

Amy Rothstein/FEC/US
10/13/2010 04:07 PM

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Subject Fw: AO 2010-25 / Extension of Time and Clarifying Information

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"Goodman, Lee E."
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Subject AO 2010-25 / Extension of Time and Clarifying Information

Ms. Rothstein,

Following up on our conversation today, please see attached.

Lee Goodman

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Supplemental
Material and
Extension
to
AOR 2010-25



IWYM Time Extension and Additional Information.pdf



October 13, 2010

Amy L. Rothstein, Esq.
Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Via E-mail and U.S. Mail

Re: Advisory Opinion 2010-25 / Extension of Time

Dear Ms. Rothstein:

This letter responds to the Commission's request for an extension of time to issue an advisory opinion to the Requestors in this matter. The statutory deadline for issuing an opinion was October 12, 2010. The Requestors accede to the Commission's request for a reasonable time to finalize an opinion. Please be advised that marketing of I WANT YOUR MONEY is underway in preparation for a theatrical release on October 15. Also, deadlines for some promotional screeners to file an FEC Form 5 would be October 15 if an independent expenditure on express advocacy was made in September.¹ In the absence of a prompt opinion by the Commission, many marketing efforts have been undertaken without clear regulation or guidance.

So long as the Commission continues to consider the merits of Advisory Opinion Request 2010-25, the Requestors wish to submit clarifying information for the Commission's consideration, and specifically a more complete description of the educational and social commentary value of RG Entertainment's other films. The content of RG Entertainment's two prior films was discussed at the Commission's meeting on October 7, 2010. That discussion did not fully inform the Commission of the social, religious and educational content of *Lucifer the Movie*, *Super Capers*, and *The Wind in the Willows*. In addition, RG Entertainment can provide more detailed information regarding its next documentary film.² You indicated that, although the public record in this matter is closed, the provision of supplemental information is not prohibited.

¹ I WANT YOUR MONEY does not constitute express advocacy.

² Undersigned counsel does not agree that 2 U.S.C. § 431(9) sets forth a requirement that a bona fide, well-established film production company distributing a political documentary film must have a "track record" of prior political documentaries in order to be entitled to the First Amendment protection afforded by the statute. However, in an attempt to satisfy the view of Commissioners who interpret the statute and the First Amendment to require such a track record, Requestors wish to provide the Commission a fuller exposition of RG Entertainment's films and their content.

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Lucifer the Movie

Lucifer the Movie is a short dramatization of the two archangels Lucifer and Michael roaming a barren earth in search of evil dragons. They appear as mortal warriors and battle a black dragon that, not coincidentally, takes on the shape of many future demonic depictions of Lucifer. The two warriors take up battle with the black dragon until the dragon gets the better of Michael. At this point, Lucifer takes on his angelic form, as wings appear, and he slays the dragon which, in foreshadowing form, falls to the earth.

The two warriors then have the following conversation:

- Angel 1: The whole object was to pretend that we were mortal. We can't die.
- Angel 2: If God had intended us to be mortals he wouldn't have empowered us and given us wings. I just wanted to show my appreciation.
- Angel 1: You just wanted to win.
- Angel 2: Is that the point of our little hunts?
- Angel 1: I thought perhaps it was friendship. I might be mistaken.
- Angel 2: You my friend are a romantic.
- Angel 1: And you Lucifer are truly the greatest in all of the Kingdoms of Heaven.
- Angel 2: Don't worry Michael. There is always next time, unless you are pitted against me.

Following this ominous warning, Lucifer and Michael fly away from earth together.

This short film is a prequel to the ultimate war of the archangels that is documented by all three major religions, Judaism, Christianity and Islam. The religious story holds that God created several archangels³ to watch over heaven and earth. *Lucifer the Movie* depicts a scene of Lucifer and Michael watching over earth. Lucifer and Michael were the two most prominent archangels. Michael is believed, for example, to be the angel who appeared to Moses on Mount Sinai. Lucifer eventually became prideful and resentful and created an army of angels to rebel against God. Michael led the good angels in a war against Lucifer. They defeated Lucifer and drove him to earth (or Hell in some accounts).

³ Some accounts identify three archangels, Lucifer, Michael and Gabriel. Other accounts identify seven or more.

The story of Michael and Lucifer is a profoundly important religious history and has been the subject of hundreds of academic books,⁴ religious treatises and encyclopedias, para-biblical books such as the Book of Enoch, and indeed it is referenced throughout the Bible.⁵ There are many educational and informative commentaries on this subject on the internet too.⁶

There was brief discussion before the Commission about whether this film might be educational. A fuller exposition of its content, in context of the story of the archangels and that story's vast academic attention, might give the Commission cause to consider the film's educational, religious and social commentary value in more depth.

Super Capers

Super Capers is a comic strip put to film with live characters.⁷ *Super Capers* is a family film designed for young audiences.⁸

The protagonist of *Super Capers* is a young want-to-be hero named Ed Gruberman who joins a group of misfit super heroes, each of whom has a unique, sometimes humorous or dysfunctional, super power. Young Gruberman sets out on a goal to develop his unique super power, but one is not readily forthcoming and he concludes that he does not have a special power to achieve good in the world. Gruberman's search for a super power is the central theme of the movie.

When the superheroes face off with a menacing bank robber (Mr. Sludge) and his cretin accomplice, all other superheroes fail to thwart the bank robbers. Gruberman is then called upon

⁴ See, e.g., Graham, Billy, *Angels: God's Secret Agents* (W Pub Group, ISBN 0-8499-5074-0, 1994); Bamberger, B., *Fallen Angels: The Soldiers of Satan's Realm* (Jewish Publication Society, ISBN 1-56618-850-X, 1952); Halley, H., *Halley's Bible Handbook* at 681 (Zondervan Pub., ISBN 0-310-25720-4, 1965); Holweck, F., "St. Michael the Archangel," *The Catholic Encyclopedia* (Robert Appleton Co. 1911); Briggs, C., *The Encyclopedia of Angels: An A-to-Z Guide with Nearly 4,000 Entries* (Plume Pub., ISBN 0-452-27921-6, 1997); Bunson, M., *Angels A to Z: A Who's Who of the Heavenly Host* (Three Rivers Press, ISBN 0-517-88537-9, 1996); Melville, F., *The Book of Angels: Turn to Your Angels for Guidance, Comfort and Inspiration* 1st ed. (Barron's Educational Series, ISBN 0-7641-5403-6, 2001).

⁵ See, e.g., Genesis 6; Daniel 10:13-21; Revelations 12:7-14; Luke 10:18; Isaiah 14:12-14; Ezekiel 28:12-18; Job 4:18; Jude 1:9.

⁶ See, e.g., www.smcenter.org/story (Saint Michael Center); www.newadvent.org/cathen/10275b (Catholic Encyclopedia); www.jewishencyclopedia.com/view.jsp?artid=560&letter=M&search=archangels (Jewish Encyclopedia); www.religiant-messenger.com/history04; www.wikipedia.org/wiki/Lucifer; www.wikipedia.org/wiki/Seven_Archangels; [www.wikipedia.org/wiki/Michael_\(archangel\)](http://www.wikipedia.org/wiki/Michael_(archangel)).

⁷ The Commission recognized that the comic strip *Doonesbury* and its author/artist Gary Trudeau qualify for the media exemption in MUR 3500. The Commission recognized that theatrical and television films qualify for the media exemption in Advisory Opinion 2003-34 (Showtime's *American Candidate*) and Advisory Opinion 2010-08 (Citizens United's *Hillary the Movie*).

⁸ The format is quite similar to television's *Batman* series (1966-1968) starring Adam West as Batman, complete with comic strip-type dialogue and occasional comic book-style graphics.

to face off with the bank robbers. In desperation—because he has no special power—Gruberman drops to his knees and prays to God. The following ensues:

Superhero Will: What are you doing?

Gruberman: I'm praying for help.

Will: Are you serious? This whole time you've been keeping this as a secret from us?

Gruberman: I'm sorry.

Will: Hey guys, hold up. Check this out. Attention Captain Sludge. I have a news flash for you.

Sludge: Oh, pansy boy is back. This ought to be good.

Will: You better pray for forgiveness while you still can.

Sludge: What? And why pray tell?

Will: Exactly. This is Ed Gruberman. One of the greatest superheroes of all time. He has the right hand of God on his side.

Sludge: Oh really? Well... Go Cretin ... It's you against God baby.

[Cretin starts swinging a large mallet preparing to defeat Gruberman]

Gruberman: Will, I think you might have misunderstood me.

Will: If you're gonna use your powers you better do it now Ed.

Gruberman: But Will?!

Will: Now.

Gruberman: [Narrating] I was cornered. What would the Dark Wing Vesper do? I had no idea so I just shouted the first thing that came to my mind.

Gruberman: [Kneeling with hands clasped] Dear God, flatten thy enemies, smite him with your smiter. Oh God, I am walking through the shadow of death valley with You and I pledge allegiance to You so beat this evil brute for the republic for which You stand... so help me I do...

[Miraculously, a light pole falls on the Cretin bank robber, knocking him out]

Will: You did it buddy!

Gruberman: [Still kneeling] I did? I mean I did. But how?

Sludge: Oh great. He really does have the power of God.

[The bank robbers speed away in the van labeled "Get Away Van"]

Superhero Girl: I guess I underestimated you. *The power of prayer.* Huh.

Gruberman: I can't believe it. The light post actually gave way just when I needed it most. [Narrating] Maybe You *are* looking out for me. Thanks.

In a later scene, Gruberman is driving the super heroes' van in a chase scene. His vehicle and the vehicle driven by Captain Sludge both drive over a cliff and begin to free fall toward the ground below:

Gruberman: [Praying with hands clasped] Hey Big Guy. I'm sorry about the whole gold thing, but if you're looking out for me now would be a good time to help ...

[Captain Sludge, in his own vehicle, attempts to pray, whereupon the devil (played by Tom Sizemore) appears in the passenger seat. Sludge's van crashes to the ground]

[Miraculously, Gruberman's vehicle is suspended in air and does not crash]

Gruberman: [Looking up] You actually did it.

Gruberman then defeats the ultimate evil villain, the Dark Winged Vesper, and the gang of super heroes drive off together to Gruberman's closing statement:

Gruberman: This is the part where you just have to have *faith*.

As the credits roll, Ray Griggs has inserted this statement:

"Finally, I would like to thank God for with Him all things are possible."

Following the roll of the credits, the film includes a postscript scene of the Dark Winged Vesper villain, looking for evidence of Gruberman's crash at the bottom of the cliff. The Dark Winged Vesper finds car keys in the place where the van should have crashed:

Dark Winged Vesper: Looks like a tracking device on a keychain to an RV.

Assistant: What does it mean?

Dark Winged Vesper: It means there really is a God. I Love this!

["To Be Continued" appears on the screen at the conclusion of the film]

The Wind in the Willows

The Commission is aware that RG Entertainment Ltd. is currently producing, and Ray Griggs is directing, a live action remake of the *The Wind in the Willows*. This film has a blockbuster budget of approximately \$60 million dollars and RG Entertainment is making the film with the same creative filmmakers who made *Lord of the Rings* and *King Kong*. RG Entertainment and Ray Griggs are incorporating pro-religious themes into its production of *The Wind in the Willows* just as they did in *Lucifer the Movie* and *Super Capers*.

Future Documentary Film

Some Commissioners expressed the concern that RG Entertainment's description of its future documentary films was not sufficiently specific to qualify for the media exemption. Compare Advisory Opinion 2008-14 (Melothe) (recognizing media exemption for "pro-Democratic" website to be established in the future) and Advisory Opinion 2005-16 (FiredUp!) (recognizing media exemption for new "unabashedly progressive" website). After completing *The Wind in the Willows*, RG Entertainment and Ray Griggs intend to produce a political documentary on the complexity of the United States tax code. The format and distribution methods will be the same as those employed for I WANT YOUR MONEY.

Conclusion

Ray Griggs has chosen to express religious and social commentary through films, some in the dramatic and some in the documentary genre. He intends all of his films, *Lucifer the Movie*, *Super Capers*, *I WANT YOUR MONEY*, and currently *The Wind in the Willows* and after that a documentary on the complexities of the United States tax code, to make explicit social, religious and political statements and to educate viewers. The same subjects are the subject of hundreds, indeed thousands, of academic, religious, encyclopedic, and social commentaries in all media formats in the United States and indeed around the world in those countries that respect free speech.

Because there were questions raised about the educational or commentary value of RG Entertainment's films at the hearing of October 7, the Requestors respectfully submit this elaboration on the content of those films for the Commission's consideration as it finalizes Advisory Opinion 2010-25.

Amy L. Rothstein, Esq.
October 13, 2010
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Sincerely,

A handwritten signature in black ink that reads "Lee E. Goodman". The signature is written in a cursive style with a large, sweeping "L" and "G".

Lee E. Goodman

cc: All Commissioners