

The Media Education Foundation Presents

FREEDOM OF EXPRESSION

Resistance & Repression in the Age of Intellectual Property

Narrated by Naomi Klein

Running Time: 61 minutes

For interviews or to arrange speaking engagements, please contact:
Kembrew McLeod | kembrew@kembrew.com
Jeremy Smith | youthelectronix@comcast.net

SUMMARY

In 1998, university professor Kembrew McLeod (Associate Professor of Communication Studies at the University of Iowa) trademarked the phrase “freedom of expression”—a startling comment on the way that intellectual property law restricts creativity and expression of ideas. This provocative and amusing documentary explores the battles being waged in courts, classrooms, museums, film studios, and the Internet over control of our cultural commons. Based on McLeod's award-winning book of the same title, *Freedom of Expression®* charts the many successful attempts to push back this assault by overzealous copyright holders. *Freedom of Expression®* is an essential tool for educators, activists, filmmakers, students, artists, librarians, and more.

Featured interviews include: Kembrew McLeod (Communication professor and author of *Freedom of Expression®*), Lawrence Lessig (Stanford Law School professor and founder, Stanford Center for Internet and Society), Wendy Seltzer (Intellectual property law attorney), James Boyle (Duke Law professor), Carrie McClaren (journalist, activist, and curator of the Illegal Art Exhibition), Siva Vaidyanathan (NYU Communication professor), Mark Hosler (co-founder of the sound collage group Negativland), Rick Prelinger (film archivist, founder of the Prelinger Archives), Marjorie Heins (founder, Free Expression Policy Project), Nelson Pavlosky (student, co-founder of the national student activist organization, Free Culture), Inga Chernyak (student activist, co-founder the NYU Free Culture chapter), David Bollier (co-founder, Public Knowledge and author, *Brand Name Bullies: The Quest to Own and Control Culture*), Pat Aufderheide (Communication professor, American University and co-director, the Center for Social Media), David Sanjek (music historian and Director of the BMI Archives), and Sut Jhally (Communication professor, University of Massachusetts - Amherst, and Founder and Executive Director of the Media Education Foundation).

UNITED STATES • 2007 • 61 minutes • Color • Shot on Mini-DV •
Aspect Ratio 4:3 • Stereo • English/English subtitles
Available on BETA/DVD/DVCAM • NTSC

CONTACT INFORMATION

To arrange interviews with the film's producers, please contact:

Jeremy Smith | Producer & Editor
email youthelectronix@comcast.net

Kembrew McLeod | Producer & Assistaned Editor
email kembrew@kembrew.com

For bulk purchases, marketing or distribution inquiries, please contact:

Kendra Olson Hodgson | MEF Marketing Director
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For further information about supporting the distribution of this film, please contact:

Adi Bemak | Director of Individual Gifts
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PRAISE FOR *FREEDOM OF EXPRESSION*

"This is a viable discussion prompter for educators, librarians, filmmakers, and others interested in copyright issues and trademark laws... A highly instructive discussion starter for high-school classes in media-literacy education."

- **Booklist**

"We have a right to analyze, comment, critique, and even parody our own culture, but we must use existing works in order to do so effectively. This film stands for and justifies the use of preexisting works for legitimate purposes; the filmmakers are certainly in favor of copyright but not the corporate excesses that exist today. *Freedom of Expression* is well made and would be an excellent addition to any collection containing legal and public policy films..."

- **Library Journal**

"This smartly-made and seriously funny documentary provides an aerial view of the battleground that is today's copyright landscape. Illustrating the comments of many well-known critics of runaway copyright & trademark law with apt audiovisual examples, *Freedom of Expression* succeeds as an engaging and concrete presentation."

- **Peter Jaszi | Professor of Law | Washington College of Law, American University**

"It's about time someone made this movie. 700 Americans get sued into penury every month by the record industry. 70 million Americans file-share. Every generation of technology contains more locks to turn our computers into our masters, not our servants. Worst of all: no one seems to even notice as our tools for free speech are being turned into perfect snitches."

- **Cory Doctorow | Co-editor, *Boing Boing* | Author, *Overclocked: Stories of the Future Present***

"This film is another fine way of bringing media studies' best thinkers onto your campus."

- **Journal of Mass Media Ethics**

CREDITS

Produced by: Kembrew McLeod & Jeremy Smith

Executive Producers: Sut Jhally & Jeremy Earp

Editor: Jeremy Smith

Assistant Editor: Kembrew McLeod

Narration: Naomi Klein

Camera: Chris Coco, Rebekah Farrugia, Ben Franzen, Nate George, Terry Harrison, Maggie Henefeld, Thessaly La Force, Hun Yul Lee, Jennifer A. Machiorlatti, Ross Sebek, David Rabinovitz, and Jeremy Smith

Location Audio: Nate George, Brad Sherman, Jeremy Smith, Sanjay Talreja

Sound Design: Gregg Swiatlowski

Original Music: Eric Cunha

Motion Graphics: sweetandfizzy.com, Jeremy Smith

Print Graphics: Shannon McKenna

Production Assistant: Nate George

Interns: Andrew Brooks, Steven Coletti, Chelsey Hahn, Kim Robinson, Lita Robinson, and John Seeley

Transcription: Collin Syfert

ABOUT THE FILMMAKERS

JEREMY SMITH | Producer & Editor

Jeremy Smith has edited eight films at the Media Education Foundation, including *Tough Guise*; *Rich Media Poor Democracy*; and *Game Over*. He also was the associate producer and editor for *Money For Nothing: Behind the Business of Pop Music*. Smith is currently pursuing his Masters of Library Science at Simmons College.

KEMBREW MCLEOD | Producer & Assistant Editor

A journalist, activist, artist and professor in the department of communication studies at the University of Iowa, Kembrew McLeod is the author of two books on intellectual property and culture, *Owning Culture: Authorship, Ownership & Intellectual Property* and *Freedom of Expression@: Overzealous Copyright Bozos and Other Enemies of Creativity*. He has written music criticism for *Rolling Stone*, *The Village Voice*, *Spin*, and *Mojo*, and is also the co producer of a 2001 documentary on the music industry, *Money for Nothing: Behind the Business of Pop Music*. With UI alum Ben Franzen, McLeod is currently working on a documentary on the history of digital sampling and sound collage, titled *Copyright Criminals: This is a Sampling Sport*.

JEREMY EARP | Executive Producer

Jeremy Earp, the Production Manager at the Media Education Foundation, co-wrote and co-directed the documentaries *War Made Easy* (2007), *Consuming Kids* (2008), and *Hijacking Catastrophe: 9/11, Fear & the Selling of American Empire* (2004). He produced the film *Reel Bad Arabs: How Hollywood Vilifies a People* (2007) and co-wrote *Tough Guise: Violence, Media & the Crisis in Masculinity* (1999). He directed *Blood and Oil* (2008). Before joining MEF, he taught at New School University and Parsons School of Design in New York City, at the Art Institute of Boston and Northeastern University in Massachusetts, and worked as a news and sports reporter for a daily newspaper outside of Boston. He holds a Master's degree in English from Northeastern University, and is currently pursuing a doctorate in Communication at the University of Massachusetts, Amherst.

SUT JHALLY | Executive Producer

Sut Jhally is a professor of Communication at the University of Massachusetts-Amherst and founder and executive director of The Media Education Foundation. He first gained national recognition for his film *Dreamworlds: Desire, Sex & Power in Music Video* when MTV threatened him with a lawsuit over copyright infringement. The resulting press storm led to numerous requests for the video and the founding of The Media Education Foundation in 1991. Since that time, Sut Jhally has been the executive producer of more than twenty-five films produced and distributed by the Media Education Foundation, including the critically acclaimed *Hijacking Catastrophe*. He is the author of *The Codes of Advertising* and *The Spectacle of Accumulation: Essays in Cultural Politics*, and co-author of *Social Communication in Advertising and Enlightened Racism*. He is also co-editor of *Cultural Politics in Contemporary America* and *Hijacking Catastrophe: 9/11, Fear & the Selling of American Empire*. He has written broadly on issues of popular representation and is regarded as one of the world's leading cultural studies scholars in the area of advertising, media, and consumption.

MEDIA EDUCATION FOUNDATION | Distributor & Sales Rep

The non-profit Media Education Foundation (MEF) is the nation's leading producer and distributor of educational videos designed to inspire students and others to reflect critically on the structure of media industries and the content they produce. Founded in 1991, MEF's mission is to answer the challenge posed by the radical and accelerating corporate threat to democracy.

INTERVIEWEE BIOGRAPHIES

PATRICIA AUFDERHEIDE

Center director Patricia Aufderheide is a professor in the School of Communication at American University in Washington, D.C., and the director of the Center for Social Media there. She is the author of, among others, *Documentary: A Very Short Introduction*, *The Daily Planet*, and *Communications Policy in the Public Interest*. She has been a Fulbright and John Simon Guggenheim fellow and has served as a juror at the Sundance Film Festival. Aufderheide is a prolific cultural journalist, policy analyst, and editor on media and society and has received numerous journalism and scholarly awards, including a career achievement award in 2006 from the International Documentary Association. Aufderheide serves on the board of directors of Kartemquin Films, a leading independent social documentary production company and on the editorial boards of a variety of publications. She has served on the board of directors of the Independent Television Service and on the film advisory board of the National Gallery of Art. She received her Ph.D. in history from the University of Minnesota.

DAVID BOLLIER

David Bollier is an independent policy strategist, journalist, activist and consultant with an evolving public-interest portfolio. His work tends to focus on a few key concerns: reclaiming the American commons, understanding how digital technologies are changing democratic culture, fighting the excesses of intellectual property law, fortifying consumer rights and promoting citizen action. In addition to speaking and writing frequently about the commons, he edits the web portal and blog, OntheCommons.org. His book *Brand Name Bullies: The Quest to Own and Control Culture*, in revealing the abuse of intellectual property law to seize control of information, news, images, music, and even letters, silence, smells and yoga postures, raises the question of whether free speech and creativity truly belong to everyone, or chiefly to commercial interests armed with high-priced lawyers.

JAMES BOYLE

James Boyle is William Neal Reynolds Professor of Law and co-founder of the Center for the Study of the Public Domain at Duke Law School. He joined the faculty in July 2000. He has also taught at American University, Yale, Harvard, and the University of Pennsylvania Law School. He is the editor of *Critical Legal Studies*, special editor of *Collected Papers on the Public Domain*, author of *Shamans, Software and Spleens: Law and Construction of the Information Society* and, most recently, the co-author of *Bound By Law*, a comic book (!) on fair use in documentary film. He currently writes as an online columnist for the *Financial Times' New Economy Policy Forum*. He is the winner of the 2003 World Technology Award for Law for his work on the "intellectual ecology" of the public domain, and on the new "enclosure movement" that seems to threaten it.

INGA CHERNYAK

Inga Chernyak is an active member of FreeCulture.org, and the president of the NYU chapter. FreeCulture.org is a diverse, non-partisan group of students and young people who are working to get their peers involved in the free culture movement.

MARJORIE HEINS

Marjorie Heins is an activist, writer, and founder of the Free Expression Policy Project, a U.S. based organization dedicated to exploring challenges to free expression from censorship, media regulation, and intellectual property laws. She began the project in 2000 while at the National Coalition Against Censorship (NCAC). Heins founded and directed the Arts Censorship Project at the American Civil Liberties Union from 1991-1998, during the years in which arts censorship were a particularly controversial and active field. During that time, she worked on a number of

high-profile arts censorship matters. Heins was co-counsel on the ACLU's *Reno v. ACLU* brief to the U.S. Supreme Court, which ultimately led to striking the Communications Decency Act as an unconstitutional violation of the First Amendment. Heins also worked on Karen Finley's lawsuit against the National Endowment for the Arts.

MARK HOSLER

Mark Hosler is a founding member of the group Negativland. Since 1980, the "Floptops" known as Negativland have been creating records, CDs, video, fine art, books, radio and live performance using appropriated sound, image and text. Mark and Negativland have been sued twice for copyright infringement and in 1995 they released a 270 page book with 72 minute CD entitled "FAIR USE: The Story of the Letter U and the Numeral 2." This book documented their infamous four-year long legal battle over their 1991 release of an audio piece entitled "U2". In November of 2007, they released OUR FAVORITE THINGS, a feature length DVD collection of their film work that is in the same legally grey area as their audio.

SUT JHALLY

Sut Jhally is Professor of Communication at the University of Massachusetts at Amherst and Founder and Executive Director of the Media Education Foundation (MEF). He is one of the world's leading scholars looking at the role played by advertising and popular culture in the processes of social control and identity construction. The author of numerous books and articles on media (including *The Codes of Advertising* and *Enlightened Racism*) he is also an award-winning teacher (a recipient of the Distinguished Teaching Award at the University of Massachusetts, where the student newspaper has also voted him "Best professor"). In addition, he has been awarded the Distinguished Outreach Award, and was selected to deliver a Distinguished Faculty Lecture in 2007. He is best known as the producer and director of a number of films and videos (including *Dreamworlds*, *Tough Guise*, and *Hijacking Catastrophe*) that deal with issues ranging from gender, sexuality and race to commercialism, violence and politics.

LAWRENCE LESSIG

Lawrence Lessig is a Professor of Law at Stanford Law School and founder of the school's Center for Internet and Society. Prior to joining the Stanford faculty, he was the Berkman Professor of Law at Harvard Law School, and a Professor at the University of Chicago. He clerked for Judge Richard Posner on the 7th Circuit Court of Appeals and Justice Antonin Scalia on the United States Supreme Court. Professor Lessig represented web site operator Eric Eldred in the groundbreaking case *Eldred v. Ashcroft*, a challenge to the 1998 Sonny Bono Copyright Term Extension Act. Professor Lessig is the author of *Free Culture*, *The Future of Ideas*, *Code and Other Laws of Cyberspace*, and *Code 2.0*. He chairs the Creative Commons project, and serves on the board of the Free Software Foundation, the Electronic Frontier Foundation, the Public Library of Science, and Public Knowledge. He is also a columnist for *Wired*.

CARRIE MCLAREN

Carrie McLaren is the founder of *Stay Free!*, a nonprofit, Brooklyn-based magazine focused on American media and consumer culture (www.stayfreemagazine.org). She is also the curator of the *Illegal Art* exhibit, a multimedia art show and website devoted to copyright reform. (www.illegal-art.org). A former advertising columnist for the Village Voice, her writing has also appeared in *Newsday*, *Mother Jones*, *Time Out NY*, and *SPIN* magazine, among others. She lives in Brooklyn.

KEMBREW MCLEOD

Kembrew McLeod is an independent documentary filmmaker and a media studies scholar at the University of Iowa whose work focuses on both popular music and the cultural impact of intellectual property law. McLeod has written refereed journal articles on copyright and music, and has published two books on the subject: *Owning Culture: Authorship, Ownership and Intellectual Property Law* and *Freedom of Expression®: Overzealous Copyright Bozos and Other Enemies of Creativity*, which received the Oboler book award from the American Library Association. McLeod's documentary, *Money For Nothing: Behind the Business of Pop Music* (2000), was programmed at a variety of film festivals, including the 2002 South By Southwest Film Festival and the 2002 New England Film and Video Festival. He is currently working on a feature length documentary about digital sampling titled *Copyright Criminals: This is a Sampling Sport*. He is an occasional music journalist whose pieces have appeared in *Rolling Stone*, *Mojo*, *Spin*, *The Village Voice* and the *New Rolling Stone Album Guide*.

DAVID SANJEK

Dr. David Sanjek has been the Director of the Broadcast Music Incorporated (BMI) Archives since 1991. He has contributed to a number of collections on popular music, film, and cultural studies as well as being an advisor to the Blues Foundation, R&B Foundation, Rock & Roll Hall of Fame, Experience Music Project and Smithsonian. In 2002, he appeared on documentaries featured by the BBC and A&E's *Biography*. Additionally, Dr. Sanjek will be a voice on the forthcoming NPR *History of Rhythm & Blues*. Dr. Sanjek received his Ph.D. in American Literature from Washington University and has taught at N.Y.U., New School for Social Research, Hunter College, and Fordham University.

WENDY SELTZER

Wendy Seltzer is a staff attorney with Electronic Frontier Foundation, where she focuses on intellectual property and free speech issues. Prior to joining EFF, Wendy taught Internet Law at St. John's University School of Law and was an intellectual property and technology associate with Kramer Levin Naftalis & Frankel in New York. Seltzer speaks frequently on copyright, trademark, open source, and the public interest online. She is a 1999 graduate of Harvard Law School and a 1996 graduate of Harvard College. Seltzer founded and leads the Chilling Effects clearinghouse, a project to study and combat the ungrounded legal threats that chill activity on the Internet. She leads the Openlaw project, and its open DVD forum in defense of the DeCSS posters, arguing that technological protections for digital media must accommodate fair use and free speech. Further, Wendy has been involved with the development of the Creative Commons project to offer the public a range of open licenses to promote sharing of creative non-software works.

JOHN SORENSEN

John Sorensen is a writer, director, and producer. He is the Founding Director of the Jumble Shop Theater, of the New York Public Library's *Four Corners* World Culture Series, of the Abbott Sisters Project, and of the Enescu Project. Mr. Sorensen was the assistant director of the Tony Award-winning play, *Tru*, and of the Broadway play *The Big Love*, starring Tracey Ullmann. He wrote and directed the documentary film, *The Andy Warhol Robot* and the radio specials *The Children's Champion*. Mr. Sorensen's film and video work also includes the documentary *Hometown Movies*, and *Midsummer*, a silent film-drama made for the New York Public Library. He also contributed to PBS documentaries concerning filmmaker D.W. Griffith for *The American Experience* and concerning Willa Cather for *American Masters*, as well as to various projects for the BBC and Thames-TV in England. Mr. Sorensen is the author of the book *Our Show Houses*, a cultural history of movie theaters.

NELSON PAVLOSKY

Nelson Pavlosky is a 1st-year law student at George Mason Law in Arlington, VA. As co-founder of both Students for Free Culture and its first campus chapter, Free Culture Swarthmore, Nelson has been involved in the "free culture" movement since shortly after the term was coined. He made international headlines in 2003 as a plaintiff in *OPG v. Diebold*, a case which set an important precedent protecting freedom of speech from abuse of copyright law. Since then, he has interned at the Electronic Frontier Foundation and Public Knowledge, worked on citizen journalism and podcasting at War News Radio, and given talks on dozens of college campuses across the United States.

SIVA VAIDHYANATHAN

Siva Vaidhyanathan, a cultural historian and media scholar, is the author of *Copyrights and Copywrongs* and *The Anarchist in the Library*. Academic journals that have published his work include *American Quarterly*, *The Annals of the American Academy of Political and Social Science*, *Cultural Studies*, *The UC-Davis Law Review*, and *First Monday*. Vaidhyanathan has written for many periodicals, including *The Chronicle of Higher Education*, *The New York Times Magazine*, *MSNBC.COM*, *Salon.com*, *American Scholar*, *The Columbia Journalism Review*, and *The Nation*. He is a frequent contributor on media and cultural issues. After five years as a professional journalist, Vaidhyanathan earned a Ph.D. in American Studies from the University of Texas at Austin. Vaidhyanathan has taught at Columbia University, the University of Texas, Wesleyan University, and the University of Wisconsin at Madison. He is currently an associate professor in the department of Culture and Communication at New York University.

NOTABLE QUOTES FROM *FREEDOM OF EXPRESSION*

"Censorship is bad for democracy."

- Patricia Aufderheide

"Copyright law used to be something which really was not of interest to most people. It applied to large distributors of copyrighted content. Now copyright law applies directly to all of us -- we're all copying; we're all distributing all the time."

- James Boyle

"If we want to make the claim that we live in a democratic society, what that rests on is people having access to information, people having access to media and culture and being able to make informed decisions."

- Inga Chernyak

"A world that is so heavily privatized and corporatized presents a number of threats -- not only to free expression and culture, but to the way in which we function as a society."

- Marjorie Heins

"We make stuff by taking bits of the environment around us, which happens to be a media environment, and we chop it up, scramble it up, and spit it back out again and make new things out of it. Even if you don't like the music we do, I think we're addressing some issues that are kind of important to anyone who's interested in art and music and creativity and our culture and how it's evolving. It's evolving in some ways that are very, very sad and very, very oppressive."

- Mark Hosler

"[Corporations] don't have the right to stop you from using their materials."

- Sut Jhally

"I think we need copyright, absolutely. I think it's an essential part of creativity. It's essential to make sure people can profit from their creative work. But we need a different structure of copyright so the natural instincts about how you use creative work don't also constitute piracy."

- Lawrence Lessig

"The reason why the public domain is important is because it creates this pool of cultural resources."

- Kembrew McLeod

"What fair use allows us to do is take an element of something which preexists, incorporate it in a work that you're completing, be it critical or creative, and make reference to something someone else has done."

- David Sanjek

"Initially copyright lasted fourteen years, renewable once, and it was a protection for books, charts, and maps -- a limited right to publish and sell."

- Wendy Seltzer

"Individual copyright holders, like Warner brothers like Disney, are shaping the images that you see and thus your understanding of your history, your culture, yourselves."

- John Sorensen

"Can we maintain a rich cultural commons, and therefore an effective sense of cultural cohesion, if we are stopping up the public domain, stopping new material from entering the public domain?"

- Siva Vaidhyanathan

RESOURCES

BoingBoing

www.boingboing.net

"A Directory of Wonderful Things" and blog covering all facets of Internet life, politics, cultures and oddities.

Consumer Project on Technology (aka Knowledge Ecology International)

www.cptech.org

Advocacy NGO concerned with production of and access to knowledge, including medical inventions, information and cultural goods, and other knowledge goods.

Creative Commons

[//creativecommons.org](http://creativecommons.org)

NGO Provider of free tools allowing authors, scientists, artists, and educators to mark their creative work with their choice of copy protection – from "All Rights Reserved" to "Some Rights Reserved."

Electronic Frontier Foundation

[//www.eff.org](http://www.eff.org)

NGO comprising lawyers, technologists, and volunteers active in digital and communication rights law, especially through "impact" litigation and defense actions in precedent-setting court cases.

IP Justice

www.ipjustice.org

International civil liberties organization promoting balanced intellectual property laws, particularly on digital issues.

Michael Geist

www.michaelgeist.ca

Journalist and blogger covering Canadian information politics and digital rights.

South Centre

www.southcentre.org

An intergovernmental organization of developing countries and resource center for knowledge issues facing the global South.

Center for Social Media, Fair Use Resources

www.centerforsocialmedia.org/resources/fair_use

This site provides informative written reports, short documentaries, and other multimedia resources that help one understand what fair use is and how it works.

The Free Expression Policy Project

<http://www.fepproject.org>

Established as a project of the National Coalition Against Censorship, this group provides research and policy reports on free speech and copyright issues, such as Internet filters, digital rights management, mass media consolidation, and public access to the airwaves.