

Tuning in to the Fine Print: Law and Social Change in Media

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The Motion Picture Association of America (MPAA), along with the Directors Guild of America (DGA), the International Alliance of Theatrical Stage Employees (IATSE), the Screen Actors Guild (SAG), and American Federation of Television and Radio Artists (AFTRA), submitted a joint filing to the Senate as well as to the White House's Office of Intellectual Property Enforcement for reduced regulation of media transmission. These major media players see that part of this battle will be to compose and define the story that helps them protect their creative and financial interests against media piracy. Outlining their collective opinion that the enforcement of copyright should be of primary concern, and that Net Neutrality is a threat to their rights over professional creative content and intellectual property, film and television's major guilds and unions as well as executives of the major media conglomerates are lobbying Washington.

Decidedly absent from this list of creative and craft organizations is the Writers Guild of America (WGA). The Writers Guild is emphatically opposed to piracy, and yet their support of independent production and maintaining openness in content production is of equal importance to the union as piracy and copyright infringement. But for the WGA, the two issues must stay separate. If studio-endorsed media industry web sites with "trusted" content have better access to consumers, then this is a back-door tactic of destroying Net Neutrality under the guise anti-piracy. If the tactics for fighting piracy have the effect of discriminating among sources of video, projects as inventive and playful as *Dr. Horrible's Sing-Along Blog* will have no way to compete with studio controlled sites like Hulu.

Last fall in the Guild's official magazine featured a series of articles on Net Neutrality as it relates to media writing, telecommunications policy, and the possibilities of online storytelling. Included as well in the issue is a full-page color photograph of the newly elected WGA President John Wells (*ER*, *West Wing*) standing side-by-side with Federal Communications Commission Chairman Julius Genachowski. By positioning Wells and Genachowski as allies in a fight for Net Neutrality, the Guild has made a strategic push toward the development of a story they can pitch to their own members, as well as others within the industry regarding the primacy of creative rights.

While no film or television guild or labor union is terribly politically active, the WGA has been the most progressive of them. Since its much-delayed *mea culpa* regarding the blacklist, the WGA policy has been, first and foremost, the support of the First Amendment and the rights of writers to present their work to the public. Exasperated, the DGA and SAG continue to try to lure the WGA to their side. The subtleties of the WGA's case for taking on these two policy debates separately are lost on many in the industry who see the end of one as leading to the end of the other. The success of old media on new media platforms has led leaders of these industries—both executives and heads of labor groups—to reassess their need for governmental regulation. The policies regarding net neutrality and copyright infringement are both hot topics. Understanding the

nuances of these two debates, and how they relate to each other, is where media scholars can intervene.

The central question posed to this roundtable subtly puts scholars who study media policy on the margins, if not on defensive: why are those of us who study regulation reacting after the fact to failed policies—and how can we better place our scholarship in dialogue with those who think of television in terms of its narrative content? The position papers of industry organizations and consumer groups that lobby the FCC or the White House are not as elegantly composed or instantly gripping as, say, a *Quality TV* script. And yet, the real-life drama that lurks behind these industry and governmental narratives often include ruthless moguls, scheming lawyers, backdoor deals, and financial gains and losses that hearken back to the best of primetime soaps. In the case of policy, the drama is in the fine print—and the long term gains and losses that can take place over the course of years or decades, rather than from episode to episode. This dichotomy, of close readings and changes that seem glacial, even in comparison to the slow unfolding drama of, say *Mad Men*, make following the narrative of policy in relation to questions of privacy, ownership, or access tricky. How can we tune in? We can unpack the language of law and policy and help define the nature of these industrial dramas, so that scholars, students, and policy makers, have a better idea of the stakes involved and the trajectories that could be set in place by these rulings.