

July 15, 2020

RE: Stopping Censorship, Restoring Integrity, and Protecting Talkies Act, SCRIPT Act, S. 3835

Dear Senators:

Conservatives and libertarians are rightly concerned about censorship. While we must be zealous in guarding our 1st Amendment rights at home, conservative and libertarian leaders are also right to be deeply concerned about totalitarian regimes around the world and the restrictions they impose on freedom of thought -- from the Great Firewall of China to social media censorship in the Middle East to Russian threats to freedom of the press.

As a part of this justified vigilance, some have expressed concerns that China's role in American filmmaking may result in censorship that extends even beyond China's borders. This worry is most clearly expressed in S.3835, the SCRIPT Act, introduced by Senator Ted Cruz.

The SCRIPT Act would sever all federal government cooperation for at least three years with any production company found by the Department of Commerce to have edited a film for any reason, no matter how innocuous, in order to exhibit it in China.

While we share the Senator's concern with reports about Chinese censorship of American films, we think this legislation will do more harm than good for two main reasons: first because the remedy suggested would have a negative effect on the interests of the US military, and second because the legislation itself uses as its remedy the application of a government penalty toward artists, which ironically would impinge at least on the spirit of our freedom of expression.

Filmmakers rely on cooperation with the government for basic production needs – not just access to fighter jets and battleships. For example, filming with drones is subject to Federal Aviation Administration rules, and filming on public lands requires permits from the Department of the Interior. These and other unglamorous – but commonplace and vital use cases – would be jeopardized by the SCRIPT Act.

The military's involvement with Hollywood is not guaranteed. The DoD regularly denies requests from filmmakers to allow access to bases, training or equipment. However, sometimes the DoD does choose to assist in filmmaking and when it does, it is reimbursed for its time and provides valuable portraits of American military achievements that are both more realistic and engaging for audiences, while safeguarding classified or sensitive information. These accurate but vetted depictions, and the resulting favorable treatment of the US military, benefit our military recruitment and is conducive to fostering an American culture that looks favorably on military service. Withholding this cooperation for any reason would not be in the interests of the United States military.

It should also be considered that this bill itself ironically directs government action regarding the decisions filmmakers make on the cutting room floor. Bringing this coercion, however mild, and for whatever reason, to bear on this process from the United States seems ill-advised in our effort to tear down the walls of censorship erected by totalitarian regimes.

China admits very few films into its market, but when it does, scenes that many Americans take for granted - plentiful grocery stores, assembled protests, university experiences, dinners out - present the benefits of democracy and capitalism in ways that are both understandable and relatable to international audiences. These scenes have been effective historically in influencing populations around the globe, for example in the former Eastern Bloc.

These new regulations would handicap one of America's leading export industries into all international markets, including regimes practicing censorship, to the benefit of their foreign competitors. Today, the U.S. film and television industry accounts for a \$9.4 billion trade surplus, more than telecommunications, transportation, insurance, or health services. This policy would ultimately weaken America in the long-term economic competition with our international rivals.

Censorship internationally is a legitimate concern and we support efforts to address these issues. However, solutions should honor American free-market and limited government principles. It is China, after all, that routinely intrudes on the private dealings of business and suppresses private sector success.

We respectfully oppose the SCRIPT Act, and instead suggest lawmakers focus on stronger more direct solutions to the economic, cultural and geopolitical challenges represented by China and other totalitarian regimes.

Sincerely,

Grover Norquist
President
Americans for Tax Reform

Andrew F. Quinlan
President
Center for Freedom and Prosperity

Phil Kerpen
President
American Commitment

Jeffrey Mazzella
President
Center for Individual Freedom

Krisztina Pusok
Director of Policy Research
American Consumer Institute
Center for Citizen Research

Ashley Baker
Director of Public Policy
The Committee for Justice

James Edwards
Executive Director
Conservatives for Property Rights

Matthew Kandrach
President
Consumer Action for a Strong Economy

Thomas Schatz
President
Council for Citizens Against Government
Waste

Katie McAuliffe
Executive Director
Digital Liberty

Hance Haney
Senior Fellow
Discovery Institute

George Landrith
President & CEO
Frontiers of Freedom

Mario H. Lopez
President
Hispanic Leadership Fund

Tom Giovanetti
President
Institute for Policy Innovation

Brandon Arnold
Executive Vice President
National Taxpayers Union

David Williams
President
Taxpayers Protection Alliance