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June 3, 2020

Skagway Museum & Archives
P.O. Box 521
Skagway, AK 99840

Gentlemen

On or about May 31, 2020, I sent you an e-mail message informing you that I posted two "videos" on "Youtbe.com" which addressed the past history of "Skagway" ("Skagway: Gateway to the Klondike") and ("Skagway at War"). I received the following response:

Hello,

Thank you for your concern re: preserving the two videos of Skagway history. Fortunately, the two programs, "Skagway: Gateway to the Klondike" (copyright 1995, City of Skagway) and "Skagway at War" (copyright 1992, City of Skagway) have been preserved by the municipality of Skagway and are available for purchase in VHS and DVD formats from our community museum. The programs are also available through the public library system via interlibrary loan.

As the municipality of Skagway endeavors to make Skagway community history more accessible online in the future, the two programs "Skagway: Gateway to the Klondike" and "Skagway at War" will be uploaded for online viewing by the Municipality of Skagway, holder of the copyrights for the programs.

We appreciate your offer to take down the two videos and ask you to remove the two programs, "Skagway: Gateway to the Klondike" and "Skagway at War" that you have placed on YouTube.

Thank you,
Skagway Museum
P.O. Box 521
Skagway, AK 99840

On June 1, 2020, the request to take down the videos was honored and they were removed from "Youtube.com."

Under normal circumstances, this request would be honored without question, but this is not a normal circumstance.

First: There is no name or signature of the person of authority that authored the above "Skagway Museum Message." Absent a name, the message is without authority of law and no-one is bound by the terms of that message.

Second: "Copyrights" are governed by the "U.S. Constitution" ("U.S. Const., Art. I, Sec. 8, Cl. 8") and under this provision, the "U.S. Congress" enacted "Copyright Law" of "Title 17 U.S.C. 101-1401" wherein at "Section 105(a)" the "U.S. Congress" states:

"(a) In general.—

"Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise." [Emphasis added]

The Attorney General for the State of Alaska has issued forth "Opinions" addressing the copyright of government property of the State of Alaska. These "A.G. Opinions" are "1978 Inf. Op. Att'y Gen. at 1

(Dec. 13; J66-0237-79), “1981 Inf. Op. Att’y Gen. at 3 (Sept. 2; A66-0037-82),” “1982 Alaska Op. Att’y Gen. (Inf.) (June 24; 66-699-81),” and “1994 Alaska Op. Att’y Gen. (Inf.) 129 (Mar. 24; 663-93-0451).”

Although the “Federal Copyright Law” does not directly address the “states” of the “Union” within its Law, there is no authority for any “Agency,” “Department,” or “Municipal Government” to copyright any public funded “writing” or “video” without authority of law as enacted by the legislatures of the states. The “Attorney General” in writing his “Opinions” neglected to state the “Alaska Statute” that authorizes the copyrighting of public funded government property.

There are exceptions to the copyright law such as:

“Copyright status of works by subnational governments of the United States

“Copyright law is federal in the United States. Federal law expressly denies U.S. copyright protection to two types of government works: works of the U.S. federal government itself, and all edicts of any government regardless of level or whether or not foreign.” ^{1/} [Emphasis added]

Comment: The “Writings,” “Publications,” or the “Production of Videos” which were financed by “Public Funds” of the “People” are in “Public Domain” for they are the “property” of the “People.” It is the use of “Public Funds” that exempts the “works” of the “United States” from being copyrighted.

In the above “Skaqway Museum” message we see that the “City of Skaqway” has laid claim that it is the “copyright holder” for the two videos in question. This is a most interesting statement in light of the “Legislature” for the “State of Alaska” enacting the following law:

^{1/} Compendium II: Copyright Office Practices, Chapter 200, § 206.01. As of 1998 supplement. "Edicts of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar official legal documents are not copyrightable for reasons of public policy. This applies to such works whether they are Federal, State, or local as well as to those of foreign governments."

“Sec. 45.45.590. Definitions.

“(1)

“(2) “copyright owner” means the owner of a copyright of a musical work if the copyright is recognized and enforceable under 17 U.S.C.; “copyright owner” **does not include the owner of a copyright in all or part of a motion picture or an audiovisual work**; [Emphasis added]

“(3)”

To the best of my knowledge, the “Alaska Legislature” has never enacted any law authorizing the “copyrighting” of “public funded works” of the “State of Alaska” or its “Municipal Corporations.”

Third: There is a copyright statement on the videos in question stating that “Capitol Community Broadcasting” is listed as a copyright owner. The public knows “Capital Community Broadcasting, Inc.” as “KTOO” which is listed as a non-profit Juneau-based corporation that provides a variety of telecommunications services to “Juneau” and statewide audiences. “KTOO-TV” signed on the air as a fledgling “Public Broadcast Service” (“PBS”) station on October 1, 1978.

As “KTOO-TV” (“Capitol Community Broadcasting”) is a “PBS” Station, it is supported by the “Corporation for Public Broadcasting.” The “Corporation for Public Broadcasting” (“CPB”) is a non-profit corporation created in 1967 by an “Act” of the “United States Congress” and is funded by the American people via “public funds” of the “UNITED STATES.” The corporation's mission is to ensure universal access to non-commercial, high-quality content and telecommunications services. It does so by distributing more than 70 percent of its funding to more than 1,400 locally owned public radio and television stations.

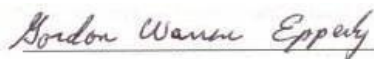
As an apparent substantial amount of “public money” of the “United States” government was used by “Capitol Community Broadcasting” in producing the “videos” in question, and as the “Corporation for Public Broadcasting” and “PBS” are government created “Corporations” by “Acts of Law” of the “U.S. Congress,” the two (2) “videos” in question are the “works” of the government of the “United States” and thus, cannot be “copyrighted” as a matter of law.

Conclusion

1. Provide a name of whom has authority to represent the "City of Skagway" in addressing "copyright" issues in the creation of the "videos" in question, and
2. Provide the "Statute" of the "State of Alaska" which the "City of Skagway" ("Capitol Community Broadcasting") is relying upon as authority to "copyright" its produced "videos," and
3. Provide the dollar amount of "Public Funds" ("Grants") of the government of the "United States," the "State of Alaska," and the "City of Skagway" was spent on the creation the "videos" in question, and
4. As proof of being a "copyright owner," please provide the "copyright registration number" for the "Skagway: Gateway to the Klondike" and "Skagway at War" videos, and
5. As I am crippled and I cannot travel to "Skagway," it appears that your videos are not accessible for purchase. The same is true with thousands of "Americans" who can't travel to "Alaska." As these two (2) "videos" do not show up on an "Internet Search" by any "Search Engine," please provide the "Internet URL" address for the location of "internet sales" of these "videos."

It is my desire that these "videos" be publically "preserved" and "displayed." If my questions are ignored, the "silence" will be treated as the giving of "approval" to "post" these two (2) "videos" on the "Internet" for public viewing. Thirty (30) days from the receipt of this letter should be adequate time to give a response in writing.

Sincerely Yours


Gordon Warren Epperly

cc: Capitol Community Broadcasting
360 Egan Drive
Juneau, Alaska 99801-1748

Proof of Mailing

Skagway Museum & Archives
P.O. Box 521
Skagway, AK 99840

USPS Tracking®

Tracking Number: 70180040000056076598

Your item was delivered at 4:48 pm on June 5, 2020 in SKAGWAY, AK 99840.

Status

 **Delivered**

June 5, 2020 at 4:48 pm
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SKAGWAY, AK 99840

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