

Weapons handler Hannah Gutierrez-Reed receives brutal sentence over 2021 *Rust* set death

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In a crass display of class justice, Hannah Gutierrez-Reed, the armorer (weapons handler) on the set of the film *Rust*, was handed the maximum allowable sentence, 18 months in prison, for the felony charge of involuntary manslaughter earlier this week in a New Mexico courthouse.

Gutierrez-Reed, now 27, was initially charged with both involuntary manslaughter and tampering with evidence in the death of cinematographer Halyna Hutchins in October 2021. Hutchins was 42 and considered to be a rising star in the industry when her life was tragically cut short after a weapon with live ammunition discharged during filming of the western *Rust*. Director Joel Souza was also wounded by the same bullet.

In handing down the maximum jail time, Judge Mary Marlow Sommer entirely and arrogantly dismissed the findings of the New Mexico state authorities when she insisted at the sentencing hearing, addressing Gutierrez-Reed, “You alone turned a safe weapon into a lethal weapon. But for you, Ms. Hutchins would be alive, a husband would have his partner and a little boy would have his mother.”

This directly contradicts the New Mexico Environmental Division (NMED) finding two years ago, which asserted that rather than the armorer bearing complete responsibility, “Our OSHA investigators determined that Rust Movie Productions, LLC 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.”

Rust was what was termed an Ultra-Low Budget film, a category 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.

A previous investigation revealed that the working conditions on the set were appalling, with crew members expressing “their surprise and discomfort with *Rust* management’s lack of action regarding the worksite safety,” immediately preceding the shooting.

Management also flippantly dismissed other misfires from guns on the set, two of which happened on the same day less than a week before Hutchins lost her life. The findings also spelled out that when “the Armorer [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 the Armorer 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. When the Armorer was scheduled to train the stunt crew on firearms safety, she was told that the Stunt Coordinator would handle that instead.”

In other words, Gutierrez-Reed, then 24 and in only her second film as armorer, was forced to do two jobs for eight days during shooting. Her protests and the protests of others were ignored. “We cited everything from lack of payment for three weeks, taking our hotels away despite asking for them in our deals, lack of COVID safety, and on top of that, poor gun safety!”

Poor on-set safety period!” one worker recalled on Facebook.

The state found the production company, Rust LLC, guilty of endangering the lives of everyone on the set and while they did hand down the maximum allowable fine under state law, this came to \$136,793, an amount—as many pointed out at the time on social media—that was less than the catering budget for most film wrap parties. This hardly rises to the level of a slap on the wrist.

In fact, it represents no deterrent at all to studios or producers determined to cut costs at the expense of workers, actors and others. With budgets running into the tens and hundreds of millions of dollars, why would a conglomerate worry itself about \$136,000, little more than a rounding error? This is a green light, provided by the authorities, for permitting conditions conducive to industrial accidents. No doubt, New Mexican officials, whether limited by state law or not, had no desire to discourage film companies in the future from taking advantage of conditions and workers there.

Producers and union bureaucrats will not accept “accountability,” as Judge Sommer claimed, in bringing down the hammer of class justice on Gutierrez-Reed, a hammer that affects all those forced to work in unsafe conditions while often doing a job that was once done by two, three or more people.

The capitalist legal system is designed to protect those at the top from facing responsibility for their criminal actions, while scapegoating and punishing the small fry. A prime example of this is the case of Boeing, whose top officials are responsible for the deaths of hundreds and hundreds of people. Rather than face charges for their criminal misdeeds, they are handed golden “get-out-of-jail-free” parachutes. Dennis Muilenburg, Boeing’s former president and CEO, was handed \$80.5 million when he was forced to resign, and the size of the severance packages of the recently departing Boeing executives has yet to be publicly revealed.

Apologists for big business will point to the fact that Alec Baldwin faces charges as well, and that he was a producer of the film. While this is true, Baldwin is not being tried as one of the producers of the film, a group that also includes Ryan Donnell Smith, Ryan Winterstern, Nathan Klingher, Anjul Nigam and Baldwin’s manager Matt DelPiano, none of whom will

face charges in the tragic incident.

As an article in the *Hollywood Reporter* in January 2023 quite rightly pointed out, this group of individuals “insulated themselves from the law long before the death of the cinematographer ... As is routine in Hollywood, the production established a special-purpose LLC, Rust Movie Productions [RMP], to do business. Its main purpose is as a financial instrument. But it not incidentally provides those who run the organization with an impressive shelter from statutory consequence for doing so.” The article cited the comment of entertainment attorney Bryan Sullivan, who noted that “the whole point of creating [RMP] is for liability purposes.”

Baldwin is being tried for his role as an actor, for pulling the trigger (which he disputes doing), he is not being tried as a producer. It has never been industry practice for actors to check the weapons handed them, and if he is convicted of involuntary manslaughter that would have far-reaching consequences affecting not only performers, but workers in every industry should something go wrong with equipment provided to them by management.

Workers everywhere will be caught in the Catch-22 of being legally responsible if they violate industry standard operating procedures, but also liable for termination if they do not violate those standards. This is class justice in the United States in 2024.



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