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THE STORY MAY ALREADY EXIST

Powerful material can come from the past in many forms.



GOVERNMENT FILM



HISTORICAL FOOTAGE

Begin by searching for evidence.

Who documented it? Which agency was involved? What collection might hold it?

DON'T JUST LOOK FOR PICTURES. LOOK FOR EVIDENCE.

EVIDENCE TAKES MANY FORMS

The useful item may be a map, a film, a photograph or a record.



MAPS & RECORDS



FILM & PHOTOGRAPHS

One strong item opens the collection.

Search dates, places, agencies and names—then explore what surrounds it.

THE STORY MAY ALREADY EXIST. YOUR JOB IS TO FIND IT.



Publicly available does not mean public domain.

Identify the creator, collection, rights holder and permitted use.

READ THE RIGHTS INFORMATION BEFORE YOU EDIT.

**STATION PROMOTION****NEWS DOCUMENTARY**

Fair use is case-specific.

Purpose, nature, amount used and market effect all matter.

THERE IS NO “5-SECOND RULE.” CONTEXT MATTERS.

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ARCHIVE REVEALS. ARCHIVE PROVES. ARCHIVE MAKES US FEEL.

Use the past to add depth, context and emotion.



REVEALS



Shows us what was really there.

Change becomes clear.

PROVES



Confirms or challenges what we're told.

Archive verifies the moment.

MAKES US FEEL



Connects us emotionally across time.

The past becomes personal.

AT ITS BEST, ARCHIVE IS ANOTHER INTERVIEW — THE PAST PARTICIPATES IN YOUR STORY.

DIRECT ACCESS

archive.org/details/movies
archive.org/details/prelinger

COMMERCIAL-USE
RULE

Archive.org hosts material from many uploaders. Reuse rights vary item by item; free access is not permission.

CHECK
BEFORE
USING

Open the item page. Verify the exact Creative Commons license, CC0 mark or explicit public-domain statement before commercial reuse.

PRELINGER: online films follow the license on each item page. Written licenses or physical/high-resolution stock access are handled separately.

DIRECT ACCESS

loc.gov/free-to-use
loc.gov/collections/national-screening-room

COMMERCIAL-USE
RULE

The Free to Use and Reuse sets are curated for reuse. Much of the National Screening Room is rights-free—but not every LOC item is.

CHECK
BEFORE
USING

Read the individual item's Rights and Access statement. Save the source URL, collection name, item number and credit line.

LOOK FOR: “The Library of Congress is not aware of any U.S. copyright or other restrictions.”

DIRECT ACCESS

si.edu/openaccessCOMMERCIAL-USE
RULE

Assets specifically designated CC0 may be downloaded, remixed and used commercially without permission or a Smithsonian fee.

CHECK
BEFORE
USING

Confirm the CC0 designation on the individual asset. Do not assume that every item associated with the Smithsonian is Open Access.

CC0 IS THE GREEN LIGHT: reuse is allowed, including commercial reuse; attribution is welcomed even when not required.

DIRECT ACCESS

images.nasa.govCOMMERCIAL-USE
RULE

NASA content is generally not copyrighted in the United States and may be used factually without implying NASA endorsement.

CHECK
BEFORE
USING

Check for third-party copyright notices. Commercial or promotional use involving logos or identifiable people can require additional clearance.

ACKNOWLEDGE NASA AS THE SOURCE. Never imply that NASA endorses a product, service or production.

DIRECT ACCESS

catalog.archives.govCOMMERCIAL-USE
RULE

Federal works are generally public domain in the United States, but NARA also holds donated and third-party material that may be restricted.

CHECK
BEFORE
USING

Check Use Restriction Status and the restriction note. “Unrestricted” means no known copyright, donor or other use restriction.

NARA DOES NOT CLEAR RIGHTS FOR YOU. Record the National Archives Identifier and preserve the catalog metadata.

1 PURPOSE

Did the new work transform the quoted material by using it for a different purpose—or merely repeat its original intent and value?

2 PROPORTION

Was the amount and nature of material taken appropriate for the new purpose? Use only what the audience needs to understand the point.

FAIR USE IS A RULE OF REASON — NOT A CLIP-LENGTH FORMULA.

CRITIQUE

The copyrighted work itself is analyzed, criticized or parodied.

ILLUSTRATION

A quotation supports a larger historical, political or cultural argument.

INCIDENTAL

Copyrighted media is captured naturally while filming an unstaged real-world scene.

HISTORY

A selective quotation is necessary to represent a historical event or make a historical point.

THE USE MUST SERVE THE DOCUMENTARY'S NEW PURPOSE — NOT SUBSTITUTE FOR THE ORIGINAL.

NECESSITY

The material performs a critical illustrative function, and no suitable substitute has the same value.

RESTRAINT

Use no more than necessary.
Avoid disproportionate reliance on one source.

DOCUMENTATION

Identify the copyright owner, preserve your research and record why the quotation is needed.

A HIGH PRICE ALONE DOES NOT CREATE FAIR USE. PURPOSE, NECESSITY AND PROPORTION STILL MATTER.

NO MAGIC NUMBER

There is no automatic five-second, ten-second or percentage rule.

ENGAGING IS OK

A quotation does not lose fair-use protection merely because it is powerful or entertaining.

CLEARANCE ATTEMPTS

An unsuccessful effort to obtain permission does not automatically defeat a later fair-use claim.

GET REVIEW

For consequential uses, involve counsel and the production's E&O process early.

FAIR USE IS FACT-SPECIFIC. THIS WORKSHOP FRAMEWORK IS NOT A SUBSTITUTE FOR LEGAL ADVICE.

FIVE GUARDRAILS FOR PUBLIC AND ARCHIVAL MATERIAL

Ethical standards and legal checks belong in every production workflow



ETHICS & FAIR USE

1 Protect visual integrity

Accuracy, context and dignity come first. NPPA standards reject staged or manipulated visuals, and the 2026 contest rules prohibit generative AI from altering photojournalistic images or video.

2 Apply all four fair-use factors

Criticism, comment, news reporting, teaching, scholarship and research may qualify. No fixed clip length guarantees fair use.

3 Examine the actual purpose

After Warhol, a different meaning or message can matter—but it does not decide the question by itself.

SOURCES & RECORDS

4 Confirm who created federal material

Works produced by federal employees as part of official duties are generally not protected by U.S. copyright. Agency-hosted material from contractors, donors or third parties needs separate review.

5 Preserve rights statements and provenance

A repository's advisory is evidence—not final clearance. Review the specific item, its collection and the intended use, then retain the advisory and source record with the asset.

PRESENTER REFERENCE

These principles support professional and legal discussion. They are not legal advice.

VERIFY THE ITEM • DOCUMENT THE SOURCE • PRESERVE THE RECORD