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Present

THE FIGHT

Directed by
ELYSE STEINBERG, JOSH KRIEGMAN AND ELI DESPRES

Produced by
ELYSE STEINBERG, JOSH KRIEGMAN, ELI DESPRES,
MAYA SEIDLER, PEGGY DREXLER AND KERRY WASHINGTON

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SHORT SYNOPSIS

At this defining moment in American history, **THE FIGHT** follows a scrappy team of heroic ACLU lawyers in an electrifying battle over abortion rights, immigrant rights, LGBTQ rights and voting rights.

FULL SYNOPSIS

Only days after the 2017 inauguration of Donald Trump, furious Americans gathered at airports across the country in protest of the Muslim ban. But it was the efforts of the American Civil Liberties Union, waging the fight in federal court, that turned the tide, staying the executive order on grounds of unconstitutionality. The ACLU has never granted access to its offices, even as its battles—on the fronts of abortion rights, immigration rights, LGBT rights and voting rights—have become more timely and momentous than ever.

With **THE FIGHT**, access has finally been granted to the filmmaking team of Eli B. Despres, Josh Kriegman and Elyse Steinberg, makers of 2016's award-winning *Weiner*. Rousing, inspiring and slyly humorous, their latest documentary follows four seismically important cases and a handful of magnetic attorneys. These lawyers may not know how to charge a cell phone or operate a stand-up desk but have persuaded Supreme Court Justices, beating back serious encroachments upon our freedoms. An antidote to endless news cycles filled with tweet tantrums, **THE FIGHT** inspires with the story of front-line warriors in the battle for the American soul.

ABOUT THE PRODUCTION

Plunging viewers into the middle of a massive nighttime protest on the steps of a Brooklyn courthouse, *THE FIGHT* opens in January 2017 soon after the inauguration of Donald Trump. Immigration rights were under siege. Would the president's Muslim ban hold? Or would it be stayed through the heroic efforts of the American Civil Liberties Union attorneys?

"I was there that night when the decision came down," says co-director **Elyse Steinberg**. "I was on the steps of the Brooklyn Courthouse. And I knew that *this* was going to be one of those great moments of history. These lawyers were going to be at the center of one of the most significant fights for civil liberties of our time. And we had to be there."

Steinberg's experience was the spark that set her team, including co-directors **Eli B. Despres** and **Josh Kriegman**, on a journey that would result in the most essential documentary of their careers.

"I think as a filmmaker, it hit her like a lightning bolt," Kriegman recalls. "The next day, Eli and I were in the office. Elyse came bolting in, went straight to our white board with all our project ideas, erased everything and wrote *THE FIGHT* in big letters. She said, 'We need to get into the ACLU and tell the story of the ACLU versus Trump.' Eli and I looked at each other and said, 'Hell yeah.' "

"It was sort of a working title," he continues, "but it ended up sticking. It captures the feeling that this is a central battle here. These four lawyers and the cases they're following—they're obviously massively central to the civil-rights battle with the Trump Administration."

For all three co-directors, the choice of subject was natural and deep-seated: partly a reaction to feeling "knocked back a bit" by Trump's ascent, per Kriegman, and partly a matter of personal background.

Despres can remember seeing his older brother's ACLU card and not understanding how anyone could criticize such a righteous organization (least of all, then-presidential candidate George H. W. Bush). Steinberg's mother was a lawyer who fought for immigrant rights: "She had been inspired to do that work because my grandma had escaped Nazi Germany," the co-director says. "So my mom always felt a sense of duty, knowing that the country could turn at any point against its own people."

And for actor and producer **Kerry Washington**, who began looking for filmmakers to tell this crucial story the morning after Trump’s Muslim ban was announced, the ACLU was a crucial front-line defense.

“I feel like they’re our real-life superheroes,” Washington says. “They’re our David to the Goliath of the higher-ups. They take on power structures to try to uphold the rights of all people, instead of prioritizing the rights of a few. And no matter who’s in power, they’ve consistently fought that battle for a hundred years. During that time, there’s never been a single president of the United States who has not been held accountable by the ACLU.”

“The David and Goliath comparison is entirely apt,” agrees producer **Peggy Drexler**. “They take on a huge and entirely unpredictable adversary with an outsized confidence and conviction. And thank goodness they do. The ACLU lawyers are modern-day heroes who put their family and personal needs on the line for the country. Telling their story was the entire reason I chose to produce this film.”

Still, being inspired by this group and gaining permission to make an intimate documentary about its work, were two different things. Fortunately, the normally private organization was already beginning to pivot.

“We’re verite filmmakers, so naturally we asked for full fly-on-the-wall access with their star lawyers and biggest cases,” says Steinberg. “At first they were understandably hesitant, but many conversations later, they came to trust us and our vision.”

“Granting access is not something we often do,” says Steve Smith, the ACLU’s deputy chief communications officer, citing attorney-client privilege among other concerns. In his seven years with the ACLU, he can’t recall a single instance of access being given to a filmmaker.

“But even before the election,” he adds, “we knew that if Trump won, it would be a transformational moment, not only for the country but for us. We knew we would have to change the way we work in order to rise to the occasion. We are now 100 years old, so we also knew it was a landmark moment for us and the country. So while we didn’t know the outcome of this film, we knew it was important to share the story—from the inside—of trying to keep the Trump agenda from harming so many people.”

Washington, herself an ACLU honoree with a long relationship to the advocacy group, was instrumental in arguing that this was the right filmmaking team to tell that story.

“The filmmakers had to earn their trust, for sure,” she says. “But in those early days, and throughout the process, we were able to speak to various levels of leadership at the ACLU, just to say, ‘Just stick with us, please—we promise you that we’re going to make something special here.’ ”

Pilar Savone, Washington’s producing partner and an executive producer on *THE FIGHT*, describes their role as both advisory and maternal.

“I often say that we were the filmmakers’ godmothers,” Savone says. “They would call us and say, ‘We need your help navigating this,’ or ‘How can we make sure that everybody feels protected and safe in this situation?’ I think we were a sounding board for them, plus we were a step removed so we were able to talk it through with them with a bit more objectivity.”

With enviable access to the ACLU secured, and with no strings attached (“For an organization with free speech at its heart, we couldn’t silence them,” says Smith), the filmmakers began pursuing several individual cases in progress. Four specific issues—abortion rights, immigration rights, LGBT rights and voting rights—dominated their production.

“The four cases were sort of a no-brainer,” Despres says. “They were the biggest, most important conflicts going on, and so remain. They remain among the central conflicts of American life right now. We wanted to be where the action was. It was easy to pick those stories.”

Just as importantly, the attorneys handling those cases—quiet, modest workaholics performing critical tasks with a minimum of fuss—presented a gallery of fascinating, quirky subjects.

“The lawyers had that visceral crackle that you look for as documentarians,” Steinberg says. “It’s important to show them wrestling with their kids as they’re doing their work. They’re people. We can identify with that.”

“You’re always looking for subjects who can’t help but be themselves onscreen,” Despres adds. “Ideally, they’re people who are highly skilled in doing incredibly difficult things.”

The co-directors also had a secret weapon: their instinct for comedy.

“For me, levity might be the most important thing,” says Despres, “both in terms of connecting with an audience and also because it’s a pleasure. Take Lee Gelernt, who’s a brilliant attorney but sort of bumbling through everyday tasks. Which is great—it’s like following Columbo around: Oh my God, the fate of the universe is on his shoulders and he can’t find his car in the parking lot.”

Gelernt, for all his professional deftness, stars in some of *THE FIGHT*’s funniest moments of ineptitude: panicking at a dead cell phone, stymied by a computer’s mystifying USB charging ports.

“The guy can’t plug in his cell phone but at the same time, he’s this legal genius,” Kreigman says, “an absolute monster in the courtroom. Not only is it humorous but actually it helps to humanize these people, which is absolutely essential to what we’re trying to do.”

Striking the right balance was tricky, especially with lawyers whose instincts run counter to showboating. Modesty is an unspoken virtue teased out by the filmmakers.

“I think they have a core belief that their clients are the heroes,” Washington says of the ACLU’s litigators. “These lawyers are transforming their clients’ lives, and without a guaranteed result. There’s a real level of vulnerability and, with some clients, a loss of anonymity.”

“We’re not spotlight-seeking by nature,” Smith confirms. “We want to put the stories of our clients out there, so that they can illustrate where injustice happens. That’s why there’s an inherent discomfort in letting people enter our building. We’re about the issues and the values, not ourselves.”

Even so, *THE FIGHT* does contain some euphoric triumphs: moments of historic import downplayed by the lovably nerdy lawyers, content to sip a mini-bottle of Amtrak “train wine” or blush their way through a deafening all-staff standing ovation.

“We wanted our cameras to be with the lawyers,” Steinberg says, “to be in their shoes as it was happening, with all their foibles. And we wanted to capture how approachable they are.”

And, in one of the film’s most fascinating and troubling sidebars, we see the unintended ramifications of defending constitutionally-protected speech regardless of its speaker, as the 2017 Charlottesville “Unite the Right” rally explodes into violence. (Beforehand, the ACLU had filed a lawsuit resulting in an injunction that allowed the rally to go forward.) Tensions flare in the ACLU’s offices.

“There’s a movie out there to be made about Charlottesville,” says Despres. “We came to that story the same way our subjects came to it—it’s this gut punch in the middle of the second act. Structurally, it hits our movie the same way it hit our subjects’ lives. It came out of left-field and smacked into them..”

“We knew we had to include it,” Kriegman adds. “It’s a key part of what the ACLU is about, the controversy *within* the ACLU.”

For an organization defined and led by principles, not people, controversy isn’t new. In fact, it’s the condition in which the ACLU thrives.

“The ACLU was born out of crisis,” Smith says. “We came out of the Palmer Raids, which were anti-immigration raids in the late teens and early ’20s. It’s when our best

moments are, if you think about 9/11 and the Trump era. We rise to the challenge. The work continues. There's a lot for us to do."

Washington sees the ACLU's mission as one that resonates beyond generations, beyond the plight of any one case or cause.

"God willing, they'll be around for a hundred more years," she says. "There would never be a time when we could release this movie and there wouldn't be additional chapters. What we hope is that the film ignites people's interests and passions to the importance of what the ACLU is doing, so that whenever you see the film, you can get involved, no matter what year it is or who's president or what's going on."

Though THE FIGHT was made pre-pandemic, its co-directors already feel an added sense of empathy for their quiet heroes, already on the front lines of COVID-19-related cases.

"I know that [ACLU lawyer] Dale Ho is dealing with a lot of voting-rights issues right now," Kriegman says in the aftermath of the Wisconsin primary. "My hope for the film is that it is inspirational, that it gives people a way to push back against the cynicism and the exhaustion—the way many of us feel in this political moment. The pandemic is only going to heighten that need to push back."

"Who we choose for our leadership is critically important," says Despres. "That's the message of our movie as well. Whether children are taken from their parents and locked in cages, or whether hospitals get ventilators in the case of an emergency, people live and die by who's calling the shots. So the big takeaway of the pandemic and of these legal fights—it's one and the same."

"I'm obsessed with them," Steinberg admits with a laugh. "Coming out of the election, I remember feeling very deflated, powerless. I wanted to spend my days with the people who inspired me, people who were out there doing good work. These lawyers are those people. And the ACLU is that place."

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THE ACLU LAWYERS

Brigitte Amiri is a deputy director at the ACLU's Reproductive Freedom Project. She is currently litigating numerous cases, including leading the Jane Doe case, challenging the Trump administration's ban on abortion for unaccompanied immigrant minors. She also represents the last abortion clinic in Kentucky, and is lead counsel in a challenge to Kentucky's six-week abortion ban and another challenge against the state's attempts to close the clinic's doors. Ms. Amiri also leads the Project's efforts to ensure that religious objections are not used to discriminate against or harm people seeking access to reproductive health care.

Joshua Block is a senior staff attorney with the National ACLU's Lesbian Gay Bisexual Transgender & HIV Projects. Together with Chase Strangio, he is lead counsel in *Stone v. Trump*, the ACLU's challenge to President Trump's attempt to ban transgender people from serving in the military. For ten years at the ACLU, Josh has litigated groundbreaking cases on employment discrimination, free speech and censorship, discrimination against transgender students, access to healthcare for transgender people, and marriage equality, including *Grimm v. Gloucester County School Board*, *Obergefell v Hodges*, and *United States v. Windsor*. In 2012 he was named one of the "Best LGBT Lawyers Under 40" by the LGBT Bar Association.

Lee Gelernt is the deputy director of the ACLU's national Immigrants' Rights Project and director of the project's Access to the Court's Program. He has argued many of the highest profile challenges to the Trump Administration's immigration policies, including its family separation practice. He is widely considered one of the nation's leading public interest lawyers and has been recognized as one of the top 500 lawyers in the country in any field. Lee has argued dozens of groundbreaking cases throughout the country, including in the U.S. Supreme Court, where he will again be arguing in March, on behalf of asylum seekers.

Dale Ho is the director of the ACLU's Voting Rights Project and supervises the ACLU's voting rights litigation. His cases have included: *Department of Commerce v. New York* (challenging the inclusion of a citizenship question on the Census, which he argued in the U.S. Supreme Court); *Fish v. Kobach* (challenging documentation requirements for voter registration in Kansas); and *League of Women Voters of NC v. North Carolina* (challenging cutbacks to early voting and the elimination of same-day registration in North Carolina). Dale is the recipient of the 2019 National Asian Pacific American Bar Association (NAPABA) President's Award. In 2017, Dale was named one of the best Asian American Lawyers under 40 by NAPABA.

Chase Strangio is the deputy director for Transgender Justice with the ACLU's LGBT & HIV Project and a nationally recognized expert on trans rights. He is counsel in the ACLU's challenge to North Carolina's notorious anti-trans law, HB2, *Carcaño, et al. v. Cooper, et al*, the ACLU's challenge to Trump's trans military ban, *Stone v. Trump*, and the case of Aimee Stephens, *R.G. & G.R. Harris Funeral Homes v. EEOC*, which is pending before the Supreme Court. He was counsel to whistleblower Chelsea Manning in her lawsuit against the Department of Defense for discriminatory denial of health treatment while in custody and worked with the team defending the rights of transgender student, Gavin Grimm, before the Supreme Court. He also appears regularly in the media and lobbies in state legislatures around the country on issues impacting trans and nonbinary people.

ABOUT THE FILMMAKERS

Elyse Steinberg, Joshua Kriegman, Eli Despres (directors/producers) previously collaborated on the documentary *Weiner*, a Sundance Film Festival Grand Jury Prize winner and BAFTA Award nominee that was shortlisted for an Academy Award. Steinberg and Kriegman were co-directors/producers (nominated for a DGA Award), and Despres was the editor and writer. Together, they created, co-directed, and executive produced the critically acclaimed Showtime docu-series *Couples Therapy*, which made numerous critics top-ten lists for 2019 and has just been renewed for its second season.

Steinberg and Kriegman made *Variety's* 2016 list of "top ten documakers to watch." Steinberg also directed the acclaimed feature documentary *The Trial of Saddam Hussein* (PBS).

Despres's other editing credits include BAFTA Award nominee *Blackfish* and Cannes Film Festival selection *Red Army*. He is a two-time nominee for a documentary American Cinema Editors Award.

Maya Seidler (producer) co-produced Amazon Studios' *City of Ghosts* (nominated for a British Academy Award and a Primetime Emmy, winner of IDA's Courage Under Fire Award) and the ESPN 30 for 30 short *The Third Man*. She associate produced *Couples Therapy* on Showtime and co-produced the New York Times Op-Doc *Bombs Will Not Defeat Isis (But Maybe the Internet Will)*.

Kerry Washington (producer) is an acclaimed Emmy, SAG, and Golden Globe nominated actor, director, producer, and activist. Through her company Simpson Street, Washington recently produced *American Son*, which was nominated for a PGA Award and three NAACP Image Awards. Producing credits include the WGA Award-winning *Confirmation*, *Scandal*, *Live in Front of a Studio Audience: All in the Family* and *Good Times* and the upcoming *Little Fires Everywhere* for Hulu with Reese Witherspoon's *Hello Sunshine*. Projects currently in development include *Shadow Force* for Lionsgate, Disney/Fox's *Goldie Vance* to be written and directed by Rashida Jones, *City of Saints* and *Thieves* with Will Packer Productions, *24-7* with Eva Longoria's UnbeliEVable Entertainment and Universal Pictures, and *The Mothers* with Warner Bros. Washington is a tireless crusader in her advocacy for equal rights for all people across all landscapes.

Peggy Drexler, Ph.D., (producer) is a research psychologist that formed Drexler Films in 2017 as a way to educate viewers about iconic figures and critical social issues. Dr. Drexler has produced the documentary "Mike Wallace Is Here," distributed by Magnolia Pictures, which appeared in theaters nationwide and is now streaming on Hulu. The film won the Video Source Award given by the International Documentary Association and various nominations including Grand Jury Prize at the Sundance Film Festival, Sheffield International Documentary Festival, and Cleveland International Film Festival. Dr.

Drexler executive produced “Ask Dr Ruth“ which premiered at Sundance Film Festival and was distributed by Hulu. She has financed such films as “Won’t You Be My Neighbor” and “Of Fathers and Sons”. Dr. Drexler has written two successful books about gender and families entitled “Raising Boys Without Men” and “Our Fathers Ourselves”. She is a frequent contributor to The Wall Street Journal and CNN.

Sean Mcging (cinematographer, co-producer) was co-producer, assistant editor, and shooter for WEINER (winner of the 2016 Sundance Grand Jury Prize and shortlisted for the Academy Awards). His other credits include documentaries for PBS and HBO. He co-directed, shot, and edited award-winning short docs, DO NOT DUPLICATE, HALF SOUR and TRASHING HISTORY. He also served as co-producer and cinematographer on the documentary, BEYOND BROKEN.

Gustavo Santaolalla (composer, themes by) is the third composer in history to be honored with two consecutive academy awards for Best Original Score. He also received consecutive Golden Globe Nominations for “Babel” and “Brokeback Mountain,” and a remarkable third consecutive BAFTA nomination, winning two of the three years for “Babel and “The Motorcycle Diaries.” In addition to the Oscars, Golden Globes and BAFTA’s, Santaolalla has also been honored with 2 Grammy’s, 15 Latin Grammy’s (including the prestigious producer of the year), a World Soundtrack Award and a Platino award. he was nominated for two additional Golden Globes, two Critics Choice Awards and won Best Score from the Chicago Film Critics, Las Vegas Film Critics and Online Film Critics Associations for “Brokeback Mountain”. Santaolalla’s film credits also include the Oscar-Nominated “August: Osage County,” “21 Grams,” “Amores Perros,” “Biutiful” and “North Country” Starring Charlize Theron and Frances McDormand.

Juan Luqui (composer, score by) is a multifaceted musical artist who expresses himself as a composer, orchestrator, music producer and performer. He studied at Berklee College of Music under a full scholarship and graduated Summa Cum Laude in 2015. Since then, Juan has collaborated with one of the most important composer/producers from Latin America, 2-time Academy Award and 19-time Grammy winner Gustavo Santaolalla and his creative partner, 16-time Grammy Award winning engineer Anibal Kerpel on several projects. Under the guidance of Santaolalla and Kerpel, Luqui has contributed to a myriad of critically acclaimed films, television series, and videogame scores including the hit Netflix series “Narcos: Mexico,” Sony’s blockbuster videogame “The Last of Us,” Showtime’s “A Life in 12 Bars” and the upcoming documentary films “Larry Flynt for President” and “The Fight.” Juan also regularly collaborates with various artists and songwriters in Argentina, Uruguay and United States as well as leading his own music projects: ‘Peonte’ and ‘Cacique Torcido’.

Arvid Steen (animation director) is an Animator and Illustrator based in Stockholm, Sweden. Working professionally in a career spanning over 25 years, Arvid directs and produces animation for high profile documentaries, advertising and games. His work often has a distinctive, hand-drawn style, for which he is renowned within the industry.

Arvid is best known for his work as Animation Director on Academy Award-winning documentary Searching for Sugar Man.

Kim Roberts, ACE, (editor) is an Emmy winning editor of feature documentaries and docu-series. Her recent work includes The Silence of Others, Unrest, The Hunting Ground, Command and Control, Waiting for Superman, Food, Inc. and Inequality For All. She edited all 9 episodes of Couples Therapy for Showtime. Kim won an Emmy for Autism the Musical, her fifth nomination, and won the 2017 Sundance Documentary Editing prize for Unrest. She was also nominated for an Eddie award for Food, Inc. and Waiting for Superman from the American Cinema Editors. Her other films include: Oscar Nominees and Sundance Grand Jury Prize Winners Daughter from Danang and Long Night's Journey into Day; American Revolutionary: the Evolution of Grace Lee Boggs; Merchants of Doubt; Two Days in October; Last Call at the Oasis; Made in L.A.; The Fall of Fujimori; Lost Boys of Sudan; Daddy & Papa and A Hard Straight. Kim received her Master's Degree in Documentary Film Production from Stanford University, where she won a Student Academy Award. She has been a juror at the Sundance Film Festival, taught editing at U.C. Berkeley, and spoken regularly on editing panels for the International Documentary Association and American Cinema Editors. She is an active member of the American Cinema Editors (ACE) and the Academy of Motion Pictures Arts and Sciences.

Greg Finton, ACE, (editor) has worked for over twenty years, editing feature documentaries, television and feature films. His credits include Sundance festival films IT MIGHT GET LOUD (2009), WAITING FOR "SUPERMAN" (2010), THE WORLD ACCORDING TO DICK CHENEY (2013, which he also co-directed with RJ Cutler), and ROBIN WILLIAMS: COME INSIDE MY MIND (2018). Other credits include A MOTHER'S PROMISE (2008 Barack Obama bio film), HE NAMED ME MALALA (2015), FANTASTIC LIES (2016), and WATSON (2019). His work has been nominated for Emmy, ACE Eddie, and Satellite Awards – winning an Eddie Award in 2019.

CREDITS

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THEMES BY GUSTAVO SANTOALALLA