

Senator Cruz, and members of the committee, I appear here today with my lifelong friend and business partner, Cary Solomon, the co-writer, co-director and co-producer of the film *Unplanned*, which is the true life story of Abby Johnson, a former Planned Parenthood surgical abortion clinic director, who – after seeing an abortion take place in real time, on a sonogram screen – the image created via the ultrasound probe that *Abby herself was holding* – turned her entire worldview upside down, and became a pro-life advocate. That film is playing in theaters nationwide, as we speak.

From the outset, making a pro-life film in a pro-choice town (Los Angeles), we knew we would face a number of challenges. Moving past the challenges of production and post-production, limiting my comments to the marketing campaign, allow me to highlight some of these:

The MPAA saddled us with an “R” rating, which strongly discourages much of the Christian audience, and all of the Church of Latter-day Saints from seeing our film, since they have a general prohibition against seeing “R” rated films. It also precluded us from using the single most effective form of motion picture advertising – paid placement of our theatrical trailer before other films in theaters. But with an “R” rating, we were prohibited from advertising before anything but other “R” rated films, without special permission, which we sought – and were *denied*.

We also looked to advertise on cable television. But with the exception of Fox News and CBN, we were systematically denied access to the outlets where we sought to advertise – among which were *Lifetime, UP TV, Hallmark, HGTV, USA Network, Food Network, The Travel Channel, DIY* and the *Cooking Channel*.

In fact, *Lifetime*, which is owned by *A&E Networks*, a joint venture of Walt Disney and Hearst Communications, told our buyers that they were refusing due to the ‘sensitive nature of the film’, but had previously promoted an interview with Scarlett Johansson in which she promoted Planned Parenthood. We consider these blanket refusals highly unusual and highly discriminatory, and have formally petitioned the FCC to look further into matter.

In this environment, we rather naturally looked to go to social media with our advertising spend. But once again... we found ourselves stymied.

Google Ads (formerly known as Google Adwords) blocked the entirety of the Unplanned pre-release banner ads.

For the effectiveness of *Google* advertising, we will quote *Google* itself:

When you advertise on the Google Display Network – which has over 2 million sites and reaches over 90% of the people on the internet – your ads can appear across a large collection of websites, mobile apps, and video content.

We were convinced of the advisability of advertising with *Google*. But we were blocked from doing so. *Google* cited a policy regarding abortion-related ads. Just one problem: We weren't doing abortion related ads. *We were marketing a movie*.

It's important to note that this prohibition was *solidly in place for the entire leadup* to our theatrical release. *Why is this important?* Because much like the advertising spend in a political campaign, the vast majority of the dollars spent in promoting a film are spent to help build up a white-hot-intensity and awareness around one particular date. But instead of election day? For films, it's the Friday night of opening weekend. Because that all-important opening weekend's results determine the course of the film's theatrical run... and even how much will make in ancillary markets and overseas.

And after the film's release? *Google* came up with yet another restriction, concerning event ticket sales... one which our film's marketers had never come across or even *heard of* in multiple similar campaigns. In short, we firmly believe they were sharpshooting us; hiding behind highly selective and *discriminatory* enforcement of their own guidelines.

It is impossible for me to quantify the damage done by *Google's* refusal, but it's absurd to think that there wasn't damage done. But we weren't finished with social media woes: within hours of our theatrical debut –

In the early morning hours of Saturday, March 30th, the film's Twitter account – technically the account owned by the film's single purpose marketing entity – was suspended. The reason for the suspension has not – to the best of my knowledge – been made clear, beyond being 'accidental'. However when such 'accidents' occur within twelve hours of the film's theatrical debut – and after nine months of ownership, during which time there were *zero* suspensions – the 'glitch' is of course suspect.

The uproar came quickly – and was very loud. Apparently a number of media personalities – including Shannon Bream of Fox News, conservative commentator Dana Loesch, and television personality and pro-life supporter Patricia Heaton were aware of the situation, and made it known from their own social media platforms. If any progressive or left-leaning pundits or influencers came to our support, on the basis of principle, I am unaware of it. However roughly three hours after the suspension, service was restored, although it's also my understanding that our posting of a Twitter announcement with words to the effect of 'We're back' was deleted from the account, without explanation.

Later on the same day, Twitter apparently deleted the vast majority of those listed as 'followers' for our account... reducing the number from something on the order of 200,000 to less than 200. A thousand-to-one reduction in our listed followers. And numerous people – including the subject of our film – Abby Johnson – and the star of

our film – Ashley Bratcher – found themselves unable to follow their own movie on Twitter. Dana Loesch’s tweet at 11:21 PM on that same day read – and here I quote:

About five minutes ago I was following @UnplannedMovie and then I just checked after seeing so many say they had trouble even following the account and somehow, I wasn’t following them anymore.

Again, this was all during the all-important first weekend of our release.

Begging the question, *Why does this only seem to happen to conservatives?* Or as the satirical website *The Babylon Bee* put it: “Meanwhile, Planned Parenthood, an organization that actually kills babies every single day, still had an active Twitter account in good standing.”

Interestingly, on the one social media platform from today’s first panel where we didn’t have significant problems – on Facebook – our exposure exploded, and I believe the film’s Facebook site had something on the order of about twelve million trailer views by the time of our theatrical debut, and nearly eighteen million to date. *And we credit this unrestricted access with much of the film’s success – highlighting the importance of access to social media.*

For the record, we allege no collusion between any of the social media or cable media entities. At least not in the formal sense. They require no coordinated communication or agreement between them, because they are universally progressive in their orientation, political beliefs, and worldview... and likewise *strongly predisposed toward stifling conservative thought.*

But as evidence that the discrimination is one-sided, I posit this question: There are a number of pro-choice films currently in development in Hollywood. I will mention two: *Let Her Speak*, the story of Wendy Davis’ pro-choice filibuster on the floor of the Texas senate... to which Sandra Bullock is attached to star. And *This is Jane*, being produced by Amazon Prime, which tells the story of an underground abortion network in pre-Roe-vs-Wade Chicago. Is there any member of this committee who would like to go on record as saying they honestly expect either of those films to have trouble in buying advertising – on *Google*, or otherwise? I think not – because they *won’t*. Unless, perhaps, this committee elects to remember and *closely scrutinize* whether the standards are applied evenly.

And lest anyone be tempted to dismiss our film as some sort of right wing rant, I will quote from the final lines of an article by Marc Thiessen, published in the Washington Post, and reprinted in the New York Post – neither of which are generally regarded as bastions of conservative thought:

Ultimately, the movie is a testament to the power of prayer. Abby’s family prays for her to leave Planned Parenthood, but they never reject her. They know she is a good person who does not yet understand the evil of abortion. There are millions like her. The film’s

goal is to reach them by showing us the humanity of the unborn child. This is why abortion supporters don't want you to see Unplanned. See it anyway.

That is a Washington Post journalist's description of the movie that social media went out of its way to restrict public awareness of.

In closing, if social media is allowed to presumptively and pre-emptively dismiss conservative thought as controversial, divisive, or "too sensitive" ... then that is what they will continue to do. If they are allowed to apply their own broadly drawn 'guidelines' to dismiss *one side* of controversial issues – the side they don't agree with -- and do so with impunity? Then they will *do so*. It's all too easy to label conservative thought as controversial or divisive, dismiss it as 'contrary to our guidelines' or roll out the dreaded phrase – *hate speech*.

But in a digital age, exclusion from the digital arena isn't just discriminatory – it's the most insidiously effective form of censorship imaginable.

Senator Cruz, and the judiciary committee members thank you for your attention... it's been an honor for Cary Solomon and myself to be here, and I hope to be able answer any questions you may have.