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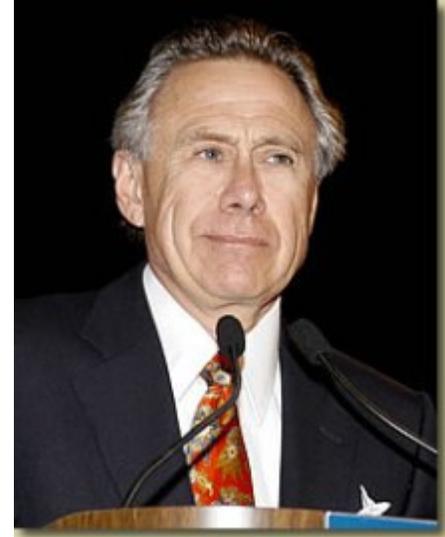
## Hillsdale College

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#### Whatever Happened to the Family Film?

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Philip F. Anschutz is president of The Anschutz Corporation of Denver, Colorado. The company's major business interests are in the fields of communications, transportation, natural resources, real estate and entertainment. A native of Russell, Kansas, Mr. Anschutz graduated from the University of Kansas in 1961 and founded The Anschutz Corporation in 1965. He is currently vice chairman of the board of Union Pacific Corporation and sits on the boards of Regal Entertainment Group, Pacific Energy Group, the United States Chamber of Commerce, the American Petroleum Institute and the National Petroleum Council. He is an alternate governor of the National Hockey League and Major League Soccer; an executive member of the Academy of Motion Picture Arts and Sciences; a trustee of the Kansas University Endowment Association; an emeritus trustee of the John F. Kennedy Center for the Performing Arts; an honorary trustee of the American Museum of Natural History; and an advisory member of the National Board of the Smithsonian Institution.



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#### Whatever Happened to the Family Film?

In today's world of mass media and mass instant communication, movies still have an enormous effect on our culture and an even larger effect on younger Americans. Research shows that the average American child between the ages of two and 18 spends five hours and 45 minutes per day with media – mostly electronic media. Think about that in the context of these figures: Since the year 2000, Hollywood has turned out more than five times as many R-rated films as it has films rated G or PG or soft PG-13. No less than 2,146 films released since 2000 received R ratings, compared to 137 films rated G and 252 films rated PG.

Is this preponderance of R-rated films simply – as we hear so often – a response to the market? I would say not, considering that of the top 20 moneymaking films of all time, not a single one is rated R, and of the top 50, only five are rated R – with the remainder being G or PG. Don't these figures make you wonder what's wrong with Hollywood just from a business point of view? Why, in the face of these statistics, does Hollywood keep putting out so many non-family oriented movies?

Let me mention the ideas that I've run across in Hollywood and that define a kind of Hollywood mindset. One of these is that the way to be successful is to be hip and edgy. A second is that to be

noticed and therefore successful, you need to utilize shock value to gain attention. A third is that sex, language, violence and bad taste always seem to find a market. Another is that you have to grow up in the film business in order to understand it and have the right creative instincts for it. Another is that to earn respect from your peers within the Hollywood community, you have to make at least potential Academy Award films – which in recent history have predominantly been R-rated.

My wife and I now have a number of grandchildren who are growing up surrounded by the products of this culture. So four or five years ago I decided to stop cursing the darkness – I had been complaining about movies and their content for years – and instead to do something about it by getting into the film business. Fortunately my wife said, “Phil, this is one of the nuttier things you’ve ever done, so at least keep your day job.” Which I did. But I knew that the best way to get to know a business – and maybe to affect it – is first to dive into it, and second to invest in it so that you get a seat at the table.

My reasons for getting into the entertainment business weren’t entirely selfless. Hollywood as an industry can at times be insular and doesn’t at times understand the market very well. I saw an opportunity in that fact. Also, because of digital production and digital distribution, I believe the film industry is going to be partially restructured in the coming years – another opportunity. But also, yes, I saw a chance with this move to attempt some small improvement in the culture.

Let me tell you a few things that I’ve learned about the movie business: First of all, you need a clear vision of the kind of movies you will make – and an equally clear vision of the type of movies you will not make. People in the industry need to know that they needn’t bring you certain kinds of product because you’re not going to be interested. Just as importantly, your own people need to understand the kind of movies they are going to be held accountable for producing. Our company, by the way, makes G and PG and, occasionally, very soft PG-13 movies. They are primarily family films – films that families can see together. We expect them to be entertaining, but also to be life-affirming and to carry moral messages.

The next thing I’ve learned is that if you are going to be in this business, you need to bring your own money and be willing to spend it. Otherwise, Hollywood doesn’t see you as a serious player. Nothing communicates with the people that make the real decisions in Hollywood like spending your own money and showing that you can make profitable films.

Another lesson I’ve learned is to keep firm control of the creative process. Many things happen between the time you hatch an idea for a movie and the time that it gets to theaters – and most of them are bad. So you need to control the type of writers you have, the type of directors you get, the type of actors you employ and the type of editors that work on the final product. Then you have to control the way the film is marketed and watch over the distribution and exhibition sides of the business. Keep in mind there are three parts to the movie business: Production, distribution and exhibition. Being just a producer isn’t good enough. There are a lot of good movies that have been made but not seen because they couldn’t find distribution and they couldn’t find exhibition.

At the same time we set up a movie production unit, we set up a companion education unit. The movie unit, of course, is headquartered in Hollywood. But the education unit is headquartered as far from Hollywood as we could get it – in Boston. There is not a single movie-producer type that works for that company. They’re all educators – teachers and parents – who go out and interact with schools. We’re now in regular contact with some 10,000 schools and over 30,000 teachers. We ask teachers and parent groups several questions: What kind of movies would you like to see made? What are the important books that are being read in schools? What’s the best way that we can deliver life-affirming messages? How can we affirm the good, and de-emphasize the bad and the negative? We began an active outreach to all of these groups, gathering regular focus and feedback information. We showed one of our recent movies well in advance of its release to 20,000 teachers in order to see how they felt about it. Then we took their suggestions and re-cut the

movie.

Speaking purely as a businessman, it is of utmost importance for a business to try and figure out a way to make goods and products that people actually want to buy. And as I've already suggested, I don't think Hollywood understands this very well, because they keep making the same old movies – the same kinds they have been making for years – despite the fact that so many Americans are tired of seeing them. Why can't movies return to being something that we can go and see with our children and our grandchildren without being embarrassed or on the edge of our seats? When I said that Hollywood can be insular, this is in part what I meant. I don't think they understand the market and the mood of a large segment of the movie-going audience today. I think that this is one of the main reasons, by the way, that people don't go to movies like they used to.

Here are a couple of concrete examples of specific movie projects that came out of the process I just described. One of our movies was *Holes*. A lot of our children and grandchildren were excited about this movie because they had read the book. There is also a strong moral message in it. It was screened for a number of teachers before we ever released it; and even after it was released, we did multiple interactive screenings in our theaters with young audiences. In one session alone we had 17,000 young people from across the country interacting with the director and the writer and some of the actors in the film, learning about acting skills, writing skills and what lessons could be drawn from the movie.

Another project that came out of this process was C.S. Lewis's *Narnia Chronicles*. These books were written some 60 or 70 years ago, and over 120 million of them have sold worldwide in some 80 languages – more than either Harry Potter or Lord of the Rings. I acquired the rights to make films from that set of books – there are seven of them – and the first will be released next year. We feel that this is a great responsibility and are determined that the film be very good.

We have found in our focus sessions that people also want movies that are simply entertaining – movies that are fun, the way movies used to be. Our very next movie will have some educational value, but that's not really its purpose. Above all it has a great sense of adventure, and it's funny and entertaining – it's called *Around the World in Eighty Days*.

In closing, let me say that the movie business is not a very good business in many ways. No one with any sense would get into it. My friends think I'm a candidate for a lobotomy and my competitors think I'm naïve or stupid or both. But you know what? I don't care. If we can make some movies that have a positive effect on people's lives and on our culture, that's enough for me.

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## **Our Embattled Constitution**

### **Harry V. Jaffa**

#### **Professor Emeritus of Government, Claremont McKenna College and Claremont Graduate School**

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Harry V. Jaffa is professor emeritus of government at Claremont McKenna College and Claremont G School and a distinguished fellow of the Claremont Institute. He received his B.A. from Yale in 1939 holds a Ph.D. from the New School for Social Research. He is the author of numerous books on political philosophy and American politics, including *Crisis of the House Divided: An Interpretation of the Lincoln Douglas Debates*; *Equality and Liberty*; *The Conditions of Freedom*; *American Conservatism and the American Founding*; and, most recently, *A New Birth of Freedom: Abraham Lincoln and the Coming Civil War*.

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**Editor's Note:**

*William F. Buckley, Jr., once remarked that as hard as it is to disagree with Harry Jaffa, it's even harder to agree with him. He was referring to Dr. Jaffa's penchant for attacking his friends and allies within the conservative movement for their theoretical inconsistencies. Although many of Jaffa's students, I am among them, often wince when he spares liberals his ire and criticizes conservative heroes like Justices Rehnquist and Scalia – as in the following speech, delivered recently on the Hillsdale campus – we continue to learn much from what he says.*

*Dr. Jaffa is the leading scholar of Abraham Lincoln of our time, and his magisterial book, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (recently published in paperback by Rowman & Littlefield) is the culmination of over 50 years of intense study. The issue of the Civil War, as Jaffa demonstrates, was nothing less than whether America's founding principles were true or false. That remains so alive in our politics today explains why Jaffa is so unsparing with those of us who agree on the rightness of those principles, but come up short in understanding and defending them.*

Douglas A. Jeffrey

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## **Our Embattled Constitution**

The unique power of the Lincoln theme is suggested by the fact that it has occasioned more titles in the world's libraries than any other name. For some time it has been one of the three most numerous – the other two being Jesus Christ and William Shakespeare. This is even more remarkable when one considers the comparative shortness of time since Lincoln's life. It is also remarkable, in this light, that Allen Guelzo, in his 1999 book, *Abraham Lincoln: Redeemer President*, declared that my 1959 book, *Crisis of the House Divided*, was "incontestably the greatest Lincoln book of the century." I hasten to point out that this is not a consensus view – but, as Thomas Aquinas would say, what is evident to the wise is not evident to all.

Whatever the rank of *Crisis*, it is now supplemented by its sequel, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War*. What is unique about both books, in the context of Lincoln literature, is that I have taken Lincoln's teaching about the Declaration of Independence as Lincoln himself regarded it – as a standard, not merely for Lincoln's time, but for all time. I have done this, not merely as agreeing with Lincoln, but as a matter of demonstrable philosophic truth.

When I began my work on the Lincoln-Douglas debates in 1946, there had never been an attempt to describe or analyze the arguments put forth in those debates. To the historians, they were merely links in the chain of causes that brought Lincoln to power. The scholarly consensus then was that the Civil War came about because unscrupulous politicians on both sides of the slavery issue, seeking political advantage, inflamed public opinion until compromise became impossible. Of all those who rode to power by exploiting the slavery question, the most prominent was Lincoln. He was regarded simply as the most successful of the unscrupulous.

Douglas, his opponent in the 1858 Illinois senatorial contest, tried vainly – it was said – to dampen the passions over slavery with his doctrine of popular sovereignty. By letting the people of each territory decide for themselves whether or not to have slavery among their domestic institutions, the slavery question would be confined to the territories and kept out of Congress. It would thus cease to agitate the nation as a whole. Douglas, by ignoring or denying the immorality of slavery, was seen as the more moral of the two! He was thus a model statesman, someone who would calm the turbulent waters.

This was the view of Lincoln dominant before the publication of *Crisis of the House Divided*. In 1946, the prevalent academic view of moral questions was that they were insoluble by reason. By considering slavery a question to be decided by self-interest rather than morality, Douglas was thought to be actually on the side of morality. By so doing, he made the uncompromisable compromisable. Lincoln, by insisting that the moral condemnation of slavery had to be the basis of all public policy concerning it, was held to be a herald of unreason, of passion and of war.

I believe I was the first to defend Lincoln on Lincoln's own ground. I did so by taking the self-evident truths of the Declaration of Independence – as did Lincoln – as assertions of right reason, and not of opinion merely. And I have maintained with Lincoln that right reason, no less than Scripture, is the voice of God. According to Lincoln, those who would deny freedom to others could not, under a just God, long remain in possession of their own. When Lincoln said that as he would not be a slave, so he would not be a master, he was saying neither more nor less than Jesus when he said, "Whatsoever you would that others do unto you, do you unto them." Prophecy was with us then. It is with us yet, if we would hear it.

Academic opinion on the rationality of morality has declined much further in the 40-plus years since I wrote *Crisis*. Campuses across the country are in the grip of something called political correctness. A main feature of political correctness is something called cultural relativism or diversity. Since we do not know what is right or wrong, we show our sophistication by patronizing indifferently the different concepts of right and wrong as they manifest themselves in different cultures or different ways of life. Unfortunately, some cultures celebrate (among other horrors too numerous to mention) human sacrifice, suttee, cannibalism and slavery. So political correctness arbitrarily rules out those cultures it does not like, and morality becomes a matter of what you like. Since reason is held to be impotent, it is replaced by passionate commitment, as it was in the Third Reich. Theoretical indifference thus mutates into blind partisanship.

We see the effects of this all around us. Perhaps it is most conspicuous in heterosexual and homosexual promiscuity and, in general, in the disintegration of the monogamous family. We see it as well in the rise of an environmental movement, which, like communism, claims the authority of spurious science as a means to despotic control of our lives.

But the bad news is not only from the campuses. Two of my books, *Original Intent and the Framers of the Constitution* and *Storm Over the Constitution*, record the complete alienation of conservative jurisprudence from the principles of the American founding and of Abraham Lincoln. The classic text in this regard is the following:

If such a [democratic] society adopts a constitution and incorporates in that constitution safeguards for individual liberty, these safeguards do indeed take on a generalized moral rightness or goodness. They assume a general social acceptance neither because of any intrinsic worth nor because of any unique origins in someone's idea of natural justice, but instead simply because they have been incorporated in a constitution by a people.

The foregoing is from Chief Justice William Rehnquist's celebrated essay on "The Notion of a Living Constitution." The contemptuous reference to "someone's idea of natural justice" is all the consideration he gives to the Constitution of Madison, Jefferson, Marshall and Lincoln! This reflects as well the dominant irrationality of the academic climate within which Lincoln historians (and American historians generally) have pursued their vocation.

Consider the implications of what the Chief Justice has asserted. If safeguards for individual liberty do not have "any intrinsic worth," then neither does individual liberty, nor individual life. This is pure nihilism. The illusion of morality – and it is here regarded only as an illusion – has as its cause nothing but the will of the people who have adopted it.

Now, the Constitution of 1787, besides having safeguards of individual liberty, had safeguards of slavery. These were adopted by the same people at the same time, and hence on Chief Justice Rehnquist's premises, these safeguards of slavery took on the same "generalized moral rightness or goodness" as the safeguards of liberty. This is also exactly the position of the seceding states in 1860 and 1861. By declaring slavery to be a moral wrong, the Republican Party, they contended, had violated the consensus by which the Constitution had been ratified and the Union formed. This was the position against which Lincoln had to contend.

How can a people – any people – adopt a constitution? It must be by some electoral process. In that electoral process, must there not be freedom of speech and of the press, and of the people peaceably to assemble? Must these rights not be recognized beforehand for the election to have any validity? Must it not be recognized, a priori, that the majority has no right to decide how the citizens may worship their God? Must it not be understood, a priori, that the majority may not enslave or expropriate the minority or drive them into exile?

The entire concept of legitimate majority rule is bounded on all sides by a priori conditions, within which alone majority rule may be legitimized. The sum of all these conditions is embodied in what the Founders understood to be the social contract, by which majority rule is authorized. Consent is given thereby, not to the powers of government, but to the just powers of government. This also is Lincoln's teaching. On the other hand, Chief Justice Rehnquist's idea of unbounded popular will is perfectly consistent with the plebiscite, which has been the instrument of "legitimacy" for tyrants from Napoleon to Hitler and Stalin.

Justice Antonin Scalia, following Chief Justice Rehnquist, declares, "The whole theory of democracy . . . is that the majority rules; that is the whole theory of it. You protect minorities only because the majority determines that there are certain minority positions that deserve protection." But what if the majority does not elect to protect minority positions? Or what if some minorities are protected but not others? In 1857, the Supreme Court, speaking through Chief Justice Roger Taney, declared that majority opinion at the time of the ratification of the Constitution held that black men and women were "so far inferior that they had no rights which white men were bound to respect," and that they might be reduced to slavery for their own benefit. The proposition "that all men are created equal" was not, he falsely asserted, understood to include black human beings.

Now, Chief Justice Taney was wrong about opinion at the time of the founding. But it was certainly true, on the eve of the Civil War, that white majorities in most, if not all, of the slave states believed in the inferiority of Negroes, and did not believe that Negroes, whether free or slave, were entitled to constitutional protection for their lives, liberties or property. And it is precisely this point of view – whether he knows it or not – that Justice Scalia endorses, when he says that in a democracy, minorities depend upon the majority for their rights. Consider also how this view of minority rights would today justify the "ethnic cleansing" with which whole peoples are obsessed in the Balkans, in Africa, and in Asia. And let us not forget the role of "know-nothingism" in our own history.

The struggle over the Constitution today is between those who believe in a "living Constitution" and those who profess their allegiance to a jurisprudence of original intent. The former think the original Constitution to be a mere legacy of a reactionary past, featuring slavery, the subjection of women, capital punishment, and economic and social inequality. Their constitution is one in which a wise Supreme Court can order wise constitutional remedies for an endless list of alleged wrongs. Since there is no limit to what may be alleged to be wrong, there is no limit to what may be a constitutional remedy. This is unlimited government by a judicial oligarchy, a virtual negation of everything the Founders believed. In substance, the jurists of this "living Constitution" have seceded from the Union of the Founders, as completely as did the slave states that formed the Confederacy in 1861.

We can save the Constitution only by restoring to it a genuine jurisprudence of original intent. This

can only be done, as Lincoln did it, by distinguishing the principles of the Constitution of 1787 from the compromises of the Constitution. Lincoln believed that safeguards of individual liberty were indeed possessed of intrinsic worth. They were possessed of intrinsic worth because each individual was endowed by his Creator with unalienable rights. Without question these principles condemned slavery. But slavery was deeply intertwined with the roots of colonial society and could not quickly or easily be extirpated. Slavery was perhaps the oldest institution of human society next to the family. No attempt was ever made to abolish it in the ancient world, notwithstanding the importance of individual liberty to the greatest of the Greeks and Romans. The compromises with slavery in the Constitution of 1787 were means necessary for the ratification of the Constitution. And the ratification of the Constitution, even with its compromises, was morally justified, because every alternative to the Constitution would have been far more favorable to slavery. We must remember that the Founding Fathers, like ourselves and every generation of mankind, were born into a world they did not make. Yet no generation did more to remake for the better the world they inherited. However impatiently and unhistorically we look upon our past, the fourscore and seven years that separate the Declaration of Independence from the Gettysburg Address, seen in the light of all human history, is a remarkably short time in which to have accomplished the great work of emancipation.

Today, nearly every good thing that we enjoy, and nearly every good thing that the world enjoys because of us, we owe to the principles enshrined in our founding. It is shameful that, at the very moment in which the work of our Founders is displaying its greatest success, we witness the abandonment of their principles. Nowhere is the genesis of this intellectual and moral breakdown more visible than in the scholarly writing on Abraham Lincoln. The logic of Lincoln's commitment to the principles of the Declaration of Independence has, however, never been refuted. It has rather been ignored, and that ignorance treated as if it were a refutation. Our opponents are tied by interests that they cannot admit to arguments that they cannot defend. And the alienation of conservatives is not less than that of liberals. The struggle for truth will be hard. The end of this deadly ignorance and alienation is not at hand. This is not the beginning of the end. It is not even the end of the beginning. But the battle is joined.

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