

Statement of

# The Honorable Patrick Leahy

United States Senator  
Vermont  
April 28, 2004

Statement of Senator Patrick Leahy  
Hearing in the Senate Judiciary Committee  
"The Playwrights Licensing Antitrust Initiative Act:  
Safeguarding the Future of American Live Theater"  
April 28, 2004

Thank you, Mr. Chairman and Senator Kennedy, for bringing the Broadway stage into the Judiciary Committee hearing room. This Committee has a long history of tackling intellectual property questions. I would note tomorrow's mark-up agenda, which includes half a dozen IP bills, largely dealing with the copyright and patent problems that have arisen along with the new technologies and distribution methods. But the playwrights' plaint is a long-standing one, and I will be interested to hear the story of its history and possible resolution.

Live theater is a delightful and important part of our culture, and a wonderful way to bring children and young people into the community of arts supporters. I am an enthusiastic proponent of the many new technologies which are making audiovisual works available, at an ever higher quality and ever lower cost, to an ever greater number of people. At the same time, I am very interested in preserving and promoting the unique and wonderful experience of live productions, opera and community theater. The best of the Internet age can co-exist peacefully and productively alongside the tradition that has been entertaining and educating people since the ancient Greeks.

I am very cautious about the antitrust laws. They were designed to ensure that competitive marketplaces could operate without undue pressures and, in large part, have been effective. I do recognize that markets can fail, and that adjustments sometimes must be made that recognize imbalance in bargaining power. This may be such a case. I will need to hear more about the situation to make that determination. I am hopeful that our impressive panel of witnesses will help make a fair and thorough record. In addition, I have asked the Department of Justice to share with us the views of its Antitrust Division on this legislative proposal.

We are a fortunate nation, to have the benefit of the creative genius of so many writers and artists, and to have the financial and administrative acumen of the producers and promoters who can bring that art to so many people. We need to be sure that we encourage rather than burden this wonderful source of entertainment and enlightenment for us, and that we ensure that Americans are able to experience live theater now and in generations to come.

#####