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USA

# The Writers Guild Strike

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**The former president of the Writers Guild of America West, Howard A. Rodman, joined Alan Minsky on Jacobin Radio to discuss the Writers Guild strike, begun a minute after midnight on May 2, after a near unanimous strike vote the day before. This strike action, the first in 15 years, is impacting TV, movies and streaming platforms across the country and the world. The last strike, in 2007-08, lasted 100 days and focused on the Internet when streaming was in its infancy and Netflix was still a DVD-by-mail company.**

**This time, the key points are residuals, preserving the writers room and ending the practice of so-called mini-rooms. They demand viewership transparency — writers want ratings data not algorithms — and protections regarding Artificial Intelligence (AI). All these issues create a threat to the ability of writers to earn a decent living. The interview has been edited for ATC.**

**Alan Minsky:** Welcome to Beneath the Surface. I'm Alan Minsky sitting in for Suzi Weissman. Today, we're going to talk with Howard A. Rodman about the ongoing writers' strike that is impacting TV, movies and streaming platforms across the country and the world.

Howard is a screenwriter, author, and professor. He is the former president of the Writers Guild of America West, professor and former chair of the Writing division of the USC School of Cinematic Arts, alumnus of the Telluride Association Summer Program and an artistic director of the Sundance Institute Screening Labs. He is the author of two novels, *Destiny Express* and the much heralded *The Great Eastern*.

Welcome Howard to Beneath the Surface. Why have writers chosen to go on strike for the first time in 15 years?

**Howard A. Rodman:** To sketch in some history, the 2007-08 strike was about jurisdiction over what was then called "new media" and became known as the Internet, and which we now think of as streaming. The companies were maintaining that they didn't have a business model for this experimental thing and that if it ever made money, then we could come back and talk about it.

We understood that without jurisdiction over new media, over the Internet, all production and all distribution would jump to that new medium and it would be the Wild West. We wouldn't have minimums, we wouldn't have pensions, we wouldn't have medical plans.

All the things that writers have fought for over the decades would simply disappear because work in new media wouldn't be covered by the Guild. We thought that was an existential crisis for us, and that's why we stayed out 100 days. And we won.

**AM:** Wasn't that around the peak period of what was called reality TV?

**HR:** The struck companies, in response to not being able to air scripted programming, aired what are allegedly unscripted programs.

Reality TV — as Vladimir Nabokov once said, "reality" is the only word that makes sense only between inverted

commas. They showed reality shows, but they weren't finding that those shows were actually filling their financial boats, and they really needed scripted content.

When they had to decide between giving us jurisdiction over the Internet or losing money hand over fist and having to report very disappointing earnings to Wall Street, they chose to resume talks with us.

**AM:** Haven't Hollywood writers and TV and film writers always been the secret hegemonic weapon of the United States of America? Is there anything that people around the world revel in more than the productions of these authors?

**HR:** The large success of the streaming companies — and now everybody's a streamer — is due to the global demand for scripted, dramatic content coming out of the United States. I think it's always been clear that the best work coming out of the United States has been at one and the same time an inspiration to people all over the world, that the world is far more beautiful than they let you see and far more terrifying than normally you're allowed to know.

## Scorpion and the Frog

**AM:** While *The Wire* and *The Sopranos* preceded that strike, in the '07-08 period we entered into what seemed to be a new golden age of American television. How do you relate the incredible success of those serial dramas coming out of the platforms like HBO in the era of '07-08? In what way have the issues that inform this strike chipped away at what was such an artistic high point in recent U.S. television?

**HR:** It will surprise neither you nor your listeners to know that capitalism is always killing the goose that lays the golden egg. Late period capitalism, or as I think is more accurately After Hours Capitalism, is in the business of the scorpion and frog story.

Frog wants to cross the river; the scorpion says, "Can I hitch a ride with you?"

The frog says, "No. You'll sting me and we'll both drown."

And the scorpion asks, "why would I do that?"

So the frog says, "Okay."

And the scorpion hitches a ride. Halfway across the river, the scorpion stings the frog and they both drown.

The frog asks, "Why did you do that?"

The scorpion answers, "It's my character."

I think that's the companies. The work of the members of the Writers Guild of America West and the Writers Guild of America East have made the industry unprecedented profits. It enabled a business model far more successful and friction-free than I think any business model capitalism has ever invented.

Just using Netflix as an example, they have in their possession 230 million credit cards. Once a month, they press a little button and something like \$3,600,000,600 million appears magically, reliably and repeatedly in their bank account — there's no invoicing, no showrooms, no salesmen, just ping.

And that is due to the global success of streaming content. If you think about the old days of the movie industry, they had to sell their product territory by territory. They had to dub or subtitle films. They had to ship cans across the globe, heavy cans of celluloid.

Now, for subtitling they have a voice-to-text apparatus. They beam it up to the satellite and then beam it down. Fortunately for the companies, if you live in China, Burma, India or any number of developing or soon to be developed countries, the first thing the customer does is get either a cable or a satellite dish.

If we just talk about the cash flow, American writers write scripted serial content. There's an enormous global appetite for it. It goes out there. People subscribe. And instead of there being a model based on any one show, or any one thing, or any one event, it's a model based on a subscription.

As long as they keep the audience's attention, as long as subscribers feel that in order to be a citizen of their community, they need to be abreast of what's going on in the world of streaming, as long as you give them just enough, they forget to unsubscribe. The companies have that button that they push every month and \$3.6 billion appears.

**AM:** What I'm interested in is the possibility that a writer in Hollywood can have a prosperous middle-class life where you can live as a human being and not under constant precarity. It seems right now, looking at the details of this strike, that way of living and being a writer is starting to close down. Apparently 33% of the writers back in '07-08 were receiving the minimum, now it's risen to 50%.

**HR:** And even more than that, among the community of show runners, the sort of writers who are like what A-list directors are to the directors, just 25% are working for the minimum. If you are a screenwriter, as I am, real income, adjusted for inflation, has declined at least 14% in the last five years.

If you are a writer-producer, your pay has declined 4% a year when you adjust for inflation. That's at least 20% less than you made a decade ago.

When I was starting out as a screenwriter, it was pretty uniform to get what is called a two-step deal. They hired you to do a draft and revisions. You do a draft, you get paid for it, you get a set of notes, you get paid to start your revisions, you get paid when you deliver your revisions.

Now more and more, there are only one-step deals. One and done. And of course, you end up doing an enormous amount of free labor because you do your draft and the studio doesn't quite like it or wants improvements or the producer wants something more. Of course you're going to do that; nobody wants to be labeled a draft counter.

And if you've got only one shot at getting this thing made, you're going to do all the writing that you can in order to make them happy. That's what screenwriters do.

## The Mini Room

**AM:** Tell us about the advent of the mini room. What is the mini room and why is it a major issue in this strike?

**HR:** Let me go backwards a little bit. If you think of what actually made possible the streaming companies, *The Shield* was the show that put FX on the map. *Mad Men* was the show that put AMC on the map. *House of Cards* was the show that put Netflix on the map. All of these companies owe their origins to some really smart writer-producers who wrote and then went to the set and produced.

That was the model that enabled those companies not just to make a lot of money, but to exist in the first place. But once there's a successful model, CEOs try to figure out how to put downward pressure on fixed costs and "rationalize" it. It's like that old joke about the venture capitalist who walks into a bodega and says, "Wow, imagine what this could be like if that guy behind the counter were out of a job."

They ask, "What if we hire a smaller number of writers? What if we hire them for a shorter period of time? What if we let them go before the show goes into production? Man, what an opportunity."

And they've been doing that. It's resulted in the alienation of the labor force. It's resulted in writers not being able to make their years.

Just to give a little history here: My father was a television writer. When he wrote a season was 39 episodes, and then there were 13 weeks of reruns in the summer. When I was coming up, a season was something like 22 or 23 episodes.

Now a season can be six episodes, but that can be your pay for a year. If you're being paid by the episode, it's a shitty metric for compensation for writers. It can be a very successful show, but the writer is working in a mini room for, six weeks, seven weeks, and then you're scrambling for work again.

It's the gig economy, it's the uberization of writing. And one of the things we fought back against in 2017 was something we called "options and exclusivity." It is where you could work on a six or eight-episode show but they held you in "first position."

That means in practice that you couldn't get employment other places, because who wants to hire a writer when somebody else owns their first position? If the show is renewed, the writer could be snapped back from you?

Due to the company's maniacal desire to have not only massive profits, which we were giving them, but more massive profits each quarter, they could show Wall Street that they were not only profitable, but increasingly profitable quarter over quarter.

This downward pressure on costs meant impoverishing writers. The companies worked to degrade writers, they worked to rake over the larger creative machineries that made them all this wealth in the first place.

## Bifurcated Product and AI

**AM:** Did the negotiators for the classical studios, however savage they were in terms of their labor negotiations, have greater concern for the product than the eight or so corporations that make up the AMPTP (Alliance of Motion Picture and Television Producers)? If all these guys care about now is the bottom line, won't that hurt the product?

**HR:** I actually think that they care about social capital as well as capital. Everybody wants to have an Oscar winner. When Marty Scorsese comes to Netflix and says, I've got this big expensive movie called The Irishman, they say Great, Marty, make it.

Just as the theatrical release movie business has become bifurcated, the industry contains both large, franchise-IP driven tentpole summer movies (industry term for high-budget blockbusters) and then little arty things, there is always a desire for the prestige product.

Everyone wants your *Iñárritu* film, everyone wants your Scorsese film. But at the same time, really what they are doing is trying to reverse engineer what will keep their audience from yanking their credit card from that magic machine.

**AM:** How does Artificial Intelligence play out in this strike? What do you see as the real life threats that exist because of AI?

**HR:** AI as it presently exists is pretty clumsy. If you ask AI to cough up a bio of Alan Minsky, you will find some things that are true and some things that seem like science fiction. AI doesn't understand the difference between probability and certainty.

I've asked it to write a screenplay in the style of Howard Rodman, thinking I could get my work done on the cheap. What you get is comical. But this is AI which has been trained for what — three months, four months, six months? The more material it has to train, the more of our work it can scrape up, the more it can be capable of doing things which are... creative? No.

Are they as stupidly satisfying as the most formulaic and stupidly satisfying things in the current marketplace? Maybe. I don't know.

What we want as writers is to be paid to rewrite people, not artificial intelligence. They would not even make a counterproposal, other than to say once a year we'll meet to talk about technology. We said we would rather not have AI do our jobs; they said, nah.

I did something interesting. I asked an AI chat to respond to our concerns. Here's what the AI generated.

"It's understandable that the Writers Guild of America would express concerns about the potential impact of AI on their profession. AI has made significant strides in recent years and has been used in various capacities to assist in the creation of written content. However, writing for film and television requires a level of creativity, nuance and storytelling that is difficult to replicate through AI alone."

That's from the horse's mouth.

The fact that in the same way that in 2007-08, the studio asked us why we were focusing on the Internet. They maintained it was just a little technological thing. Now they're asking why are we harping on AI? We're harping on it because if they could get rid of our jobs, they would.

## Prospects and Solidarity

**AM:** Between the introduction of a script and the final product being delivered, the sides seem to be very far apart. What do you see in terms of any potential ground being closed? As an expert with real life experience with these negotiations, what will the next few months look like?

**HR:** I just want to emphasize that whereas the 2007-08 strike was largely about one issue, this strike is about a whole constellation of issues which, taken together, create an existential threat to the ability of writers to earn a decent living.

If you write a feature and it ends up having a theatrical release, you get compensated a lot better than if it ends up being a streaming release. We think those things should be equalized by raising streaming feature rates up to theatrical rates instead of a race to the bottom as it currently is.

We are saying yes, there are new technologies, but don't use them to pay us less for more work. And because there's no one single issue, resolving it really means a commitment on the part of the companies to view writing as a sustainable enterprise.

Given their responses to the Writers Guild proposals, it doesn't feel like they do. It feels like they, like so many of their colleagues in Silicon Valley come out of a kind of Peter Thiel-esque libertarian philosophy.

They would rather replace careers with gigs, and they would rather replace continuity of employment with sporadic employment. They want to hire a writer for a shorter period of time and pay as little as possible for each step. It's sort of like an assembly line, you know, where writing appears only at the instant it's needed.

Unless the companies are willing to understand that they've broken the system of writing and if they want to continue making massive profits they've been making, they've got to fix it. Until they understand that, this strike will go on.

I've been in the Guild since 1989. I've been in leadership since 2004, although I am not currently in leadership, and I've been on many negotiating committees. I've never seen my union more united. I've never seen my union more resolute.

Interestingly enough, I've never seen the kind of support that we're getting. When Local 399 of the Teamsters appears before a room full of 2000 writers and says not a fucking truck will cross a picket line, when even the Directors Guild of America sends the head of its negotiating committee to speak to a roomful of writers, I'm feeling pretty good about the resolve of the community of writers.

And I'm feeling pretty good about the fact that the community understands that in 2023 what writers are fighting for is what everyone needs to be fighting for. If they can beat the writers down, they're going to beat everybody down.

## Figuring the Costs

I don't see a swift solution. I think what will end it eventually is simple math, when the companies realize the cost of not having writers is greater than the cost of what they would have to pay to have writers. Then they have to calculate their reputational loss and maybe hits on the price of their stock, which they really care about.

One of my favorite American films is a movie called *Body and Soul*. It's a boxing movie with John Garfield. It was

directed by Robert Rossen. It was written by the inimitable Abraham Lincoln Polonsky. And at the end of the movie John Garfield, who's an up-and-coming boxer and comes out of poverty, is asked to throw a fight. The big money is against him.

He makes a speech about his dignity, about ethics. But the boxing promoter says to him, there's addition, there's subtraction, and the rest is conversation.

I think that's what's going on here. When they add up the numbers and realize that the cost of a protracted writers' strike is greater to them than the cost of treating writers with dignity, the strike will end.

**AM:** My understanding is that SAG and the Directors Guild of America and SAG-AFTRA Screen Actors Guild are looking at potential work stoppages in June. How might that play into how the arc of the strike turns?

**HR:** SAG has its negotiations coming up, and it remains to be seen whether the intransigence of the studios with the writers extends to their intransigence with the other guilds. Traditionally the Writers Guild has been far less afraid to be militant, far less afraid to strike.

On the basis of the Writers Guild's willingness to strike, the other unions have, through that delightful device of pattern bargaining, piggybacked on the gains that the writers gained by striking. It remains to be seen what would enable them to strike.

[NOTE: The Directors Guild of America won a renewal of its contract at the beginning of June, with highlights indicating the promise that directors cannot be replaced by AI and increased residuals for subscription video on demand.

SAG's began negotiations on June 7; their contract is up at the end of June.—ed.]

**AM:** We also had the IATSE (International Alliance of Theatrical Stage Employees) strike. IATSE was involved in a very dramatic set of negotiations that turned out largely favorable to the union.

**HR:** Something interesting happened there. Generally when leadership of a union comes out of negotiations and says this is the deal, it's the best deal we could get, we won some things, we couldn't win everything, but we're recommending this to you, it's approved.

That's been traditional Hollywood union labor practice. This one was not approved by such a large majority. There was a lot of pushback and I think the lesson is that there's more militancy among the rank and file than there is among the leadership of some of these unions.

What I love about the community of writers — the WGA-West and the WGA-East — is there's no daylight between the militancy of the rank and file and the militancy of the leadership. The leadership of the Guild is never going to cut a cruddy deal and then try to convince its members that it's got enough non-crud in it to justify voting for it.

That's not who we are, and that's certainly not what we're going to do in 2023.

**AM:** There is a quite a significant uptick in enthusiasm for unions and for union militancy among the general public. This undoubtedly is even higher in metro New York and in metro Los Angeles relative to the rest of the country. How



## The Writers Guild Strike

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might you see that playing into this strike? How can people best show solidarity for striking workers?

**HR:** Polling approval in the United States for labor unions hasn't been higher since the Roosevelt days. It's pretty astonishing.

If you look concretely, you have very pro-labor people coming out from the labor movement and winning seats on the Los Angeles City Council. I do think that the more favorable the larger environment is toward organized labor, the easier it is for any given union to be successful in its struggle because we've got the wind at our backs now.

In terms of what other people can do, certainly the Writers Guild has been posting the schedules of where it's picketing, with handy little sheets about where to park and where the nearest bathrooms are.

Come join the writers on the line. Come walk around. Get your 10,000 steps a day in, in a very pleasant environment, talking to some lovely people. That's something you can do. If you are a writer, not yet in the Guild — what I think a lot of people are now calling free WGA, understand that a lot of people are giving up a lot of time and a lot of money to ensure your ability to earn a living.

So don't cross the picket lines, don't scab, don't work for struck employers. Understand that this is not an opportunity for you to advance. This is an opportunity for you to join a community in an honorable way.

And for everyone else, I think really the best way you can be supportive is when you pick up a newspaper and start reading those stories about the dry cleaners, the caterers, all the damage that the writers are doing to the economy of Los Angeles and New York — understand that it's not the writers who are doing this.

Understand that at any moment, day or night, the companies could choose to negotiate in earnest. They haven't yet, but that if there are larger economic, social repercussions and if you can't see your favorite late night TV show, that the onus for that is not the writers, but the companies that forced them to go on strike.

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