

Statement of

The Honorable Orrin Hatch.

United States Senator
Utah
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Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

Hearing on

"The Playwrights Licensing Antitrust Initiative Act:

Safeguarding the Future of American Live Theater"

Good afternoon and welcome to today's hearing on the "Playwrights Licensing Antitrust Initiative Act" or "PLAI Act." We have a tremendous panel of witnesses and a very interesting topic, so I am truly excited to hear their testimony. Today, from left to right, we have Stephen Sondheim, Roger Berlind, Wendy Wasserstein, Gerald Schoenfeld, and Arthur Miller. This is an absolutely incredible panel of Broadway's finest, all side-by-side by Sondheim. Hey, that sounds almost like a song.

As an initial matter, I understand that word has gotten out that Senator Kennedy and I are rehearsing a song from the musical Gypsy. We will be performing it at a benefit gala this Friday at Ethel Kennedy's home. One of my more enterprising staffers suggested that we could raise some money by selling a video of our performance. He went on to suggest that we could make more if we charged extra for a version of the video without any audio. I would like to take this opportunity to publicly wish him well in his job search. But seriously, I hope that both our duet and any future committee action on this bill will be more "harmonious" than some of the recent debates in the Judiciary Committee.

The purpose of today's hearing is to discuss a bill that Senator Kennedy and I have introduced to help ensure the continued vitality of live theater in America. Now, I know that I am not going to be able to match the eloquence and incredible experience of our witnesses, so I will keep my remarks brief. I have come to believe deeply that the future quality of live theater depends on maintaining the artistic independence - and individual expression - of dramatists, while giving them a greater voice in the terms on which their works are produced.

Due to the interaction of federal labor, antitrust, and copyright law, the dramatists and their voluntary peer organization, the Dramatists Guild of America, have been hampered in acting collectively in their dealings with highly-organized and unionized groups - such as actors, directors, and choreographers on the one hand - and the increasingly consolidated producers and investors on the other. As a result, playwrights - who are frequently at a substantial bargaining disadvantage - are forced to accept contracts on a take it or leave it basis.

I believe that if we truly want the next generation of American dramatists to flourish, we will need to give them a more organized voice on Broadway. The PLAII Act is a narrow measure that will allow playwrights, composers and lyricists - through either the Dramatists Guild or any other voluntary peer organization - to act collectively in dealing with other industry groups that operate both under and behind the bright lights of the American stage. In other words, it would permit these artists to sit down with their creative colleagues for the purpose of negotiating, adopting, and implementing updated standard form contract terms. Importantly, the bill covers only the adoption and implementation - and not the collective enforcement - of an updated standard form contract. Thus, it would merely allow dramatists to replace the terms of the current standard contract - which I am given to understand has remained virtually unchanged for several decades - with amended terms that reflect the changing business and artistic landscape on Broadway. My hope is that the basic ability to update the standard form contract as well as provisions ensuring that certain artists'

rights are respected in the production of their plays will encourage young, struggling playwrights to continue working in the field and ensure the continuing viability and vibrancy of American live theater.

As a long time enthusiast of theater, and a lyricist myself, I am proud to sponsor the PLAI Act and would encourage my colleagues to join our efforts. I would also like to commend Senator Kennedy for his leadership on this issue, and I thank my other colleagues on the committee in advance for their interest and willingness to be convinced that we should act favorably on this legislation.

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