

DOCUMENTARIES & THE LAW LECTURE SERIES
ON MEDIA AND THE FIRST AMENDMENT

Dialogue *on* Demagoguery *and* Free Speech



Thursday, February 20, 2020

6:00 – 7:30 p.m. | Gittis 214
Reception: 5:00 pm | The Clock

Discussants

Patricia Roberts-Miller is Professor of Rhetoric and Writing and Director of the University Writing Center at the University of Texas at Austin. She obtained her B.A., M.A., and Ph.D. in Rhetoric from the University of California at Berkeley. Before Moving to UT in 2004, Professor Roberts-Miller taught at the University of North Carolina at Greensboro and the University of Missouri-Columbia. She is the author of five books, *Rhetoric and Demagoguery* (2019), *Demagoguery and Democracy* (2017), *Fanatical Schemes: Proslavery Rhetoric and the Tragedy of Consensus* (2009), *Deliberate Conflict: Argument, Political Theory, and Composition Classes* (2004), and *Voices in the Wilderness: Public Discourse and the Paradox of the Puritan Rhetoric* (1999) as well as numerous book chapters, articles, reviews, and blog posts.

For additional information, consult:

<https://liberalarts.utexas.edu/rhetoric/faculty/redball>

<http://www.patriciarobertsmiller.com/> (Including “Characteristics of Demagoguery” and “Documents for Download”)

Seth Kreimer is the Kenneth W. Gemmill Professor of Law at the University of Pennsylvania. He is a graduate of Yale College and Yale Law School, where he was a member of the Law Journal. He joined the Penn Law faculty in 1981 after clerking for the Hon. Arlin M. Adams of the U.S. Court of Appeals for the Third Circuit and practicing law with the Philadelphia firm of Fine, Kaplan & Black. He is a long-time board member, cooperating attorney, and chair of the Legal Committee of the Philadelphia Chapter of the American Civil Liberties Union. In addition to authoring dozens of scholarly articles and essays, Professor Kreimer has served as co-counsel or amici in nearly the same number of civil rights and civil liberties cases, many of them involving first amendment issues. He has also been a consultant on various constitutional law and litigation matters for a broad range of social justice organizations in the Philadelphia area.

For additional information, consult:

<https://www.law.upenn.edu/cf/faculty/skreimer/>

Acknowledgment and Thanks

This Dialogue is the second in a series of lectures on Media and the First Amendment sponsored by Stephanie Abrutyn, Penn Law Class of 1991. The series addresses the impact of the first amendment on documentaries and modern media. We thank Stephanie Abrutyn for her support and involvement in making this lecture series a success.

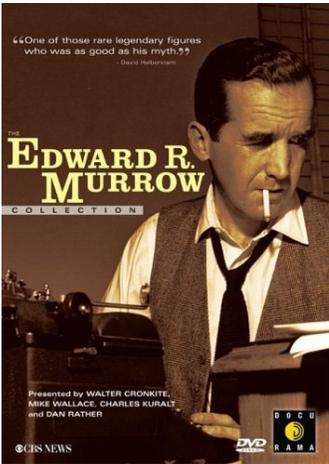
Documentaries and Demagogues

The focus of this evening's Dialogue is demagoguery, not demagogues. Demagogues do not have a monopoly on demagoguery. We will instead be concerned with what demagoguery is, the conditions that nurture it, and the path that leads a society away from outcome-based discourse serving the interests of a "frightened" insider group to broad-based democratic deliberation that is grounded in facts and policy choices.

Although the Penn Program on Documentaries & the Law is sponsoring this evening's Dialogue, little will be said about the host of American documentaries that deal with demagoguery and (mostly charismatic) demagogues. Some of our most important documentary filmmakers have pursued the subject; included in this category are Emile de Antonio ("Point of Order"), Ken Burn ("Huey Long"), and Stanley Nelson ("Jonestown: The Life and Death of Peoples Temple"). Several recent films have joined the list, including "A Night at the Garden" (Marshall Curry's 2018 short about the 1939 Nazi rally at Madison Square Garden) and "Where's My Roy Cohn?" (directed by Matt Tyrnauer and shown at Sundance in 2019). PBS's *American Experience* series broadcast "McCarthy" on January 6, 2020. Contemporary concerns about demagoguery have generated renewed interest in "Don't Be a Sucker," a 1943 film produced by the U.S. Department of War, which warns Americans to beware of Nazi racist propaganda.

Below you will find information about these films, compiled by Reference Librarian Merle Slyhoff of the Biddle Law Library. Consider how well these films match up with this evening's Dialogue about demagoguery as a form of rhetoric and political practice.

*This program has been approved for 1.5 substantive CLE credits for Pennsylvania lawyers. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit should bring separate payment in the amount of \$60.00 (\$30.00 public interest/non-profit attorneys) cash or check made payable to **The Trustees of the University of Pennsylvania.***



TITLE: The McCarthy Years

DATE: Original 1991. 2005 New Video Group

PRODUCTION COMPANY: New Video Group

RUNNING TIME: 1:14

COMMENT: Narrated by CBS News anchorman Walter Cronkite, *The McCarthy Years* features the episodes of Edward R. Murrow's "See It Now" devoted to the anti-Communist crusade of the junior senator from Wisconsin Joseph McCarthy. Murrow's broadcasts exposed McCarthy's abuse of power and signaled "the emergence of television news as an influential force in American life." Murrow's most powerful episode aired on March 9, 1954. It ended with his quoting Shakespeare: "Cassius was right. 'The fault, dear Brutus, is not in our stars, but in ourselves.' Good night and good luck."

TITLE: McCarthy

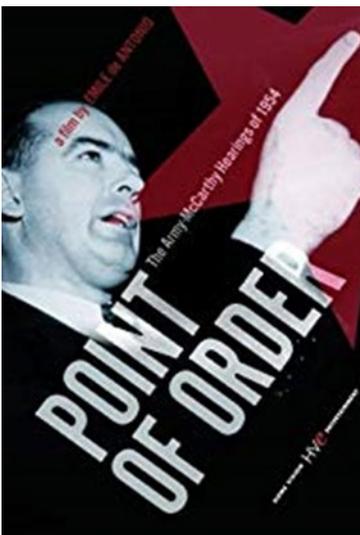
DATE: 2020

DIRECTOR: Sharon Grimberg

PRODUCTION COMPANY: American Experience (PBS)

RUNNING TIME: 1:53

COMMENT: According to Eric Black, the reviewer for the *MinnPost*, "The documentary relies on the expertise of many great historians, including Timothy Naftali, who says on camera: "There are moments in American history when the country is afraid, when there is a threat that seems hard to defeat, and it is in those moments that demagogues arise. ... We don't always show the best of ourselves when we're afraid. McCarthy tested the system, and the institutions that should have stopped him, didn't, for a while."



TITLE: Point of Order!

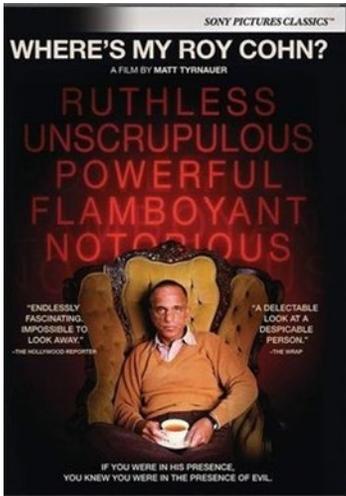
DATE: 1964

DIRECTOR: Emile de Antonio

PRODUCTION COMPANY: Point Films

RUNNING TIME: 1:37

COMMENT: de Antonio compiled "Point of Order!" from TV footage of the 1954 Army-McCarthy hearings. In a 1998 review of the documentary in *New York Magazine*, David Denby wrote, "*Point of Order* starts rather oddly and then grows more and more dramatic, confrontational, and wild, until it ends in complete dementia - McCarthy alone, in a Senate hearings room, ranting on and on about Communists in government as everyone walks out on him."



TITLE: Where's My Roy Cohn?

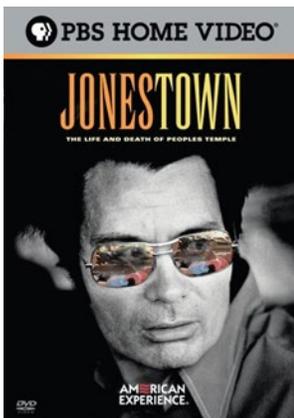
DATE: 2019

DIRECTOR: Matt Tyrnauer

PRODUCTION COMPANY: Sony Pictures

RUNNING TIME: 1:38

COMMENT: According to *Washington Post* reviewer Ann Hornaday, “Today, Cohn-ism — often called the “dark arts” of American politics — has morphed into civic business as usual, wherein truth is malleable, relationships are transactional and ethics are strictly for losers. No doubt there are historical and structural reasons behind this evolution.” The failure to delve deeper is one of the criticisms made of the film.



TITLE: Jonestown: The Life and Death of Peoples Temple

DATE: 2007

DIRECTOR: Stanley Nelson, Jr.

PRODUCTION COMPANY: Firelight Media

RUNNING TIME: 1:27

COMMENT: Jim Jones, the charismatic leader of the People’s Temple, convinced over 900 of his followers and their children to drink poisoned Kool-Aid in an encampment in Guyana. According to Jim Emerson for *Roger Ebert.com*, “The face of Jim Jones is, from a slightly different angle, the face of Stalin or Mao, of Christian or Islamic fundamentalism, of Baathism or American neo-conservatism -- any kind of ideology, rooted in certainty and the arrogance of infallibility, pursued with single-minded fervor, intolerant of free thinking or dissent, and that results, inevitably, in deadly consequences.”



TITLE: Night at the Garden

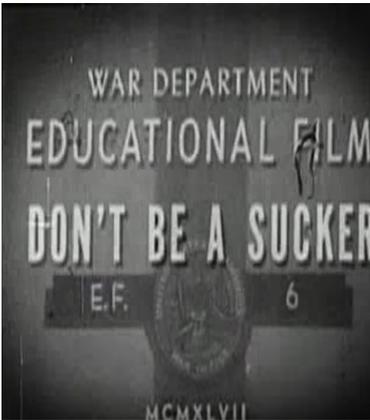
DATE: 2017

DIRECTOR: Marshall Curry

PRODUCTION COMPANY: Field of Vision

RUNNING TIME: 0:07

COMMENT: This film, which is composed entirely of archival footage, captures the American Nazi Rally held in Madison Square Garden on February 20, 1939. The audience recited the Pledge of Allegiance, sang the Star-Spangled Banner, and threw up Nazi salutes. The film is available online at <https://anightatthegarden.com/> and also on YouTube, where it is age-restricted.



TITLE: Don't Be a Sucker

DATE: 1943, 1947

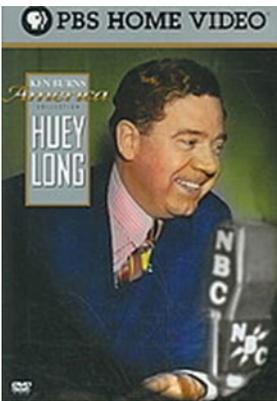
DIRECTOR:

PRODUCTION COMPANY: U.S. War Department

RUNNING TIME: 0:18

COMMENT: According to *IMDB.com*, this short film depicts “the rise of Nazism in Germany and how political propaganda is similarly used in the United States to recruit Nazi sympathizers from the ranks of American racists.” It went viral after the Unite the Right white supremacist rally in

Charlottesville in August of 2017, But Alissa Wilkinson of *Vox* reports that researchers found that the film produced a boomerang effect in certain viewers: “To be wooed by authoritarian, fascist, divide-and-conquer rhetoric is to be a “sucker.” But thinking we’re too smart to be fooled, that it’s only crazies and lunatics who fall for this stuff — that’s what makes suckers of us all.”



TITLE: Huey Long

DATE: 1986

DIRECTOR: Ken Burns

PRODUCTION COMPANY: Florentine Films

RUNNING TIME: 1:28

COMMENT: Michael Wilmington, the reviewer for the *Los Angeles Times*, called Huey Long’s story “a true political tragedy.” Of the film, he says, “Burns draws Huey Long so pungently that you can’t help ruminating on the roots of the tragedy. Was Long really a consummate fake? Or was he a man who drew too much energy from his hatred of rich and powerful enemies, fixated on them until he became a twisted mirror of the people he hated most?”

The Penn Program on Documentaries and the Law also wishes to thank Anna Gavin of Programs Support, Vincent DeJesus and Neal Swisher of Penn Law ITS, Yoko Takahashi of Communications, and Senior Lecturer Adam Brody of the Docs Program for their assistance in producing this event.