The Norman Lear Center

The Norman Lear Center is a nonpartisan research and public policy center that studies the social, political, economic and cultural impact of entertainment on the world. The Lear Center translates its findings into action through testimony, journalism, strategic research and innovative public outreach campaigns. On campus, from its base in the USC Annenberg School for Communication, the Lear Center builds bridges between schools and disciplines whose faculty study aspects of entertainment, media and culture. Beyond campus, it bridges the gap between the entertainment industry and academia, and between them and the public. Through scholarship and research; through its conferences, public events and publications; and in its attempts to illuminate and repair the world, the Lear Center works to be at the forefront of discussion and practice in the field. For more information, please visit www.learcenter.org.

ACLU

The American Civil Liberties Union (ACLU) is a national, non-partisan litigation, lobbying, and public education organization with more than 500,000 members and 53 affiliates that for more than 80 years has protected the rights and freedoms guaranteed to every person in this country by the Constitution. We believe that democracy is best served when individuals engage each other in well-informed discussion. For more information, visit www.aclu.org.

Rights/Camera/Action

The ACLU recognizes that when vital civil liberties issues are addressed on screen, stage, canvas, and the page, so too are they addressed over the dinner table. Rights / Camera / Action uses the arts and popular culture as a platform for civil liberties discussions with the artists and other professionals who create entertainment, as well as with the audiences and students who are its consumers. Through film screenings, panels, dialogue with artists, industry leaders, and civil liberties experts; and through spoken, sung, and written word, Rights / Camera / Action encourages conversations that tap into core American values that cut across the lines of political ideology, race, ethnicity, age and gender. For more information, visit www.aclu.org/rca.
Johanna Blakley

Johanna Blakley is Deputy Director of the Norman Lear Center, where she performs research on celebrity culture, global entertainment, and digital technology. She received a Ph.D. in English from the University of California, Santa Barbara, where she taught courses on popular culture and twentieth-century literature. She has held a variety of positions within the high-tech industry, including Web producer, Web site reviewer, digital archivist and research librarian.

Alex Gibney

Alex Gibney, producer, director and writer received an Oscar in 2008 for Best Documentary for *Taxi to the Dark Side*, a gripping investigation into the homicide of an innocent taxi driver at Bagram Air Force Base in Afghanistan. Alex is well known for producing *Enron: The Smartest Guys in the Room*, one of the top grossing documentaries of all time. He’s currently working on *Casino Jack*, a look at lobbyist Jack Abramoff and he’s collaborating with Peter Elkind again on a book and a documentary about Eliot Spitzer.

Ariel Dorfman

Ariel Dorfman, the Chilean-American author of numerous works of fiction, plays, poems, essays and films, has been dubbed a “literary grandmaster” by *Time* magazine. *Newsweek* called him “one of the greatest living Latin American novelists.” His books have been translated into over 40 languages and have received many international prizes. His play *Death and the Maiden* has won dozens of best play awards around the world. Now based at Duke University, Ariel has been active in the defense of human rights for many decades, having addressed UNESCO and the General Assembly of the UN.

Peter Gilbert

Peter Gilbert has had a distinguished career in producing, directing, and photographing documentaries, feature films, commercials, and music videos. He produced and directed, along with Steve James, the award-winning film *At the Death House Door*, which follows the Rev. Carroll Pickett’s career as a death row chaplain. Peter was a producer and DP on *Hoop Dreams*, which won every major documentary award, and he was executive producer of *God Grew Tired of Us*, a film about three “lost boys” from Sudan.
Kal Penn reprised his starring role of Kumar in *Harold And Kumar Escape From Guantanamo Bay*. Kal recently starred in Mira Nair’s film version of *The Namesake*, which deals with the personal and national identity issues that immigrants face. He had a recurring role on season 6 of *24* and the TV series *House*. Kal is an Adjunct Professor of Cinema, Sociology, and Asian American Studies at the University of Pennsylvania and he’s studying International Security at Stanford. He also serves on the celebrity advisory board of the Red Cross.

Robb Moss

Robb Moss is the co-director (with Peter Galison) of *Secrecy*, a new documentary that explores the vast, invisible world of government secrecy, examining the tensions between our safety as a nation, and our ability to function as a democracy. As a cinematographer he’s shot films in Ethiopia, Hungary, Japan, Liberia, Mexico and Turkey—on such subjects as famine, genocide and the large-scale structure of the universe. He has taught filmmaking at Harvard University for the past twenty years.

Ricki Stern

Ricki Stern is a director, producer and writer. She co-directed and co-produced the award-winning documentary *The Trials of Darryl Hunt*, about a man who spent 20 years in prison for a brutal rape & murder he did not commit. The film has won more than twenty festival awards to date. She also co-directed and produced the award-winning *The Devil Came on Horseback*, which exposes the tragedy taking place in Darfur. In 1991, Ricki directed and produced the Emmy-nominated *Neglect Not The Children*, a TV documentary about a Harlem-based youth program, hosted by Morgan Freeman.

Anjuli Verma

Anjuli Verma is the Advocacy Director of the ACLU’s Drug Law Reform Project. She oversees national campaigns to reduce the number of people of color incarcerated for drug offenses, to reform marijuana laws and defend medical marijuana users, and to reduce the harms associated with both drug addiction and the drug war. She’s collaborated with film producers and entertainment industry professionals on projects such as Robert Greenwald’s *Freedom Files on the Drug Wars*. 
Rights/Camera/Action Conference 2008

Johanna Blakley: Thank you, everyone. It is an honor to be here. Much of the work that we do at the Norman Lear Center is devoted to understanding the powerful impact that entertainment can have. So it is a pleasure to be here tonight to introduce the panel filled with people who get it, people who realize that art, whether it’s highbrow or lowbrow has a way of leaking into real life, inciting conversation, and occasionally inspiring us to action.

First, before I introduce them, let’s take a look at their work.

[Video plays.]

I will start introducing this amazing panel from the stage with Ariel Dorfman, the Chilean-American author of numerous works of fiction, plays, poems, essays, and films. He has been dubbed a literary grand master by Time Magazine, and Newsweek calls him one of the greatest living Latin American novelists. His books have been translated into over 40 languages. He has received many international prizes. His play, Death and the Maiden, has won dozens of best play awards around the world. Now based at Duke University, Ariel has been active in the defense of human rights for many years, having addressed UNESCO and the General Assembly of the U.N.
Alex Gibney just took home the 2008 Oscar for Best Documentary for *Taxi to the Dark Side*. It’s a gripping investigation into the homicide of an innocent taxi driver at Bagram Air Force Base in Afghanistan. Alex is well known for producing *Enron - The Smartest Guys in the Room*, one of the top grossing documentaries of all time. He is currently working on *Casino Jack*, a look at lobbyist Jack Abramoff, and he is collaborating with Peter Elkind again on a book and a documentary about Elliott Spitzer. Oh, yes.

Next, we have Peter Gilbert. He’s had a distinguished career in producing, directing, and photographing documentaries, feature films, commercials, and music videos. He produced and directed, along with Steve James, the award winning film *At the Death House Door*, which follows the Reverend Carroll Pickett career as a death row chaplain. Peter was a producer and DP on *Hoop Dreams*, which won every major documentary award, and he was executive producer of *God Grew Tired of Us*, a film about three lost boys from Sudan.

Next, we have Robb Moss. He’s the co-director with Peter Galison of *Secrecy*, a new documentary that explores the vast invisible world of government secrecy examining the tensions between our safety as a nation and our ability to function as a democracy. As a cinematographer, he’s shot films in Ethiopia, Hungary, Japan, Liberia, Mexico, and Turkey on such subjects as famine, genocide, and the large scale structure of the universe. He has taught filmmaking at Harvard for the past 20 years.
Next, we have actor, Kal Penn. Oh, yes. He can currently be seen in theaters reprising the role of Kumar in *Harold and Kumar Escape from Guantanamo Bay*. Kal recently starred in Mira Nair’s film version of *The Namesake*, which deals with the personal and national identity issues that immigrants face. He had a recurring role on Season Six of *24*, and you can find him now on the TV series *House*.

Kal is an Adjunct Professor of Cinema, Sociology, and Asian-American Studies at the University of Pennsylvania and he is studying international security at Stanford. He also serves on the Celebrity Advisory Board of the Red Cross.

Ricki Stern is a director, producer, and writer. She co-directed and co-produced the award winning documentary, *The Trials of Darryl Hunt*, about a man who spent 20 years in prison for a brutal rape and murder he did not commit. The film has won more than 20 festival awards to date. She is the co-director and producer on the award winning *The Devil Came on Horseback*, which exposes the tragedy taking place in Darfur. She also directed and produced the Emmy-nominated, *Neglect Not the Children*, a documentary about a Harlem-based youth program hosted by Morgan Freeman.

And lastly, we have Anjuli Verma, who is the Advocacy Director of the ACLU’s Drug Law Reform Project. She oversees national campaigns to reduce the number of people of color incarcerated for drug offenses, to re-
form marijuana laws and defend medical marijuana users, and to reduce the harms associated with both drug addiction and the drug war. She has collaborated with film producers and entertainment industry professionals on projects such as Robert Greenwald’s *Freedom Files* on the drug war. So, please, applause for all of our panelists.

Just to provide a frame for this discussion – and it will be a very loose, sort of conversational thing. We don’t really want to have a panel discussion here. And we want to include the audience as much as possible. So know ahead of time we’re going to give plenty of time for Q&A. But first, I wanted to start with Anjuli, because I’d like her to tell you a little bit about why it is the ACLU cares about entertainment. Why did they put this project together? Why are we here?

**Anjuli Verma:** Well, a few years ago, after 9/11, 12 strangers found themselves in a room together behind a one-way mirror. They were participating in a focus group that the ACLU had convened for us to try to better understand what the American public was feeling and thinking with relation to civil liberties after the 9/11 attacks. And anyone who has any familiarity with focus groups knows that these participants come in and think that they’re going to be asked what shape shampoo bottle do they find more attractive or what flavor toothpaste would they pick off the shelf. But today, they were sitting around a conference table and there was a moderator at the head of the table who was asking them questions about their views on government surveillance, about whether they thought that limitations should be put on the President’s power in fighting the war on terror.
And we got to the part of the focus group where the moderator asked them, “Do you think that our government is engaging in torture? Do you think that torture could ever be justified? How do you define torture?” As you can imagine, this unsuspecting group of strangers sat there and there was silence. And a man piped up and he said, “Well, it’s what Jack Bauer does, right?” And of course, he was referring to the main character in the very popular television series, 24. And a woman jumped in and she said, “Well, I think torture can be justified if that’s the only way you get the information to save millions of peoples’ lives.” And someone else said, “Yes, you know, in 24 there was a missile and it was in the air, launched, headed for Los Angeles. Millions of people were going to die. The government had no idea how to stop it. And there was much hand wringing by the bureaucrats, there were officials that were going through the proper channels in the chain of command. But it wasn’t till Jack Bauer took matters into his own hands, dragged the suspect out of CTU, the Counter Terrorism Unit in the show 24, dragged him out into the parking lot, put his hands on a steering wheel and broke his fingers one by one until the man gave him that critical piece of information that Jack Bauer needed to help the government avert what could have been a national disaster, a terrorist attack on United States soil.”

If that’s what torture is, how can we be against it? And we at the ACLU—I suppose that we shouldn’t have been surprised that your average person’s understanding of torture is very informed by the things that they watch on
television and the things that they see in the movie theater, because after all, what do we as everyday people even know about how the government is fighting the so-called war on terror? We don’t know anything about it. We have no real basis against which to judge what we see in entertainment that way. And you take as a counter example to that something like Alex’s Taxi to the Dark Side, and if you watch that, there’s a very different definition of torture that’s put forth there. That definition of torture would be something like an innocent man plucked out of a village on thin evidence and beaten to death. And if that’s what torture is, how can any reasonable person be for it?

And so, at the ACLU, as an advocate, what I’m comfortable with, I think what we as an organization do really well, is advocate in the courtroom and in the halls of Congress and in the news media. And what we are learning to do and really investing in is acknowledging the valuable role that entertainment plays in actually defining what people understand something like torture or something like racial profiling, what they really understand that to mean. And that’s what my fellow panelists here, that’s the power that you guys hold in your hands. And as the thesis statement of the last panel put it, the further you get from American Idol, the more important it is that you tell a story that connects to peoples’ emotion and to their human understanding of what can become in us, as advocates – mine is – a very complex set of facts and figures and policy debates.

And so, I think that’s really the heart of why the ACLU needs to be engaged with the entertainment industry, in addition to all the traditional tactics that we’ve become quite good at deploying for the cause of civil liberties.
Johanna Blakley: Right. And at the Norman Lear Center we do research on exactly this topic. And it was one reason we started talking with the ACLU. They said, we’re doing these focus groups and people are citing TV shows when we ask them about serious civil liberties issues. And we had just done a survey – a nationwide phone survey – asking people who were viewers of shows with government themes if they learned something from those shows, if they took any action based on what they saw. And some of the shows included 24, Law and Order, Jag and Alias were on the air at the time.

And these were the results. Seventy percent of viewers of these shows said they talk about the characters and themes of the shows with family and friends. Probably not surprising, but that’s 70 percent. Fifty-two percent learned something from watching these shows. These people were mostly college educated people and we were isolating them actually from other TV viewers who watch shows like American Idol. So these were people who were attracted to shows like West Wing and such. Forty-three percent said a TV show encouraged them to seek out more information about a political or social issue. Thirty-one percent said a TV show has changed their way of thinking about a political or social issue. And this is just the people who admitted it. I think a lot of people don’t want to admit that a TV show would actually change their mind about a serious political issue.
And we took this information to the entertainment industry and said, guess what? People believe what you depict and they really take it into account in their own lives.

BLAKLEY

My father had been a naval interrogator in World War II and was absolutely furious about what was being done in our name.

GIBNEY

And then, when we asked the same questions of 18 to 24-year olds, all the numbers were even higher. They were even more influenced by these shows. And we took this information to the entertainment industry and said, guess what? People believe what you depict and they really take it into account in their own lives.

So the first question that I’d start with—and anybody can pipe in at any time—is it’s clear that there is some sort of political subtext or an overt text that’s political in all of these works that we just saw up on the screen. And I guess my main question is, did you set out to make something political, something that would have a particular kind of impact on your audience? Or do you feel that that kind of got in the way of your artistic process? Did you see a struggle there?

Alex Gibney: I’ll take that. I mean, I was given an assignment in effect. I was on a panel for *Enron* and a high net worth attorney who had nothing to do with civil rights in particular who was on that panel came up to me afterwards and said, if I were to help raise the money, would you make a film about torture. And it was a subject that I felt was very important and it was also a subject that had a personal interest to me because my father had been a naval interrogator in World War II and was absolutely furious about what was being done in our name.

But having agreed to that assignment, I realized that I had to investigate it in a completely different way and to find a human story that would bring some pathos to this, that it wouldn’t be a kind of issue statement, that it would be a human journey. And also that— I hoped to structure, once I found the story—and I found
the story of the taxi driver reasonably early – but the journey then for me took on some unexpected twists and turns, particularly in terms of how much I ended up being intrigued with and sympathized with many of the military police and interrogators, some of whom were collectively responsible for murdering this young kid. He couldn’t have been – I mean, he has to be described as a kid. He was 22 years old and he’d never spent a night away from home. But it was understanding it in that way that I began to take a long journey myself and finally came back around. So his journey, the journey of Dilawar, which led from – as it happened, from Bagram Prison to Abu Ghraib to Guantanamo and right on up to the White House – by following that journey, all along the way I was able to grapple with some of these issues, but in ways that were always colored by the journey that I had taken of discovery, which I hope at the end of the day with the film lent a larger understanding that this was not – because I felt fundamentally what had happened with Abu Ghraib was that people were properly shocked by the images that they saw coming out of Abu Ghraib; but what the civilian administration did then was to focus all of its attention on those images and to say, no, there were a few bad apples – we’ve heard that phrase many times – there were a few bad apples and they were very bad. But everything else was good.

But this journey led me both to the political parameters of a policy and at the same time to the kind of human detail that makes us all understand a story like that, so that we don’t disconnect ourselves, because after all, the purpose of saying “a few bad apples,” is to say, no, that’s out there and it’s got nothing to do with us. And by connecting it to us, then it makes it
human, it makes us have to grapple with that subject. So that in any case is how I approach it.

Peter Gilbert: I come from a filmmaking organization in Chicago called Kartemquin Films and we’ve been making social issue films for the last 40 years. And I think what attracts us is, sort of echoing Alex, is stories. We like to tell individual stories, human stories, that through watching one person’s journey – and most peoples’ journeys are very complicated and that’s the thing that’s exciting about them to the filmmaker – through their journey, hoping that he will start to look at an issue in a much bigger way. And I can give you an example on the film At The Deathhouse Door that you saw a clip of. Carroll Pickett, who’s the reverend, was a death house chaplain for 95 men. He ministered to them for the last 12 hours of their lives. He was there and had his hand on their leg when they actually were put to death. That’s a witness of a kind that you don’t often get to talk to, get to meet, get to see.

I had no idea going into the film, nor did my partner, Steve James, who directed it with me, what it would mean to be with a man like that. And I think part of it is discovery, which is you go in a lot of times to make the film and you think, okay, well, I’m anti-death penalty or I’m pro-death penalty, or whatever I am. But it’s that journey for the filmmaker I think that allows us to sort of firm up and show a story that’s very interesting.

And I think that the thing that I learned the most from doing this story was, I didn’t go in trying to tell a story about the death penalty as much, but what happened was we ended up telling a story about what is it when a society actually decides
that they’re going to pay their employees – a prison guard – to strap a guy on a gurney, be there in the room with him after he’s put to death, take him off, and have to hand him over to an undertaker. What’s it like to have to employ a prison chaplain who has to minister to these men? Who does that make us as a society? And I think those are the kinds of things that you learn as you’re making a film and it’s the exciting thing about making a film.

**Johanna Blakley:** Do you want to say anything, Ricki about–?

**Ricki Stern:** Well, with *The Devil Came on Horseback* about Darfur, the story of–it’s told through Brian Steidle, who’s a former U.S. Marine Captain. And it was his photographs that he said should not be classified and he released to *The New York Times*. And it was really in speaking with his sister sort of through a roundabout way that we came to Brian. And so, in that case it was very much a personal story that could tell a much bigger picture. And I think just like everyone said for us, it’s very much the story – the same thing in Darryl Hunt’s case. We just heard that this man was probably wrongly convicted and had been rotting away in prison and that sounded like a good enough story to us to maybe explore it.

But of course, then you get into the politics and all the things that are involved in the bigger social issues. And then, the homework goes to being responsible for those things. But for us it always goes back to staying focused on the story and making the narrative compelling, because ultimately – I was just saying to someone, when we showed our film, *The Trials of Darryl Hunt,*
to the Innocence Project, I thought, this is going to be our best audience ever, the Innocence Project! They’re going to love this. And at first they were like, yes, whatever, we do this all day long. They were like, yes, it was good. What’s next? Let’s go see a more popular movie.

But it really was the people at the film festivals, just average Americans, who saw that film who were just moved to tears, who didn’t really even care about the death penalty, didn’t even think about the death penalty, that were really moved by it. So for us, I think the important thing is to bring stories that has political and social meaning to the masses in a popular way.

Kal Penn: I think I’ll –

Unidentified Speaker: – Go ahead.

Johanna Blakley: Go ahead!

Kal Penn: Mine’s pretty short actually. In making our film, I mean, – it was essentially a buddy film, it’s about two guys who go on a road trip – there was absolutely no political reasoning behind writing it. I didn’t write it. The two guys who wrote it wrote the first one, wrote and directed the second film. With that said though, I think all of us who were involved in making the film – and I hope I’m not speaking out of turn for these guys – were deeply embarrassed with what was going on in
Guantanamo. And I mean, you have to realize how bad things have gotten to be able to make a lowbrow comedy about this, right? Four years ago, you couldn’t even talk about it on Larry King, not to mention some of the late night shows.

So we made the film knowing that it was a complete satire, sort of like The Daily Show or Chappelle Show. But we definitely talked about how we had the hope that, wouldn’t it be amazing if because this has this kind of lowbrow commercial appeal especially to young folks, if a film like this mobilized people to demand that something like Guantanamo were shut down, then that’s a wonderful thing. But that was not the impetus behind making the film.

**Johanna Blakley:** It wasn’t your intention?

**Kal Penn:** No. I wish I wrote it. It would’ve been my intention then.

**Johanna Blakley:** Go ahead, Robb.

**Robb Moss:** I’ve been on a lot of panels where there’s more people onstage than the audience. This is different.

**Johanna Blakley:** We’re outnumbered big time.

**Robb Moss:** So we made a film about government secrecy and we could’ve made it a story film. I’ve made story films. It’s a great way to make a movie.
We did one interview and we cut that interview as if our life depended on it. We made the four hours to 14 minutes.

But it’s not the only way exactly to make a movie. And one of the things about working independently is our struggle to find the form to fit the subject in the way that we want to do it without a tremendous amount of pressure to do it in a single way or tell a certain kind of story, or even have a conclusion already in front of us, which goes back to the original question. And with something like Secrecy, clearly we started with an idea. We thought there was too much secrecy.

But if you think about government secrecy as too much or too little, you’re sort of trapped instantly into this kind of “Who can shout louder?” Everybody has an argument. It’s like this or it’s this or it’s this or it’s this. And there’s no way to really get beyond that and it just seemed a replica of the last eight years in a way that we didn’t want. And it also seemed like working backwards from a predetermined conclusion is what got us into Iraq. So it seemed to us that maybe – we shot our first interview, we cut that first interview – we had ideas about this; I’d never made a film before with a topic like this.

We had ideas about animation, about music, about sound design. We did one interview and we cut that interview as if our life depended on it. We made the four hours to 14 minutes. We added music. We worked with a composer. We got animation. We did sound design just to see if the idea worked at all. And then the filmmaking and the ideas in the film could work forward from that. And we asked this guy, Steve Aftergood, who’s in this town – a great guy, works for the Federation of American Scientists’ Government Secrecy Project – asked him who’s the person...
out there who could give you a run for your money? Who do you think is really interesting and really complicated? And he gave us an ex-NSA guy, Mike Levin, who just couldn’t give this guy the time of day, hates everything he stands for. And that was our second interview. And we sort of moved through the body of the film in this way to take this very inorganic topic and find some organic strategy to move forward to the conclusions we come to. But the conclusions we come to are by working through the material rather than working backwards and then finding materials to support the conclusion.

**Johanna Blakley:** All right. Ariel, we were speaking at dinner a bit about this topic.

**Ariel Dorfman:** You know, it’s so strange to be here, because this is the city where I used to live when I was in exile from Chile and I spent the five years I was here plus all the years before that and years since then doing advocacy against torture, basically in Latin America and other places as well. And it’s shameful that you have invited me here to speak about torture in the name of the United States. It’s horrible. It’s dreadful. We should think about what it means that the ACLU has decided to invite me to one of these panels, because seven or eight years ago you never would have thought of asking Ariel Dorfman to come on these panels because it wasn’t your problem, though in fact it was your problem. The School of the Americas has been teaching torture for many, many years, OK? So it’s systemic.
It was used by the U.S. forces in the Philippines. It was used in Cuba, long, long before Guantanamo, OK? So it’s been systemic for a long time, but it is part of your problem now – our problem, because I’m an American citizen as well. So I just wanted to mention this as a call to the fact the United States has joined the world as being one of the terror states in that sense. Think of what that means – and let’s relate that to the clip that I showed, OK? That comes from *Prisoners in Time*, which is a BBC film that we did in 1995 with John Hurt and which has won many awards and has been shown in perhaps 80 countries around the world with one great exception: it was never shown here.

Now, why should a film which is about the water boarding of a British prisoner of war in the second World War by the Japanese in the River Kwai – where we saw that Alec Guinness film, right – where he, 50 years later, goes into therapy with methods used to cure Chilean and Uruguayan and Argentine torture victims. That man, Eric Lomax, who exists, he’s a Scottish man, then decides to go and search for the man who interpreted during his ordeal and confronts him finally and finds that this man has spent the last 50 years doing penance for this and has become a Buddhist monk. So it isn’t first what we expected, right? And they find the place – we made up that – they find the place and they confront each other in the place where the torture existed.

Now, why did I move from *Death and the Maiden* to *Prisons in Time*, which hasn’t got a Chilean in it, hasn’t got a Latin American. Right? It’s because it’s part of the same phenomena. And what I was interested in in that story was the issue of
The question that I think we need to ask ourselves is how do we reach the people who look away? How do we reach the people who deny that that is happening? How do we bring in the people for whom it would be too painful for them to say? How many people have said, yes, we agree with torture? What would happen to those people in their minds and their hearts if they realized what just one session of torture does to somebody? Now, that’s a question that storytelling can answer, that information can answer. But it can only answer if we find the way in which to tell the stories in really creative ways. We can’t tell the stories just a bit better than the adversaries do. We have to tell them much better than they do, with much, much more passion, with much more empathy, with more compassion. And with compassion for the other side as well, because many, many people are victims in this, as all of the films show, right? It’s full of victims and we have to create a situation where the audience feels that they’re not being accused, but they’re being drawn in. They’re being made to understand that this is their problem and that, believe me, because I’ve seen it in our own societies, if you don’t deal with it now it will contaminate you, it will devour you, and it will toxically poison you for years and years to come.

Peter Gilbert: I think what we’re able to do as filmmakers, because we’re not journalists – we don’t have five minutes on television and we don’t have a 30-second sound byte – is we can take the time to show the complexity in life. And we can take the time to show the gray areas, because too often is-
sues are presented to people that they’re very simple: you’re either for this or you’re against this. No one talks about that middle ground. And I think it’s important that that’s sort of the place that we serve as filmmakers that we can show people that we can take an hour and a half and we can have people really look at an issue in a very complex way. And I think people out there, whatever side you’re on, I think are really looking for complexity these days.

I think they’re kind of sick of just looking and hearing pundits talk over and over again about certain issues. And I think our challenge is to get people to come to our films and to view them. I think once they view them we tend to have a really good – most people tend to get engaged. But it’s getting people there and that’s what’s tough and that’s one of the things that I’m thrilled – a little pitch for the ACLU – that they’re doing an initiative like this, because even though maybe we’re speaking to a lot of people in the choir right now, hopefully the choir will get larger and it will spread out. And we need it to spread out to people of all different kinds of opinions.

Johanna Blakley: I’m afraid I could list a litany of expensive films that failed at the box office that tried to deal with the same sorts of issues that all of you are grappling with: *Rendition, Stop Loss, In the Valley of Elah, Redacted, Grace is Gone, Lions for Lambs*. All of these were box office bombs. What do you think about the commercial viability of movies about these kinds of topics? Do you think somebody’s actually going to be able to make a blockbuster movie that’s about something really serious?
Alex Gibney: They’re really hard to watch. They’re hard to watch. But it almost suggests that the only valuable questions are questions which have a high return in the commercial marketplace and I’m not sure that’s the right question to ask.

Ricki Stern: But the problem is – and we were talking about this outside – is that we’re constantly being asked, well, how are we going to make our money back? If we’re going to support this or put money into it, how do you think it’s going to sell? Where do you think it’s going to sell? Who’s going to go and see this? When we were doing the Darfur film, we put together the number – MoveOn was going to do a mailing for us, a hit for us. And we calculated the number of people; we had to prove to our investors where the film was going to reach. I mean, it’s nice to not have to be commercially successful – I’m not saying I don’t want to be. Thinking about it in a broader sense, I want it to be commercially successful. I would like people to want to see these types of films. And it has been a very slow grassroots effort, especially for that type of film where people gradually want to learn about it. But I think it is a good question. I think, why can’t we be commercially successful? I have no idea how to answer that, but I think it’s a good question to ask.

Johanna Blakley: I read somebody had asked you, if somebody gave you $10 million what would you do with it?
Ricki Stern: Someone asked me that?

Johanna Blakley: Yes, at Sundance. And I think you said I’d make a feature about Daryl Hunt.

Ricki Stern: Oh, I did?

Johanna Blakley: Yes.

Ricki Stern: That was a good answer.

Johanna Blakley: It suggests that even though you’ve made this marvelous and incredibly effective documentary, you realize that it needs to be cast with some sort of major screen star in order to reach a really broad audience, which is obviously your priority.

Kal Penn: I think even further than that though, you have to look at what the landscape is like for the audience. If they’re working one or two jobs, if gas prices are $4 a gallon, if they get home from work and they’re working 60 hours a week, the last thing that they want to do is pay $10 to go see a movie about serious subject matter. And that’s why I think things like American Idol, unfortunately, do so well.

Johanna Blakley: Were you at all anxious about having Guantanamo Bay in the title of the Harold and Kumar film?
Kal Penn: In what sense?

Johanna Blakley: Well, did you think, oh, God, that’s just going to put a taint on it, people are going to be freaked out or they’ll think it’s too inappropriate. It was sort of a hot potato... I mean, it’s quite an interesting direction to take that franchise.

Kal Penn: The writers, I think, chose that title for the sole reason that they wanted something that sounded sensationalist and that was it. Approaching a franchise like that where it’s about two friends, they’ve got this great writing style where they have subversive political content, but it’s disguised or designed as nothing more than a lowbrow movie about fart jokes, but that’s it. So to structure it in that way I think is brilliant. But so, because of that they also wanted something that would just appeal to the masses, I think.

Johanna Blakley: Yes, Robb.

Robb Moss: I’m always fighting here for time because –

Johanna Blakley: The two of you!

Robb Moss: –No, I’m sorry. I apologize. So I was in Israel in the mid-‘90s showing films and people there were telling me how hard it is to make fiction in Israel, because the reality of daily life is so intense that the fiction films seem so irrelevant and kind of concocted and strange. And I wonder whether we’re in a similar moment here—that there’s something about... it’s
not like people aren’t engaged politically, to come back to this; people are coming, voting, reading, talking, there’s tremendous energy out there for politics. We may be mixing metaphors here or whatever the example would be, which is to say that all of the examples you gave were fiction films—

Johanna Blakley: —Yes.

Robb Moss: —And it may be that we’re not at a moment in which fiction comes about these things. But we’re also in a kind of highly developed moment of people making documentaries. They all tanked at the box office last year. The previous three years were really good. It gave us the language to talk about documentaries as if they could be commercially viable before we actually created a landscape in which they were. And we’re in a kind of funny moment of trying to figure out whether documentaries can be seen on the screen? Can it make any money? Can we get our investors their money back? Will people be willing to pay $10 a ticket, pay for babysitters, and spend $80 to go see a documentary?

There was a moment—and I still think we’re in this moment—in which people were. And there was some way in which I felt it was a kind of return. In the sixties when I went to movies, I wanted to see Antonioni films or Godard. I wanted to see filmmakers who were taking on the world and trying to make sense of it in their cinema. And I think documentary filmmakers are doing that, have been doing that for the past five or six years. And now, part of the impulse to go see them is this feeling of bypassing a kind of corporate, massaged idea, that these are individuals making a movie, they are making it because they are passionate, because they want
to, the world is being sorted out and made sense of, and there’s something exhilarating about that. Now, whether that’s commercial and whether that’s the right question—I would love for the films to be commercial—but it’s a big and complicated question. I think an event like this connecting this group of people with you all is a kind of radical idea. I mean, it’s a kind of radical idea to have us sit here to talk to you about our concerns. It’s fabulous. It’s such a great idea.

How do filmmakers connect with audiences—you—and millions of other people out there? How do we think about that together? How do we continue this conversation? I mean, it’s part of the subtext of this group.

**Ariel Dorfman:** You know, there’s—films and art in general work, and they work in very complex ways and in many different layers. And for us to suppose that it’s got to work in only one way is to reduce it, say, oh, it works in this way. It may very well be that if you look at the history of film and social movements, let’s say, you will find that once in a while a film comes along that defines for a whole nation or a world a certain issue. And it becomes what is called the coinage of the realm in the sense that people speak in relation to that because they make it their thing, somewhat in the way in which Jack Bauer has taken over, let’s say, the story of torture, right? There are films, like *The China Syndrome*, for instance, right? But I want to just tell a story about what happened in my own particular case, because it may give
you some hope for the fact that there may be such a film waiting there. The audience may be waiting for it. There may be a filmmaker who is making it right now.

And the case was that when I used to in fact lobby here in Washington for the case in Chile, it was a complicated case. The people are being tortured, it’s true, et cetera. But you know, how much time have I got to tell the story of Chile? How many people know about it? And then, a miracle sort of happened from a mass media point of view. And the miracle was called Missing by Costa-Gavras, which many of you may have seen, right, with Jack Lemmon and Sissy Spacek. And that film did something very terrific, which was it took a man who was an American dreamer, who believed in the American dream, and had his own son disappear in Chile and had him understand the complicity not only of the Chilean government in the destruction of his own son—the disappearance of his own son—but the complicity of his own country, the U.S., in that, right?

Now, the story of Missing was so powerful, was so well done, and fit in that very moment in such a way that from that moment onward—and I can’t thank Costa enough; I mean, I became a very good friend of his after that and just thanked him every time I met him, saying thank you—because I would then go into a senator’s office—and I know this happened to many other people around the world who were working on a similar cause—Argentinians, Uruguayans, Brazilians, et cetera and other people around the world as well—and we were able to say, did you see the
film Missing? The answer was always yes. Okay. Well, that is the situation in this country. Now, do you want to be complicit this? We can do this, this and this is the sort of legislation we need.

So I’m saying the following: you have to be in one sense patient with the audience and you have to keep on trying. In another sense you have to keep on pushing because if you do not tell those stories, one of those stories is not going to be selected and sort of congeal. It’s not a good name, but it sort of won’t gell into the story that people will then be able to tell, those master narratives, those major narratives whereby people make sense of things. I think we live in terribly troubled, confusing, dire times. I think we ourselves don’t quite understand how this came about, this extraordinary dreadful situation, which in fact would be comic if there weren’t so much death and pain and invasions related to it, right, which may be one of the reasons why a film like Harold and Kumar does so well, because people finally understand it is a farce that is going on, as well as a tragedy in some way.

So the second thing I wanted to say is that the films that all of you have created do need a social network and a series of forums of getting to people, because when they do get to people the films constitute the safe territory where people can talk about things, so that you’re not talking about the death penalty and about the fact, oh, I know somebody who was killed and I want that person put to death. But look at Daryl Hunt. What would’ve
happened if Daryl Hunt had had the death penalty? He would not be sitting here wonderfully alive—here alive and free, right? They would’ve put him to death. And they would’ve said, I’m sorry. They would’ve said that, right?

So if you create that story, so that becomes the story, it will change the way in which people look at the death penalty. It will. But of course, we have to be able to tell those stories and we have to keep on doing it. Now the social network is fundamental, because if you bring those stories into the schools, into the trade unions, into the universities, into the ACLU circles, into all these forums—there are so many networks—it becomes a place where with manuals and guides—what Amnesty does all the time; we do it with them all the time—is a way of working in relation to these themes and working with a complexity of themes, so people can come on different sides of it and discuss it safely. It’s not about them, but it becomes about them as they understand that they are related to that. But it has to do with their own destiny, let’s say.

[Applause.]

Alex Gibney: I just want to pick up on that quickly with also a few rays of hope. I mean, I think that Ariel is right and that films are complicated and they reach us in mysterious ways. But as many questions as I got about why aren’t the Iraq films doing better at the box office, I reflected on the fact that there were three films that were nominated for Academy Awards, all of which did very well. One was No Coun-
try For Old Men, which is really about terror; one is There Will Be Blood, which is what happens in the human spirit when it’s infected by rapacious greed; and there’s Michael Clayton, about corruption and the spirit of it. And they all did well and they all penetrated with people in interesting ways.

And even in the case of my own film, Taxi to the Dark Side, which I made to try to reach as many people as possible, the encouraging thing to me now, for example, is that that film is now required viewing at the Army JAG School. Who would’ve thought? And it reaches people in unexpected ways, absolutely.

[Applause.]

Peter Gilbert: And I also think you have to think about what is a success for us?

Johanna Blakley: Yes.

Peter Gilbert: One of the things that’s interesting, well, on the film that we show here tomorrow, At the Death House Door, my partner Steve and I, we made a decision which is, well, it’s great to see your name up in lights, the name of the movie up in lights on the movie theater, you grow up with that, that’s sort of your dream and you want to see that. But how do you reach people? So we took a different route, which was we went to IFC TV who paid for the film. Now, that’s a really weird place to have that type of
film. The main character is 72 years old. Their main audience is 25 years old. And it’s a very different film for them. It’s difficult for them to know how to market it. It’s about the death penalty and it’s about wrongful conviction. And it’s hard for them to know how to market it and all that stuff.

And even with all the things that we fought with them about, we had 160,000 people get it for free on video-on-demand in the first week that it was available. Now, for a lot of people that may be, oh, that’s nothing compared to a Hollywood film. To me, that’s getting it to 160,000 people, times that by maybe two people in their household, who would have never watched a film like that. And I think we as filmmakers and also as organizations, we have to really start thinking about what are the things that we can do to get interesting films, interesting art, interesting topics into peoples’ homes. And unfortunately give up a little bit of some of the communal experience of what we love about going to a movie theater—I hate giving that up! I hate it, but I think there is a way of getting to people in a different way and we have to start changing and changing how we distribute things and how we get our voice out to people. It’s not how it used to be.

Anjuli Verma: And then, something to add from someone who’s not in the entertainment industry, it just really brings out these different definitions of success. I fully understand that the industry is going to look at the slated films, like Rendition and In the Valley of Elah, as bad investments. But for an advocate at the ACLU, the number of people who saw those films and who even learned what the word “rendition” means, right, that’s valuable. And so, it kind of building what you say, it’s different definitions of success.
One other thing, I think it’s a pretty obvious connection that the ACLU can make with the industry in helping find audiences for the films that you make. But another piece of that is kind of at the beginning. At the ACLU, we are experiencing the human drama and the stories as they unfold in our clients, in our cases, in the things that we are uncovering and learning about abusive of power across all sorts of issues, not just torture. We’re there on the front lines. I think it’s really important for us to figure out a way to communicate about those stories.

It’s been an interesting transition coming to the ACLU Membership Conference this week, because I came immediately from Florida where I spent a few days doing a media training with the parents of a recent college graduate who was arrested, busted for a very small amount of marijuana. And the police told her that she would spend something like five years in prison unless she would work as an informant. You know, we’ll cut you a deal. And at the ACLU we have had this campaign on a policy level to address the abuses of the system, of how confidential informants are used in the drug law context, but it’s all very obscure and complicated and sort of in the shadows. And this girl, the police sent her in with a wire—again, a small time marijuana user—they sent her in with a wire to buy 1,500 Ecstasy pills, two ounces of cocaine, and two automatic weapons. And the people that she was supposed to make the buy with ripped the wire off of her and shot her with the very gun that the police sent her in to buy. And when the police
lost contact with her, when the wire went dead, you would think they’d be zoom-
ing to the place where they knew she was—they knew she was there. But, no, what
did they do? They waited it out because this is going to be a big bust for them. And
they waited it out and two days later they found this young woman’s body.

And being with her parents and hearing from them that what they want—nothing’s
going to bring their daughter back, no amount of money in some sort of civil law-
suit. They want to know how this happened. How is it possible that in this country
there aren’t laws against what happened to her? How is it that what the police did
was not in fact illegal? And they want to see the law changed. And the thing is—yes,
they’re amazing. And the thing is as a somewhat jaded person working at the ACLU
and understanding that you can have every fact on your side and still probably in
the state of Florida where this happened, it’s very unlikely that legislation is going to
get passed and it certainly won’t get passed voluntarily. It’s going to have to require
politicians, constituents actually feeling like that young woman, Rachel Hoffman,
could have been them or it could have been their child. And I cannot do that. I can’t
write that in a press release. I can’t have some expert go testify in Congress. We
can’t write a legal brief that can fully bring people into what it’s like to be the par-
ent of a child to whom that happened. That’s something that the arts and entertain-
ment can do.

So I’m really interested in figuring out—as an advocate I’m dealing with these things—
how do I get it to people like you? I mean, how does that happen and how do you
find your stories and how can this—.
Ricki Stern: Email us.

Anjuli Verma: Email you, okay. Yes, it’s an interesting question for me.

Ricki Stern: Do they have a good local reporter that you could go to and try to really expose what happened?

Anjuli Verma: Yes.

Ricki Stern: Sometimes the local news isn’t always all bad.

Anjuli Verma: Yes.

Ricki Stern: Get a good local reporter and try starting with a small story.

Anjuli Verma: But I feel like even the news is a limited forum.

Ricki Stern: I know it’s not great.

Anjuli Verma: So–

Peter Gibney: I’ll give you my phone number. Call. I mean, we’re looking for stories.

Johanna Blakley: You hear that?
**Ricki Stern:** I said, and I wasn’t joking, email us.

**Peter Gibney:** Well, I mean the way that our film came to us was–Alex, you told a great story about how *Taxi to the Dark Side* script started to happen. We’ve had an association with our company with the *Chicago Tribune*. And they were doing an investigative piece, a brilliant piece on a young man named Carlos DeLuna, who was wrongfully convicted in Texas and put to death in 1989. And they came to us and said, here’s this story we’re working on. What do you think? Do you think it could be a film? And then, it turned into a film. And I think that’s a great thing.

And I also wanted to just say, one of the things I think is interesting about this is that my 17-year-old son went and saw Kal’s film. He loves Kal. He just like loves those films.

**Kal Penn:** Thank you.

**Peter Gibney:** But wait, the thing that was interesting was when he came back from that film he wanted to know more about Guantanamo and I gave him Alex’s film. And I’m just saying it’s a very interesting thing, which is there is this place where–when I was making the film that we just did, I was able to show him *Daryl Hunt* about wrongful conviction because I was trying to explain to him before the film was done. And I do think that there’s a real place for our films in that regard. There are very interesting websites out there now, and it’s something that even places like the ACLU and groups like that can make. One is called Filter that Peter Gabriel started where basically if you put in a film like *Rendition* or whatever, and
you liked it, it will scroll you to 10 other things that are similar to it that will maybe give you a different way of looking at it. And I think there’s all kinds of things like that that we need to really go after in a big way. Not to go away from your question, but I just wanted to get that point in.

Kal Penn: An off-shoot of that also is YouTube. A lot of the folks here, too, were asking us how do I get into film? I’m a documentary filmmaker, I want to make a short film. YouTube makes $7.5 million every month in advertising revenue just because of how many of us collectively go on and watch videos. And the way that they work is you make a video with your friends and if you’ve got 10,000 hits in three days then you know you’ve done something right. If not, then start from scratch and do it again until it develops a following. And you can integrate it to your MySpace or Facebook. You can grow the story that you want to tell from that place and you don’t have to wait for any established filmmaker or any studio to tell you that you’re allowed to tell that story. You can tell that story as long as you have a computer and a digital camera and I really applaud you, those of you who have done that who have come up and said, check this out, or look at this link, that’s a great way to get those stories told.

Ricki Stern: When we were doing the film about Darfur, we had a young person in our office who was looking at YouTube and uncovered this footage we had never seen on Darfur and tracked it down that it had been shown at a university and posted on YouTube, and tracked it down to a
young British filmmaker who happened to be in Darfur at the time that our marine captain was in Darfur. And we tracked him down and met him and we got 20 hours of his footage and it was just from researching on YouTube.

**Johanna Blakley:** I’d love to hear a little bit from you guys about the obstacles you faced in either creating these films, marketing them, selling them, any anecdotes about that process. I think any of us who have seen your films feel like this must have been a hard story to get a hold of. How did you manage to get these people to talk?

**Robb Moss:** Well, I’ll start because Secrecy is like the most god-awful idea for a movie–

**Johanna Blakley:** –No, it isn’t–

**Robb Moss:** –one could imagine, because–

**Johanna Blakley:** –It’s a most seductive idea for a movie.

**Robb Moss:** But as an idea, but there’s nothing to film. There’s nothing to point the camera at.

**Johanna Blakley:** File cabinets.
Robb Moss: It’s like an issue—nobody wants to talk to you. It’s all these edifices, and pages you can’t see and if you see them they’re redacted. It just starts at absolute zero as a filmic idea. I mean, as an idea in the world it’s of interest, but it’s like the worst cinematic idea. So we thought that would be good. And it gave us a certain kind of freedom to invent and to kind of work towards something. There were stories that came up and the film is constructed out of littler stories and then some overarching stories. But it’s also about the ideas and trying to work through the ideas in a way that are palpable. For example, we don’t talk to anybody who’s a pundit. It’s all practitioners. It’s all people either from the CIA or the NSA or people who’ve been marked somehow deeply by their contact with the secrecy system or people who’ve made it their life’s work like Tom Blanton at the NSA, National Security Archives here in D.C., to get secrets out of the government.

And by filming people who are practitioners, they have experience and that experience leaks into the movie and they can be anecdotal and they can tell stories. And they’re speaking from not so much their heads, but they have a more corporeal presence in it. This was a real challenge to make a shape and a world out of snippets of secrecy and little things that you can see, most of which you can’t see.

Johanna Blakley: I know it took you 12 years to make the film about Daryl Hunt. It just takes such commitment.
Ricki Stern: It was a little hard. It was very hard to get the funding to make that film, to be quite honest. And primarily because Daryl was found guilty of a brutal rape/murder and he had been tried twice and it went eventually to the State Supreme Court and they turned it down. And so, no one really wants to get behind that story and they don’t want to challenge it. And it really could have been something that 60 Minutes could’ve done–

Johanna Blakley: Right.

Ricki Stern: –had it been really researched. But we were sort of younger filmmakers at the time and this story, when we put it aside and we just said, we can’t get funding, once he was turned down. The story was picked up a lot by different filmmakers and the Canadian press, and Mark will tell you. And they couldn’t tell the story because they couldn’t reduce it: (a) It didn’t have a happy ending. He was still in prison, and so there was still some doubt; and (b) it was a very complex story. It was two long trials and a lot of paper to go through and a lot of story to tell, and so it couldn’t be reduced to make it into a 45-minute television show.

And it wasn’t until Daryl was going to be released or was potentially going to be exonerated that we were able to pick it back it up, and then we were able to get funding. But 10 rolls of film that we had shot lived in a freezer for 10 years because we didn’t ever process it. And when I got this call, I called my DP and I said, oh, my God, I think Daryl’s going to get out of prison. And he said, I think I have some footage that I never processed. So he went and he processed it and it was this amazing
scene where his attorney—they find out the State Supreme Court has turned
Daryl’s case down and Mark, his attorney, starts crying and it was very emo-
tional, and we couldn’t find the sound. And it took another year to find the
sound. It took DuArt, which is a film lab in New York, to organize their vault,
that took them a year. They didn’t find it there. It ended up being in some-
one’s loft somewhere in New York City. But, yes, it was a long struggle.

And even though HBO did buy the film, they didn’t buy the film until it was
really finished and they had seen many a trailer prior to that, even though
they said, how come we’ve never seen this film? And I was like, yes, you’ve
seen it. But really, it often does take you finishing the film before people get
behind it.

**Ariel Dorfman:** I’m a writer. I’m here among these filmmakers, but basi-
cally I write, which means I’m particularly interested in the fact that when
I start writing I really don’t know the answer. And I think that that’s one of
the real problems with creating films that are complex. I think everybody’s
used the word of complexity, right? I mean, we’re in love with that. We’re in
love with the storytelling in the sense that human beings are very complex
entities on this earth. Right? And what I have found—I would call it the major
obstacle—is a relentless pressure to simplify. This is in a storytelling sense.
Make it so they understand right away who this person is, where the person
comes from, what they want, where they’re going.

And for me, this is terrible, because there is a tension—and the same tension
is, I think, present between advocacy and art. When you’re fighting for the
It took us four or five years to get Death and the Maiden done. And this was a play that had won every major award you can imagine, and had been on Broadway with Glenn Close and Gene Hackman and Richard Dreyfuss, directed by Mike Nichols.

DORFMAN

life of somebody or you’re fighting to change a law that really is destroying human lives, you have to make sure that these people who don’t want to change the law are defeated. Right? Of course, you’ve got to do that, right? On the other hand, artists tend to say, one of the things that we do is we want to show the varieties of all of this. And I think that there is a tension. There’s sort of a difficulty in that sense. Now, once in a while you’re able to find the right connection. It took us four or five years to get Death and the Maiden done. And this was a play that had won every major award you can imagine, and had been on Broadway with Glenn Close and Gene Hackman and Richard Dreyfuss, directed by Mike Nichols. We had Polanski directing it and we kept on being unable to get the film done.

Until Sigourney Weaver came onboard and said, I’ll take a cut. I’ll take one-tenth of what I generally take, it’s nothing for an Alien sort of film. And we were able to do it based upon the fact that she was in it and even so it almost fell through. So very often you’ll find that to get the story out you do need to make sure that you have some sort of backing. And this is just something I wanted to say in relation to something that I’ve noticed in the last four or five years. The ACLU is the latest that has joined this group, but there’s Artists for Amnesty that’s been working for awhile. But Artists for Amnesty is basically celebrities working for a cause. But now they’re working in different senses of how you get people who are celebrities or stars to work in relation to projects. Not in relation to causes, but in relation to storytelling projects.
Human Rights Watch is doing something similar. In fact, four hours ago they had a thing called *Cries From a Heart in London* where a group of very, very major actors read stories that a group of writers had written specifically for that evening. So there seems to be a moment which is coming to its fruition and which it seems the ACLU is part of at the moment, which is relate, contact, connect with writers, with filmmakers, with musicians, and find out what projects they’re doing, what story you’ve got that you want told. Give those stories, create competition, create contests, find ways of ensuring that this will reach those 160,000 people, because you’ve got 400,000 members. So if we create those structures, we may be able to have a cooperation.

It won’t be an easy one, but I think that something very special is happening because we are in a situation in the world where if we don’t move—artists and non-artists together—the world is going to disappear. Global warming, wars, plagues, all sorts of terrible things are happening. And I think there’s a chance—I’ve never seen a situation like this one before really. I’ve never seen such interest in people who are not artists in involving artists in the human rights and civil rights issues. And I think we have to seize that moment. It’s not an easy thing to do, but it’s a conversation worth having.

[Applause.]

**Johanna Blakley:** Did you have something to say, Peter?
One of the hardest things is to get companies and people behind us to let the film end, and this is going to sound awful, but a little sloppy. And part of that is because real life doesn’t have Hollywood endings.

**Peter Gilbert:** Well, this is not totally on that subject. But it’s funny how you were talking about writing. One of the most difficult things about making documentaries, for me at least, is that we do mostly longitudinal films. We follow people. This film was a very short film for us—two years we were with Reverend Pickett and with the De Luna family. *Hoop Dreams* we were with for seven years—with the people—you know, it’s endless like that for us. One of the hardest things is to get companies and people behind us to let the film end, and this is going to sound awful, but a little sloppy. And part of that is because real life doesn’t have Hollywood endings. Real life has lots of endings. Life is open-ended. So that’s really one of the battles you have sometimes when you’re making a film, which is you want it to be sort of pat. I mean, there’s certain times where you even, look, wow, if it could end here wouldn’t it work great? But it ends that way in a Hollywood way. Maybe not the way that’s the best for your issue or for realistically and truthfully telling the story.

And then, I agree with you in the sense that I think there is a great chance that we all have now with so many people having access to the media and being able to create media; I think that every 15 and 16-year-old kid, if they have access to it, they’re unbelievable how good they are at it. It’s just like breathing for them, creating media, and getting that whole generation involved, which I think is alot of what I think the ACLU is sort of talking about doing. To me, that’s really the exciting thing; I mean, go and look at Obama’s website and see all the kids who are generating material, I mean, it’s just mind boggling. And you think about all of these different storytellers that are going to be out there. It’s really a very exciting time.
Johanna Blakley: I wanted to ask you, Kal, since you’re not a filmmaker and so most of these questions didn’t really fit for you very well. But you teach a class, right, at UPenn on images of Asian Americans in the media.

Kal Penn: Yes.

Johanna Blakley: And being one yourself, I imagine you had to think a bit about your own career and the kinds of choices that you’ve made. And I’m just wondering if it troubles you as you’re looking at scripts and you’re thinking in the back of your mind this could really have a certain kind of impact. This is going to send a certain kind of message. I need to be careful about this, that, or the other thing. Do you feel sort of saddled by this responsibility, because of your awareness of the impact of media? Would you rather you didn’t know?

Kal Penn: Well, I think that’s a great question. It depends on how you view your role as an actor. Do you view yourself as some sort of political messenger or do you view yourself as an artist? One of the great joys of acting to me is playing characters who do things that I vehemently disagree with. The biggest challenge in the role I played on 24 was the fact that in real life, I’m terrified of guns and the guy who I played uses a gun and kills a person. And that was the greatest acting challenge, not any of the discussions on racial profiling that came along with it. That was a separate conversation that I had with myself or that I had with grounding the character in some sort of reality. I think that goes for any project.
But I think that question can be debated and I don’t think there’s a single answer to it even for me. I think it’s project to project. When you’re starting out you’ll do anything to be able to get your foot in the door. There’s no way that a studio is going to hire you to play even a small part if you haven’t had parts before that. So you kind of take what you can get, if that’s your goal. But I think your goals also kind of change over the course of your career.

**Johanna Blakley:** Right. And with *Harold and Kumar*, I know you mentioned earlier that you were kind of surprised by the radically different responses that people had to the film based on their own sort of political ideology. I was wondering if you could share a couple of those weird interpretations that you heard.

**Kal Penn:** Sure. Yes. Well, I mean, with this film in particular, it’s fascinating to me, because folks who are on the extreme right or extreme left or everything in between seemed to think that the film was for them specifically. And it wasn’t.

**Johanna Blakley:** It wasn’t!?

**Kal Penn:** It was made with the idea that you want people to enjoy satirical comedy. I guess, I’d love to know what other people think. There’s a scene where the two characters and a caricature of President Bush smoke marijuana together. And he basically pardons them, so they don’t have to go back to Guantanamo Bay. And shooting that scene, we kind of looked at each other and thought this scene is obviously going to get cut from the movie, right, there’s no–
Johanna Blakley: –Oh, really?

Kal Penn: –I mean, these were just the conversations. Can we actually do this? And I remember looking at John Cho, my costar, and I said, what a great country we live in that we can actually do this, that there can be a caricature of the President. And so many countries around the world, if you did this, and you characterized the Prime Minister or the President you could be thrown in jail. And we still have the opportunity to do that and it’s not from a political slam. It’s just from the ability to do it because you have that freedom to do it. And that was one of those rare moments where we thought, okay, this kind of transcends the right versus left debate. This is just about what you can and can’t say.

Johanna Blakley: Right. And I think it reminds all of us that audiences are incredibly hard to predict. I mean, you don’t know how people are going to respond to your work. And you guys are doing such complex stuff that it makes it even more difficult to sort of understand what the reception is going to be like.

I definitely want to turn this over to the audience pretty soon, so that we can get some input from you guys. One of the best things about this panel when we first got together to talk about what we wanted to accomplish, was they kept saying, oh, I want it to be about the audience. I want to know
what the audience thinks—I wonder what they think filmmakers should be doing. It’s so refreshing. So I definitely want to turn it over to them. Is there anything else that you guys wanted to say before we invite the room to join the conversation?

Johanna Blakley: Okay, the audience is ready. Okay. I’m supposed to start over on this side. So one thing I will ask the audience is tons of people want to ask questions and we really want to cover as many as possible, so please be brief. Go ahead.

Unidentified Audience Member: Is it on?

Johanna Blakley: The lights on–there you are.

Unidentified Audience Member: I’d like to thank Alex Gibney and Peter Gilbert, Robb Moss, and Ricki Stern, specifically as documentary filmmakers. That’s part of my goal is to be a documentary filmmaker and I love the work that you do. Please keep it up. I want to get at the idea of truth. And I don’t want to get off on a philosophical tangent, but truth has the notion of objectivity. The idea of a documentary is real because in the past decade and a half political documentaries have surged and it got bigger and bigger especially with works like those of Errol Morris, Ken Burns, and of course, the infamous Michael Moore.

I wanted to talk to you guys about how do you approach truth and getting at the assumption that the lay public gets, with the idea that documentaries are true, subjective, not running away with it and that’s it. And correct me if I’m wrong, Alex, but you made the comment that when you approach a documentary you don’t approach it as a journalist. And you made mention of that. Because one, as a film-
maker you’re an artist first or a storyteller for that matter. And you’re going to have to come in with your position or angle and take certain liberties in constructing a story and portraying it the way you want. Can you guys talk about that and let the audience know?

**Johanna Blakley:** That’s a great question. Anybody want to take that?

**Alex Gibney:** I’ll take a whack. I think that I approach every film as a kind of search for the truth. And my search is to try to understand what I think the truth is. But I always recognize that it’s my perspective. I take my cue from a filmmaker who was mocked in Woody Allen’s film, *Annie Hall*, Marcel Ophuls, who did a film called *The Sorrow and the Pity*. And he always said, look, I always have a point of view, but the trick is showing people how hard it is to come to that point of view, because that’s where you get this sense that you’re dealing with humanity. It’s not a poster board vision of the world, and yet at the same time, I don’t think anybody who sees my films has any doubt about how I feel about the larger issues related to the film. But there’s enough in there that contradicts what I say and I’ll give you an example from *Taxi to the Dark Side*. There’s a moment in it—and it’s tricky—it was a tricky balance we tried to find, because I was interviewing a lot of soldiers who had murdered a detainee, an innocent, helpless detainee. And yet, I found myself being drawn to them and the plight that they had been put in, because they had been put in a foreign country they didn’t understand anything about, they were given almost no guidance and felt tremendous pressure from above to deliver the goods in terms of actionable information.
Look, we’re sitting here in Columbus, Ohio talking about this. And it’s all fine and dandy to say what we did over there was dead wrong. Go over there and say that. And he looked at me with a gaze that was pretty angry.

Ariel Dorfman: But isn’t it refreshing after almost eight years of supposed knowledge that everything is one way to give an opportunity to doubt, to understand that truth is a process, that it’s difficult to get to the truth, that it’s part of a national
search for the truth rather than somebody from above deciding that things are this way or that way? I mean, we really have a president who’s never doubted anything about himself or about the world. And when you think how extraordinary it would be to have a country where you had a president who thought a bit before, who came to a conclusion, who came to embrace those contradictions, let’s say...Well, you would have an artist in that sense, right, in the White House.

**Alex Gibney:** Well, I also think this gets to the heart of something that you said earlier, Ariel, which is the role of these films with an organization like the ACLU, which is they become a kind of sacred place, a special place that people can go from different points of view and walks of life, so that it’s not “torture good, torture bad!” It’s investing characters in a story to be able to discuss it like one would discuss a minister’s sermon in church. That there is that freedom to discuss things that otherwise would seem to be poster boards for a rigid political point of view. And people are resistant to that. But when you’re investigating someone’s story who’s vulnerable and is showing you different sides of themselves, that gives you an opportunity to discuss things and get at issues in a way that ultimately is far more lasting.

**Johanna Blakley:** Another question?

**Unidentified Audience Member:** Hi. I just think it’s great what you all are doing. I think that it’s really important that different perspectives and different stories get out there. But I feel like that’s just one component of what needs to happen because in a sense, if you’re putting out one side of a story
and someone else is putting out another side, you’re continually treading water around an issue. I’m wondering what you all think or if you’ve ever worked on having media literacy implemented into education with however many media messages are bombarding people. And we’re learning about social studies and we’re learning about algebra, but where do we study for our book report? We log onto the Internet.

So what are we doing to educate the consumer to understand that you have a right to do a documentary from your perspective of what objectivity is and you have a right to take on any role you want to and you’re not responsible for how that portrays your whole race?

Robb Moss: You know what’s wonderful is your question relates to your question. It’s about how do we understand the truth claims in documentary or in film in general, how do we read these things, and in what ways are we being manipulated and how does that extend to political advertising? Why do we buy things? I mean, all of these things are related to this. And it’s a wonderful and large question. I teach filmmaking, and I can say that the moment you give somebody a camera to go in the world and film for an hour, say, at the Walgreen’s and then come back and make a little five-minute film about Walgreen’s, the scales fall from your eyes. The amount of construction that goes on, what you’re choosing, what you’re leaving in, what
you’re leaving out, you see the construction of that. It’s a fantastic way to get a kind of literacy—a hands-on literacy—that you’ll never, ever, ever forget.

I mean, the thing we need to argue is that people should do that. People are doing that more and more. This is not to say on the other hand that there is no such thing as things that are truer or more accurate or that documentary doesn’t have some relationship to authenticity. It’s not as if it’s all a construction and therefore, nothing matters. I don’t actually subscribe to the kind of more nihilistic view, yet you need to have that sort of gimlet eye.

**Johanna Blakley:** Kal?

**Kal Penn:** Well, you want to rephrase your question just from the acting perspective a little bit, so that I understand what—?

**Unidentified Audience Member:** I’d like to. Okay. I think we’d all argue that you have a right—she asked you a question about if you feel a responsibility to the different roles you take on. And I’m just speaking to the fact that if we understand how the media and all of this information is disseminated, then we’re able to have autonomy in our decision-making. And that’s what I’m speaking to, because we were talking about are you worried about that and about your objectivity and et cetera. And there’s a greater picture of all of those are different aspects, if there wasn’t such a fear that people would take things the wrong way if they had a broader—
Kal Penn: –I see what you’re saying. That actually—that whole discussion scares me a lot because I feel like we’ve gotten to the point where with reality television and the sensationalism of two scrolling bars underneath a 30-minute news segment—or a 30-second news segment, our attention span has gotten so much shorter and we’re losing the ability to distinguish fact from fiction. And that’s a really eerie thing to realize. There was a woman who—and I don’t think there’s a cut and dry answer to this by the way. I don’t think there’s a yes or no. I think there are complexities involved—that’s why I love your answer—go shoot five minutes somewhere and try and make a film out of it and you’ll realize what we’re talking about.

There was a woman—I was talking about this earlier. This woman came up to me after the first Harold and Kumar came out, and she said, you, you’re the guy from that movie. And I said, yes, thank you for seeing it. She goes, no, because of you my two kids have foul mouths and they’ve stopped respecting their—and just she went on and on. And I said, ma’am, how old are your kids? And she said, well, nine and 11. And I said, no offense, but perhaps you should take a more active role in parenting, because there’s a very clear R rating on that DVD and I don’t think anyone in their right mind would think that that’s acceptable for children to watch.

With that said, who knows? Maybe she’s working three jobs. Maybe she can’t be there for her kids. I don’t think that you can skew responsibility to one side or the other. I think that this is something especially as the media gets more and more amalgamated between fact and fiction that we all probably need to look at a little bit deeper, so that people can make those distinctions for themselves.
Peter Gilbert: I’m working with the Chicago Public School System to actually have courses for kids starting from kindergarten all the way through eighth grade about how to deal with media. These kids need to be able to understand how to look at media now. It’s a very difficult thing for them and they need to know what Fox News is compared to that, and not to teach them right or wrong about it, but just to be able to understand it. So I think there are educators who are trying to do that and I think that’s an important thing to do.

Johanna Blakley: Yes. Definitely at USC there’s a whole program that really is looking into exactly that. Next question?

Unidentified Audience Member: I have a question relating to education. I would assume that as documentary filmmakers you above all see yourselves as educators. And I have a question about reaching an individual on their level. As a coach for high school students, I learned very, very quickly that if I want to teach my students something I have to reach them on their level, and it doesn’t involve having a famous actor in whatever example that I’m making. So what I’m suggesting is as a student I spend eight hours a day in class, then I go to work, and then I study. So when I have resting time, honestly, the first thing I want to do is shut my brain off and watch Harold and Kumar. I don’t want to think about the film that is coming my way.

So my question is how do you propose to reach the average American on their level when it’s so difficult for you to even reach students and the people who can actually understand and comprehend the films that you’re making?
Kal Penn: We sort of almost answered this question, where the film is not about Guantanamo Bay. And the first film wasn’t about marijuana or hamburgers. It was about two guys going on a road trip late at night, right, which is exactly why you enjoyed it when you wanted to turn your brain off. Assuming that the majority of people who watched the sequel also wanted an escape from the daily nine-to-five or the class or whatever it was, which is why I think the writing of these two guys who wrote both scripts is pretty ingenious because of their subversive nature and their subversive writing.

And if the only thing that happens out of every 10 or 20 people that watch this movie is they kind of Google what Guantanamo Bay actually is, and if you’ve never had any exposure to that or if you’re showing your son what the reality of that is—what the reality of torture is, then that’s a great thing that comes out of it. But I don’t know that there’s a specific magic answer to that, otherwise we’d probably have really thoughtful entertaining movies all the time.

Ariel Dorfman: Johanna?

Johanna Blakley: Yes.

Ariel Dorfman: I just wanted to say that there’s one form of art which we haven’t spoken about at all which is my preferred form of art which is the theater. The reason I mention this to you is because one of the primary ways of engaging audiences at the local level is to have them do a play, because you have young people doing the play, you have older people directing or helping to direct, et cetera, and
you’ve got the whole community coming in to watch the play, to watch the young people doing this. Now, in the specific case that we had, which was the Speak Truth to Power play that we opened at the Kennedy Center here in which in fact Alex did an hour for PBS Great Performances from the Kennedy Center for it. It was our first collaboration—I hope not the last. Anyway, so the fact is that that goes into schools, the play itself, with a manual that Amnesty International adds to that explaining young heroes who do things in relation to genital mutilation, in relation to gay and lesbian rights, in relation to environment crises, et cetera.

So there are ways in which you can use—what I’m begging you is use all the forms of art that are at your disposal to inform one, but also to make the world more complex for the young people. It really is about the young people and that’s why I think that’s fundamental for the ACLU. At this moment they’re working with the Youth Change project, right? Because when they begin to do the characters, which is equivalent to grabbing the camera and doing the five minutes, right, but when they are part of it—and theater does that; it’s a one-on-one relationship all the time; it’s in real time there happening—with that wall coming down, very magical things happen. And that’s why I think that, I hope that the next president will put more money into the arts, a lot of money into the arts in the schools, because it makes for more human people, right? And it’s the young people who will be able to become the Kal Penn’s of tomorrow.

Peter Gilbert: But I also think all of us filmmakers, we all have education materials usually built around our films.
Alex Gibney: Right.

Peter Gilbert: We all have outreach programs for our films. We have ways for people to download the films and watch them in their homes for free, we have educational materials for schools. The thing about the ACLU and all that, we generate a lot of that stuff. We’d love help generating it. But just people being able to know where it is and all of that, to get through the whole ton of media that’s out there, to know where they are, I mean, we do that. It’s important to us as filmmakers. And so, I’m with you all the way.

Johanna Blakley: We have time for one more question—over here.

Unidentified Audience Member: There’s been a lot of discussion about the impact of 24 tonight. And a few years ago there was an article in the New York Times Magazine around the time the Yoo memo was being discussed with a few comments by the Bush Administration people or supporters of his policies. And their tone was really gleeful I think is the word I’d use when talking about that show. They had the impression that Jack Bauer was a better cheerleader for this administration than Dana Perino, Tony Snow, and certainly Scott McClellan combined.

So I’m wondering—and this is a question for Mr. Penn. You talked a little about your feelings about working on the show. But is there any discussion among the cast about whether they feel any responsibility or even guilt working on a show that no matter how nuanced the individual characters may be has this profound effect on the way people act and know and vote? Are there any projects that a progressive actor shouldn’t take on? Not necessarily 24, but is there anything that no matter
how interesting the individual character is or the challenges there, it would be irresponsible to participate in because of the impact it has?

[Applause.]

Kal Penn: That’s a great question. I wish I had had the chance to ask that. That would’ve been pretty insightful. I had a really pretty limited arc on 24. I was in four episodes and then I got shot. So sadly, I haven’t had those conversations. From my limited perspective, the question that I get a lot is did you feel–how could you take a role that kind of perpetuates this acceptance of racial profiling? And I definitely think that that’s one very valid way of looking at the character that I played or certainly a lot of the story lines there. But the way that I researched that character was actually the exact opposite, where I looked at that four-episode arc and I thought, okay, I played a character who seems to be this all American neighbor and it turns out he’s part of a terrorist cell.

And I said, well, grounding that in some sort of reality, thankfully in the United States we don’t have this homegrown terrorism with the exception of the Timothy McVeigh types. We don’t have it in a race or pseudo religious basis the way that, for example, it had been in the news quite a bit in the U.K. where you had British-born Muslims who had been co-opted by terrorist cells with a bunch of news coverage that came out of that. That’s what I had to base the character on because that reality did not take place in the United States. Along with a couple of friends, we did a bunch of research on who these guys were in the U.K. and went on a bunch of websites that maybe I shouldn’t have gone on and downloaded some videos, some
The reality is that the people who watch 24 and hear the season-long debate about when are those measures justified and maybe the Constitution stands in the way... is in some ways an accomplishment.

The Norman Lear Center Rights/Camera/Action

documentaries from every perspective possible to try and come up with a believable grounding for this character.

And my perspective going in was the exact opposite, which was thankfully we don’t have that here. I hope that if somebody sees this they realize exactly why we don’t have that here and how this ties into hoping that the folks would actually go and Google things, but how that ties into immigration law, how it ties into poverty, how it ties into folks who’ve been ignored in particular communities for a long time. I don’t know that the active viewer thinks about those things consciously and I definitely acknowledge that that can be a problematic. But because of my limited time on that show, I don’t have a complete answer. But that was my perspective working on it.

Johanna Blakley: Okay. Anjuli?

Anjuli Verma: One other thing. I’ve watched all of the episodes of 24 and the last season, season six, I mean, the interesting thing about that show is that there is this active struggle between civil liberties and security and active debate between the characters. There’s a faction that wants to open these detention centers and start torturing people. And there’s a faction that’s against that. And whether you sort of believe that in total 24 does more to hurt than harm the causes that we at the ACLU are championing, the reality is that the people who watch 24 and hear the season-long debate about when are those measures justified and maybe the Constitution stands in the way, just the fact that people are viewing that and then talking about it is in some ways an accomplishment. That’s so much of what we at
the ACLU are trying to do, to get people to even pay attention long enough to consider both sides of the story.

And so, I mean, on some level I feel like especially the last season of 24 was complicated. To go back to what Ariel was saying. I think the first season of 24 was very black and white. And the final season was very complicated.

**Alex Gibney:** Well, I think 24 raised a lot of interesting issues and I’m glad you asked the question. I mean, I actually put a clip of 24 in *Taxi to the Dark Side*. And as many of you probably know, there was a mission by Dean Finnegan from West Point where he took a group of people out to the producers of 24 and begged them—not to stop, I mean, he wasn’t trying to shut down the show and I don’t think it’s even proper. 24 fulfills a need and if people find that need to be an itch that’s being scratched for some people, fine. But what he was going on to say is you’ve based your whole show on a fundamentally false premise, which is the idea of the ticking time bomb and that if there’s a million people who could be saved if you tortured one guy, wouldn’t you do it. And that’s week after week after week. When he teaches his students and West Point teaches its students something quite different, and yet the students were absorbing Jack Bauer’s way, not what they were being taught at West Point.
So it comes—suddenly you’re in very interesting territory where these issues are being raised, but very powerfully because the emotional need is so great, because after all, you want to kick back. There is a powerful need that Jack Bauer fulfills, which is retribution, kind of a we’re gonna give back what we got. And yet, at its essence the whole dramatic structure is based on a fundamentally—it’s a lie really. The ticking time bomb is a fiction. It’s never happened. So how do you conquer that? And I think that the only way you can conquer it is through some sort of larger educational program, and then you’ve got to counter bad speech with better speech. But I think that in terms of the actor’s role, you hope that these dramas are invested with enough complexity that that’s what the actor brings to the art is to give these people the color of humanity in whatever role they happen to be playing. But it’s the role of all of us to go to the producers of 24 and say, hey, I’m writing in this week and what the hell are you doing? This is based on a lie. Stop it.

[Applause.]

**Johanna Blakley:** Well, with that I’ll remind you that there is a booth, a Rights, Camera, Action booth here at the Conference and we’ll all be circulating through it to answer questions and to talk with you. Also, a screening of *Taxi to the Dark Side* is next. So please join me in thanking this amazing panel. It was such a pleasure to be here. Thank you.