



The Actor's Road to Empowerment

by Ken Orsatti, 1995

National Executive Director, 1981 - 2001

Imagine working on a film with unrestricted hours, no enforced turn-around and no required meal breaks. Imagine working under a seven-year contract that you cannot break and more than likely will be forced to renew, for a producer who can tell you who you can marry, what your morals must be, even what political opinions to hold.

This was Hollywood for actors in 1933 under the studio system. Rebel against the studio and you were in for a hard time, better to quit while you're ahead. Fortunately, a group of actors risked their careers to start the Screen Actors Guild. Studio boss Irving Thalberg swore he would die before accepting the Guild. In 1936, Thalberg died and in 1937, the studios accepted defeat and signed a contract with the Guild that, for the first time in Hollywood, gave actors a sense of empowerment.

But the road to empowerment did not end in 1937. While the Guild had won actors better working conditions, the studios still basically "owned" their stars. As there was a tacit agreement among studios not to raid each other for a stars services at their contracts end, actors were not able to choose their roles which is crucial in building a career.

Help came, however, in the form of actresses who were no longer willing to accept the absolute power of the studios over their destiny. After her triumph in *Gone With the Wind* (1939), Olivia de Havilland rebelled for better roles and was put on six-month suspension, and when Warner's refused to release her from her seven year contract at the end of its term by claiming that the term of her suspension should be added on to her contract, she sued and won in the landmark "[de Havilland decision](#)" opening up to negotiation the studios "term-contract."

A few years later (1948), the Supreme Court dealt another fatal blow to the studios in its anti-trust Paramount Decree ordering that the motion picture industry be broken up, clearing the way for independents to enter the industry. Suddenly, actors had the power to control their own careers. When Jimmy Stewart negotiated to work on *Winchester '73* (1950) for a percentage of gross receipts, he set a precedent for star deal power that is still in force today.

While there was reason to rejoice at the empowerment stars enjoyed with the dissolution of the studio system, for the non-star contract players, risk and insecurity were the inevitable side effects. The great dominant parents had sent their children out into the world to fend for themselves: guaranteed employment as it existed with the old studio contract was obsolete. However, while the studios were gone, a more benign guardian angel remained to fill the void in the form of the Screen Actors Guild. With the advent of television, the studio system was dealt its final blow. SAG was able to win rights for actors through its first commercials contract in 1953, residual payments for television reruns in 1952 and, in 1960, after a strike, residuals for films shown on television. With the implementation of the Pension and Health Plan, won in the 1960 negotiation, and residual gains, SAG's role in filling the studio system void and finding the means to empower its members was well on its way.

In 1969 the Guild board, "cognizant of the innate desire and need of actors to practice their craft, even under disadvantageous conditions" and "to encourage employment opportunities for Guild members," proposed the first low-budget theatrical contract. It was approved by the largest membership vote in the history of the Screen Actors Guild.

Today, the freedom and power for stars brought about by the demise of the studio system, is evident in the fact that most stars have their own production companies becoming, in essence, their own mini-studios. The actor who produces, directs, initiates his/her own projects is no longer a phenomenon but an accepted part of the industry.