

Testimony of

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Prepared Testimony
Wendy Wasserstein
The Playwrights Licensing Antitrust Initiative Act:
Safeguarding the Future of American Live Theater
Senate Committee on the Judiciary
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Mr. Chairman. Members of the committee. I want to thank you for the invitation to appear before you.

Like my distinguished colleagues here with me today, both at the witness table and those members of the Dramatists Guild in the room, I am deeply appreciative of your efforts, Mr. Chairman and Senator Kennedy, to help restore the balance of power in the theater for playwrights. This is a National issue that affects the future of the American theater.

It seems very fitting to me that we address here in Congress the power of the spoken word on stage and securing its future. Politics and plays have a great deal in common. Through the integrity and vision of the individual voice, they both create an arena to examine and advance the national character. In the theater, just as here, a well-crafted speech not only inspires change but reveals our sense of morals, justice and ethics. As Oliver Wendell Holmes said, "Eloquence may set fire to reason."

But the independent voice that makes writing for the theater so compelling has become much more challenged as the ownership of the theaters and the production of plays has become increasingly dominated by corporate interests and has become more and more concentrated. The various individuals and groups necessary to ensure the success of any production have become increasingly organized. From the stage hands to the actors to the musicians, the directors, the choreographers, the hairstylists, the ticket sellers, to the press agents, all are represented by unions and are able to bargain collectively. I remember when my play *The Heidi Chronicles* was celebrating its second year on Broadway and we had a party in the basement of the Plymouth Theater. All the props people, stage hands, actors and producers came, and I thought to myself, we are here because I sat alone in my room and wrote a play. A play always begins with the word. But ironically, those of us who are the fundamental creators are not able to collectively protect our words.

Today, as my colleagues have pointed out, more and more playwrights find themselves faced with "take it or leave it" contracts and pressures on their artistic integrity. Think of what would have been the impact to Arthur Miller's *Death Of A Salesman* if the producers had demanded that he change the end of the play to have a happy ending. Imagine if for the sake of selling tickets Eugene O'Neill had been persuaded to transform the Tyrone family in *Long Days Journey Into Night* into a fun loving family.

It may sound absurd, but the pressures on young playwrights are enormous - and they are increasing. Your legislation, Mr. Chairman, rebalances the equation. It does not force a producer to produce a play or pay a playwright for something they did not write. What it does is allow playwrights as a group to develop a standard form contract so that our work - our copyrights - are respected throughout the production of our work. This legislation allows us to update the standard form contract that was agreed to twenty years ago. Until now, under the shadow of anti-trust laws, we have been unable to renegotiate. A lot of changes have occurred in the theater over the past twenty years and it's time that the standard form contract be updated to reflect those changes.

Theater is a vital art form. Not only for its entertainment value but also for the creation of our national community. Theater is the place where audiences learn to really listen and consider without distraction. And it is also important to recognize that although Broadway is considered to be the heart of commercial American theater, the truth is most

Broadway productions begin at regional theaters around the country. And in turn, many of the greatest plays on Broadway filter down from regional theaters to summer stock to schools across the country. Tens of thousands of jobs nationwide are created in these theaters.

Theater inspires and challenges students unlike any other spoken art form. A number of years ago I began a program in New York called Open Doors, in which practicing theater artists like the director Hal Prince take a small group of public High School students who have never been to the theater to eight plays over the course of a year. What we have consistently found is that the students felt that theater was the medium, unlike film or television, where they did not feel manipulated or spoken down to. Kimberly Ebanks, a student at DeWitt Clinton High School in the Bronx, summed up our programs in a speech to New York City High School seniors by saying "Seeing plays has changed me from a student who believed that in order to be successful in life I had to excel at math and science. But life isn't just about math and science. It's about hypocrisy, prejudice, love, joy, compromise, hate and conflict. These are things that we don't examine enough in life, but we can in the theater."

This legislation will ensure that the kinds of plays Kimberly is describing can still be written by an individual author and not tampered with for the purposes of commercial success. It will also secure the protection of all playwrights' words for future generations. My colleague Stephen Sondheim began the Young Playwrights Festival in New York. Every year over a thousand playwrights under 18 from around the country submit their plays. Their ideas and words leap off the page. This legislation will secure that the theater will remain a place where they can bring their unique vitality and insight.

When I was a young playwright, I looked to the great works of American authors like my colleagues, Arthur Miller and Stephen Sondheim, and thought I wanted the privilege of writing for the theater, and during my career, I was the first woman to win a Tony Award and the Pulitzer in the same year for drama. This legislation will secure that same privilege of honoring the individual voice in the theater for generations to come.

As more and more writers, directors, playwrights and other artists from around the country have learned of this legislation, they have begun to write in support.

Horton Foote, who wrote the play *A Trip To Bountiful* and the screenplays for such films as *To Kill A Mockingbird* and *Of Mice And Men*, has written in support of this legislation.

While some in the producing community may question the legislation, the noted producer and director Hal Prince, who Steve quoted in his testimony and who produced *Damn Yankees*, *West Side Story*, and *Cabaret*, and who directed *A Little Night Music*, *Evita*, and *Phantom Of The Opera*, has written in support of this legislation.

Writer, director and producer David Mamet, who was the playwright of *American Buffalo* and screenwriter for *Glengarry Glen Ross* and *Wag the Dog*, has voiced his support as well.

What united these noted individuals, and many more like them across the country, is their support for this important legislation. Mr. Chairman, members of the committee, I urge that you approve this legislation. Without it, I fear, the old cliché "The Show Must Go On" will apply to fewer and fewer productions.

Thank you.