

**Sen. Chris Dodd**  
**Commencement Address**  
**The University of Pennsylvania Law School**  
**May 13, 2013**  
**Remarks As Prepared For Delivery**

Graduates, alumni, trustees, faculty, parents, relatives, and friends of the University of Pennsylvania Law School: Good afternoon and congratulations to the Penn Law Class of 2013!

I am very honored to be here.

Thank you to Mike Fitts, dean of Penn Law, for extending the invitation to join you here today. A special congratulation to your Law class president, Maddy Gitomer who was a wonderful member of my Senate staff, and in part explains my presence at this lectern. And to Judes Abboud president of the LLM class.

I have great regard for this institution and its tradition of producing and hosting attorneys like Professor Christopher Yoo, and the team he leads at Penn Law's pre-eminent Center for Technology, Innovation and Competition. My good friend David Cohen, Executive Vice President at Philadelphia's own Comcast Corporation, is a 1981 graduate from Penn law. My general counsel at the Motion Picture Association of America—Henry Hoberman—graduated in 1985 and served as class president, I might add.

I come to you today as the CEO of the MPAA bearing great news: you never have to read another dry academic textbook again. After years of schooling you have paid your dues. From this day forward, if you wish to become instantly conversant on any social, political or cultural topic, you can do what I urge many others to do now: You can simply go to the movies.

For those of you who always meant to read F. Scott Fitzgerald's *The Great Gatsby*, but never quite got around to it, I am pleased to announce that the movie just opened last week at your local theater.

For those of you who went to law school because the prospect of a master's degree in physics terrified you, I have even better news: "*Iron Man 3*" is in theatres now. Don't miss it.

For the philosophers among you who never managed to read Plato's dialogue on the nature of friendship ... or the story of Bacchus, the Roman god of wine and revelry, I have the best news of all. The answers to life's most perplexing philosophical questions

will be imparted 11 days from now, when *“The Hangover: Part 3”* opens nationwide. Get excited.

Of course, what kind of a commencement address would this be if I failed to dispense some meaningful career advice? So as they say in Hollywood, let me tell you a story.

I was first elected to Congress in 1974—shortly after the resignation of President Richard M. Nixon—who, you will recall, was embroiled in the Watergate scandal.

My Congressional Class of 1974, all 75 of us, was sent to Washington almost as a protest to the Nixon administration. Now, depending on how well you are aware of my voting record, it will probably shock you to learn that some of the best career advice I received as a new Senator was from none other than ... *Richard Milhous Nixon*.

It is still considered bad form in some circles to say anything positive about President Nixon. But despite his ethical failings—which were serious—there is no denying President Nixon knew a great deal about leadership and statecraft. And if there is one thing I learned after 36 years in public life, you can always learn from anyone—no matter how much you may disagree with them – if you are willing to listen.

In addition to all of his significant shortcomings, many have forgotten that between 1968 and 1972, President Nixon expanded welfare benefits, fortified civil rights for women and minorities. He created the Environmental Protection Agency, Section 8 Housing, and proposed a national health care plan that my good friend Ted Kennedy often regretted not embracing.

But onto the story.

In 1982, two years into my first term as a Senator, I picked up a book written by President Nixon entitled *“Leaders.”* The book was about the leadership skills of the men—and women—President Nixon had known during his public career. And he knew a lot of them —Winston Churchill, Charles de Gaulle, Golda Meir, Joe En Lai, and many others.

As I read the book, I was amazed by the former president’s observations and insights. So I did something that many today would find unthinkable: I wrote him a note and told him how much I enjoyed the book.

Then President Nixon did something almost equally unthinkable in today’s world: he wrote back.

Quoting the actress Mae West—quite unintentionally, I assure you—President Nixon wrote, “*Come up and see me sometime.*”

The former president’s office was in the New York Federal Building – no special identification on the door – just a small bronze name plate announcing the office of Richard M. Nixon—37<sup>th</sup> President of the United States of America.

We sat in his small office while he discussed what, in his view, it takes to become a strong, influential leader. Thirty years later, I still remember the three key criteria of a good leader that he shared with me that day.

First, he said, a good leader must possess a bold point of view. One that is strong, yet malleable enough to adapt to changing times. Because, he noted, if you want to lead, you must convince everybody else in the room—or across the nation—that it is in their interest to follow you.

Second, a strong leader, he felt, must come from a great nation. He meant no disrespect to the leaders of small countries. But—to borrow a more contemporary term—a major leader needs a major platform.

Finally—and this is where you graduates come in—he said strong leaders typically emerge at moments when crises and storms are the most severe.

So to you graduates today, allow me to state the obvious: we have our share of problems. Problems we urgently need you to help us solve. Woody Allen was wrong – we have not left you a perfect world.

Our economy continues to idle along. In Washington there is division, acrimony, and inertia. Public confidence in the financial services sector has eroded. Environmental threats, foreign policy sinkholes, global health challenges, the list is long.

I urge you to walk straight into these storms. The country needs you. That is not idle Commencement Address talk; I could not be more serious.

Whether you become a corporate lawyer.... a government lawyer ... a public interest lawyer ... or choose not to practice law at all, these are just some of the issues which occupy all of us as citizens. The tools you have acquired here at the University of Pennsylvania Law School, memorialized by your diploma, have prepared you to make a difference – to be strong, influential leaders.

So bear with me while I tell you about a storm that I walked into after I left the Senate and became the CEO of the Motion Picture Association of America.

I am not suggesting the issue of intellectual property and copyright deserves equal billing with a failed economy, a dysfunctional Congress, or a foreign policy quagmire. But it is a very serious subject, a brewing storm, and an area in which you, as law school graduates, can play a significant role.

I realize many of you may not exclusively practice First Amendment or Intellectual Property law, but because of the legal education you have received at this world-class institution, you will be asked all the time to share your views and perspectives on legal and constitutional issues in many unconventional, non-legal settings. And in that capacity, each of you can be influential and serve as educators.

The intellectual rigor you acquired here can be of value in circumstances as prosaic as a PTA meeting—when some overzealous parent proposes the banning of a piece of classic literature. Or when someone offers to send you an unlawful link to a movie before it arrives in theatres.

You are coming of age professionally during what I believe will be a new gilded age of creativity and innovation. In the arts and entertainment, in the music industry, in publishing, there is more creative content, more variety, and more quality than ever before, and every day seems to announce some new platform, some new architecture to access information, news, products, and entertainment.

If you want to become a filmmaker, you can go to Hollywood ... or you can shoot a film yourself and exhibit it on YouTube. You can go to Nashville and record a song ... or record it in your basement and post it on Facebook. You can write that legal thriller and try to break into New York publishing ...or you can publish it independently at Amazon.com.

Each of you will be uniquely positioned at the center of this revolution—either as a creative artist—if you choose. Or as a practicing attorney—if you choose. Or both.

I do not have to explain to this audience that the Internet has made it faster and easier than ever before for creative content and ideas to take root. Think of all the thrilling opportunities that have exploded in just the past few years.

But it is important to note it has also never been easier or faster for those creative ideas to be unlawfully appropriated.

Let me quickly add, that while today I have a particular interest in the creative content produced by the film and television industry – the issue of Intellectual Property and copyright, dwarfs the particular needs of the industry with which I am now fortunate to be involved.

A spirited debate about the future of copyright law is already underway. I hope you will draw on your legal education and understanding, to become involved in this issue of intellectual property and copyright.

The conversation has already begun in the courts, in the media, in think tanks, and at academic institutions.

Advances in digital technology and the Internet have fundamentally changed the way intellectual property is created, distributed, and consumed today. If we believe there is value in protecting the work of creative people, and we want to sustain the incentive to keep creating, we will need to be equally imaginative in protecting their creative content, as some have been in gaining free access to their work.

Unfortunately, there are those who have for obvious reasons reduced this debate to the simplistic proposition that you must choose – freedom of speech, free access to the Internet, or Hollywood. The protection of intellectual property and free speech, as well as an internet that works for everyone, are concepts that must be conjoined.

A decade ago, Supreme Court Justice Ginsburg elegantly explained the fine balance that must be struck between copyright protection and the First Amendment. In the decision *Eldred versus Ashcroft*, she wrote: “The First Amendment securely protects the freedom to make—or decline to make—one’s own speech. [However,] it bears less heavily when speakers assert the right to make other people’s speeches.”

It must now become our challenge to build an Internet that works for everyone. For in order to continue providing the world’s greatest content, we must protect the rights of our creators and makers so they can not only profit from their innovations, but will be further inclined to create more.

Let me give you an example of what I am talking about. Five years ago the independent film director Kathryn Bigelow made a film about the Iraq War. It was called “The Hurt Locker.”

Films such as “The Hurt Locker” are an artistic and financial gamble. Kathryn Bigelow was tackling an extremely controversial topic.

Artistically, the film was a triumph. At the 82nd Academy Awards, the film was nominated in nine categories and won in six, beating out “Avatar” as Best Picture of the year.

This small, independent film, produced on a relatively modest budget—about \$11 million – was a financial disaster. The movie was first released in the UK, where it was well received. By the time it opened in the US, literally millions of pirated copies of the film were being unlawfully sold on street corners or streamed illegally across the Internet. Consequently, the film became the lowest-grossing movie to ever win Best Picture<sup>i</sup> at the Academy Awards.

Some who claim to champion a free and open Internet argue that those of us who believe in the value of intellectual property are on the wrong side of history. Every year, they tell you, digital advances are making piracy easier. That attempting to prevent or dissuade someone from downloading illegal content will simply infuriate people, and theft of IP will only continue.

To them I say: If you want to be on the right side of history, then look no further than the city where we gather today. Go to Independence Hall. It was there that the framers of our republic created the legal infrastructure that unleashed the historically unprecedented creative genius that is America.

We can all agree today that these framers were successful beyond their, or our, wildest dreams. Those 18<sup>th</sup> Century radicals were smart enough to understand that by respecting and legally protecting this new nation’s creative potential for limited durations, they could create a country of unparalleled opportunities.

As the U.S .Supreme Court has said, the framers intended copyright to serve as: “the engine of free expression.” But innovation and creativity cannot flourish in an environment where only some are free to build businesses contingent on infringing the private property of others.

The United States is a world leader in creativity, technological innovation and economic growth, because we have historically balanced the need to protect creative people’s work while simultaneously promoting freedom of expression, and expanding an Internet that works for all.

Since I just urged you to visit Independence Hall, may I also suggest that while you are in the neighborhood, you keep walking east, down to 4<sup>th</sup> Street, just below Market.

In the 1700s that address was a famous tavern – the Indian Queen Tavern, where Thomas Jefferson wrote much of the Declaration of Independence, including, of course, his famous line about our fundamental right to “Life, Liberty, and the Pursuit of Happiness.”

The notion that we all have the right, not to necessarily *be* happy, but to pursue happiness, is such a simple concept, yet one that was truly revolutionary when Mr. Jefferson articulated it more than two hundred years ago. But the Pursuit of Happiness, while laudable, does have limits.

Most of us focus on outcomes—an idealized state of Happiness—rather the pursuit of it—the journey. With age, I have come to realize that it is during the journey that real life occurs, and during that journey, there are happy moments to be savored. But I have also come to realize that while I cherish the right to pursue happiness, I recognize that the state of happiness is more often than not determined by circumstances far beyond my control.

Therefore, while the lyrical beauty of Jefferson’s “pursuit of happiness” is so much more appealing, it was no doubt Jefferson’s successful pursuit of his “meaningful life” that I suspect contributed to his savored moments of happiness. The ultimate form of happiness, of course, is the ability to make yourself useful to others: to your family, to your country, and to a cause.

To sum it all up as your commencement speaker today, I urge you to: make the most of your moments; run *towards* the biggest, most stubborn problems of your day; live a meaningful life; more than anything else, enjoy the pursuit of your happiness; and above all – savor today.

Thank you.

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<sup>i</sup> <http://www.nydailynews.com/entertainment/tv-movies/hurt-locker-lowest-grossing-movie-win-best-picture-post-oscar-bump-article-1.166953>