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July 9, 2010

To Maura Wogan, Attorney for Joe Berlinger
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Statement from the Executive Committee of the Documentary Branch
of the Academy of Motion Picture Arts and Sciences.

We, the members of the Executive Committee of the Documentary Branch of the Academy of Motion Picture Arts and Sciences, would like to add our support to filmmaker Joe Berlinger in his efforts to resist a federal subpoena ordering him to turn over hundreds of hours of footage shot during the making of his documentary film "Crude, the Real Price of Oil." The film focuses on indigenous efforts to hold Texaco (now owned by Chevron) accountable for its role in polluting the Amazon rain forest.

This is not the first story involving a corporation attempting to use its considerable power and influence -- plus the subpoena powers of the United States courts -- to "defend itself" against perceived attacks by an investigative journalist and/or filmmaker. This time, however, more is at stake than simply the fate of Mr. Berlinger's raw footage. Chevron's attempt to gain access to 600 hours of documentary film material -- and the court's ruling in support of this -- jeopardizes one of the fundamental tenets of investigative journalism, both on film and in print.

A journalist's sources are essential to any work that challenges the status quo or reveals injustice. In order for documentary filmmakers and journalists to do their jobs, they must gain, and be prepared to honor, the

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trust of their sources, people who come forward to tell their stories often at great personal risk to themselves and their families. Such material, whether or not it appears in the completed work, has historically been covered by “reporter’s privilege,” the First Amendment right protecting journalists and their subjects from arbitrary discovery.

We fear that Judge Lewis Kaplan’s May 6th ruling in Chevron’s favor could have far-reaching, potentially devastating consequences for this time-honored privilege and for the bond of trust between journalist and subject which it is designed to protect and preserve.

We join with our colleagues at the Producer’s Guild, the Director’s Guild, and the International Documentary Association in urging the higher courts to overturn this ruling in order to ensure the safety and protection of all journalists and their subjects, and to promote a free and vital press in our nation and around the world.

Sincerely,

Rob Epstein, Governor
Lynne Littman, Governor
Richard Pearce, Governor
on behalf of the Executive Committee of the Documentary Branch
Academy of Motion Picture Arts and Sciences