

An open letter to SAG, The WGA and The Studios.

The best predictor of future behavior is past behavior or past performance in a similar situation.

Bob Iger stirred up some shit, hasn't he? His recent statements opining that striking actor and writer demands are unrealistic and perhaps most incendiary--the belief that the studios can wait things out until writers and actors lose their homes reverberated throughout The Town and across the land.

The Screen Actors Guild enjoined the battle against the titan studios, prompting *Hellboy* actor and a Son of Anarchy, Ron Perlman to warn Iger via social media that people know where he lives.

Iger might have kicked a hornet's nest, but he kicked on behalf of pretty much all of his fellow executives and studio honchos—and they're right. Time is money and the studios have plenty of both. A final battle is shaping up and I'm not sure SAG and the WGA see the IMAX picture and might be focused on the home screen instead.

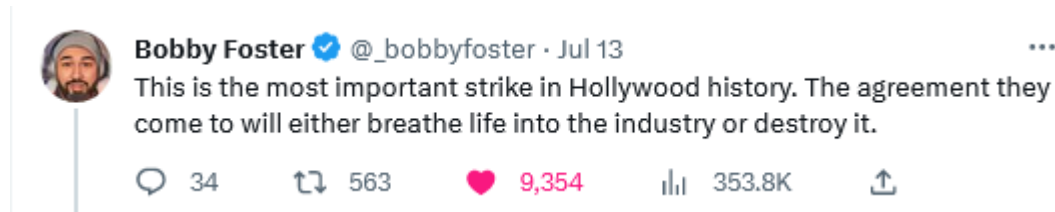
At the center of this is Artificial Intelligence known to most as "AI." The residuals issue for writers and actors is only the tip of the iceberg and if SAG and the WGA don't see this, all is lost. Every aspect of our world will be impacted by AI. It already is.

The development of this software will impact the human race greater than the splitting of the atom as *Oppenheimer* rolls into theaters and streaming. Watch that film; it's an analogy for what's already here and to come with AI.

This strike will only postpone the inevitable if the bigger matters are not addressed. I see this strike as writers and actors, artists, wardrobe designers in an *Alamo*-style standoff with the hoard of AI bots swarming outside the walls let by men and women in suits, directing the battle from the safety of their towers and yachts.

Their forces might be stymied for a week, maybe a month, but eventually the enemy will breach those walls.

The below screenshot of content creator Bobby Foster's recent tweet is succinct and on point:



I was a high school educator in another life. I remember when *Napster* came onto the scene and the fall of the music industry. That simple piece of software was a cancer that metastasized, and decimated everything we knew about music creation, distribution and live performances.

The worst part was the entertainment and music industry execs saw it all coming. And they did nothing.

Their plan was to hold out as long as possible, collect their bonuses and ridiculous salaries, knowing Rome was burning and fiddling the whole time.

I told my students in the late 90s that when the technology finally gets there, movies will be swapped as easily as music files. Then came the cable modem and the first pirated film I saw was *Freddy vs. Jason*, only a week after its theatrical release. While shot with a camcorder in a dark theater production, I saw the death of the theatrical release on my computer screen.

At the same time I saw the power of *Photoshop* with students swapping faces as early as 1998, and loving websites as *SomethingAwful.com* which featured a popular thing called *Photoshop Phriday* where users could send in their visual FX masterpieces, often blending current pop culture icons and old historical photos with amazing realistic results.

During our unit on the 1940s, I predicted that one day technology would allow us to see Tom Hanks star with Marilyn Monroe (or whatever star combo) on the big screen or our TVs. What's more, it can be a young Tom Hanks. I proposed the wonder of a digital Harrison Ford playing a young Indiana Jones forever.

Have a favorite James Bond actor? One day you can choose which Bond to star in a film or even swap out Roger Moore in *The Spy Who Loved Me* for Sean Connery or Daniel Craig or whomever, even Lazenby.

I told my students that if I were Harrison Ford, Bruce Willis, Tom Hanks, Brad Pitt, Jennifer Aniston, or whatever star, I would trademark my image and ensure that long after I am gone my family and estate receives fair licensing fees and residuals for future films bearing my likeness.

A few teenagers scoffed. "No way."

Then came *Rogue One* and Peter Cushing was resurrected to reprise his role as *Episode IV's* Grand Moff Tarkin. It wasn't some two-minute walk on cameo or the "way in the background just blurred enough" quick shot with an actor wearing a mask. Cushing dominated the screen and was in a large chunk of the movie. He was central to the story.

It was no *Dead Men Wear Plaid*, *Zelig*, *Forest Gump* or even a Humphrey Bogart *Tales From the Crypt* bit or hologram Tupac gimmick. Cushing might be the first actor memorialized as the first digital casualty of the coming Rise of the Machines.

Cushing's estate had mixed reactions to the use of his image in the film. While the estate granted permission for Cushing's likeness to be digitally recreated for the movie, there were some reservations and concerns expressed.

According to an article published by *The Guardian* on December 28, 2016, Robert Watts, a close friend of Peter Cushing and executor of his estate, stated, "We're very proud of Peter's involvement, and we think it is an honorable and right tribute to what a fine actor he was. It is not a cinema trick to make money. It is a tribute." This quote suggests that the estate acknowledged the digital recreation as a tribute to the actor rather than a commercial exploitation.

However, in the same interview, it was mentioned that the use of Cushing's likeness sparked a debate about the ethics of resurrecting deceased actors on-screen. Paul Wilmshurst, the director of an episode of *Sherlock*, tweeted, "I don't think it's right. [...] A recreation is not a performance. It's a reanimation. And actors have worked hard and long to achieve what they do."

This viewpoint implies a broader discussion surrounding the ethics and implications of using digital technology to recreate deceased actors' images.

There is limited information available regarding specific concerns from Peter Cushing's family regarding residuals and licensing fees for the use of his image in the film *Rogue One*. Publicly available sources do not provide direct quotes or explicit statements from the family members on this matter.

It is reasonable to assume that financial considerations may have been part of the discussions between the estate and the filmmakers. The estate likely negotiated an agreement that addressed compensation, potential residuals, or licensing fees for the use of Cushing's likeness. However, the specific details and any concerns expressed by the family regarding these matters have not been widely reported.

It does show studios know these things must be addressed. They know the value of the artist because it was no small expense to bring Cushing back to the screen. His presence was needed for the artistic integrity and commercial viability of the film.

They knew then. They know now.

Gizmodo writer, Germain Lussier said this about bringing Cushing back to the screen: “This conversation feels like one people probably had in Hollywood decades ago. “Why would anyone want to see movies in color?” “Movies don’t need sound!” “How dare they bring back dead actors with CGI?” CGI characters are a fact of life and a continually evolving step in the development of the art of film. And much like those early color or sound films, the quality of them are only going to get better.”

To build on Lussier’s statement and to underscore my late 90s prediction to my class, I just watched a 40-year-old Harrison Ford fight the Nazis last week in *Indiana Jones and the Dial of Destiny*.

Christopher Reeve and Helen Slater just made cameos in the unremarkable video-game-come-to-life *The Flash* movie and we even got Nick Cage as Tim Burton’s Superman to boot. All of them were rendered as full, living actors and while not quite there yet, it’s a shot fired over SAG’s bow.

My message to all of my fellow filmmakers, writers and actors is borrowed from Bette Davis in *All About Eve*: “Fasten your seatbelts; it’s going to be a bumpy night.”

In a decisive move back in 1984, California’s state legislature set forth a groundbreaking statute, laying the foundation for posthumous publicity rights that would reverberate for half a century following an individual's demise. The catalyst behind this pivotal law was a momentous court ruling, which had exposed the lamentable absence of Bela Lugosi's heirs' authority to

safeguard his iconic image from being exploited in Dracula-themed merchandise. Prompted by the impassioned plea of the esteemed Screen Actors Guild, the legislature later responded by protracting these rights to an impressive span of 70 years.

“The issue for us is straightforward and clear,” a SAG-AFTRA spokesperson told us. “The use of performers’ work in this manner has obvious economic value and should be treated accordingly. This is why we fight around the country, state by state, for strong right of publicity protections for performers. The digital recreation and use of performers in audio-visual works is in the vanguard of our policy efforts to protect performers.”

Indulge me as I take you back to the late 1970s to illustrate my opening quote on past behavior being the predictor of future behavior. Let’s go back to a conversation Hollywood should’ve had in the closing years of the 70s.

The industry has a track record of screwing its actors and writers out of profits. The industry expanded with the advent of television when the medium could be controlled by a few and actors and writers saw they had little recourse in collecting residuals when their film work came to TV.

The Three Stooges tried to fight for their rightful share of broadcast residuals when their movie shorts came to television. Most of you reading this who know *The Three Stooges* work were introduced to them via TV weekend afternoon comedy cauldades not sitting in a theater watching their shorts open for a feature film.

Moe Howard, the lead stooge, tried to renegotiate their 25 year (seriously) contract with *Columbia Pictures* to no avail. Tens if not hundreds of millions were generated on the images of Moe, Larry, Curly, Shemp and the two Joes but none of it came back to them and went into studio coffers. When the video revolution came along, all of those *Stooges* boxed sets and

cassettes generated bank for the studios but nothing for the estates of the men who brought it all to life.

Here are several examples to illustrate the plight of *The Three Stooges*:

Limited Understanding of Future Revenue Streams: When *The Three Stooges* started creating their comedy shorts in the 1930s and 1940s, the television industry was still in its early stages. At that time, the primary revenue streams for content creators were theatrical releases and distribution to movie theaters. They likely did not anticipate the rise and dominance of television as a medium for broadcasting entertainment content.

Lack of Residuals in Early Television Deals: In the early days of television, actors and creators often did not have agreements or contracts in place to receive residuals (ongoing payments) for the repeated broadcasts of their work. As a result, *The Three Stooges* did not have provisions in their initial contracts that accounted for residuals from television airings.

Television Syndication Deals: As television grew in popularity, stations started syndicating content to fill programming slots. *The Three Stooges'* comedy shorts became highly sought after for television syndication due to their comedic appeal. However, the deals made for syndication often did not include provisions for residuals or ongoing payments to the performers and creators. Instead, the stations and syndicators obtained the rights to air the content for a flat fee.

Limited Control over Licensing and Merchandising: With the rise of television, *The Three Stooges* also saw opportunities for licensing and merchandising their brand and characters. However, they faced challenges in retaining control over these rights. The studios and production companies that owned the rights to their comedy shorts often held the authority to make licensing and merchandising deals, limiting the direct revenue that The Three Stooges could generate from these avenues.

That's a thumbnail sketch of the start of it all. The Stooges weren't the only artists to suffer at the hands of rapidly advancing technology to be clear.

Move past cable and outlets like *HBO*, *Prism*, *Cinemax* and all that went with the fights over residuals. Pass "Go" to the 80s and the VCR revolution.

I'll get right to it. The heads of "The Five Families" aka the heads of the studios should have called some kind of summit. All of them should have come to the table with SAG and all of the guilds to discuss what should be done with the incoming home video tsunami.

How will residuals be decided? What will go on with merchandising? What about “direct to video” sequels to films and the whole issue of using actor likenesses.

A definitive, long-term plan should’ve been hammered out; with the first order of business being what would be released onto home video. As with the Library of Congress, certain films should have been selected from each studio’s libraries and preserved for theatrical release only in a mutual effort of cultural preservation in lieu of quick profits.

Certain films should’ve been exempted from home video release with a plan in place for future films to fall under this protection. These films would receive special theatrical re-releases every so many years to keep them relevant and reinforce their importance to American cultural life. I am sure you all can rattle off movies that would qualify for this special status.

None of that happened.

Instead, quick releases were dumped onto videocassette (Beta or VHS) to make the fast cash. Terrible transfers with grainy, washed out pictures all cropped and “panned and scanned” were artistic abominations, but how the money rolled in as the market was flooded with sub standard content.

Old TV shows were dumped into boxed sets and individual episodes. Everything from *Gone With the Wind* to the latest 80s blockbusters were thrown out into the money machine and the studios reaped incredible profits.

Actors stood by with many never seeing a dime or not even a statement with zero printed on it. The laws could not keep up with the technology. Where Hollywood did clamp down was on pirating, investing sums of money into anti-copying technology like *Macrovision* which did nothing as the first film to have its video release encoded by it, *The Cotton Club* was not only copied by consumers but they mailed them to the studios and Francis Ford Coppola.

The studio executives didn't care. They were getting theirs and decades later, one of them, who had presidencies at several big studios, started a media love affair with being an industry doomsayer.

This guy proclaimed "Hollywood was over." The entire business was in freefall from streaming, pirating, the decline of physical media and the loss of control by the major TV networks.

He loved saying this while not acknowledging he was happily retired, sitting on a Everest mountain of cash, collecting his retirement, bonuses and residuals because he took his while the getting was good throughout the Gold Rush 80s and early 90s.

Now it was all over. As for the actors, writers, artists...they were on their own. Computers would take over. They already started--putting model makers and miniature builders into the unemployment lines. Green screen was now the standard. The irony of George Lucas's pioneering of new technologies was illustrated with this photo:



The laws could not keep up. Digital technology was moving toward the ability to create human beings and Lucas's Prequel Trilogy showed us how it would be done. *Jar Jar Binks* and others were created as major characters interacting with their flesh and blood actor counterparts.

When I saw *The Phantom Menace* for the first time, I said "uh oh" for more than one reason as I watched entire CG characters take over the screen and once real locations supplanted by walk and talks in front of giant green screens.

What did this all mean for the actors giving their voices or wearing the motion capture suits? Did they get a piece of the pie? What was SAG doing for them? What about merchandising? Broadcast rights...oh shit, wait...broadcasting was changing.

Blockbuster's demise has been sufficiently chronicled and *Netflix* led the battle cry for streaming channels. Soon "cutting the cord" became a badge of honor as millions parted with their expensive, cumbersome cable packages.

Network TV was in freefall by 2005. Network news was becoming relegated for aged Boomers and The Silent Generation that didn't want to deal with links, downloads and apps.

With torrenting piracy, theaters were hemorrhaging. I was a teenaged usher for *Music Makers Theaters* as a teen boy and returned after failing out of Penn State to become an assistant manager at the same mall multiplex when it became *Loews Theaters* (and then bought by *Sony*).

I know firsthand there are a number of reasons for the decline of movie theaters. The Internet is only part of a far bigger problem that is also rooted in outrageous budgets for films that have no choice but to recoup by taking almost the entire ticket price, leaving theaters to make money through their five dollar candy bars and ten dollar popcorns.

Add in assholes on their phones and people who just can't behave in public, coupled with violence in theaters and you have a disease of many origins.

Streaming and the advent of giant flat screen TVs and top end home theater sound systems, made it preferable for people to just watch stuff at home. No more hauling the family into the car, standing in long lines only to find the film sold out or sit in packed houses with bad climate control, poor sound and projection and filthy floors and bathrooms and spend over a hundred dollars for this pleasure.

Studio reacted with “Day and Date” windows. Some releases got home streaming premieres at the same time they debuted on theater screens. This was the illusion of “choice” for the moviegoer, but it resulted in no positive change in theatrical attendance.

Streaming channels moved away as passive exhibitors, creating their own studios and producing their own content. They did a *Carolco Pictures* and spent billions to lure A-list talent into their streaming camps.

Adam Sandler landed a six or seven picture deal with *Netflix*. *Amazon* and *Apple* announced their own production studios in a bid to kill *Netflix*.

It was *The Wild West*.

Money was flying, *Disney* got into the act with streaming its own shit in addition to remaking its animated product into live action thanks to CGI and AI. The profits rolled in.

With that very simplified history laid out, let me ask my fellow filmmakers, actors, writers this streaming question: How do you know how many people watched your work?

Do any of you have hard download numbers? When *Netflix* declares one of their films “The Number One Streaming Film On *Netflix*” why do we never see the numbers on that? There used to be ratings and there was hard data on how shows performed and where they ranked.

Why was that recent *Netflix* series, *1899* declared a number one streaming series to only have it canceled just a month or so later? How can that be? How can a number one series with incredible downloads be canceled because of apparent lack of viewership?

Where are the demographics for us to analyze. Why isn't *Sag* or any of the guilds asking for this data? If they have and have not been supplied it, why? It's a disconcerting sign that something really bad is coming.

This is an industry that still claims certain blockbusters like *Return of the Jedi* or *Indiana Jones and the Last Crusade* technically haven't turned a profit to this day. It's a boldface lie but why is no one challenging this?

Studios do this a lot and they do it to avoid paying residuals.

I was told by a former exec at a major studio all of you know, that "back in the day before computers" he walked the accounting offices with dummy financial sheets that showed movies didn't make any money and had the real data pulled from a film's records and replaced with this false information.

This was done to thwart audits from the guilds, filmmakers, etc. When they looked at the paper trail and followed the money, they were led to a dead end. Sorry, your film flopped and we have the data to show you.

We don't even have that now with streaming and digital downloads. All we have is the word of the studios. Efforts to subpoena this data are often ignored.

New Pierce Brosnan Netflix movie is a smash hit – and #1 in over 40 countries

By [Bradley Russell](#) published 2 days ago

The Out-Laws is a surprise winner

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(Image credit: Netflix)

Tony Gilroy, creator of the *Star Wars* spinoff series, *Andor*, said this in an interview with *Cinemablend*:

“One of the central issues of this entire labor experience is that I don’t have any idea what the audience is. We don’t know what that is, and I think that the obscurity of data doesn’t help anyone. Really. I think it looks like low-hanging fruit and easy profitability for certain corporations, but in the end it just crushes any kind of free market. It crushes the economics of the business, it means people are being overpaid and underpaid and never properly paid. It means that productions are overloaded with expenses up top because what used to be commonly residuals and royalties now have to be front loaded.”

We get parts of the picture but never the whole which is exactly how those running the system want it.

We are seeing it again. Studio executives are making sure they get theirs. They are fine with the industry being on fire. Many are on their way out or plan to just ride it as long as they can and then bail. They will take their perks and salaries and die wealthy.

Whatever happens, happens.

They will be like billionaire executive David Geffen who infamously posted his concerns for everyone to be safe at the outbreak of COVID from a drone shot of his massive super yacht from somewhere where the wealthy retreat in times of trouble.



SAG and every guild need to form a summit with the studios. From what I hear the leadership of SAG and the other guilds are saying something like, "Well, we did the strike. Now what? How is this going to shake out? I guess we wait for the other guy to blink."

This is dangerous for every single guild member because if the leadership is blind to the bigger picture and horizon, then all is lost.

The studios will get their way—they will control AI, they will phase out writers, actors, extras, day players, effects artists, wardrobe designers...the list goes on until every single position is accounted for.

Want to scoff like my students did almost thirty years ago?

This is about more than residuals or even image use; this is about the fight for art's soul. You can bet Iger and every single other exec is looking for the Holy Algorithm. A plug and play program that will generate a script based on all the hallmarks of previous hit movies and series.

They will approve the use of ultra realistic CGI and create digital stars and bring back the old and dead ones and they will lock it all up because even the entertainment lawyers for bloated talent agencies can't keep up with how fast this is all moving.

If you're an actor or writer and repped by any of the big agencies, ask your agent today, "What is the company doing to keep up with the changing laws on AI and digital?"

SAG and the WGA should be doing this. While you're on the picket lines, call your agents, call the lawyers, find out what's happening, if anything and most of all who is trying to control the narrative.

Bob Iger said what he said because he is emboldened. He speaks for his fellow studio heads and every executive that hates hearing about actor pensions and health care, retirements, residuals, points on back ends, copyright infringement or actor scandals, illnesses, on set accidents and tragedies, Me Too and sexual harassment lawsuits and exposure.

AI generated actors won't have any of this baggage.

AI generated scripts will be the sole property of the studios with a wonderfully simple chain of title.

These human problems are going away and you can bet the studios are all working toward this end. I am as sure of this as I was thirty years pontificating to a classroom of disbelieving teenagers with no vision of the future except for what was on their cell screens.

And here we are.

Christopher Nolan recently said this to *Deadline* on the eve of his fortuitous *Oppenheimer* debut: ““When you innovate through technology, you have to make sure there is accountability,” he said at a post-screening panel in New York. “A lot of companies for 15 years have bandied about terms like ‘algorithm,’ not knowing what they really mean in any meaningful, technical sense. These guys don’t really know what an algorithm is or what it does. People in my business talking about it, they just don’t want to take responsibility for whatever that algorithm does. Applied to AI, it has terrifying possibilities. Terrifying.”

It’s about the bottom line to the studios. It’s about art and a way of life for the artists holed up inside The Alamo. One is going to win. Do SAG and the WGA fight the battle for short-term survival or do they wage total war and bring the studios to the collective bargaining table in the biggest entertainment summit in the history of the industry?

Iger made it clear; he’s playing the long game. He and his fellow suits are planning to use a siege mentality to win this and if they do, they will.

Funny enough *Disney* and *Lucasfilm* have been repeatedly criticized (and with good reason) for having no long term vision for *Star Wars*. Their short term goal was to crank out as much product as they could to recoup the four billion paid out to George Lucas.

They excelled in a huge amount of mediocre to subpar content devoid of any real creativity or narrative focus. Looks like it worked. Now Iger says the market’s been saturated by

too much not so great stuff whether *Star Wars* or *Marvel* and is thinking of reigning in its TV content after all they did to get it up and out there.

That's a sign that he is willing to go to the mattresses on this strike and why, for many reasons, this could be the last one ever.

I end this open letter with a question I asked *Chat GPT* the much ballyhooed software boogeyman that is the face of much of this.

ME:

Give me the reasons why studios will eventually embrace artificial intelligence and phase out actors, writers and artists. I don't want an opposing view or reasons; I want a straight answer as to why the logical move is to have artificial intelligence create entertainment content.

CHAT GPT:

Cost Efficiency: AI-driven content creation could potentially reduce production costs by eliminating the need for expensive talent contracts, royalties, and ongoing payments to human creators. Once AI systems are advanced enough, they could generate content at a fraction of the cost associated with human involvement and wasteful human characteristics ranging from age, benefits and revenue sharing to start.

Speed and Efficiency: AI algorithms can process vast amounts of data and generate content quickly. This efficiency could result in faster production timelines, allowing studios to churn out more content in a shorter period. AI can analyze popular trends and preferences, producing content that aligns with audience demands, leading to quicker turnarounds and potentially higher profits.

Consistency and Replicability: AI algorithms can mimic established styles, genres, and formulas with precision. This replication can create a consistent output that adheres to proven formulas, reducing the risks associated with experimental or unconventional artistic choices. Studios may view this consistency as a safe bet for attracting audiences and ensuring commercial success.

Targeted Audience Engagement: AI has the potential to analyze vast amounts of user data, including preferences, demographics, and consumption patterns. By leveraging this information, AI algorithms can generate tailored content that specifically appeals to target audiences, increasing the likelihood of engagement and monetization.

Mitigating Controversies and Risks: Human involvement in the creative process can sometimes lead to controversies, conflicts, or legal issues. By relying on AI-generated

content, studios may mitigate these risks, as AI is seen as neutral, devoid of personal biases, and less prone to public relations challenges.

This is what we are up against in the entertainment field.

It's about more than residuals, SAG and WGA. This is a last stand for art and the other side has the technological high ground.

Charge that fucking hill, Teddy Roosevelt style.