

CANNES CONTROVERSY

## Texas Film Commission says \$30 million movie not worthy of incentives

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CANNES, France — A dispute that erupted at the Cannes Film Festival this week has put the Texas Film Commission in the international spotlight, raising allegations of censorship and questions about artistic freedom and new jobs in Texas.

Representatives of Entertainment 7, the company behind the upcoming feature film "Waco," said this week at the festival that the Texas Film Commission has denied its application for recently approved tax incentives that are meant to encourage more film, television and commercial production in Texas. Company officials said the commission's actions caused them to halt plans for a \$30 million project in the state. Texas has lost big-budget projects in recent years to states such as Louisiana and Michigan, which offer up to 40 percent tax rebates on productions.

The movie was denied incentives because of factual inaccuracies in the script, said Bob Hudgins, director of the Texas Film Commission. Under a statute passed by the Legislature in 2007, also known as a content provision, projects that put Texas in a negative light can be denied incentives. The provision was introduced by state Senate Finance Committee Chairman Steve Ogden, R-Bryan, and states that filmmakers taking incentives cannot show "Texas or Texans in a negative fashion."

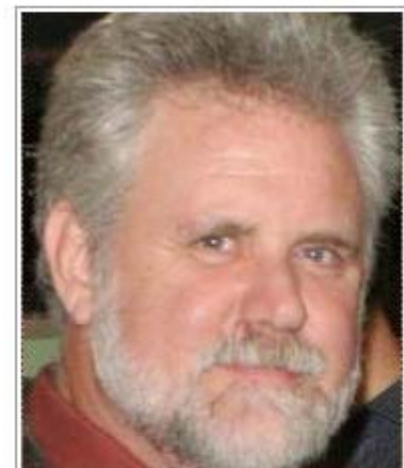
Only Utah has a similar provision.

"Waco," which deals with the federal raid on the Branch Davidian compound near the city on Feb. 23, 1993, would have been one of the biggest film projects in recent years for the state.

"Waco" is the first film Hudgins has rejected under the provision. He said he reads about 30 feature film scripts each year.

"It's not censorship at all," Hudgins said.

"After reading the 'Waco' script, I did some fact checking and feel very confident in the checking I did," he said. "I talked to people, law enforcement and journalists who were actually involved in the whole incident. This was not something that was done lightly. ... This project steps outside an accurate portrayal of those events."



Chris Carson  
FOR AMERICAN-STATESMAN

(enlarge photo)

**Bob Hudgins** 'It's not censorship,' Texas film official says.



Harry Cabluck  
ASSOCIATED PRESS

(enlarge photo)

**Steve Ogden** Lawmaker introduced content provision.

While attending the two-week Cannes festival, which ends Sunday, Emilio Ferrari and Tara Wood, executives at Los Angeles-based Entertainment 7, said that Hudgins had bowed to pressure from politicians.

"He had the script months ago," Ferrari said. "And there was no problem for a long time. Hudgins helped us scout locations and did not indicate there were any problems until recently."

Hudgins denied any pressure and said the decision was exclusively his. The statute makes clear that the final decision is up to the Film Commission, he said.

Ferrari said the script for "Waco" is not inaccurate and does not portray Texas in a negative light. "It's not a movie about Texas. It's about an incident that happened there, but it could have happened anywhere."

Wood said that the film would focus on miscommunication with federal agencies coordinating the standoff and eventual assault.

The script was written by Rupert Wainwright and James Hibberd, a former employee of the American-Statesman. Mike McNulty, who co-wrote the Oscar-nominated 1997 documentary "Waco: The Rules of Engagement," is a co-producer, and Wainwright is scheduled to direct.

"We did years of research on this project, and there's nothing inaccurate in the script," said Ferrari, whose Entertainment 7 specializes in low-budget features such as the recent "Baby on Board" with Heather Graham and the cult comedy "But I'm a Cheerleader." "We have not been told of any specific inaccuracies, and I'd really like to know."

Hudgins wouldn't specify what's inaccurate in the script, though he said that the people he talked to about it, whom he declined to identify, said the script is off-base.

Regardless of accuracy, Wood said the real issue is censorship and artistic freedom.

"It shows the problems with the new setup for film incentives," Woodsaid. "Other filmmakers will not want to come to Texas if they have to get script approval first from the state — and if that approval can be subject to political pressure."

Ogden added the provision in 2007 after controversy erupted around the Texas-filmed 2006 sports drama "Glory Road," which tells the story of the 1966 Texas Western Miners and, according to school supporters, exaggerates racism at what was then called East Texas State University (now Texas A&M-Commerce).

Ferrari and Wood said that international movie publications were planning to report about the controversy and that the issue could hurt Texas' efforts to recruit new movies.

When asked if there was still a possibility that the movie would be filmed in Texas, Ferrari had a flat "no."

He and his partners were considering Louisiana, where they would get about \$6 million in tax breaks. (Unlike Texas, Louisiana's film office sent a representative to Cannes.)

Hudgins said they were welcome to shoot in Texas; they just wouldn't be eligible for the tax breaks. If the project had been approved, Hudgins said, they would have been eligible to get back 15 percent of what they spent in Texas.

"We're not saying they can't come to Texas, not at all," Hudgins said. "We will facilitate every request they have."

"I would love to have not had to make this call, because I realize the direct cost to Texas in jobs and income," he said. "That's what makes the decision so difficult. I'm here to promote as much production activity in the state as possible, but I also have to live within the confines of the statute."

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