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## Film News

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### Cameo crisis on 'Contact'

By VARIETY STAFF

Warner Bros. spokesmen were working overtime Monday responding to a letter from the White House protesting the use of President Clinton's image in the movie "Contact."

The letter from White House staff counsel Charles Ruff made no demands on the pic's director Robert Zemeckis or the studio in terms of pulling prints, trailers or other marketing; WB president of theatrical marketing Chris Pula confirmed that no such requests were made, formally or informally.

A White House spokesman said no legal action is planned and that it hopes the letter sends a message to Hollywood to avoid unauthorized uses of the President's image.

The missive, on White House official stationery, termed the length and manner of the President's appearance in the film "inappropriate." The letter was addressed to Zemeckis (who was out of the country Monday and unavailable for comment); it apparently was not copied to either of the studios' co-chairmen, Robert Daly or Terry Semel, but was released Monday to the media.

Zemeckis was reminded that official White House policy "prohibits the use of the President in any way ... (that) implies a direct ... connection between the President and a commercial product or service."

#### Covering the bases

"We feel we have been completely frank and upfront with the White House on this issue," said a spokeswoman for the studio. "They saw scripts, they were notified when the film was completed, they were sent a print well in advance of the film's July 11 opening, and we have confirmation that a print was received there July 2."

However, the studio did concede that it never pursued or received formal release from the White House for the use of Clinton's image.

Neither White House spokesman Mike McCurry nor WB reps knew if the President has seen the film yet.

The letter was dated Friday, the day the film opened in 1,923 theaters nationwide. The pic, which bowed to \$20.6 million this weekend, features newsreel footage of Clinton's 1996 responses to news of possible signs of life on Mars. That footage was intercut into "Contact" to make it appear the President is responding to questions about the fictional Vegan message that figures in the film.

During the regular Monday press conference in Washington, McCurry asserted that Clinton has as much right to protect the commercial use of his likeness and image as the next person. While McCurry conceded that parody and satire are protected under the First Amendment, "There is a difference when the President's image, which is his alone to control, is used in a way that would lead the viewer to believe he has said something he really didn't say."

McCurry said the White House hopes the creative community gets the message from the letter and stays away from unauthorized uses of the President's image.

#### Some restrictions

"We'd advise those in the creative community that there are some restrictions (on use of the President's image), so that as they are doing their own creative work, they can understand better what those restrictions are," McCurry added.

Copyright and "fair-use" specialists are concerned that digital chicanery could be used to make images of powerful figures such as Clinton "appear" in contexts that may be antithetical to their actual beliefs



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or avowed policies --- or worse.

First Amendment attorney Robert Corn-Revere disagreed with McCurry's legal analysis. "It's difficult to assert that a public figure's image is as protected as some poor schmuck's on the street," said Corn-Revere. "Does this mean that the John F. Kennedy estate can sue over 'Forrest Gump'?"

### **An emphatic 'yes'**

"Yes," says intellectual-property lawyer Edward Rosenthal, who represents the estate of Humphrey Bogart. Rosenthal said, "Public figures have a right of publicity and privacy that prevents their images and likenesses from being used in commercial ventures and that applies just as much to the President of the United States. The real question is whether a motion picture is really a commercial use or protected First Amendment speech."

There were further scurrings Monday away from the "Contact" camp in Washington. CNN chairman, prexy and CEO Tom Johnson believes in hindsight that it was a mistake to allow 13 members of CNN's on-air staff (including Larry King and chief anchorman Bernard Shaw) to appear in the film, even though the newsweb and the studio have the same corporate parent, Time Warner Inc.

### **Blurring reality**

Speaking to a small gathering of reporters and critics Monday at the TCA press tour in Pasadena, Johnson admitted, "I don't think having correspondents in the movies is a good idea." He added that, in the case of "Contact," the CNN presence "creates the impression that we're manipulated by Time Warner, and it blurs the line."

He added that CNN now has a policy requiring potential appearances to be cleared through the net's ethics group headed by David Kohler.

Contact Variety Staff at [news@variety.com](mailto:news@variety.com)

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