# Alec Baldwin indicted for involuntary manslaughter in shooting death of cinematographer Halyna Hutchins

**Hong Jian, David Walsh**
**22 January 2023**

The Santa Fe County, New Mexico district attorney's office announced Thursday that actor-producer Alec Baldwin and armorer-props assistant Hannah Gutierrez-Reed will each be charged with two counts of involuntary manslaughter in connection with the fatal shooting of cinematographer Halyna Hutchins on the set of the film *Rust* on October 21, 2021.

In a statement released Thursday, New Mexico First Judicial District Attorney Mary Carmack-Altwies asserted that after a review of the evidence and New Mexico's laws, "I have determined that there is sufficient evidence to file criminal charges against Alec Baldwin and other members of the *Rust* film crew."

Special prosecutor Andrea Reeb told an interviewer that state law enforcement officials were "trying to definitely make it clear that everybody's equal under the law, including A-list actors like Alec Baldwin." She added, "And we also want to make sure that the safety of the film industry is addressed and things like this don't happen again."

To begin with, it can be assumed that statements from capitalist politicians about "everybody" being "equal under the law," and affirmations of the need to ensure job safety, are merely dust thrown in the public's eyes. Companies and entire industries regularly violate health and safety standards, not infrequently with fatal results, and go entirely unpunished, or at most receive a monetary slap on the wrist.

According to AFL-CIO statistics, "Workplace hazards kill and disable approximately 125,000 workers each year—4,764 from traumatic injuries, and an estimated 120,000 from occupational diseases." In 2021, the average penalty for a serious violation of federal Occupational Safety and Health Administration regulations—defined as a "workplace hazard" that "could cause an accident or illness that would most likely result in death or serious physical harm"—was $4,460. Violations defined as "serious" were fined, on average, $2,421.

With 6.2 deaths per 100,000 workers in 2021 (or 53 deaths), New Mexico had a considerably higher rate than any of the states immediately contiguous to it (Arizona, 2.1; Utah, 3.4; Colorado, 3.4; and Texas, 4.2).

The case of the fatal shooting on the *Rust* set is a serious and tragic one.

Cinematographer Halyna Hutchins was considered a rising star in the film industry when she was shot while rehearsing a scene in *Rust.* Alec Baldwin was holding a prop gun when the firearm discharged. The bullet fatally injured Hutchins and also wounded the film's director, Joel Souza, in the shoulder.

The district attorney's office indicated that the charges would be filed by the end of the month, and that Baldwin and Gutierrez-Reed would not be arrested, but would have to appear at a remote preliminary hearing at which a judge would determine if there was enough evidence to go forward. The first count involves a penalty of up to 18 months in jail and a $5,000 fine, while the second includes a firearm enhancement provision that could mean up to five years imprisonment. Should the case go to trial and end in a conviction, only one of the counts would apply, with the jury deciding which of the two was appropriate.

The assistant director on the film, David Halls, who handed the prop firearm to Baldwin and shouted "cold gun" to indicate that a firearm with blanks was in use, has entered a plea agreement with the prosecution on the lesser charge of negligent use of a deadly weapon. Halls will receive a suspended sentence and six months' probation.

Baldwin is being charged both as the individual firing the weapon and as a producer of the film. CNN senior legal analyst Elie Honig told the network that he was stunned by the decision to charge Baldwin both as actor and producer, which he called "completely different factual and legal scenarios."

Carmack-Altwies asserted that as a producer Baldwin had a duty to "make sure that the set was safe," but she said that as an actor, "he should have checked that gun, checked those projectiles."

The district attorney argued in an interviews that every person who "handles a gun has a duty to make sure that, if they are going to handle that gun, point it at someone and pull the trigger, that it is not going to fire a projectile and kill someone." She went on to claim that "an actor doesn't get a free pass just because they're an actor."

This seems a highly dubious contention from a legal

© World Socialist Web Site

standpoint. Entertainment lawyer Tre Lovell told *Slate* that it was not Baldwin's responsibility "as an actor to ensure prop safety." Lovell continued, "There's somebody on set specifically to do that, who's an expert."

Actors, Lovell explained, are "not even *allowed* to do that." The Screen Actors Guild "does not allow any producer, anybody, to use an actor for anything on set other than acting. You can't use an actor to help decorate, to do lights, to do locations."

There is a reason for that, the lawyer told *Slate*. "There are other delegable duties that people have on set and that they're supposed to do," Lovell said. "An actor is required to rely upon an armorer, or any other person on set, who's an expert, when it comes to whether or not a piece of equipment that they're using is safe."

Luke Nikas, Baldwin's attorney, told the media that the charges represented "a terrible miscarriage of justice." Baldwin, he said, "had no reason to believe there was a live bullet in the gun—or anywhere on the movie set. He relied on the professionals with whom he worked, who assured him the gun did not have live rounds. We will fight these charges, and we will win."

The Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA) has come to the defense of Baldwin as an actor. The SAG-AFTRA statement insisted that the "death of Halyna Hutchins is a tragedy, and all the more so because of its preventable nature. It is not a failure of duty or a criminal act on the part of any performer."

That being said, however, there remains the responsibility of Baldwin and the other *Rust* producers to make certain that safe conditions prevailed on the set. The argument that Baldwin very likely had nothing to do with the physical circumstances and, like other prominent actors, merely had his name listed to earn a producer's credit, is neither convincing nor valid. Baldwin had a legal and moral responsibility as one of those in charge of the production.

By Hollywood standards, *Rust* was an ultra-low budget film. This is a category, agreed to by the entertainment unions, which allows a production to hire non-union workers and pay wages below the prevailing rate when management is unable to find union workers willing to fill the roles because of the bad conditions and pay.

*Rust* was plagued with safety and other issues from the outset, stemming from the shoestring budget. Workers, who had to be on their feet for 12 to 16 hours a day, were forced to stay in hotels 50 miles away. Many chose to sleep in their cars.

Some workers had gone three weeks without being paid. There were three other cases of guns misfiring on the set, two of them on the same day, less than a week before the tragic shooting.

Many of these issues were raised by crew members, four of whom sent written complaints to management the night before the deadly shooting and were escorted off the set the next morning by security.

In another indication of the deplorable conditions overall, the cart on which the guns and ammunition were placed was left unsecured and unattended for hours before the shooting occurred.

If management had not thrown the project together on the cheap, and created an atmosphere in which inexperience, low pay, carelessness and, finally, demoralization played prominent roles, the tragic accident would not have occurred.

One commentator on social media asserted that the 24-year-old Gutierrez-Reed, on only her second film as lead armorer, "got the job because nobody else wanted it. Nearly a dozen experienced prop masters or armorers turned down a job on *Rust*."

There is no reason to believe that Gutierrez-Reed lacks skill. As the *Los Angeles Times* noted, she "is the daughter of a veteran armorer respected throughout the film industry," who had herself been on film shoots from an early age. However, as a further indicator of the dangerous realities on Hollywood sets, prop master Jeffrey W. Crow told the *New York Times* that on her previous film as armorer, *The Old Way*, a Western, he had had to insist producers "hire a person to specifically focus on armory" because the film "included so many gunfights."

Crow commented, "I told them there was no way any person could do props and armory on a gunfighter movie safely because there were too many guns." On *Rust*, Gutierrez-Reed had two jobs, armorer and props assistant, inevitably dividing her concentration and focus.

One social media commentator expressed the wish that prosecutors "would have the same passion to bring charges forward when managers fail their workers who die in workplace accidents because they did not follow safety protocols. Instead, the companies just get insultingly low fines and move on with their day."

In this case, Rust Movie Productions (RMP) received a fine of $136,793, the maximum allowed by state law. Since RMP is a Single Purpose Entity (that exists for the making of one film), the fine will essentially be a tax write-off.

While SAG-AFTRA has come to the defense of Baldwin, the entertainment unions made the deal with *Rust*'s producers that allowed these conditions to exist in the first place. To oppose the dangers and low pay, entertainment workers need to build democratically controlled rank-and-file committees through which to conduct a struggle against the entertainment conglomerates.

To contact the WSWS and the Socialist Equality Party visit:

**wsws.org/contact**

© World Socialist Web Site