



**Georgia 1st Amendment Foundation 2016 Weltner Awards Banquet
Remarks
Senator Chris Dodd, MPAA Chairman and CEO
Atlanta, Georgia
Thursday, October 13, 2016
As Prepared for Delivery**

Good evening, and thank you, Wyche, for that kind introduction. It is great to be back in Georgia among so many friends—especially Senator Fowler.

Thank you also to Hollie Manheimer, Executive Director of the Georgia First Amendment Foundation. I honor your coalition’s two-decades-long effort to advance the cause of open government and freedom of information.

This year the Peach State was front and center on several important First Amendment issues.

Of course there was the anti-SLAPP legislation. This bill, signed by Governor Deal in April of this year, was of great interest to the creators in the motion picture and TV industry, as well as to their colleagues in news organizations.

Which is why we at the Motion Picture Association of America were pleased to stand shoulder-to-shoulder with you in the struggle for free expression.

Every day, producers, writers, directors and actors tell stories about other people. Sometimes the characters they bring to life are wholly fictitious. And sometimes those stories are based on real people and real events, including some people who would prefer not to be talked about in a public setting.

Too frequently, legal actions are brought by these individuals not to vindicate their rights, but rather to silence creative people.

With the passage of this new legislation in Georgia, our members’ First Amendment rights can be vindicated quickly by a judge – not through years of burdensome litigation and hundreds of thousands or even millions of dollars in legal fees.

We earned this big win in Georgia, and I want to recognize several people who were critical at the Committee hearings on House Bill 513.

Peter Canfield—a Partner at Jones Day in Atlanta and a national leader among media litigators — served as one of the anti-SLAPP coalition’s lead witnesses and did an outstanding job.

Other strong advocates for our cause included Cynthia Counts, a partner at Duane Morris ... Tom Clyde, a partner at Kilpatrick Townsend, as well as his colleague Lesli Gaither.

And then of course there is Tom Harrold—a partner at Miller & Martin. Tom has been a friend of the MPAA for more than 35 years—and one of the strongest advocates for motion picture and television production in the state.

And finally, I want to acknowledge the work of one of our own, Ben Sheffner, an attorney at the MPAA, who logged a lot of frequent flier miles between LAX and Atlanta early this year to help get this bill over the finish line.

And of course Vans Stevenson, our tireless advocate in Georgia and 49 other states, who could not be here tonight, but deserves all of our thanks for his work on this issue and countless others of importance to our industry.

The men and women in this room—and the people of your state—stand firmly for the First Amendment.

And when necessary, you have stood up to those when they attempt to intimidate others into silence.

One half century ago, a Georgia Congressman, Charles Weltner, did just that when he courageously stood up against those who sought to deny African-Americans a voice. Congressman Weltner was the only member of the Georgia Congressional delegation to vote for the Civil Rights Act of 1964.

And in 1966, he declined to run for re-election to Congress when the state Democratic Party demanded he sign a loyalty oath – one that would have required him to support the segregationist candidate for governor, Lester Maddox.

It is an honor to receive this recognition, but in addition to being honored, it is humbling to receive an award named for this patriotic, remarkable American – Charles Weltner.

Congressman Weltner—perhaps more than any other Georgian of his time—facilitated the birth of what has been called the “New South.”

And his courage influenced and shaped the views of others – from First Amendment champions I have already mentioned To my great friend Wyche Fowler, who from 1965 to 1966 served as Congressman Weltner’s chief of staff To Governor Nathan

Deal, who in April vetoed Georgia's so-called "religious liberty" bill—which I would argue was about neither.

Now when it comes to First Amendment issues, the MPAA has a lot at stake in Georgia—home to one of the most robust, vibrant creative communities in the world.

The list of film and television production credits in Georgia is impressive. According to the Georgia Department of Economic Development, 245 feature film and television productions have been shot in Georgia in fiscal year 2016, representing \$2.2 billion in direct spending and an overall economic impact of \$7 billion in the state, catapulting Georgia to the number three production center in the United States, behind only California and New York.

Fantastic creative product is being made in Georgia every day: Tom Hanks's new film, "Sully," and Ben Affleck's new picture, "The Accountant," were both filmed here. As is one of the most-watched TV shows in the world: AMC's "The Walking Dead," which is broadcast in more than 125 global territories.

Motion picture and television production account for 25,000 direct jobs here in Georgia, generating almost \$1.7 billion in wages.

This work must be supported, which is why we were such enthusiastic supporters of efforts to strengthen Georgia's existing anti-SLAPP law. Discouraging plaintiffs from filing groundless defamation law suits and other claims designed to chill free speech in Georgia is not only good for screenwriters, directors and producers, but for everyone in Georgia. That includes everyone in our industry, our friends in the news media, and local citizens who should not have to fear the threat of a ruinous lawsuit for speaking out at a local city council or zoning board meeting.

I have been passionate about the First Amendment throughout my adult life, and particularly in my years in the United States Congress.

As a Senator, during the 1980s when our government engaged in secret deal-making with Iran and the Nicaraguan Contras, a group with an atrocious human rights record, I spoke out.

And I was proud that my colleagues in the Congress and our free press cast a harsh spotlight on those activities—and we were then able to remedy them.

In more recent years, in the aftermath of the 9-11 attacks, we overreacted with unprecedented threats to our freedoms, the freedom of expression and the rule of law, in some misguided effort to fight terrorism.

Some of you may recall that, after we went to war in Afghanistan, journalists who relied on confidential sources were harassed and intimidated by our government into silence and retreat.

A small, bipartisan group of us in Congress responded by sponsoring the Free Flow of Information Act, which was designed to protect journalists with confidential sources from the threat of being hauled into court, or worse, hauled off to jail.

In 2006, my friend, and former colleague, the conservative Republican Senator from Utah, Bob Bennet, courageously fought the proposed Constitutional Amendment to ban flag desecration. By the narrowest margin we were able to defeat that proposal.

By one vote, that courageous Republican conservative did not merely save some obnoxious flag desecrators from prosecution, but rather, far more importantly, helped preserve the integrity of the First Amendment.

And when I left the United States Congress and became chairman and CEO of the Motion Picture Association of America, I gained a newfound appreciation for the film and television industries' nearly 100 years of First Amendment advocacy.

When I assumed the role of CEO of the Motion Picture Association, I was able to continue my passion for advocating First Amendment Rights – the right of creators to tell stories without fear of retribution – the right to be heard.

Being an advocate of the First Amendment in the audiovisual world does not mean you agree with what you are hearing or support what you are seeing. What it does mean is that you are willing to fight for the right of those voices to be heard and seen.

And powerful stories need to be shared.

Our best films and television shows often say what urgently needs to be said—even if what they have to say offends.

As an art form, the movies—as well as top quality TV programs—have the power to change people's minds—and even people's lives.

Over the decades, Hollywood has tackled many of the loftiest concepts expressed in our founding documents —dramatizing them and making them resonant for millions.

While I could cite 100 examples of the contributions film and television shows have made to civic life, here are just a few:

- In 1940, Charlie Chaplin created cinema's first important political satire when he mocked Adolf Hitler in "The Great Dictator."
- Two years after World War II ended, Gregory Peck starred in "Gentlemen's Agreement," one of the first films to tackle the subject of anti-Semitism. "The Pawnbroker" tackled the subject again in the 1960s. As did "Schindler's List" in the 1990s.
- Gregory Peck's Atticus Finch in "To Kill a Mockingbird" told the simple but profound story of on man's courage to fight racial discrimination in a small southern town.

- In that same way TV shows like “Roots” and films like “Guess Who's Coming to Dinner” broke new ground in race relations.
- “Philadelphia,” and “Boys Don’t Cry” opened up the discussion about sexual identity and human rights.
- Films also remind us that a healthy skepticism of political and corporate authority is warranted—the 1970s thriller “Three Days of the Condor” and Russell Crowe’s portrayal of a tobacco-industry whistleblower in “The Insider”, all drove that message home.
- And motion pictures also can remind us of the vital role of a free press in a Democracy.
- “All The President’s Men” and “Spotlight”, last year’s Academy-award-winning best picture about the investigative reporters at The Boston Globe who exposed child abuse in the Catholic Church are memorable examples of the power of film.
- “Concussion” challenged the National Football League, and “The Big Short”, our financial institutions.

Whether it’s confronting tyrants abroad, speaking truth to power at home, or pushing the limits—and buttons—of our society’s tolerance and cultural understanding, motion pictures and television often dare to say the unspeakable.

Which is why, since our founding in 1922, the MPAA has fought for the First Amendment rights of not only our moviemakers – and our moviegoers – but the audiences, as well.

In the 1930s, when we created the Motion Picture Production Code, which allowed Hollywood writers, directors and producers to create and manage their own content rather than have the government dictate what can and cannot be shown onscreen—as is the case today in many countries around the globe.

Another crucial fight over the value of First Amendment rights occurred in the 1950s, when the US Supreme Court held for the first time, in the case of *Joseph Burstyn, Inc. v. Wilson*, that motion pictures are fully protected by the First Amendment.

And In 1968, my predecessor Jack Valenti replaced the so-called Hays Code with a voluntary ratings system, aimed at giving parents the information they need to decide whether a film is appropriate for their families, once again keeping government out of the business of censoring which movies people should see.

More recently, we prevailed again *Sarver v. The Hurt Locker*—one of the more important cases to address First Amendment rights of filmmakers in years.

Here is the backstory:

In early March 2010, U.S. Army bomb-disposal expert Master Sergeant Jeffrey Sarver filed a multimillion-dollar lawsuit against a number of companies and people who created the Oscar-award winning movie “The Hurt Locker”.

Sergeant Sarver's lawsuit claimed that the filmmakers violated his right of publicity by allegedly basing the film's main character— played by Jeremy Renner – on him without his permission.

The filmmakers argued that they had the First Amendment right to make a movie based on real people and events, without permission from the subjects.

Such movies have long been a staple of Hollywood, from “Citizen Kane”, “Primary Colors” and “The Social Network.”

The MPAA filed an amicus brief in the U.S. Court of Appeals for the Ninth Circuit, warning the court of the chilling effect a ruling in favor of Sergeant Sarver would have on the ability to make films based on true characters and circumstances.

Earlier this year, the Ninth Circuit held for the defendants in that case – and indeed all filmmakers: “The Hurt Locker”, the court wrote, “is speech that is fully protected by the First Amendment, which safeguards the storytellers and artists who take the raw materials of life—including the stories of real individuals, ordinary or extraordinary—and transform them into art, be it articles, books, movies, or plays.”

Of course, the Ninth Circuit's Hurt Locker case won't put an end to lawsuits about fact-based movies.

That said, I am optimistic that it will bolster filmmakers' right to draw on “the raw materials of life” to tell important stories.

At the MPAA, we believe we have a duty to protect creative speech. We also believe we have a duty to protect the integrity of their right to earn a living doing it.

But as many of you know, there are efforts underway both here in the US, and indeed around the world, to weaken copyright and IP protections.

Across the globe, you will find no greater advocate for—and defender of—free expression than the men and women in the television and motion picture industry. But it is crucial that lawmakers and the public not confuse a “free and open” internet with “working for free.”

Copyright is the means by which a marketplace for cultural, educational and scientific works can be created, including books, newspapers, magazines, software, music, film and TV.

Indeed, that is why the Supreme Court has referred to copyright as the “engine of free expression.”

I firmly believe that without the protection of copyright, many of the creators, authors of these works, will be silenced.

We, in the audiovisual industry, ask that you help us in these efforts. Not merely because it is the right and fair thing to do, but because all Georgians have a strong stake in protecting intellectual property.

Creative people must have the right, if they choose, to be compensated for the use or enjoyment of their creations.

But if the bulk of creative people's work product is stolen—or “shared”, as it is euphemistically called—there is less to invest in future movie and TV productions and other creative enterprises.

As I noted at the outset of these remarks, the 25,000 people who work directly in Georgia's motion picture and television sector will be heavily impacted by the declining support for copyright.

Now, the good news is that Georgia has many people fighting for the First Amendment as well as strong copyright—two issues that are absolutely essential to the success of the movie and television industry here and elsewhere.

In closing, allow me to tell you a very quick story about a gentleman I met a few years ago at a film festival in Australia.

This fellow and I got to chatting. It soon became evident he was more than just a critic of cinema.

He was also a harsh critic of American foreign policy. And he wanted me to know how he felt.

I listened graciously—despite my disagreement with some of his more fantastical conspiratorial theories.

Then, as he was winding down, he gave my industry—and my country—the greatest compliment I could have ever wished for.

“There's one thing I have to admit,” he said begrudgingly.

“I can't think of any other country in the world whose movies so aggressively challenge corporate and political power. And instead of banning these pictures—or throwing them in jail—you turn around and give those creators awards!”

This, ladies and gentlemen, is why the First Amendment matters. And why I know it matters as much to you. So let us keep up the good fight.

Thank You.