

US film and television writers to vote on end to strike

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Details of the tentative agreement reached between the Writers Guild (WGA) and the Alliance of Motion Picture and Television Producers (AMPTP) were revealed to striking writers Saturday at mass meetings held in New York City and Los Angeles.

On Sunday morning the WGA West Board and the WGA East Council voted unanimously to recommend the contract and submit it to the combined membership for ratification. Special votes will be held Tuesday in New York and Los Angeles on whether or not to lift the three-month-long strike pending a ratification vote. The latter balloting will take place over the next several weeks. The guild has meanwhile suspended picketing on both coasts. A return to work could occur as soon as Wednesday.

WGA officials and other supporters of the contract have hailed it as a milestone. WGAW President Patric Verrone claimed, "This is the best deal this guild has bargained for in 30 years." At the New York meeting, negotiating committee member Terry George told those assembled: "We've defeated a tradition of rollbacks that began with the air traffic controllers [in 1981]."

After the same meeting, documentary filmmaker Michael Moore told the media, "This is an historic moment for labor in this country. To have the writers union stand up like we did, not give back a single thing and make them give—it was a really great moment to sit in there and listen to everything."

It is no disrespect to the writers and the solidarity and determination of their struggle to point out that such claims are gross distortions. The working class has never gained anything by flattering itself and falling for demagoguery; the progress of its struggle demands harsh, even unpleasant truths.

The writers have been subject to a massive campaign, by the media, the political establishment, the WGA and labor bureaucracies, aimed at getting them back on the job. The same media voices that expressed undisguised hostility toward the strike—*Variety*, the *Los Angeles Times*, the *New York Times* and the rest—are now congratulating the writers on their 'landmark' deal. Isn't it necessary to subject such praise to a sober assessment?

The writers fought the huge companies for more than three months and demonstrated their power, but in the end the WGA leadership capitulated under pressure and organized a rotten compromise. The writers were not defeated in the field of battle, but the contract, examined critically, offers them very little. And whatever minor concessions the studios and networks were forced to make, they will attempt to take away at the next opportunity.

The recent struggle and its results demonstrate that the private ownership of the massive conglomerates makes decent financial and creative conditions for the writers an impossibility. Only the emergence of a consciously socialist and internationalist movement in the working class, including in the film and television industry, can begin to address the

pressing social and political questions.

* The WGA dropped entirely its demand for an increase in the home video residual formula (for videocassettes and DVDs), which has cost the writers an estimated \$15 billion since the mid-1980s. The companies will continue to pay them pennies for every DVD.

* The guild abandoned its demand for jurisdiction over reality and animation, which have conquered an ever-expanding proportion of television programming. According to Verrone himself, cited in the *New York Times* in November 2007, "perhaps 95 percent of Hollywood's work was done by guild writers in the 1980s. More recently, he has said, the figure dropped to about 55 percent, as various companies have used non-guild writers to work on animated, reality and other shows."

* The WGA had proposed a clause prohibiting discipline of writers who honor picket lines of other entertainment unions, a right that Teamsters members have. The guild likewise dropped this. If the Screen Actors Guild were to strike next summer, writers would be obliged to cross picket lines.

* The WGA, in its initial roster of demands, proposed "all TV and theatrical content earn a residual payment of 2.5 percent [the current rate paid for reuse of material on television] of the distributor's gross for reuse" on the new digital media. The WGA settled for far less than this. In point of fact, anything short of 2.5 percent constitutes a continual give-back and lowering of writers' living standards as the film and television industry advances into the digital age.

In recent years, in addition to taking the overwhelming share of DVD sales, the giant companies have been refusing to pay anything for advertisement-supported streaming that was free to the viewer, on the grounds that it was 'promotional,' and only the hated home video residual rate, 0.3 percent, when the viewer paid.

In general, frankly, many of the 'gains' of the WGA are simply concessions by the companies that it will not continue to carry out certain of the most blatant forms of thievery. The giant firms' lawyers, accountants and assorted financial advisors will now work day and night to figure out new ones.

In its proposal, the WGA explained, "We have researched the growth of revenue streams from the re-use of our content on non-traditional media, and we know that the AMPTP companies are taking in billions of dollars in new media revenues. We will not accept the arguments about 'unproven business model' that were used in the home video negotiations to deprive us of a fair share of revenues from this incredibly lucrative exploitation of our work."

But this is precisely what they have allowed the companies to continue doing, with minor inroads.

On television ad-supported streaming, writers will receive a fixed maximum fee of \$1,308 in the first year of the contract and \$1,354 in its second year for the employer's right to reuse a program for 12 months. In the third year, the contract provides for 2 percent of distributor's gross, but there is an "imputed value" (estimated value) of \$80,000 for the

distributor's gross for an hour-long program, so the 2 percent actually becomes a flat-fee cap of \$1,600 a year.

Currently writers and directors make approximately \$20,000 for the first prime-time rerun of an hour-long episode.

In a recent comment, in the wake of the Directors Guild tentative settlement, Screen Actors Guild board member Justine Bateman asked writers: "Are you ready to trade an entire year's worth of TV residuals for a one-time fee of \$1,200 [the amount provided for in the DGA agreement]? ...

"It seems to me that if the DGA formula for streaming is ratified, the networks will be on a fast track to never, ever rerun our work on broadcast TV."

The WGA settled for approximately \$1,300 in the first two years of the contract, and \$1,600 in the third. How is this a 'historic' gain?

Moreover, the companies won a 17-day window (24 days for episodes of the first season of a series) during which they don't have to pay a penny in residuals to writers. In that sense, even the 2 percent figure is a fraud. This "window" is a major concession and will cost the writers dearly.

A striking writer, Kristen Stavola, on *United Hollywood*, argued recently that "The Initial Streaming Window is a terribly dangerous precedent to set." She notes the comment of a web entrepreneur, "You will lose 90 percent of the property's value in that window."

On paid downloads (Electronic Sell-Throughs), the guild accept the miserable rate of 0.36 percent of distributor's gross receipts for the first 100,000 downloads of a television program and the first 50,000 downloads of a feature film. After that, residuals will be paid at 0.7 percent of distributor's gross receipts for television programs and 0.65 percent for feature films. These are pennies per download.

In any event, as writer Robert Elisberg recently noted, currently, the thresholds for the doubled rate—50,000 and 100,000 downloads, respectively—"are never met. So, that works out today to being worth zero."

In short, the companies have been attempting to pay nothing or next to nothing for material reused on the Internet. Now they will pay a tiny amount. The WGA leadership fully accepts the principle that the profits of the industry come first, just as it allowed the settling of the strike to be determined entirely by the industry's time-line (Academy Awards, pilot season, etc.). The average working writer, the young writer, will continue to see a decline in his or her living standards.

No doubt the companies did not even want to concede even what they did. The giant firms were taken aback by the solidarity of the writers, their support from actors (including major stars) and the general public. The firms, taking the measure of the WGA leadership, regrouped, retreated here or there, while extracting major concessions from the guild and giving up nothing as far as their absolute dominance over the entertainment industry is concerned.

Moreover, as numerous accounts in the press indicate, the strike will be the signal for a major restructuring and rationalization of the industry aimed at sharply cutting costs.

A recent article in the *Los Angeles Daily News* discussed some of the trends. It noted, "During the strike, the broadcast networks engaged in a great deal of belt-tightening. Inexpensive reality programs were developed to plug holes in their schedules. Development deals were scrapped." Such methods will be continued and deepened.

NBC announced that it will produce far fewer, if any, pilot episodes. CBS is co-producing a series with Canadian CTV. International partnerships are being sought by all the networks as a means of sharing costs "across multiple partners."

The *Daily News* article continues: "[T]he networks have long declared that they need to be operating under a new business model. With a continued reliance on reality fare, axing development deals, buying fewer

scripts and producing fewer pilots and partnering with foreign productions a few of the by-products of the strike, it seems that even if the WGA gets what it wanted, fewer writers will benefit from its negotiations."

Even if the WGA prosecuted the most militant form of trade unionism, it would be incapable of addressing the attacks on jobs and living standards these changes will inevitably generate.

The WGA leadership is well-heeled, ideologically conservative and tied to the establishment by a thousand threads. Politically unequipped and sensitive, above all, to the needs of the industry, the guild leadership folded its tent when pressure was exerted by powerful forces in Hollywood and elsewhere. The WGA's orientation to the Democratic Party, the preferred party of the entertainment moguls, renders it incapable of articulating or upholding the interests of its members.

In Los Angeles on Saturday evening, the mood of those going into the WGA meeting was uncertain, with varying degrees of optimism and wariness. Some writers expressed support for the contract, others opposition; the majority indicated that they didn't yet know what to think. Inside the meeting, the WGA leadership, according to reports, was greeted enthusiastically. There is no need to doubt the reports or speculate as to how deep and how wide the enthusiasm goes.

Throughout the conflict, the writers demonstrated a willingness to fight and a hostility toward the companies. Their strike is an expression of a growing movement of working class resistance globally to several decades of a relentless assault on jobs and living standards and the fantastic accumulation of wealth by a tiny handful, including, prominently, in the entertainment industry. A deep social anger is building up in the US, an accumulated response as well to a political establishment in both major parties that launched a criminal war in Iraq and kills, tortures and abuses at will.

At the same time, genuine political confusion prevails. The majority of writers do not grasp that they are participants in an unremitting class struggle, that decent lives for themselves and their families and the creation of serious artistic work, on the one hand, and the continued existence of six or seven massive transnational corporations that determine daily what the population sees and hears, on the other, are mutually exclusive.

A low level of political and class consciousness makes them vulnerable to illusions, to wishful thinking, all of which are encouraged in spades by the WGA leaders, who may share some of the same sentiments. All the claims about 'precedent-setting' and 'historic' gains, gains that will 'only be built on three years from now' and so on, find a certain audience among many writers who have been without paychecks for three months or more. So too the argument that 'this is the best we can do at this moment,' followed by ominous warnings about the strike 'going over the cliff' if the writers were to turn down the present deal.

WGA leaders were not hesitant to use predict doom and gloom to bring their members around. At the New York meeting, the *New York Times* noted, in response to critical questions and concerns that members were "being forced to quickly ratify something when we don't fully understand it," negotiating committee member George replied, "It'll be nuclear winter if we don't ratify this. If we don't ratify this now, they can take everything back." This is sheer cowardice and an effort to intimidate.

In point of fact, the writers were in their most powerful position when the guild made strenuous efforts to reach a settlement. The strike could only be taken forward as part of a broader, social movement of the working population against the corporate and financial oligarchy. A break with the Democrats and the adoption of an openly anti-capitalist program would be the precondition for such a movement.

This is the perspective the WSWS has fought for since November 5. We continue to urge rejection of the contract and invite writers, students and others to attend the meeting Wednesday at UCLA to discuss the issues associated with the strike.

A Socialist Perspective for Film and Television Writers

Date: Wednesday, February 13

Time: 7 p.m.

Location: Bunche Hall, Room 2209A—UCLA

Parking: Proceed to UCLA Main Gate on Westwood Blvd to purchase parking and get directions to the building



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact