

Published: December 16, 2007

DAWN IMAGES

And the WGA Said: Let There Be Strike – With Due Reason

By Mohammad Kamran Jawaid

“The alternative to striking now for a fair wage would be to accept the future prospect of simply not being paid, which no worker would accept” replied Bob Harris, in his e-mail back to yours truly.

Mr. Harris is a screenwriter (with credits in the original *CSI* series) whose 12,000 member sodality – the Writers Guild of America – WGA – has been on strike since 5th November.

There is no hostile tension gnawing within their stomachs. No military or local police. Just a lot of picket signs in air backing a select committee of negotiators as they battle out AMPTP – Alliance of Motion Picture Television Producers – over residual demands.

Like every great historic war this is about justification. Like every recent war, it’s about financial gain.

Every three years the Writers Guilds (there are two, the East and the West), a labor union representing television and film writers, renegotiate its basic contract called the Minimum Basic Agreement (MBA), with the AMPTP, the trade organization that employs the writers.

The MBA includes key issues of DVD residuals, union jurisdiction on reality show and animation writers and the core issue of ‘New Media’ compensation, which every media conglomerate acknowledges will bring in revenues in the *billions*.

‘New Media’ refers to content written for or distributed online and other emerging digital technologies, an area where the writers aren’t indemnified. The union’s current demand is of a percentage of the profits that the studios would receive.

“As things stand, we get paid nothing - zero, zip, nada - for internet streaming, downloads, etc. Since that's going to be a large and possibly

dominant part of the future, all we're asking for is to be paid more than nothing when other people profit from our work. Since we're asking only for a percentage, the argument is nonsensical anyway. If they get paid for our work, we should, too” writes Mr. Harris.

Duane Adler, screenwriter of *Save the Last Dance* and *Step Up* e-mails back: “We’re not trying to lock them into set fees – at least we weren’t at the start of this, negotiations may take us that way. We came with the belief that if the internet and New Media becomes what we all think – and becomes these billions of dollars in revenue that they are projecting to stock holders on Wall Street – then we, as creators, are entitled to a part of that revenue. If ‘New Media’ doesn’t become what we’re all thinking. If it all goes away, if they don’t make money, then we don’t”

Harris Tulchin, a veteran entertainment attorney, suggests through his e-mail that “the parties need to make a deal on a three year salary raise and go back to work and then designate a joint committee to come up with the solutions on downloads and streaming” Mr. Tulchin’s clients include major talent as well as studios.

Although ‘New Media’ does hold immense potential, it is still in uncharted waters.

“It’s a bit speculative” adds Mr. Tulchin. “A colleague of mine started *CinemaNow* which is one of the leading streaming and downloading sites for movies. The company has been in business 8 or 9 years and is still losing money. Its studio run direct competitor was also not making money and sold itself to *Blockbuster*”.

One of the major points of negotiation has been the issue of DVD residuals payable to the writers, which currently amounts to \$0.04 per DVD sale.

“We only agreed to such a low figure twenty years ago as what was supposed to be a "temporary measure," when the technology was new and more expensive. This was a good-faith act by the writers. Two decades later, the studios have never increased the "temporary" four cents. How much are we asking for now? The gigantic sum of... eight cents” wrote Mr. Harris.

“If the companies make very little, they will pay the writers very little. If the companies reap large amounts, then the writers will be compensated in a small, but significant fashion” e-mailed Craig Mazin, whose resume as a screenwriter includes every *Scary Movie 3* and *4*, *School for Scoundrels*. His new movie, *Superhero!* is currently in post-production.

So far, the strike has severely crippled television production. Popular television programs have either been pulled off mid-season or put on the backburner until an agreement is reached. Feature film production is beginning to reflect the strike's effects.

Mr. Mazin wrote "I think we're starting to creep closer toward the zone where the 2009 feature film schedule will be seriously impacted. Independent films will be impacted more so than they would have been twenty years ago, because there are very few such "independent" films out there."

"Many of the event movies use writers each day throughout shooting, often for months. If we're on strike, there will be no writers working on these films. That means these films probably won't happen", commented Mr. Adler.

"The prequel to "The Da Vinci Code," "Musical Nine," by the director of "Chicago," Oliver Stone's next film, and Johnny Depp's upcoming project "Shantaram" have already been delayed. Many others will surely follow if there is no deal soon" surmised Mr. Harris.

However, if the issue isn't resolved, and soon, the Writers Guild strike might also coincide with the collective bargaining of the Screen Actors Guild (SAG) and Directors Guild of America (DGA) contracts, that share WGA's basic points.

"SAG and DGA have the same major issue" wrote Mr. Tulchin. "The WGA solution, if any would help, but perhaps my idea of a joint committee to solve the problem would also work for SAG and DGA as well. Whatever the writers get the directors and the actors will want their piece. That way we keep labor peace."

However Mr. Harris points out that "the studios respond to the Guild by saying they can't predict what the future revenues will be – but that's not what they're telling their own shareholders. They're not telling the truth to somebody"

"What the writers are asking for here isn't of a form or quantity that can somehow cripple or damage the companies. Therefore, the central question here is "How much money can we get a money-keeping machine to grant us?" wrote Mr. Mazin.

So far both sides have an unflinching attitude on the negotiation table. Historically, there have been two other strikes by the Guilds, one in 1960, the other in the 1988 – the latter had cost the industry some \$500 million.

“The union has been much stronger than I think the studios realized we would be, and every opinion poll shows the public overwhelmingly supports the writers in the strike” wrote Mr. Harris.

“Every writer I talk to wants to be back at work, but no one wants to go back till we have a deal we all feel comfortable with and moves us forward” wrote Mr. Adler. “I feel it will go on long as long as the other side refuses to actually negotiate with us and come up with a fair deal”

“Many of my predictions have been off, so I'm hesitant to speak with any confidence here” said Mr. Mazin. “My gut tells me that this won't be resolved before the end of this year. There's a decent chance that this will be the longest strike in our union's history”

~ Special thanks to Mr. Craig Mazin, Mr. Duane Adler, Mr. Bob Harris, and Mr. Harris Tulchin for taking the time out to respond, and to Mr. Gregg Mitchell from the WGAW for helping us out with the piece.

.....

Original URL:

<http://www.dawn.com/weekly/images/images2.htm>

Feedback:

Kamran Jawaid
m_kamran_j@yahoo.com

iMAGES – Dawn Newspaper
images@dawn.com