Why Disney Has Clout with the Republican Congress

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Eagle Forum filed an amicus curiae brief in the case that challenges Congress's action in 1998 in giving a billion-dollar windfall to Disney by extending its copyright on Mickey Mouse, Winnie the Pooh, etc. another 20 years. PDF file

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Do you sometimes wonder why bills that create a financial windfall to narrow special interests slide easily through the intricate legislative process, while bills that benefit the general public seem to get bogged down? Here is a case lesson in how this happens: Congressional passage of the Copyright Term Extension Act, a bill to extend copyright protection for authors and songwriters for an additional 20 years beyond current law.

The chief special interest promoting this bill was the Walt Disney Company because its copyright on Mickey Mouse was scheduled to expire in 2003, on Pluto in 2005, on Goofy in 2007, and on Donald Duck in 2009. Extending the copyright for 20 additional years is worth billions of dollars to the Disney Co.

As an author, of course I am very much in favor of copyright protection. But I also know that this precious constitutional right, enshrined in Article I, is a property right that extends only, in the Constitution's words, "for limited times," after which the writing goes into the public domain for all to enjoy.

The framers of our Constitution set the "limited time" at 14 years plus one 14-year renewal. Congress has repeatedly extended the "limited time" until, at the start of this year, it ran for the life of the author or artist plus 50 years, and 75 years for a corporation.

"Limited time" is not only a constitutional requirement, it is an excellent rule. There is no good reason for the remote descendants of James Madison, Julia Ward Howe, or Thomas Nast to receive royalties on the Federalist Papers, the Battle Hymn of the Republic, or Santa Claus.

The Disney company is now controlled by Michael Eisner, who had nothing to do with creating the Disney characters or building the enterprise. Not satisfied with the company's exclusive control for 75 years, Eisner set out to extend it to 95 years.

The Copyright Term Extension Act was introduced in 1997 by very key players: Senate Judiciary Committee Chairman Orrin Hatch (R-UT) and House Judiciary Committee Intellectual Property Subcommittee Chairman Howard Coble (R-NC). The bill languished in the two Judiciary committees for months.

The Disney Political Action Committee (PAC) lined up Republican and Democratic co-sponsors on the two Judiciary Committees and rewarded them with direct campaign contributions. Disney PAC cash contributions totalled $95,805 to Democratic Members of Congress and $53,807 to Republican Members, in addition to in-kind contributions.

Of the 12 sponsors of the Senate bill, nine received contributions from Disney's PAC: Judiciary Committee Chairman Orrin Hatch (R-UT) (who received the largest contribution), Spencer Abraham (R-MI), Al D'Amato (R-NY), Mike DeWine (R-OH), Connie Mack (R-FL), and Robert Torricelli (D-NJ). The Disney PAC was particularly generous to Senate Minority Leader Tom Daschle (D-SD), and ranking Judiciary Democrat Patrick Leahy (D-VT) received $17,650 in personal contributions from Michael Eisner and 23 other Disney employees.

Eisner took his lobbying directly to Senate Majority Leader Trent Lott (R-MS). One week after they met, the Disney PAC gave $1000 to Lott on the same day that he signed on as a co-sponsor.

Of the 13 sponsors of the House bill, ten received contributions from Disney's PAC: Subcommittee Chairman Howard Coble (R-NC) (who received the largest donation), Howard Berman (D-CA), Sonny Bono (R-CA), Charles Canady (R-FL), Chris Cannon (R-UT), John Conyers (D-MI), William Delahunt (D-MA), Elton Gallegly (R-CA), Bob Goodlatte (R-VA), and Bill McCollum (R-FL). The Disney PAC also contributed to Judiciary Committee Chairman Henry Hyde (R-IL).

Other special interests that stood to reap financial profits from this bill opened up their checkbooks, too. The Motion Picture Association PAC gave $43,232 to Republican and $34,000 to Democratic Members of Congress, benefiting most of the same Judiciary Committee members and copyright bill sponsors listed above, plus other sponsors Rick Boucher (D-VA) and Zoe Lofgren (D-CA).

Just as interesting as the money trail is the way the Republican and Democratic members of the two Judiciary Committees worked together to facilitate passage of this bill without hearings, debate, or notice to the public. The only hearing was held back in 1995 during the previous Congress, when it had been carefully managed to hear from those who stood to benefit financially.

If the bill ever had to face a floor debate, the "debate" would have been a sham because access to the floor was controlled in both Houses by ranking Republican and Democratic Judiciary Committee members, all of whom supported the bill. But the sponsors were skillful enough to avoid even a modicum of public debate.

On a single day, October 7, the Senate Judiciary Committee discharged the bill by unanimous consent, the full Senate passed the bill by unanimous consent (without a roll call), and the House passed the bill by voice vote under suspension of the rules. Clinton signed it on October 27 as Public Law 105-298.

The new book "Disney: The Mouse Betrayed" by Peter & Rochelle Schweizer proves conclusively that Eisner's Disney Company is the enemy of all the family values which Republicans cherish. So, why did Judiciary Committee Republicans quietly put through legislation that hurts the public interest but is so immensely profitable to Disney?