

The new “bullet fee”: Actor Kevin Spacey must pay \$31 million because producers fired him from *House of Cards*

David Walsh
7 August 2022

Certain governments, including the Nazi regime in Germany, have been known to charge the families of prisoners executed by firing squad the cost of the bullets used to end the lives of the condemned. This is known as a “bullet fee.”

Kevin Spacey has been ordered to pay \$31 million to producer MRC after being fired from the popular Netflix series *House of Cards* in early November 2017 in the midst of the first wave of the #MeToo witch-hunt.

Spacey was dismissed, and the sixth (and final) season of *House of Cards* shortened, on the basis of unsubstantiated or anonymous claims about alleged sexual harassment. The actor has not been found guilty of any crime, and the only case that has gone to court so far, in Massachusetts, ignominiously fell apart in 2019. He recently traveled to the UK to contest several allegations of sexual misconduct.

The \$31 million award against Spacey was handed out by arbitrator Bruce Friedman in October 2020 and affirmed last week by Los Angeles Superior Court Judge Mel Red Recana.

In essence, the producers, along with Netflix, reacted hysterically to the allegations in 2017, terrified of being thought “soft” on sexual misconduct in the witch-hunting atmosphere that prevailed. Having unfairly gotten rid of Spacey and thereby ruining their own program (the final season of *House of Cards* without the actor was virtually unwatchable), the producers now demand to be paid for their own deplorable, ill-considered conduct. And the legal system, most recently in the form of Judge Recana’s opinion, affirming the multi-million dollar award, has vindicated their position.

On October 29, 2017, actor Anthony Rapp alleged that Spacey had made sexual advances toward him in 1986, 31 years earlier, when he was 14 and Spacey 26. Two days later, MRC and Netflix announced they were suspending production of *House of Cards*, which had begun shooting, and were looking into the claims. On November 2, CNN published an article containing anonymous accusations that the actor had sexually harassed and even sexually assaulted unnamed *House of Cards* crew members.

After the CNN article appeared, MRC issued a statement indicating it was only aware of one incident regarding Spacey, in the first season of *House of Cards*, which the production company asserted had been “resolved promptly to the satisfaction of all involved,” and that it “has not been made aware of any other complaints involving Mr. Spacey.”

Netflix, however, now desperately running scared, decided to force MRC to proceed with Season 6 without Spacey. In an email sent only hours after the CNN article appeared, Netflix head Ted Sarandos, spelled this out: “Lets announce tomorrow that There is NO scenario in which Kevin Spacey will appear in any version of a final season of the show.”

In other words, prior to any investigation into the anonymous accusations against Spacey, and before Netflix and MRC had even identified the accusers, the actor was fired from the series.

MRC then proceeded to sue Spacey on the grounds that his alleged sexual misconduct had caused Season 6 of *House of Cards* to be shortened from 13 episodes to eight and they were entitled to more than \$30 million in damages.

The arbitrator’s 2020 finding is sealed, but on

November 22, 2021, Spacey’s lawyers responded to a petition by MRC asking for the arbitration award to be confirmed. The document is worth citing, especially as the US media has almost entirely ignored Spacey’s legal arguments.

The actor’s legal team asserted that the arbitration award was “permeated with factual and legal errors.” Most fundamentally, the lawyers argued, the arbitrator was mistaken in finding “that MRC proved by a preponderance of the evidence that Spacey sexually harassed five former HOC [*House of Cards*] crewmembers.” According to the November 2021 document, “while Spacey participated in a pervasive on-set culture that was filled with sexual innuendoes, jokes, and innocent horseplay, he never sexually harassed anyone.” As the arbitrator apparently recognized in his finding, “the few times Spacey was told that his conduct made someone feel uncomfortable or was in any way unwanted, he stopped.” The only allegation that Spacey “ever attempted to engage in any type of sexual activity with a HOC crewmember was found incredible by the Arbitrator.”

Indeed, the lawyers continued, “the Arbitrator stopped short of finding that Spacey actually ‘sexually harassed’ anyone, instead emphasizing that the HOC harassment policy could be violated even if the conduct in question did not rise to the level of sexual harassment under state or federal law.” In other words, as has taken place on college campuses, the bar on what constitutes acceptable or unacceptable behavior on a television set has been lowered to accommodate the demands of the identity politics forces.

Such rulings, essentially punishing individuals—and potentially destroying their careers—where no violation of the law has even allegedly taken place, set a dangerous precedent. Why should the powers of Netflix and the producers stop at the boundaries of sexual misconduct? How soon will it be before a performer is fired for “lack of patriotism” in regard to the war drive against Russia and China? Such alleged sympathy for the “enemy” is not illegal, but it might certainly violate Netflix or some other studio’s policy. A new McCarthyism looms on the horizon, or even closer.

There is more. Friedman, the arbitrator, ruled that Spacey breached his contract by engaging in the alleged conduct on the set. He also ruled that MRC lost some \$30 million in profits as a result of the shortened season

forced on the producers by Netflix. However, as Spacey’s lawyers point out, the timeline demonstrates that the “two findings are completely unconnected.” The arbitrator himself recognized that “the reduction in episodes was a foregone conclusion once Netflix dictated” to MRC “that Spacey could not and would not be a part of Season 6.” In other words, the conduct for which Spacey is being punished, the supposed breach of his agreements as actor and producer by his harassment of crew members, “was not even known by Netflix at the time it made this decision.”

As a result, the damages incurred by MRC as a result of Netflix’s actions, and blamed on Spacey’s alleged actions, had already taken place (on November 2 or so) before anything was known about the content of his behavior.

The unfair, even absurd character of the arbitrator’s award points to its politically driven character. In their November 2021 document, Spacey’s lawyers argued that vacating the \$31 million award “simply requires that the Court apply common sense and basic logic—both of which appear to have been discarded by the Arbitrator in his effort to avoid the risk of being seen as siding with Spacey and against the #MeToo movement, and to dispense his own brand of justice.”

The vile American media, bereft of any shred of honesty and decency, has decided that Spacey, one of his generation’s most gifted performers, has to be sacrificed to appease the maddened upper-middle-class #MeToo elements, utterly indifferent or hostile to elementary democratic rights such as presumption of innocence.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact