo and Sid Wolinsky, two champions of the cause who preceded my involvement.

## Here's What I've Learned

Following passage of the ADA in 1990, nearly all cinemas installed infrared listening systems which wirelessly transmit movie sound to headset receivers. For nearly two decades, cinema operators, with few exceptions, thought that this was the way to serve people with hearing loss.

One exception was a noble effort

**When late-onset hearing loss took away Jerry's ability to understand what was being said on the big screen, it was a shock.**



## HLAA Advocacy on Movie Captioning

HLAA understands that the Department of Justice may be close to issuing a draft rule requiring movie theaters to provide closed captioning, as well as audio narration devices for people who are blind or have low vision.

Watch HLAA's website (<http://www.hearingloss.org/advocacy/captioning-and-cart/movies>) for updates and, if an announcement has been made, how you can submit your views on the proposal.

to burn open captions (those seen by everyone) directly onto movie prints and make them available for presentation by cinemas. But very few prints were circulated, generally only weeks after the films' release dates, cooperating theaters scheduled most showings on weekdays and at odd times, and most exhibitors felt such captions on a big screen were distracting to the average moviegoer.

A slightly more successful early venture was the Rear Window Captioning system introduced in 1997 by the Media Access Group at Boston's public television station WGBH. By projecting captions made available by some film distributors on computer disk, from the rear of theaters, patrons were able to see closed captions at their seats on viewing devices with screens slightly larger than an automobile rear-view mirror.

Most cinema operators, however, were content only to make infrared headsets available and either didn't know or didn't care to know that headsets cannot deliver intelligible sound to all people who depend on hearing aids and cochlear implants; and, up until the past several years, their position was entirely legal.

In 2010, three developments sparked trends that altered the landscape and ushered in a new era in cinema access:

- court decisions increased the legal pressure to provide captioned films;
- exhibitors began to replace film projectors with digital projection and sound systems and;
- the Department of Justice (DOJ) issued an advance notice of proposed rulemaking to require theaters, over a five-year period, to increasingly show closed-captioned movies for people with hearing loss, and, for people who are blind, video-described movies.

Legal action brought in California on behalf of the hearing loss community by Disability Rights Advocates (DRA) led the nation's three largest chains—Regal Entertainment Group, American Multi-Cinema (AMC) and Cinemark Theatres—in late 2011 to agree to make available in California closed

captioning devices in connection with their installation of digital projection systems. They also seemed to recognize, as a matter of company policy, that what is proper in California is also proper in the rest of the country.

Regal, the first to act, chose to provide special glasses, developed by Sony, which display captions that can be read as viewers watch movies. An accompanying receiver, wired to the glasses, can be worn either around the neck or held in the lap. The chain hopes to make the glasses available and operational at most of its 548 locations nationwide by the end of this year.

Cinemark, which has now completed installing captioning systems at all its California cinemas, is displaying captions on a device called CaptiView, made by Doremi, a leader in digital cinema technology. The captions appear, via wireless transmission, on a display screen about the size of an eyeglass case at the top end of a gooseneck device that rests in the cup holder of the seat.

### **Working with AMC**

In and around New York City, the Sony glasses and CaptiView devices—where I could find them, chiefly at Regal Cinemas—helped rekindle my love affair with the movies. But until recently most local cinemas, including those of AMC and regional chains as well as independently owned theaters, were offering nothing more than headsets.

In my role as chair of the HLAA Manhattan Chapter's Hearing Accommodation Task Force, I contacted John Waldo, co-counsel on the California action, and practicing attorney focusing on advocacy for and representation of people with hearing loss (whom many in HLAA know from his appearances at HLAA national conventions), and Sid Wolinsky, co-founder of DRA, one of the country's leading nonprofit disability rights centers.


John helped me understand what was happening with cinema captioning in the courts and at DOJ and how attitudes among cinema executives were changing. Sid pledged DRA's assistance pro bono in seeking a commitment from AMC to provide captioning at the chain's

24 cinemas in New York state, including three large multiplex theaters in Manhattan with a combined 52 screens.

During the course of our negotiations with AMC, we developed a fact sheet to assist the company and other cinema operators to properly introduce and provide closed captioning. Available on the HLAA Manhattan Chapter's website: [www.hearinglossnyc.org](http://www.hearinglossnyc.org), it explains, among several points, that captioning is of little value unless the cinema indicates in its movie listings those films for which captioning is available and displays signs in its cinemas to advise the public that captioning is available.

Less than a year later, we have a detailed written agreement from AMC to offer caption devices in 25 percent of their digital auditoriums each successive quarter, with a goal of 100 percent availability by August 31 of next year.

Happily, in New York City, I am increasingly able to again enjoy many first-run motion pictures—when and where I wish. I hope that you are witnessing the same increase in cinema accessibility in your community. If not, and if you share my love of cinema, please consider pursuing the cause. Pro bono legal assistance can be obtained, and is usually needed, because, from my experience, most direct approaches to cinema managements—however polite—are ignored.

But, as my experience demonstrates, this is a fight we can all win. 

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