



MOTION PICTURE ASSOCIATION

**Statement of Karyn A. Temple
Senior Executive Vice President and Global General Counsel
Motion Picture Association, Inc.**

**before the
U.S. House of Representatives Committee on the Judiciary**

**Hearing on
“Diversity in America: The Representation of People of Color in the Media”
September 24, 2020**

I. INTRODUCTION

Chairman Nadler, Ranking Member Jordan, and members of the Committee, thank you for the opportunity to appear before you today to testify on behalf of the Motion Picture Association, Inc. (“MPA”) and our member studios¹ on the issue of diversity, equity, and inclusion in the motion picture and television industry. Although I just recently joined the MPA as Global General Counsel, I have worked in and with the entertainment industry for most of my legal career. So the issue before the Committee today is not just an abstract policy issue to me – it is one that I care about deeply and personally, as an African-American woman, mother, American citizen, and a human being. I grew up at a time when there were no movie fairy tale princesses who looked like me, no leading franchise superhero, no kids’ TV series that reflected my reality.

Therefore, I’m not here to sugarcoat things for you today. While our industry has made some significant progress – and I will highlight many of those initiatives for you – let me be clear: The entertainment industry still has a long way to go before we reflect the true diversity of this country, both in front of and behind the camera. From the top executives and A-list actors, to writers and producers, to “below the line” crew, our industry (and the stories we tell) often do not represent the full spectrum of American society.

That must change.

The first step to actually solving any problem is to acknowledge and own it. So, I readily concede that there is a problem of diversity and inclusion in Hollywood. But today I’d like to focus on how we and our member studios have mobilized to help fix it.

¹ Netflix Studios, LLC, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, and Warner Bros. Entertainment Inc.

But before I dive into the details, I do need to provide some important context for this discussion that the Committee should keep in mind. While we may have a higher profile than some other sectors of the economy, the entertainment industry is reflective of our society at large. As recent events have so forcefully and dramatically shown, this country has not always lived up to its promise of equality and justice for all, and the industry that we at the MPA represent is no different. But, unfortunately, that is also true for just about every other industry in this country, whether it's finance, technology, medicine, or law. Those industries, especially at the senior levels, all tend to be a lot less diverse than society at large. That of course doesn't absolve us – or anyone else – of our responsibility to do everything we can to provide equal opportunity for all citizens. Indeed, MPA's headquarters sits right on Black Lives Matter Plaza here in Washington – a powerful and inspiring reminder to us and our members of the central role social justice must play in our work. But seeking to address diversity and inclusion in the business community and society as a whole requires a comprehensive look and approach, not one just focused narrowly on one industry.

II. TELLING STORIES ABOUT A DIVERSE AMERICA

If there's one thing our industry excels at, it's telling stories. And although those stories have not always reflected the true diversity of America, I take pride in working on behalf of an industry that does have a history of often using its formidable storytelling skills to raise awareness of the need for social change – including telling stories of discrimination against racial, religious, and sexual minorities, and of their struggle to overcome it. *Imitation of Life* (1959) depicted a young woman's decision to reject her Black mother and "pass" as white to achieve a better life in a society that would otherwise reject her. In 1967, *Guess Who's Coming to Dinner* (1967) addressed interracial marriage when it was still illegal in 17 states. *Philadelphia* (1993) addressed homophobia at the height of the HIV/AIDS epidemic. *Stand and Deliver* (1988) showed the world how high school math teacher Jaime Escalante helped his class of mostly Hispanic math students overcome societal challenges and bias in the education system. And more recently, films like Ava Duvernay's *13th* (2016), *The Hate U Give* (2018), and *Just Mercy* (2019) powerfully addressed the very issues of racial justice that are now in the headlines.

These are just a few of the countless movies and TV shows that played a very significant role in reminding America of its sometimes painful history, and introducing majority white, straight Americans to characters they likely wouldn't encounter in everyday life – all while entertaining and inspiring audiences along the way. I am gratified that today there are movie fairy tale princesses that look like girls in my community, television shows that feature dynamic, strong Black, Asian, and Hispanic girls, and movies with Black superheroes that touch the world.

That's not to say that we can't do more. We must, we are, and we will. But telling stories about diverse characters is nothing new to our industry, and I can say to you today that I know our members have gotten the message that they have a lot of work to do in this arena, and that they are actively working to do better.

One other thing I do want to mention about the content of our studios' movies and TV shows before moving on. It's fair for anyone – including members of Congress – to comment on or criticize these works, or those who make them. And that includes arguments that our industry doesn't make enough movies or TV shows that feature certain themes or categories of actors. But comment and criticism is one thing; regulation or legislation is another. Movies and TV shows are fully protected by the First Amendment,² which bars the government from mandating the kinds of stories filmmakers must tell, or who should tell them. The MPA has a nearly century-long commitment to protecting the freedom of creators to tell their stories in the manner they prefer.

Everyone here shares the goal of promoting storytelling that reflects the diverse tapestry of the American experience. And together, I'm confident we can continue to make significant progress to reflect the very best of American society. But that cooperative progress should not come at the expense of First Amendment protections that empower creators to dream big, make bold decisions, and tell stories that sometimes may make us reflective and even uncomfortable.

III. MOTION PICTURE ASSOCIATION AND STUDIO EFFORTS TO BOOST DIVERSITY, EQUITY, AND INCLUSION

A. What the Motion Picture Association is Doing

As great as many of the movie and TV shows that I mentioned are, and despite the powerful messages that they convey, we recognize that that is not enough. Like America itself, while we often have the right ideals and good intentions, we don't always live up to them. The statistics – and even photos – showing the lack of diversity in our studios' C-suites are stark and unforgiving. But, it is not the only part of our story, and I would like to take this opportunity to highlight what we are doing now to make things better.

The Motion Picture Association is committed to great storytelling that reflects the viewpoints and experiences of all creators and audiences – which is why we are working hard with our member studios to collectively address diversity, gender parity, authentic cultural representation, and pipeline recruitment opportunities from underrepresented communities in our industry. By establishing programs that promote a diverse talent pipeline, creating new partnerships, and sharing what we learn, we are leading by example.

One important role we have played is helping ensure the industry has demographic data to demonstrate the importance of diverse audiences to the economics of the industry. Part of our work on this important issue is the THEME Report – our annual analysis and survey of the theatrical and home entertainment market environment. One notable takeaway from recent reports is that Hispanic audiences are among the nation's biggest movie fans, accounting for an outsized share of box office revenue relative to their portion of the population. Over the last few years, we have expanded the THEME Report's demographic data to include home entertainment

² *Joseph Burstyn, Inc. v. Wilson*, 343 US 495 (1952) (movies protected by First Amendment); *Zacchini v. Scripps-Howard Broad. Co.* 433 U.S. 562, 578 (1977) (“There is no doubt that entertainment, as well as news, enjoys First Amendment protection.”).

and online viewing so that our members can better quantify the important role that diverse audiences play in the health and future of the creative economy.

This data helps cement the business case for stronger diversity efforts – and recent years have seen significant commercial success from movies such as *Black Panther*, *Coco*, *Crazy Rich Asians*, and the *Fast and Furious* franchise, not to mention this year’s Best Picture winner *Parasite*, further validating the data.

Also at the MPA, eight years ago we established our own Diversity, Equity and Inclusion program (three years before #oscarssowhite and five years before #metoo and Time’s Up!), because our members proactively supported the MPA playing a constructive role: 1) forging relationships with multicultural organizations that work to diversify the creative pipeline; 2) ensuring important constituencies – studios, policymakers, and multicultural creator organizations – can communicate and collaborate on our shared goals; and 3) helping our companies keep stakeholders informed about these efforts.

We’re proud of our track record since. Through our program, MPA, under the leadership of our CEO Charlie Rivkin and John Gibson, Vice President, External and Multicultural Affairs, supports increasingly robust efforts by the industry to enhance the diversity of the creative pipeline, including via outreach to film schools and groups representing African-American, Latinx, Asian-American and Pacific Islander, Native American, women, and LGBTQ+ creators.

We’re grateful for the opportunity to partner with many such organizations, including the Entertainment Industry College Outreach Program, which, thanks to the overwhelming success of its marquee program, “HBCUs in LA” has quickly become one of the premiere industry pipeline programs geared towards students from Historically Black Colleges and Universities. In 2017, we also joined our partner, the Georgia Latino Film Alliance, in launching its Creative Studio Academy, which provides professional and technical training in the Greater Atlanta area to Latinx high school students ages 16-18 in the areas of acting, writing and production.

Another highlight is our partnership with the Ghetto Film School, a non-profit whose groundbreaking Roster Program trains 4,000 aspiring young creators annually for careers in creative industries, 55% of whom are Latinx, 35% African-American, and 10% other underrepresented groups. And most recently, MPA was proud to announce a partnership with the Native American Media Alliance focused on promoting Native American writers in the entertainment industry.

A key component of our DE&I program is these collaborations with many of the leading multicultural creative organizations and film festivals, including the American Black Film Festival, Georgia Latino Film Festival, New York Latino Film Festival, Newark International Film Festival, Women in Film and ReFrame, Florida Film House, the National Association of Latino Independent Producers, Native American Media Alliance, and Center for Asian American Media – all of which create new opportunities for creators from underrepresented communities to share their stories and find their audiences.

Turning to our role serving as a bridge between the industry and Congress to educate Members about our collective efforts: Beginning in January 2019, we proactively reached out to the Tri-Caucus to educate members about MPA’s and our member studios’ efforts – and to foster opportunities for Congress to hear directly from multicultural creator organizations working on the front lines of fostering change and our members. Indeed, we’ve initiated many such important dialogues – both in Los Angeles and Washington – and continue to do so despite COVID-19.

I encourage you all to visit the page on MPA’s website³ highlighting our diversity, equity & inclusion efforts, where you can find a rich and growing catalogue of content, including our “Film School Friday” series, which highlights diverse creators and their experiences, challenges and successes in the industry. And our most recent event, held last week in partnership with the New York Latino Film Festival, included leaders from all six MPA member companies discussing their company’s commitments and programs to continually improve.

B. What the MPA’s Member Studios are Doing

But of course what matters even more is what our member studios are doing in this area. We’re proud that each studio in the MPA has its own robust corporate policies, senior-level diversity and inclusion-focused personnel, and other programs. Below are examples of some of the initiatives our members are undertaking:

- ViacomCBS has a robust set of diversity and inclusion initiatives across all its platforms, including Paramount Studios, CBS Studios and News, BET Studios, and Nickelodeon. These include the following programs meant to more accurately reflect diversity both on-screen and behind-the-camera:
 - CBS Studios announced that in its development and writer’s room by the 2021-2022 season, 25% of the script development budget will be allocated to diverse creators and 40% of the writers will be diverse;
 - The Viewfinder Emerging Directors Program, the ViacomCBS Directing initiative, the Nick Writing Program, and the Nickelodeon Artist Program all seek to provide directors, writers, and artists with underrepresented voices an opportunity to enhance their skill set and grow their network;
 - Paramount Television’s upcoming slate includes a remarkably diverse and representative group of shows and talent, including *Briarpatch*, starring Rosario Dawson and directed by Ana Lily Amirpour; *First Wives Club* with executive producers Tracy Oliver and Tony Hernandez and starring Ryan Michelle Bathe, Jill Scott, and Michelle Buteau; and *One Day at a Time* featuring a multi-generational Cuban-American family on CBS prime-time;
 - In the coming year, Paramount has several productions featuring diverse filmmakers and talent, including: *Infinite*, directed by Antoine Fuqua; *Without Remorse*, starring Michael B. Jordan; and *Snake Eyes*, starring Henry Golding, Andrew Koji, Iko Uwais, and Haruka Abe; upcoming animated features will draw from traditions spanning Chinese-American experiences, Native American

³ <https://www.motionpictures.org/what-we-do/advancing-diversity-equity-inclusion/>

culture, and Australian aboriginal folklore – Nickelodeon, for example, will premiere *Santiago of the Seas* in October 2020, featuring Latinx talent and creators.

- Netflix works with a wide range of creators—including in the U.S. with Ava DuVernay, Ryan O’Connell, Shonda Rhimes, Mindy Kaling, Alan Yang, America Ferrera, Ali Wong, Tyler Perry, and Janet Mock—to help increase the diversity of its storytelling, and representation on-screen and behind the camera.

More people should see their lives represented on screen, so Netflix is creating opportunities for creators from underrepresented communities to enter the entertainment industry. Just this month, Netflix announced it will partner with the Los Angeles Latino International Film Festival (LALIFF) to sponsor their inaugural inclusion fellowship series - which is focused on short films by five Afro-Latino directors. Netflix is also partnering with NALIP and the Latino Film Institute on several initiatives to help foster Latino writing talent. Earlier this year, Netflix made significant investments to lower the barrier to entry into the film, TV, and documentary industry for Black creators. Ghetto Film School, Film Independent Project Involve, Firelight Media, and Black Public Media received funds to create pipeline programs for Black creators. For the last few years, Netflix has also partnered with the International Documentary Association and Chicken & Egg productions to create development programs and opportunities for emerging female documentarians.

In 2018, Netflix created an Inclusion Strategy team of inclusion experts who integrate inclusion and equity into all aspects of Netflix’s operations worldwide, as well as increasing representation of historically excluded groups in the entertainment and technology industries.

- For almost a decade, Sony Pictures Entertainment (“SPE”) has undertaken a multi-pronged approach to diversity and inclusion in every area of its business by leveraging different perspectives from its filmmakers to its content, vendors, and employees. Most notably, SPE’s Diverse Directors Program (now in its seventh year) has enabled the studio to identify emerging directors from historically marginalized populations, including women and people from diverse ethnic backgrounds, and has resulted in numerous program graduates actively directing for Sony Pictures and throughout the industry.

Last year, SPE announced its inaugural Diverse Writers Program, to develop pilot scripts featuring the diverse voices of emerging writers. Other initiatives include Unconscious Bias training for both corporate employees as well as production staff.

SPE is also proud to maintain strategic partnerships with over twenty different organizations in order to amplify the studio’s commitment to surfacing and celebrating new and talented voices. SPE sponsored a panel series presented by the African American Film Festival and NALIP exploring Afro-Latinx Representation in Film and TV. And in partnership with NALIP, the studio is now in its second year of the Cine

Sony Voces Nuevos Short Film Competition designed to uncover and empower emerging Latinx content creators. The top three films from last year's competition aired on Sony Pictures Television's CineSony channel as a special programming event.

- WarnerMedia recently announced an industry-leading diversity and inclusion policy pledging to use its “best efforts to ensure that diverse actors and crew members are considered for film, television and other projects, and to work with directors and producers who also seek to promote greater diversity and inclusion in our industry.” And last year WarnerMedia announced the hiring of a Chief Enterprise Inclusion Officer – a newly created senior position.
- NBCUniversal has launched a broad range of diverse talent pipeline programs to identify and engage creative talent from a wide array of backgrounds. Universal Filmed Entertainment Group's Global Talent Development & Inclusion Team, for example, develops up and coming talent through programs such as the Universal Writers Program, Universal Animation Writers Program, Universal Directors Initiative, and Universal Composers Initiative. Separately, NBCUniversal's Female Forward initiative gives female directors an entry into scripted television by giving participants the opportunity to shadow current directors of an NBC series, culminating with an in-season commitment to direct at least one episode of the show being shadowed. Program alumni Kim Nguyen and SJ Main Muñoz directed episodes of *Brooklyn Nine-Nine* and *Chicago Med*, respectively, that aired last season.

NBCUniversal is also proud to have launched the Alternative Directors Program, the television industry's first pipeline program for directors of unscripted TV shows, to give experienced female and ethnically diverse directors the opportunity to expand their repertoire, with the ultimate goal of hiring them as show directors on an NBC or Universal Television program. Program alumni of NBCUniversal's various pipeline and talent infusion programs are celebrated producers, writers, directors and actors in the entertainment industry who have gone on to win Emmys, Golden Globes and SAG Awards, and include Diverse Staff Writer's Initiative alums Donald Glover, Mindy Kaling, and Alan Yang.

- Finally, The Walt Disney Company (“TWDC”) has many programs and policies to address these issues, including the U.S. Hispanic Initiative, a companywide effort focused on growing relevancy to and engagement with U.S. Hispanics; longstanding Creative Talent Development programs to diversify the creative pipeline that have helped launch the careers of many industry professionals, including writer/producer Peter Murrieta and director Zetna Fuentes; and the new Launchpad program providing opportunities for underrepresented directors to create content for their Disney+ streaming service.

TWDC has also proudly worked with NALIP and Ghetto Film School for several years supporting their talent pipeline programs. Walt Disney Television launched a Production Assistant program last summer, which places up to 50 participants from local city colleges and organizations across their shows. In addition, The Walt Disney Studios is

committed to the Academy Gold program, having placed a high percentage of alumni in full-time roles (including several Latino participants). Disney's content also speaks to their commitment having launched several of the highest grossing films featuring culturally specific stories including *Coco*, *Black Panther*, and *Aladdin*.

IV. CONCLUSION

We thank the Committee for the opportunity to be part of the discussion on these important issues and remain committed to working with you until our shared goals of a fully diverse, equitable, and inclusive motion picture and television industry becomes a reality. I welcome your questions.