

2021 *Rust* movie set shooting tragedy: The product of low-budget, cost-cutting filmmaking

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On March 14, Alec Baldwin's attorneys filed a motion to dismiss an involuntary manslaughter charge against the actor in relation to the accidental shooting death of cinematographer Halyna Hutchins in October 2021. A weapon that Baldwin was holding during a rehearsal on the set of the Western film *Rust* in New Mexico discharged and killed Hutchins and wounded director Joel Souza.

A Santa Fe, New Mexico, jury on March 6 convicted the movie's armorer (weapons handler) Hannah Gutierrez-Reed of involuntary manslaughter in Hutchins' tragic death. Gutierrez-Reed was found not guilty of tampering with evidence. Last year, an assistant director on *Rust* pleaded no contest to negligent handling of a firearm.

The New Mexico authorities initially charged Baldwin, also one of the film's co-producers, with involuntary manslaughter in January 2023, a few months later dropped the charges and ultimately indicted him again in January 2024.

A good many issues have not been clarified surrounding the shooting, and different accounts of the conditions on the *Rust* set have been provided. However, certain social facts stand out. Local and state officials, with the complicity of the film industry and the industry's unions, have made every effort to scapegoat Gutierrez-Reed, a young, inexperienced film worker, 24 years old at the time, and, *as an actor*, Baldwin. This is part of a joint effort to divert attention from the dangerous conditions on film and television sets and the consequences in particular of low-budget filmmaking, with inadequate staffing and training, undertaken in the interests of cutting costs and boosting film company profits.

In the new motion to dismiss, Baldwin's attorneys claim that New Mexico state prosecutors have abused "an innocent person whose rights have been trampled to the extreme." The lawyers, however, place all the blame on Gutierrez-Reed, arguing that the armorer "is the *autonomous* decision maker with regard to gun safety" and that Gutierrez-Reed was responsible for Hutchins' death because "it was foreseeable that Baldwin would not check the gun."

The attorneys also cite a report from the New Mexico Occupational Health and Safety Bureau that "demonstrates that

Baldwin was not part of *Rust* management and that his authority on set was limited to creative decisions."

His legal team is attempting to defend Baldwin as an actor, while claiming that Baldwin the producer was not actually on the set in a management position. Prosecutors allege that Baldwin was responsible both as the actor who held the weapon and in his capacity as a co-producer.

Rust, whose filming was eventually completed in Montana, is known in the film industry as an Ultra-Low Budget film. This is part of a tier structure agreed to by the International Alliance of Theatrical Stage Employees (IATSE), and the Alliance of Motion Picture and Television Producers (AMPTP), which allows producers to hire nonunion crews if union members are unwilling to accept the low wages and poor conditions.

Immediately preceding the October 2021 accident, several workers who had made written complaints about safety violations the previous night, including three weapon misfires on the set in the last week, were fired and escorted off the set by security. Numerous workers reported not being paid for weeks and having to sleep on the set due to working 14- to 16-hour shifts, and having to drive 50 miles to their hotels. The *Rust* shooting also occurred mere days after IATSE called off an impending strike in which one of the issues would have been the conditions workers throughout the industry face daily.

The chief electrician on *Rust*, Serge Svetnoy, a friend of Hutchins, wrote on his Facebook page after the incident that he was "standing shoulder-to-shoulder" with Hutchins when she was shot. "I was holding her in my arms while she was dying," he wrote. "Her blood was on my hands."

Svetnoy went on:

I'm calling out to the Producers!

We have a fascinating and amazing job, but it's also dangerous. We film in the mountains, in the open water, underwater. We have explosions, shooting guns, car crashes, electricity after all, and much more.

To save a dime sometimes, you hire people who are not fully qualified for the complicated and dangerous

job, and you risk the lives of the other people who are close and your lives as well.

I understand that you always fight for the budget, but you cannot allow this to happen. There should always be at least one professional in each department who knows the job. It is an absolute must to avoid such a tragedy, like the tragedy with Halyna. ...

It is true that the professionals can cost a little more and sometimes can be a little bit more demanding, but it is worth it. No saved penny is worth the LIFE of the person!

Regarding safety on *Rust*, the New Mexico Environmental Division, which oversees the state's occupational safety and health administration, reported that its investigators determined the film's production company "failed in their obligation to provide a workplace free of recognized hazards. More specifically there were several management failures and more than sufficient evidence to suggest if standard industry practices were followed the fatal shooting of Halyna Hutchins and the serious injury to Joel Souza would not have occurred."

The report further asserted that when Gutierrez-Reed "had used most of their contractually limited 'Armorer Days,' they were issued a written instruction to focus less on their Armorer tasks and spend more time assisting the Props Department." When Gutierrez-Reed expressed a need "to ensure actors be able to safely handle a firearm with a holster, they were told by the Line Producer that the Armorer would be informed if that was necessary." Furthermore, when the young armorer "was scheduled to train the stunt crew on firearms safety, she was told that the Stunt Coordinator would handle that instead."

The set was plagued by safety issues that all flowed from one general source: the decision to do everything on the cheap.

Baldwin finds himself in a tragic situation. However, as a producer on the film and someone playing a significant role in the current film industry, the situation is partly of his own doing. The producers, government officials eager to attract low-budget filmmaking and the various unions share a combined responsibility for the working conditions and lack of safety on *Rust*, and therefore can and should be held responsible for Hutchins' death.

The production company, Rust LLC, has already been levied a paltry fine (\$100,000 in the end) and will not bear any further repercussions, financial or criminal, while IATSE is gearing up to impose another betrayal, after the 2021 contract did nothing to seriously address the safety issues. Meanwhile, the state, through its prosecution team, seeks to demonize this or that individual to conceal the hazardous conditions.

In 2016, in one of the most recent reports that can be found, the Associated Press (AP) pointed out that every year, "workers on both sides of the camera are maimed, burned, break bones and even die striving to deliver entertainment that packs

multiplexes and commands top TV ratings. ... Yet in an industry where virtually everything is tallied and every success is touted, set accidents remain largely hidden and the consequences usually amount to mere thousands of dollars in fines paid out of multimillion-dollar budgets."

The AP determined that, since 1990, at least 43 people have died on sets in the US and more than 150 have been left with life-altering injuries, numbers derived by combing through data from workplace and aviation safety investigations, court records and news accounts. And those figures almost certainly don't tell the entire story: The AP found several instances in which major accidents either weren't reflected in investigation records or did not appear in an Occupational Safety and Health Administration (OSHA) database of the most serious set accidents.

The news service also reported that despite the 200 serious film and television set accidents, OSHA only carried out 30 investigations and initiated just *one* criminal prosecution between 1990 and 2014.

What the WWS argued when *Rust's* production company was given a slap on the wrist holds true, especially considering that a new round of IATSE contract negotiations have begun:

The government may well yet find a worker or even a middle manager to scapegoat for this crime. The conditions that entertainment workers are forced to endure will continue, with future loss of life, until workers take the conduct of their struggle out of the hands of IATSE and build new, democratically controlled organizations to defend their lives, living standards and working conditions. This means building rank-and-file committees in opposition to the labor-management bodies that do the bidding of the industry, and the fight for workers' control over the pace and hours of work, health, and safety.



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