NEGOTIATING THE CREATIVE SECTOR:
UNDERSTANDING THE ROLE AND IMPACT
OF AN ARTISTIC UNION IN A CULTURAL INDUSTRY

A Study of Actors’ Equity Association and the Theatrical Industry

DISSERTATION

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* * * * *

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ABSTRACT

Stage actors have long been an integral element of the cultural community in the United States. From vaudeville to the Broadway stage, actors have carved a niche for themselves in the theatrical landscape of the United States. Yet, little has specifically been written on the functionality of the primary theatrical actors’ association and union, Actors’ Equity Association. This dissertation examines the formation of the theatrical industry and the simultaneous development of Actors’ Equity Association as an institution within that industry. In doing so, the work makes connections between development of the industry and the role of Actors’ Equity Association on the field’s development. This interpretive historical inquiry sets the stage for the contemporary understanding of theatrical actors. The research is focused on unionism, the evolution of labor in the United States, the development of the theatrical industry, and the reactive and proactive behavior of Actors’ Equity Association.

This case study investigates the development of a creative sector union and its role within an industry through three lenses: resource dependence, institutional isomorphism, and collective action. Each of the theories offers a different perspective for understanding Actors’ Equity Association and the theatrical industry in which it operates. It is argued
the development of the theatrical industry is significantly linked to the collective action behavior of Actors’ Equity Association. Concurrently, resource dependence has helped shape Actors’ Equity as well as the larger theatrical field. Additionally, resource dependence and collective action have caused isomorphic change within the theatrical industry.
This work is dedicated to actors, past and present, whose passion has shaped an industry.
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CHAPTER 1

INTRODUCTION

Stage actors have long been an integral element of the cultural community in the United States. From vaudeville to the Broadway stage, actors have carved a niche for themselves in the theatrical landscape of this country. Thus, over the years, thousands of books have been published discussing the intricacies of the acting business, with most including a chapter or so on how to join an actors’ union. Yet, little has specifically been written on the functionality of the primary theatrical actors’ association and union, Actors’ Equity Association. Certainly, there has been research conducted about the union – particularly at its founding. However, this dissertation examines the formation of the theatrical industry and the simultaneous development of Actors’ Equity Association as an institution within that industry. In doing so, the work makes connections between development of the industry and the role of Actors’ Equity Association on the field’s development.

This study was conducted in order to further the understanding and facilitate the discussion of theatrical actors as creative workers and the industry in which they work. This interpretive historical inquiry constructs a history, a social context, and provides an understanding of why performing artists organized and behaved in the manner that they
did. The historical perspective sets the stage for the contemporary understanding of theatrical actors. The research is focused on unionization, the evolution of labor in the United States, the development of the theatrical industry, and the reactive and proactive behavior of Actors’ Equity Association.

1.1 Actors’ Equity Association

Actors’ Equity Association was founded in 1913 to serve as a bargaining agent for actors in the commercial theatrical industry. Equity was first formed as a professional association as opposed to a formal union; but, after several years of failed negotiations, Equity leadership turned to their sights to organized labor. The battle for legitimacy within the theatrical field was not easy. Yet, Actors’ Equity managed to propel itself from an organization representing less than 2,500 members to one to that boasted a membership of over 14,000 in just a few years.

Since those early years, Actors’ Equity has endured economic, political, and social crises including the Great Depression in the 1930s, the Civil Rights Movement of the 1960s, and the Culture Wars of the 1980s. Equity’s role has also expanded from one that only negotiated with the commercial theatre producers on Broadway to one that represents its membership in commercial and nonprofit companies nationwide.

In 2006, Actors’ Equity Association represents nearly 45,000 members in venues ranging from the Broadway stage to a dinner theatre in Duluth to theme park performers in
Disney World. The union has tackled nearly all avenues of live performance and, correspondingly, negotiates over 40 contract types with thousands of companies across the country. This dissertation tells the story of the development of Actors’ Equity Association as a professional association, a union, and a catalyst for change within the theatrical industry.

1.2 Labor Unions
The United States Code defines a labor union as “any organization of any kind, or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.” Since the foundation of labor unions in the United States, unionism has been a controversial issue that elicits strong opinions on both sides. Supporters of unionism state that “trade unionism helps level the playing field in wage determination, ensures that employees get adequate working conditions, provides democracy and self-government in the workplace, and gives workers a voice in the nation’s political process” (Bennett and Kaufman 2002, 3). American unions have certainly played a major role in the establishment of legislation that has ensued a minimum wage, maximum hours of work, and guaranteed safe and sanitary work conditions. However, critics of unionism argue that “unions possess monopoly-like market power that results in inflated wages and a host of other economic distortions, rely on coercion and abridgement of individual liberty to gain their ends, and too often are corrupt and/or nondemocratic in their internal
governance practices” (ibid.). Indeed, contemporary data does show that union workers earn more than non-union workers. In fact, in 2004, union workers earned an average of 28 percent higher wages than their non-union counterparts. Additionally, American unions are typically the picture of “Big Labor” with most organized as top-heavy bureaucratic structures.

Yet, regardless of a pro-union or anti-union attitude, the decline of unionization in the United States can not be denied. The first half of the twentieth century in the United States saw a steady increase in the union membership (Figure 1.1). This increase was fueled by poor work conditions, low wages, and the lack of enforceable labor laws. Private sector union membership reached its peak in 1953, but since then there has been a steady decline. There tends to be a disagreement over the cause of private sector unionization in the discourse. Many authors argue that union membership decline is due to a failure of union organizing activity in the 1970s and 1980s. Freeman (1988) proposes that it is a resurgence of opposition to unionization by employers. Meanwhile, Macpherson and Stewart (1990) contend that the economic environment has become increasingly available to foreign competition; thus, unions could no longer guarantee workers job security and higher wages. Farber and Western (2002) in Accounting for the Decline of Unions in the Private Sector, 1973-1998 argue that “the decline in the private sector union membership rate was due primarily to changes in the economic environment that made union representation of less value to workers or more costly to employers” (29).
Figure 1.1 – Private Sector Union Density, 1900-2005

This decline in private sector union membership has resulted in a significant loss of unionized workers in the U.S. In the 1950s, one-third of workers in the United States were union members; in 2005, only one in ten workers was unionized (Bai 2005). Yet despite the current decline, unions have had significant impact on employers, policy, and entire industries. For nearly a century, performing artists have been included as a segment of the unionized workers in the private sector. However, it has not be known whether or not unionized performing artists, specifically actors in Actors’ Equity Association, have had comparable power and authority in the development of the
theatrical industry in the United States as well as whether or not they were experiencing
to current decline.

1.3 Statement of Problem

The primary assumption of this study is that Actors’ Equity Association had an impact on
the development of the theatrical industry in the United States. Yet, the magnitude and
importance of the union’s role in the field’s development was not known. Thus, the
dissertation was designed in an attempt to understand the theatrical field as a whole and
the purposes and motivations of Actors’ Equity Association. Therefore, during the
course of this investigation, the following questions are addressed:

- What was the impetus for the creation of the union, Actors’ Equity Association?
  Does the historical motivation differ from the contemporary motivation?

- How does the concept of institutional isomorphism help explain the actors’
  gravitation toward unionization at the turn of the twentieth century?

- How can the theory of institutional isomorphism be used to better understand the
  construct of the theatrical industry?

- Why do actors join Actors’ Equity Association particularly since collective action
  theory contends that is irrational for individuals to take part in group action?

- How important is the idea of professionalization to actors and Actors’ Equity
  Association?
Furthermore, the political, economic, and social environment have become more resistant to labor unions and organized labor efforts. Not only have private sector labor unions declined in membership, influence, and public support but many are questioning their relevance in our contemporary world. Currently, only eight percent of private-sector workers are unionized while 36 percent of government workers are unionized. Moreover, overall union membership rates have steadily declined from a high of 32.5 percent in 1953 to just 12.5 percent in 2005.

Yet, membership in creative sector unions is not dropping. In the last 25 years, Actors’ Equity has increased its membership 34 percent. Thus, one of the driving forces behind this research is the ostensible divergence of Actors’ Equity Association and the larger organized labor movement. Keeping in mind that membership figures alone do not prove the viability or necessity of an institution, this study also seeks to examine questions regarding the probability of the survival of a union in non-union times:

- Has the changing perception of organized labor affected Actors’ Equity Association?
- Despite an increasing membership, is Actors’ Equity showing signs of distress as other private sector unions are?
- How might Actors’ Equity stave off irrelevance in the twenty-first century?
1.4 Overview of Dissertation

The first chapter to the dissertation introduces the reader to the ideas driving the subsequent research including, Actors’ Equity Association, the theatrical industry, and labor unions. Furthermore, it articulates the research questions to be considered throughout the remainder of the work.

Chapter Two presents the conceptual framework that will be utilized within this study. This dissertation investigates a creative sector union through the lenses of three theories. Each of these theories allows for the consideration of an institution from a different perspective. In this case, the behavior and influence of Actors’ Equity Association is studied on an organizational theory continuum which provides an opportunity for examination at macro and micro levels. Resource dependence theory allows for a macro understanding of the environment in which Actors’ Equity exists. Collective action theory allows for an internal examination of the behavior of Actors’ Equity Association as it exists as a labor union. Meanwhile, institutional isomorphism serves to provide an understanding of how the theatrical industry developed into a homogeneous field as well as influenced the organization structure of Actors’ Equity.

Chapter Three explains the research methodology utilized in the study. The dissertation was conducted as an embedded, single case study, which utilized a mixed methods approach to data collection and analysis. While case studies are not generalizable, this method of inquiry was chosen as it allows for the search for “how” and “why” questions
in situations where the researcher has no control over the events. The study utilized
documentation and archival records including letters and memoranda, administrative
documents, formal studies by other researchers, newspaper clippings and organizational
records. Additionally, the case study utilized an embedded design in order to allow for
multiple subunits of analysis. First and foremost, the study investigates Actors’ Equity
Association. In order to best understand the progression of the actors’ union, the study is
divided into five developmental time periods. Each time period is also subdivided into
units to understand each environment in which Actors’ Equity must contend: the
economic, political, and social environment in the United States, developments in the
national labor movement, and the structure and movements of the theatrical industry.
Moreover, within each developmental period the collective action behavior of the union
is documented. Finally, each chapter ends with an analysis of the activity in the time
period with regards to the theoretical framework.

The investigation of Actors’ Equity Association begins in Chapter Four, *Industrialization, Monopolies, and Worker Rights*. This chapter tracks the early
developments of actors’ associations in the late 1800s to 1919 in an effort to gain
workplace rights. It discusses how theatre developed into an industry that generated
profit for its owners, employed workers, and contributed to the larger economy. These
issues are discussed against the backdrop of industrialization and early organized labor
efforts.
Chapter Five, *Unionization, the Depression, and Government Action*, investigates the time frame between 1919 and 1949. It begins with Actors’ Equity staging a strike to earn recognition as the collective bargaining arm for actors. As the years progressed, Actors’ Equity also was forced to contend with motion pictures, the rise of noncommercial theatres, and the troubled years of the Depression. While the Great Depression was devastating for American workers, significant labor legislation was developed due to the economic circumstances which will also be discussed. The chapter concludes as the United States enters World War II.

The 1950s and 1960s solidified Actors’ Equity as a vital institution in the theatrical industry. Chapter Six, *Commodification versus Public Purpose, Norms and Professionalization*, discusses the diversification of the theatrical industry and Actors’ Equity’s role in the development of professional theatre outside of Manhattan. It provides a background of the country’s battle over civil rights as well as Actors’ Equity fight against segregation. It also introduces the changing nature of the American lifestyle as suburbs grow and televisions provide a main source of entertainment.

Chapter Seven, *Crashes, Booms, and the Decline of Organized Labor*, looks at the last three decades of the twentieth century. It describes the downward spiral for organized labor and the incongruously stable environment for Actors’ Equity. It tracks the last major battles of the actors’ union Off Broadway and Off Off Broadway.
Chapter Eight, *A Look at the Twenty-First Century*, provides an understanding of the contemporary labor and theatrical environments. It highlights the problems for organized labor in the United States. Moreover, it discusses the contemporary conditions for theatrical actors and presents a discussion regarding the wages and benefits of a current Actors’ Equity member.

Chapter Nine, *Reflections for the Future*, the final chapter of the dissertation, summations of the key developments in each time period are reviewed. Additionally, the final chapter revisits the research questions stated previously to see if satisfactory answers have been found. Finally, the dissertation concludes with new questions and considerations for Actors’ Equity Association and the theatrical industry.
CHAPTER 2
CONCEPTUAL FRAMEWORK

This study investigates the development of a creative sector union and its role within an industry through three lenses: resource dependence, institutional isomorphism, and collective action. Each of the theories offers a different perspective for understanding Actors’ Equity Association and the theatrical industry in which it operates. Resource dependence theory allows for the study of the environment in which an organization exists. In this case, the environment may include the study of the theatrical industry, the labor movement, and the overall social, economic, and political environment in the United States. Institutional isomorphism considers the organizational structure of institutions. It allows for the consideration of how and why an organization is structured in the manner that it is, which is often related to the environment in which it exists. Collective action theory, the traditional cornerstone for studying unions, provides insights on the behavior of the organization. The first subsections discuss the specific concepts that these theories address. The final subsection outlines the framework of this study and how the three theories will be utilized.
2.1 External Control of Organizations

For centuries, researchers have explored the fundamental questions of how and why organizations function in the manner that they do. Theories have developed from varying fields including political science, sociology, economics, and psychology. Most modern accounts tend to place the beginning of organizational theory with Frederick Taylor’s Scientific Management. Taylor’s principles focused on how to make work and workers more efficient. Thus, Taylor equated workers with machines. Although Taylor’s theories were abandoned for more humanistic treatment of workers, early organizational theory focused on the worker through research on motivation and management as well as institutional structure.

While many of these classic theories of organization studies are referenced today, contemporary theorists began exploring other conditions which may affect the behavior of organizations. The turbulent decades of the 1960s and 1970s had researchers considering whether or not these external conditions affect institutions. This work grew into open systems theory which focused on organizations within their contextual environments. Further research began to consider the dynamics of power and authority on organizational functions.

These works served as precursors to Pfeffer and Salancik *The External Control of Organizations: A Resource Dependence Perspective* (1978). In the introduction to the 2003 reprinting of Pfeffer and Salancik’s work, Pfeffer discusses the origin of the theory
which became known as resource dependence theory: “The idea was that if you wanted to understand organizational choices and actions, one place to begin this inquiry was to focus less on internal dynamics and the values and beliefs of leaders and more on the situations in which organization were located and the pressures and constraints that emanated from those situations” (xi). Hence, the authors were proposing a shift in thinking about organizational control from an internal management perspective to an external resource perspective. The theory asks us to consider not how organizations operate but rather how they survive.

Consequently, the authors break down their theory into three primary considerations: 1) the acquisition of resources by organizations; 2) the organization’s survival ability; and 3) the use of resources within the organization to accomplish something. In order to address the first concern, organizations must cope within their social environment in order to attain resources. Next, in order for the organization to survive, it must learn how to adjust to and manipulate its social environments. Finally, an organization must learn to best use the resources it is able to acquire to become internally efficient.

The authors contend that there are two methods for evaluating an organization: 1) effectiveness and 2) efficiency. The authors define organizational effectiveness as the “external standard of how well the organization is meeting the demands of the various groups and organizations concerned with its activities” (37, emphasis added). Organizational efficiency is an “internal evaluation of the amount of resources consumed
in the process of doing this activity” (37, emphasis added). While one is an external evaluation and the other an internal evaluation, the authors note that, in order to be effective, the organization must have a realistic understanding of its social environment.

Consequently, the structure of the social environment is characterized by three elements:

1) **Concentration**: the extent to which power and authority in the environment is widely dispersed;

2) **Munificence**: the availability or scarcity of critical resources; and

3) **Interconnectedness**: the number and pattern of linkages, or connections, among organizations.

The authors argue that, “these three characteristics, in turn, determine the relationship among social actors – specifically the degree of conflict and interdependence present in the social system. Conflict and interdependence, in turn, determine the uncertainty the organization confronts” (68). This concept of interdependence exists whenever one organization or actor does not control *all* of the conditions necessary for the desired outcome. Consequently, virtually all outcomes are interdependent.

Accordingly, organizations have a variety of different mechanisms for coping with interdependence. The authors describe several techniques including: normative coordination, inter-organizational cooperation, organized coordination, as well as law and policy. *Normative Coordination of Interdependence* regulates behavior through the creation of common expectations. In this case, a norm, a commonly or widely shared set
of behavioral expectations, is developed and the organizations have been socialized to act within the prescribed norm. The authors argue that, “if most actors conform to normative expectations, then it becomes feasible for stable and regular relationships to be maintained” (147). Furthermore, they identify key issues for the understanding of normative coordination:

1) When do norms arise?
2) What aspect of relationships is covered by the content of the norms?
3) Under what circumstances do social actors violate norms so that the preservation of the norm is threatened?

Pfeffer and Salancik theorize that such norms develop during times of social uncertainty in order to “increase the predictability of relationships for the mutual advantage of those involved” (147). Consequently, once the norms no longer serve those interests, the norms will be broken.

*Interorganizational Cooperation* can occur via merger, joint venture, or cooptation. Mergers involve the acquisition of another organization or firm. Mergers can involve vertical integration, horizontal expansion, and diversification. Vertical integration would be the acquisition of an organization within its production process (e.g. a paper company merging with a lumber company). Horizontal expansion would be the acquisition of competitors to reduce competitive interdependence and increase power. Diversification is the acquisition of an organization in an unrelated business in order to reduce an organization’s dependence on a single activity. A joint venture would be the creation of a
new, separate, organizational entity. The new organization would be jointly owned and controlled by two or more cooperating organizations. Cooptation involves the appointment of a person or persons to a board of directors, advisory committee, policymaking or influencing group that has, at least, the appearance of making or influencing decisions.

The *Organized Coordination of Interdependence* can involve either the creation of trade associations or cartels. Trade associations are collective structures that are developed to provide centralized information and coordination for a group of organizations in a social environment. Cartels represent coalitions of organizations that have the power to apply sanctions to members who deviate from cartel polices.

Finally, when interdependence problems are unmanageable or when resources are too widely dispersed to coordinate action, “organizations will attempt to use the larger social power of the state to benefit its operative environment” (222). This technique would be *law and policy*. Organizations are also likely to get involved in such political activity when their economic well-being is being affected by government action.

In an effort to assess whether or not an organization will comply with control attempts, the authors developed a list of conditions. By evaluating an organization according to the criteria, the authors contend that it is possible to ascertain how influenced the
organization is by the suppliers of external resources. Thus, the conditions which affect the extent to which an organization will comply with control attempts are:

1. The focal organization is aware of demands.
2. The focal organization obtains some resources from the social actor making the demands.
3. The resource is a critical or important part of the focal organization’s operation.
4. The social actor controls the allocation, access, or use of the resource; alternative sources for the resource are not available to the focal organization.
5. The focal organization does not control the allocation, access, or use of other resources critical to the social actor’s operation and survival.
6. The actions or outputs of the focal organization are visible and can be assessed by the social actor to judge whether the actions comply with its demands.
7. The focal organization’s satisfaction of the social actor’s requests are not in conflict with the satisfaction of demands from other components of the environment with which it is interdependent.
8. The focal organization does not control the determination, formulation, or expression of the social actor’s demands.
9. The focal organization is capable of developing actions or outcomes that will satisfy the external demands.
10. The organization desires to survive (44).

The authors also offer some advice to the managers of organizations who are attempting to understand their organization’s relationship with its social environment. First, managers must know what the organization’s effectiveness depends on (effectiveness being the external standard of success). Next, managers must know when and how to respond to environmental demands and when not to. Finally, Pfeffer and Salancik state that managers must know how to preempt environmental constraints, which could force institutions to make decisions that might limit the organization’s chance for effectiveness and, ultimately, survival (60).
In summary, in *The External Control of Organizations: A Resource Dependence Perspective*, Pfeffer and Salancik argue that in order to understand an organization and its behavior, one must understand the context of the behavior or “the ecology of the organization.” The authors stress the coalitional nature of organizations – it is not possible to evaluate an organization by concentrating exclusively on the focal organization; it is crucial to also study the coalitions of the focal organization. The authors theorize that the external conditions surrounding the organization are key to understanding how and if an organization will survive. The authors hypothesize that an organization will be influenced more by external sources the more they are dependent on the external sources for resources. Moreover, they argue that organizational “troubles stem from inaccurate perceptions of external demands” (20). Ultimately, Pfeffer and Salancik argue that an organization’s survival is contingent on the organization’s ability to adjust to and cope with its social environment.

### 2.2 Institutional Isomorphism

In Pfeffer and Salancik’s organizational theory, they argue that in order to understand the behavior of an institution, the organization must be considered within its external environment. Resource dependence theory still primarily focuses on the development of one institution. However, other forms of organizational theory attempt to explain the development of entire fields or industries. In 1977, Hannan and Freeman began investigating why there were so many different types of organizations. This work
spurred other scholars to seek an explanation as to why organizations varied in institutional structure.

However, DiMaggio and Powell (1983) noticed the reverse trend. In their article, *The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields*, the authors explored the question as to why organizations were so similar. Thus, they propose an organizational theory called institutional isomorphism. Isomorphism is a process that influences one member of a population to resemble other members under the same set of environmental conditions. Thus, institutional isomorphism contends that distinct organizations within a field become more similar over time. DiMaggio and Powell argue that this leads to the homogenization of entire organizational fields.

In order for institutional isomorphism to take place, institutionalization within the field where the organization exists must have occurred. DiMaggio (1982) states that organizational fields can only exist to the extent in which they are institutionally defined. These organizational fields are defined by four elements:

1. An increase in the extent of interaction among organizations in the field;

2. The emergence of sharply defined inter-organizational structures of domination and patterns of coalition;

3. An increase in the information load with which organizations in a field must contend; and

4. An increase in the extent of interaction among organizations in the field;
4. The development of a mutual awareness among participants in a set of organizations that they are involved in a common enterprise (1982).

Additionally, the authors contend that in the nonprofit sector, institutionalization (also known as the structuration process) may proceed even more rapidly because legal barriers against collusion do not exist. For instance, artistic directors and executive directors of arts organizations regularly serve as heads of professional association committees, sit on government and foundation grant award panels (for instance, the National Endowment for the Arts and other public funding agencies regularly use peer review panels), and serve on smaller arts organization boards. This type of “cross-contamination” encourages copying throughout the arts industries.

Once structuration has occurred, DiMaggio and Powell (1983) state that disparate organizations within the field will become more similar over time through the process of institutional isomorphism. According to the authors, this type of isomorphic change occurs via three mechanisms: coercive isomorphism, mimetic isomorphism, and normative isomorphism. Each of these mechanisms, the authors argue, can be present even in the absence of evidence that organizational effectiveness has increased.

Coercive isomorphism is a result of pressure exerted by organizations on which the first organization is dependent. This pressure can be formal or informal and come in the form of force, persuasion, or an offer to join in collusion. Government mandates are included
within the scope of coercive isomorphism (e.g. conforming to environmental regulations or tax law).

Mimetic isomorphism occurs when there is uncertainty. DiMaggio and Powell argue that uncertainty encourages imitation. Therefore, if there is environmental ambiguity or goal uncertainty within an organization, the organization may replicate other institutions. The authors state that such organizations will model themselves after similar organizations that they perceive to be successful. This type of modeling can occur intentionally or unintentionally through employee turnover or industry trade associations. The authors use the example of a large metropolitan public television station altering its organizational structure from the standard functional design to a more contemporary approach of a multidivisional structure based on the advice of consultants. The station executives argued that this approach would not increase efficiency but became convinced that the structure should be altered when the consultants contended that this structure would send a message to their corporate underwriters that they were more “business-minded” (notably, this could also be a form of resource dependence).

The final mechanism, normative isomorphism, stems from the professionalization process. DiMaggio and Powell state, “Following Larson (1977) and Collins (1979), we interpret professionalization as the collective struggle of members of an occupation to define the conditions and methods of their work, to control ‘the production of producers’ (Larson 1977), and to establish a cognitive base and legitimation for their occupational
autonomy” (1983, 152). The professionalization process can occur either through the establishment of formal education channels or the growth and development of professional networks – often in the form of trade associations. These types of mechanisms are meant to create “a pool of almost interchangeable individuals who occupy similar positions across a range of organizations and possess a similarity of orientation and disposition that may override variations in tradition and control that might otherwise shape organizational behavior” (1983, 152). The importance given to professional associations as a mechanism of isomorphic change suggests that the additional of this theory to this study’s conceptual framework could prove to serve as a significant utility.

The authors cite Richard Hall (1968) who argues that the future of the workers is inextricably tied to the success or failure of the organizations that employ them. Therefore, this has altered the workers’ allegiances. Previously, workers may have been loyal to their profession. Now, there is little division between the profession and the organization when it comes to worker allegiances.

In addition to their explanation of institutional isomorphism and its three mechanisms, DiMaggio and Powell contend that it is possible to predict isomorphic change within organizational fields. They offer two sets of hypotheses. The first set indicates organizational-level predictors of isomorphic change and the second set indicates field level predictors of institutional isomorphism:
Organizational-Level Predictors:

Hypothesis A-1: The greater the dependence of an organization on another organization the more similar it will become to that organization in structure, climate, and behavioral focus.

Hypothesis A-2: The greater the centralization of organization A’s resource supply, the greater the extent to which organization A will change isomorphically to resemble the organization on which it depends for resources.

Hypothesis A-3: The more uncertain the relationship between means and ends, the greater the extent to which an organization will model itself after organizations it perceives to be successful.

Hypothesis A-4: The more ambiguous the goals of an organization, the greater the extent to which the organization will model itself after organizations that it perceives to be successful.

Hypothesis A-5: The greater the reliance on academic credentials in choosing managerial and staff personnel, the greater the extent to which an organization will become like other organizations in its field.

Hypothesis A-6: The greater the participation of organizational managers in trade and professional associations, the more likely the organization will be, or will become, like other organizations in its field.

Field-level Predictors:

Hypothesis B-1: The greater the extent to which an organizational field is dependent upon a single (or several similar) source of support for vital resources, the higher the level of isomorphism.

Hypothesis B-2: The greater the extent to which an organization in a field transacts with agencies of the state, the greater the extent of isomorphism in the field as a whole.

Hypothesis B-3: The fewer the number of visible alternative organizational models in a field, the faster the rate of isomorphism in that field.

Hypothesis B-4: The greater the extent to which technologies are uncertain or goals are ambiguous within a field, the greater the rate of isomorphic change.
Hypothesis B-5: The greater the extent of professionalism in a field, the greater the amount of institutional isomorphic change.

Hypothesis B-6: The greater the extent of structuration of a field, the greater the degree of isomorphics.

The theory of institutional isomorphism does not assume free and open competition within an industry rather that “organizations compete not just for resources and customers, but for political power and institutional legitimacy” (Aldrich 1979, 265 as quoted by DiMaggio and Powell 1991, 66). Moreover, DiMaggio and Powell contend that the copying of organizational structures is not driven by efficiency considerations, but rather a way to secure legitimacy in institutional life. Ultimately, DiMaggio and Powell offer useful insights regarding the construction and connection of workers, organizations, and fields. The work of DiMaggio and Powell on institutional isomorphism provides guidance for understanding organizational structure and behavior by single institutions and entire industries.

2.3 Collective Action

The concept of collective action theory has not been limited to one field of study. Economists, sociologists, and political scientists have all taken on elements of theorizing why people will act together in order to accomplish a shared interest. Few would argue that the manner in which we discuss ‘collective action’, as a definition and theory, is credited to economist Mancur Olson. In his 1965 book, *The Logic of Collective Action*, Olson challenged prior thinking on group action. In fact, Olson asserted that, “rational, self-interested individuals will not act to achieve their common or group interests.” This
claim challenged the idea that individual interests are in line with group interests and people will work to achieve them together. Instead, Olson applies a common economic argument stating that rational individuals will not voluntarily contribute money for public goods (e.g. military, schools, parks). Olson argues that this extends to collective action as well – meaning, rational individuals also would not work toward a group interest.

His theory about group interests was centered on the concept of collective goods. Olson defined a collective good as one that could not be withheld from any other member if it was provided to one member of the group. Through his writing on collective goods, Olson effectively equated the term collective action with collective good. This is primarily the definition that remains today.

Through his work, Olson has also significantly discussed the “free rider” problem. He argued that a collective good cannot be withheld from group members; therefore, it can also not be withheld from nonparticipating group members. This dynamic creates “free riders” – people who join the group and collect the benefits but do not contribute to the group. Significantly, Olson argues that free riding is the behavior of a rational individual. Therefore, Olson states collective action is an “irrational” activity.

Due to its irrationality, in order for collective action to be successful, Olson theorizes that the group must: be coercive, provide incentives, and be small in numbers. Coercion can refer to the recruitment of members or the mechanism in which collective goods are
obtained. Olson says that the group must have some mechanism or authority for coercing
people to join and securing collective goods. Additionally, Olson argued that collective
action must be accompanied by an excludable incentive that could reward participants
and/or punish non-participants. Finally, in order to lessen the free rider problem, groups
should be kept small in numbers.

Pointedly, in his book, Olson devotes a chapter to the specifics of labor unions and
collective action. Through this application, examples for his theories regarding collective
action are provided. Olson (1965) states that labor unions are created to demand
collective goods. Collective goods for a labor union are generally defined as higher
wages, shorter hours, and better working conditions. In the labor union, coercion takes
the form of compulsory membership in order to work in a specific field – otherwise
known as a “closed shop.” Thus, the largest incentive to join is to obtain work. Again,
he states that size does matter because local unions are simply more effective than
national unions at providing collective goods.

Olson’s contribution to the understanding of collective action is so significant that Oliver
(1993) writes, “Prior to Olson, social scientists typically assumed that people would
instinctively or naturally act on common interests, and that inaction needed to be
explained […] After Olson, most social scientists treat collective action as problematic.
This is, they assume that collective inaction is natural even in the face of common
interests, and that it is collective action that needs to be explained.”
Despite Olson’s considerable contribution to the theories of collective action, many have problems with the logic of his theories. In fact, the further development of collective action theory began with critiquing Olson’s theories. Frohlich and Oppenheimer (1970) argued that Olson’s theories regarding the connection of the free-rider problem to group size was incorrect. They also put forth that providing selective incentives in order to induce others to provide collective goods does not solve the free-rider problem. Instead, Frohlich and Oppenheimer (1970) argue that whether or not there is a free-rider problem depends on the mechanism used to supply the collective good not the size of the group. “Indeed, given that free-rider effects need not be a function of changing group-size, the extent of the free-rider problem, in groups of any size, will depend on the existence of a coordinating mechanism. Without such a mechanism there is no a priori reason to believe that goods will be collectively supplied to groups of any size.” Furthermore, it seems that if collective action were truly irrational, then selective incentives would not serve to solve the problem.

Some theorists, such as Klandermans (1988), believe that nonparticipation in collective action has little to do with free riding. Klandermans suggests that people do not participate because they believe it will fail. He argues that active participants in collective action usually believe that their contribution can make a difference and that a collection action can succeed.
Nonetheless, theorists have also examined Olson’s proposed solution to the free rider problem: coercion. Guttman (1978) questions how the coercive mechanisms themselves will be financed since it is highly unlikely that coercion is costless. Whereas, Booth (1985) states that a problem arises from Olson’s by-product solution to group retention. Here rests the idea that the collective good is an ancillary by-product of membership. Thus, once a group secures its members through coercion, the group must also have a monopoly on the collective good it is offering. Otherwise, a new organization could provide the good as a private good, as opposed to a collective good, at a cheaper cost to the individual. Booth (1985) argues that Olson’s scenario is not supported by the statistical evidence in the United Kingdom where many workers are members of trade unions but few unions operate within a closed shop. In Booth’s work, she made the union wage attainable to all workers in the industry but made reputation excludable, only attainable by union members. According to Booth, equilibrium is a state where individuals cannot make themselves better off by behaving any differently and stable equilibria can exist between union and nonunion workers at the “corners” of the graph. This would imply that, in certain instances, the free-rider tendency would not exist since joining is a choice.

However, Sandler argues that although Booth was attempting to discount Olson’s theory she actually strengthens it. He states that the equilibria is “very much keeping with Olson’s view of collective action problems, inasmuch as reputation is, in essence, a selective private incentive produced jointly due to social custom with a purely public
wage component. Without this excludable, jointly produced union benefit, membership would, indeed, be zero as Olson and Booth both recognize” (1992). Thus, Sandler is arguing that although Olson did not identify it, reputation has become one of the selective benefits that may induce members to join groups (even though Booth identified it as a social custom rather than a benefit).

Rather than criticizing or supporting Olson’s theories on selective benefits, some theorists have worked to further them. While Olson primarily identified benefits as material – wages, insurance, retaliation methods – Clark and Wilson (1971) and Wilson (1973) identified three types of incentives. Wilson argued that incentives could be material but they could also be solidary or purposive. Solidary incentives stem from social ties and include honor, prestige, and respect (nonparticipation could produce shame, contempt, and exclusion). Purposive incentives are the satisfactions one obtains by the involvement in the group. In fact, Bowman, Ippolito, and Donaldson (1969) found purposive incentives to be the most important incentive to political activism and material incentives the least. However, the study also suggested that, over time, purposive incentives wane as purposive (and material) goals prove more difficult to achieve. Then, the solidary incentives become the most important.

Olson’s group size argument has also been the subject of much debate. Theorists argue that there is no clear connection between group size and the success of collective action. There are cases where large groups are just as effective as small groups. Additionally,
some critics of Olson’s group size theory argue that even without incentives, a small number of individuals can provide a large contribution to a group if utilizing the proper mechanism. For instance, a small number of people can lobby Congress and be successful in providing a large group the collective good (Oliver 1993).

Finally, it seems that the most logical argument contrary to Olson’s theories is that despite the irrationality of joining groups, people do it. Political scientists have questioned, if Olson is correct, how large membership groups (e.g. environmental groups) grow rapidly despite the lack of selective incentives. Salisbury and Conklin (1998) approach this contradiction from the standpoint of the need for expression for a specific cause. “At the core of expressive political action is the idea that political success is not a necessary condition…making the effort is its own reward.”

To further understand the choices made by members of groups, theorists created a concept called game theory. Game theory is intended to provide a method for understanding individual rational choice. While game theory will not be utilized within this research study, it constitutes a significant portion of collective action theory. Therefore, it will be briefly reviewed here. The most prevalent game theory is the Prisoner’s Dilemma. In this scenario, criminal suspects are questioned individually regarding a crime. In this game, the prisoners are placed in a dilemma of trust. If they trust each other to act in the common interest of “the group” then they can escape with a light sentence. The Prisoner’s Dilemma game has become the paradigm for explaining
why individual rational choices lead to collective irrationality. “A collective-action
system corresponds to a [Prisoner’s Dilemma] game if universal cooperation is preferred
to universal defection, yet the preferred outcome is unilateral defection” (Heckathorn
1996).

Game theory seeks to explain why individual rational choice leads to irrational group
choice. To be clear, these games are not used as empirical testing devices but rather
serve as a heuristic to understanding individual rational choice. Yet, some theorists have
been able to support the game findings through research. Klandermans (1988) conducted
a study of union action and found that only eight percent of the respondents believed that
striking would be effective. Moreover, they believed their own participation in the union
to be superfluous. The majority of the workers claimed that they would not take part in a
strike. Thus, game theory does provide for a relevant perspective for a study researching
collective action.

Despite the critiques of Olson’s The Logic of Collective Action, important concepts of
his work remain. In 1992, Sandler wrote that, “Olson showed that actions by group
members may worsen, rather than enhance, collective or group well-being. That is, the
pursuit of individual benefits might not augment the aggregate benefit of the group and,
in a large number of reasonable scenarios, could lead to an inferior outcome.”

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2.4 Research Framework

This study investigates a creative sector union through the lenses of three organizational theories. Each of these theories allows for the consideration of an institution from a different perspective. In this case, the behavior and influence of Actors’ Equity Association is studied on an organizational theory continuum – one that provides an opportunity for examination at macro and micro levels. Resource dependence theory allows for a macro understanding of the environment in which Actors’ Equity exists. This will require the consideration of the political, economic and social environments of the time as well as a look at the developments in organized labor. Collective action theory allows for an internal examination of the behavior of Actors’ Equity Association as it exists as a labor union. Meanwhile, institutional isomorphism serves to provide an understanding of how the theatrical industry developed into a homogeneous field as well as influenced the organizational structure of Actors’ Equity.

The three theories offer three different perspectives of Actors’ Equity Association. The combination of these theories allows for the understanding of the organization from the broadest, external environment perspective to the narrowest, internal behavior perspective. Using each of the three theories in one study will direct the data collection process to the most relevant information and evaluating the organization’s effectiveness and efficiency.
Additionally, the theories do not just work independently. The research indicates that the presence of one condition can lead to the existence of another. Specifically, resource dependence and collective action both lead, independently, to isomorphic change within the theatrical field (Figure 2.1).

2.4.1 Resource Dependence

The theory of Resource Dependence will be used to examine how Actors’ Equity Association survives throughout each time period. In order to evaluate an organization’s survival mechanisms, Pfeffer and Salancik argue that we must consider the social environment of the organization, which includes the concentration of power in the field, the availability of resources, and the interconnectedness of the field; and the behavior of the organization in consideration of the social environment. For this study, this suggests that key research questions concern the acquisition of resources by Actors’ Equity, how Actors’ Equity adjusts to and manipulates its social environment, and how Actors’ Equity utilizes its resources. Thus, data will be gathered in order to evaluate each of these areas.
Figure 2.1 – Research Framework
For the purposes of this study, the concept of resources will be expanded from the traditional definition provided by Pfeffer and Salancik (e.g. money, raw materials). For instance, for a collective bargaining institution, one of the most sought after resources would be jobs for its members. Members themselves could also be viewed as a resource for Actors’ Equity. Therefore, resources for Actors’ Equity in this study will be defined as members, jobs, and collective goods such as standard contracts. The study will also consider the control of actors as a resource for the theatre companies.

2.4.2 Institutional Isomorphism

For each of the five time periods being studied, an assessment indicates if organizational change has occurred. If so, was the change isomorphic change? If it is, then the question will be what type of change is taking place - coercive, mimetic, or normative – (i.e. why it is occurring). For instance, has the government created mandates that affect the organization (coercive)? Or, are the goals of the organization uncertain (mimetic)? Or, is the organization attempting to participate in the socialization or professionalization of the field (normative)?

DiMaggio and Powell based their theory on the idea that isomorphism occurs between organizations in a field. This study considers isomorphism in the theatrical industry as well as isomorphism from the larger labor movement. Thus, Actors’ Equity could be both a catalyst for institutional isomorphism within the theatrical industry and exemplify institutional isomorphism for the labor movement. Finally, if isomorphic change is
occurring during the time period, it will be critical to assess how the change altered organizations in the short- and long-term.

Clear connections between DiMaggio and Powell’s hypotheses and Pfeffer and Salancik’s resource dependence theory can be seen. DiMaggio and Powell assert that the more the focal organization depends on another organization for resources the more likely it becomes that isomorphic change will occur. Through their hypotheses, DiMaggio and Powell describe the conditions that initiate isomorphic change. While it is not in the realm of this study to empirically test DiMaggio and Powell’s hypotheses, by adapting the hypotheses to guiding questions, they can clarify the research in this study. For instance, if institutional change is apparent, than a series of questions can attempt to isolate the cause of the change (e.g. “Are the resources Actors’ Equity needs centralized in one organization?”; “What is the extent of management involvement in trade associations?”; “Are the goals of Actors’ Equity clear or ambiguous?”).

2.4.3 Collective Action

Collective action theory is the prevailing theory utilized when studying the behavior of unions and their memberships. This study will seek to understand Actors’ Equity Association from a behavior perspective through the consideration of:

- Collective Goods by
  - Tracking the collective goods offered by Actors’ Equity in each developmental period;
Identifying the difficulties in providing the collective goods.

- **Free Riders by**
  - Determining if free-riding is a significant problem for Actors’ Equity Association.
  - Assessing which individuals are free riding.

- **Coercion by**
  - Tracking the coercive techniques used by Actors’ Equity to obtain a membership and obtain collective goods.

- **Incentives by**
  - Tracking the primary incentive in the various developmental periods for joining Actors’ Equity Association.
  - Identifying problems and opportunities for the contemporary construction of such incentives.

- **Group Size by**
  - Tracking the growth or decline of Actors’ Equity Association with consideration to their successes and failures;

The consideration and assessment of these behaviors should assist in the evaluation of the efficiency of the organization as a collective bargaining institution.

The use of resource dependence, institutional isomorphism and collective action theories in this study allows for both flexibility and structure. By viewing the focal organization
from different perspectives (macro to micro) and views (contextual, institutional and behavioral), the study remains adaptable and even malleable. Yet, the theories still structure the study in order to guide the data collection and analysis process. Each of these theories is used independently to assist in a greater understanding of Actors’ Equity Association as an institution. Furthermore, the theories also work together to explain change in the industry.
CHAPTER 3
METHODOLOGY

Creative sector unions are *sui generis* – unique and of their own kind. Actors’ Equity Association is a prime representative of creative sector unions and their distinctions from other types of labor unions. First, unlike traditional labor unions, such as plumbers’ or teachers’, Actors’ Equity Association does not necessarily require experience or training for its members. Although the Equity Membership Candidate Program was created in the early 1980s as an actor or stage manager-in-training program where candidates can earn points toward membership, it is not required for membership. Actors can join as long as a producer is willing to give them a union contract. Second, Actors’ Equity Association negotiates with both non-profit organizations and commercial producers through the creation of specific bargaining agreements for each type of organization. While there are some other professional unions outside of the creative sector that negotiate with both for-profit and non-profit employers (e.g. nursing unions), these unions are organized on a national and local structure. Thus, each local union negotiates with the one employer. Finally, even in the creative sector, Actors’ Equity is an anomaly in organizational structure. Of the three largest theatrical unions, AEA is the only union operating on a national (non-local) system. The American Federation of Musicians and The International Alliance of Theatrical Stage Employees, Moving Picture Technicians,
Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE) are both organized to function as local/national unions.

Due to the unique characteristics of cultural sector unions generally, and Actors’ Equity Association specifically, this type of study is logically suited for the case study research methodology. Yin states that case studies contribute to our knowledge of individual, group, organizational, social, political, and related phenomena. Furthermore, case studies arise out of a need to know “how” or “why.” Yin goes on to say that a case study is most effective “about a contemporary set of events, over which the investigator has little or no control.”

The case study methodology will best serve to understand the intricacies of Actors’ Equity and its influence and impact on the theatrical sector and the actors employed within the sector. Utilizing this one organization also suits Stake’s definition of the case study as a “bounded system.” Within the case study context, document analysis will be utilized to provide a method for identifying trends and consequential structure movements, and assessing various perspectives. By examining data from numerous, and often divergent sources - such as publications from Actors’ Equity Association, newspaper articles, interviews, and secondary reports and publications – the goal is to extract meaning which will assist in a better understanding of Actors’ Equity Association within the conceptual framework of resource dependence, institutional isomorphism, and collective action behavior.
The case study approach offers the strengths of being able to review documentation and records repeatedly, being unobtrusive, being exact, and providing broad coverage (Yin). Certainly, there are weaknesses to this approach including investigator bias and blocked access (Yin). These weaknesses will be addressed through triangulation of data and attention to potential bias. Despite the weaknesses of the case study methodology, it still proves to be the best suited methodology for this study.

3.1 Case Study

3.1.1 Robert K. Yin

Yin defines a case as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (13). Yin continues by stating that the case study inquiry “copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis” (13-14). Additionally, Yin contends that a case study can utilize both qualitative and quantitative data.

3.1.1.1 Single Case Study vs. Multiple Case Study Designs

Yin (2003) identifies four types of case study designs: holistic single-case designs, embedded single-case designs, holistic multiple-case designs, and embedded multiple
case designs (see Table 3.1). Yin provides two rationales for using a single case design: 1) if the case represents a “critical case in testing a well-formulated theory”; 2) if “the case represents an extreme or unique case”; or 3) if the single case would be a revelatory case meaning “the investigator has access to a situation previously inaccessible to scientific observation.” Additionally, single-case studies may be conducted as a prelude to further research such as a pilot case.

Some studies may contain more than one case. These studies would be called multiple-case study designs. Often times, multiple-case studies are considered more compelling – even presenting the possibility of generalizability – than the single-case study. However, multiple case studies are not appropriate for the critical, unique or revelatory case studies. Additionally, conducting multiple-case studies may require considerably more time and resources than a single-case study design.

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<tr>
<th>Holistic (single unit of analysis)</th>
<th>Single-Case Designs</th>
<th>Multiple-Case Designs</th>
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<tr>
<td>Embedded (multiple units of analysis)</td>
<td>Type 1</td>
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<td>Type 2</td>
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Table 3.1 – Basic Types of Designs for Case Studies (Yin)
3.1.1.2 Holistic vs. Embedded Design

Returning to Yin’s four types of case study designs (Table 3.1), the other primary distinction that needs to be considered is between the holistic and embedded designs. The difference between the two different types concerns the unit or units of analysis. A holistic case study focuses on one unit of analysis. Meanwhile, the embedded case study also includes subunits. These subunits can allow for more extensive, focused analysis on specific areas within the study. However, Yin cautions researchers not to ignore the larger, more holistic aspects of the case when doing an embedded case study.

3.1.1.3 Case Study Data Sources

Yin describes six sources from which evidence can be collected for any of the four types of case studies: Documents, archival records, interviews, direct observations, participant-observation, and physical artifacts. Each source has strengths and weaknesses as outlined in Table 3.2.
<table>
<thead>
<tr>
<th>Source of Evidence</th>
<th>Strengths</th>
<th>Weaknesses</th>
</tr>
</thead>
</table>
| Documentation           | ▪ Stable – can be reviewed repeatedly  
▪ Unobtrusive – not created as a result of the case study  
▪ Exact – contains exact names, references, and details of an event  
▪ Broad coverage – long span of time, many events, and many settings | ▪ Retrievability – can be low  
▪ Biased selectivity – if collection is incomplete  
▪ Reporting Bias – reflects (unknown) bias of author  
▪ Access – may be deliberately blocked |
| Archival Records        | ▪ (Same as Documentation)  
▪ Precise and quantitative | ▪ (Same as Documentation)  
▪ Accessibility – due to privacy reasons |
| Interviews              | ▪ Targeted – focuses directly on case study topic  
▪ Insightful – provides perceived causal inferences | ▪ Bias due to poorly constructed questions  
▪ Response Bias  
▪ Inaccuracies due to poor recall  
▪ Reflexivity – interviewee gives what interviewer wants to hear |
| Direct Observations     | ▪ Reality – covers events in real time  
▪ Contextual – covers context of event | ▪ Time-Consuming  
▪ Selectivity – unless broad coverage  
▪ Reflexivity - event may proceed differently because it is being observed  
▪ Cost – hours needed by human observers |
| Participant Observation | ▪ (Same as direct observations)  
▪ Insightful into interpersonal behavior and motives | ▪ (Same as direct observations)  
▪ Bias - due to investigator’s manipulation of events |
| Physical Artifacts       | ▪ Insightful into cultural features  
▪ Insightful into technical operations | ▪ Selectivity  
▪ Availability |

**Table 3.2 – Six Sources of Evidence: Strengths and Weaknesses (Yin)**
It is preferable to use multiple sources of evidence, that is, “evidence from two or more sources, but converging on the same set of facts or findings” (78). Additionally, Yin advises researchers to create a case study database, which is separate from the case study report, but provides a formal assembly of the evidence gathered as well as provide a clear chain of evidence between the questions asked, the data gathered, and the conclusions drawn.

3.1.2 Robert E. Stake

Stake’s (1995) description of a case study is more restricted than Yin’s characterization. First, he explicitly states, “we cannot make precise definitions of cases or case studies” (2). That said, Stake does offer insights in this writing on case studies that can be used to identify features of case studies. Namely, he limits the case study to qualitative research: “I do not pay as much attention to quantitative case studies that emphasize a battery of measurements of the case, a collection of descriptive variables, common in medicine and special education” (xi-xii). Moreover, in Stakes’ *The Art of the Case Study*, he only discusses the single case study. And, his definition for the case study is limited to the holistic case.

Stake is often credited with identifying a case study as “a bounded system.” Stake, in turn, attributes this definition to Louis Smith, an educational ethnographer. Stake argues that the idea of a case study as a bounded system brings attention to the fact that the case
is an object not a process. In fact, he argues that people and programs can be effective cases but events and processes are not effective case studies.

Stake further offers his “Defining Characteristics” of qualitative studies:

1. It is holistic:
   a. Its contextuality is well developed;
   b. It is case oriented (a case is seen to be a bounded system);
   c. It resists reductionism and elementalism; and
   d. It is relatively noncomparative, seeking to understand its object more than to understand how it differs from others.
2. It is empirical:
   a. It is field oriented;
   b. Its emphasis is on observables, including the observations by information;
   c. It strives to be naturalistic, noninterventionistic; and
   d. There is a relative preference for natural language description, sometimes disdaining grand constructs.
3. It is interpretive:
   a. Its researchers rely more on intuition, with many important criteria not specified;
   b. Its on-site observers work to keep attention free to recognize problem-relevant events; and
   c. It is attuned to the fact that research is a researcher-subject interaction.
4. It is empathic:
   a. It attends to actor intentionality;
   b. It seeks actor frames of reference, value commitments;
   c. Although planned, its design is emergent, responsive;
   d. Its issues are emic issues [involve analysis of cultural phenomena], progressively focused; and
   e. Its reporting provides vicarious experience (47-48).

3.1.3 Yin versus Stake

In summation, Yin contends that a case study is an empirical inquiry that investigates a phenomenon within its context. Yin says that a case study can be holistic or embedded and can involve one case or multiple cases. Additionally, Yin holds that a case study can
involve both qualitative and quantitative methods. Meanwhile, Stake argues that a case study is an empirical investigation within a bounded system. He says that case studies are holistic, qualitative, and are limited to one case. Thus, for the purposes of this study, Yin’s definition of case study is more suited to the research goals.

<table>
<thead>
<tr>
<th>Possible Case Study Characteristics</th>
<th>Yin</th>
<th>Stake</th>
</tr>
</thead>
<tbody>
<tr>
<td>Empirical Inquiry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Holistic</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Embedded</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Single-Case</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multiple-Case</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Interpretive</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Empathic</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Table 3.3 – *Yin vs. Stake Case Study Definition Characteristics*

### 3.2 Mixed Methodology

The emergence of mixed method research in the social and behavioral sciences took place from the 1960s through the 1980s (Tashakkori & Teddlie, 1998). Prior to this development, researchers primarily relied on either a quantitative or qualitative method for their study, also known as monomethod studies. Mixed method studies combined the two approaches into a single study. The mixed method approach combined what some called the positivist/empiricist paradigm (quantitative) and the constructivist/phenomenological paradigm (qualitative) (Cherryholmes, 1992; Guba & Lincoln, 1994) into a pragmatist paradigm. Consequently, Tashakkori and Teddlie (1998) define mixed method studies as, “studies that are products of the pragmatist
paradigm and that combine the qualitative and quantitative approaches within different phrases of the research process” (19). Additionally, the authors propose that there are four different scenarios for combining qualitative and quantitative methods:

![Diagram](image1)

**Figure 3.1 – Qualitative Measures to Develop Quantitative Tools (44)**

![Diagram](image2)

**Figure 3.2 – Qualitative Methods to Explain Quantitative Results (44)**
In addition to understanding what the mixed method approach is, it is also key to understand why researchers implement the approach. Based on a review of 57 mixed method studies, Greene et al. proposed that there are five purposes for conducting mixed method studies (1989). The purposes are:

1. *Triangulation* or seeking convergence of results;
2. *Complementarity* or examining overlapping and different facets of a phenomenon;
3. *Initiation* or discovering paradoxes, contradictions, fresh perspectives;
4. *Development* or using the methods sequentially, such that results from the first method inform the second method; and

5. *Expansion* or mixed methods adding the breadth and scope to a project (Tashakkori and Teddlie, 1998, 43).

Furthering the expansion of the mixed method approach in the social and behavioral sciences is John Creswell. In his most recent book, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (2003), he offers definitions for each of the aforementioned research methodologies:

A *quantitative* approach is one in which the investigator primarily uses postpositivist claims for developing knowledge (i.e. cause and effect thinking, reduction to specific variables and hypotheses and questions, use of measurement and observation, and the test of theories), employs strategies of inquiry such as experiments and surveys, and collects data on predetermined instruments that yield statistical data.

Alternatively, a *qualitative* approach is one in which the inquirer often makes knowledge claims based primarily on constructivist perspectives (i.e. the multiple meanings of individual experiences, meanings socially and historically constructed, with an intent of developing a theory or pattern) or advocacy/participatory perspectives (i.e. political, issue-oriented, collaborative, or change oriented) or both. It also uses strategies of inquiry such as narratives, phenomenologies, ethnographies, grounded theory studies, or case studies. The research collects open-ended, emerging data with the primary intent of developing themes from the data.

Finally, a *mixed methods* approach is one in which the researcher tends to base knowledge claims on pragmatic grounds (e.g. consequence-oriented, problem-centered, and pluralistic). It employs strategies of inquiry that involve collecting data either simultaneously or sequentially to best understand research problems. The data collection also involved gathering both numeric information (e.g. on instruments) as well as text information (e.g. on interviews) so that the final database represents both quantitative and qualitative information (19-20).
To further the understanding of the mixed methodological approach, Creswell describes six different strategies for utilizing mixed methodology in research: sequential explanatory strategy, sequential exploratory strategy, sequential transformative strategy, concurrent triangulation strategy, concurrent nested strategy, and concurrent transformative strategy.

The *sequential explanatory strategy* is characterized by the collection and analysis of quantitative data followed by the collection and analysis of qualitative data. This strategy prioritizes the quantitative data in the study and integrates qualitative data in the interpretation phase (Figure 3.5). The purpose of this strategy would be to use the qualitative data and subsequent results to assist in explaining and interpreting the quantitative findings.

![Diagram of Sequential Explanatory Strategy](image)

**Figure 3.5 – Sequential Explanatory Strategy** (Creswell)

The *sequential exploratory strategy* reverses the procedure described in sequential explanatory strategy by giving priority to qualitative research (Figure 3.6). The purpose
of this strategy would be to use the quantitative data and subsequent results to assist in the interpreting of the qualitative findings.

![Diagram of Sequential Exploratory Strategy](image)

**Figure 3.6 – Sequential Exploratory Strategy** (Creswell)

In the *sequential transformative strategy*, data collection is kept separate as the strategies above, however, either qualitative or quantitative can be gathered first (Figure 3.7). The sequential transformative strategy differs from the first two strategies because it emphasizes a theoretical perspective as the guide to the research (as opposed to the method). Creswell explains “although all designs have implicit theories, mixed methods researchers can make the theory explicit as a guiding framework for the study” (213). The purpose of the sequential transformative strategy is to utilize the methods that best support the theoretical perspective. Furthermore, Creswell states that “by using two phases, a sequential transformative researcher may be able to give voice to diverse perspectives, to better advocate for participants, or to better understand a phenomenon or process that is changing as a result of being studied” (216).
The fourth approach, the *concurrent triangulation strategy*, uses two different methods as a means of corroborating findings (Figure 3.8). Thus, it separates the quantitative from the qualitative method in order to offset the weaknesses of the method. With this strategy, the collection of the qualitative and quantitative data is concurrent.

Next, the *concurrent nested strategy* also collects the qualitative and quantitative data concurrently; however, it does give priority to one data collection method (Figure 3.9).
“Given less priority, the method (quantitative or qualitative) is embedded, or nested, within the predominant method (qualitative or quantitative)” (218). Creswell explains that the embedded method could either address a different question than the primary method or seeks a different level of information. In the concurrent nested strategy, the data from both methods is combined during the data analysis phase. This strategy can use a guiding theoretical perspective but it is not necessary.

Figure 3.9 – Concurrent Nested Strategy (Creswell)

The final strategy Creswell proposes is the concurrent transformative strategy (Figure 3.10). In this research model, the two types of data are collected concurrently during a single data collection phase that is driven by a theoretical perspective. The two types can have equal or unequal priority. Additionally, in the concurrent transformative strategy the data can be triangulated or nested. Creswell defines “triangulation” as using the quantitative data to conform the qualitative or vice versa, and he defines “nested” as
giving more priority to one method over the other. The integration of the data could occur in either the data analysis phase or the interpretation phase.

![Diagram](image)

**Figure 3.10** – *Concurrent Transformative Strategy* (Creswell)

### 3.3 Methodology Summation

Considering Yin and Stake’s definitions of case study as well as definitions and approaches to mixed methods research, this study is an embedded case study that incorporates the concurrent transformative mixed methods strategy to data collection and analysis. Accordingly, the definition of case study that will guide this study is most closely aligned with Yin, as other scholars focus primarily on the qualitative aspect of
case study. This research is an inquiry that investigates a contemporary phenomenon within its real-life context which specifically asks “how” and “why” questions.

More specifically, this study utilizes the single-case study design triangulating the data through documentation and archival records. When using documentation, Yin (2003) recommends utilizing a variety of documents including letters and memoranda, agendas and meeting minutes, administrative documents, formal studies of the same “site” under investigation, and newspaper clippings and other media (81). In addition to these types of documents, Merriam (1998) adds on-line data sources as a key source of documents. On-line data sources could include e-mail, listservs, chat rooms, and websites.

This study includes each of the aforementioned types of documents in the study. Examples of these documents include:

- Letters, memoranda, agendas, announcements, and meeting minutes from Actors’ Equity Association;
- Administrative documents including annual reports published by Actors’ Equity Association as well as other internal documents;
- Formal studies and evaluations including Theatre Facts (field studies published by Theatre Communications Group), field studies conducted by the Ford Foundation, and League of American Theatres and Producers reports;
- Newspaper clippings from the *New York Times*, *Variety*, *New York Post*, and other media sources; and
On-line data from relevant websites including, specifically the Actors’ Equity Association website, Theatre Communication Group, League of Resident Theatres, League of American Theatres and Producers, American Federation of Musicians, IATSE, and AFL-CIO.

Yin separates archival records from documents as a type of evidence that can be used in a case study. Archival records are more quantitative in nature than documents focusing on numbers, maps, and graphs. Yin states that archival records can be:

- Service records – such as those showing the number of clients served over a given time period;
- Organizational records – such as organizational charts and budgets over a period of time;
- Maps and charts – of the geographic characteristics of a place;
- Lists – including names and other commodities;
- Survey data – such as census records or data previously collected about a “site”; and
- Personal records – such as diaries, calendars, and telephone listings (83).

While not all of the above types of archival records are utilized, certainly service records documenting membership numbers; organizational records, including budgets, for Actors’ Equity Association and theatre companies; and previously collected survey data pertaining to Actors’ Equity Association and the theatrical industry were used. The specific information that was collected and referenced from the aforesaid documents and
archival records was guided by the three theories utilized in the study: resource
dependence, isomorphic change, and collective action.

The data has been collected and analyzed according to Creswell’s *concurrent
transformative strategy*. The qualitative and quantitative data are collected concurrently,
and theoretical perspectives drive what data is collected. Since in the concurrent
transformative strategy the types of data can either have equal or unequal weight, this
study relies primarily on qualitative data. The quantitative data will be nested within the
qualitative data. The integration of the data occurs within the analysis phase.

Furthermore, this case study is an embedded design (versus the holistic design) as there
are clear subunits available for analysis. Consequently, for this embedded case study
design, there are two sets of subunits. The case study is first divided into five
developmental periods. The periods are defined as:

1)  Industrialization, Monopolies, and Worker Rights: Late 1800s-1919;
2)  Unionization, the Depression, and Government Action: 1919-1949;
3)  Commodification versus Public Purpose, Norms, and Professionalization: 1950-
    1969;
4)  Crashes, Booms, and the Decline of Organized Labor: 1970-1999; and
Within each of these developmental periods, additional subunits are structured in order to guide the research within the period. The subunits within each developmental period are:

1) The economic, political, and social environment in the United States;
2) National labor movement developments;
3) The structure and movements of the theatrical industry;
4) The collective behavior of theatrical actors; and
5) Theoretical application.

These subunits are necessary in order to understand not only the focal organization but also the contextual environment in which the focal organization, Actors’ Equity Association, operates. For example, as the theatrical industry becomes more complex, how does Actors’ Equity, as an organization, respond?

3.4 Scope and Limitations of Study

This study has been designed to focus on Actors’ Equity Association’s role within the theatrical industry. While other collective action organizations within the creative sector and outside the creative sector are sometimes used to make comparisons and contrasts, the primary goal is to elucidate and evaluate the structure and collective action techniques of one creative sector union in the shifting landscape of the theatrical industry. The study primarily utilizes qualitative research methods. Thus, in order to minimize the weaknesses of qualitative research – validity, generalizability, and reliability – the study triangulates the data.
With regards to the limitations of case study methodology, Yin contends that often the boundaries between a phenomenon and its context are not clear. Thus, case study requires patience and rigorous research. Case studies are time consuming and can result in large documents rendering them unreadable. In order to address such concerns, this study emphasizes the data that specifically relates to resource dependence, institutional isomorphism, and collective action behavior. Additionally, case studies are noted for providing little basis for generalizability. Indeed, the examination of Actors’ Equity Association will only elucidate truths for this organization. Finally, the primary pitfall of an embedded case study design is failing to return to the larger unit of analysis. Thus, this study concludes by returning to the broader unit of analysis, Actors’ Equity Association, in the final chapter.
CHAPTER 4

INDUSTRIALIZATION, MONOPOLIES, AND WORKER RIGHTS: Late 1800s-1919

In the late 1800s in the United States, farms were gradually replaced with factories as the industrial revolution crossed the Atlantic Ocean. Soon, monopolies, also known as trusts, flourished as a few people gained control over entire industries. Business trusts became commonplace – U.S. commerce was dominated by those who owned Standard Oil, U.S. Steel, and American Tobacco. Following this employment trend, laborers no longer cultivated fields; they worked on machinery. But early factories were often hostile and grimy places, filled with social injustices including painfully low wages and child labor.

Meanwhile, technology was advancing. The Wrights Brothers were trying to fly. Henry Ford was working on a carriage without a horse. Food could be preserved in cans. Americans were entertained by minstrel shows, vaudeville, theatre, and eventually silent films in the Nickelodeon theatres.

While theatre had always been an aspect of the American culture, the twentieth century brought formalization and institutionalization to the practice. Theatre took shape as an industry – one that generated profit, employed workers, and contributed to the economy.
As theatre transformed into a legitimate business, actors began organizing in an effort to represent their needs and interests.

Within the shifting environment of the American economy and the reaction of the displaced laborer, this chapter examines the rise of a formalized theatrical industry and the struggle for actors to gain rights in the workplace. The first two sections will describe the essence of the late nineteenth and early twentieth century. The sections will focus on the changing nature of employment, workers and the rise of organized labor. It is important to note that these sections are not intended to provide a complete historical account of the time period. They merely highlight some important aspects of the environment in which the theatrical industry and an actors’ association would develop.

4.1 The Economic, Political, and Social Environment in the United States

“In countries thinly inhabited, or where people live principally by agriculture, as in America, every man is in some measure an artist – he makes a variety of utensils, rough indeed, but such as will answer his purpose […]” This is Noah Webster’s description the United States in 1785. However, within a century, the economic and social conditions in the United States would be drastically different. No longer would one artisan complete a work from start to finish.

During the mid-19th century, the industrial revolution spread from Great Britain to the United States. This emergence of power-driven machinery into the factories forever
changed the nature of work and the role of the worker. The development of machinery led to the widespread replacement of laborers by machines. In the United States, industrialization was distinguished by nine primary characteristics:

- Production by machine rather than by hand;
- Involvement of an increasing proportion of the work force in manufacturing;
- Production concentrated in large, intricately organized factories;
- Accelerated technological innovation, emphasizing new inventions and applied science;
- Expanded markets, no longer local and regional in scope;
- Growth of a nationwide transportation network based on the railroad, along with a communications network based on the telegraph and telephone;
- Increased capital accumulation for investment in expansion of production;
- Growth of large enterprises and specialization in all forms of economic activity; and
- Steady increase in the size and predominance of cities (Norton 1990).

The increasing focus on productivity and efficiency in the factories created during the industrial revolution overturned the traditional agriculturally-based ideas of economics and society.
Socially, the shift to industrialization in the 19th century changed the manner in which Americans lived. Pointedly, in 1790, the year of the first census, there were no U.S. cities with a population of 50,000 people. In fact, only 5 cities had more than 10,000. Over the next century, cities grew tremendously. For instance, the population of Chicago in 1820 was 15; by 1854 it was 55,000; and by the end of the century, Chicago was populated by nearly 1.7 million people (Hodgson). In fact, by 1870, there were 168 cities with populations over 10,000, and 15 cities had populations over 100,000. Moreover, by 1920, the population in urban areas exceeded the population in rural areas. The United States was becoming a country of cities and urban dwellers.

4.2 National Labor Movement Developments
The changing nature of work compelled an increased focus on the labor force. It might be said that industrialization turned skilled artisans into unskilled workers. No longer was one person carrying out all the steps involved in the creation of a product. Laborers were now simply responsible for only one element of production.

Work in the factories focused on efficiency. Thus, factory owners would do whatever was necessary to create products quickly and cheaply. Workers were frustrated with the demands of factory work which were characterized by long hours, poor wages, and unsafe and unsanitary work conditions. Thus, workers fought for their right to formally organize in order to bargain with employers over such conditions. In 1842, the Supreme Court upheld the legality of labor unions in the case Commonwealth of Massachusetts
versus Hunt. During the early 1800s, labor unions were likely to be small, often organized locally, and limited to specific skilled trades.

Figuratively and literately, in the 1800s the country was being welded together by the growth of the railroads. The development of railroads also accelerated the growth of national labor unions. By 1869, there were 24 national unions including the hat finishers, blacksmiths, machinists, ironworkers, and locomotive engineers.

4.2.1 Skilled versus Unskilled Labor

In 1869, another significant development occurred in the realm of labor -- the Knights of Labor was created. Nine tailors from Philadelphia came together to form a national union that sought to organize all workers regardless of industry, skilled and unskilled, into a single union (doctors, bankers, lawyers, gamblers, liquor producers, and stockholders were excluded from membership). Led by tailor Uriah S. Stephens, the organization was originally called The Noble and Holy Order of the Knights of Labor. The organization of the Knights of Labor marked a significant departure from the traditional structure of labor unions due to its cross-industry structure and its inclusion of unskilled workers. The Knights of Labor was considered a secret organization. It often drew its ideas and procedures from Freemasonry, a worldwide secret fraternal organization focused on ethical and philosophical issues. It was not until 1881 that the General Assembly agreed to make its name, motto, and objectives public.
The Knights of Labor’s motto was "an injury to one is the concern of all." As an organization, one of its main objectives was the creation of the eight-hour workday. It also sought the termination of child labor and convict contract labor – the Knights primarily opposed this type of competition because they were cheap labor sources. The Knights was also known as an all-inclusive organization; thus, it fought for equal pay for equal work for women and black workers (after 1883). The Knights of Labor supported government ownership of communication and transportation systems, the elimination of public banks, a public land policy that aided settlers not speculators, and a graduated income tax system. The organization reached its membership peak of 702,000 in 1886. The Knights of Labor is an important part of U.S. labor history because it was the first attempt at creating a labor union that organized both skilled and unskilled labor across multiple sectors nationwide.

4.2.2 The Violence of the Labor Movement

The Knights of Labor’s success was short-lived. Although the union’s leader favored the use of arbitration and boycotts over the use of strikes, the general membership and local leaders gravitated toward work stoppages which led to numerous strikes. Some were successful; others failed. The most significant occurred in 1886 in the Haymarket Square. Workers had come together to strike for an eight-hour workday at the McCormick Harvesting Machine Company. However, a small group of anarchists threw a bomb into the police ranks, immediately killing one officer and wounding several more. Seven officers later died due to their injuries. The remaining officers opened fire on the
crowd, killing seven demonstrators. In the end, at least 60 officers and 30 demonstrators were wounded. The aftermath proved just as disastrous; one striker said, “The city went insane and the newspapers did everything to keep it like a madhouse” (as quoted by Laurie, 1997, 170). The incident proved terrible for labor’s cause. Unions became associated with violence and aggression.

Eight people were tried for the officer’s death; however, prosecutors had no evidence connecting the men with the bombing. Nonetheless, the jury convicted all eight defendants, with death sentences for seven of them. The sentencing caused outrage and protests from labor groups around the world. In the end, four men were hanged, one committed suicide, and two men had their sentences reduced to life in prison. In 1893, the Illinois Governor signed pardons for the men, after concluding that all eight defendants were actually innocent. The trial is often referred to one of the most serious miscarriages of justice in U.S. history. Although, no Knights of Labor members were actually implicated in the crimes at Haymarket Square, the incident was an impetus to the end of the organization. By 1890 its membership had dropped below 100,000, and in 1900 it was practically nonexistent. More importantly, the incident solidified the notion of union members as criminals in the eyes of the public.

4.2.3 Union Solidarity

Despite organized labor’s violent reputation, by the late 1800s, more workers were becoming unionists. In 1886, a group of unions came together to form a federation, the
American Federation of Labor (AFL). The AFL was an outgrowth of the Federation of Organized Trades and Labor Unions of the United States and Canada, which was founded five years earlier in 1881. The Federation was formed primarily to attempt to influence legislation. However, it never proved very successful. Thus, the American Federation of Labor was formed in Columbus, Ohio with the goal of organizing skilled workers. The AFL was led by Samuel Gompers, a Marxist and the former president of the Cigarmakers Union, as an alliance of trade and craft unions. Under Gompers, the AFL pointedly was not interested in organizing unskilled labor as the Knights of Labor had been. Gompers believed that these so-called industrial unions were not disciplined enough to withstand union busting tactics. Instead, Gompers wanted to focus on the development of unions in single trades with skilled workers.

Philosophically, the AFL was vastly different from the Knights of Labor. The AFL was a loose alliance of unions, which retained their autonomy. The AFL was less concerned with issues such as land policy and tax structures, and more concerned with shorter hours and higher wages. The Knights of Labor was against capitalism and felt it was labor’s duty to fight its evils. Gompers argued that fighting capitalism was a waste of time. Therefore, the AFL focused on creating and obtaining the best possible working conditions for laborers.

This viewpoint also led to the decision of the AFL to not align itself with political parties per se. Previously, labor organizations supported the Socialist party or sponsored
independent labor parties. Gompers argued that instead the AFL, and its associated unions, should “reward its friends and punish its enemies” (Garraty and Foner) in both major parties. However, the AFL did eventually become tied to the Democratic Party in 1908. Under Gompers’ leadership, the AFL grew quickly; by 1904, it served as the representative for 1.7 million union members.

4.2.4 Labor and the Federal Government

Since the Civil War, labor advocates in the United States had supported the establishment of a department of labor in the federal government. Yet, after years and years of being overlooked by the federal government, labor leaders turned to state governments. Labor leaders began advocating for individual states to create bureaus of labor statistics in order to collect information on employment and the employed. Massachusetts was the first state to create such a bureau in 1869. The establishment of the bureau was not without controversy. Elected officials, appointed bureau leaders, and business leaders argued over whether the bureau should be impartial or on the side of labor. The dispute virtually paralyzed the bureau. Nonetheless, by 1883, 12 additional states had followed Massachusetts’ lead and formed bureaus of labor statistics. This state action paved the road to creating change in the federal government.

By the early 1880s, the push to create a federal bureau had gained momentum. This momentum was, in part, due to the upcoming presidential election in 1884. Both the Republicans and Democrats courted the labor vote and each party adopted a platform that
supported the establishment of a bureau of labor. In fact, five Congressmen introduced bills to establish such a bureau. The House of Representatives passed James Hopkins (D) of Pennsylvania’s bill by a vote of 182 to 19 (Grossman). The Senate also approved the bill and it was signed by President Chester Arthur on June 27, 1884. The Bureau of Labor was placed in the Department of the Interior with the charge of collecting data on working people and the “means of promoting their material, social, intellectual, and moral prosperity” (Grossman).

The labor movement was certainly pleased with the creation of the Bureau but they really wanted the government to create a Department of Labor, preferably with Cabinet rank, to be the voice of labor within the White House. Thus in 1888, with the consent of President Cleveland, the AFL and the Knights of Labor presented a memorandum and subsequent bill sponsoring a Department of Labor. However, the committee that received the bill dropped the notion of a Cabinet rank. The new Department of Labor was signed into law on March 21, 1888. The new Department of Labor would be independent of the Department of the Interior.

Labor’s victory was not long-lived, however. Starting in the 1890s, Congressmen began introducing bills that would create a new Department of Commerce and would reduce the Department of Labor back into a Bureau. These bills supported placing the Bureau of Labor within the Department of Commerce. Labor fought the proposed legislation. The AFL charged that the business community already “had absolute and exclusive

71
representation in the Cabinet” (Grossman). Labor and the Democratic minority continued to fight the introduction of the Department of Commerce. Nonetheless, when Theodore Roosevelt became President in 1901, he advocated for the creation of the new Department as he felt that business and labor were not conflicting interests. To make the bill more acceptable, the name of the Department was changed to the Department of Commerce and Labor. President Roosevelt signed it into law in 1903.

In the 1910 elections, the Democrats won control of the House and 15 union members were elected to Congress. The time was right for labor to make another push for a Cabinet level Department. In 1912, a bill was introduced and passed in the House and then passed in the Senate. Organized labor won its battle for a “Voice in the Cabinet” on March 4, 1913 when President Taft signed the bill establishing the Department of Labor (MacLaury). Taft had misgivings about a Cabinet level department for labor. In comments to the Congress, Taft wrote: “I sign this bill with considerable hesitation . . . I forbear, however, to veto this bill, because my motive in doing so would be misunderstood . . .” (Grossman).

The law declared that the purpose of the Department of Labor was “to foster, promote and develop the welfare of working people, to improve their working conditions, and to advance their opportunities for profitable employment.” The enactment of the Department of Labor was a considerable victory for organized labor and paved the path for additional workers to unionize.
Throughout the 1800s and into the early 1900s, the labor movement moved from its infancy to its adolescence. First, organized labor struggled just to exist. Then, it struggled to be recognized and understood. While actors joined the union movement late, their battle as a legitimate movement took a similar path.

4.3 The Structure and Movements of the Theatrical Industry

During the early to mid-1800s, the theatrical industry in the United States was largely undeveloped and protean. The control and coordination of the field was haphazard. There were theatrical houses in major cities as well as road shows touring to various communities. However, there was little synchronization between theatrical venues, production creation and financing, or the obtainment of talent. Yet by 1870, the theatrical industry began to take on a more formal structure. During a time dubbed “the industrial revolution of the theatre,” by author Jack Poggi, the theatrical industry experienced a centralization process. The coordination and control of much of the industry would come to be centralized in New York City by six influential men.

4.3.1 The Theatrical Syndicate

During the 1895-96 season, theatrical producers, Klaw and Erlanger (New York), Hayman and Frohman (New York), and Nixon and Zimmerman (Philadelphia) joined forces to take over theatre productions nationwide. The six producers came together to form an organization called the Theatrical Syndicate also known as the Theatrical Trust.
By February 1896, the theatrical trust had taken control of 37 first-class theatre houses. Each of these theatre houses entered into an agreement with the Theatrical Syndicate that guaranteed the houses 30 weeks of performances per season. During this time period, theatre often had “idle-weeks” during which the theatre managers (owners or managers of the theatre houses) were unable to make a profit. Thus, the 30-week guarantee was a significant selling feature of the Syndicate’s agreement. However, there was a downside to taking the Syndicate’s offer. In exchange for the 30-week guarantee, managers had to relinquish control of production choice and scheduling to the Theatrical Syndicate. Despite the guaranteed shows, theatre managers were often unhappy with the Syndicate because of frequent date changes to accommodate Syndicate successes in other venues, receiving “filling” plays for weeks at a time, receiving plays that were too much alike, and the playing the same production in theatre houses that were too close to each other (Hapgood 1901). Thus, despite the reliability of having open productions 30-weeks of the year, profitability of the first-class houses could still be problematic. Generally though, the Theatrical Syndicate provided efficiency and greater profits to most of those involved in the theatrical industry including actors who benefited from the reliability of the Syndicate’s booking system.

The Theatrical Syndicate continued to expand its control over theatre companies throughout the United States and managed to gain complete control over theatrical companies in some cities including Philadelphia (Hapgood). In fact, the Theatrical

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1 Theatres houses, or theatre buildings, fell into three different classes – first-class, second-class, and third-class houses. The class of the theatre was designated by size and quality of the house and dictated the cost of tickets at the theatre.
Syndicate at the height of its power, between the late 1890s and 1910, was responsible for booking productions into over 700 theatre houses across the country (Bernheim 1964). It was not long before the Theatrical Syndicate had a virtual monopoly of the theatre business in the United States. Notably, Holmes (1994) writes that the “the rise of the Theatrical Syndicate in the 1890s had accelerated the centralization of the commercial theatre and established New York City as the nation’s theatrical capital” (3). Moreover, he notes that the “reorganization of the American theatre closely paralleled developments in other sectors of the burgeoning industrial economy.”

4.3.2 The Shubert Brothers

The Theatrical Syndicate controlled the American theatres for nearly sixteen years before another group would attempt to challenge its monopoly. The Shubert Brothers - Sam, Lee, and J. J. – began operating theatres in upstate New York around the turn of the twentieth century. (Sam, the first brother to get involved in the theatrical business, was killed in a railroad accident in 1905). Soon, the Shubert Brothers leased the Herald Square Theatre in New York City. Their move to New York City was the beginning of what became known as the “Independent Movement.”

The Syndicate refused to lease its properties or allow the properties of its affiliates to lease to the Shuberts, which left few existing theatres for the Shuberts to lease or purchase. Thus, the brothers had to build their own theatres. The success of the Shuberts in the theatre business hinged on their ability to build new playhouses – most of which
they still controlled heading into the twentieth century. In order to finance the building of these new theatre houses, the Shuberts turned to outside investors. This was a much different tactic from that used by the Syndicate, which rarely partnered with outside investors. It was this ingenuity employed by the Shuberts that ultimately allowed them to trump the Syndicate. By 1905, the Shuberts legally incorporated, becoming the corporation, Sam S. and Lee Shubert, Incorporated (Bernheim). By the close of the 1905-06 season, the Shuberts owned 50 theatres. The triumphs proved their sustainability and first-class houses began to leave the Syndicate in favor of a contract with the Shuberts. Gradually, the Shuberts were able to control theatres from coast-to-coast.

The Shubert Brothers’ entrance into the theatre business was welcomed by the managers and workers of the industry as a method of weakening the Syndicate’s power over the industry. At the beginning, the Shuberts had an “open door” policy, which did not mandate exclusivity of theatres to the Shuberts. Managers and productions were allowed to book with the Shuberts and anyone else (Holmes). However, this policy changed as soon as the Shuberts felt that they had a strong enough hold on the theatre community. Soon, the Shubert Brothers operated their business much like the Theatrical Syndicate demanding exclusivity from its theatres operators and performers. In his book, *The Revolt of the Actors*, Alfred Harding states that:

> During the heat of their fight against the Syndicate, the Shuberts had proclaimed themselves the champions of the weak and oppressed in the theatre but now there were, for all intents and purposes, two Syndicates – and in the treatment of actors there was little to choose between them,
although it must be said for the Shuberts that the competition caused by their rise did help to keep actors’ salaries from dropping into the cellar (12).

4.3.3 The Syndicate-Shubert Battle

The battle of the Syndicate and Shuberts for theatrical dominance is a key to understanding how one aspect of the contemporary theatrical structure developed. Before the Shuberts entered the theatrical industry at the turn of the twentieth century, the Syndicate, also known as the Theatrical Trust, held a horizontal monopoly on U.S. theatrical endeavors. Bernheim argues that the members of the Syndicate were visionaries (even if some disagreed with their vision). They created something that had never existed in the United States before: “a centralized, national theatre system” (67). The Syndicate financed its theatrical endeavors through a concept called pooling. Pooling pulled capital together from several major investors (in this case, Froman, Hayman, Klaw, Erlander, Nixon, and Zimmerman) and gave those investors control of the operations of the business (Davis 1997). Pooling proved to be a complicated arrangement for all corporate entities that chose it. Most pools were created on a handshake and trust between the partners; thus, they either lacked formalized contracts and agreements or the contracts proved unenforceable.

Bernheim did not view the Shuberts as visionaries, as he did the Syndicate, but rather subjugators simply expanding a model created by the Syndicate: “They [The Syndicate] were pioneers. The Shuberts were conquerors” (67). Yet, Bernheim is shortsighted when it comes to the consideration of the advanced capital-raising techniques implemented by
the Shuberts. The Shuberts introduced the concept of negotiable securities to the theatrical industry (Davis). Negotiable securities allowed for venture capitalists to invest in a wide-range of companies and left the day-to-day operations of the companies to management. Thus, while the Shuberts may have simply expanded the model created by the Syndicate, they did so by presenting theatre as an investment opportunity to financiers as was being done in other industries.

Moreover, the Syndicate - and its structure as a trust - was vulnerable to government regulations that began to outlaw trusts. The Sherman Antitrust Act was the first attempt of the federal government in 1890 to attempt to break up the trusts, which held monopolies on entire industries. The Sherman Antitrust Act was not considered strong legislation as it failed to even mention the word monopoly, instead prohibiting “combinations in restraint of trade.” While the Act was used to split the Northern Securities Company, a large railroad conglomerate; the American Tobacco Company; and Standard Oil, Rockefeller’s oil company, in 1907, the State of New York lost its case against the Syndicate when the Supreme Court upheld the Syndicate’s right to exist by stating that the theatre industry was not subject to the provisions of the Act (Davis). Judge Otto Rosalsky stated that, “In light of the lexicographer's definition of trade, commerce, play, entertainment, and theatre […] it seems to me that plays and entertainments of the stage are not articles of useful commodities of common use, and the business of owning theatres, and producing plays therein, is not trade, and that, therefore,
the defendants did not commit acts injurious to trade or commerce” (as quoted by Manzella).

Clearly struggling, in 1907, the Syndicate agreed to partner with the Shuberts in a venture called the United States Amusement Company (USAC) which would provide vaudeville acts in theatrical venues. The USAC was formed as an attempt to capture a portion of the profitable vaudeville market, which was dominated by a group that would become known as the United Booking Office. The venture was troubled and short-lived. In January of 1908, the United Booking Office bought the failing company for $250,000.

The Syndicate faced another economic blow with the Crash of 1907, which caused businesses and industries to fail and made acquiring financial resources more difficult (Davis). The Shuberts were able to weather the economic slump due to their organizational structure. By 1910, the Shuberts had easily outgrown the Syndicate in size. The Syndicate did not survive the next decade.

4.4 Collective Action Behavior of Theatrical Actors

4.4.1 Early Attempts to Organize

The organization of the Theatrical Syndicate led actors to the prospect of organization as well. A small group of actors, led by Nat Goodwin, Francis Wilson, and Richard Mansfield, came together to challenge the ultimate control of the Theatrical Syndicate and protect the actors’ interests. The actors formed an organization in 1896 called the
Actors’ Society of America (ASA). The constitution of the Actors’ Society, adopted May 19, 1896, asserted, “It shall be the duty of this Society to discriminate between responsible and irresponsible managers and to assist its members in securing contracts with responsible managers only” (Harding 1929, 10).

The actors felt that if they could create an agreement among the leading and most profitable actors of the time they could negotiate their own dates and terms with the theatres, thereby not relinquishing their business independence to the Theatrical Syndicate. A proposed agreement was created for actors which stated that, as “both artistically and pecuniarily the good of the many is being subordinated to the profit of the few by the combination before mention,” an association was to be formed “for the promotion and protection of an independent stage in this country” (Hapgood). The agreement stated that the actors were to book their work through the executive committee of the association or directly with the theatre company. The actors were not to book through any agencies, specifically, Klaw and Erlanger, the booking agent of the Theatrical Syndicate. However, actors could work for Syndicate theatre houses as long as it was the theatre manager who hired them.

The agreement also contained a provision that stated an actor could be fined $5,000 if he did not uphold his agreement. This clause kept some actors from signing the agreement. Ultimately, only five actors signed the agreement: Francis Wilson, James A. Herne, James O’Neill, Richard Mansfield, and Minnie Maddern Fiske (McArthur 2000).
note, Nat Goodwin who was an initial member of the Actors’ Society did not sign the agreement. By the time the agreement was finalized and ready to sign, Goodwin had become a Syndicate actor. The newspaper, *The World*, offered this explanation for Goodwin’s change of heart:

Knowing Goodwin to be the head and front, the life and soul, of this effort, they tackled him with the promise of giving him dates where and when he wanted them, and of a long engagement at the Trust's [Theatrical Syndicate] Knickerbocker Theatre. Goodwin's weakness for New York engagements being well known to them, they induced him to desert the embryonic alliance of stars and join the issue with the Trust (Hapgood 1901, 15).

Another paper quoted a Syndicate supporter as saying, “Actors are an emotional, impressionable, I might say shiftless, lot […] Nat Goodwin was going to build a chain of theatres from Portland, Oregon, to Portland, Maine, to fight the Trust. They offered him ten per cent more than he had usually been getting, and placed him in theatres he was anxious to reach. That put an end to his big talk” (25).

Despite Goodwin’s crossover to the Syndicate, members of the Actors’ Society were still speaking out about the injustice of a theatrical monopoly. The storm between the Theatrical Syndicate and the actors continued to play out in the newspapers. James A. Herne was quoted stating, “The underlying principle of a Theatrical Trust is to subjugate the playwright and the actor. Its effect will be to degrade the art of acting, to lower the standard of the drama, and to nullify the influences of the theatre” (Turney). Author William Dean Howells also noted, “Not merely one industry, but civilization, itself, is concerned, for the morals and education of the public are directly influenced by the stage.
Every one who takes a pride in the art of his country must regret a monopoly of the theatre, for that means ‘business’ and not art” (Hapgood 17). ASA member Richard Mansfield wrote in The World on December 2, 1897:

It is merely a question how far each actor is ready to be a hero in the fight. It is not conceivable that any artist, who respects himself and his profession, can be forced to submit to these speculators; unless the actor is willfully blind he must know the method the Trust employs. Every actor who puts a dollar into the pocket of the Trust is supplying a new link for his own fetters. Every actor who works for the Trust is working against his fellow artists. The Trust cajoles where presently it will command. Once it succeeds in accomplishing its present purpose, there will be nothing but the Trust. Ambition will be futile. The independent actor-manager will have to disappear. The public will be obliged to take what the Trust gives it. Actors will be able to obtain employment only through the Trust. Playwrights will be dependent upon the Trust. Theatrical advertisements, since there will be no competition, will be limited to two-line announcements, and also the dramatic critic's occupation will be gone. This is not fiction. It is truth. Shall actors be beggars at the door of the Trust? It is the artist that the people go to see, him and his work. It is the artist in whom the people are interested, not the members of the Trust. Recent experiences have confirmed my intention to play in halls or dime museums, in preference to houses controlled by the Trust (20).

Despite, or perhaps because of, the dissension that existed between the actors and the managers of the Syndicate (and later the Shuberts), the Actors’ Society was never able to establish itself as a legitimate representative or negotiating agent for the actors. Initially, the Actors’ Society opposed the idea of unionization. In fact, ASA’s leadership fought to overcome the fears of potential members that ASA membership meant unionization. The Actors’ Society’s Monthly Bulletin was even published with the statement: “This is not a trades union but a professional association which aims to assume such magnitude as to make membership in the association tantamount with membership in the profession” (McArthur).
However, ASA leadership soon came to believe that ASA would need an alliance with organized labor in order to gain leverage with theatrical managers. The issue of unionization tore the membership of ASA apart, causing half the members to quit, as they did not support unionizing. The remaining members voted to affiliate with the National Association of Theatrical Stage Employees (which held the charter from the American Federation of Labor), but the deal was never finalized. Nonetheless, the Actors’ Society certainly laid the groundwork for the creation of a trade union for actors (McArthur).

4.4.2 Creative Sector Influences

The actors were not the only creative sector workers considering unionism as an option during the late 19th century. The stagehands and musicians were also seeking a way to represent their interests with theatre producers and theatre owners. The first creative sector profession to unionize was the stagehands. Stagehands had long fought theatrical producers and owners over the hiring of actors and/or children to run the show once sets were built. In 1893, spurred by the long hours, irregular work, low wages, and use of actors and children backstage, the stagehands unionized as the National Alliance of Theatrical Employees [sic]² (Baker). At the formation of the national union, the Alliance had eleven local unions (New York City, Cincinnati, Chicago, Pittsburgh, Brooklyn, St.

² The National Alliance of Theatrical Stage Employees (later the International Alliance) has, since inception, spelled “employees” as “employes.” This is still the spelling the organization uses in its current name. However, since the contemporary and proper spelling is “employees” this document will utilize the proper spelling.
Musicians in the United States unionized in 1896 as the American Federation of Musicians (AFM). The unionization of musicians came as a result of an invitation by the AFL President, Samuel Gompers. Gompers brought together disparate delegates from several organizations representing musicians and worked with them to organize and charter a musicians’ union (AFM). While there was some dissension among the groups, eventually 3,000 musicians agreed to join the AFM. The union resolved, “That any musician who receives pay for his musical services, shall be considered a professional musician.” By 1906, the AFM had organized 424 local unions and represented 45,000 musicians in the United States and Canada.

The path was not so clear, however, for the actors. By late 1912, the membership and influence of the Actors’ Society of America had steadily diminished. On December 22, 1912, 100 members met in New York City to decide whether or not the ASA should continue. The consensus of the meeting was that the ASA had outlived its usefulness (Harding). However, some members of the ASA felt there was still a fight worth fighting. Thus, a new organization concerned only with the economic grievances for actors was proposed. “The same meeting which heard the death sentence pronounced upon the Actors’ Society of America witnessed the birth of a new organization which was to become the Actors’ Equity Association” (Harding 12).
A committee of well known actors including Frank Gillmore, known as the “plan and scope committee,” was established to investigate the creation of a new organization (Gemmill 1926). The committee faced a formidable battle. The failure of the previous actor association and the hostility of theatre managers towards the actors had diminished the morale of many potential members. The committee decided that the best way to convince actors, managers, and the public of the value of a new organization would be to select an effective, convincing, compelling leader. The committee chose Francis Wilson.

Wilson was a veteran of the original Actors’ Society of America and actors’ struggle with the Theatrical Syndicate. William Harcourt approached Wilson on behalf of the committee to ask him to lead the next fight. Wilson’s response was, “I have seen so many of these attempts start and fail – but I am an optimist and I am always willing to try once more” (Harding 13). Over the next five months, the committee drummed up membership, created a constitution and by-laws, and interviewed managers regarding a standard contract. On May 26, 1913, the first meeting of the new Actors’ Equity Association (AEA or Equity) was called to order.

4.4.3 The Unionization of Actors’ Equity Association

The first meeting of Actors’ Equity Association, led by newly inducted President Francis Wilson, had 112 members present. Actors’ Equity Association formed in order to attempt to secure a standard minimum contract for actors with the managers. However,
hearing of the actors’ plan, the Shuberts, the Theatrical Syndicate, and other independent producers, formed an employers’ association, the United Managers’ Protective Association. Despite the producers’ own bitter rivalry, they organized in an effort to combat the actors’ demands (Holmes 2003). The constitution of Actors’ Equity outlined other purposes in addition to the standard minimum contract:

To advance, promote, foster, and benefit the profession of acting and the condition of persons engaged therein; to protect and secure the rights of actors; to inform them as to their legal rights and remedies; to advise and assist them in obtaining employment and proper compensation therefore; to procure appropriate legislation upon matters affecting their profession; to do or cause its members to do or take such lawful action as, in the discretion of the council, shall advance, promote, foster, and benefit the profession; to do or cause to be done or to refrain from doing such other acts or things, either as an association or through the individual members thereof, as may lawfully be done or as they or it may lawfully refrain from doing, as in the opinion of the council shall appear advantageous to the profession of acting or to the members of this association engaged in that profession (Gemmill 2).

The theatre managers did not take the new actors’ association seriously. Lee Shubert was quoted in the *New York Dramatic Mirror* stating, “The scheme is as impracticable as the actor himself…No person who delivers as little as the actor is paid so much…The manager gives not only his time and hard work to the production, but he furnishes the costumes and the staging at a great expense. If the play is a failure – and that rests with incomprehensible public tastes – the manager is far the greater loser.” Furthermore, on July 12, 1913, that the *New York Review*, an “organ of Shubert theatrical interests” (Harding), published this statement:

The most recent attempt of actors to unionize themselves by the formation of the Actors’ League is likely to go the way of other similar ventures. An actors’ union or any sort of cooperative protective organization having
actors exclusively for members, is doomed to failure because the foundation upon which any sort of League must stand to be successful is absolute equality. It is quite absurd to suppose that any actor would admit that any other actor is his equal. In no other profession or art do egotism and jealousy show themselves more luridly.

Every actor considers himself the nonpareil in his own line and wants a larger salary than any other competitor. Therefore to regulate pay and form of contract would be an impossibility, because on these questions no set of actors will stand together. The minute one of them found a backer and had a chance to go starring the adopted form of contract would be consigned to limbo. Where there is jealousy, envy, vanity, and the refusal to admit that one’s fellow is one’s equal there can be no union or joint action. It would be interesting to see how long Mr. Francis Wilson or Mr. Wilson Lackaye, or others who have lent their names to this Utopian scheme would abide strictly by its provisions when it is to their interests to do otherwise (15).

Harding noted in *The Revolt of the Actors* that, “The voice was that of the Shuberts, but the thought was common to all managers and, it may be added, to many actors and actresses. It was this question above all others that Equity had to face, spoken or unspoken” (16).

It took Actors’ Equity Association nine months to get the United Managers’ Protective Association to agree to meet with them. During the January 23, 1914 meeting, the actors urged the managers to adopt a standard minimum contract but the managers refused. The proposed contract included provisions such as 1) the limitation of free rehearsal to three weeks; 2) the payment of railway fares to New York by managers when plays close on the road; 3) protection of any increase in the number of extra performances without pay; 4) the reestablishment of the two weeks’ notice clause; 5) payment by the manager for all costumes except modern street clothes and evening wear; and 6) payment of full salaries.
for certain bad weeks (such as Christmas) for which managers usually paid only half salaries (Gemmill).

Prior to Equity’s contract negotiation failure, the organization was not apt to become a labor union. Francis Wilson stated, “The Actors’ Equity Association is not per se a labor union, and it will never become one unless, which is not likely, flagrant injustice on the part of managers compels it to ally itself with organized labor” (Gemmill 4). Yet, organized labor was gaining power in the United States. The creation of the Department of Labor combined with the disregard for Equity by the United Mangers’ Protective Association led to the consideration of unionization. By February 1915, Equity appointed a committee to investigate trade unions and their operations. The following year, a campaign aimed at educating the AEA members on the idea of union affiliation began. Soon, outside theatrical constituents took notice. On March 4, 1916, the New York Dramatic Mirror anticipated that Equity would affiliate with organized labor. Additionally, the article added, “and the managers who have persisted in refusing to make equitable contracts will have no one but themselves to blame should the actors decide to join hands with the American Federation of Labor and unionize themselves, as the musicians and the stage employees have done” (Gemmill 4).

Actors’ Equity Association called a meeting on March 10, 1916 in order to decide if the organization should have the membership vote for or against affiliation with the American Federation of Labor at its annual meeting in May. Francis Wilson, Actors’
Equity President, expressed his frustration, “I am perfectly convinced that it is absolutely impossible for us to believe that we can effect an equitable contract between actor and manager unless we adopt just such methods as have been adopted by the musicians’ union, by the mechanics’ union, and by the unions of the other trades and other professions” (5). Ultimately, they decided to allow a full membership vote.

During the annual meeting on May 29, 1916, Milton Sills championed the motion to join the organized labor movement:

> Our association has been in existence three years. During that period we have done much for the profession. We have rectified abuses, we have arbitrated cases, we have recovered money, but our main object – an equitable contract – remains unachieved. We have used every means, polite and diplomatic, to get the manager to accept our contract. We have talked with some of them in full council meeting; they admitted the fairness of our demands, but refused to accede to them. What we have achieved so far we have achieved by moral force, but moral force can go only so far. Our main object we now realize, can not be attained by moral force alone (McArthur and Gemmill).

By a vote of 718 to 13, the members of Actors’ Equity Association authorized its alliance with the American Federation of Labor “at the discretion of the council.”

A formal application for admission into the AFL was submitted on June 27, 1916. Obtaining American Federation of Labor affiliation was much more difficult than Actors’ Equity expected. The AFL had a policy of granting only one charter in any given field. The White Rats Actors’ Union of America, a union for vaudeville actors, had already been granted an AFL charter. The Actors’ Equity Association requested that the White Rats relinquish its AFL charter. If White Rats surrendered its charter, a new charter
could be issued and Equity and the White Rats could operate separate and distinct branches of the charter – Actors’ Equity representing “legitimate actors” and White Rats representing vaudeville actors (Gemmill). The White Rats Actors’ Union refused to relinquish its charter. Instead, the White Rats contended that Actors’ Equity should join the American Federation of Labor as branch of the White Rats charter. This stance was legitimate since, at the time, the White Rats had a membership of over 14,000 while Actors’ Equity had a membership of 2,500. The Actors’ Equity Association objected this offer primarily due to the title of the charter, White Rats, and the partial loss of autonomy a branch arrangement would entail (Gemmill). Therefore, an affiliation between Actors’ Equity Association and the American Federation of Labor was forsaken.

Although Actors’ Equity did not join the organized labor force, its efforts caused the United Managers’ Protective Association (UMPA) to take notice. On August 10, 1917, UMPA and Actors’ Equity representatives met to discuss a standard contract. The associations negotiated a contract with the following standard provisions: 1) a two-week notice clause; 2) the limitation of free rehearsals; 3) full pay for all time played; 4) extra pay for extra performances; 5) payment by manager for costumes of actresses receiving $150 per week or less; 6) settlement of disputes by a board of arbitration; 7) elimination of the “joker clause” by which a manager could dismiss a player on the ground that he was not giving satisfaction; 8) transportation from New York to opening point and from closing point to New York (Gemmill). The UMPA-AEA Standard Contract was approved by UMPA on October 2, 1917. The managers of UMPA agreed to use the
contract for one year. Unfortunately, the success of the negotiation was short-lived. In practice, the standard contract was seldom issued to actors. Following an Equity investigation, it was determined that only one-fifth of UMPA theatres were actually issuing the contract.

Following the disappointing UMPA contract negotiations, Equity once again decided to seek American Federation of Labor affiliation in 1919. Francis Wilson, President, and Frank Gillmore, Secretary, attended the AFL convention in Atlantic City in June 1919. Once again, Equity applied for a charter, and once again the AFL denied the charter because the stage entertainment charter had already been issued to the White Rats Actors’ Union. However, following the charter denial in 1919, AEA decided to contact the White Rats in order to pursue a branch affiliation.

Since the previous AFL affiliation request, the conditions at the White Rats Actors’ Union had changed. A strike in 1917 had left the White Rats badly defeated, and its negotiating authority against the vaudeville producers had essentially been extinguished. Therefore, the White Rats Actors’ Union agreed to relinquish its AFL charter. In July of 1919, the American Federation of Labor authorized a new charter known as The Associated Actors and Artistes of America. Under the new charter, the White Rats and the Actors’ Equity Association, as well as six other organizations, were recognized as authorized branches. Actors’ Equity Association had now officially joined the organized labor movement.
4.5 Contextual Analysis

4.5.1 Resource Availability, Control, and Use

During this time period, the theatrical industry was highly controlled by the Syndicate, and later, the Syndicate and the Shuberts. Although there were other producers and managers that operated independent of the Syndicate and the Shuberts, the power and authority within the industry was concentrated with them as they controlled the creation and distribution of the majority of theatrical productions both in New York and on the road. Thus, they controlled the majority of the resources for actors, in terms of employment and earnings.

Attempting to understand the availability of these resources during this time period proves more complicated. In order to evaluate the availability of employment for actors, we can first examine the number of productions. While the largest number of traveling productions was seen at the turn of the century (339 in 1900), a major decline was experienced within a decade (Figure 4.1). By the end of the time period, 1919, there was only an average of 49 productions on the road.
Figure 4.1 – *Number of Road Productions, 1900-1919* (Compiled from Bernheim)

The decrease in road productions came at a time when the national population and income levels were increasing. The decline in road productions in the early 1910s has been primarily blamed on the influx of motion pictures. However, there were certainly issues occurring within the theatrical industry itself that contributed to the decline of road productions. Notably, the competition between the Syndicate and the Shuberts led to the overexpansion of theatrical venues and thus an over saturation of theatrical entertainment nationwide. Moreover, in an effort to keep these many theatres open with legitimate theatre (as opposed to vaudeville or motion pictures) and in spite of rapidly rising
production costs, production standards were lowered and producers “exploited the public with misleading advertising” (Poggi 33). The rises in costs of theatrical productions were seen in every area from materials to transportation to labor (Bernheim and Poggi). Bernheim asserts that the labor and transportation costs dramatically increased due to the unionization of stagehands, musicians, and truck drivers. Additionally, despite the increasing cost of production, ticket prices remained capped at two dollars.

The price is what it was twenty years ago – two dollars – and in many cases has relapsed to a dollar and a half. If theatre seats had climbed like other commodities, we should now be paying five or six dollars a chair. Indeed, after America’s entrance into the war, a number of managers attempted to force the price to two dollar and a half. They were quickly obliged to haul in their horns (Phelps 1918, 47-8).

In March 1917, the New York Dramatic Mirror also analyzed the decline in traveling productions:

…all is not well with the theatre in the towns and cities of America; that outside New York, Chicago, Boston and one or two other large cities, the business of catering to the theatrical amusement of the people is not meeting with any genuine success, except in those instances in which musical productions are the attractions; that, in fact, people believing that they had not been receiving New York value for their money so far as the so-called usual thrift, occasioned by the fear of a financial reaction to the war, were giving almost their entire amusement patronage to motion pictures.

As the Dramatic Mirror was the primary theatrical publication of the time and the publication in which Actors’ Equity published weekly notices to its membership, certainly, the leadership of AEA was aware of the road decline. Nonetheless, the significance of the decline to the industry and the actors was not documented in Equity minutes or weekly notices.
While the road was declining, Broadway remained viable. The number of productions each season had been steadily rising since the turn of the twentieth century (Figure 4.2).

Figure 4.2 – *New Productions in New York City, 1899-1919* (Data compiled from Poggi)

However, the increase in new productions in New York City does not necessarily mean Broadway was thriving. There may be a large number of productions because the shows were a failure, causing the producers to close them quickly and replace them with other shows. Thus, Poggi examined trade papers to track how many productions remained open for at least 100 performances (it was assumed that if a show lasted this long it was
making a profit). These results show that from the 1913-14 season to the 1916-17 season, around 30 shows ran for over 100 performances while between 65-70 shows had fewer than 100 performances. There was a drop in long running productions in the 1917-18 season to only about 20 shows but a peak in the following season to 40 shows.

By examining both the road and Broadway, it appears that, throughout the theatrical industry, employment resources were becoming scarcer as fewer productions were being created. For this time period, it is difficult to assess pay for the actors. Because it was not a priority for Actors’ Equity during this time, actual pay rates are not noted in its internal documents. Bernheim examines weekly production costs but notes all actor salaries together and does not indicate how many actors were employed. Whereas, Holmes (2003) offers that theatrical workers earned an average of $875 for a standard 25-week contract at the turn of the twentieth century, but there are no later figures indicated.

Through the work of the Syndicate and the Shuberts, the field’s interconnectedness increased significantly during this time span. Theatrical venues across the country became linked together through their association with either the Syndicate or the Shuberts. Additionally, with the introduction of the International Association of Theatrical Stage Employees and the American Federation of Musicians, theatre venues become connected via their adherence the union regulations and policies. On a significantly smaller scale, it can also be said that those producers that agreed to adhere to the standard contract produced by the pre-unionized Actors’ Equity were also associated.
The development of these connections during this period led to the institutionalization of the theatrical field and, later, the isomorphic conditions of the field.

The formative years of Actors’ Equity Association were, as for many new organizations, financially tenuous. Fiscally, the organization relied on membership dues. Members were expected to pay $5 per year (later raised to $10) or $100 for a lifetime membership. But perhaps more vital to Actors’ Equity in its formative years was not money but membership. The higher the membership rose, the more legitimate the association appeared and the likelihood of being taken seriously by producers increased.

Pre-unionization, Actors’ Equity struggled with its ability to successfully manipulate its social environment. While the Association was able to convince some producers, some of the time, to use its standardized contract, it was unable to integrate any widespread transformations into the industry. Gaining any control in the industry was particularly difficult for Actors’ Equity, since there were still plenty of actors who had not joined the new association. However, Actors’ Equity was relentless in its pursuit of its initial goal of convincing producers to adopt a standard contract, paying little attention to the larger shifts in the theatrical industry including the significant loss of road productions.

To be expected, Actors’ Equity was limited in resources – both in terms of money and members – in its early years. The Association spent its financial resources primarily on administrative costs, including travel for the executive council and mailings to its
membership. In terms of membership, the executive council devoted time each week to voting in new members, noting delinquent members, and discussing member resignations. In each weekly *Dramatic Mirror* report, Equity would list all of the actors who had been accepted as members. Additionally, in an effort to increase membership in 1914, Equity voted at the general membership meeting to reduce the required years of professional experience from three to two years.

4.5.2 *Institutionalization of an Industry and an Organization*

DiMaggio argues that before institutional isomorphism can occur, institutionalization must occur. It was during this time period, 1880-1919, that institutionalization occurred within the theatrical industry. DiMaggio identifies four elements that define institutionalization:

1. An increase in the extent of interaction among organizations in the field;
2. The emergence of sharply defined inter-organizational structures of domination and patterns of coalition;
3. An increase in the information load with which organizations in a field must contend; and
4. The development of a mutual awareness among participants in a set of organizations that they are involved in a common enterprise (1982).

All four of these elements occurred during the formative period of the theatrical industry. There was an increase in the extent of interaction among theatre companies as the Theatrical Syndicate, followed by the Shuberts, organized a complex system of booking
productions into theatres across the nation. The formally independent theatres were now more aware and interested in the happenings at other theatre companies. Patterns of coalition and clear dominate structures formed as independent theatres aligned themselves first with the Theatrical Syndicate and later made a choice between the Syndicate and the Shuberts. The information available in the theatrical industry was becoming more abundant and more formalized. Finally, theatre managers, actors, and theatre producers became very aware of their participation in a larger common enterprise. This is clearly seen in the attempts of the theatre managers, actors, and producers to organize groups (with their competitors) that served their common professional interests.

Additionally, it is clear that at the turn of the twentieth century, there were parallels between industrial sector and the theatrical sector in the United States. As described at the beginning of the chapter, American industrialism was distinguished by nine characteristics. The theatrical industry saw five of those characteristics reshape its own industry. First, production began to be concentrated in large, intricately organized factories. While the theatre house is not exactly a factory, the premises of the production of the product being moved to a centralized location and the product being made in an intricately organized setting are clearly seen in the Theatrical Syndicate and, later, the Shubert organization. Second, expanded markets became the primary focus. Local and regional markets became more dependent on the touring productions. Many communities now relied on the touring productions to deliver their product. Third, the growth of the nationwide transportation network facilitated this movement toward the centralization
and subsequent dissemination of the theatrical product. Fourth, through the Theatrical Syndicate and the Shuberts, the theatrical industry saw the increased capital accumulation necessary for the expansion of production. Finally, the Theatrical Syndicate and the Shuberts can also be viewed as large enterprises offering a specialized product.

These parallels between the theatrical industry and the industrial sector point to the existence of institutional isomorphism acting as a catalyst in the shaping of the theatrical field. As institutionalism occurred, the theatrical field became more dependent on the Theatrical Syndicate, and later the Syndicate and the Shuberts, as sources of support. This points to DiMaggio and Powell’s B-1 Hypothesis: the greater the extent to which an organizational field is dependent upon a single, or several similar, sources of support for vital resources, the higher the level of isomorphism. Additionally, institutionalism led to professionalism by the creation of groups to serve the common interests of actors, producers, and managers. The creation of such groups indicates the beginning of professionalism within the field, which coincides with Hypothesis B-5: the greater the extent of professionalism in a field, the greater the amount of institutional isomorphic change.

Parallels can also be seen between the workers in the industrial and theatrical sectors. Industrial workers had five primary grievances regarding their work conditions: low wages, long hours, hazardous work conditions, high unemployment, and violence in the workplace. Similarly, theatrical workers were also objecting to low wages, long hours,
hazardous work conditions, and high unemployment. Around the turn of the twentieth century, industrial workers were earning an average of $400-$500 annually. Theatrical workers earned an average of $875 for a standard 25-week contract. Theatrical workers (who had 25-week contracts) were earning more than the average school teacher ($547 annually) but less than the average male clerical worker ($1,236) (Holmes).

Workers in the industrial sector had been attempting to secure maximum hour days since the late 1700s. Carpenters first went on strike for the ten-hour day in 1791. The ten-hour movement continued well into the mid-1800s. In 1840, Federal workers were the first to obtain the ten-hour day. Other workers did not obtain the ten-hour day until 1850. By 1868, Federal workers were ensured an eight-hour workday. Labor worked hard to push legislation to implement the eight-hour day for all workers but was unsuccessful. Thus, in 1886, labor leaders called a general strike. The strike ended in violence with seven police officers dead and 67 others injured. Progress towards the eight-hour workday was minimal until 1933. In an effort to respond to the economic devastation of the Great Depression, President Roosevelt pushed emergency legislation through Congress, the National Industrial Recovery Act. The Act established maximum hours, minimum wages, and the right to unionize. However, the Supreme Court found the Act to be unconstitutional and struck it down in May 1935. The Recovery Act was quickly replaced with Wagner Act, also known as the National Labor Relations Act, which ensured the eight-hour day and the right to for workers to collectively bargain. While actors were certainly affected by long hours, as a group they were more concerned with
the elimination of the free rehearsal period – it was not unusual for producers to have actors rehearse *for free* for 6-10 weeks for plays and 16-18 weeks for musicals. At the time, there was no limit to the free rehearsal period. Thus, actors could rehearse a production for 16 weeks, open and play for four nights, and the show would close. The actors were only paid for those four performances.

Work conditions for industrial workers were typically dangerous. Men, women, and children were asked to work on dangerous machinery that was improperly maintained. Women and children were often exploited. The work conditions were unsanitary and workers were often exhausted. For actors, working conditions were also undesirable. Actors were required to pay their own transportation to the point of opening for a show and from the point of closing. However, this often meant that if a manager closed a show in the middle of a tour, the actors were stranded without a way home and without money to get there. Actors also sought to eliminate the “satisfaction clause” from their contract. Under this clause, the actor agreed to play his/her part in a manner satisfactory to the manager. The manager was the sole judge, and there was no appeal process.

Unemployment was also a grievance of industrial workers and theatrical workers. In 1900, industrial workers were faced with a five percent unemployment rate. Actors in 1900 suffered from a 27.8 percent unemployment rate and actresses a 39.1 percent unemployment rate. These staggering unemployment rates were seen during the theatre industry’s most prosperous season to date, 1899-1900.
The final grievance of industrial workers, violence, was not a grievance of theatrical workers. The fights between the industrial workers and the employers caused unrest on the shop floor. Combined with the tensions of unstable communities, a weak middle class, and racial tensions, employers’ union-busting techniques of the time typically resulted in violence.³

Faced with similar grievances in different industries, industrial workers and theatrical workers turned to a parallel solution: unionization. However, the actors turned to unionization some years after the industrial worker. In fact, the actors opposed unionization well into the twentieth century. However, alternative organizational models for Actors’ Equity Association diminished. The actors longed to create a professional association that had contractual negotiating power with managers. This type of organization did not exist – in the theatrical field or the larger industrial sector. What did exist were trade unions; thus, the actors turned to unionization.

Despite the similarities of the plight of industrial workers and actors, the motivation of the two groups was considerably different. Industrial workers organized as a way to combat their grievances (low wages, long hours, hazardous work conditions, etc.);

³ Of note, despite their comparable grievances, actors were pointedly atypical when came to education. In 1900, 6.3 percent of U.S. citizens had high school diplomas and only 2.3 percent had college degrees. However, 22.9 percent of actors had high school diplomas, 18.3 percent had some college, and 6.9 percent had a college degree. Thus, theatrical workers were very well educated.
whereas, actors spoke of organizing as a method of preserving legitimate theatre. In fact, Equity vigorously insisted that it did not exist to negotiate salary levels,

Our attention is called repeatedly to newspaper comments that declare a fight is imminent between the allied interests of Klaw and Erlanger and the Shuberts on one side and the Actors’ Equity Association on the other: the issue to be the reduction of actors’ salaries. Again, we must say, emphatically, that our association was not formed to affect the size of any member’s salary, and it will not make any contention whatsoever on that point (Dramatic Mirror, January 25, 1915).

It should be noted, however, that as the organization grew, Equity primarily negotiated on the typical worker grievances (contract issues, hours, etc.) and did take up some salary issues (e.g. the producers’ reduction of actor salaries in 1914 when a war tax was imposed on all theatres by the U.S. government).

The actors’ propensity to move toward unionization is explained by DiMaggio and Powell’s institutional isomorphism field-level hypothesis B-3: the fewer the number of visible alternative organizational models in a field, the faster the rate of isomorphism in that field. In this application, the field can be defined both by industry (theatre) and as the overall labor movement (workers vs. management). The actors’ behavior mimicked the behavior of other workers in the theatre (stagehands and musicians) and in the larger labor movement. However, the actors’ stated motivation for unionizing was preserving legitimate theatre rather than the typical incentive for organizing – the ability to negotiate for goods such as higher pay.
4.5.3 Early Signs of Professionalization

A look of the theatrical industry at the turn of the twentieth century highlights several key developments that will have significance when discussing the collective behavior of actors. First, in the 1800s, it was common to have “actor-managers” in the theatre industry. However, as the actors moved toward unionization in order to negotiate with the theatre managers and producers, actor-managers were forced to choose a side. Thus, the restructuring of the theatre industry during this period triggered the disappearance of actor-managers. The loss of this duality within the industry created “sides” – you were either for the actors or against them.

Second, the theatrical industry became centralized in New York City, with a substantial touring component. Productions were often created in New York City and sent on the road to the venues. It was the creation of this new structure that mimicked the industrial revolution – the creation of the product was centralized and then the product was nationally distributed. The centralization of the industry during this time period is a primary basis for the creation of the later union, Actors’ Equity Association, as a national organization rather than local/national.

Third, the process of manufacturing stars began, as well as the notion of mass culture. “A nascent mass culture had given birth to the cult of celebrity and a handful of actors had emerged as stars who could command enormous salaries. But the overwhelming majority of theatrical performers remained perennially underpaid and chronically
underemployed” (Holmes). In the twentieth century, celebrity and the commercialism of culture grow even more, resulting in an even larger divide between the stars and the others. This, perhaps, could have partially explained Actors’ Equity Association’s reluctance to get involved in salary negotiations.

Finally, and perhaps most importantly, during this time period, actors began to consider themselves part of a larger profession. Although ASA did not prove successful as a long-term representative for actors, the Association opened the door to the notion of professionalization. Notably, ASA stated that its goal was “to make membership in the association tantamount with membership in the profession” (McArthur). The formation of Actors’ Equity Association was intended to protect an actor’s profession and standing in the legitimate theatre. Correspondingly, the incentive offered to actors who joined was the preservation of their art and the standing as a “legitimate” actor as opposed to a vaudeville actor or a burlesque performer.

Turning to the formal structures developed by Actors’ Equity Association in its pre-unionization phase, it becomes clear that Equity endeavored to offer collective goods to its early members. The collective goods Equity sought to provide its membership were the provisions outlined in its suggested standard contract: the limiting of free rehearsal periods, payment of railway fares, extra pay for extra performances, two week notice clause for termination, manager-funded costumes, and full salary payments for bad attendance weeks. However, Equity found it difficult to convince managers to use its
standard contract; even when managers agreed, Equity found that they would often violate the terms of the contract. Thus, much of Equity’s pre-1919 weekly meetings were spent discussing arbitration and litigation. If a manager adopted the contract, then violated the terms of the contract, AEA members could file a complaint with Equity executive committee and the actors’ organization would then take legal action on behalf of the actor. It should be noted that there were instances where managers complained that the actor failed to live up to his end of the contract. In those cases, the Equity executive committee would order the actor to honor the contract or risk membership termination. The Association also sent a letter to the managers stating that it would discipline such members and would provide the manager with an unemployed member to take their place (this was offered in case of illness as well).

While AEA faced the issue of enforcing the standard contract once it was adopted, they were really facing a larger collective action problem. The managers who adopted the contract issued it to all actors not just Actors’ Equity Association members. This means that Actors’ Equity faced an enormous free rider problem. In this case, the “group” consists of all actors and the “nonparticipating group members” are those who did not join Actors’ Equity Association. In order to resolve this problem, the AEA executive committee began lobbying managers for “closed shop” theatres - meaning only AEA members could work in the venue. However, closed shops were a concept limited to union workers; the closed shop did not exist for professional associations. This provided
another motive for the Equity executive committee to push the general membership for unionization.
CHAPTER 5

UNIONIZATION, THE DEPRESSION, AND GOVERNMENT ACTION: 1919-1949

The beginning of this time period marked a changing political and social climate in the United States. Women won the right to vote. Prohibition was the law of land…until it was repelled. Communism became a “four-letter word.” Henry Ford forever changed industry with the creation of mass production and an organizational structure that renounced unions but paid workers four times the national average.

The country faced the hardship of the Great Depression and the patriotism of war. The time period also delivered significant changes to the labor environment. It was a period of recognition for organized labor, the decline and eventual growth of union activity, and unparalleled legislation with regard to labor practices including the introduction of the minimum wage in 1938.

Theatrical workers were also forced to ride the shifting tides of this time period. Actors faced the creation of mass production and distribution through the advent of talking pictures, accusations of Communism, and their own strike for recognition. Against the backdrop of the United States during peacetime, the Depression, and war, this chapter conveys the battles of organized labor with employers; labor’s recognition from the
government; and it explores the first attempts at noncommercial theatre. During this time period, the theatrical environment became more complex. In addition to Actors’ Equity’s fight for influence in the commercial theatre, the film industry blossomed, raising questions concerning unionization; “Little Theatres” and noncommercial theatres became part of the landscape; and the United States Government subsidized theatrical activity through the creation of the Federal Theatre Project.

5.1 The Economic, Political, and Social Environment in the United States

The following historical overview describes the environment of the United States during the 1920s, 1930s, and 1940s. It primarily discusses the major political shifts, the economic disaster of the Great Depression, and the developing social structures. This section is intended to highlight some key factors of political, economic, and social environment that proved relevant to the operations of the theatrical industry and Actors’ Equity Association.

5.1.1 Socialism and Communism

The post-World War I environment brought attention to Socialist and Communist groups in the United States. This attention came primarily due to their opposition to the war, which was thought to be unpatriotic. The Socialist Party had been active in the United States for decades; in fact, there were numerous politicians elected to government offices that had run on the Socialist ticket. Additionally, Eugene V. Debs, head of the Socialist
Party, ran as a candidate for President of the United States in 1900, 1904, 1908, 1912, and 1920 winning as much as six percent of the popular vote.

The Bolshevik Revolution in Russia in 1917 and a string of anarchist bombings in 1919 led to the government tracking of the activities of numerous prominent U.S. citizens. President Wilson’s Attorney General, A. Mitchell Palmer, claimed that Communist revolutionaries were planning to overthrow the U.S. government. On November 7, 1919, over 10,000 suspected Communists were arrested in the “Palmer Raids.” Although most suspects were eventually released, many were held for a long period of time and 247 people were deported. January 2, 1920 brought a second round of Palmer Raids in which thousands more people were arrested.

Palmer contended that the Communist revolution would begin on May 1, Socialist Labor Day, with mass protests. Fear spread throughout the United States, leading to 32 states making it illegal to display the Communist flag and to the expulsion of five elected New York legislators because they were members of the Socialist party. The Communist revolution never materialized, and twelve attorneys issued a report detailing the civil liberties violated by the Justice Department. That Red Scare ended by the summer of 1920; however, the concern over Communism in the United States was not over.

By the 1930s, the legislative branch of the federal government began investigating some Americans via the House Committee to Investigate Un-American Activities. The first
committee was formed in 1933 as the McCormack-Dickstein Committee. However, it was Martin Dies’ Committee in 1938 that was most well known. During his tenure, Dies and the Committee particularly focused on the projects of the Works Projects Administration which will be discussed later in the chapter.

Additionally, in 1947, Hollywood and the film industry came under attack by the Committee, which was then led by J. Parnell Thomas. In what became known as the Hollywood Ten, Thomas called ten screenwriters, directors, and producers to testify in front of Congress regarding their association with the Communist party. The interrogation included the infamous query: “Are you now or have you ever been a member of the Communist Party?” All ten refused to answer any questions, citing the First Amendment, and all were given prison sentences. (Later, some artists cited the Fifth Amendment and avoided prison sentences). In response, Hollywood executives developed a blacklist for those who refused to cooperate with the Committee or who were associated with the Communist party. Ultimately, many artists came under suspicion and were placed on the Hollywood Blacklist – leaving them unemployed.

Socialism and Communism were commonly, and often correctly, linked to the organized labor movement. Working-class citizens were often sympathetic with the ideals of Socialism and Communism. Thus, during this period, union leaders and the rank-and-file often came under attack. Unionized artists were certainly no exception and in fact, sometimes became public targets.
How would actors be affected by the accusations of Socialist leanings and Communist activities?

5.1.2 Talking Pictures

In October 1930, *Fortune Magazine* proclaimed, "The advent of American talking movies is beyond comparison the fastest and most amazing revolution in the whole history of industrial revolutions" (Sklar 1976, 33). The 1920s forever altered the entertainment industry in the United States. Although silent films had been prevalent in the United States for nearly two decades, their popularity did not undermine the live forms of entertainment until sound was introduced. Warner Brothers and Western Electric created a system where sound was recorded on a wax record that could be synchronized with the film projector. The first film Warner Brothers released utilizing this technology was *Don Juan* in 1926. The sound in this picture was limited to sound effects and music. In 1927, however, Warner Brothers used the technology to create *The Jazz Singer*, which actually brought dialogue to life. Impressed by the technology and relatively inexpensive ticket price, audiences soon turned these “talking pictures” into the principal form of entertainment in the United States. Profits for film producers skyrocketed almost 400 percent while film exhibitor profits rose 25 percent (Sklar).

Talking pictures may have revolutionized the film industry, but not everyone profited from the popularity. Particularly, live performers, a staple in the silent movie house,
were now obsolete. Theatre owners no longer had to hire musicians to provide live entertainment as now all the music came with the film. Thus, thousands of musicians were put out of work.

With the revolutionary technology of talking pictures, film studios had entered their peak. Beginning in the late 1920s, the period that would later be labeled the Golden Age of Hollywood had begun. The Golden Age lasted through the 1940s. Of the time period, Sklar writes, “Not only did the movies amuse and entertain the nation through its most severe economic and social disorder, holding it together by their capacity to create unifying myths and dreams, but movie culture in the 1930s became a dominant culture for many Americans, providing new values and social ideals to replace shattered old traditions” (161). To be sure, the movie studios were not immune to the economic devastation of the Depression. In 1933, the studios suffered significant deficits; nearly a third of all movie houses shut down; and theatre owners were forced to slash ticket prices in order to lure audiences to the theatres. However, by 1934, the movie studios began to rebound. And within five years, the industry was able to launch the next significant technological advancement. The studios had developed Technicolor which produced full true color for the screen. The color creation spurred two of America’s most beloved films to the screen, The Wizard of Oz and Gone with the Wind (both in 1939). Movie popularity continued to rise and peaked in 1946 when movie attendance reached its all time high.
Would audiences abandon the traditional theatrical form of entertainment for this modern invention? How would actors respond to this new avenue for employment?

5.1.3 The Great Depression

It would be impossible to examine the early twentieth century in the United States without considering the Great Depression and its effect on U.S. society and government activities. The 1920s were a time of considerable prosperity for many in the United States. Many were profiting from investments made on Wall Street; in fact, during the 1920s stocks more than quadrupled their value. People began thinking of the stock market as a sure way to make money; therefore, they would borrow heavily in order to invest more in the market. In early September of 1929, the Dow Jones Industrial Average reached a peak of 381.17.

The following weeks brought a decline to stock prices; simultaneously, the Smoot-Hawley Tariff Act made its way through Congress. The Smoot-Hawley Tariff Act is noted as the largest U.S. protectionism policy of the twentieth century, which was designed to raise tariffs on imports of 3,200 goods nearly 60% (Salsman 2004). Some contend that the Smoot-Hawley Tariff Act was a primary cause of the Stock Market Crash as stock market prices are anticipatory of future profits, while others argue that the Act, contributed to, but did not cause, the Crash (particularly since President Hoover did not sign the bill until 1930). Nonetheless, the relationship between the Act and the Crash appear linked due to the timing of the Act and the events on Wall Street. Specifically, an
amendment to the Act was proposed and defeated that would have limited tariffs to agricultural imports three days prior to the first crash of the market on October 24 when 13 million shares were traded. “Five days later, October 29 – amid rumors that U.S. President Herbert Hoover would not veto the pending tariff bill – stock prices crashed even further” (Salsman). Nearly 16.5 million shares were traded on what has become known as Black Tuesday. In all probability, the Stock Market Crash was not triggered by a singular cause but rather a combination of sources including the Smoot-Hawley Tariff Act and an increased reliance on credit-based investment.

While most Americans did not have money invested in the stock market, the Crash reverberated over the forthcoming years throughout the country as devastated businesses were forced to lay off workers and banks were forced to close (9,000 over the next decade). The United States slid into the Great Depression over the two years following the Crash. President Hoover was famously slow to respond to the increasingly bad financial news, the swell of unemployed workers, and the upsurge in homelessness. Hoover refused direct federal aid to individuals and insisted relief programs should be financed through state and local governments. But states and localities did not have the money to fund such extensive relief programs. Soon, the homeless had to take up residence in tiny self-constructed shacks built on third-party or government land across the country, in what become known as shantytowns or “Hoovervilles.”
By 1932, Hoover’s tarnished reputation and “stay the course” political platform amid the vast despair across the country were no match for the Democratic presidential candidate Franklin D. Roosevelt’s words of hope and pledge for a “new deal.” Roosevelt won the Presidential election in a landslide with 472 electoral votes to Hoover’s 59. Roosevelt carried all but six states.

Table 5.1 indicates the fall and eventual rise of economic prosperity and employment in the United States in the years before, during, and after the Great Depression.

<table>
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<tr>
<th>Statistic</th>
<th>1929</th>
<th>1933</th>
<th>1937</th>
<th>1939</th>
<th>1940</th>
<th>1942</th>
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<td>Gross Domestic Product</td>
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<td>56.4</td>
<td>91.9</td>
<td>92.2</td>
<td>101.4</td>
<td>161.9</td>
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<td>(2006 dollars, in billions)</td>
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<tr>
<td>Unemployment (in millions)</td>
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<td>7.7</td>
<td>9.5</td>
<td>8.1</td>
<td>2.7</td>
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<tr>
<td>Unemployment (% of workforce)</td>
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<td>39.05</td>
<td>14.3</td>
<td>17.2</td>
<td>14.6</td>
<td>4.7</td>
</tr>
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</table>

Table 5.1 – *U.S. Economic Statistics* (Bureau of Economic Analysis 2006 and McDonnell 1963)

5.1.3.1 The New Deal

At the heart of the New Deal reform program was a liberal commitment to make federally guaranteed economic security a political right for every American citizen. This ideological commitment was expressed in a host of New Deal programs such as social security pensions, federal unemployment benefits, federal deposit insurance, and federal farm price supports. Supporters believed these New Deal programs and others like them were both necessary and inviolable (Edsforth 2000, 2).
When negotiating what he dubbed the “New Deal,” Roosevelt first created programs for direct federal assistance. Roosevelt submitted legislation to Congress that would authorize the Federal Emergency Relief Administration. (Hoover had created the Emergency Relief Administration but it did not offer direct relief). Roosevelt’s Federal Emergency Relief Administration (FERA) required funding of $500,000,000 over two years. Half of the appropriation would be allocated directly to state and local relief agencies while the other half would be available via three-to-one matching grants to the states (Edsforth). The funding for both programs was to be used in the creation of work relief programs not simply handouts; the FERA was designed to relieve “worklessness” (Edsforth 139). In addition to FERA, the New Deal’s direct relief programs also included the Civilian Conservation Corps, the Public Works Administration, the Works Progress Administration, the Resettlement Administration, the Farm Security Administration, Social Security, and unemployment insurance programs.

To address the issue of economic reform, Roosevelt widened the role of the Reconstruction Finance Corporation (RFC), which was established by Hoover in order to make emergency loans to banks and railroads. In Roosevelt’s plan, the RFC continued to make loans but was also able to purchase banks’ stocks in order to provide the banks with capital. By 1940, with the impending war, the RFC was also empowered to provide loans in order to construct and operate defense plants as well as loan money to foreign governments.
Roosevelt also sought to create programs that would stabilize the market and, thus, the economy. In order to do so, Roosevelt wanted to find a way to balance the needs of the agricultural community, businesses, and labor. Programs designed to address this balance included the National Industrial Recovery Act, the Securities and Exchange Commission, the Federal Deposit Insurance Program, and the Wagner Act.

The programs Roosevelt created under the New Deal have been accused of being Socialist or Fascist in nature. While Roosevelt’s programs certainly marked an unprecedented time in U.S. history of government involvement in business, Roosevelt argued that he was opposed to Socialism in its truest form of government ownership of production. (Consequently, only one program in the New Deal involved government or communal ownership of production – the Tennessee Valley Authority). Although the U.S. government may not have adhered to the strict principles of Socialism, the New Deal brought about an unparalleled involvement of the government when it came to worker rights and the creation of art.

5.1.3.1.1 National Industrial Recovery Act.

In June 1933, Congress enacted the National Industrial Recovery Act (NIRA), which endeavored to support economic recovery by requiring businesses to establish codes within their industries. “Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry.” These codes effectively created cartels that set
standard wages, created production quotas, and even fixed prices. Importantly, the legislation also had a provision that read: “any code […] and any action complying with the provisions thereof . . . shall be exempt from the provisions of the antitrust laws of the United States.” Thus, the NIRA, for all practical purposes, suspended the Sherman Antitrust Act.

The NIRA also addressed labor issues by giving employees the right to unionize: “employees shall have the right to organize and bargain collectively through representatives of their own choosing.” Additionally, the Act ordered industry to abide by labor policies: “[…] employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment […].” Soon after the passage of the National Industrial Recovery Act, the National Recovery Administration (NRA) was created by executive order. The NRA existed to participate in the drawing up of the blanket codes that governed all business and fair practice industry codes. By 1935, over 500 codes had been established.

While many have argued that the NIRA and NRA were major successes for labor, others contend the Act and agency “may have been the greatest legislative roadblock ever put in the path of free enterprise in America” (Folsom). However, Alexander (2001) contends that it is more complicated than thinking the NRA was good for labor and bad for business. She argues that labor, “could not have achieved gains with respect to collective bargaining rights over wages and working conditions, had those rights not been more or
less willingly granted by employers operating under the belief that stabilization of labor costs would facilitate cartelization.”

The constitutionality of the NRA was questioned in 1935 by the case *Schechter Poultry Corporation v. United States*. The Schechter Poultry Corporation was charged with 18 counts of violating the “Live Poultry Code” (authorized by the NRA) and one count of conspiracy. The Schechter Poultry Corporation was convicted in District court and the U.S. Court of Appeals upheld most of the convictions. However, on May 27, 1935, the U.S. Supreme Court, in a unanimous decision, reversed the decision on three bases: 1) on the grounds that the code system improperly delegated legislative powers to the executive branch; 2) that there was a lack of constitutional authority for the legislation, and 3) that the provisions of the poultry code did not represent interstate commerce regulations. The reversal of the decision essentially declared the NRA and, consequently, the NIRA unconstitutional – a significant upset to Roosevelt and New Deal politics. However, many of the labor provisions established by the National Industrial Recovery Act were reenacted in subsequent legislation.

5.1.3.1.2 The New Deal Arts Programs

Roosevelt’s concern for employing those without work extended beyond farmers and factory workers. Thousands of artists were also unemployed and Roosevelt’s commitment to employment led the government to become more involved with the arts than ever before. The New Deal established an arts program so expansive that it
employed artists ranging from playwrights and poets to painters and sculptors to actors and musicians. The federal government created a method of funding the arts that had never been seen in the United States previously nor has it since. Nonetheless, it is important not to presume that the government had any more interest in the creation or preservation of art in the 1930s than it had previously. The New Deal’s art programs were, for the most part, simply a means to employ the unemployed. In the publication, *The New Deal’s Treasury Art Programs*, Olin Dows, the program’s Relief Administrator, wrote that:

> Human economic relief was the motive behind all the New Deal’s art programs. That is why they were so easily accepted by the public and the politicians. If it had not been for the Great Depression, it is unlikely that our government would have sponsored more art than it had in the past (Mankin 1995, 77).

According to Mankin, Dows actually exaggerates the acceptance of the art programs. In fact, politicians and other opponents did not receive the art projects very favorably and did not feel that the government should be involved in the art-making business. Yet, most critics delayed their condemnation of the art programs until the Roosevelt Administration began to lose public favor.

The first cultural program to be established by the New Deal was the Public Works Art Project (PWAP) in 1933. The Project, funded by the Civil Work Administration, employed approximately 3,750 artists who subsequently created over 15,600 works of art at a cost of $1,312,000. The program ended seven months later when the Civil Work Administration was disbanded, but it set the stage for the Work Progress
Administration’s Federal Art Project (FAP), Federal Music Project (FMP), Federal Writer’s Project (FWP), Historical Records Survey (HRS), and the Federal Theatre Project (FTP).

The Work Progress Administration (WPA), an agency whose primary function was construction projects, was created on May 6, 1935 by an executive order as part of the Federal Emergency Relief Act. In the book, *The Dream and the Deal*, author Jerre Mangione remarked that:

> An inconspicuous but significant clause in the act authorized assistance to educational, professional and clerical persons; a nationwide program for useful employment of artists, musicians, actors, entertainers, writers […] and others in cultural fields (Mankin 80).

The art projects as part of the WPA began on September 12, 1935. These art projects were “experimental, idealistic, political and frustrating,” and “constantly surrounded by controversy” (Mankin 80).

The Federal Art Project had three primary activities: 1) the production of works of art; 2) art education and the establishment of community arts centers; and 3) art research through the Index of American Design. At its peak in 1936, the FAP employed over 5,600 artists and related arts professionals. Over its entire existence, FAP produced an estimated 2,566 murals, 17,744 sculptures, 108,099 easel paintings and 240,000 prints at a cost of over $35 million dollars.
Like the Federal Art Project, the Federal Music Project also provided education for children and adults, produced work through various ensembles (including orchestras, opera units, military and dance bands), sponsored the creation of 34 new compositions, and had a research component that created an Index of American Composers. At its height, the Federal Music Project employed 16,000 musicians and presented an estimated 5,000 performances per week in 273 cities to an aggregate of ninety-two million people.

The Federal Writers Project (FWP) employed 6,600 writers, researchers, editors, historians, critics, archaeologists, geologists, and cartographers. The FWP created guidebooks for each state, children’s books, and local and oral histories. The FWP also conducted research and writing services for various government agencies. The Historical Records Survey documented American history and compiled indexes of military records, vital statistics, maps, newspapers, and various other records. The Federal Theatre Project employed 12,700 theatrical workers and produced over 1,200 works. The FTP will be discussed in detail below.

The onset of World War II brought about the end of all the WPA art projects. As the nation’s focus turned to war preparation in 1941, WPA projects were reduced. By July 1943, Congress eliminated all WPA Projects (correspondingly nixing a proposed Army War Arts unit). The end of the Works Projects Administration brought to a close a unique period in American history. “The WPA years represented the highest point of governmental support for the arts, but the support emanated from a need for economic
recovery, rather than from any deeply held societal value in support of the arts” (Mankin 91). How would the New Deal affect the theatrical industry and its actors?

5.1.4 World War II

The War between Germany and the United Kingdom, France, and Poland (the Allies) had begun in 1939 when Germany invaded Poland. Later, Italy and Japan joined the Germans to form the Axis Powers. The United States was brought into World War II, on December 7, 1941, when Japan attacked Pearl Harbor. The United States, along with the Soviet Union and China, joined the Allies in their fight against the Axis Powers. The War would carry on for four more years.

Franklin D. Roosevelt, the only U.S. President to ever serve more than two terms, had led the U.S. through the darkest days of the Great Depression and then the darkest days of World War II. Unfortunately, he never saw the War end. Roosevelt died of a cerebral hemorrhage on April 12, 1945 and was succeeded by his Vice President, Harry Truman. The loss of life in World War II was extreme; approximately 62 million people died. Politically, World War II and the United States’ role in its victory for the Allies elevated the country’s status into a “superpower” during the postwar era. The War also brought about the creation of the United Nations (whose purpose is to promote international peace, security, and economic development) and spurred the Cold War between the U.S. and the Soviet Union and its allies, an ideological, as opposed to direct conflict, war over Communism.
Importantly, the United States’ involvement in World War II altered the workforce significantly. With many men going into the military, women replaced them in the factories; consequently, more than six million women joined the workforce during World War II. Sixty percent of these women were over 35 years old, and most were married. Despite women’s significant contribution in the workplace, they were treated as a temporary solution to the labor shortage, not as valuable workers. One war department brochure proclaimed that, “A woman is a substitute, like plastic instead of metal.” Thus, when the War ended, women were expected to return to their place in the home.

The 1920s through the 1940s represented an economic and political rollercoaster for the United States. Life between the wars first brought prosperity followed by despair and eventual rebound. The opulence of the 1920s fostered considerable artistic achievement including silent film, Jazz, and the Modern Art movement. But the Great Depression of the 1930s often dashed the financial viability of artists and their supporters. Many artists also suffered public attacks regarding their political sympathies. Ultimately, film emerged from the decade as the most popular and economically feasible artistic amusement.

5.2 National Labor Movement Developments

During this thirty year period, labor experienced turbulent times. Organized labor struggled for the first half. First, unions were engaged in strike after strike but won few.
Next, the initial impact of Depression meant fewer jobs in unionized fields which resulted in losses in membership for unions. However, Roosevelt’s New Deal secured the union in the American workplace and unionism rose once again.

The early years of this time period were devastating for labor. In 1919, more than one-fifth of the country’s workforce participated in a strike including over 400,000 miners and 365,000 steelworkers and a general strike of all union workers in the city of Seattle in an attempt to secure higher wages. Then, for months during 1922, workers across the country took part in the Great Railroad Strike spurred by the announcement that worker wages would be cut. While the strikers were successful in shutting down some of the railroads, labor lost this battle as well when over 400,000 strikebreakers were employed. Overall, this series of strikes ended poorly for the unions. Feelings of negativity about organized labor spread among U.S. citizens who were angered that entire cities, like Seattle, and entire industries like the transportation industry could be shutdown by the whim of workers.

The 1920s brought about significant labor shifts in the United States. For the first time in U.S. history, workers in the manufacturing, agriculture, and mining fields decreased, while the proportion of workers in clerical, service, and government jobs increased. The move of workers from the factories to offices was spurred by the rapid increase in productivity that mass production created. Greater productivity meant fewer workers were needed to manufacture the same amount of goods. Additionally, mechanization
meant that workers needed fewer skills to be successful in the factories. More women began entering the workforce during the 1920s – primarily in clerical and retail positions, which were typically non-union and offered low wages. Indeed, union jobs were primarily blue collar and held by men.

By the end of the 1920s, labor-management conflict greatly decreased. Fewer strikes and work stoppages occurred. In 1928, for instance, there were only 604 strikes, which was the fewest number of strikes since 1884. To be clear, this reduction in strikes did not necessarily indicate positive labor-management relations. Rather, arguably, the labor-management conflict subsided due to crushing defeats suffered by organized labor at the turn of the decade.

Next, the Depression destined unions to momentous declines. By 1933, there were fewer than three million union workers down from over 5 million in 1919. Sixty percent of union membership was in construction, entertainment, printing, and local transport – areas of decline during the Depression. Union membership was significantly low in mass employment fields such as autos, steel, and textiles.

Unions were forced to retreat to defensive positions, hoping to protect current members by preventing wage cuts and layoffs. Additionally, the American Federation of Labor (representing 85 percent of all union workers) embraced Hoover’s policies. At the beginning of the Depression, the AFL adamantly opposed federal unemployment relief
and policies of social welfare. Instead, the AFL attempted to convince employers that maintaining worker wages would help preserve worker purchasing power, which, in turn, would guide the country out of its economic slump (Zieger & Gall). By 1932, however, the AFL altered its position. The president of the AFL, William Green, told a congressional committee that legislation on behalf of working people had to be passed or the labor movement would call a universal strike. A universal strike was never called, primarily due to the inauguration of Roosevelt. Roosevelt and his New Deal were greatly supported by union workers and the AFL.

The New Deal marked a dramatic turn for unions. Beginning in 1934, union membership began to grow. By the end of 1939, union membership had nearly reached nine million. It is largely believed that this growth was due to the passage of the National Industrial Recovery Act in 1933 (which guaranteed workers the right to unionize) and the unionization of semi-skilled and unskilled labor.

The unionization of unskilled laborers came at the opposition of the AFL. The AFL would not admit unions of semi-skilled and unskilled workers into the Federation, opting instead to focus on skilled workers. While the leadership of the AFL held firm and did not allow unskilled laborers or unions to join the umbrella organization, there was discontent brewing within AFL’s membership. Some unions steadfastly believed that industrial workers should be allowed to unionize. Thus, in 1935, eight unions within the AFL formed the Committee for Industrial Organizations whose purpose was to convince
the AFL leadership to allow industrial workers to unionize. The Committee, unable to change AFL policies, split from the AFL in 1938 and formed an independent umbrella organization for unions known as the Congress of Industrial Organizations (CIO). The CIO proved quite successful in its early years by winning union recognition for the United Auto Workers at General Motors and the Steel Workers Organization Committee at U.S. Steel. This influx of union membership ultimately led, once again, to labor-management unrest. In 1939, work stoppages increased: over 1.5 million workers went on strike in over 1,800 work stoppages. This figure increased as the decade moved ahead.

As the United States entered World War II, unions continued to grow in membership; the hostility between the AFL and CIO intensified; and labor-management conflicts deepened. Additionally, conflict within some unions mounted: Many unions refused to negotiate for female or black workers, leaving them to fend for themselves with management. It should be noted that creative sector unions were some of the first unions to accept and negotiate for female and minority members.

By the end of the War, the labor movement was the strongest it had ever been in the United States. Thirty-two percent of the civilian work force was made up of union members – approximately 14.5 million people. The AFL, which in the face of competition altered its policy on unskilled and semi-skilled laborers, had proved to be the stronger of the two federations with over 10 million workers.
5.2.1 The National Labor Relations Act (1935)

In 1935, just months after the National Industrial Recovery Act was found to be unconstitutional, Congress passed the National Labor Relations Act, also known as the Wagner Act. The Act guaranteed private sector workers the right to unionize and collectively bargain with their employers. Additionally, it forbade employers from interfering with unionizing activities. Finally, it created a National Labor Relations Board, a government agency consisting of three board members charged with investigating unfair labor practices and making binding determinations on such complaints.

Despite the legislative labor victory, little was written in the act to enable enforcement. Moreover, since similar acts had been found unconstitutional in the past, employers assumed that the Wagner Act would eventually be undone by the courts. Thus, employers felt little need to follow its covenants. This proved to be incorrect in 1937 with the case the National Labor Relations Board v. Jones & Laughlin Steel Corporation. The National Labor Relations Board filed a lawsuit on behalf of workers, citing that Jones & Laughlin Steel Corporation had been engaging in unfair labor practices by discriminating against union members and intimidating employees in order to prevent the formation of a union. Lower courts had found in favor of the Steel Corporation citing former Supreme Court decisions. However, when the Supreme Court heard the case, it reversed the Circuit Court of Appeals decision and ruled in favor of the National Labor Relations Board. The decision was based on the grounds that the Steel Corporation had
interfered with interstate commerce by attempting to prevent workers from unionizing. The ruling upheld the constitutionality of the Wagner Act.

5.2.2 The Taft-Hartley Act (1947)

Twelve years after the passing of the Wagner Act, the Taft-Hartley Act of 1947 (also known as the Labor-Management Relations Act) was passed. Congress passed the Act on June 23, despite resistance from Organized Labor and President Truman’s veto of the bill denouncing it as a “slave-labor” bill. The Taft-Hartley Act declared that “employees have a right to belong to unions and take part in union activities; and under the Taft-Hartley Act, they also have the right not to belong to unions, and to refrain from union activities” (original emphasis; Office of General Council, AFL).

The Taft-Hartley altered a number of key pro-labor ideals from the Wagner Act. For instance, the Act forbade closed shops – a practice in which employees are hired through the union or in which new employees are required to become union members immediately after the offer of employment. It also would only permit union shops if the majority of current employees voted for it – a union shop requires all new members to join the union within a certain number of days and remain members throughout employment. The Taft-Hartley Act also forbade jurisdictional strikes (a dispute between two different unions regarding who should be the representatives for the workers of a particular employer) and secondary strikes (a strike against a company doing business with the company the unions are striking against or trying to unionize) as well as some
types of boycotts. The Act required union officers to sign and file an affidavit confirming that they were not members of or sympathetic to the Communist party. It also increased the number of board members on the National Labor Relations Board from three to five and allowed the executive branch of the government the power to call an 80-day injunction against any strike that it deemed a peril to national health or safety. Finally, the Taft-Hartley Act made it a criminal offense for unions to contribute to the political campaigns of a President, Senators, or Congressmen, a move that could essentially render unions powerless in the political arena. The AFL contended that this was unconstitutional.

The success of trade unions in these decades stood in direct opposition to the economic success of the country. When the economy is strong, as in the 1920s, workers are not inclined to participate in collective action; however, when the economy slumps, as in the 1930s, workers are compelled to join together in search of relief. Additionally, this time period produced historically significant labor legislation. While liberal leaning legislation such as the National Industrial Recovery Act and the Wagner Act was replaced with the more conservative Taft-Hartley Act, unions had legally secured their place in the U.S. landscape.

How would these developments and this legislation impact Actors’ Equity Association?
5.3 Collective Action Behavior of Theatrical Actors

In the previous chapter, it was appropriate to first discuss the structure of the theatrical industry and then the actors’ behavior. During this time period, it is imperative to discuss the actions of Actors’ Equity Association first; as, arguably, the collective action behavior of actors in 1919 helped shape the ensuing structure of the theatrical industry in the United States.

5.3.1 The Strike of 1919

Joining the American Federation of Labor turned out to be just the beginning of the struggle for recognition for the actors’ association. Despite, or perhaps because of, Actors’ Equity Association’s alignment with organized labor, the Producing Managers’ Association (PMA) refused to consistently issue the Equity standardized contract or respond to Equity demands. Frustrated, Equity leadership began considering the possibility of forcing the producers into a closed shop environment. Although, the closed shop was a tactic utilized by trade unionists nationally and internationally, it was regarded as an extremist tactic – too extreme for AEA at the time. Equity membership barely amounted to 40 percent of the actors of the legitimate theatre. Equity’s association with the AFL had alienated many performers who were still reluctant to associate their profession with the trade-union movement. Additionally, the national landscape was proving unfriendly to such radical union behavior. The steelworkers and miners were losing their battles, and the fear of Communist activity within organized labor was spreading. Nonetheless, it was not long before the Equity leadership began attempting to
convince the rank-and-file, and the producers, that a version of the closed shop was the only option.

Meanwhile, the producers were banding together to form a united front. The producers met on July 22, just four days after Equity officially joined AFL, to discuss union breaking tactics. The producers met with Edward F. Albee, the vaudeville manager who broke the White Rats strike, to seek advice. Albee instructed them to utilize three rules:

1. Attack the actors’ leaders. Shake the faith of their followers in every possible way.
2. Wean from Equity as many actors as possible through the offer of more advantageous contracts than they have ever had if they will stand by their managers in this crisis.
3. Organize a rival association headed by as many prominent players as can be gotten together quickly. Give this company union everything it wants. Above all, refuse to recognize the Actors’ Equity Association (Harding 67).

The producers adopted Albee’s strategies and sent a letter to Equity notifying them that they would not negotiate with them any further.

Actors’ Equity leadership knew that they would have to demonstrate their power to the producers if they were to force them to negotiate any further. Thus, one week later, Equity leaders instructed the ten Equity members in the musical *Chu Chin Chow*, run by producers Comstock and Gest who were known for never utilizing contracts, to walk out of rehearsals. However, only four members actually responded to the strike call and walked out. The remaining six members, including the leading lady, resigned from
Equity and continued rehearsing. The incident raised significant questions about the support Equity actually had within its own ranks.

“If it becomes necessary to ask every hod carrier, every plumber to withdraw his patronage from the theatres, then we’ll do it” (as quoted by Holmes 121), so proclaimed an AFL organizer brought in by Equity leadership to address its membership on August 1. It was a profound promise to the nervous actors attempting to decide if they should authorize their leadership with the power to call a strike. However, the reality was that few rank-and-file trade unionists were actually standard patrons of legitimate theatre. Thus, promises of their boycott of the stage would have little effect on the profit-bearing ability of the producers. Nonetheless, the pledge seemed to reaffirm the membership’s commitment to the organized labor movement. One week later, AEA members agreed to refuse work from any member of the PMA until the managers had recognized the association as the representative for actors. That evening, approximately 100 actors refused to perform, closing the majority of Broadway’s theatres.

Even once the strike began that night of August 7, the Equity leadership had a demanding task ahead. The key to Actors’ Equity winning its battle with PMA was keeping the theatres closed long enough to cost the managers considerable profit. This was not an easy feat considering less than half the actors working in legitimate theatre were AEA members. AEA leadership knew that the producers could find replacements for their actors. In this light, Equity leadership realized its task would be two-fold: 1) secure a
larger membership base for the association and 2) keep audiences from buying tickets even if producers reopened shows with alternative casts.

When it came to the actors, Equity leaders faced several challenges. First, many actors had not been convinced that the best maneuver was to align themselves with organized labor. The leadership had never managed to convince all its membership or potential membership that art and labor were compatible. Second, some actors felt that they had moral and legal obligations to uphold the contracts that they were operating under with the managers. Therefore, they did not feel that they could respond to the call for a strike. Additionally, many actors, specifically those who were not well known, had to face the predicament of choosing between Equity and their own ambitions. With many of the stars out on strike, the situation posed a potential opportunity for these actors to propel themselves into leading roles. There were even cases where these actors described unscrupulous behavior by Equity leadership in an effort to coerce their support of the strike. The following is a letter sent to the editor of the New York Herald by a woman who wrote under a pseudonym:

I’m a young woman, a member of Equity. I have a wonderful contract with my manager for the coming season. I played forty-nine weeks in different productions with my Selwyn Company last season. My [weekly] salary was $150. I was to have $200 the coming season. An officer of Equity sent for me knowing I had to report to rehearsal a week ago. He told me that I must not play...He threatened and insulted me and said I would be forever ostracized if I disobeyed him and that I would have to paint my face and walk the streets to make a living. I slapped him but he laughed at me...I can’t work in a profession I love, and everybody says I have a future and my ambition was that someday I would be a star...It’s awful, just awful. I wish something would happen to about half a dozen of
the Equity officers who brought this about and I’m only one of many (as quoted by Holmes).

And, of course, there were plenty of actors who had never aligned themselves with Equity; thus, they were under no obligation to withhold their services to the managers. The largest group of such actors were chorus members. However, their failure to associate themselves with AEA was not actually their doing. For the six years since Equity’s inception, chorus members had attempted to gain recognition from the actors’ association but Equity always refused. Equity’s reason for the exclusion was the belief that chorus members were not actually legitimate actors. Actors’ Equity considered them closer to vaudeville or burlesque performers, despite the fact that they shared the stage nightly with AEA members.

When AEA members went on strike, they were responsible for putting hundreds of chorus performers out of work. So, a tug-of-war began between the managers and Equity to gain the allegiance of the chorus members. Managers would move chorus members into leading and supporting roles in order to reopen their productions despite the strike. As show after show reopened on Broadway, Actors’ Equity knew that it would have to mount a counter offensive. Thus, after years of excluding the chorus from Actors’ Equity Association, the Actors’ Equity leadership launched a program to recruit the performers. Interestingly, instead of simply allowing chorus members to join Equity (as they had been doing with vaudeville performers since the launch of the strike), Actors’ Equity leadership created a separate organization called Chorus Equity Association (CEA).
CEA was led by Marie Dressler, a former chorus performer, who promised to obtain for chorus members a contract that ensured a minimum salary of $30 per week in New York City and $35 on tour; make the producers pay for shoes and stockings; limit free rehearsal periods to four weeks; and after four weeks, require a minimum of $15 per week for rehearsal. It also addressed the problem of sexual harassment in the workplace (an issue that did not receive widespread attention in the United States until the 1970s).

The creation of this separate union for chorus members seems indicative of two truths: 1) Actors’ Equity leadership knew that it could only win this fight with PMA if it garnered a majority of support from all theatrical workers, and 2) despite its desperation, AEA leadership was still unwilling to welcome “non-­legitimate” performers into its ranks. The most the AEA leadership was willing to do was share the name “Equity.” Regardless of its motivations, Actors’ Equity won the tug-of-war over the chorus performers, primarily due to the fact that there were a limited number of leading and supporting roles for chorus members. Following the strike of 1919, Chorus Equity Association also joined the AFL under the Associated Actors and Artistes of America charter as a separate union for theatrical workers in the chorus.

The battle between the actors and the managers played out in the press. Managers told the papers that they would “quit the theatre altogether” if the actors were successful, a notion most of the press did not take seriously. At the same time, the actors’ cause was ridiculed:
The thought of actors in society plays committing sabotage by coming on the stage with their trousers uncreased or tragic actresses, by forgetting their lines in the middle of the third act, or of distinguished members of the acting profession lining up outside the theatres to hurl garbage at scab actors and actresses is sufficiently funny to afford employment to many a jokesmith (*New York Globe* 1919 as quoted by Holmes).

Nonetheless, some critics were sympathetic of the actors’ cause but rightly questioned the timing of a strike in the period of such labor unrest.

Soon, the conflict moved from the papers to the streets. Two thousand Equity (Actors and Chorus) members marched down Broadway on August 18. The considerable hierarchy that had been established within the theatrical community and sustained by Equity’s regulations was easily noted even during its strike efforts. “The contrast between the French-heeled slippers of the leading ladies and the unfashionable boots of their less-successful sisters brought home to the spectators lining the sidewalks the economic gulf which divided those at the top of the acting profession from those at the bottom” (Holmes 139).

In addition to parading down Broadway, Equity also sent pickets to march in front of affected theatres in order to inform the theatre audiences of actor grievances. However, the first day the pickets were dispatched, the police arrived at Equity headquarters to notify them that they were in violation of the law that limited the number of pickets in front of each business to six. Equity officials knew they had to find a method of communicating their message to the theatre patrons without breaking the law. As it turned out, it was legal to have a person speak without permits on any corner of
Broadway as long as the speaker did not talk for longer than five minutes or obstruct the passageway. Thus, Equity leaders hired taxicabs to drive speakers from one corner to the next while they shouted their messages to the crowds. “Within a matter of days, the orators outside the theatres were attracting as much attention as the productions playing inside” (Holmes 141).

The success of the speakers prompted Equity leadership to incorporate the talents of its membership into its strike tactics. Actors’ Equity ended up staging what was perhaps the most entertaining strike in U.S. labor history. The actors took to the street creating scenarios, parodied songs, and comedic routines -- which, in some cases, conveyed their labor message to the crowd and in other cases, were simply diversionary techniques. “We entertained them [the audience members] so well on the street corner that they willingly missed the show inside” (Cantor 210).

The managers were also waging an offensive. Four days into the strike, the managers took their case to the courts. In 1919, the judicial branch of government was generally ruling in favor of employers when it came to labor-management strife, as there was little legislative authorization for workers. The Shuberts filed lawsuits against both Actors’ Equity Association and individual actors seeking damages for the closings of their productions. Another manager obtained injunctions to forbid AEA from striking in front of his theatres and forbidding his cast members from striking.
The managers had good reason to believe that bringing their cause to the courts would successfully put an end to the actors’ strike, as it had been a successful tactic for employers in other industries. What the managers did not anticipate was that this legal offensive would bring about support for the actors. Prior to the lawsuits, other theatrical unions, including the International Alliance of Theatrical Stage Employees and the American Federation of Musicians, had expressed their support to the actors but had done little else. Four days following the filing of the lawsuits, incensed by the managers’ tactics, the leaders of IATSE and AFM ordered their members to walk out of four shows. The following week, they ordered the walk out of five additional shows. In each theatre where the stagehands and musicians walked out, the productions closed down.

Although it was feasible to replace the actors, it was nearly impossible for the managers to replace the stagehands and musicians since they were in an entirely unionized industry. However, it should be noted that not all the rank-and-file stagehands and musicians were in agreement with their leadership’s decision to support the actors. As much of the strike did, the hostility played out in the press. Letters to the editor of the New York Times questioned: “Why don’t [the actors] make their own fight without bringing the stagehands in?” and “I wonder what they would have called us if we’d asked them to stop work for us.” Nonetheless, the stagehands and musicians were unionists; they were obligated to stand behind the decisions of their union leaders. Though we will never know for certain, it is entirely probable that the actors would not have won their battle against the PMA without this critical support from the other industry unions.
Knowing the power was now shifting from the managers to the actors, the PMA was forced to implement one of the most drastic tactics – creating its own actors’ union. On August 22, 500 anti-Equity actors came together and created a new actors’ association in direct opposition to AEA. George M. Cohan, a former star of vaudeville and Broadway and a now producer, was elected to lead the new actors’ association, the Actors’ Fidelity League. Many of the members of this new association were verifiable stars of Broadway, including Minnie Maddern Fiske, one of the original actors to sign the first Actors’ Society of America agreement in order to fight to Theatrical Syndicate monopoly. Fiske adamantly opposed AEA’s alignment with organized labor, one reason many of the actors were drawn to Fidelity over Equity. It should also be noted that many of the actors who joined the Actors’ Fidelity League had significant ties, either professional or personal, to the managers of PMA. Although technically the managers from PMA were not present at the Fidelity meetings, many people felt Fidelity was simply a company union. Heeding Albee’s advice, PMA quickly negotiated a contract with Fidelity. Its contract gave Fidelity everything the striking actors were asking for – except, of course, recognition of Actors’ Equity as the bargaining agent for actors.

While the creation of the Actors’ Fidelity League and its contract with PMA may have been enough to render Actors’ Equity powerless one week earlier, the deal was too late. The day before the Fidelity-PMA agreement was reached, Samuel Gompers returned to the United States from a conference he had been at in France. Upon his return, Gompers
gave the striking actors his endorsement. Gompers’ approval of the strike meant that union workers who provided auxiliary support to the theatres would also strike – baggage handlers, bill posters, railroad switchmen, to name a few.

With the power of the AFL behind them and many theatres closed across the country, the actors began to emerge the victors. On August 28, stagehands walked out and effectively closed the Hippodrome Theatre in New York City, a theatre company managed by a PMA member. The very next day, the owners of that theatre removed the manager, signed a contract with Actors’ Equity, and reopened for business. The Hippodrome was the first major theatre to recognize Actors’ Equity as the bargaining agent for actors. It was a major victory for Actors’ Equity Association. Over the next week, the strikes extended to theatres in Washington D.C., Boston, Philadelphia, and Providence.

The managers, realizing that they were steadily loosing this battle, met on September 2nd to draw up a contract to present to the Actors’ Equity leadership. Until then, the managers had simply refused to negotiate at all with the striking actors. The agreement the managers presented through their legal counsel to the actors honored nearly all of their demands. The agreement recognized Actors’ Equity as the official bargaining agent for its members, abandoned all of the damage suits against the striking actors, provided assurance that PMA managers would not discriminate against actors that participated in the strike, and implemented the eight-performance week. However, the managers wanted
Actors’ Equity to agree to a theatrical open shop, to work with Fidelity actors, and the actors’ assurance that they would not participate in any sympathy strikes (Harding).

Clearly, it was these sympathy strikes that had garnered the actors so much power during their strikes. Thus, the actors refused the PMA offer. In response, the managers tried one last time to break the strike. The managers announced that they would reopen every closed theatre by utilizing non-union musicians and stagehands. This was a serious threat that could severely affect the protected position of the musicians and stagehands. IATSE leadership was convinced that this was a Shubert strategy; thus, in response, it ordered every stagehand to walkout of every Shubert Theatre in North America. This was the decisive blow that finally brought an end to the strike. The managers and striking actors finally came to terms on an agreement.

The terms of the agreement were reached at three o’clock in the morning on September 6, 1919. Representatives from PMA, AEA, the AFL, and other theatrical unions were present. Because the meeting continued until the wee hours of the morning, the Sunday papers were not able to report much regarding the terms of the agreement. Thus, the next day, Actors’ Equity leadership held a meeting for its membership in order to explain the new agreement. As it turned out, the agreement essentially mirrored the original offer by PMA sans the sympathy strike clause. While the leaders of Equity seemed genuinely pleased with the agreement, its membership was not. As the members understood, they went on strike in order to obtain a closed shop for Equity members. Now, the
membership was informed that not only did they not achieve a closed shop but they were expected to take the stage with non-union and Fidelity members (the hostility between Equity and Fidelity was immense). The membership grew increasingly angry and aggressive. One member questioned,

> What have I gained in this strike? I’m in my old place at my old salary and under my old contract. All I’ve got is the enmity of my manager. The Fidos [the name AEA members used for members of the Actors’ Fidelity League] who stayed in the cast got raises in salary while I’ve been working twelve and fourteen hours a day for Equity for nothing (New York Times 1919 as quoted by Holmes).

It was a reasonable claim, and many members felt the same way. In fact, when it appeared that the membership’s anger would turn to physical violence, the Equity leaders had the lights dimmed and left the theatre. “One afternoon of peace came nearer to wrecking the prestige and morale of the Actors’ Equity Association than the combined assaults of all the managers together in one month of warfare” (Harding 279).

In the end, the strike of Actors’ Equity Association lasted 30 days, forced the closure of 37 plays, and prevented the opening of 16 others in eight cities (New York City, Chicago, Washington D.C., Philadelphia, Providence, Atlantic City, St. Louis, and Boston). The strike had significant monetary costs to both the managers and the actors. It is estimated that the strike cost the managers three million dollars. Whereas, it cost Equity approximately $5,000 per day which resulted in accumulated debt of over $120,000. The strike also resulted in the largest membership gain for Equity in its history (1913-present). When the strike began, Equity had approximately 2,700 members. By the time it was over, the membership had swelled to over 14,000 (including CEA). Despite the
anger of the AEA membership over the final agreement, the strike of 1919 is arguably the single most important event in establishing the power and influence of the actors in the theatrical industry. From this point forward, it was no longer the managers who controlled the structure of the industry; it was the actors.

To be sure, the significance of the power gained by the Actors’ Equity Association was not necessarily recognized either by the managers or the actors at the time. It is only in retrospect that it is possible to determine the power shift in the industry. Also, this turning point certainly does not imply that the struggles were over for the actors and Actors’ Equity. Notably, it is key that Equity did not achieve what it set out to achieve with the strike – the closed shop. Thus, the fight continued.

5.3.2 The Creation of the Equity Shop

Life in the theatre after the strike for Actors’ Equity members was challenging. Despite the managers’ agreement to not retaliate against AEA actors, hostility was fierce. Additionally, the strife within Equity itself was palpable. Thus, during the 1920s, the actors and the managers finally had to figure out how to coexist peacefully within the theatrical industry.

The testing of the AEA-PMA agreement came quickly. One week after the strike ended, AEA and CEA leadership received reports that managers were not issuing contracts to

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4 While the CEA was organized as a separate union, the AEA kept close reins on the organization. In the constitution of the new union, AEA leadership had written that two-thirds of its 21-member board must
the chorus members or paying the new minimum of $35 per week. It took numerous attempts before the PMA managers actually issued the appropriate contracts to all the actors.

After being forced to comply with the new agreement, managers tried a different approach. In an effort to undermine Equity’s relevance, managers began providing the benefits of the Equity contract to all actors regardless of their affiliation. The managers’ strategy was effective. Actors who had not joined Equity during the strike and newcomers to the trade saw no reason to join Actors’ Equity since they were receiving the benefits regardless. Moreover, current members began letting their membership lapse. The Producing Managers’ Association knew that a significant portion of AEA strength rested in its membership numbers. By driving down the number of AEA members, PMA might gain the advantage in its power struggle. Additionally, the tactic created a free-rider effect for the actors’ union.

Meanwhile, an internal crisis at the Actors’ Equity Association was developing. After years of leading Actors’ Equity, Francis Wilson announced in 1920 that he would be retiring as President. The strike and the consequential dividing of loyalties of its membership were too much for Wilson and he opted to step down from the leadership of the Association. Thus, Equity had to find a new leader.
The Equity nominating committee conducted a search for a new slate of officers and ultimately nominated John Emerson, a former actor that had moved into playwriting and directing for President. The committee contended that Emerson was a strong choice for Equity president because he understood the struggles of the actor on stage yet he would not face retaliation from the managers since he was no longer working as an actor. Two days following the announcement from the nominating committee, a petition surfaced that nominated an oppositional candidate, Wilton Lackaye, an actor and AEA member. Over 2,000 Equity members had signed the petition.

The campaign that ensued highlighted the distinct differences between the two factions of Actors’ Equity. Emerson represented the conventional leadership of Equity – pleased with the moderate gains of the strike and willing to compromise with managers. On the other hand, disappointed with the strike outcome, Lackaye proposed a strong defense against management and greater responsiveness to the needs of the rank-and-file Equity members.

The election was held on June 4 at the Annual Meeting with 1,063 members in attendance. Members had also been permitted to mail in ballots prior to the meeting. If members had mailed in ballots and then attended the Annual Meeting, they were instructed that they would have to vote again and their first vote would be destroyed. This ruling by the Equity administration incensed Lackaye, who felt that it was merely a ploy to nullify votes that had previously been mailed in for him. Nonetheless, the ruling
stood. In the end, Emerson had 2,837 votes to Lackaye’s 914, a seemingly decisive victory. However, there did appear to be some irregularities with the electoral system. Notably, ballots were mailed to members’ homes three weeks prior to the Annual Meeting. If members were on tour, which many were, they were not able to vote because they could not obtain the ballot. Thus, of the many new members AEA had recruited in the past year, only 3,751 cast ballots (one-third of which were cast at the Annual Meeting). Most of the ballots came from actors in New York City, arguably the elite of the theatrical world (Holmes). Thus, while the election appeared to fall in clear-cut favor of Emerson, the divisions within its membership had still not come together.

The new leadership of Equity took over with Emerson at the helm. Knowing that the possibility of implementing a closed shop in the theatrical industry was becoming a remote possibility, the new leadership spent the summer devising a plan to create what they dubbed the “Equity Shop.” In the traditional closed shop, membership in the union is controlled by the union itself – often restricting membership to those who have a certain number of years experience or education level. The new Equity leadership believed that it was this level of control that concerned the managers, who wanted to be able to hire whomever they felt fit for the role. Therefore, in the Equity Shop, managers could still hire whomever they wanted, Equity or not. However, once an actor was hired, he would be required to join Equity. This stipulation would null any experiential or educational requirement that Equity had previously put forth. Thus, a novice could be hired by a manager and join Actors’ Equity without ever having spent any time on the
boards. The Equity Shop was equivalent to a union shop in which every worker is covered by the collective agreement and therefore all employees are required to join the union (a practice that was legally altered by the Wagner Act in 1935 – whereas, employees could not be forced to join the union but they would be required to pay an amount equivalent to the union dues if they chose not to join). Additionally, Equity actors would be forbidden to appear on stage with non-Equity actors. These restrictions would mean that anyone who refused to join Equity or those who allowed their membership to lapse would only be able to perform in non-Equity shows. The new Equity leadership felt that the creation of the Equity Shop would tighten its grip on the entire acting community.

The agreement with PMA explicitly stated that Equity membership would not be a condition of employment; thus, the attempt at implementation of the Equity Shop within PMA productions would have to wait until 1924 when the AEA-PMA agreement that settled the strike expired. Therefore, AEA looked to execute the Equity Shop elsewhere. Equity leadership opted to test the Equity Shop in Chicago since it was a strong union town and its theatrical managers were not highly organized. After four weeks, the results were encouraging in Chicago, thus, the Equity leadership decided to expand its attempt to include touring managers, New York managers who were not members of PMA, and stock companies.
The touring managers did not want AEA to try to implement the Equity Shop throughout its productions, so, the managers came together to form the Touring Managers’ Association (TMA). The TMA primarily represented managers of second-class companies as the Producing Managers’ Association largely represented the first class companies. Nonetheless, there were 160 second-class companies with estimated employment for 3,000-4,000 actors in the upcoming season.

Instead of waiting for AEA to attempt its Equity Shop throughout its touring companies, the TMA pursued a meeting with AEA. At the meeting, the touring managers proposed an agreement that included the right to have ten performances (instead of eight) without having to pay extra salary (unless the actors worked more than 240 shows in 30 weeks); a guaranteed contract for 30 weeks; reduced rehearsal periods; and a reduced probationary period. Following the meeting with the Touring Managers’ Association, the Equity representatives adopted a resolution that read: “Resolved that the Council be authorized to demand from the one night stand or Touring Managers’ Association the same contract as is issued by the Producing Managers’ Association.” The news frustrated the TMA who retaliated by threatening to shut down its tours (a threat also used by the PMA prior to the strike). After several meetings between the two associations and the approaching opening of the touring season, the Touring Managers’ Association agreed to adhere to Equity’s stipulations.
The number of touring productions dropped 30 percent from the previous season (34 productions compared with 49). Arguably, this decline in touring productions could be linked to the increased costs of the AEA-TMA agreement. In fact, at the mid-point of the season, TMA members pleaded with Equity to alter the contract explaining that since the road was already declining due to the motion pictures, it was impossible for them to operate under the same terms as the Producing Managers’ Association. The President of TMA, Gus Hill, appealed to Equity asking for at least some concessions to the contract – specifically, the ability to book ten shows a week without paying extra salary. The pleas from the Touring Managers’ Association fell on deaf ears. Equity refused to negotiate.

Over the subsequent theatrical season, Equity launched a full-fledged Equity Shop campaign. An educational campaign began within AEA’s own ranks in order to promote the union shop, as plans developed to turn every theatrical production, sans the PMA shows, into a show that operated as an Equity Shop. Opposition to the proposed system came from several fronts including the Actors’ Fidelity League. Fidelity leaders hit Equity hard with accusations that ranged from not caring about the well being of the “little fellow” to advocating a Communist agenda for the theatrical industry. “Fidelity representatives condemned the ‘Equity Shop’ not simply as an attack upon the freedom of the individual performer but as part of a larger Bolshevik plot to seize control of the commercial theatre” (Holmes 197).
Additionally, Equity’s own membership was skeptical of the implementation of the Equity Shop. Members felt that the plan sounded much like the proposed closed shop of 1919 – the condition that they had fought for and lost just two years previously. In a letter to the membership on January 18, 1921, AEA leaders attempted to explain the differences of the closed shop and the proposed Equity shop:

A closed shop would mean:
1) That the Equity Assoc. would declare that managers of this country could employ no one but Equity members and
2) That the membership of the Association could be closed or limited. That is to say, that we could refuse to take into our ranks an actor or actress, no matter how capable he or she might be, and we could also refuse to take in new recruits.

An Equity Shop:
1) Members shall not rehearse or play in the same company with those who are not members
2) Any one who has spoken a line on the stage or been engaged to speak a line, or to be an understudy or to play in a picture, immediately becomes eligible to membership and must be admitted.

The leaders were able to successfully convince their membership and when a general membership vote was called, the membership voted in favor of pursuing the Equity Shop with a vote of 3,398 to 115.

The threat of a union shop in the theatrical industry sent the Producing Managers’ Association back to the legal system. The PMA contended that the effort to enforce an Equity Shop, even though it would only be in effect against non-PMA members, would be in violation of the AEA-PMA agreement, clause six that was signed in 1919:

The Equity Association will not force or coerce directly or indirectly, or attempt or coerce directly or indirectly, any person or persons not a member or members of such Association to become a member or member
thereof, and will order its members or any particular member under
penalty of disciple not to force or coerce directly or indirectly, any such
person or persons to become such member or members.

Believing a violation of the contract had occurred, PMA sent notification to AEA on June
15, 1921 asking for arbitration – the method outlined in the agreement for settling
disputes. It was clear to PMA members that if they did not stop AEA from implementing
an Equity Shop in other theatres, they too would be at risk for the Equity Shop when their
agreement ended in 1924. However, AEA refused to respond to the PMA’s request for the
next month and a half.

Finally, on August 1, the president of PMA, Sam H. Harris, and, the former president of
AEA, Frank Gillmore⁵ met to discuss arbitrators. Harris and Gillmore came to agreement
on an arbitrator approximately ten days later. They decided on Federal Judge Julian W.
Mack. Mack agreed to hear the case, and proceedings began on August 17.

The PMA presented its case first. In addition to clause six, Hopkins hinged his case on
clause five. This clause read:

Neither the Equity Association nor any member thereof will refuse to
perform services for any producer because of the presence in the case or
production of a person or persons not a member of the Equity Association
or the Chorus Association or of a person or persons a member or members
of any other Association or Organization (emphasis added).

Thus, Hopkins argued that, in the agreement, AEA had promised not to establish a
restriction on who its membership could work with during the life of the contract and that

⁵ Perhaps AEA felt that Gillmore was the more appropriate choice to meet with Harris on this matter (as
opposed to Emerson) since it was Gillmore who negotiated the original contract.
it applied to all producers throughout the country. Additionally, Hopkins added that implementing the Equity Shop against non-members did affect the PMA because actors would feel it necessary to join Actors’ Equity in order to work with non-PMA managers, thus, coercing PMA members to hire AEA actors.

Gillmore defended AEA’s right to implement the Equity Shop. First, he presented the opening paragraph of the AEA-PMA agreement:

Agreement between the Producing Managers’ Association, an incorporated association existing under the laws of the State of New York (hereinafter termed the ‘Producers’ Association’), by and on behalf of itself and all its present and future individual members and producing corporations, co-partnerships, associations, individuals and concerns of whatever character which said individual members or any of them control, manage, or direct, parties of the first part (hereinafter termed the ‘Producers’) […] (emphasis added).

Thus, Gillmore argued that opening paragraph limited the scope of the agreement to PMA producers. Furthermore, he contended that Actors’ Equity had the right to implement strategies against the managers that controlled four-fifths of the industry (PMA members certainly controlled the most significant of the theatrical offerings but it only amounted to one-fifth of all theatre being produced). Moreover, AEA leaders asserted that if the non-PMA managers did not want to operate in an Equity Shop, they could simply join the PMA.

Judge Mack considered the situation for ten days. On August 26, Mack’s decision arrived via messenger to the two parties. While the decision was many pages, the final paragraph read:
On all the circumstances in the case I have reached the conclusion that the Equity Shop plan and the resolutions and instructions of the Actors’ Equity Association with respect to this plan, are not in violation of the agreement between the Actors’ Equity Association and the Producing Managers’ Association, dated September 6th, 1919, and are not in violation of law or sound public policy.

Actors’ Equity had won the right to pursue the Equity Shop.

Soon after the ruling in Equity’s favor, Actors’ Equity sent out notification to its membership that it must not sign contracts that extend beyond June 1, 1924 – the expiration date for the current AEA-PMA agreement. This formal notification to the AEA membership alerted PMA managers that Equity leadership had plans to implement the Equity Shop in their productions. Thus, PMA and AEA almost immediately began negotiation talks for a contract that would not expire for almost three years – despite the fact that the talks were haphazard and fruitless.

In an attempt to convince PMA that the Equity Shop would not be devastating to its theatres, Actors’ Equity agreed to an open-door policy for membership and allowing managers to individually negotiate salary rates with actors. Nonetheless, PMA members were concerned about the amount of autonomy the Equity Shop would allow them – especially when it came to casting. The Producing Managers’ Association soon formulated an alternative to the Equity Shop. In the PMA option, actors would not be forced to join Actors’ Equity; however, if they chose not to join, an amount equal to Equity dues would be collected and donated to an actors’ charity. Equity leadership
dismissed the idea, stating it would allow managers to promote an alternative actors’ organization, such as Actors’ Fidelity.

As 1923 came to an end, concern heightened in both the AEA and PMA camps. Notably, the Shuberts were anxious to avoid another strike. The strike of 1919 and the increasing competition from the motion pictures had taken its toll on their profit margins. Additionally, the use of outside investors in the Shuberts’ activity provided significant motivation to reach an agreement with Equity; investors were impossible to find when strikes plagued an industry. Therefore, at the end of 1923, Lee Shubert and L. Lawrence Weber, another significant Broadway producer, met secretly with Emerson and Gillmore. The four thrashed out an agreement. In this agreement, the managers would agree to the Equity Shop, if AEA exempted the members of Actors’ Fidelity League. In exchange, Equity would sign a ten-year contract and incorporate all the previously negotiated concessions.

Expectedly, the AEA membership was angry about the concession to exempt Fidelity members. Equity leadership insisted the concession was necessary because it was the producer’s primary argument for not implementing the Equity Shop. By conceding the issue, the managers had no reasonable rationale for opposing the Equity Shop.

The primary conflict, however, was not within AEA. Within PMA, a divide was widening. The PMA consisted of two types of managers – those who owned a
considerable number of theatre buildings and those who did not own any real estate and simply functioned as producers. For those who did not own real estate, the 1919 strike was not financially disastrous. These producers could simply cease operations at a minimum cost. In contrast, those producers who owned theatrical venues suffered significant loss when the theatrical houses closed. The majority of members of the PMA (28-17) were producers who did not own real estate. Thus, when Shubert and Weber presented the contract that they had negotiated with Emerson and Gillmore, the majority of the PMA membership scoffed; they would prefer to cease operations than concede the Equity Shop. Therefore, the proposed contract negotiated by Shubert, Weber, Emerson and Gillmore was not accepted.

Out of the PMA riff, a sub-group formed called the “Round Robins.” The Round Robins represented those producers who did not have a realty stake in the theatrical industry. This group submitted a proposal to Equity in which managers would be required to hire 80 percent Equity members and 20 percent non-Equity members in any given production. AEA rejected the proposal stating that there was no assurance that the 20 percent would not be the nucleus of the cast or that PMA would actively promote Fidelity as the preferred actors’ association.

As a result of the rejected proposal, the Round Robins submitted a second offer. In this plan, actors who were not members of either Equity or Fidelity would be required to pay a sum equal to AEA’s initiation fees and dues to an actors’ charity that would assist
actors in time of need and crises (perchance an offer to help alleviate the hardships of unemployment). Additionally, managers would also pay one dollar a week for every non-AEA/non-Fidelity member they employed. This time, Equity leadership presented a counter-offer – if the independent actors paid the sum to Equity (rather than the charity), they would agree to the “80-20 Plan” and sign a contract.

Actors’ Equity’s counter-offer fatally separated the two factions of the PMA. Unable to come to an agreement, the producers that owned property – known as the Shubert faction – left the PMA and formed a new organization. The new organization, known as the Managers’ Protective Association (MPA), negotiated a separate contract with Equity on May 12, 1924. Under this contract, the MPA-AEA agreed to the counter-offer presented by AEA to PMA. Additionally, AEA agreed that for a period of 25 years they would not refuse membership to any person; they would not raise the initiation fee without consent from MPA; they would not interfere with the playwriting, casting, or directing of any play; and they would not suggest or demand a specific salary for actors (with the exception of the CEA minimum wage).

The members of the new MPA controlled 70 percent of the theatres in New York City; thus, their agreement to the so-called 80-20 Plan was significant. Knowing the membership may feel “sold-out” because the agreement did not state that the producers had agreed to an “Equity Shop,” Gillmore attempted to prevent dissension by sending a letter to the membership. In the letter, he questioned, “Under these circumstances how
many [actors] will be willing to be taxed and yet have none of the benefits accruing to membership? If there be any such then they are really conscientious objectors to belonging to Equity and we respect their feelings.”

Ten days later, the Shubert faction offered to return to PMA and bring the negotiated contract to the remainder of the PMA members. The Round Robins rejected the MPA offer and instead took their case to court. On May 23, 1923, they obtained a temporary injunction against AEA and the MPA on the grounds that they had conspired to create a monopoly. In addition, the Actors’ Fidelity, which had become an increasingly marginalized organization, filed its own petition to impede the AEA-MPA contract from going into effect. The injunction, however, was dismissed less than a week later.

Knowing the Round Robins were running out of options, the Equity leadership informed the group that they could also avail themselves of the 80-20 Plan. There was a catch, however: they would have to dissolve the PMA and join the MPA. Animosity was so fierce between the Round Robins and Shubert faction that the Round Robins elected to continue their producing activities with 100 percent Equity casts rather than join with the new MPA. (AEA did agree to the Fidelity exception).

Actors’ Equity Association had won a major battle against the most powerful producers in the theatrical industry. While the final agreement was for an 80-20 Plan, AEA called it an Equity Shop – although, it clearly was not the true union shop that the Equity
leadership originally proposed. Nonetheless, this new Equity Shop forever changed the theatrical industry. “By 1925, with fully ninety-seven percent of the acting community – some eleven thousand performers in all – under its jurisdiction, the AEA had come to exercise an iron grip over the contractual relationship between actor and manager” (Holmes 210). Equity’s success can be attributed to two main factors. First, by obtaining a majority of actors within the theatrical industry, Equity began to control a vital resource that the producers needed. Second, Equity was able to take advantage of the division among the producers; utilizing the adage “divide and conquer,” Equity was able to prevail. Additionally, while the Equity membership may have been unhappy about the concession Equity leadership provided to the producers, it may have been AEA’s willingness to exempt Fidelity members that opened the door for the final negotiation.

5.3.3 Unionizing the Film Industry

As the film industry was burgeoning in Hollywood, Actors’ Equity leadership came to realize that it may be necessary to investigate the situation. However, as it turns out, Equity was too late to lay the necessary groundwork in Hollywood. It was not until 1920 when Frank Gillmore made the first trip to California on behalf of Actors’ Equity. By this time, two unions representing movie actors had already formed. The first, the Motion Pictures Players Union, had been created two years earlier and granted a charter by the American Federation of Labor. The other union was a very small organization called the Screen Actors of America which primarily represented principal players. Other than these two minor unions, the rest of the film industry remained unorganized.
Since the Motion Picture Players Union had been granted a charter from AFL, the organization of actors with AFL had changed (the White Rats had relinquished its charter and the Association for Actors and Artistes had formed). Thus, Actors’ Equity filed with the AFL to have the film charter taken from the Motion Pictures Players Union and be granted to Equity. AFL agreed that Actors’ Equity should have jurisdiction over film actors and the Motion Picture Players relinquished its charter to AEA. Following this achievement, Gillmore returned to New York and little else was done for nearly five years to secure AEA’s position in the film industry due to the union’s pressing difficulties in the theatrical world.

Equity’s preoccupation with the Producing Managers’ Association had prevented it from anything more vital than persuasion [in the film industry], plus an occasional threatening gesture in the direction of a standard contract. For the most part, however, its request for that document slumbered peacefully in its dusty pigeon hole, and the producers, believing that Equity had either lost heart for its motion picture venture or was too busy to pay attention to complaints from that source, had begun to allow certain abuses, hitherto prevalent only in scattered instances, to become universal in character (Harding 532).

Meanwhile, the producers in the film industry began to institutionalize by forming the Motion Picture Producers and Distributors of America (MPPDA) in 1922. This new organization was created to control, through regulation, virtually all aspects of the industry. By 1924, actors in the film industry had begun to feel the effects of the MPPDA. Actors contended that the producers used the organization as a tool for keeping salaries artificially low. Additionally, actors complained about shooting practices which would keep them on the set for twelve hours and unscheduled breaks in the shooting
schedule which would leave the actors without paychecks. However, AEA leaders appeared unsympathetic to the film actors and their grievances. One official wrote through inter-office correspondence, “The motion picture actor is to blame for all that has happened and all that will happen.”

The situation in Hollywood escalated in 1927 when the film industry launched the Academy of Motion Picture Arts and Sciences. This organization was intended to function as a forum where all parties in the film industry – producers, actors, technicians, writers, and directors – could participate in negotiations with an equal voice. Equity held that it was a glorified company union with a “pretentious title” (Harding 536). “Ominously for the AEA, many of the film industry’s biggest names rushed to lend their support to the new organization – among them, Douglas Fairbanks, the swashbuckling star of dozen of silent movies, who agreed to become its first president” (Holmes 295).

Within six weeks of founding the Academy, 16 film companies announce their intent to reduce salaries for film workers 10-25 percent. The announcement spurred Actors’ Equity into action and quickly Equity gained support from industry actors. However, just when it appeared that Equity may have had a chance to win over film actors, the Academy issued a statement condemning the salary cuts. As a result, the film companies repealed the reductions and Equity lost its tenuous foothold the film industry. “One short month, and a few kind words, and all the righteous indignation and the enthusiasm for Equity which had stirred the motion picture people so finely had evaporated” (Harding
By the end of 1927, the film industry began issuing the first standardized contract to freelance actors (as opposed to actors who were under contract with a specific studio) through the Academy. Since actors were now being offered a standard contract through the Academy, they had little reason to obligate themselves to a union. Thus, screen actors quickly abandoned the Equity cause. “Equity leaders knew that they had failed yet again to crack the motion picture nut” (Holmes 296).

It is significant to note that the Academy contract was negotiated, accepted, and ratified by the Los Angeles executive committee of Actors’ Equity without being referred to the New York office. Yet, when the New York office saw the contract, it felt that it protected the producers not the actors. Therefore, Equity disbanded its Los Angeles committee. An advisory council, with no power to legislate, was formed in its place a few months later.

While it seemed that Actors’ Equity had lost the battle in Hollywood, technological advances gave the union a second hope. When talkies launched in 1929, it became clear that the film industry needed actors who were skilled in dialogue. Thus, the industry turned, even more so, to theatrical actors. Accordingly, approximately 1,200 Equity actors from New York moved west to pursue Hollywood fame. This presented ample opportunity for Actors’ Equity to try again at the unionization of the film industry since these actors were accustomed to working under an AEA contract. Hesitant from the previous failures in Hollywood, Equity first conducted a survey of its California members.
to gauge their support. The survey resulted in overwhelming encouragement of the pursuit of an Equity contract (1120 to 98).

In June of 1929, Equity announced to the studios that Equity members would not enter into any agreements in the film industry without a signed AEA contract. The contract that Equity proposed included the recently introduced Equity Shop clause that was present in theatrical contracts as well as limitations on hours per week an actor could work and overtime pay. In response, the Motion Picture Producers issued this response:

We will continue to engage artists for our productions only under fair and just form of contract which was approved by representatives of both producers and motion picture actors. We decline to be restricted as to the sources of our talent (Harding 542).

Consequently, Equity declared a strike in Hollywood but excluded contract players. However, as the battle wore on, more and more Equity members abandoned the union and signed the Academy contract. Not only did Equity lack unwavering support by its own membership, but it also lacked reinforcement from the larger labor movement. Unlike the strike of 1919, AEA’s allies did not come to its defense. The International Alliance of Theatrical Stage Employees (IATSE) had not forgiven Equity leadership for permitting a “no sympathy strike” clause in their 1924 contract with theatrical producers after IATSE had secured their victory in 1919. Additionally, the American Federation of Musicians was struggling itself to keep musicians employed with the advent of talkies. Thus, the strike ended in failure on August 17, after persisting for just over two months. This would mark Actors’ Equity last attempt at unionizing the emerging film industry.
Soon, the Depression would take hold of the nation and all its industries. Film was certainly no exception. By 1933, conditions within the film industry for actors had deteriorated to the point where actors began discussing unionization again. Six Equity actors came together in Los Angeles and formed a new entity called the Screen Actors Guild (SAG). Eighteen months later, Actors’ Equity Association relinquished its jurisdiction over the film industry; subsequently, in 1935, a charter was given to Screen Actors Guild by the AFL. Within five years, SAG had significant control over the film industry.

5.4 The Structure and Movements of the Theatrical Industry

The 1920s and 1930s proved to be a significant period in theatrical history – indelibly etching the subsequent structure of the industry. As the previous section explicates, Actors’ Equity Association truly took hold of the industry between 1919 and 1924. Many of the movements that are seen structurally in the industry are due to the work of Equity. Additionally, the advent of talking pictures and the Depression took their respective tolls on the industry. The following section will further elaborate on the structural movements within the theatrical field. Since the developments in the commercial sector were discussed in the previous section, this section addresses the noncommercial theatre, which for the first time, became a relevant part in American theatre, as well as the Federal Theatre Project, a distinct anomaly in U.S. theatre history.
5.4.1 Noncommercial Theatre

For most of the nineteenth century and into the early twentieth century, theatre in the United States was largely considered commercial (Poggi). In the commercial theatre, employees (the actors, director, and the ushers) were paid. When noncommercial theatre (also known as “Little Theatre”) began to rise in the first two decades of the century, it took two distinct forms: professional and amateur. In the professional noncommercial theatre, participants would be paid; however, there was not an expectation that the production as a whole would create a profit. Likewise, in the amateur noncommercial theatre, participants were volunteers (such as community groups or university theatres) and the production was not expected to make a profit. The noncommercial companies exhibited varying degrees of professionalism, which could cause some confusion regarding the status of the company. For example, in some noncommercial theatres, directors and designers would be paid but the actors were not. Did this make the theatre professional, amateur or a hybrid (as in a semi-professional company)?

Some of the first attempts at noncommercial theatre were initiated by professional directors and actors who worked in the commercial environment, yet were somehow dissatisfied with the ideals of the commercial theatre and their economic obligation to create profit – perhaps at the expense of art. As most would expect, the structure of the noncommercial theatre was vastly different from that of the commercial theatre. In the commercial arena, a producer would attempt to run a show as long as possible. If a show...

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6 While part of this study examines the correlation between the word “professional” and membership in Actors’ Equity Association, in this instance the term “professional” is used in the more traditional economic connotation – meaning those who receive payment for their services.
ran an entire season or more, it was a great success and a producer could recoup the
capital he invested in the show and make a profit. But those who created the
noncommercial entity did not have the desire to run a show in perpetuity. Rather, in the
noncommercial theatre, producers would seek to present numerous opportunities for
artists and audiences throughout a theatrical season. In this system, called a repertory
system, productions would run for a set number of weeks regardless of their level of
success. Thus, if a show was scheduled for a five week run and it sold out every night for
those five weeks, it would still be closed at the end of the run – even if the producers
could sell more tickets. Likewise, if a show was a failure and was losing money every
night it remained open, it would still complete its pre-set run.

Additionally, the early professional repertory companies wanted to ensure employment to
their artists. Therefore, they developed a system where they would contract actors to
work for the entire season rather than per production. So even if they were not being
used in one particular show, the actor would still be paid his weekly salary. In exchange
for the guarantee, actors were willing to accept a rate considerably lower than they would
have in a commercial theatre. However, the noncommercial theatres typically employed
twice as many actors as the commercial venues. In the end, this system, while beneficial
for the actors, proved to be a tremendous, even debilitating, expense to the
noncommercial repertory theatre. In fact, operating these companies often cost more than
operating a commercial theatre. Combined with the fact that individual shows did not
run long enough to recoup their costs, most noncommercial repertory companies were financially unsound.

In order to combat this structural problem, some companies attempted to exploit the successful productions in order to ensure financial viability. In this scenario, a theatre might rent a second venue and move the successful production to the new theatre for an indefinite run. But this effort to capitalize on a successful show would, in turn, create additional problems. If the actors were scheduled to be in the following show, the company would be forced to hire new actors. Additionally, the company would need to hire another crew in order to operate both productions simultaneously – plus, accrue the additional costs of renting a second space. Thus, in order to profit from a successful production, the company would have to double its expenses.

Artistically, these companies faced another challenge. The founders of the professional noncommercial theatres felt that a system that produced five to six productions a year would encourage the development of new plays by American playwrights. However, playwrights were compensated on a royalty basis – receiving a certain amount of money for each performance. Thus, in the noncommercial theatre, the amount of money the playwright could earn was set since the theatre would schedule a specific number of performances. So, if the play was a success, compensation for a play in a noncommercial theatre could be considerably less than in the commercial theatre (or it could prove to be a reasonable amount of compensation if the play was not destined to become a
commercial success). Many playwrights were willing to gamble that their work would be a success in a commercial venue; therefore, they would refuse rights to the noncommercial entities. This meant that noncommercial theatres ended up depending on revivals of classic plays. Unfortunately, it is “one of the axioms of show business that a classic without a star will automatically lose money” (Poggi 139) and rarely did a repertory company employ an actor of star status.

In addition to the noncommercial professional theatres, the early 1900s through 1929 saw the rise of the noncommercial amateur theatre movement. These theatres included community theatres such as the Pasadena Playhouse and the Cleveland Play House; municipal theatres financed by individual towns; university theatres; stock companies; and rural theatres. In 1917, there were approximately 50 noncommercial amateur theatres; 500 in 1925; and over 1,000 by the end of the 1920s. Many of the community and stock companies operated on a notion of slow and steady growth in order to become a noncommercial professional theatre, and a number succeeded at making this transition. However, moving from amateur to professional status often made the companies more susceptible to economic hardship.

The professional noncommercial theatre venture was destined, in structure, to operate at deficit. Thus, in order to finance the companies, many founders turned to a system of endowment. Wealthy donors interested in the creation of a noncommercial theatre would contribute funds to these entities. In the noncommercial theatre, these donors knew that
the money was not an investment as it would have been in a commercial venue – meaning if a commercial production earned a profit, the investors would receive their contribution back plus a portion of the profits. In the noncommercial theatre, the money was simply viewed as a gift that would not be returned regardless of the success of the production. These subsidies frequently were provided by a few patrons and could rarely be depended on from year to year. Thus, noncommercial theatres were extremely vulnerable to the highs and lows of the general economy. Correspondingly, when the stock market crashed in 1929, so did the noncommercial theatre movement. By 1931, the majority of the noncommercial theatre companies that started in the late 1910s and into the 1920s had shut their doors. Being noncommercial did not imply that these companies were any more agile in adapting to economic shifts than commercial theatre. In fact, arguably noncommercial theatres prove to be less adaptable to external shifts in the economic environment due to their over reliance on just a few supporters.

The economic uncertainty of the noncommercial theatres and the subsequent collapse of their venues might cause some to surmise that noncommercial theatre is a relic of the past. Yet, it did not take long for noncommercial theatre to rise again. A new crop of noncommercial theatre groups began to rise in the early 1930s – many out of a social and political agenda to speak out against the Depression or to support a leftist agenda. These companies suffered many of same ills that plagued the earlier noncommercial theatres – particularly when it came to financial support. One company, The Group Theatre, attempted to raise capital by utilizing a new method of fundraising. The Group Theatre
created a membership program. Members would pay $2 and in exchange would receive a 20 percent discount on ticket purchases. Unfortunately, The Group lacked the funds to promote the program and many people did not have the $2 to spend on theatre during the height of the Depression.

By the end of the decade and the beginning of World War II, many of the noncommercial theatre companies began to close. The early noncommercial theatres appear to have failed due to a combination of internal and external factors. Internally, noncommercial theatres were created in order to address specific issues of the time including artistic motives and social agendas. When the issue was addressed or no longer relevant, the company no longer had a mission. Additionally, in some cases the founder and force behind the company would resign from the cause. Externally, major events altered the environment that enabled the companies to survive (e.g. the Stock Market Crash, World War II, the proliferation of movie houses). These early attempts at noncommercial theatre in the United States set the stage for the creation of and, perhaps, predicted the weaknesses, for future endeavors in the noncommercial arena which would begin again in the late 1940s. The rise of these noncommercial companies will be discussed in the following chapter.

Of note, it was not long before the Actors’ Equity began to set its sights on these noncommercial theatres. In 1938, Equity created “The Little Theatre” contract which was to be used to employ AEA members in these noncommercial productions. Although
it was only utilized by a few companies, this did not indicate that few AEA members were working in these noncommercial venues. In fact, by the 1940s, Actors’ Equity had begun formally charging its own members with violating union regulations by appearing without an AEA contract. Hearings were typically held and members were fined (generally suspended pending good behavior).

By 1948, Actors’ Equity was very interested in the expansion of legitimate theatre and commissioned a study entitled *A Prospectus: For Surveying the Legitimate Theatre in the United States* (Nathan Associates). The study contended that noncommercial theatre was of primary importance for “its value at indicating the existence of theatre markets that might be reached by commercial companies” (119). This is an important indicator that Actors’ Equity viewed noncommercial theatre as complimentary to commercial theatre not as a competitor. Additionally, it implies that Equity considered commercial theatres to be the primary opportunity for employment for its membership.

### 5.4.2 The Federal Theatre Project

For a brief period during the early twentieth century, the United States Federal Government actually became a major producer of theatre in America. Although short-lived (1935-1939), the Federal Theatre Project, part of the WPA, was significant in illustrating the government’s relationship with theatre, theatrical artists, and the labor movement. Quickly known as the most controversial of all the Work Project Administration art projects, the Federal Theatre Project was designed to offer, “free,
adult, uncensored theatre” (Findlay and Bing 9). The organizers of the FTP sought what was perhaps impossible – completely uncensored theatre that is also subsidized by the federal government. Additionally, the coordinators of the FTP hoped it would serve a purpose beyond economic relief:

While the primary aim of the FTP was the reemployment of theater workers on public relief rolls, including actors, directors, playwrights, designers, vaudeville artists, and stage technicians, it was also hoped that the project would result in the establishment of theater so vital to community life that it would continue to function after the FTP program was completed (The New Deal Stage).

The FTP was headed by Hallie Flanagan, who had previously been the director of the Experimental Theatre at Vassar College in Poughkeepsie, New York. Flanagan created a plan for the FTP that would not only be “caring for the unemployed but recreating a national theatre and building a national culture” (Brown 2). Her plan was two-pronged: 1) seeking to establish a national theater, and 2) to create community theatres throughout the country that would generate projects that were reflective of their regions. Consequently, the FTP was structured with Flanagan serving as the national director and regional and state directors throughout the country.

The structure of Flanagan’s plan caused distress in at least two areas. First, while it was easy to find unemployed professional artists in areas like New York City, Los Angeles, and Chicago, the creation of community theatre implied that perhaps these theatres would not use professional artists. The question arose as to whether or not that was actually providing relief to the artists that needed it most. Professional artists and unions were
concerned that they would not get the work they needed to survive. Second, several
Congressmen did not like the concept of creating a publicly supported national theatre.

In order to resolve the first issue, Flanagan clarified that in order to work for the FTP
people had to show evidence of theatrical employment or had to be a member of a
theatrical union: Actors’ Equity Association, the American Federation of Actors for
Vaudeville and Variety or IATSE. This marked a monumental victory for artistic unions.
The decision set a precedent that the United States Government equated these union
members as professionals; it provided credibility for Equity and the other artistic unions;
and the reliance on union members for the FTP suggested that the Federal Government
endorsed Equity and its rules and regulations. However, the second issue was never
adequately dealt with, leaving the FTP vulnerable to congressional disapproval.

Five theatrical units, each with its own theatre, emerged from the FTP’s efforts in New
York City. The units included the Popular Price Theatre, which presented original plays
by new authors; the Experimental Theatre, for “new plays in a new manner”; the Negro
Theatre; the Tryout Theatre, which was sponsored by the League of New York Theatres;
and the Living Newspaper, which turned out to be the most controversial of all the units
(Brown). The Living Newspaper plays were documentary-styled productions which
would inform the audience of a specific social problem of their time and then actually
call the audience to action. Members of the unit considered their works to be theatre of
social reform. The Living Newspapers addressed issues including housing, natural
resources, racism, and labor unions. Increasing their contentious status, the Living Newspapers often would directly quote Congressmen and present them in an unflattering light. Additional FTP units were also introduced later in New York City and for a year, the New York City units were, for the most part, successful. As the FTP grew, it is important to note that much of the work of the units had social or political themes - themes that often met with Congressional and anti-Roosevelt criticism.

While most of the activity in the first year of the FTP was focused in New York City, Flanagan knew she needed to increase the visibility of the regional units. Therefore, she orchestrated the opening of 22 simultaneous productions of Sinclair Lewis's *It Can't Happen Here* on October 27, 1936. The play had tremendous audience appeal. Subsequently, it played for a total of 260 theatrical weeks to nearly half a million people.

Notwithstanding the success of *It Can’t Happen Here*, by May 1937 there were rumors that Congress would be cutting funding to the FTP. Before the cuts were even announced, Actors’ Equity and other theatrical unions began protesting. “After a performance of *Candide* and *How Long Brethren* both the cast and audience joined in an all-night sit down demonstration against cuts, while 44th Street was filled with marchers” (Flanagan 201). An order from Congress to cut the New York projects by 30 percent arrived on June 10. Thus, productions were prevented from opening (see *The Cradle Will Rock* below) and the publication of the *Federal Theatre Magazine* was halted. Despite the considerable cuts to the FTP, Flanagan carried out her plans for the first Federal
Summer Theatre program at Vassar College. Nonetheless, by the end of the summer of 1937, the Congressional cuts resulted in over a 1,000 people being cut from the FTP rolls (Brown).

Originally, the Federal Theatre Project it was criticized for being a propaganda vehicle for the Roosevelt Administration. However, by 1938 there were widespread allegations that the artists involved in the project were participating in Communist activities. “The plain fact was the Communists were exceedingly active in the WPA Theatre and Writer’s Projects, they did all they could to get their own people into it and to turn the whole enterprise into an agitprop machine” (Goodman 1972, 44). These allegations prompted Martin Dies to investigate the project via the Special House Committee to Investigate Un-American Activities. Dies and the Committee particularly attacked the work of the Living Newspaper unit. In a written brief to the Committee, Flanagan defended the work of the unit:

These Living Newspapers report the struggle of the modern man to understand the forces all about him; agriculture, power, law, housing, social diseases, medicine […]. Every one is based on a passionate belief in democracy, on the desire to keep this country a democracy and to make it a better place for more people (Flanagan 1938, 9).

Flanagan’s defense of the unit did not convince the Committee. And the FTP continued to try to defend its work to the Congressional Committee.
5.4.2.1 The Cradle Will Rock

While it is not in the scope of this study to examine the production of art per se, one work created through the Federal Theatre Project requires notice. In 1937, playwright Mark Blitzstein convinced Hallie Flanagan to sponsor his musical *The Cradle Will Rock*. The musical was a pro-union story set in the metaphoric location, Steeltown, meant to represent any American city in the 1930s. The narrative is centered around a prostitute who tells of the Liberty Committee (a representation of the U.S. Liberty Committee in the Senate) which consists of various professional workers (including a professor, artist, doctor and minister) who sold their principles and values for cash and power. The heroes of the musical are the members of the Steelworkers Union who rise up against the steel boss and bring “a message of truth” – one that speaks against Capitalism and for the working-class.

The pro-union message of the piece, coupled with a rise in violent labor action throughout the country, constituted a significant threat to the WPA by Federal authorities. On June 14, 1937, a 21-year old Orson Welles, the play’s director, conducted a dress rehearsal in which several WPA representatives attended. According to the play’s producer, John Houseman, “After they had left, the lights were turned out and the doors of the theatre were locked. For us, they never reopened” (Schoenherr). Federal authorities notified Welles that the production was to be shut down due to “cuts and reorganization” in the FTP (Poggi). On opening night, armed guards were stationed
outside the theatre preventing those associated with the play and the ticket holders from entering the theatre.

Additionally, Actors’ Equity Association ordered its members not to appear on stage in the production of *The Cradle Will Rock* while the musicians’ union ordered its membership not to play. Welles and Houseman, desperate to stage the production even if they had to do it sans actors, musicians and sets, found a vacant theatre across town and rented it. The cast and audience members walked the 20 blocks to the Venice Theatre. The author, Mark Blitzstein, sat on the vacant stage, except for a piano, and began to play and sing the first piece of the musical. Soon, one by one, the actors rose from their place in the audience and began to sing their parts while the audience cheered. Opening night of *The Cradle Will Rock* is still noted as one of the most exciting and memorable evenings in American theatre.

The significance of this evening to this study is two-fold. First, it demonstrates the hostility and opposition toward organized labor in the United States during the late 1930s. Secondly, Actors’ Equity Association’s order to its membership not to perform and its membership’s disobedience of that order illustrates to the disparate allegiances of the union and its membership. There are different accounts as to why Equity prohibited its members from performing. Some sources state that AEA told its members not to defy the closing order from the WPA; while other sources state Equity banned its members from performing because the theatre Welles moved the production to was a non-union house.
Either way, AEA’s membership did perform the play that night albeit from the house rather than from the stage in defiance of its union.

5.4.2.2 The Demise of the FTP

While the majority of WPA programs ended after the onset of World War II in 1943, the Federal Theatre Program ended four years earlier. Although years of controversial programming such as *The Cradle Will Rock* contributed to its downfall, the FTP’s ultimate demise was credited to the work of the House Committee to Investigate Un-American Activities.

The scrutiny of the Federal Theatre Project by the House Committee to Investigate Un-American Activities and Martin Dies convinced many people that the FTP and the Writer’s Project were “doing more to spread Communist propaganda than the Communist Party itself” (Larson 15). It has been suggested that the Dies’ Committee’s focus on the Communist infiltration of the Federal Theatre (and Writer’s Projects) was basically a political mechanism. “The cut in funds was not an economy move, a human issue, or even a cultural issue; the Federal Theatre had become a political issue” (Brown 8). Flanagan, the FTP, and its artists lost the fight for federally subsidized theatre on June 30, 1939 when an Act of Congress, spearheaded by Dies and the Un-American Activities Committee, ended the Federal Theatre Project.
5.5 Contextual Analysis

5.5.1 Resource Availability, Control, and Use

As in many industries, theatre in New York and on the road saw a boom during the prosperous years of the 1920s and a decline during the Depression. The number of new productions grew throughout the early 1900s but particularly accelerated after World War I. After the 1931-32 season, the theatrical industry experienced a fairly steady decline in the number of productions. Figure 5.1 shows the significant decline in productions throughout the years following the stock market Crash.

![Figure 5.1 - Number of New York Productions, 1918-1945 (Complied from Poggi)](image)

As explained in the chapter four, the number of new productions is not an entirely satisfying measure of available opportunities for actors in the industry since new
productions could indicate production turnover due to lack of profitability. However, there was a strong indication that the increase in productions during the 1920s was due to prosperity because there was also an increase in the number of playhouses on Broadway during the decade. Theatre construction was at an all time high during the decade. From 1924-1929, 26 new playhouses were constructed or converted to be used for legitimate theatre. In fact, it was during the 1920s that the U.S. saw the largest number of theatre venues being used for legitimate theatre on Broadway – in 1928-29, 75 theatres ran legitimate theatre productions. By the 1940-41 season, that number dropped to 32 theatres.

In order to measure the available employment on Broadway during the time period, we can also examine the number of theatre weeks (Figure 5.2). Theatre weeks are the number of weeks that productions were open during the season. The examination of theatre weeks supports the belief that theatre was primarily prosperous during the 1920s and exhibited a sharp decline during the 1930s. Also, elucidated by the figure is that the Federal Theatre Project held employment steady in New York. Thus, while it would be expected to see a drastic decrease in theatre weeks, there is actually a slight increase.
The significant decline in productions and theatre weeks in New York City during the Depression clearly impacted the producers’ profitability and ability to employ actors:

With the onset of the Depression, producers began to close theater doors. In the season of 1931-32 every Shubert Theater in Chicago was closed for a week in March. Of the 253 companies playing in or near New York City, 213 had closed by the middle of May, and by the end of July only six legitimate theaters remained open on Broadway. During the relatively prosperous 1928-29 season, an actor in New York City averaged thirty-seven weeks of unemployment. By 1937, according to Billboard, actors seeking engagements were “at liberty” forty-seven weeks of the year (Brown).

On the road, the patterns exhibited in the 1920s and 1930s imitated those in New York. In the case of road shows, however, the overall decline had begun around the turn of the
century continued well into the 1930s. Nevertheless, the road did experience a peak in the prosperous 1920s (Figure 5.3).

![Number of Theatre Companies on Tour, 1919-1942](image)

**Figure 5.3 – Number of Theatre Companies on Tour, 1919-1942**

Examining the figures for commercial theatre in both New York and on the road elucidates the availability of resources during the 1920s and the intense scarcity of those same resources in the 1930s. Ultimately, the 1930s marked a significant turning point for commercial theatre in the United States. The Depression and, more drastically, the continuing expansion of motion pictures into the entertainment industry created a considerable decline in demand for commercial theatre – a decline so momentous that the commercial sector has never rebounded to the levels of productivity seen in the 1920s.

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Moreover, this decline forever altered the availability of employment opportunities within the theatrical industry for actors.

As one could predict from the movements of the early 1900s, the Shuberts continued to dominate commercial theatre in the 1920s and even into the 1930s. Thus, they also continued to control a significant portion of the resources in terms of employment and salaries. Their authority in the sector was largely due to their considerable investment in theatrical structures – they owned more playhouses than any other producers. While this investment gave them power, it also made their operations extremely inflexible. The Shuberts stood to lose the most financially in the face of standoffs with the actors. Thus, the Shuberts were forced to concede to most of the actors’ requests whereas more agile producers could ignore Actors’ Equity’s demands or even assert their own stipulations. Actors’ Equity proved successful at manipulating the centralization of the producers’ control of employment opportunities and high costs in theatrical venues.

Since the Shuberts dominated the industry, their cooperation with Actors’ Equity ultimately influenced the entire theatrical field. It is particularly interesting to note that in this time period the concentration of influence, which typically would imply that an organization like Actors’ Equity would be less influential in their social environment, worked in favor of Actors’ Equity. The Shuberts were the nucleus of the commercial industry; and while that role meant power, it also meant risk. Thus, Equity was able to
paralyze the management faction of the commercial theatre sector and ultimately forced them into a social system based on interdependence.

Meanwhile, the early developments of the noncommercial sector revealed some potential for activity outside commercial ventures. While its significance in terms of resources was limited, some noncommercial companies did provide alternatives for actors seeking employment. As noted previously, the pay was less than commercial producers were paying but it could guarantee work for an entire season – something commercial producers could not do. Not all noncommercial venues added to the theatrical resource pool, however, in terms of salaries. The amateur companies did not pay actors, so while they might be working in a show, they were not technically employed – rather, they were volunteers.

The behavior of Actors’ Equity Association during this time period indicates that the organization did not always seem to understand the trends of the economic and social environment. To begin, Equity disregarded the environment of labor action in 1919. While workers across the country were struggling with their battles against management, courts were deciding on behalf of management, and membership in the labor movement was declining, Actors’ Equity chose to strike. Contextually, it is difficult to believe that AEA could have won this battle. In this instance, Actors’ Equity was fortunate, as it did emerge from the strike with more power and recognition than it had when it began. It is important to note, however, that while Actors’ Equity proclaimed the strike victorious, it
did not emerge from the strike with what it was seeking at the action’s commencement. As it happens, the strike by Actors’ Equity secured its authority with the producers and simultaneously damaged its credibility with its own membership.

The membership of the union was highly dissatisfied with the outcome of the strike. It is here where a separation between union desires and membership desires begins to emerge. Following the institutionalization process that occurred in the previous time period, Actors Equity Association had become a self-determining entity – making decisions independent of, and sometimes in opposition to, its membership. This can be explained through Pfeffer and Salancik’s theory of survival -- Actors’ Equity Association has now become an institution that seeks to survive.

Also revealing a lack of understanding about its social environment was Actors’ Equity’s lackluster attempt at the unionization of the film industry. Equity made several half-hearted attempts at prompting a union contract in Hollywood over a decade and ultimately relinquished its charter at an opportune moment to grasp hold of the film industry. A stronger effort by AEA during the 1920s might have resulted in the creation of an Equity Shop in Hollywood but the actors in California saw no immediate gratification from the pursuit of the union shop – because, typically, film actors were being paid higher wages then in the theatrical industry. However, it is almost a certainty that had Equity pursued the union contract during the 1930s, it could have secured the Equity Shop. This assertion is based on two facts. First, the Screen Actors Guild, which
was established by and operated by Equity members, was able to so quickly gain control in the industry. Second, during times of economic hardship, workers seek out unions for protection and comfort. Of course, Actors’ Equity was likely overwhelmed with the anguish of the Depression in the theatrical industry on the East Coast. Nonetheless, hindsight shows that Equity and its membership may have been better served if the leadership had concentrated on the film industry.

5.5.2 Isomorphic Change

The foundation for what would become the theatrical industry’s structure for the second half of the twentieth century was solidified during this time period through field development. DiMaggio and Powell assert that the copying of organizational structure is a method for institutions to secure legitimacy within an industry. There is evidence that this occurs at every level of the theatrical industry. For the commercial industry, the Shuberts had emerged as the source for vital resources in the field and for Actors’ Equity. The Shuberts owned the majority of theatrical structures and thus end up controlling the resources (Hypothesis B-1: The greater the extent to which an organizational field is dependent upon a single source of support for vital resources, the higher the level of isomorphism). While there was some discontent in the commercial theatrical industry, and some producers’ dissent against the Shubert model, ultimately, within a short period of time, the commercial producers end up aligning their organizations with the Shubert institution.
As the noncommercial sector emerged as a component of the theatrical industry, organizational changes emerged. A new organizational model was developed by these institutions. The noncommercial companies would present a season of plays; typically hire actors for an entire season; and were generously subsidized by a few generous donors. Most noncommercial theatres began structuring the organizations to be representative of this new model. However, as individual organizations became publicly successful, the organizations would restructure themselves more and more like the commercial venues. This type of restructuring points to Hypothesis B-3 (the fewer the number of visible alternative organizational models in a field, the faster the rate of isomorphism in that field).

Finally, theatre in the public arena is also representative of institutional isomorphism. For the first time in U.S. history, there was a significant theatrical activity taking place in the 1930s that was funded by the federal government. The government’s involvement in the theatrical industry, while short-lived, was significant in securing a homogenous theatrical environment. As the Federal Theatre Project (FTP) was organizing, the question arose as to who could seek employment in these federally funded theatres nationwide. Flanagan decided that in order to be employed in the FTP, artists had to prove that they were professionals via paid employment and union membership. At the time, the decision may have seemed insignificant but what resulted was normative isomorphism. A norm was created that set forth that a theatrical professional was synonymous with union membership. The assertion that professionalism was tied to
union membership provided the unions more influence over the industry. Since Actors’ Equity already had the ability to control the commercial sector, this decision extended the organization’s power into other sectors as well. This is consistent with Hypothesis B-2 (the greater the extent to which an organization in a field transacts with agencies of the state, the greater the extent of isomorphism in the field as a whole).

Turning to the institutional development of Actors’ Equity, two of DiMaggio and Powell’s organizational level predictors are present in during this time period. At the beginning of this time period – specifically the Strike of 1919 – AEA’s dependence on organized labor role models increased. First, Equity leadership proved its dependence on the American Federation of Labor by needing AFL organizers to convince its own membership that a strike was necessary. Next, and most pointedly, Equity ultimately relied on the International Alliance of Theatrical Stage Employees and the American Federation of Musicians to not only support the actors but to retaliate against the managers by entering into a sympathy strike. This sympathy strike was arguably the primary motivation for managers to settle the strike with the actors. Ultimately, the involvement of AEA with the AFL, IATSE, and the AFM altered the Actors Equity Association from an organization whose goals included limited membership, the preservation of the legitimate stage, and the protection of the acting profession, to an organization whose main goals focused on membership growth, preservation of the institution, and defeating the managers – which were goals of the other unions. These factors are consistent with Hypothesis A-1 (the greater the dependence of an organization
on another organization, the more similar it will become to that organization in structure, climate, and behavioral focus). This form of institutional involvement is identified by DiMaggio and Powell as coercive isomorphism.

The alteration of Equity’s organizational goals is also consistent with Hypothesis A-4 (the more ambiguous the goals of an organization, the greater the extent to which the organization will model itself after organizations that it perceives as successful). The preservation of legitimate theatre and the acting profession are vague goals that prove to be difficult to measure. It was easier for Equity to alter its institutional goals to be in line with the larger labor movement – a clear sign of mimetic isomorphism.

5.5.3 Actors’ Equity: Unionists or Actors?

The pursuit of the closed shop motivated the newly formed union, Actors’ Equity, to take action in 1919. It came in the form of the most extreme form of collective action – the strike. The likelihood of Equity being able to secure a closed shop when it decided to strike was slim. The union was still small and had little political power within the industry. However, the union leadership competently exploited the strike to the organization’s advantage. In order to gain a victory, the union began an open membership drive, admitting virtually anyone – including groups to whom Actors’ Equity had previously denied membership. This action was certainly not altruistic but rather enabled the union to bring into its ranks any performer who the producers might attempt to use as scabs. This proved to be a wise coercive decision for Actors’ Equity.
By the end of the strike, Actors’ Equity may not have obtained a closed shop but it did achieve recognition from the producers.

Since Actors’ Equity was unsuccessful at implementing a closed shop, the union began to pursue its version of the union shop. The design of the Equity Shop did not, as closed shops did, regulate access into the trade. In fact, the structure of the Equity Shop essentially empowered the producers and allowed them some control over access to the profession. Regulation into a trade is typically a primary concern for unions. Thus, at a time when most unions were demanding more control Actors’ Equity conceded to share with management.

The creation of the Equity Shop has caused some debate among theatrical commentators. Many believe that AEA’s movement toward a union shop was evidence that the Association was leaning toward the militant union tactics of the time period and an alignment with the larger labor movement led by the American Federation of Labor. Yet, there are indications that Actors’ Equity was attempting to disassociate itself from the labor movement as well. Equity refused to contribute to funds for other striking union workers; repudiated requests to sign petitions on behalf of Eugene Debs, head of the Socialist Party; and rejected requests to advertise in the Socialist papers. Additional evidence of Equity’s distancing from the labor movement comes in an editorial that ran in *The Pittsburgh Dispatch*:

> A few months ago when they were on strike for this or that thing, the proudest of their boasts was that they were “brothers” of the honey-handed
sons of toil who worked in the steel mills, the coal mines and the other places where life is won by the swear of one’s brow.

But now! Mercy! The very thought of being allied to the steelworkers, the sons of labor! It is to shrink and scatter perfume over one’s silk shirt! (as quoted in Holmes 195-6).

These actions seem to suggest that Actors’ Equity was willing to embrace unionism when it suited its purposes but ultimately would not capitulate to the larger labor movement when doing so was not beneficial to its causes.

This elusiveness in Actors’ Equity’s loyalty did not necessarily play in its favor. This was illuminated with AEA’s attempts to unionize Hollywood. Although Equity was willing to accept help in the form of sympathy strikes from other theatrical unions to secure a victory during its strike of 1919, it was equally as willing to sign an agreement with producers that consented to never participate in sympathy strikes in order to obtain the contract Equity wanted. This fickleness resulted in few allies when Equity attempted to get an Equity contract in the film industry.

Furthermore, as Actors’ Equity triumphed as the primary actors’ union within the theatrical industry, the rank-and-file soon learned that membership was a double-edged sword. Certainly, the standardization of the industry meant improved conditions, particularly for the average performer. The union curbed the worst of the abuses in the industry – as other unions had done in their respective fields. However, under the new union structure, Equity leadership could exercise as much power over their own membership as they could the managers. Actors’ Equity “wielded unprecedented
coercive powers and under its auspices, the metropolitan elite undertook to impose its own vision of professional propriety upon the men and women of the American stage” (Holmes 211). Coercion was a theme that dominated Actors’ Equity Association during this time period:

[Equity’s] founders, members of a relatively affluent theatrical elite, had aimed to raise the social status of the American actor by challenging the autocratic powers of the managerial moguls and, at the same time, by imposing their own class-specific vision of what it meant to be an actor upon their fellow performers. Initially at least, they had articulated their occupational aspirations in the rather nebulous language of professionalism. But the obduracy of the managerial establishment had compelled them to adopt a more aggressive organizational strategy and, ultimately, much like other groups of white-collar workers for whom the professional model proved problematic – teachers, social workers, and nurses, for instance – they had affiliated with the organized labor movement. However, the uneasy compromise between professional pretension and trade-union practice generated powerful tensions within the AEA as its leaders struggled to reconcile the needs of their constituents with their own desire for greater occupational prestige.

In the decade after the strike, they defended the theatrical rank-and-file against the depredations of their employers and brought about marked improvements in their working conditions. In return, they demanded that Equity members conform to their own standards of professional propriety both on and off the stage (Holmes 185-6).

One indication of this professional propriety was Actors’ Equity’s relationship with the chorus workers. While the chorus workers were imperative to Equity’s success during the strike, Actors’ Equity continued to push chorus members to the peripheral of the union. AEA may have been willing to share the name Equity, but it also made clear that the Actors’ Equity members were held in higher regard than Chorus Equity members.
Additionally, following the early victories for Actors’ Equity during this time period, the union leadership was beleaguered with difficulties in its own ranks. The Equity leadership actually began investigating, adjudicating, and punishing its own membership. This behavior is very unusual for union organizations; rarely will a leadership be distracted from its external goals by internal membership behavior. It certainly seems that this atypical behavior could be linked to the fact that the union had yielded some control of the access to the profession to the producers. Thus, Equity leadership was forced to contend with an uncertain membership.

What becomes increasingly clear through the behavior of Actors’ Equity during this time frame is that the membership embraces a strong occupational identity. The members identified themselves as “actors” not necessarily as “unionists.” There appeared to be pride and even a sense of elitism in the title of “actor” but not so for the typical rank-and-file. In fact, it even seems that Actors’ Equity fancied itself as more evolved than the typical blue-collar unionist. Thus, although the organization is a member of the American Federation of Labor, it distances itself from typical union causes as much as possible.
CHAPTER 6
COMMODIFICATION VERSUS PUBLIC PURPOSE, NORMS AND PROFESSIONALIZATION: 1950-1969

By 1950, World War II had come to an end. The U.S. was embarking on the Korean Conflict and the Cold War. The fear of Communism exploded once again. The minimum wage was 75 cents. Just nine percent of American households had a television set. Segregation was commonplace. Throughout the 1950s, fast food, rock-n-roll, and suburbanization began to redefine the American culture. Thanks to industrialization and mass production, Americans were able to enjoy more leisure time. Air travel soared in popularity as jet engine airplanes were introduced for commercial aviation. And for the first time in U.S. history, teenagers became a primary target for marketers.

Yet despite the “rock around the clock” facade, dissent was growing throughout the nation. The inequality of the races had reached its tipping point. Churches were burned, schools were closed, blacks were murdered, and civil disobedience had become a way of life. American heroes John F. Kennedy and Martin Luther King, Jr., were immortalized by the bullets of assassins. Major legislation that redefined what it meant to be a citizen of the United States was passed. African Americans could freely vote in elections. The federal government came to guaranteed health insurance for the elderly and poor through
Medicare and Medicaid and employment discrimination was illegal. By the end of the 1960s, the U.S. was mired in the unpopular Vietnam War. Neil Armstrong had walked on the moon. Social activism was at its height. The world population reached three billion. The minimum wage was $1.30. Ninety-five percent of American households had a television. And all citizens were equal, if not in actuality, at least legally.

In the theatrical world, a shift was also occurring. A diversification of theatrical venues would alter the power structure of the theatrical industry. For the first time, less than half of theatrical employment for actors would be based in New York. The industry would see the fall of the Shubert Empire. Actors would wage their own battles against segregation and Communism. Actors’ Equity Association would reach the pinnacle of the professionalization process. This chapter describes the environment of the United States as it railed over civil rights yet at the same time embraced television and rock-and-roll as a way of life; it also reveals how the theatrical industry expanded with the development of regional theatres.

6.1 The Economic, Political, and Social Environment in the United States

The following overview describes the tenuous and conflictual environment of the 1950s and 1960s. It primarily discusses the civil rights movement and women’s liberation. Additionally, it considers the changing cultural environment, which embraced broadcast entertainment and made way for the establishment of the National Endowment of the Arts. This abridged historical description of these two decades does not provide a
complete picture but rather it highlights the overarching conditions which the theatrical industry and Actors’ Equity Association had to traverse.

6.1.1 The Rise of Social Discord

The 1950s were ripe with expectations surrounding civil rights. The last decade ended with President Truman issuing an executive order that integrated the military and banned the “separate but equal” stance of the government. Truman’s actions were a direct result of the failure of Congress to pass the Selective Service Act which would eliminate racial discrimination. It was clear that not only was the country divided on issues surrounding civil rights, so was the government.

The revisiting of previous court rulings (Plessy v. Ferguson, 1896) that allowed “separate but equal” facilities was a theme that emerged in the early 1950s. One of the first cases to reach the Supreme Court was Sweatt vs. Painter which was filed by Herman Sweatt who had applied for admission at the University of Texas Law School and was automatically denied because of his race. The University argued that it would open a separate “law school for Negroes.” When the U.S. Supreme Court heard the case in 1950, the Justices unanimously voted in favor of Sweatt stating that a separate law school would be grossly unequal in capabilities and prestige.

In 1951, the NAACP began organizing school integration cases in five states. The Supreme Court agreed to hear the cases in 1954 under the combined heading, Oliver L.
Brown et.al. v. the Board of Education of Topeka (KS). The Court found that segregation of children solely on the basis of race denied African American students equal protection of the laws that are guaranteed by the Fourteenth Amendment – even if the facilities are “equal.”

Despite the clear ruling, integration did not come easily for many places in the U.S. In fact, the desegregation process, at times, pitted state governments against the federal government. In a famous instance, Arkansas Governor Orval Faubus ordered the state national guard to prevent black children from entering school. In response, President Eisenhower made the Arkansas National Guard part of the U.S. Army and dispatched 1,000 paratroopers from the Army to protect the children. This action led Governor Faubus to close all the schools in Little Rock, many of which remained closed for over a year until the Supreme Court ordered them to reopen.

In the upcoming years, the desegregation and the civil rights conflict would reach far beyond the courts and the schools. There were two events in 1955 that were instrumental in mobilizing the public in the civil rights movement: the murder of Emmett Till and Rosa Park’s refusal to give up her seat on the bus. While it was certainly not unheard of for blacks to be killed at the hands of whites during this time period, the murder of Emmett Till was different. Emmett was a fourteen year old boy who was brutally beaten by two men after thrown into a river. Emmett’s mother held his funeral with an open casket and allowed the press to photograph her brutalized son. Jet magazine, a national
African American magazine, published the photographs which outraged African Americans from coast-to-coast. The two men accused of the murder were acquitted of murder after the jury deliberated just 67 minutes. One juror even told a reporter that it would not have taken so long if they did not stop to drink a pop. The outcome of the trial infuriated Americans and others worldwide.

Just three months following the trial, another incident just one state away was credited with officially launching the civil rights movement. On December 1, 1955 Rosa Parks boarded the public bus in Montgomery, Alabama and took a seat in the first row of the “colored” section. She famously refused to give up that seat to white passengers despite the bus driver’s orders. Her refusal and subsequent arrest, led to the organizing of the Montgomery bus boycott by the National Association for the Advancement of Colored People (NAACP). The bus boycott, which was to last one day, persisted for over a year. African Americans in Montgomery did not get back on the city buses until the U.S. Supreme Court outlawed segregation on public transportation. Parks and her refusal to give her seat up on the bus and subsequent Montgomery bus boycot remain a symbol of the beginning of the civil rights movement.7

The country remained deeply divided on civil rights issues. The battle between the executive and legislative branches as well as state versus federal government continued even after Truman left office and was succeeded by Eisenhower and later Kennedy. The

7 Rosa Parks died on October 24, 2005 at the age of 92. Parks’ body lay in honor at the Capital Rotunda in Washington, D.C. She was the first women and second African American ever to lie in state.
“Massive Resistance” was launched following the Supreme Court decision in *Brown v. the Board of Education*. State legislators and school boards specifically wrote policy to defy the Court’s ruling. Additionally, in 1956, 101 U.S. Senators and Representatives, nearly all Southern congressmen, signed the *Southern Manifesto*, a document that condemned the Supreme Court for desegregating schools:

> We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power […]. We decry the Supreme Court's encroachment on the rights reserved to the States and to the people, contrary to established law, and to the Constitution. We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

The *Southern Manifesto* combined with the local incidents such as the Emmett Till murder illustrate the discord that was present in the United States at every level. Over the next decade, civil rights marches and protests as well as church bombings and school burnings spread throughout the country. Eisenhower and several liberal senators pushed a civil rights bill in 1957 which was mainly a voting rights bill. As expected the bill met much resistance, including the longest filibuster by one individual in U.S. history by Senator Strum Thormond (24 hours and 18 minutes). Congress did eventually pass the bill and President Eisenhower signed it into law. The Civil Rights Act of 1957, although largely ineffectual, was the first civil rights legislation passed in nearly 90 years.

Three years later, the Civil Rights Act of 1960 established penalties for anyone who obstructed someone else’s attempt to vote or register to vote as well as allowed for federal inspection of polling places. Again, the proposed legislation only passed after
extreme confrontation in the Senate. In this case, 18 opposing senators filibustered for a total of 125 hours and 31 minutes.

Once John F. Kennedy took office in 1961, he began working on another, more effective civil rights bill. Kennedy’s bill sought to eliminate discrimination in government, places of public accommodation (hotels, restaurants, etc), and in employment. He spoke of the bill in his television and radio address on June 11, 1963:

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other that this is the land of the free except for the Negroes; that we have no second-class citizens except Negroes; that we have no class or caste system, no ghettos, no master race except with respect to Negroes? Now the time has come for this Nation to fulfill its promise.

Kennedy sent the bill to Congress eight days later.

Meanwhile, one of the most noted civil actions in U.S. history was being organized to take place on August 28, 1963 - the March on Washington for Jobs and Freedom. More than 200,000 protestors gathered at the Lincoln Memorial to hear numerous speakers and musicians. The March was said to have concerned the Kennedy administration which feared it might negatively impact the proposed legislation. It was during this march that Martin Luther King, Jr. delivered his famous “I Have a Dream” speech – a speech that has become synonymous with the civil rights movement in the United States. Additionally, Dr. King’s work toward nonviolent civil disobedience during the civil rights movement was instrumental in inspiring and challenging citizens for many years.
following his death. Prior to his assassination in 1968, King was awarded the Nobel Peace Prize for his work toward furthering civil rights.

Kennedy was never able to sign his civil rights bill into law as he was assassinated on November 22, 1963. Following Kennedy’s death, Lyndon B. Johnson immediately took up the civil rights cause. In a speech he gave to Congress just five days after taking office, Johnson said, “We have talked long enough in this country about equal rights […]. It is time now to write the next chapter - and to write it in the books of law” (as quoted in Loevy 1985). Despite the intent of the executive branch, the bill would not become law for another seven months. Based on the dissention surrounding the previous Civil Rights Acts, it was well known that this would be the largest battle. After nearly three months of filibustering, negotiated amendments to the bill, and the first successful cloture vote for civil rights legislation, the bill finally passed. On July 2, 1964, President Johnson signed the Civil Rights Act of 1964 into law. The landmark legislation finally outlawed discrimination based on race, color, national origin, religion, or sex and established the Equal Employment Opportunity Commission.

In the following year, Johnson was also able to pass the Voting Rights Act of 1965. The legislation was enacted to enforce the Fifteenth Amendment to the Constitution (that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude”) – an amendment ratified in 1870. While the Fifteenth Amendment had been law for 95 years,
African Americans in the south faced tremendous obstacles in order to exercise their right to vote. It was not unusual for black southerners to be subjected to literacy tests, poll taxes, harassment, or violence when they attempted to vote or register to vote. In fact, in 1964, voting rights advocates in Mississippi were murdered, and marchers in Alabama were attacked by state troopers. The Voting Rights Act abolished the use of literacy tests, established Federal examiners at polling places, and required changes in voting procedures to be approved by the U.S. Attorney General or the DC District Court. Discussion of poll taxes was not included in the Act because poll taxes had been abolished by the Twenty-fourth Amendment passed in 1964.

The Voting Act was particularly significant because it fundamentally changed the relationship between federal and state government. Therefore, it is no surprise that the Act was challenged in court. In the cases that the U.S. Supreme Court heard, the Court upheld the legality of the legislation. Furthermore, the impact of the legislation was immediate. By the end of 1965, an additional 250,000 black citizens were registered to vote, one-third by Federal examiners.

By the 1960s the women’s liberation movement was also underway.

The problem lay buried, unspoken, for many years in the minds of American women. It was a strange stirring, a sense of dissatisfaction, a yearning that women suffered in the middle of the twentieth century in the United States. Each suburban wife struggled with it alone. As she made the beds, shopped for groceries, matched slipcover material, ate peanut butter sandwiches with her children, chauffeured Cub Scouts and Brownies, lay beside her husband at night – she was afraid to ask even of herself the silent question—"Is this all?"
With these words, Betty Friedan launched the “second wave” of the women’s movement with the publication of her book, *The Feminine Mystique* (1963). The publication questioned woman’s limited contribution to society as housewives. Friedan argued that the problem stemmed from the expectation that women move out of the workplace and back into the home following the end of World War II combined with the new technology that simplified the work of a housewife. The work became a national bestseller and sparked the debate about a woman’s role in society.

Pointedly, it was certainly not coincidental that the Civil Rights Act of 1964 listed sex as protected class from discrimination. The inclusion was credited to Democratic Representatives Martha Griffiths (MI) and Howard Smith (VA). This action was vital in the search for gender equality particularly since the Equal Rights Amendment had been proposed in every Congress since 1932 and had never been passed.

The 1960s launched or mobilized significant organizations to work towards a variety of women’s right. The National Organization for Women (NOW) was founded in 1966 by twenty-eight women and men including Betty Freidan (who also served as the first president), with the goal of true equality for all women. In the organization’s founding statement of purpose, NOW recognized that in 1966, nearly half of all women aged 18-65 were working outside the home (46.4 percent). However, NOW was concerned with the quality of work. The organization argued that 75 percent of the jobs were in low paying
clerical, sales, factory, or household jobs. Comparable worth was also a primary concern for NOW – since women were only earning an average of 60 percent of a man’s salary. This disparity was despite legislation passed in 1963, the Equal Pay Act, which made it illegal to pay women lower wages than men due to gender. In addition, NOW was interested in increasing attendance and graduation rates for women at higher education institutions, arguing that women were only earning one-third of Bachelor and Masters Degrees and only one-tenth of Ph.D.s.

Reproductive freedom and the right to access birth control were also major goals of the women’s movement. Birth control was certainly not a new cause. Margaret Sanger had been advocating for birth control since 1915. Additionally, organizations had existed in the United States for decades promoting the illegal cause of developing contraception for birth control. (Men had been allowed to use condoms since the early 1920s in order to protect themselves from sexually transmitted diseases but not for contraception). By 1957, the U.S. Food and Drug Administration (FDA) approved oral steroid pills for a means of menstrual regulation; the contraception effects were merely a side effect. In 1960, the FDA also approved “the pill” as oral contraception. But, it was not until 1965 that the U.S. Supreme Court ruled in the case of *Griswold v. Connecticut* that contraception for married couples was legal. It would be another six years before contraception was legalized for everyone. During the next decade, reproductive freedom would be expanded to include the right to an abortion with the landmark case, *Roe v.*
Wade. The U.S. Supreme Court’s ruling would prove to be the cause of political debate for many years to come.

While the country was divided over civil rights and the women’s liberation movement, the 1960s brought about yet another crisis that divided the nation, the Vietnam War. By 1965, the U.S. involvement in this civil war conflict had mounted. By the end of the year, over 185,000 troops were in Vietnam. By the end of the following year, nearly half a million troops had landed. America’s youth, which had established itself as an important subculture during the previous decade in the U.S., challenged authority and government by protesting the War. Young adults and others were disillusioned by U.S. involvement in the war, the employment of the draft lottery, and the horrifying war images broadcast on the televisions that became prevalent in American homes.

The first protest was documented in 1963 on the college campus of the University of Wisconsin. Protests and demonstration continued throughout the 1960s and 1970s. “Make love, not war,” and “Hey, hey LBJ, how many kids did you kill today?” became popular chants of protesters. By the end of the 1960s, some of these demonstrators – identified by their long-hair, beaded necklaces, and Volkswagen buses – became known as Hippies. Hippies became a subculture characterized by their liberal, anti-establishment views; peace promotion; communal living; and nomadic lifestyles, as well as their participation in the sexual revolution and recreational drug use.
The United States was polarized on issues of civil rights, women’s liberation, and the Vietnam War. How did these social and political crises impact artists and the theatrical industry?

6.1.2 The New American Culture

The technology that had begun to advance in the 1940s exploded into American lives in the 1950s. Americans began purchasing television sets for their homes at an average price of $299 for a black-and-white console set (nearly 8% of the average annual salary). In 1950, there were 103 television stations broadcasting in 60 cities, and the Federal Communication Commission (FCC) awarded CBS color for commercial broadcasts (a decision highly contested by RCA). Color broadcasting was unveiled in June of 1951 with an hour long broadcast of the Ed Sullivan show. Only two dozen televisions could receive the color broadcast. Just a few months later, governmental concerns over color broadcasting during war time actually caused the technology to be abandoned for the duration of the Korean War. Meanwhile, other technology was advancing as AT&T inaugurated the transcontinental television service on September 4, 1951 when it transmitted President Truman’s address to the United Nations in San Francisco to viewers across the country.

In 1953, the end of the Korean War brought about the “color war” again. RCA had been advancing its technology called the electronic color system. The company convinced the FCC to reverse its prior color decision and approved the new RCA color system for
commercial broadcasting. RCA brought its all-electronic color television set to the market in early 1954. The set had a 12-½” screen with a retail price of $1,000 (twice the price of the CBS mechanical color set). RCA predicted the sale of 75,000 units; however, fewer than 5,000 actually sold. Most of the color television sets had to be donated to schools or sold at a discount to RCA employees. Moreover, Time Magazine declared color TV to be “the most resounding industrial flop” of the year. It would not be until 1964 that RCA would begin to see a profit from the multi-million dollar investment in color television. By 1966, NBC became the first network to broadcast entirely in color. By 1969, virtually every home in the United States had a television (95 percent); almost 25 percent of those televisions were color sets; and over one-third of Americans had multiple sets in their homes.

Of course, television replaced other forms of entertainment for Americans. However, by the time televisions were a household staple in U.S. homes, the film industry had already begun to see a decline in audience and profit. In July of 1949 after an eleven year battle between Paramount and the Justice Department, the government won its antitrust case against the film studios. The case centered on the vertical integration of the film industry which gave studios control of the production, distribution, and exhibition of movies. The government sought to separate the major film studios from ownership of theatres. This practice allowed studios to control the run of their own releases and prevent other films from being shown. By 1954, the five primary film studios were forced to divest themselves of all theatrical control (Sklar 1975).
The new control of the theatres by independent owners meant that theatres now had to compete to show first-run films. This increased costs to the theatres, and those costs were passed on to movie-goers in their ticket prices. The rise of ticket prices combined with the postwar baby boom (which took the film industries’ primary customers, young adults, into their homes to focus on child rearing) initiated the waning movie audiences before televisions were an integrated part of U.S. culture.

Once television was a staple of American life, the film industry suffered tremendously. Between 1946 and 1956, over 4,000 theatres were replaced with drive-in theatres (Sklar); even so, weekly audience continued to decline. Film studios fought the downturn of audiences with a variety of techniques including the use of new technology which brought audiences a wide-screen film format, 3-D, and Smell-o-Vision. Film studios also turned Broadway successes into film victories. Successful adaptations included *Guys and Dolls* (1955), *The King and I* (1956), *South Pacific* (1958), and *West Side Story* (1961). Most notably, however, by the end of the decade most studios opted to “join them” since they could not “beat them.” Film studios made movies for broadcast release rather than for theatrical release, allowed former theatrical release films to be distributed via television, and in the case of some studios, even created subsidiaries that would produce their own television programs.

Despite the new attitude of the film studios and film exhibitors, the downward spiral of audiences did not cease in the 1960s. Film productivity reached its 50 year low in 1963,
when Hollywood only produced 121 films. The year 1963 also marked the year of the first multiplex when two theatres were placed side-by-side at a shopping mall in Kansas City. Theatres had finally reached the suburbs. By the end of the 1960s, the U.S. saw its first six-plex theatre with automated projection booths. Meanwhile, downtown movie houses were being demolished nationwide.

By the mid-1960s, film studios could no longer survive the financial difficulties of the industry. Thus, many studios were purchased by unrelated conglomerate businesses (e.g. Gulf Western Industries purchased Paramount in 1966, Bank of America acquired United Artists in 1967, and in 1969, MGM was bought by a hotel and airline entrepreneur who suspended all film production for twelve years).

Film may have lost its stronghold over the American culture during the 1950s and 1960s, but the music industry was just hitting its stride. Originating in the United States and deeply influenced by the music of the south, rock and roll hit the mainstream teen audiences by the mid-1950s. Teen audiences were drawn to this new music that freely discussed issues of sexuality, love, and personal freedoms. Artists such as Elvis Presley, Little Richard, and Buddy Holly thrilled America’s youth and mortified their parents. Record producers and record companies, corporate and independent alike, organized and solidified their role in popularizing music. The mid-1960s brought the British Invasion with the ever-famous Beatles. By the end of the decade, psychedelic rock and folk-rock took hold, reflecting the communal values and civil rights orientation of America’s youth.
The decade ended with what is arguably the country’s most famous music festival, *Woodstock*, in August 1969.

The 1950s and 60s ushered in a new way of thinking about entertainment in the United States. No longer were Americans interested in traveling to the city centers to be entertained; they wanted their leisure activities brought to them in their suburban communities – or better yet, directly into their homes. How would this cultural shift affect the theatrical industry?

6.1.3 The National Endowments for the Arts and Humanities

Culturally, while much of the country was fascinated with television and rock-and-roll, the government took strides to pave the way for less popular artistic endeavors. The federal government was certainly not a stranger to the arts prior to the establishment of the National Endowment for the Arts (NEA). In the years prior to its formation, there were many failed attempts at establishing a national cultural entity. The first attempt was made by John Trumbull in 1826. At the time, Trumbull served as the President of the American Academy of Fine Arts. He proposed to President John Quincy Adams a *Plan for the Permanent Encouragement of the Fine Arts by the National Government*. The next attempt, in 1859, was made by President James Buchanan, who appointed a National Arts Commission to promote the arts. However, it was disbanded two years later due to a lack of Congressional appropriations. In 1879, Representative Samuel J. Cox from New York introduced a Joint Resolution in Congress to establish “a council on art matters.”
There was no action taken. Again, in 1897, no action was taken when a Congressional proposal was introduced to form a National Office for the Arts. President Theodore Roosevelt established a Council of Fine Arts in 1909 but it was soon disbanded due to a lack of funds. In 1937 and 1938, legislation was introduced in Congress to create a Bureau of Fine Arts. Neither bill was reported out of committee. In addition to the attempts to form a cultural entity, Presidents Truman (in 1951) and Kennedy (in 1962) requested reports on how to develop a relationship between the Federal government and the arts. Furthermore, President John F. Kennedy took the first steps toward institutionalizing arts policy by appointing a Special Consultant to the President and establishing the Federal Advisory Council on the Arts (Brooks).

However, it was not until 1965, when President Lyndon B. Johnson requested that Congress establish a National Foundation on the Arts and Humanities, that the country has an official national cultural entity. Congress passed legislation establishing the National Endowment for the Arts and the National Endowment for the Humanities. In his speech recognizing the establishment of the NEA and NEH, President Johnson acknowledged, “Art is a nation’s most precious heritage. For it is in our works of art that we reveal to ourselves, and to others, the inner vision which guides us as a nation. And where there is no vision, the people perish.”

The National Endowment for the Arts may have been authorized, but with a first appropriation of a mere $2.5 million, the agency remained small -- with fewer than 12
employees. In that first year, the NEA was able to fund 22 arts organizations and 135 individual artists. The end of the decade did bring increased funding. In 1969, Congress appropriated $7.8 million to the NEA, which the agency distributed to nearly 300 organizations and 200 individuals. That year, the Endowment granted over $1 million of its appropriation to theatrical endeavors (more than any other discipline received that year).

Symbolically, the creation of the Endowment more closely aligned the United States with art policies of other countries around the world. For centuries, many nations spent national dollars on the funding of artistic endeavors through cultural agencies. To be sure, the U.S. government also spent money on the arts but through a variety of government departments and most often for reasons other than the simple proliferation of art. Additionally, the creation of the federal government’s new arts agency should not be interpreted as undisputed support by government officials for U.S. cultural organizations, its artists, or the utilization of government money for the creation of art. American politicians have long debated the validity in government funding the arts, hence the decades and decades of failed attempts at establishing a cultural agency. The creation of the National Endowment for the Arts would not end that debate.

How will this development affect the theatrical industry?
6.2 National Labor Movement Developments

The 1950s and 1960s brought about significant shifts in the job market, the labor force and, consequently, labor unions. The nature of work itself changed during these two decades. While manufacturing industries remained the primary field of employment throughout the time period, the percentage of employed persons in these industries dropped from 33.7 percent to 27.3 percent – a 19 percent decrease in manufacturing jobs. Meanwhile, the number of people employed in the service and government fields began to rise, 27 percent and 25 percent respectively. Other fields, including construction, trade, and finance, remained relatively steady over the time period. Furthermore, the abundance of people employed in white collar jobs (professional, managerial, clerical and sales) rose significantly; while manual workers (craftsmen, foremen, operatives, and laborers) and farm workers decreased (Table 6.1).

<table>
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<th>Occupation</th>
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<th>1970</th>
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<td>42.0%</td>
<td>47.6%</td>
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<tr>
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<td>37.5%</td>
<td>36.6%</td>
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<td>12.8%</td>
</tr>
<tr>
<td>Farm Workers</td>
<td>11.8%</td>
<td>7.9%</td>
<td>3.0%</td>
</tr>
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</table>

The change in the nature of available work is directly linked to the forthcoming decline in union density (percentage of union workers in the U.S. workforce) in the United States. In the early 1900s, unions primarily focused on unionizing manual workers; thus, when the industry began to decline so did union density. In the early 1950s, unions continued to thrive from the growth they had seen in the 1940s. In fact, union density reached its all-time U.S. peak in 1953 when 33 percent of the workforce was unionized (Figure 6.1). Never before, and never since, has such a large percentage of the U.S. labor force been unionized. Union membership, as opposed to density, did continue to rise throughout the 1950s and 1960s. The rise in membership numbers was primarily connected to the rise of public sector unions. Prior to 1959, public sector employees did not have state authorization to participate in collective bargaining. However, in 1959, Wisconsin became the first state to provide collective bargaining rights to public workers. Other states quickly followed suit. This change in legislation vastly altered the union landscape.
Moreover, Schiller (1999) argues that there was a larger shift in legislative and judicial attitudes in the late 1950s, which signified a turning tide for union strength in the future. Immediately following World War II, Schiller contends that the courts rulings favored the union organizations and actually sacrificed individual rights in order to strengthen group rights. But in the 1960s, attitudes about unions and interest groups shifted. The courts no longer believed that such groups were representative of individual interests. Therefore, rulings began favoring individual rights and sacrificing the power of organized labor in the process. “By the close of the 1960s, those rules, imbued with hostility towards interest groups and faith in participatory democracy, were profoundly disadvantageous to unions and brought about a weakening of the American labor movement” (Schiller). This shift of court rulings in labor issues certainly appears linked
to the larger social movements that were occurring in the United States. As the country moved to establish clear civil and individual rights, the protection for organized groups and their interests dissipated.

The impending difficulties for organized labor were compounded in the 1950s when unions became representative of “big labor.” Unions had certainly etched their role within the corporate establishment; however, this solidification came with a downside. Lichtenstein (2002) writes that “bureaucracy and self-interest had replaced the visionary quest for solidarity and social transformation that had been a hallmark of the depression decade” (142). The unions themselves began imitating, in structure, the very corporate institutions they claimed to be protecting the membership from. To this point, despite the fact that the United States trends were behind many other countries when comparing the number of unions and union members, in the 1950s, the U.S. union system “sustained the largest and best-paid stratum of full-time salaried officers in the labor-movement world” (144). In Europe, the union system averaged one full-time union officer for every 2,000 union members. In the United States, the average was one full-time officer for every 300 unionists. U.S. unions had become top-heavy institutions with well-paid bureaucrats controlling the masses.

This new structure was exemplified in what would soon become the nation’s largest union (1.5 million members in 1957 and 2 million members by the end of the 1960s), the International Brotherhood of Teamsters (IBT), representing workers in the transportation
industry. The IBT, led by the infamous Jimmy Hoffa, ballooned in size thanks to the implementation of the national interstate system which vastly increased the need for truckers. Unfortunately for unionists, the IBT also became known for its ties to organized crime – an association that, yet again, created a poor public image for unionists.

Also of consequence for labor during this period was the consolidation of the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO). After nearly 20 years, the AFL and CIO agree to merge in 1955. The merger was propelled by the increasingly similar goals of the once disparate federations. The AFL now welcomed unions that represented unskilled or semi-skilled labor (a decision made in an attempt to compete with the CIO). Additionally, the CIO had expelled the Communist unions from its ranks. By the 1950s, both the AFL and CIO had begun to embrace more moderate techniques of unionism. Since there were few political differences between the Federations, the merger seemed logical. As the combined AFL-CIO, with 15 million members, the Federation continued to embrace moderate strategies – even discouraging marches and demonstrations, including those that would highlight issues of unemployment and civil rights.

The more conservative strategies of the AFL-CIO may have also been employed to assist in attracting the rising white collar population. As the blue collar jobs were being replaced with white-collar positions, the Federation began to court these professionals as
potential union members. However, these workers tend to be resistant to the more extremist tactics of union organizing; thus, the AFL-CIO increased its dependence on more restrained approaches to unionization.

The AFL-CIO merger was not necessarily a recipe for union solidarity. Dissidence between union leaders and the rank-and-file began to emerge. Union membership was divided -- pitting the veteran unionists against the newly-inducted workers. “The younger work force seemed to be repudiating the acquisitive values of their fathers” (Zieger & Gall 216). Young union members, frustrated with the union bureaucracy, launched protests against their own unions. Internally, these unionists rejected contracts that were negotiated by leaders and even participated in a record number of unauthorized strikes. Externally, young unionists also expressed aggravation against the union’s lack of involvement in the civil rights movement, and later, its support for the Vietnam War. There were speculations that these union workers would embrace the generational protests of the time. Indeed, “for those who still harbored hopes that the working class could be on the cutting edge of social transformation, the established unions were obstacles rather than vehicles” (216).

The changing priorities of the larger labor movement – combined with the poor public image of Big Labor and the rethinking of collective rights by the judicial system – laid the foundation for the decline of power for unions during the 1950s and 1960s. Lichtenstein argues that collective institutions had “lost their capacity to command the
loyalty of their membership, upon which their strength depends. Individualistic, rights-based assumptions therefore replaced group pluralist ones and devalued the very idea of union solidarity” (177).

6.3 The Structure and Movements of the Theatrical Industry

The 1950s and 1960s in the United States can be viewed as a pivotal time period in the development of a concrete theatrical structural. This structure remains prevalent into the twenty-first century.

6.3.1 Broadway and the Road

The 1950s began with a shaky start for commercial theatre venues. After months of conversations regarding contract negotiations, Actors’ Equity and the League of New York Theatres were deadlocked. The primary issue at stake was Equity’s desire to implement a pension plan for its membership.

For several years, the producers had been pounding the table over rising costs of producing legitimate theatre. In a letter to the president of AEA, J.J. Shubert writes:

There is no question that the real and outstanding cause is the lack of productions due to the failure of the organized groups to get together and eliminate unnecessary costs. No one can dispute the fact that the burdens put upon the producer have discouraged productions to the point where there are now less shows on the road than at any time since I first entered show business…let us look at the situation that confronts us in New York City, the centre of the amusement business. We must take into consideration that at one time there were sixty first class theatres here and this number has dwindled down to about half (1948).
Yet, as contract negotiations began, Actors’ Equity came to the table with a demand for what could end up being one of the most expensive programs in its history – the creation of a pension plan for its membership. By July 20, the talks were deadlocks; neither organization was willing to waver on its position. Publicly, Actors’ Equity released the statement that, “League representative had not bargained in good faith and had categorically and consistently refused to consider Equity’s proposal that a study of a future pension plan be jointly sponsored and financed” (New York Times 1950). The League publicly offered its opinion on the proposal, “the nature and character of the theatre is such that it does not believe that pensions are either workable or feasible” (New York Times 1950).

As a result of the deadlock, the threat of a strike by the actors arose. The membership had already approved a resolution authorizing a strike. The strike, however, would be averted. Once negotiations were restored, the groups emerged with an agreement. However, internal documents of Equity reveal that the Negotiating Committee felt that these were the “thorniest negotiations in the history of the Association.” In the end, Actors’ Equity won the financial support of a pension study from the League.

The League has agreed to give up to $1,500 to defray half the expenses of a study to be made by Equity and Chorus Equity covering the field of pensions and the establishment of a Welfare Fund. While they will not endorse the principle, nor will they join us in making the study, nevertheless they will cooperate to the fullest possible extent in making data available for the study.

The push for a pension plan for union actors was not a concept created by Actors’ Equity Association. Pension plans were a major initiative of the AFL, and later the AFL-CIO,
throughout the 1950s. Between 1946 and 1956, the Federation was able to secure pension plans for an additional 55 percent of union members (up from 5 percent to 60 percent in ten years). Of course, employment is typically different for AEA members than for other union workers, who are typically employed by one employer and, thus, a pension plan is based on years of service to that one employer. As Actors’ Equity would discover that funding this type of plan for actors would mean considerably different results.

By 1960, the debate over a pension plan had escalated. When Actors’ Equity and the League of New York Theatres began negotiating their next contract, AEA’s pension plan was at the center of the discussions. Equity came to the negotiating table asking for a pension plan to be created in which producers would pay seven percent of each actor’s salary into the fund. The producers countered with an offer of a scaled plan that would require no payments in the first year, one percent the second and third year, and two percent in the following three years. Certainly, other contractual issues were being negotiated as well, but it was the pension plan that deadlocked talks. And, as the deadline neared, neither party was willing to compromise on its pension plan terms.

The deadline passed without a compromise; and, as threatened by Actors’ Equity, the AEA leadership ordered the shutdown of one production, The Tenth Man. The League, unwilling to be coerced by the actors, had promised that if AEA members went on strike in any production, the producers would shutdown the rest. And so they did. The other 21
productions on Broadway were closed as well as the seven shows on the road. The lights of Broadway were darkened – the producers calling it a strike and the actors calling it a lockout. Either way, no one was working.

Meanwhile, the press had no sympathy for either the actors or the producers. The *Daily News* ran the following article, under the headline, “Broadway Blackout”:

What legitimate theatre producers call a strike and what Actors’ Equity calls a lockout darkened 22 Broadway theatres Thursday evening. The picture is neither all white nor all black from any point of view.

For one thing, only 750 to 800 of Equity’s 10,000-odd members were employed in shows when the blackout arrived. The vote to strike came mainly from among the 9,000 “at liberty.”

For another, the past season has not been a smashing success financially. Of some $10 million invested in plays, about $6 million went gurgling down the drain.

Equity’s demand for a pension plan financed by the producers is modest so far as Equity is concerned. But if Equity wins on this point, the other unions involved in show business can be counted on to demand similar pension plans – which would force the producers to push ticket prices closer than ever to the stratosphere.

There is one cold, discouraging but inescapable fact concerning show business which we believe all parties to this dispute had better keep uppermost in their thinking.

*The fact is that they are not engaged in an essential industry.* Life without the legitimate theatre would be a good deal less pleasant for a lot of people, ourselves included. Various related businesses would suffer for a while. New York, deplorably, would cease to be the world’s theatrical capital.

But the general public could get along indefinitely without the live theatre if it had to. More and more people have been getting along without it in recent years because of ever-increasing prices of theatre tickets.
Throughout their latest wrangle, therefore, we think producers and actors alike would be well-advised to take constantly into account the very real danger of pricing themselves completely out of what market they have left (June 1960, emphasis added).

The unknown author of the article raises several interesting points. First, that due to the nature of the theatrical business, unemployed union members often end up making extreme decisions for their entire membership, including those that are employed. Also, the commercial theatrical industry is incredibly volatile and more often than not, unprofitable. Finally, theatre is not “an essential industry.” This argument has certainly been raised previously but the point is significant – ultimately, will the general public really be affected by closures on Broadway?

The *Daily News* was not the only media outlet pondering the rationalization of the Blackout. The *New York Mirror* (June 1960) weighed in as well, offering “certain facts” about the problem. Among the author’s concern in this case was the high price of tickets, the method for financing Broadway productions through investors, and the high density of union workers in the theatrical industry who “develop ridiculous feather-bedding methods.” The author also contends that “nobody can altogether define what an actor is and therefore a great many who so describe themselves are mostly out of work.” Finally, the *New York Mirror* agrees with the *Daily News* on the point of whether or not the theatre is an essential industry: “if the live theatre is priced out of bounds, people will change their habits, turn to other divertissements, and it will be as hard to bring the theatre back as it was to revive vaudeville.”
It would be 11 days before Broadway reopened. Finally coming to terms on June 10, the producers and actors agreed to an altered pension plan that now called for producers to contribute one percent in the first year, two percent in the second and third years, and three percent in the following three years. Key to the agreement was a joint effort by actors and producers to attempt to convince New York Mayor Wagner to divert the five percent tax on theatre tickets to an industry-wide pension fund. Sixty percent of the fund would be channeled to the actors while 40 percent would be utilized for allied theatrical unions. To be sure, such an agreement angered some members of the public. The *Herald Tribune* ran an editorial that questioned, “To buy off a strike or lockout with tax money could set a dangerous precedent. If the city feels obliged to help Broadway, why stop there?”

The first strike since 1919 ended when 19 of the 22 closed productions reopened on Broadway (three shut down permanently). The shutdown was estimated to have resulted in the loss of $1,260,000 in gross receipts to theatres and $220,000 in salaries to actors. The strike also immobilized some 4,000 workers in connected fields (stagehands, musicians, electricians, etc.). The shutdown also illuminated issues of public opinion to both the actors and the producers. Unlike the shutdown of 1919, which was reasonably supported by the general public, this shutdown caused the community to question the demands of workers and subsequent cost increases in what was deemed a largely superfluous industry.
Unfortunately, the strained relationship between actors and League producers did not dissipate as the decade progressed. In fact, the strike of 1960 would be the first of three strikes in the decade – one corresponded with each contract negotiation with the League of New York Theatres.

Additionally, the economic state of Broadway had also deteriorated. Just one year following the first strike, Broadway hit a record low in terms of new productions and the return on investment. During the 1960-1961 season, only 46 productions were open on Broadway – an all-time low. Moreover, of those productions, only seven returned their initial investment. This resulted in 85 percent of the productions being financial failures – an estimated loss of $4.5 million in investor dollars. Comparatively, in the 12 previous seasons an average of 74 percent were financial failures. While producers debated the future of Broadway, one irony of Broadway emerged – financial successes and critical achievements were often divergent. Notably, the Pulitzer Prize and Tony Award winning play, *All the Way Home* never recouped its initial investment and ran for less than one year.

Despite the producers’ grumbling over the increasing financial difficulties of profiting on Broadway, Actors’ Equity entered the next negotiations in 1964 with an abundance of demands including a 14 percent wage increase. Failed negotiations with the producers resulted in another strike by actors. In order to end the dispute and minimize the economic effects of a Broadway shut down, New York City Mayor Wagner intervened
on the first day of the shutdown. As a result, an agreement was reach in just one day, which resulted in an 11 percent increase in wages for actors over four years as well as 6.5 percent increase in road show wages, a six-day rehearsal week (instead of 7), a quota system for hiring alien actors (a maximum of 30 percent of the cast can be of alien status), and the inclusion of a non-discrimination clause in the contract.

Over the following four years, the economic situation on Broadway improved little. In fact, the producers faced more financial constraints as the other theatrical workers attempted unionization. When contract negotiations between the actors and producers began again in 1968, Actors Equity demanded a 54 percent weekly wage increase for its members ($200 minimum up from $130 weekly). Additionally, Equity sought a 60 percent increase in road pay as well as a reduction in the contract renewal period from the current four years to 30 months (in addition to allowing more frequent renegotiations of the contract, the time reduction would mean that contract negotiations would occur during mid-season rather than the slow theatrical month of June which would provide leverage for a strike threat); control over the hiring of alien actors; and no reduction in chorus contracts during the life of a musical. Actors’ Equity argued that the increase was necessary because, “The cost of living is going up. Every minute they [the League] wait, the cost goes up” (New York Times 1968). To be sure, the cost of living had increased since the last contract negotiations in 1964. However, AEA was demanding a 54-60 percent increase based on cost of living increases when the cost of living had only increased 12.26 percent between 1964 and 1968. Thus, producers offered a 30 percent
wage increase for Broadway and road show actors; wanted to keep the four year contract period; desired to keep the regulations over the employment of alien actors to the Federal Immigration authority jurisdiction; and wanted the option of reducing chorus contracts if chorus members resigned from the show.

Once again, the actors and producers failed to reach a compromise, and on June 17, 1968, productions on Broadway and the road, were shutdown due to an actor strike. During this third strike in eight years, 19 Broadway productions and 10 road shows were closed. Once again the Mayor of New York City (now John Lindsay) had to intervene in order to settle the strike. Following a three day strike, the actors and producers compromised on a three-year contract which increased weekly wages 20 percent (10 percent lower than the League had offered prior to the strike) and allowed for the diminution of chorus members after 20 weeks if the members voluntarily left the production. The groups also agreed to a case-by-case solution regarding the issue of alien employment, and in case of a dispute, a third-party arbitrator would be utilized. Following the strike resolution, 16 shows reopened on Broadway, but three were permanently closed.

As the first strike of the decade had, the last revealed fractures among the Equity membership. Again, in this instance, there was a split between those few actors who were actually employed (300 on Broadway and 500 on the road) and the remaining 15,000 members who did not have production contracts. The article “Many Broadway Stars Angered by Equity Strike” in the New York Times, quoted actor Betsy Palmer:
It’s really ridiculous. I refuse to picket. I was at that last meeting, and I got tired of hearing actors running down producers, especially David Merrick [the most active producer on Broadway in the 1960s]. Where would we be without the producers? And this criticism of Mr. Merrick – look at all the employment he has provided actors each season.

Additionally, some actors recognized the financial struggles of the producers, stating that Actors’ Equity has asked “for too much without realizing that they are inflicting a greater burden on a theatre that is now staggering along under increasing costs.”

6.3.1.2 The End of the Shubert Empire

While a tense relationship between actors and producers dominated the commercial industry during the 1950s and 1960s, another considerable alteration to the commercial theatre occurred. The Shubert Organization ceased its production of theatrical shows. The family that had so clearly controlled the industry for decades was now no longer investing in commercial theatre productions. The Shuberts did not produce any shows during the two decades, and there was no doubt who J.J. Shubert, the only surviving member of the original Shubert owners since his brother Lee Shubert passed in 1953, blamed for his withdrawal from the industry – Actors’ Equity Association. In a letter to Actors’ Equity in 1954, Shubert proclaimed that AEA was “absolutely destroying to a great extent what is left of the legitimate theatre.” He continued:

I have been a producer for many years and produced as many as twenty-eight or thirty plays a year in former times. For the past three or four years I have not produced one play, and the only reason is because the demands made by your organizations, which were practically ninety percent against the producer, did not warrant any such expenditures.
To be sure, neither J.J. Shubert nor the Shubert Organization had resigned from the theatrical business entirely. The Shuberts were still the largest single theatre owner and operator in the country. Thus, the organization collected considerable revenue for the rental of the theatrical venues to other commercial producers. To that end, Equity President Ralph Bellamy offered no sympathy to Shubert or consideration of his economic complaints. On internal correspondence, Bellamy wrote:

Equity is not impressed that Mr. Shubert or anyone in the Shubert office seems to be greatly distressed. There are a lot of talented actors awaiting the opportunity to practice their profession. A great many of them have devoted more than half their lives to the theatre, as Mr. Shubert has. They are asking some of the blessings he has received, not to the same extent, just bare decent conditions.

Accusations aside, the continuing battle between the Shuberts and Actors’ Equity was not the only cause for the Shubert withdrawal from the producing business. In 1950, the Shubert Organization was brought up on charges by the U.S. government of violating the Sherman Antitrust Act. The government alleged that the Shubert Organization conspired to restrain trade and commerce and monopolized the theatrical industry by a) compelling other producers to book attractions through the Shuberts; b) excluding others from booking attractions; c) preventing competition in the presentation of legitimate theatre; d) discriminated in favor of their own productions when booking and presenting; and e) combined their power in the fields of booking and presenting in order to dominate the industry (United States v. Shubert et al.). Therefore, the government wanted the separation of the booking and the presenting branches of the theatrical industry.
The case was argued in front of the United States Supreme Court in November of 1954. Attorneys for the Shuberts argued that the previous Supreme Court rulings had clearly established that entertainment performances were not trade or commerce; therefore, such performances were not regulated by the Sherman Antitrust Act. The primary ruling which was cited on behalf of the Shuberts was a case entitled *Toolson vs. The New York Yankees* heard in 1953. In this case, the Supreme Court ruled that baseball was a sport and not a business; thus, it could not be regulated under the antitrust laws.

However, in January of 1955, the Supreme Court ruled that the legitimate theatre and professional boxing were, in fact, subject to antitrust laws. Consequently, this ruling led to the divesting of the Shubert empire. On February 17, 1955 the Shuberts entered into a consent decree with the government which promised to encourage competition in the theatrical industry. At the time of the decree, the Shubert Organization owned 18 of New York City’s 30 venues that housed legitimate theatre. The decree ordered that the Shuberts had to sell the St. James Theatre, the National Theatre, as well as two additional New York houses. Furthermore, the Shuberts were ordered to sell eight theatrical venues nationwide (two each in Chicago, Philadelphia, and Boston and one each in Cincinnati and Detroit). The Shuberts were also ordered to dissociate themselves from the United Booking Office.

The government decree met both support and opposition in the industry. Some theatrical veterans felt the divesting would open up the industry to greater competition; while
others felt the move could ultimately undermine the security of the field. J.J. Shubert certainly expressed his concern over the decree stating, “Whether those theatres in other hands will continue to be operated as legitimate houses only time will tell…We alone did more than all others (during the Depression) to save the theatre for the public by refusing to convert our theatres to other uses, by investing in productions and by helping more of the producers” (*New York Times* 1956).

J.J. Shubert, the last of the original Shubert brothers, died suddenly, on November 17, 1962. Following the deaths of the brothers and the Supreme Court loss, the Shubert empire never again controlled the theatrical industry as it did in the first half of the twentieth century although the Shubert Organization continued to be an important presence in U.S. commercial theatre.

Strikes by the actors (as well as strikes by the musicians and transit workers) combined with the forced restructuring of the Shubert Organization and rising costs of theatrical production took their toll on the success of the Broadway. Yet, the turbulent commercial theatre environment in New York City during the 1950s and 1960s paved the way for further exploration and proved to be significant momentum for the creation of alternative theatrical endeavors in the United States. Alternatives were developed by a variety of sources including independent actors, Actors’ Equity Association, producers, as well as external sources. The following subsections describe those theatrical developments of stock theatre, nonprofit professional theatre, university theatres and alternative theatres.
6.3.3 Stock Theatres

While stock theatres had existed for years, by the 1950s, this type of venue had transformed into a well-organized and successful aspect of the American Theatre. These commercial companies primarily presented productions which had proved successful on Broadway. The most established stock companies could even attract some of New York’s top talent. Stock began primarily as popular or musical theatre presented only in the summer months, but during the 1960s, stock expanded into numerous categories including indoor musical stock, outdoor musical stock, resident dramatic stock, and nonresident dramatic stock.

Each type of company operated under a different contract with Actors’ Equity Association. Additionally, each type was represented by its own collective bargaining organization. Nonresident dramatic stock companies were represented by the Council of Stock Theatres (COST). Each year, these companies purchased packages of shows that were then bused into the theatrical venue. Alternatively, resident stock companies hired a minimum of seven Equity actors and produced its own season of plays. These companies negotiated contracts with AEA through the Council of Resident Stock Theatres (CORST). The Musical Theatre Association (MTA) represented those companies which offered indoor musical stock. These large venues (typically 1,200 to 2,000 seats) would generally book productions independently into the facility. Finally, the most uncommon category of stock company was the outdoor musical stock. In 1969, the Association of
Civic Musical Theatres (ACMT) represented only three companies in the Midwest (St. Louis, Indianapolis, and Kansas City, Missouri).

With undisputable ties to Broadway and New York-based road shows, the stock venue suffered from rising costs and rising ticket prices just as New York theatres did. However, by the end of the 1960s, a significant distinction had emerged. “In 1910 regional American theatre consisted largely of New York-controlled commercial endeavors. In 1970, there were numerous locally controlled theatre organizations, both professional and amateur, to counterbalance the commercial structure” (Langley 118).

6.3.4 Nonprofit Professional Theatres

“Every town in America wants theatre!” so proclaimed theatrical entrepreneur, Margo Jones. Jones was just one of the figures who would be instrumental in reshaping the theatrical landscape in the 1950s and 1960s. For the first half of the century, the U.S. theatrical landscape was dominated by a select few in New York City. To be sure, road shows, stock, student, and noncommercial amateur and professional theatre existed, but, the primary decision making and the majority of programming was controlled by forces in Manhattan. However, during this time period, the country would see some shifts in the power that controlled the resources in the theatrical industry.

The first nonprofit, resident, professional, repertory theatre in the United States appeared in 1947. Theatre ’47 (later Theatre ’48, and so on) was launched by Margo Jones in
Dallas, Texas (Berkowitz 1997). Jones’ contribution to the changing face of the theatrical industry was significant. First, Jones incorporated her theatre as a nonprofit. She recognized that that this type of theatre venture would be too costly to support through ticket sales alone and valued the community input from the volunteer board of directors. In fact, Berkowitz writes that “virtually every subsequent regional theatre has chosen not-for-profit status; and the influx of private, foundation, and government donations has changed the entire financial set-up of the American theatre” (70). Second, Jones envisioned and encouraged the widespread establishment of theatres across the country: “What our country needs today, theatrically speaking, is a resident professional theatre in every city with a population of over one hundred thousand” (Jones 1951). Third, Jones structured her theatre into a subscription format, where the audience would buy tickets to all of the productions that the Theatre produced in a season. Fourth, Jones produced classics and new plays (notably the first to produce Lawrence and Lee’s *Inherit the Wind*). This was quite different from the summer stock standard of producing past Broadway hits. Finally, all references to Theatre ’47 referred to it as a “professional” company. Jones paid the actors who worked for the theatre and there is at least one source (Landro 1997) that indicates that Jones utilized Equity actors (although there do not seem to be any contractual ties to Actors’ Equity Association). Unfortunately, Jones and her revolutionary company were short-lived due to her untimely death in 1955 (the theatre closed in 1959).
Theatrical entrepreneurs were springing up in other cities as well. Nina Vance created an amateur company in Houston in 1947, later named the Alley Theatre. By 1954, with the encouragement of Jones, Vance converted the Alley into an Equity company. In 1950, Zelda Fichandler launched the Arena Stage in Washington, D.C. as an amateur company. After one season, Fichandler converted the company to a commercial for-profit enterprise. However, the for-profit operation could not be sustained and the Arena was converted to a nonprofit organization. The paradigm, dubbed the Alley-Arena model (Berkowitz), of converting amateur companies into Equity companies was repeated in several other cities including Oklahoma City with the Mummers Theatre, San Francisco with the Actors’ Workshop, and in Memphis with the Front Street Theatre.

Additionally, some repertory theatres were formed due to an entrepreneurial community as opposed to one visionary leader. Theatre companies, such as the Seattle Repertory Theatre, were created out of a civic committee wanting to have theatre in their community. This was also seen in Pittsburgh with the creation of the Pittsburgh Playhouse and in Philadelphia with the Theatre of the Living Arts.

Furthermore, in some instances government support spurred the creation of theatre companies. In 1966, the National Endowment for the Arts and the Federal Office of Education created the Repertory Theatre New Orleans and the Inner City Repertory Company in Los Angeles. These companies played to high schools during the day and adult audiences in the evenings. This federal project also gave funding to the community
theatre Trinity Square Repertory Theatre Company in Rhode Island. Government funds helped the company to become an Equity theatre.

During this time period, some long-operating amateur theatres also converted to operating under Equity contracts. This included one of the oldest community theatres in the United States, the Cleveland Play House (founded in the 1920s) which began operating under an Equity contract in 1958. Similarly, the Studio Arena in Buffalo which was founded in 1927 became an Equity company in 1965. The Goodman Theatre (1925) created an Equity repertory company in 1969. Also, Theatre Atlanta, which was formed in 1957 by the merging of several amateur companies, began operating under an Equity contract in 1966.

There were also a few examples of a regional theatre companies that were launched as mature, million dollar companies. The most famous being the Guthrie Theater in Minneapolis, which was created by three theatrical professionals, well-known in the field, after becoming “disenchanted with Broadway” (Guthrie). The theatre opened the doors of its brand-new $2.25 million building in 1963 with a production of *Hamlet*.

The emergence of The Guthrie Theater was a major turning point of the regional theatre revolution because it further legitimized the movement and gave it national weight. It gave hope to all regional theatres that they too could become known on a national level, that the [New York] Times might soon cover their opening nights, and that actors like Hume Cronyn and Jessica Tandy might soon set aside a season for them (Ziegler 75).

In addition to the Guthrie, several other large companies were opened including the Long Wharf Theatre in New Haven and the Hartford Stage Company.
Finally, the 1960s also brought about the building of immense multi-million dollar arts centers sans an initial theatrical company. The two most famous cases of this phenomenon were at the Mark Taper Forum at the Los Angeles Music Center and the Vivian Beaumont Theater at Lincoln Center. The Los Angeles Music Center engaged The Theatre Group, which had been operating for a few years in the area, to play in this new space. This partnership had modest success. Unlike the Music Center’s experience, the Lincoln Center struggled to keep theatrical groups engaged in its space. It bounced between leaders, theatrical companies, and inactivity until 1985 when the nonprofit organization, Lincoln Center Theatre, took over the space.

The operational structure of nearly all of the professional theatre nationwide became very similar. Following the influential structure of Margo Jones’ Theatre ’47, companies organized as nonprofit corporations, ran entire seasons of productions, sold tickets via a subscription system, and often featured new or more experimental productions compared to the commercial theatre of Broadway. Certainly, not all theatrical entrepreneurs knew of Jones or sought specifically to design their companies like Theatre ’47. Moreover, Theatre ’47 had closed prior to the primary insurgence of these new theatres. So then, what influences contributed to this similarity in organizational structure?

By the mid-1960s, the resident theatre sector had become organized enough to form a professional association. In 1966, the League of Resident Theatres (LORT) formed with 16 founding organizations. One of the primary goals of LORT was to serve as a
collective bargaining agent with labor unions (including Actors’ Equity) on behalf of its membership. The creation of such an association points to the institutionalization of the sector.

It is clear that the 1960s in the United States saw significant geographical spread of theatre – both as a cultural endeavor and a physical space. The 1960s brought about an explosion of theatrical activity nationwide. Between 1962 and 1969, over 170 theatres and arts centers were built. Comparatively, Broadway was seeing a consistent decline of venues being utilized for legitimate theatre (approximately 30 down from New York’s all time high of 76 in 1927). Nationally, over 60 percent of all government, foundation, and private funding dedicated to the performing arts was earmarked for the construction of facilities (Berkowitz). These institutions were meant to be permanent contributions to the community which would develop reciprocal relationships with their audiences. This was a significantly different objective from that of Broadway theatres. If professional theatre had been a centralized industry in the first half of the twentieth century, it was no longer.

What was Actors’ Equity Association’s role in this national propagation of professional theatre?

6.3.5 University Theatres

In addition to the spread of nonprofit professional theatres, the proliferation of university theatres was also prevalent the 1960s. In such cases, professional theatres were engaged with university theatres so that professional actors could work with pre-professional
student actors. These partnerships also provided financial stability to professional theatres. This model was seen at Yale University with the Yale Repertory Theatre, Princeton with the McCarter Theatre, Harvard with the American Repertory Theatre, and Webster College in St. Louis with the Loretto-Hilton Center.

By 1969, the University/Resident Theatre Association (U/RTA) was founded to encourage this professional theatre/university model. U/RTA operated as a consortium of theatre companies and university training programs in order to encourage professional training for theatrical artists and prepare future performing arts educators. Thus, U/RTA and its associated members focused on the preparation of future theatrical talents which ultimately provided a pipeline for theatrical talent to the professional industry.

6.3.6 Alternative Theatre

The 1960s environment of social unrest also brought to the American theatre a grassroots movement. This movement centered on theatrical groups that were not necessarily interested in entertainment or profit, and even, in some cases, groups that were not necessarily interested in the traditional art form of theatre. These theatre groups were typically interested in either performance experimentation or social and political messaging. Often called “alternative theatre,” these specialized theatres reflected the unrest and dissatisfaction of the time period and provided voices to those frequently absent from the Anglo-American perspective presented in most commercial and regional theatres.
Generally, alternative theatre did not follow the norms of the commercial or nonprofit regional theatre. Specifically, alternative theatres often did not perform in typical theatrical venues, opting instead for basements, parks, even the public streets. Additionally, the productions that they performed were often created through a more autonomous method than that of the two-step method of traditional theatre: the playwright writes and then the production is staged. In alternative theatres, often the same artists developed the production from conception to performance.

Arguably, the surfacing of alternative theatre began with Off Broadway theatres which emerged most notably in the 1940s. Starting first as an alternative to commercial theatre and often presenting avant-garde and financial failures, by the 1950s, the Off Broadway theatres had largely become an established and stable aspect of the New York theatre scene. In fact, by 1959, the League of Off Broadway Theatres and Producers was officially formed to act as a professional association and a collective bargaining institution.

The beginning of the Off Off Broadway movement is credited to Joseph Cino with the opening of his Caffè Cino in 1959. The company hosted a combination of plays, poetry, happenings, and music performances. Other coffee house performances began to emerge in the early 1960s. Off Off Broadway did not only include coffee houses, however. The Living Theatre, founded by Julian Beck and Judith Malina, brought political theatre to
New York in the 1950s. Bread and Puppet Theatre took political satire to the streets with larger-than-life sized puppets, huge masks, singing, and dancing. Peter Schumann formed the Bread and Puppet Theatre in 1962 based on the ancient folk traditions of medieval morality plays, Sicilian and Balinese puppetry, Punch and Judy, and Japanese Bunraku. Amiri Baraka formed a militant black theatre in Harlem in the 1960s called Black Arts Repertory Theatre/School. This company would only admit African Americans to its productions and classes.

However, these alternative theatre companies were not limited to New York; they began to spring up throughout the country. In 1959, R.G. Davis founded the San Francisco Mime Troupe. Despite their name, the Troupe did not perform pantomime; rather they used the ancient definition: to mimic. The group called themselves satirists, who presented work based on “the absurdities of contemporary life.” For instance, in 1965 the Troupe created a piece called, *A Minstrel Show or Civil Rights in a Cracker Barrel*, which used the historically racist form of minstrel shows to, in effect, attack racism. Luis Valdez created the *El Teatro Campesino*, a traveling improvisational theatre company. The theatre was the cultural wing of the United Farm Workers union and created to boost worker morale during the strikes of the 1960s. The works the company performed were in essence morality plays which communicated well to the workers who often could not read or write.
In 1964, the Free Southern Theatre produced plays such as *In White America* and *Waiting for Godot*. The company toured the plays to black audiences in small southern towns. The Native American Theatre Ensemble (NATE) was developed in the 1970s by Hanay Geiogamah. NATE created and performed plays for and about Indian values and civil rights. The Asian Repertory Theatre was founded in 1977 by Tisa Chang in order to produce the works of Asian American playwrights and translate Asian works into English.

Women’s theatres and feminist theatre groups were also growing. Companies such as At the Foot of the Mountain opened in Minneapolis, the Womanrite Theatre Ensemble in New York, the Little Flags Theatre Collective in Boston, and the Role Over Theatre in Minneapolis were exploring issues of gender, class, and equality. Similarly, the gay theatre movement was providing a voice for gay and lesbian experience. Some theatres like the Lavender Cellar in Minneapolis, the Rites of Women in Philadelphia, and the Red Dyke in Atlanta dealt with both feminist and lesbian issues. And, a member of the original Caffé Cino, Doric Wilson, created one of the first gay theatres, the Other Side of Silence in 1972.

During the 1960s and into the 1970s, hundreds of these specialized theatre companies were created. Over 600 African American theatres formed; over 100 women’s theatres; and over 100 Chicano theatre companies. In order to provide services to these specialized theatre companies, service organizations were also created. The Black
Theatre Alliance was formed in 1969 which aided in the development of new programs, hosted an annual theatre festival, published a newsletter, and provided workshops for its members. *Teatro Nacional de Aztilan* (a national coalition of Chicano theatres) was created in 1971 to promote the artistic and political evolution of Chicano theatre troupes and artists. The Gay Theatre Alliance founded in 1978 was dedicated to the growth of gay theatre in the United States.

6.3.7 Foundation Support

The promulgation of new theatrical operations nationwide can be partially credited to foundations whose funding interests included the performing arts. In 1957, the Ford Foundation’s Arts and Humanities Program, under the direction of W. McNeil Lowry, sought to stimulate the regional theatre movement. The Foundation believed that by providing seed money to companies, they could eventually assist them in becoming self-sufficient. The Ford Foundation began by studying the Alley Theatre, the Arena Stage, and the Mummers Theatre. After the initial study, the Foundation “decided that increasing the availability of the arts to the American population was a legitimate extension of its social mandate, and that the resident theatre movement was the great hope of the American theatre” (Berkowitz 103). The Foundation began by providing travel grants which allowed directors of troubled companies to visit companies whose operations were more successful. By 1959, the Foundation underwrote the payroll of four theatre companies (the Alley, Arena, Actor’s Workshop, and the Phoenix) in order to see if actors would be willing to commit themselves to repertory companies. By 1962,
the Foundation committed $6.2 million in grants to nine theatre companies. Over the next decade, the Ford Foundation’s total arts giving averaged $9.5 million a year. Many of the grants were given as unrestricted gifts that theatres could use toward operating expenses while some were for programming and others for construction.

In addition to direct gifts to theatrical organizations, the Ford Foundation established the Theatre Communications Group (TCG) in 1961. TCG was created to serve as a national service organization for nonprofit theatre companies. The original mission of TCG was “to promote cooperation among the nation's professional, community, and university theatres.” Its programs included a central casting and personnel office, assistance in fundraising, management, and subscription sales, the publication of the magazine *American Theatre*, and conferences and workshops.

The Twentieth Century Fund and the Rockefeller Brothers Fund were also interested in contributing monetarily to theatrical endeavors. Perhaps most notably, the two Funds in conjunction with the National Endowment for Arts conceived of a plan to subsidize commercial theatre. Together the three organizations created the Theatre Development Fund (TDF) in 1967. The program’s mission was “to stimulate creativity and experimentation in the commercial theatre through the development of new audiences and through financial assistance for plays of merit which are unlikely to be produced or are likely to close prematurely without Fund assistance.” The grant totaled $200,000 -- with half the amount contributed by the two Funds and the other half contributed by the
NEA. The program began by purchasing tickets to productions with artistic merit and selling them at a discount to students, faculty, and professionals in hopes to connect audience members with theatre and provide word-of-mouth for productions. The subsidy of commercial theatre by the NEA was met with controversy. Some questioned the government’s support of commercial enterprises; while, others argued that the government often offers financial subsidy to struggling commercial industries.

The question emerged as to whether Broadway was in need of subsidy because of the growth of regional theatrical opportunities or due to its own economic failures. Berkowitz argued that it was due to internal forces within the sector as opposed to external forces. Those internal forces included the loss (either through death or retirement) of some of the most creative artists on Broadway. Another argument was that the Broadway musical could no longer be improved upon:

We have developed this form to the danger point of near-perfection where we can machine-make it – almost. Many of the musicals which turn up nowadays, even some of the most popular ones, are canned goods, taking some proven high-quality material from a novel or play and processing and packaging it in musical form (Otis L. Guernsey, Jr. as quoted by Berkowitz 189).

By the time the push for the decentralization of theatre in the United States came about, Broadway was already seeing a decline in numbers. In the 1927-1928 season, there were 260 productions on Broadway. By 1949-1950, there were 69 shows. In 1927, in any given week there were 47 shows running. In the 1950s and 1960s, the average was 23 shows. Moreover, in *The Economics of the American Theater* (1968), Moore states that
box office receipts dropped by a third between 1930 and 1950 and then remained flat for the next 15 years (adjusted for inflation).

This time period brings to the theatre industry significant new developments including the expansion of the theatrical opportunities nationwide and the establishment of new funding sources for theatre and its related endeavors. With the decline of success on Broadway, nonprofit regional theatres became the breeding places for work that could eventually find itself on the Great White Way. Interestingly, while there is certainly a diversification of theatre outlets during the 1960s, this diversification ultimately leads to homogeneity in organizational structure among theatre companies.

6.4 Collective Action Behavior of Theatrical Actors

As can be ascertained from the previous section, the structure of the theatrical industry had vastly expanded and diversified during the 1950s and 1960s. Expectantly, the role of Actors’ Equity in the field also increased – repositioning itself from an institution that primarily battled commercial producers in Manhattan to one that protected its membership in every state of the nation. The following section elucidates Actors’ Equity’s preemptive and reactionary behavior in light of the social and political environments of the time as well as the enlarged theatrical topography.
6.4.1 The Impact of Television: Jurisdiction Disputes and Merger Discussions

The explosion of television technology brought to the forefront the issue of jurisdiction for all unions that represented workers in the entertainment industries. What group possessed the authority to unionize television actors? In anticipation of the growing television medium, Actors’ Equity, Chorus Equity, the American Guild of Variety Artists, and the American Guild of Musical Artists formed the Television Authority (TVA) in 1934 in an effort to coordinate the actors’ response to television. Pointedly, the TVA did not have jurisdiction over the unionization of television.

Rather, by the 1940s, three unions brazenly claimed that the jurisdiction belonged to them. The Screen Actors Guild maintained that television was under its jurisdiction because its charter covered acting on film, whether that be on a big screen or a small one. Meanwhile, the American Federation of Radio Artists argued that television should be governed by the same union as radio since both mediums were broadcast over airwaves. And finally, Actors’ Equity contended that television was under its jurisdiction, just as film and radio had been before AEA surrendered the charters. In fact, Actors’ Equity so boldly staked its claim to television actors that in the 1940s, the union’s jurisdiction statement read:

All players or entertainers who are individual or independent in their work and who do not exclusively act in mass formation, in any place where representations in English and French are given containing a sustained plot. This includes, and means such performances as Shakespeare, drama, melodrama, comedy (musical and otherwise), farces, light opera, and such performances as ‘Reviews’ and ‘Follies’ or entertainments of a similar nature, where such performances take up approximately eighty-five percent of the time allowed for the performance; but does not include what
is known as ‘Burlesque’, a Hippodrome show, or Chorus. *Our jurisdiction also includes Television Broadcasting* (emphasis added).

As stated above, Actors’ Equity was not the only union claiming jurisdiction over television. In fact, the dispute over television had become a full-fledged brawl between Actors’ Equity Association, Screen Actors Guild (SAG), and the American Federation of Radio Artists (AFRA). Both SAG and AFRA had attempted to wrest the jurisdiction by approaching the Association Actors and Artists of America (AAAA), the umbrella group to all actors’ unions.

Since the groups could not reach a resolution, the three unions half-heartedly agreed, at least temporarily, to form a joint committee to administer the unionization of television. As such, new actors wishing to work in the television would have to obtain a card from this newly devised committee, which one could get if he was a member of AEA, SAG, or AFRA. Of course, there was also the matter of entrance fees and dues. Of the three unions involved in the dispute, Equity charged the highest total amount for initiation and first year’s dues at $118; SAG charged $80; and AFRA charged $74. Thus, AEA proposed a system that in order to obtain the card to work in television, actors must pay the highest dues, $118, or the difference between what the actor had paid his union and $118. This additional money would be collected and held in a separate fund. It is odd that SAG and AFRA agreed to this system since it clearly advantages Actors’ Equity Association. In this scenario, all AEA members could receive a free card to work in television while SAG and AFRA members would be forced to pay additional fees.
Meanwhile, the entire group of unions organized under the AAAA began discussing the possibility of merging into one union that served actors in all mediums. The meetings, strongly encouraged by the American Federation of Labor, consisted of representatives from eight unions: Actors’ Equity Association, the American Federation of Radio Artists, the American Guild of Musical Artists, the American Guild of Variety Artists, Chorus Equity Association, the Hebrew Actors Union, the Screen Actors Guild, and the Screen Extras Guild. Each union brought to the table strong opinions about what a new all-encompassing union would look like. For instance, AEA felt very strongly that the name of the new union should be Actors’ Equity Association or at the very least retain the same three initials (Artists Equity Association was also suggested). However, other unions believed that if the groups were to merge it should be under the AAAA title. While the name of the new union would seem to be superfluous to the larger issues, it was a sticking point for AEA.

For the Screen Actors Guild, the primary issue was not the name of the new union but rather the fact that its organization was the only one that did not represent actors in a live medium. Additionally, SAG was the only union not based in New York City. In SAG’s viewpoint, there was an enormous distinction between live and filmed work as well as New York and California interests. Therefore, SAG refused to discuss a merger any further. Similarly, just after SAG’s withdrawal from the merger talks, AEA also abandoned the cause. In Actors’ Equity’s case, the union stated:

The interest of AFRA and SAG, of the people working in radio and on the screen, of the very media of radio and movies, are, have always been, and
in the nature of things cannot help but be, competitive with and in many respects injurious to the interests of the theatre. They are simply not “going our way.” If it were not so, we should not now be having meetings and discussions regarding chronic unemployment in the theatre. Their representatives cannot possibly be expected to guard, promote or cherish the interests of the theatre as such. The theatre has one last set of defenders in what is almost a last ditch – that is the people working in the theatre itself, not in the radio, not in movies, not in the variety field, but in the theatre. In the light of that responsibility we must proceed.

AEA went on to contend that the theatre artists’ interests were not being represented largely because the merger plan called for an increase in dues for Actors’ Equity and Chorus Equity members. Equity leadership was perhaps disgruntled that the favorable agreement that stood previously (AEA members receiving a free television card) did not hold up in merger talks. AEA’s withdrawal from the merger talks angered AFRA which had consistently attempted to keep talks moving forward. In a letter to Equity, an AFRA executive wrote, “I still believe that the breakdown of the merger negotiations was due to Equity’s fear of being ‘submerged’” (Heller 1949).

Despite the walkout of both SAG and AEA, representatives from the Television Authority attempted to keep the discussion of a merger on the table. However, after a year passed, it was clear that the issues had not been resolved. In a letter dated January 18, 1950 to the Television Authority in response to another proposal by TVA, a SAG executive wrote:

The note in your letter concerning Paragraph 7a and b is discouraging because it indicated that you have not yet accepted our repeated statement that we will not join nor participate in Television Authority. The note also indicates that you are not ready to recognize the two separate fields in television, namely (1) performances in ‘live’ programs, and (2) performances in motion pictures produced for exhibition in television.
This impels us once again to speak plainly so that there may not be the slightest possibility of a misunderstanding of the Guild’s principles on this particular phase of the problem. It is our conviction that the Guild will never accept any condition which would allow performers primarily interested in the live field to have a controlling vote on the problems of actors in motion pictures, however exhibited. If we agreed to joint membership meetings with power to take action, we in effect would be participants in the Television Authority.

It was clear – a merger between the acting unions would not occur. AAAA abandoned the idea of “one big union” and awarded jurisdiction of all television acting to the TVA. The Screen Actors Guild filed a petition with the National Labor Relations Board. In September of 1952, the NLRB granted SAG jurisdiction over filmed television. “Jurisdiction is hereby confirmed in SAG over all actors (including singers, announcers, stunt men, and airplane pilots) employed in the motion picture field including, without limitation, all motion pictures produced for use over television.” Following SAG’s filmed television victory, AAAA disbanded the Television Authority. Virtually by default, AFRA was left with jurisdiction over live television (Prindle 1988). The union added “television” to its name and became the American Federation of Television and Radio Artists (AFTRA).

While the merger of all acting unions was not to be, the merger of Equity unions did finally occur. After much debate and negotiation, the Actors’ Equity and Chorus Equity Associations finally merged on August 1, 1955. Perhaps, the larger merger discussions illuminated the truth that both actors and chorus members were concerned about the
interests of performers in the theatre, whether they be speaking at the front of the stage or
dancing in the back.

6.4.2 Taking a Stand Against Segregation

While the majority of the country was just beginning to consider and address issues of
racial equality, Actors’ Equity had already engaged in battle. The battle came early in
1947 when the Equity issued an ultimatum to Washington, D.C.’s National Theatre, the
only legitimate theatre in the capital city. Equity demanded that National Theatre’s
audience be integrated within one year; otherwise, Equity would forbid its membership to
appear on stage. Actors’ Equity president, Clarence Durwent, issued this statement:
“Washington may be geographically south but in spirit and precept the capital should be
in the immediate center of the United States – free from all prejudice and intolerance
emanating from any point of the compass.” AEA’s stance received immediate media
attention and usually support. Victor Riesel of the New York Post wrote,

The actors’ outfit refuses to sign unless the theatre owners’ league
guarantees the admission of Negros. Thus the union is willing to
sacrifice its potential gains for a principle and has even filed strike notices.
And if the Washington battle is won…the actors will go after theatres in
Baltimore, Washington, St. Louis, Atlanta, and New Orleans. There are
many in those cities who won’t like the actors’ crusade. But Equity
opponents should respect the honesty of this union campaign which is not
for power, or glorification of a union chief – but just to put on a pedestal
the principle that culture is color blind.

As it turns out, Equity’s plans did include integration at other theatres. Actors’ Equity
may have been pointing the finger at the National, but in actuality, the National was set to
become the center of a larger negotiation. The theatre was run by a New York
management company that was headed by Marcus Heiman. Equity wanted to use the National Theatre to convince all League of New York Theatre producers to include in their contracts a non-discrimination clause. Thus, producers would not work with theatre operators who supported segregation – this would include sending national tours to segregated theatres. The non-discrimination clause was put on the table by Equity during contract negotiations. The League was opposed to the inclusion of such a clause and alternatively offered to work with Equity on an educational and legislative plan to end segregation. Actors’ Equity refused the compromise. The League issued a public statement claiming that a majority of League members opposed the anti-discrimination clause.

Actors’ Equity leaders decided that if they could not convince the League to take a uniform stance on discrimination then they would approach producers individually. Within a week, 37 producers, including Oscar Hammerstein and Richard Rogers, joined Equity’s fight. Moreover, the 37 producers, who were members of the League, stated that they, “question[ed] the existence of such a majority, so far as we know, no vote of the total membership has ever been taken on the question” (Journal and Guide 1947). Within two weeks, the entire League conceded to the new anti-discrimination clause.

Meanwhile, the National Theatre issued a statement that held that it would only lift the ban if Washington legislators changed the policy on segregation or if all businesses lifted racial restrictions.

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Equity’s ultimatum to the National Theatre to integrate its audience thrust the union into the public spotlight on a much divided issue. Consequently, Actors’ Equity received many letters and telegrams supporting their stance but also many criticizing them. The following is an excerpt from a letter to Actors’ Equity from Mrs. Irene Paulus:

When we seek entertainment, such as the theatre, night clubs and the like, we like to be free of irritations and so seek out those places of entertainment that will enable us to enjoy relaxation. To be forced to attend plays surrounded by a sea of black is nauseating and repellent – in our business life and transportation system we are subjected to jostling with the blacks day in and day out, and so it is with relief to be free of them in our places of entertainment. Yet your organization and others like it are trying to take away this freedom from us…It is not too late to return to the principles of Americanism in this issue – a simple statement to the effect that restricted and bi-racial facilities are possible and certainly necessary for complete harmony is in order. Is your organization American enough to do it, or is it too infiltrated with Communists to do such an idealistic act? 

Mrs. Paulus’ letter illuminates the uphill battle that Actors’ Equity fought not only with theatrical professionals but also with the general public. AEA’s battle against discrimination was particularly noble because the discrimination that was occurring in segregated theatres was not against its membership per se. In fact, nearly all segregated theatres, including the National, permitted black actors on stage but did not allow black audience members. Additionally, Actors’ Equity had the courage to stand up for civil rights alone - long before the larger labor movement.

Unfortunately, while Equity was able to convince a reluctant League of New York Producers to join the fight, the union did not win the war with the National Theatre. The

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8 Mrs. Paulus’ two-page letter included a hand-written postscript that explained “I am not a Southerner – but an Ohioan, who sees merit in racial segregation.”
National Theatre was converted to a film house in 1948 – thus averting the AEA ultimatum. “The theater management decided to abandon stage shows rather than accede” (*The Evening Star* 1949)

Actors’ Equity had succeeded in integrating Broadway and road shows through its non-discrimination clause by 1950. It would be another decade before Actors’ Equity added the non-discrimination clause to all booking contracts. The amendment read:

a) The Manager shall not practice discrimination against any Actor because of race, color, or creed.
b) The Actor shall not be required to perform in any theatre or other place of performance where discrimination is practiced because of race, color, or creed (1) against any Actor or (2) against any patron as to admission to or seating in such theatre or other place of performance.

The addition of the clause in all Equity contracts meant that not only were professional theatres held to the non-discrimination standard but any university or college that was segregated could no longer use AEA actors in its productions.

6.4.3 *All the World’s an Equity Stage*

As the 1950s approached, Actors’ Equity Association was aware of the influx of the theatrical activity Off Broadway. In 1949, AEA formed a committee to research the activity Off Broadway. The committee reported that none of the theatres operating paid AEA members the stipulated salary; however, there were few AEA members involved. Most of the companies were very small with weekly gross receipts ranging from $250 to $1800. The committee’s final report to the Equity Council stated, “It is our considered opinion that if Equity should impose even minimum contractual conditions on these
groups, they would be forced to close. There are arguments both in favor of and against such action.” The document proceeds to explain those viewpoints.

Among the arguments in favor of such a move are:

- It would prevent the abuse and exploitation of Equity members by such groups.
- Equity would not be forced to cope with the possible objections of Broadway managers and other organizations such as New Stages and the Los Angeles Group
- The psychological effect on wages of actors in the commercial theatre would be offset by such a move.

The arguments against such a move are:

- The groups do provide a means by which the actor may practice and keep fresh in his profession.
- In most cases the participants do receive some money although the amount is quite small.
- The audiences, for the most part, are new and in some cases have never witnessed a legitimate play before, and such audiences can be won over as patrons of the regular commercial theatre.

By August of 1949, Equity sent notification to all Off Broadway theatres that the companies would be held to an Equity contract albeit not the production contract used by Broadway but rather the Little Theatre contract. Perhaps due to the haphazard organization of the Off Broadway theatres in 1949, Equity presented to the individual producers a contract that was clearly establishing power for Actors’ Equity Association - perhaps in preparation of future battles. AEA also submitted an eight point explanation of why AEA had jurisdiction over their operations.

1. That a Little Theatre is defined as a Theatre which has been classified as such by Equity.
2. That a Little Theatre Production is defined as one which has a majority of non-professionals in the case and which is presented in a theatre setting less than 200 and/or in a theatre which in Equity’s sole discretion is not competitive with the commercial theatre.
3. That a “professional actor” is defined as being any member, in good standing or otherwise, of any branch of the Four A’s.
4. That Equity has jurisdiction over all productions or showings of stage plays wherever a professional actor, as above defined, is employed as an actor, stage manager, or director, and that therefore Equity is recognized as the sole and exclusive bargaining agent for all actors on the legitimate stage.

5. That every professional actor employed by the Little Theatre, whether by contract or otherwise, or participating in any Little Theatre production under the management of the Little Theatre, shall be a member of Actors’ Equity Association in good standing.

6. That every actor, other than a professional actor, appearing in a Little Theatre production wherein a professional actor appears, shall hold from Equity a “Working Permit” allowing his participation in said production.
   a. After that said actor have held a “Working Permit” from Equity for three years, he cannot appear in any Little Theatre play or production with a professional actor unless he shall first become a member of some branch of the Associated Actors and Artistes of America.

7. That the Little Theatre shall give Equity free access to their books and records and free access to the stage and to all members of the case at all times inclusive of rehearsals and performances.

8. That Equity has the right from time to time to amend, rescind, change, or promulgate such rules relating to Little Theatre productions as in its sole discretion may deem fit.

The explanation of AEA’s jurisdiction provides Equity with unprecedented power in the control of theatrical operations. Equity established its ability to classify theatrical operations – notably independent of the producers – and limit the hiring practices of these companies. Equity also claimed jurisdiction over all stage productions – which presumably raises questions about the notion of amateur theatre. Additionally, setting a precedent that allowed a union to have unqualified access to a theatre’s financial records and its employees was incredibly unusual and brazen. Finally, Actors’ Equity defined the “professional actor” as one that is a member of one of the unions in the Associated Actors and Artistes of America – contrary to the standard definition of professional which states that a professional is “participating for gain or livelihood in an activity or field of
endeavor often engaged in by amateurs” (Merriam-Webster). Thus, according to Equity union members were professionals regardless of whether or not they were ever actually employed for a wage whereas traditional definitions state that a wage must be earned to be considered a professional. Interestingly, several of these points, including the limiting of hiring practices and unlimited access to a company’s employees, seem to be in contradiction to the newly passed Taft-Hartley Act. Nonetheless, Actors’ Equity was able to capitalize on this highly disorganized faction and Off Broadway producers succumbed to AEA’s stipulations and demands. In fact, it would be another decade before Off Broadway producers formed their own organization, the League of Off Broadway Theatres and Producers, in order to negotiate with Actors’ Equity.

Once the League of Off Broadway Theatres and Producers was created, it was not long before this theatrical division faced a dispute. Just as the 1961-62 season was set to open, Equity made demands to increase both the pay actors receive and the bond the union receives. The demand had the potential to shutdown Off Broadway theatres impeding what was to be the largest season of Little Theatre productions in U.S. history. The League of Off Broadway Theatres and Producers responded by rejecting Equity’s demands and ordering its membership not to comply. Additionally, the League reminded the union that the current contract was still in effect and under such contract Equity could not press for additional demands without renegotiation of the contract. The stalemate between the union and the League would persist for two months. On November 1, 1961,
the groups announced that a new agreement had been reached. The new contract provided AEA with exactly what it had demanded in terms of higher pay.

Throughout the 1960s, Off Broadway developed into an established and largely commercial segment of the theatrical industry. In doing so, the Off Broadway theatres became susceptible to similar trends as the commercial Broadway houses. By the mid-1960s, Off Broadway theatres were also experiencing a decline in production activity as well as the loss of playhouses which were being utilized for other activities. “High operating costs, a dearth of good plays and money and the recently signed Actors’ Equity contract are being cited as the reasons for the decline” (Calta 1965). Thus, Off Broadway producers began reorganizing their companies into nonprofit ventures. By the end of the decade, much of the formally commercial Off Broadway venues had become nonprofit. The new status alleviated tax obligations for the companies, but it also prevented the producers from having to profit share with the actors. Additionally, it was noted that one should not be perceive the organizational alteration to mean that Off Broadway producers had become altruistic. “Its main design is to discover playwrights of talent who will make money on a commercial basis” (Calta 1966).

Actors’ Equity also began investigating ventures on Off Off Broadway in October of 1960. The union determined that, “Equity must organize this new field” (AEA Employment Report 1960). Thus, in November of 1960, AEA ordered its membership not to perform in coffee houses or other venues that did not meet Equity contract
requirements. Equity informed the coffee houses that in order to employ AEA members, they would be required to pay the Off Broadway minimum of $45 per week; post a two week bond; and utilize an all union cast. The move by Equity prompted the formation of the Coffee House Trade and Civic Association. Additionally, AEA’s Coffee House Committee suggested that Equity, “must charge those of our members who have violated our rules in so many ways, including playing without an Equity contract, playing with non-professionals, and being involved in recordings of a portion of a play at a time when they are on stage” (AEA Employment Report 1960).

In addition to the special committees devoted to Off Broadway and Off Off Broadway, Actors’ Equity also established the Non-Professional Theatre committee in the 1950s. This committee investigated all types of theatre that was occurring throughout the country and made recommendations to the union as to how to proceed in unionizing the venues. In the first document produced by the committee, it identified four areas of interest. The first area was college and university theatre. The committee’s stated objective for university theatre was “to enable professional actors to play with them and if possible lecture or teach.” Additionally, the committee contended that there were considerable pay discrepancies in university theatre that must be addressed (the report indicated that a Minnesota school was paying Equity scale but in Seattle a university was paying $10 per week). The second area documented by the committee was community theatre. Community theatres, which had existed for decades, almost always used local volunteers to fill all necessary roles of production including actors. Yet, the committee
stated in the report that “some form of Equity contract and membership [is] essential” and further suggested the implementation strategy that was utilized to unionize Off Broadway theatres. Next, the committee noted that a further study needed to be conducted on Children’s Theatre, stating that there were dozens of companies, and most did not pay actors. Finally, there was a cross section of companies that were in some manner operating under an Equity contract. The committee officially titled it “Existing Professional and Equity Companies Not Conforming to Recognized Stock or Standard Minimum Contract Pattern, Including Repertory” (it was also cynically titled the “Department of Total Confusion and Severe Headaches”). In this case, the committee emphatically stated, “we badly need new contract patterns.” The committee expressed its concern that these theatres primarily operated under some form of a stock contract but it was not meeting the needs of this “more desirable form of employment.”

Within the year, the committee went on to create a proposed contract for repertory theatre companies. The contract stipulated that a repertory theatre must hire a minimum of five actors each year; employ those actors for a minimum of 26 weeks paying at least $75 per week; and produce a minimum of three productions. Additionally, Equity stipulated that repertory theatres could only produce one new or previously unproduced play without special permission from Equity. The stringent guidelines of this contract, which was introduced in 1950, long before most repertory theatres were founded, surely must have influenced the structure of the field.
By 1953, Actors’ Equity had authorized the Committee to Extend the Professional Theatre in order to carry out a new organizational objective – to generate employment opportunities for its membership through the creation of professional theatres. The committee pursued its purpose through three main projects. The committee established a reading group in which Equity actors would perform selected readings for women’s clubs. They committee also began courting universities and colleges in an attempt to convince the institutions to employ Equity actors to work along side students. This endeavor was launched by sending out questionnaires to college and university drama departments to assess interest. Generally, the results of the survey indicated that while colleges and universities might be interested in utilizing Equity actors as guest lecturers, there was concern that hiring Equity actors for the stage would result in lost opportunities for the students to gain practical experience. The results also yielded another interesting finding: “many college theatre groups are suspicious of the professional theatre and professional actors.” The details of how the committee arrived at this conclusion were not clarified. But based on this finding, the committee deemed the project to be unfeasible. Lastly, the committee created a brochure entitled “A Theatre for Your City” that encouraged the creation of municipal theatre operations in public settings. Over 3,000 of these brochures were sent to mayors, park commissioners, and chambers of commerce.

Based on the initial projects conducted by the committee, the group told the Equity council that the work involved was far more than could be expected from them as
volunteers. Thus, in 1955 the committee recommended establishing a Department to Extend the Professional Theatre with paid staff. Equity would eventually create such a department but not until 1964. The first report issued in 1955 of the newly-created Department stated its purpose as, “seeking many avenues of employment in a changing theatre world. Broadway is no longer the Mecca of all professional theatre.” The report continued by stating the Department’s overarching function was the education of the public, government and social services as to the differences between professional and nonprofessional theatre. “Amateurs cannot learn from amateurs and the professional must take leadership.”

While the purpose of the Department may have been edifying people on the virtues of professional theatre, within just three months of the Department’s creation, a conflict became apparent. The document reports,

Not-for-profit organizations and institutions such as foundations, colleges and universities, Boards of Education, arts councils and cultural centers are loathe to give us encouragement, recognition or even co-operation because they feel we represent UNION per se. Not the development of good professional theatre; not the encouragement of more and greater community and experimental theatres; not the planning of educational projects having genuine artistic merit; not the servicing of underdeveloped areas to bring them new and exciting advantages. We represent UNION – a private and selfish interest as opposed to an organization working in the public interest. Now it is our avowed intention to work in the public interest and if, ultimately, the professional members of our craft are benefited – so much the better.

The hesitation of organizations to have seen motivations of Actors’ Equity as anything but selfish is understandable; AEA is a union representing its membership. To be fair, one of the founding principles of Actors’ Equity was the preservation of the legitimate
stage (although that purpose had since been eclipsed). Yet, all the work the Department was doing would, in turn, benefit its membership. Despite the implied intent in the statement above, there were no projects being worked on by the Department that would encourage the furthering of community theatre except the inclusion of professional actors in community theatre (which was historically defined as amateur).

In order to combat the objections of the skeptics, the Department suggested that it be moved from Actors’ Equity Association to Actors’ Equity Foundation. The Foundation had been established just two years previously, in 1962, following the death of the Paul Dullzell (Executive Secretary of Actors' Equity Association and President of the Associated Actors and Artistes of America). Dullzell had left a bequest to Actors’ Equity requesting that the money be utilized for the general welfare of actors. However, based on the legal status of AEA, Actors’ Equity Association was not permitted to accept the gift. Thus, the AEA Council created a separate nonprofit organization, Actors’ Equity Foundation. The creation of the Foundation allowed AEA to accept the Dullzell bequest as well as any future monetary gifts. The stated purpose of the Foundation was to receive and invest funds in order to benefit the members of Actors’ Equity Association. The Foundation is inherently linked to the Association so moving the Department to Extend Professional Theatre from AEA to the Foundation would not result in any substantive difference in the work of the Department or even the people who would serve in the Department. However, the move would perhaps present a more altruistic appearance of the Department. Therefore, the Department was moved to the Foundation.
With the Department implanted in the Foundation, during the second half of the 1960s, it operated with three primary goals in mind:

1. The development of new theatres to employ professional actors in the immediate and distant future;
2. Areas which potentially could utilize the talents of the professional actor, but are not limited to the theatre; and
3. Securing already existing professional theatre operations in maintaining employment and extending seasons.

Correspondingly, the Department focused on unionization of nonprofit theatre companies – specifically focusing on new resident theatre companies and the conversion of community theatres into professional theatres. Additionally, the Department worked on convincing higher education institutions to employ professional actors as teachers of theatre as well as teachers of other subjects. On the third goal, the Department worked to educate established theatres on programs that could increase the use of actors and extend seasons. Suggestions included the creation of touring programs and education departments.

Another plan that was suggested for its own membership, outside of the three primary goals of the Department, was the creation of a training program. Notably, the training program was not intended to be used for recruitment as “the field of professional theatre is already overcrowded.” Rather, the program would be established in order to provide the minimum salary Equity member in basic training of skills and techniques. Pointedly, the report acknowledged, “an Equity card is of itself not a qualitative guarantee of an actor’s ability.”
While the Department’s focus was largely constructive and affirmed the desire of the union to create more professional opportunities for its membership, internal correspondence indicates that AEA officials were growing increasingly concerned with the success of non-Equity companies. Equity viewed these non-Equity theatres as problematic due to the competition that they would present for Equity companies. Thus, AEA actively attempted to break the success of these companies. These efforts included trying to limit non-Equity companies’ access to actors through methods including the manipulation of actors outside of the AEA ranks. Pointedly, Equity officials would attempt to coerce actors to leave productions. Documented cases included trying to convince members of sister unions (Screen Actors Guild and the American Federation of Television and Radio Artists) to resign from shows. Alternatively, Equity would attempt to force a theatre to become an Equity house – often through the use of pickets or coercive media appeals.

6.4.4 Controlling the Membership

In addition to focusing on the legitimate expansion of employment opportunities, Actors’ Equity was also concerned with preventing its own membership from working without an Equity contract. Equity officials began engaging in investigations against its own membership. One such example was described in an Interoffice Memo dated July 26, 1950 to Willard Swire from Casey Allen regarding Equity members in a non-Equity company:
On July 14, I visited a non-Equity stock company at McLean, Virginia, where Equity members were working. I contacted Mr. Tom Brent, one of the managers at the theatre, and told him that I understood Equity members were working there. He said that was true, went into the theatre, and brought our two girls, Elva Meehan and Frances Kieran. The girls admitted that they were Equity members. Elva Meehan said that she thought her Honorary Withdrawal was all that was necessary to permit her to play in a non-Equity company. She was told that this was not true, and that once she was an Equity member she always was an Equity member (emphasis added).

This example illustrates a key directive of Actors’ Equity – once an Equity member, always an Equity member. This mandate is notably different from other unions. Moreover, it is counter to the law established through the Taft-Hartley Act. Nonetheless, this edict was the foundation for hundreds of hearings by Actors’ Equity of actors during the 1950s and 1960s. There was a provision for resigning from Actors’ Equity which included receiving an Honorable Withdrawal card. However, in order to receive the card, the member would have to agree to never again to work in the theatre without reinstating his membership and receiving an Equity contract. This policy applied to all former members including those who permanently left the theatrical industry and ten years later wanted to perform in a community theatre production with their child or an alumni performance at their alma mater or in a church pageant (these are actual examples of former members that were tried by AEA).

These harsh rules caused former Equity members, in order to prevent detection, to perform in non-union companies using new names. Eventually, this practice also became commonplace for current AEA members who wanted to accept a role in a nonunion production. However, Equity actively pursued these violators as well by employing
investigators to attend non-union productions nationwide. Equity officials would compare photographs of its membership and former membership to those cast in the non-union productions in order to find offenders. Actors’ Equity actively pressed charges against aberrant members. Typical sentences for this behavior included fines, suspensions from the union, and the publication of the offender’s name in the Equity magazine. It is difficult to assess how effective this type of prosecution was at stopping or preventing this behavior by its membership. As the years progressed, the number of investigations and trials increased. This could be indicative of either increasing defiance of AEA’s membership of union regulations or an improved investigative system by the union, which allowed the administration to find more offenders.

6.5 Contextual Analysis

6.5.1 Resource Availability, Control, and Use

Perhaps more so than in any previous timeframe, the 1950s and 1960s prove to be a difficult period to assess resource reliance due to the explosion of divergent theatrical venues. No longer were actors overly dependent on the employment opportunities offered by Broadway and road show producers. Actors were now free to pursue careers outside of the confines of Manhattan. That said, the employment data available for these early offerings nationwide is haphazard and incomplete. Nonetheless, the following section will attempt to extrapolate key data in order to assess the available resources in terms of employment and pay for actors.
As earlier expounded, New York producers spent these two decades complaining of increased costs and lower profits. Combined, the two variables result in a decrease in the number of productions mounted in New York. As highlighted in Figure 6.2, the number of productions significantly decreased between the 1950-51 season and the 1952-53 season. While there was some fluctuation in the number of new productions, after the 1951-52 season, New York would never again see new productions top more than 70 annually.

![Figure 6.2 – Number of New York Productions, 1950-1967 (Poggi)](image)

The number of theatre weeks available for employment also shows a decline from the previous decade (Figure 6.3). However, the number of theatre weeks does appear to remain more consistent than the number of new productions.
Before the examination of representative data for the entire theatrical industry, it is important to note a change in the manner in which the data was recorded. Up until this point in the document, a key measure was theatre weeks – the total number of weeks all productions would run during the year. In the 1960s, Actors’ Equity began collecting its own data. This data was measured not by theatre weeks but by workweeks – the total number of weeks all productions would run during the year multiplied by the number of available roles for actors. Therefore, the numbers will appear much higher and, it would not be accurate to compare theatre weeks to workweeks. Additionally, in the early years of AEA data collection, it was not uncommon to see incomplete information.

Figure 6.3 – *Number of New York Theatre Weeks, 1950-1970* (Poggi & Vogel)
During the 1960s, the number of total workweeks for actors showed a subtle but steady increase (Figure 6.4). By the end of the decade, despite the general decline of Broadway and touring productions, commercial theatre still accounted for the majority of all workweeks at 40.7 percent. However, with other types of theatrical venues accounting for nearly 60 percent of AEA member employment, the field was more diversified than it had been prior to the 1950s. According to AEA records, in the 1948-49 season, Broadway and touring productions accounted for 74 percent of member employment. But, by the 1968-69, stock theatre represented 23.4 percent of workweeks and LORT theatres accounted for 22.3 percent. Just 9.5 percent of workweeks were in Off Broadway and other small local venues; 2.2 percent in children’s theatre; and 1.9 percent in industrial shows.

![Figure 6.4 – Total Number of Workweeks, 1961-1969 (Actors’ Equity Association)](image)

Figure 6.4 – Total Number of Workweeks, 1961-1969 (Actors’ Equity Association)
These figures, combined with the Shubert Organization’s dismantling, indicate that – for the first time in U.S. theatrical history – the power and authority of the social environment was dispersed. Additionally, the availability of employment for actors was ever so slightly increasing. Moreover, the interconnectedness of the theatrical industry was increasing as more and more professional associations were created and as Actors’ Equity linked organizations through the commonality of operating under collective Equity contracts.

Despite the increased distribution of authority among theatrical producers, a concentrated power was emerging. By the end of the 1960s, Actors’ Equity successfully completed the process of normalizing the utilization of unionized actors in nearly all types of theatrical venues. Pfeffer and Salancik contend that, “if most actors conform to normative expectations, then it becomes feasible for stable and regular relationships to be maintained” (147). The authors tell us that this process, called the Normative Coordination of Interdependence, typically occurs during times of social uncertainty as a tool to assist in the predictability of interconnectedness and resource availability. Indeed, the theatrical industry and Actors’ Equity were experiencing great uncertainty as the commercial sector deteriorated. Therefore, the industry, led by Actors’ Equity Association, mobilized to create norms that would increase the consistency and reliability of the field.
Additionally, the newly developed theatres of the 1950s and 1960s relied heavily on funding from external sources. First, the Ford Foundation provided significant funding and went to great lengths to stipulate the organizational structure of the theatres it funded. Next, after the National Endowment of the Arts was created, it also set stipulations of the organizational development of institutions it funded. Ultimately, the financial resources provided by the foundation and the federal government demonstrate resource dependence since there is a continuous theme of these theatre companies molding themselves to fit the ideals of the resource provider. Notably, Gottfried (1967) contends that the resident theatres across the country were continuously engaged in a fight for these limited funds. “The running of a resident theater becomes a highly institutionalized job requiring political dexterity, trustee-juggling, foundation infighting, tea-time community relations and, not least, boxing out the other resident theaters in the power patterns of American Subsidy” (105). Additionally, both the Ford Foundation and the NEA generally required funding recipients to utilize Equity actors.

Furthermore, many professional associations were formed in an effort to coordinate groups with similar interests within the social environment including the League of Resident Theatres and several different stock theatre associations. Pfeffer and Salancik label this type of synchronization the Organized Coordination of Interdependence. Thus, the members of each of the groups became dependent on the association as a supplier of information and of collective bargaining agreements – a key element to obtaining necessary resources. As reliance on these resources increased, the member organizations
began to look more and more similar. In other words, the theatres depended on professional associations to provide vital resources; this dependence led to institutional isomorphism.

6.5.2 Industry Expansion and Development

In the beginning, the pioneers in the movement were separated one from each other. We were puttering around with decentralizing and institutionalizing an art form. We didn’t know each other, and we were all working very separately. It was like scientists working on the same research project in different parts of the globe and then coming together...When we did finally meet each other, it was really quite thrilling. There was a kind of startling feeling when we all came together (as quoted in Landro 27).

These words, spoken by Zelda Fichandler, founder of the Arena Stage, described her impression of the theatrical movement of the 1950s and 1960s. But, if the nonprofit theatre movement began with disparate institutions, unaware of the larger trend, how did these organizations come to have indistinguishable organizational models? Historically, the development of the nation’s regional theatres has primarily been credited to a few visionaries (including Fichandler), who saw the potential in the nation’s vast landscape outside of the confines of Manhattan. However, this proves to be an overt and rather simplified explanation of the complex restructuring of the theatrical industry. Landro pontificates, “How can we continue to accept a portrait of those early pioneers as artistic visionaries who turned their backs on the commercial theatre and dreamed of supplanting Broadway...The goals of the first generation of leaders may have been more complicated – and self centered – than simply an artistic revolution against Broadway” (27).
The author contends that, “The American regional theatre was less a revolution or cultural renaissance than a new invention based on intuition, highly individualistic purpose, trial-and-error development, and geographical coincidence” (29). While this recount of the development of the regional theatre is plausible, the explanation offers little for explaining how, despite having pointedly “highly individualistic purposes,” these companies developed into the largely homogeneous structure of the country’s regional theatres.

Landro certainly offers appropriate recognition to the large financial supporters of the nationwide movement. The roles of the Ford Foundation and NEA are paramount to the development of regional theatres. Arguably, the missing component in Landro’s theory is the role of Actors’ Equity Association. In fact, AEA is conspicuously absent from the author’s discussion of the development of the regional theatre component in the nation’s theatrical industry. This omission has little reflection on Landro’s research specifically and more on the continuous exclusion of the actors’ organization in research on the maturity of the theatrical industry.

The examination of Actors’ Equity archives offers convincing evidence of the substantial contributions of Actors’ Equity in terms of shaping the developing noncommercial industry. Thus, the institutional isomorphism that led to the homogeneity of the theatrical industry was propelled by three factors: 1) the financial support of the Ford Foundation
and the National Endowment for the Arts; 2) Actors’ Equity Association’s initiative for the extension of professional theatre; and 3) the creation of professional associations.

Moreover, each of these factors represents one of the three mechanisms, as described by DiMaggio and Powell, as necessary for isomorphic change. The financial support of foundations and the government is an example of coercive isomorphism (pressure exerted on a dependent institution). In this case, the theatres conformed to regulations dictated by the government or foundations in order to receive funding. Mimetic isomorphism emerges from the creation of professional associations. Here, the member theatres model themselves after similar organizations that are perceived to be successful. Finally, normative isomorphism is propelled through the professionalization process by the actors. Actors’ Equity demonstrated DiMaggio and Powell’s definition of professionalization: “the collective struggle of members of an occupation to define conditions and methods of their work, to control ‘the production of producers’ and to establish a cognitive base and legitimation for their occupational autonomy” (1983, 152).

6.5.3 Collective Goods and Free Riders

Mancur Olson theorized that rational individuals would not work toward a group interest. Evidence of this theory does emerge in Actors’ Equity in the 1960s. During a decade in which AEA launched three strikes against New York producers, the membership showed its fractures. That break most often occurred between employed and unemployed actors. Repeatedly, employed actors were angered by the work stoppages. It is not in an
employed actor’s best interest to strike against the very producer employing him. Moreover, the employed actor has the most to lose. Seemingly, the employed actor is a “rational individual” who is loathe to participate in a strike that may be in the group’s interest but not in the individual’s best interest.

Correspondingly, Actors’ Equity needed to provide for its membership collective goods that could satisfy both employed and unemployed members. For two decades leading up to the 1950s, Actors’ Equity initiated tactics that ultimately enabled the union to provide collective goods to its membership. These goods included a standardized contract that included stipulations on the number of hours that actors could work and required payment for rehearsals. During the 1950s and 1960s, the union also established minimum wages for different theatrical venues, created a pension plan for actors, ensured a six-day rehearsal week instead of seven, and instituted sanitary standards for theatres.

Actor’s Equity Association actively utilized coercion as a method of securing collective goods as well as the retention of membership. In securing collective goods, Actors’ Equity engaged in three strikes against Broadway and road producers and one strike against Off Broadway producers. Each work stoppage proved relatively successful in gaining the goods that were desired by the AEA leadership. Additionally, AEA presented the National Theatre with an ultimatum over segregation. While, AEA may not have been victorious in the integration of the National, it leveraged the ultimatum to
all theatres that League of New York Producers utilized. In this regard, the coercive tactics of AEA worked splendidly.

However, as Clark and Wilson (1971) argue, collective goods or incentives do not always have to be material. In addition to material incentives, groups could offer solidary or purposive incentives. Through the professionalization process, Actors’ Equity has successfully established itself as the mark of the “professional actor.” This would be a solidary inventive – a good that offers honor, prestige, and respect. It was during the 1960s that the union was able to convince government officials, private funders, and the public that theatrical endeavors that utilize Equity actors are more valuable than those that do not. Thus, Actors’ Equity successfully turned professionalization into a collective good. This was a significant turning point for Actors’ Equity because, as it turns out, the most valuable collective good it has to offer its membership is the status of a professional.

However, a collective action problem was looming. The 1950s and 1960s also illuminated a growing free rider problem within Actors’ Equity. For Actors’ Equity, a “free rider” could collect benefits from the group without contributing to it in several ways. First, a general examination of the membership reveals an interesting disparity in the classification of its own members. Actors’ Equity tracks its membership in two categories: Total Membership and Members in Good Standing. The Total Membership figure accounts for every single member of union; while, the Members in Good Standing
only counts those members who are fully paid on fees and dues. Throughout the 1960s, membership in Actors’ Equity steadily increased, increasing from 13,293 members in 1961-1962 to 17,042 in the 1969-1970 season (Figure 6.5). Unfortunately, the gap between members in good standing and those that were not paid in full was also increasing. During the decade, the percentage of AEA debtors compared with members in good standing fluctuated between 11-13 percent. However, by the end of the 1969-1970 season, the number had climbed to a full 14 percent of the membership.

![Figure 6.5 – Actors’ Equity Membership, 1961-1970](image)

In addition to the growing number of AEA members who were not in good standing with their union, it is also useful to examine the percentage of the membership that was
employed in during each season. As revealed by Figure 6.6, the percentage of the membership that was actually employed in the 1960s fluctuated between 20 percent (1962-1963) and 25 percent (1969-1970). The decade ended on a high point with one-quarter of its membership actually employed.

While the unemployment level within the union was still staggering, the rise in membership and the subtle rise in the percentage of employed members, indicates that employment within the theatrical industry was increasing. To illustrate the point, in 1961-1962 season, 2,990 actors were employed on average each week. However, during the 1969-1970 season, 4,260 actors were employed on average each week.

Figure 6.6 – Percentage of AEA Employed Membership, 1961-1970
Additionally, throughout the decades, there is an increasing evidence that the Association had to investigate and persecute members who acted outside of the confines of an Equity contract. This would include members who held withdrawal cards yet took employment in the theatre anyway and members in good standing who took employment without an Equity contract.

Finally, as the noncommercial theatre emerged as an employment avenue for Equity actors, the prevalence of the split cast grew. Many Equity companies were permitted to hire a specific percentage of non-Equity actors. These non-Equity actors benefitted from the work of Actors’ Equity in terms of working conditions and even the status of working in an Equity company – making them “free riders.”

These four distinct circumstances indicate the prevalent and complex existence of free riders within Actors’ Equity. These free riders are able to benefit from the collective goods offered by AEA without necessarily contributing (or equally contributing) to the group.
CHAPTER 7

The second half of the twentieth century was beset with presidential scandal from Watergate to the Iran-Contra hearings to Monica-gate. In the 1970s, America knew O.J. Simpson as the NFL’s Most Valuable Player; in the 1990s, he was a murder defendant. *Star Wars* was the most popular movie in the 1970s and an unpopular defense program in the 1980s. The bellbottoms and leisure suits of the 1970s made way for leg warmers and acid washed jeans in the 1980s, but by the end of the century, bellbottoms were popular once again. The National Endowment for the Arts faced extinction. And the dotcom bubble grew and grew…until it burst.

The last decades of the century were not kind to organized labor. The downward spiral of union density and membership gained speed. Organized labor experienced very public losses with the air traffic controllers’ strike in the 1980s and the signing of the North American Free Trade Agreement in the 1990s. By the end of the century, nearly 60 percent of the American workforce was employed in white collar jobs – known for their non-union status.
Actors’ Equity also endured loss with a near decade-long battle over rules for Off Off Broadway and the failure of an elaborate National Theatre plan. Equity also spent time securing its position as a key player in the industry by staging picket lines at amateur theatres across the country. Overall, though, the actors’ union weathered the last decades of the twentieth century with just a few bruises.

7.1 The Economic, Political, and Social Environment in the United States

The following historical overview paints the backdrop of the 1970s, 1980s, and 1990s. It primarily discusses the major political crises, economic trends, and social structures. As in each chapter, the section is not intended to provide a complete historical account but merely an overview of the environment in which the theatrical industry exists and Actors’ Equity Association must navigate.

7.1.1 Political Crises, Recession, and Pet Rocks

As the 1970s dawned, Nixon’s presidency was still in its infancy. Inaugurated in 1969, Nixon narrowly beat Hubert Humphrey the year before (a notable political comeback after Nixon lost the presidency to Kennedy in 1960). Despite the youth of Nixon’s reign, difficulties and controversy soon began. Nixon took office in the middle of the unpopular Vietnam War, which soon became even more complicated with the leak of the Pentagon Papers. The Papers referred to a confidential report issued by the Department of Defense describing the role of the United States in Vietnam. Portions of the Papers
were published by the *New York Times* in 1971 resulting in even more public discord over the U.S. involvement in the Vietnam.

Regrettably, the Pentagon Papers only marked the beginning of troubles for the Nixon administration. The following year, five men were caught breaking into the offices of the Democratic National Committee in the Watergate building. Despite denials from the Nixon administration and reelection team, by October of 1972, the *Washington Post* reported that the Watergate burglary was conducted on behalf of Nixon’s reelection campaign. Nonetheless, in November, Nixon won his reelection in a landslide victory over George McGovern.

By early 1973, former Nixon aides were convicted of charges relating to the Watergate scandal and additional White House officials were fired or resigned. In May, the U.S. Senate began its nationally televised hearing on the scandal. It is soon revealed that Nixon recorded all his conversations. The Senate Committee ordered Nixon to turn over the tapes, but Nixon refused. Within six months, the U.S. Supreme Court ruled that Nixon must comply with the order. Three days later, the House passed an Article of Impeachment. Faced with the impeachment, Nixon decided to resign on August 8, 1974 – becoming the only United States President ever to resign. Nixon’s resignation propelled Vice President Gerald Ford into the Oval Office. Later, Ford pardoned Nixon of all charges against him in the Watergate scandal. The pardon is believed to have
contributed to Ford’s loss of the 1976 Presidential election to Georgia Governor, Jimmy Carter.

Watergate was certainly the major story of the 1970s, but the decade brought other crises. Internationally, the world was stunned at the brutal murder of nine Israeli athletes by eight Palestinian terrorists at the 1972 Olympic Games in Munich. The Organization of Petroleum Exporting Countries (OPEC) flexed its muscle by placing an embargo on oil shipments to countries that supported Israel. The United States and Western Europe were the hardest hit. The United States saw severe oil shortages that resulted in gasoline rations at the pumps. The embargo would last six months, but OPEC continued to significantly raise the price of oil throughout the decade.

The end of the decade would bring about another energy crisis, but this involved nuclear power. On March 28, 1979 in Middletown, Pennsylvania, the Three Mile Island nuclear power plant experienced a major failure of the cooling system. While no deaths were attributed to the accident, which leaked radiation into the neighboring community, the U.S. Nuclear Regulatory Committee called the Three Mile Island accident “the most serious in U.S. commercial nuclear power plant operating history.” The incident at Three Mile Island brought about considerable safety and regulatory changes in the nuclear industry. However, the modifications were too late to ease the growing fear of nuclear energy in Americans.
The political crises of the 1970s led to a poor economic condition. The decade was characterized by high unemployment and persistent inflation – a condition known as stagflation. Thus, the United States ended up experiencing the most significant recession in 30 years.

Socially, the early 1970s saw the continuation of the civil rights movement, women’s liberation, and the anti-war movement. Students faced mandatory busing in cities throughout the United States; *Roe v. Wade* guaranteed women a right to privacy which included seeking abortion procedures; and the anti-war movement became shockingly violent when the Ohio National Guard opened fire during a student demonstration on the Kent State campus killing four students and wounding nine others.

In addition to these social movements, the Gay Liberation Movement had gained significant momentum. The Gay Liberation Movement was elevated into the public consciousness by the so-called Stonewall Rebellion in June 1969. The rebellion began when the police raided a popular gay bar in Greenwich Village called the Stonewall Inn. Although it was not uncommon in the late 1960s for law enforcement to raid gay establishments, this time the patrons fought back. The result was a three day protest that would become infamous as the turning point in the fight for gay rights. The Stonewall Rebellion was memorialized in eight cities in 1970, and June has since become the Gay and Lesbian Pride Month often celebrated with Gay Pride parades.
Culturally, Americans embraced pet rocks, disco, and bellbottoms. Technology advanced when IBM introduced floppy disks and videocassette recorders (VCRs) entered the American home. In 1979, female enrollment in higher education institutions surpassed male enrollment (a trend that was largely credited to the end of the Vietnam War when men no longer attended college to avoid the draft).

Television and radio offered new types of programming for U.S. citizens since the Corporation for Public Broadcasting (CPB) was established as a nonprofit organization through the Public Broadcasting Act authorized by Congress in 1967. The CPB was created in order to provide non-commercial, quality programming for American citizens. The Corporation launched television stations known as the Public Broadcasting Stations (PBS) in 1969. PBS quickly gained audiences as it created influential programming such as *Sesame Street*. National Public Radio was launched in 1970 to provide news and programs via radio transmissions. On the big screen, audiences rushed to the theatres to see George Lucas’s technological phenomenon *Star Wars* in 1977, and *Kramer vs. Kramer* in 1979 captured the difficulties of the country’s familial shifts as the divorce rate in the United States reach its peak.

7.1.2 The New Conservatism, the Modern Plague, and Piss Christ

When the next decade arrived, the “Great Communicator,” Ronald Reagan took the nation’s highest office. The actor turned politician spent nearly the entire 1980s as President of the United States and has been credited with launching the modern
Conservative movement. Reagan was staunchly opposed to “big government” and the evils of Communism. He supported a supply-side or trickle-down theory of economics which became known as “Reaganomics.” Thus, he offered significant tax cuts. However, the tax cuts could not stave off the impending recession. The country entered into the worst recession since the Great Depression resulting in skyrocketing interest rates and unemployment.

During Reagan’s first term, he nominated Sandra Day O’Connor to the U.S. Supreme Court, who became the first woman to serve on the highest court. Reagan’s second term was tainted with the Iran-Contra scandal in which several high level Reagan administrators secretly sold arms to Iran in exchange for the release of U.S. hostages. However, Reagan’s second term also brought the signing of a treaty with Soviet leader, Mikhail Gorbachev, to eliminate certain nuclear weapons – a key step in ending the Cold War.

The social activists of the 1960s and 1970s were replaced in the 1980s by the so-called “Me Generation” or “Generation X.” Characterized as overeducated underachievers, these post-baby boomers were accused of never living up to their potential. Drug use and addiction were brought to the forefront with Nancy Reagan’s “Just Say No” campaign. The high divorce rate of the 1970s, led to the millions of one-parent households. Radios blared the sounds of the recently mainstreamed rap and hip-hop music. And television
reporters followed the rise and fall of the iconic business celebrities, Donald Trump and Leona Helmsley, as well as Jim and Tammy Baker’s fall from evangelical grace.

But, the 1980s also ushered fear into American homes as an unknown disease began plaguing communities, particularly the gay community. In 1981, the Center for Disease Control and Prevention issued a warning about a rare form of phenomena that was present in a group of men in the Los Angeles area. It was later determined that the phenomena was Acquired Immune Deficiency Syndrome (AIDS). Little was known about the disease in the early 1980s, including how it spread, except that it seemed to attack young gay men. AIDS gained international attention when cases of the disease were reported from every region of the world, prompting the first International AIDS Conference, held in Atlanta in 1985.

Despite its worldwide impact, AIDS proved to be politically taboo. President Reagan did not even say “AIDS” in public until 1986. Furthermore, while Congress did appropriate funding for the production of educational materials for the prevention of AIDS, it also adopted the Helms Amendment which banned the utilization of Federal funds for materials that “promote or encourage, directly or indirectly, homosexual activities.” Some conservative politicians, including Jesse Helms, felt the amendment was necessary because prior educational materials that were produced proved that “the fight against AIDS was just another way gays and lesbians had found to advance the ’homosexual agenda’” (Allen 2000, 135). Ultimately, in the 1980s the disease was so misunderstood
that victims were often alienated, even terrorized, by a fearful public. By 1989, AIDS took thousands of lives and it was estimated that ten million people were living with HIV or AIDS worldwide.

Culturally, artistic endeavors were the subject of much criticism during the conservative Reagan era. Richard Serra spurred controversy when he installed his massive sculpture *Tilted Arc* in the Federal Plaza located in front of the Jacob K. Javits federal office building in New York City. The work was commissioned by the U.S. General Services Administration (GSA) in conjunction with the Arts-in-Architecture program which required half of one percent of a federal building’s cost to be used for artwork. Serra’s sculpture measured 120 feet long and 12 feet high and weighed 72 tons. The work was designed to cut the space of the Federal Plaza in half. Thus, in order for employees and visitors to navigate the Plaza, it was necessary to maneuver around the piece.

Almost immediately upon its installation, letters were sent and a petition was signed in an effort to have the artwork removed from the Plaza. The discord over the piece mounted over the next three years. In 1984, the regional administrator for the GSA, William Diamond, also in favor of the removal of the work, circulated a petition collecting over 4,000 signatures supporting the removal of *Tilted Arc*. In March of 1985, Diamond held a public hearing overseen by a five person panel, led by Diamond. During the three-day hearing, 180 people testified – 122 people in favor of the sculpture remaining in its current location. The panel voted 4-to-1 in favor of removing the sculpture. The acting
administrator at the GSA, Dwight Ink, ordered the piece to be moved to a location that
would be chosen by the National Endowment for the Arts.

However, upon hearing the ruling, Richard Serra sued the U.S. government, Diamond,
and Ink for $40 million in punitive damages. Serra contended that the government had
violated its contract with him which held that the art work would be permanently
installed at this location as it was designed to be site-specific. In 1987, the U.S. District
Court of Manhattan dismissed the case. *Tilted Arc* was removed from the Federal Plaza
during the night on March 15, 1989. It was taken to a scrap-metal yard. Commenting on
the controversy of *Tilted Arc*, Serra was quoted as saying, “I don’t think it is the function
of art to be pleasing. Art is not democratic. It is not for the people” (Public
Broadcasting).

Richard Serra was not the only artist to arouse controversy in the 1980s, the battle over
public art also included memorials. The wounds were still fresh from the Vietnam War
when Congress approved the creation of a Vietnam Veterans Memorial. Subsequently, a
design contest was held and nearly 1,500 designers submitted renderings for a memorial
on the Mall. The panel selected entry number 1026. As it happened, this was the entry
of a 20-year old Yale undergraduate student, Maya Lin. Lin, an Asian-American, from
Athens, Ohio soon became the center of controversy.
Lin’s design was a reflective black granite structure made of two connecting walls which were sunk into the ground and could be navigated by visitors via two sloping ramps. The walls listed the names of the servicemen that had lost their lives or were missing in action in chronological order. The panel of judges thought the memorial was not only a beautiful tribute to the veterans of the war but an interesting architectural work. However, a group of veterans thought the design, and the designer, were offensive. These men felt the fact that the memorial walls were sunk into the ground was a sign of shame – that the design pushed the veterans underground. Additionally, some men made discriminatory remarks about Lin’s ethnic heritage and gender. Angry letters and petitions were sent to Congress and the U.S. Commission on Fine Art.

As a result, the Commission held hearings about the design. During the hearings, some veterans presented different designs or alterations to Lin’s memorial including the additional of statues and an American Flag at the apex of the walls. Lin spoke in defense of her design and rejected the idea of adding elements. Ultimately, the Commission approved Lin’s design with the addition of a statue and the erection of a flag pole near the statue. Lin’s Vietnam Veterans Memorial was dedicated on Veteran’s Day in 1982. Lin’s name was not mentioned at the dedication.

Public art was not the only art under attack in the 1980s. In fact, by the end of the decade, the National Endowment for the Arts (NEA) was subject to such extreme scrutiny that its existence as a government agency was threatened. The controversy
plaguing the National Endowment for the Arts was primarily triggered by two pieces of visual art funded, in part, through NEA grants. The Southeast Center for Contemporary Arts received a $75,000 grant from the NEA in partial support of the program “Awards in Visual Arts.” This program had won NEA support for nine years. Through a jury selection process, the program chose ten artists to receive a $15,000 fellowship who would have their artwork displayed in a traveling exhibition. The application the Southeast Center for Contemporary Arts submitted when applying for NEA funds did not include the names of any specific artists or artworks, as they had not yet been selected. Andres Serrano’s photograph, *Piss Christ*, which depicted a crucifix immersed in urine, ended up being part of the exhibition.

On the final stop of the traveling exhibition in Richmond, Virginia, Serrano’s artwork attracted the attention of Reverend Donald Wildmon of the American Family Association, televangelist Pat Robertson, and Senators D’Amato and Helms. The Senators publicly denounced the photograph and subsequently submitted a letter, co-signed by 25 Senators, to the acting NEA Chairman, Hugh Southern, urging the NEA to review and reform its grant-making procedures (Wyszomirski 1995).

Similarly, over 100 members of Congress wrote the NEA in protest of the $30,000 that aided in funding the Institute for Contemporary Art exhibition, *Robert Mapplethorpe: The Perfect Moment*. In the Mapplethorpe exhibit, which included portraits, flower studies, nudes and homoerotic works, two photographs caused the controversy. One was
a photograph that depicted a man urinating into the mouth of another man and the other was an image of Mapplethorpe with a bullwhip sticking out of his rectum.

These two pieces of artwork subsequently caused a summer of riotous debate on the House floor. Congress entertained an array of amendments to the NEA’s appropriations bill, including one that would eliminate the agency completely. Although the NEA was not eliminated, Congress did approve a ban on NEA funds for works that might be “considered obscene, and that do not have serious literary, artistic, political or scientific value,” (Wyszomirski 4) and established that the agency could only fund works that meet “general standards of decency and respect for the diverse beliefs and values of the American public.” Furthermore, it reduced the agency’s appropriation by $45,000 – the amount that the NEA awarded to the Institute for Contemporary Art for the Mapplethorpe exhibit and the amount that the Southeast Center for Contemporary Arts provided to Serrano.

In response to the Congressional changes, the NEA Chairman denied funding for four grant proposals which were recommended through the peer review process. The four artists sued the National Endowment for the Arts, and in 1992, a federal judge ruled that the decency requirement was unconstitutional. An appeals court upheld the ruling in November of 1996. The 2-to-1 majority said that the law was vague and would allow the NEA to refuse funding “because of the artist's political or social message or because the art or artist is too controversial.” However, Justice Kleinfeld offered a dissenting opinion
that stated “the First Amendment protects artists' rights to express themselves as indecently and disrespectfully as they like, but does not compel the Government to fund that speech.”

As it happened, when the U.S. Supreme Court heard the case, it agreed with Justice Kleinfeld. The Supreme Court of the United States heard the case on March 31, 1998. On June 25 1998, the Supreme Court reversed the appeals court judgment in an 8-to-1 decision. Justice Sandra Day O'Connor delivered the following opinion of the Court:

The National Foundation on the Arts and Humanities Act, as amended in 1990, requires the Chairperson of the National Endowment for the Arts (NEA) to ensure that “artistic excellence and artistic merit are the criteria by which [grant] applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.” 20 U.S.C. 954(d)(1). In this case, we review the Court of Appeals' determination that 954(d)(1), on its face, impermissibly discriminates on the basis of viewpoint and is void for vagueness under the First and Fifth Amendments. We conclude that 954(d)(1) is facially valid, as it neither inherently interferes with First Amendment rights nor violates constitutional vagueness principles.

In 1965, artists and cultural institutions alike had celebrated the creation of the NEA; but, in the 1980s, they learned that government funding came at a price.

7.1.3 Sexual Harassment, Free Trade, and Cable Television

The conservative tone that Reagan had established continued into the next presidential reign by George H.W. Bush. Bush’s only term in office was largely characterized by two major events, the Gulf War and the nomination of Clarence Thomas as a Supreme Court justice. In the Gulf, Bush and United States Armed Forces fought for the liberation of
Kuwait from Saddam Hussein and Iraqi forces. The Gulf War proved to be one of the shortest wars in U.S. history beginning in August 1990; troops began leaving the Persian Gulf in March 1991. Congress estimated the cost of the war to be $61.1 billion.

A few months later, Bush was called upon to nominate a candidate for Supreme Court Justice when Thurgood Marshall, the first African American to serve on the country’s highest court, retired. Bush nominated U.S. Court of Appeals Justice Clarence Thomas, making Bush the first Republican President to nominate an African American to the Supreme Court. Thomas’ confirmation hearings became surrounded by controversy. To begin with, several high profile organizations opposed Thomas’ nomination including the National Urban League, the NAACP, and the National Organization for Women. Their opposition was fueled by Thomas’ criticism of affirmative action and the suspicion that Thomas was against abortion rights. However, the real conflict developed when Thomas was accused by law professor Anita Hill of sexual harassment when they were both employed at the Equal Opportunity Employment Commission. For three days, the public watched the hearings describing the alleged sexual advances. Despite the controversies, Clarence Thomas won the Supreme Court nomination in a 52-48 vote. Nonetheless, the hearings propelled sexual harassment into the public consciousness.

During the Gulf War, Bush was largely popular and showed good approval ratings, but as the next presidential election neared, his popularity waned. Bush’s slip in approval, allowed Governor William J. Clinton of Arkansas to win the 1992 election with a
campaign that was centered on the internal slogan “It’s the economy, stupid.” Additionally, the Democrats were able to secure majorities in the House and Senate – a fate that would only last two years until mid-term elections when Republicans gained control of Congress. Clinton’s first years in office brought passing of the unpopular “Don’t Ask Don’t Tell” policy for gays in the military and the popular Family and Medical Leave Act of 1993. Clinton was also the President to sign the North American Free Trade Agreement (NAFTA). The agreement was implemented in order to eliminate government tariffs on the import and export of goods and services between Canada, Mexico, and the United States. While the agreement was supported by those who wanted to embrace globalization and open borders, it was highly contested by organized labor in the United States. The AFL-CIO and its member unions warned of the extensive job loss that would plague Americans as businesses would move operations into Mexico and Canada.

In 1996, Clinton easily won his reelection against Senator Bob Dole. However, troubled times were just ahead. In 1998, a scandal broke that accused Clinton of having a sexual relationship with a young White House intern, Monica Lewinsky. The President adamantly denied the allegations stating, “I did not have sexual relations with that woman,” until evidence was revealed to the contrary. As a result of accusations that President Clinton had lied during a grand jury investigation, the House began impeachment procedures. The House voted to impeach the President on charges of obstruction of justice and perjury. However, the Senate vote failed, and Clinton remained
in office for the remainder of his term. Despite the Lewinsky scandal, which dominated Clinton’s last years in office, the President left office with a 65 percent public approval rating – a highest end-of-presidency job approval rating for any postwar president (Langer).

Fueled by new technology, the country reached unparalleled economic success in the 1990s…for a while. In the 1990s, the country became fascinated with the Internet and the World Wide Web. The explosion of popularity of the Internet led to what became known as the “dot-com bubble.” The promise of the new Internet industry propelled the creation of countless business ventures. These new business, primarily developed by young Gen X-ers, did not adhere to standard business models, and were generally created on the borrowed money of venture capitalists. Soon, many of these companies went public, selling stock on the stock exchanges. The valuation of the stock prices of these Internet businesses skyrocketed creating hundreds of new millionaires – on paper. However, the success of all of these new companies could not last as many of them proved to be unprofitable in practice. In 2000, the bubble burst. Over the next year, the National Association of Securities Dealers Automated Quotations (NASDAQ) composite index plummeted in value from its high of over 5100 to below 2000 (which was still higher than its pre-dot-com figures which were below 1000).

Socially, Americans spent the 1990s glued to their televisions often viewing the modern horrors of the day. In 1992, the country watched the Los Angeles riots that were
instigated by the “not guilty” verdict of the four police officers who beat Rodney King. The riots reminded Americans of the deep racial divide that still plagued the nation. Unfortunately, the violence of the Los Angeles riots was just the beginning of the bloodshed to be seen on American soil. The decade would also see the terrorist bombing of the World Trade Center; the surreal battle between the U.S. Bureau of Alcohol, Tobacco, and Firearms and the Branch Davidians, in Waco, Texas; the bombing of the Murrah Federal Building in Oklahoma City by Timothy McVeigh; and the surfeit of school shootings including the infamous Columbine High School shooting.

The 1990s brought changes in general to the entertainment market. In the 1990s, nearly three-quarters of American households subscribed to cable services. Through these services, Americans gained access to the 139 cable channels that were being broadcast – including news programming on CNN, sports programming on ESPN, and entertainment on the Arts and Entertainment Network (A&E). Additionally, televisions were also utilized to view movies at home on the newly introduced Digital Video Disk (DVD) players which offered superior quality to the VCRs of the past. Despite the growth of home entertainment options, the 1990s also brought an increase in movie attendance. However, the cost of making films skyrocketed with an average movie budget of nearly $53 million by the end of the decade.
7.2 National Labor Movement Developments

The last decades of the twentieth century saw the continuation of occupational trends that began in the middle of the century. The number of workers in white-collar jobs increased 20 percent; while blue-collar workers saw a 33 percent decrease (Table 7.1). Workers in service occupations increased slightly at 5 percent. Additionally, the profile of the American worker shifted as more and more women entered the workforce. In 1970, 40.8 percent of U.S. women were employed in the workforce; however, by 1999, that figure jumped to 57.4 percent.

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<td>Farm Workers</td>
<td>3.0%</td>
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Table 7.1 – Employed Persons by Occupational Group, 1970-2000 (Bureau of Labor Statistics; Department of Professional Employees, AFL-CIO)

Additionally, the recession brought increasing unemployment rates (Figure 7.1). In fact, much of the final decades of the century saw unemployment rates above the 6 percent mark and nearly reached 10 percent in 1982-1983 (9.7, 9.6 respectively).
For organized labor, the thirty year time span from 1970 through the 1990s continued to follow the declining trend set in the 1960s (Figure 7.2). Overall union density dropped from 29.6 percent in 1970 to 13.9 percent in 1999. Private sector density declined from 29.1 percent to a mere 9.4 percent. In the early 1970s, the density of public sector workers continued the rise from the 1960s. Public sector union membership reached its peak in 1976 when 40.6 percent of workers were also union members. Following 1976, density remained steady in the 36-37 percent range for the next 25 years.

Figure 7.1 – Unemployment Rate, 1970-1999 (Bureau of Labor Statistics)
The sharp drop in overall union membership is particularly interesting because, for most Americans, real wages for the time period experienced a decline and then remained stagnant through the end of the twentieth century. The situation was worse for young males who experienced a real wage drop of 25 percent. With the real wage stagnation combined with the skyrocketing unemployment rates of the 1980s, many would have predicted an increase in union membership. Historically, it is these types of poor economic conditions that drive union membership.

However, in the last quarter of the century, philosophical and economic shifts altered the fate of organized labor in the United States. To begin with, in the 1970s, the philosophy regarding individual rights versus collective rights continued to follow the trend that was
set in the 1960s. “The model of collective work rights embodied in the Wagner Act has been eclipsed, if not actually replaced, by a different set of work rights based on race, gender, or other attribute of the individual involved” (Lichtenstein 178). While there was a concern about the protection of employees, a general belief surfaced that legislation could be just as effective as unions in providing that protection.

As the years moved forward, this philosophical belief became more of a political reality. Legislatively, the government worked to offer more protection for individual workers whose rights are violated than those whose collective action rights are violated. In the amendments added to the Civil Rights Act in 1991, people who are discriminated against due to race or color can sue an employer for back pay, compensatory, and punitive damages. Additionally, these plaintiffs have the right to a jury trial. However, workers who are found to have been illegally demoted or fired due to their involvement in union activities are only entitled to lost wages minus any compensation that was earned during the timeframe. Notably, this decision was be made by the National Labor Relations Board, not a jury (Lichtenstein).

Additionally, Presidents Carter and Reagan supported large scale deregulation of some of the most unionized industries including airlines and trucking. Subsequently, the deregulation process ended the stalwart grip unions had over these industries. However, deregulation was a minor blow for organized labor compared to the battle that would ensue in 1981.
In February of 1981, the Professional Air Traffic Controllers Organization (PATCO) began negotiations for a new contract with the Federal Aviation Administration (FAA). PATCO’s president entered the negotiations with three demands: a $10,000 across the board increase in pay (annual pay ranged between $20,462 - $49,229), a reduction in work hours from the standard 40-hours per week/five days a week to a four day workweek with a maximum of 32-hours, and a full retirement package after 20-years of service. The union’s primary concern was the reduction in weekly hours, as air-traffic controllers have very stressful, anxiety-producing jobs. The FAA refused the union demands which were estimated to cost $770 million, offering instead a $40 million plan that did include a reduction of hours and a 10 percent pay increase for night workers. PATCO refused the counter offer.

As the stalemate between the union and the government persisted, PATCO began organizing strike efforts. To be sure, PATCO represented federal employees, and by law federal employees are prohibited from striking. However, in the previous years, there had been 22 unauthorized strikes of federal workers including a strike by postal workers. Thus, PATCO intended to shutdown the skies with a strike and quickly gain the power in contract negotiations. The strike was planned for the busiest time of year – the summer surge of August.

On August 3, nearly 13,000 PATCO workers walked out on strike. President Reagan gave the workers 48 hours to return to their positions or risk termination. Approximately,
1,200 workers returned to their jobs by the 48 hour deadline. Reagan promptly fired the 11,359 workers who remained on strike and barred the workers from future employment with the FAA. (President Clinton rescinded the executive order that barred their employment in 1993). In addition to firing the striking controllers, Reagan refused to negotiate with PATCO during the strike stating, "You can't sit and negotiate with a union that's in violation of the law" (CNN 2004). Reagan’s swift and unrelenting response to PATCO and its striking membership was the most significant losses for labor in nearly 60 years. Ironically, PATCO had been one of the only unions that had supported Reagan in presidential election of 1980, as organized labor has historically supported Democratic candidates.

Unions also lost the battle against the signing of the North American Free Trade agreement. The AFL-CIO promised that if NAFTA transpired the United States would see monumental job loss. However, much of the threatened job loss never materialized largely due to the fact that by the 1990s, little of the U.S. job market was in manufacturing. While some service sector jobs have been exported overseas (e.g. call centers), job growth in the United States has actually increased since the implementation of NAFTA. However, the passing of NAFTA has created more difficulties in the unionization of new workers. The opening of the boarders has allowed for effective anti-union campaigns by companies. Firms consistently remind workers that their jobs could be shipped abroad. For instance, in 1995, ITT Automotive successfully staved off a United Auto Workers organizing drive by parking “thirteen tractor trainers loaded with
shrink-wrapped production equipment in front of the plant. Hot pink signs posted on the side read ‘Mexico Transfer Job’” (Lichtenstein 223). At a Fruit of the Loom plant, a sign was hung that threatened, “Wear the Union Label: Unemployed.”

Ultimately, the United States ended the twentieth century economically strong. Unemployment was at its lowest rate in over 40 years, 4.2 percent, and inflation was at its lowest rate in 30 years. But the last decades of century proved disastrous for organized labor. Overall, union density was in the single digits – a rate lower than had ever been reported in the history of union activity tracking in the United States. The disenchantment of U.S. workers with unions was attributed to a philosophical swing from collective rights to individual rights spurred by the civil rights movements; the changing nature of work from factories to office; and the embracing of globalization. What would this monumental shift mean for actors and the theatrical industry?

7.3 Actors’ Equity and the Theatrical Industry

In the 1950s and 1960s, Actors’ Equity had systematically interwoven its organization into the threads of the theatrical industry. By the 1970s, it became nearly impossible to discuss the movements of the theatrical industry without referring to the actions of Actors’ Equity Association. In nearly every faction of the theatrical environment, Actors’ Equity plays a role. Therefore, the movements of the theatrical industry and the behavior of Actors’ Equity Association will no longer be addressed as different subsections. Instead, the following examination will look at both facets together.
7.3.1 Commercial Theatre

All anecdotal accounts of the commercial theatre in the 1970s imply that Broadway and road shows suffered financially. The energy crisis in early part of the decade forced producers to dim marquee lights and lower the thermostats during winter months. Of course, the energy crisis was just the beginning of the stagflation of the decade. Patrons presumably had fewer dollars to spend on entertainment. Additionally, in 1975 the American Federation of Musicians went on strike against Broadway producers, closing nine shows for 25 days. These crises left commercial theatre bruised.

Thus, in the mid-1970s, the League of New York Theatres decided that if Broadway was going to survive, major changes needed to occur. Thus, the professional association for commercial producers revamped itself. The organizational overhaul included a name change, to the League of American Theatres and Producers as well as a reconsideration of its purpose. The League’s role as the negotiator in collective bargaining agreements with theatrical unions would not change. However, the organization expanded its mission – the League would also work towards creating a viable and profitable theatrical community. The League created committees to conduct research and troubleshoot problems. Moreover, in order to fund these endeavors, the League opted to tax each member $400-$600 per week when he or she had a show in production.

Broadway was also trying to catch up with the time’s technological advances. The Shubert Organization was the first to introduce phone sales as well as the acceptance of
check and credit cards in 1972. Soon, other producers followed suit, and by 1981, credit card sales over the telephone accounted for near 40 percent of all Broadway sales.

The 1970s also brought Broadway’s first live-action television commercial for the musical, *Pippin*. In fact, the production was about to close due to low ticket sales when the producer decided to take a risk and advertise on television. The commercial saved the production and made Broadway television commercials commonplace. By the early 1980s, it was estimated that up to 40 percent of a Broadway show’s budget was spent on television advertisements (Croyden 1981, SM7).

Of course, the embracing of these technologies also vastly increased the costs of producing a show on Broadway. By 1981, the average capital investment for a musical production was $1.5 million – 128 percent higher than the cost was in 1977. This incredible cost meant that the potential losses for Broadway producers were also staggering.

In order to minimize risk, producers began scouting new productions in Off Broadway theatres, Off Off Broadway houses, and regional theatres. This process created new and interesting partnerships between the commercial and nonprofit theatrical factions. By the late 1980s, some commercial producers actually provided enhancement money to nonprofit theatre companies for the original production of a work. The practice was sometimes hailed as an additional funding source for the cash-strapped nonprofit theatres.
and sometimes criticized as nonprofit companies lost control over the creation of their own plays to commercial producers.

As for the League’s relationship with Actors’ Equity in the last decades of the century, while it would not necessarily be called harmonious, it was certainly not as hostile as in the 1960s. Despite some tense contract negotiations, there were no actors’ strikes on Broadway. Nonetheless, there were confrontations. One particularly public conflict occurred in 1990 over the musical Miss Saigon. The musical had been scheduled for a Broadway opening following its successful run in London. Nearly nine months prior to the scheduled opening, the much anticipated Miss Saigon had already generated advanced ticket sales totaling $25 million – the largest presale in Broadway history.

The show’s producer, Cameron Mackintosh, had hired the originator of the leading male role, English actor Jonathon Pryce. However, the casting of Pryce was troubling for Actors’ Equity, so disconcerting that Equity decided to reject the casting of Pryce stating that the union could not “appear to condone the casting of a Caucasian in the role of a Eurasian” (Rothstein 1990, C3). Equity’s decision prompted Mackintosh to immediately cancel the Broadway production. Mackintosh contended that Equity had violated its collective bargaining agreement with the League. Under the agreement, Equity had the right to determine whether or not an alien performer is a “star” and would therefore be eligible to perform a leading role on Broadway. However, Equity had already determined that Pryce was a “star” for a previous Broadway role. Thus, Mackintosh
stated that “there is no legal basis for their objecting to his admission for Miss Saigon” (ibid.). Actors’ Equity claimed that the decision was an ethical one based upon creating equal casting opportunities for minority actors.

The decision of Actors’ Equity raised questions within its membership about whether this was a case of “reverse racism” or a moral stand for civil rights. The decision was complicated by the fact that the cancelling of the production resulted in a loss of 50 Equity jobs including 34 for minority actors. Actors’ Equity was forced to reconsider when it received a petition signed by 150 members (Equity rules state that the council must be reconvened if it receives a petition with 100 valid signatures).

The petition led to over a month of direct negotiations with Mackintosh wherein Equity agreed to the casting of Pryce with the condition that no “yellowface” makeup or eye prosthetics were utilized to alter his appearance. Additionally, Mackintosh agreed to explore opportunities for minority actors in his other productions.

For two months, both the producer and Equity seemed to be content with the decision. However, in December 1990, Mackintosh approached Equity and asked permission to cast Filipina actress Lea Salonga in the role of the Vietnamese leading woman who had originated the role in London. In his request, the producer stated that he had held nationwide auditions of over 1,200 actresses and was not able to find a suitable Asian American actress to play the role. The following week, Equity’s Alien Committee
rejected Salonga based on her lack of “star” status and unique ability. The Equity Council upheld the committee’s rejection.

The rejection of Salonga prompted Mackintosh to file for formal arbitration. On January 8, 1991, the arbitrator ruled in favor of the producer. The $10 million production opened on April 11. Both Pryce and Salonga went on to win Tony Awards for their performances.

7.3.2 Off Broadway

The 1970s began tentatively for theatres Off Broadway. Tensions were mounting between Actors’ Equity and the League of Off Broadway Producers over the negotiations for a new three-year contract. The current contract provided salaries of $75 for AEA members, but in the new contract, AEA wanted to increase the weekly minimum to a sliding scale that started at $200 and capped at $290 depending on the weekly gross of the theatre. The $200 demand for Off Broadway by Equity topped the $164.45 minimum that existed on Broadway. The League refused the demand and offered a 10 percent increase in the first year with 3 percent increases in the second and third years. After two weeks of negotiations, Equity decreased its demand to $137.50, but, the League held firm.

On November 16, 1970, Equity members went on strike against the Off Broadway producers making it the first actors’ strike Off Broadway. AEA had altered its salary
demands – lowering the minimum salary to $125 but raising the high-end of the sliding scale to $405 per week. The League increased its salary offer to a 20 percent raise in the first year followed by $5 increases in the next two years. Nonetheless, the strike shut down 17 productions and affected 200 actors. Of the demands, Angus Duncan, Executive Secretary of AEA stated:

Off Broadway meant that originally actors were willing to work for peanuts - $25 or $40 – so they could perform in interesting old plays or in challenging new ones. The box-office grosses, if the play was a success, hovered around two or three thousand dollars and the price of a ticket was under $5. Today, the price of a ticket is up to $10, the grosses are over $10,000 and the whole concept has changed from experimentation to big business. Our negotiations should reflect the economics of the Off Broadway theatre, and the Off Broadway landlord must recognize that the actor must get his share (Calta 1970, 52).

By December, the two groups were still at odds. A state mediator was brought in to assist the groups in coming to an amicable decision. However, on December 4, AEA members voted to continue with the walkout of Off Broadway. On December 8, the strike had reached its 23rd day -- with no signs of a settlement in the near future. The state mediator said that the groups were now further apart on the issues than when the strike began. Two days later, the League agreed to submit the case for arbitration. However, Actors’ Equity refused unless certain issues were removed from arbitration, including pension and payment for the taping of productions. On December 17, both parties agreed to submit the case for binding arbitration. The agreement put an end to the 31-day strike, the longest strike in Equity history (one day longer than the strike of 1919). Arbitration resulted in a sliding scale wage system that started at $125 per week and
capped at $200. Additionally, Off Broadway theatres had to be officially operated under an Equity shop ratio (in this case one non-union actor was permitted for every 9 Equity actors but only if the cast was 12 or more).

Actors Equity and the League of Off Broadway Theatres would have a brief reprieve before the tensions would mount again. In 1973, the current contract was about to expire and once again the groups needed to negotiate a new three-year contract. Equity arrived at the table with three primary demands: salary increases of $12.50 each year; the implementation of a full union shop Off Broadway (no non-union actors); and the hiring of Equity understudies. However, the League did not come to the negotiating table. Instead, the League sent a professional negotiator to hear Equity’s demands but not to make a contract offer. This occurred for nearly six weeks before the President of the League actually arrived to negotiate. The tactic increased the cynicism of Actors’ Equity, whose new Executive Secretary, Donald Grody was quoted as saying, “We can’t help but feel pessimistic about the negotiation of a new contract” (Calta 1973, 46).

The deadline for negotiations loomed, as the current contract was set to expire in four days, on January 6, 1974. AEA threatened that its membership would not work past the deadline. A strike would impact 11 productions and 130 AEA members. But the conflict was escalating. Producer Joseph Beruh stated, “There’s a hard-care group in Equity that wants to eliminate Off Broadway. After each negotiation, you lose more and more theatres” (Calta 1974, 44). The sticking point in this round of negotiations was the
requirement of union understudies. The producers argued that Equity was demanding more from Off Broadway than they even did for Broadway contracts. Kermit Bloomgarden, producer of *The Hot L Baltimore*, contended, “The demands of Equity will prove to be the death of Off Broadway. Already the 199-seat theatre is a thing of the past. At a time when Broadway has eight or nine empty houses, it doesn’t make sense to raise the cost of production and operation for Off Broadway” (Calta 1974, 44).

On the day of the strike deadline, the League of Off Broadway producers came to the table with an offer for a four year contract. The contract offered $12.50 a year salary increases each year, which by the end of the contract would raise the minimum salary from $125 to $175 but would alter the sliding scale so that more shows would be able to pay the minimum salary. The offer also included some pension and health benefit improvements and raised the ratio of Equity to non-union actors. Actors’ Equity rejected the offer, stating that the salary increases were inadequate due to the change in the sliding scale system and the refusal to adopt a full union shop. The union began strike preparations.

Actors’ Equity agreed to a one week extension of the strike deadline, allowing a little more time to come to agreement on the terms of the contract. As the new deadline approached, the factions were still grappling with the same issues. Equity agreed to extend the strike deadline once again. However, even after extending the strike deadline for two weeks, an agreement could not be reached. Thus, on January 21, 1974, Equity,
for the second time in four years, went on strike Off Broadway. This strike, however, would not be as disastrous as the last. By the following day, the parties agreed to submit the contract for binding arbitration, thus, ending the one-day strike. There would not be another strike Off Broadway in the remainder of the century.

A year after the 1974 strike, producer and President of the Off Broadway League, Paul Libin, characterized, “Off Broadway is not dead, but it’s leading a very sheltered life” (Gussow 1975, 21). His belief was substantiated by a considerable reduction in Off Broadway theatres, producers, and plays. Correspondingly, the number of workweeks for AEA members went from 13,424 in 1969-1970 season to 4,509 six seasons later. It is difficult to assess precisely the cause for the considerable decline. Is it a result of the poor economy? Is it because of the rise of Off Off Broadway? Is it due to the rising costs which have, at least in part, increased due to Equity’s demands? Likely, it is a combination of these factors and perchance other factors. Nonetheless, work on Off Broadway had waned.

7.3.3 Off Off Broadway

The Off Off Broadway movement which had begun in the late 1950s with the coffee house movement had moved toward institutionalization by the 1970s. A theatrical faction that started with perhaps a dozen cafes and coffee houses exploring the avant-garde and making political and social statements about civil rights and the Vietnam War had exploded into 150 theatrical groups by the mid-1970s offering potentially
commercial works by playwrights including Lanford Wilson, Sam Shepard, and Israel Horowitz. There was a general sense that radicalism had abandoned the Off Off Broadway community. One director explained, “I don’t feel the great rebellion, I don’t feel the defiance there used to be. Not too much this season is going to cause eyebrows to go up” (Little 1974, 75).

The Off Off Broadway venue was becoming more professionalized with its own associations, including the Off Off Broadway Alliance (OOBA) with 57 member theatres and the Black Theatre Alliance with 19 theatres. Additionally, the theatres were playing more commercial productions. Yet, in general, these theatres were still characterized by low budgets and irregular schedules. Nonetheless, Off Off Broadway was beginning to become what Off Broadway was prior to Equity claiming jurisdiction over the operations: a pre-commercial outlet for actors to be seen, playwrights to be heard, and productions to be discovered.

This continued expansion and visibility of Off Off Broadway was troubling for Actors’ Equity Association. Try as it might, the union had a difficult time reigning its own membership and regulating the industry. In fact, journalist Stuart Little explained that, “Equity has found that policing this area [Off Off Broadway] is like legislating sex” (1974, 75) – a near impossibility. Additionally, Little described Equity’s Council as middle-aged and Broadway-focused, which made it difficult for them to understand why young AEA members wanted to work in these venues at all – let alone for free.
Actors’ Equity had certainly tried to regulate these theatres. First, Equity banned its members from performing for free in these shows, but the members defied the restrictions. Consequently, AEA established a Showcase Code, which permitted AEA members to perform in these venues without pay as long as the theatre had fewer than 100 seats; there were no more than 12 performances; there was no charge for admission; and the productions were not advertised. However, actors continued to violate the Code by performing in productions outside of these guidelines and producers hired Equity actors also in defiance of the Code.

In 1975, Equity established a new Showcase Code stating that the union was protecting its members from exploitation. The new code still allowed actors to work without weekly salaries; however, it required producers to provide any amount equal to two subway fares each day of rehearsal and performance. More significantly, the new code stipulated that the box office receipts for three performances including a Saturday night performance be divided among Equity cast members. It also established a profit sharing plan for AEA actors – two percent of the profits of any successful production or if the actors were required to rehearse for more than four weeks, eight percent. These profits were historically awarded to the playwright of the work. Thus, this new demand put Equity at odds with the Dramatists Guild. Furthermore, the new code provided that if an Off Off Broadway production was moved to a commercial venue (typically Off Broadway or Broadway), the originating actor could keep his or her role or receive four
weeks’ salary. The code also wanted a commitment from Off Off Broadway producers to solely use Equity actors.

Joseph Papp, legendary founder and director of the New York Shakespeare Festival and the frequent sponsor of Off Off Broadway productions, suspended plans for three showcases upon Equity’s announcement stating,

Where Equity should be finding ways to expand the opportunities for unemployed actors to act, the Code instead sets up limits and deterrents that do a disservice to the needs of its own members. Most of the items in the revised code are petty harassments and do not reflect the limited economics of the Off Off Broadway scene (Calta 1975, 33).

Papp was not the only producer angered by the new Equity code. Lynne Meadow, director of the Manhattan Theater Club, stated, “We will not sign the new code and we will not close” (Calta 1975, 33).

Within days of Equity’s announcement, AEA found itself under attack not only by the producers and playwrights but also its own membership. In response, the producers held an anti-code rally. The rally focused on the limitations of the new code. Producers spoke of the increased costs which would lead to fewer productions and, therefore, fewer opportunities for actors and playwrights. The producers also accused Equity of interfering with an actor’s right to work. Petitions were also circulated which would suspend the code until the entire Equity membership could vote on its content. While Equity representatives were invited to the rally, their voices were rarely heard. Notably, Donald Grody attempted to explain the virtues of the code but was consistently
interrupted by attendees – often AEA’s own members. The rally was described as a “bitter shouting match” (*New York Times* 1975, 47).

Five days later, Actors’ Equity held a special membership meeting where members were allowed to vote on the implementation of the new code. The membership overwhelming voted against the new code. One actor commented, “After reading the code, I realize that the people who made it do not understand me. They do not know what is going on” (Lester 1975, 89). Similarly, public opinion about the failure of the proposed Equity code was conveyed through the following article published in the *New York Times*:

The footlights will continue to glow in New York City’s 140 Off Off Broadway theaters, thanks to an extraordinary display of union democracy and professional determination by hundreds of actors and actresses who make this city the most vigorous theatrical arena in the world. Instead of bowing to an unrealistic set of rules imposed by the leadership of Actors’ Equity Association, the performers overruled their union and voted for the shows to go on.

The rejected code had all the logic of the military maxim: “We bombed the town in order to save it.” It attempted to force a “closed shop” on a workshop type of theater; it also sought complex percentage-of-profits arrangements in largely nonprofit enterprises and other terms that would have had the effect of shuttering most of the Off Off Broadway theaters, including more than forty black and Hispanic showcases all over the city.

The Off Off Broadway scene is a remarkable phenomenon. It is home for innovation, for trying new wings and themes, for learning and dreaming. Equity’s members have done their union and the community a service by recognizing that this delicate blossom could be killed by too much regimentation (“‘Off Off’ Stays On” 1975).

Perhaps, the author overstates the possibility of leveling the entire Off Off Broadway faction, but the piece captures the passion that actors, producers, and audiences felt for
the still largely uncommercialized venture. The overwhelming loss Actors’ Equity experienced as its own members voted against its measure publicly demonstrated the disconnect between the primarily young actors that worked in these venues and union administrators. Actors’ Equity viewed Off Off Broadway as a profit-producing venture that could be a reasonable form of employment for its membership if it conformed to union rules. Yet, the AEA members viewed these theatres as a training ground, a place to practice their art form, and explore new techniques and ideas – more a place of freedom and expression than a job.

The behavior of the AEA membership is nearly unheard of in the confines of unionism – workers siding with management. Different from the young union rebels of the 1960s who fought against the “establishment” in general – management and unions alike – here, the unionists actually sided with management against their own union!

Despite its significant loss over the Showcase Code, Actors’ Equity did not give up on the revision of the regulations governing Off Off Broadway. Although, Equity did admit it had erred in the previous code – not in its content but in the education of its members as to why the code was necessary. Upon the code’s defeat, Equity immediately formed a committee to investigate the situation. The committee, which included and was chaired by representatives from Off Off Broadway theatrical venues, began data collection on over 100 of the theatres operating as Off Off Broadway theatres stating that they would look at imposing a tiered system of regulation.
Nonetheless, the standoff between Actors’ Equity and the producers persisted even months later. On the producers’ side, Papp argued that Off Off Broadway should be “free as a bird” (Gussow 1975, 45) further elaborating that since over 80 percent of Equity members are unemployed, many of them would rather work for free than not at all. Furthermore, Robert Moss, president of the OOBA and Equity member, stated that Equity was “turning Off Off Broadway, which is a developmental situation, into a horse race where you bet on winners” (ibid.). Grody defended Equity’s position stating that the only reason AEA members rejected the code was because the producers threatened them. “You show me an unemployed actor and I’ll show you a frightened actor. I felt they [Off Off Broadway producers] were blacklisting actors. They were frightened by the thought of being blacklisted” (ibid.).

In February of 1976, the AEA committee made public its recommendations for a new Showcase Code and accused Equity of not working with the committee on its suggestions to come to an agreement over the code. The committee made two proposals. The first was for a tiered system that included six levels of theatres determined by the number of seats and the number performances the venue had each week. In the top tier, actors would receive a weekly salary of $100. The other proposal suggested allowing for the establishment of nonprofit regional theatres in New York City. To the public announcement of these recommendations and accusations of inaction, Equity responded by stating, “This is a serious matter because we are a labor union. We wish to encourage Off Off Broadway activity but we must insure the integrity of our commercial contracts
because the suggestions in their plan exploited the actor and significantly jeopardized existing Equity contracts. Thus, Equity’s response was negative” (Calta 1976, 20). The discontent simmered for another two years.

On April 21, 1978, Actors’ Equity announced that its membership would vote on a new code it created to cover Off Off Broadway. The provisions of the new code had never been discussed with the OOBA. This action was indicative of a primary issue that had been brewing between the groups for almost four years. The OOBA wanted Equity to negotiate a contract with them. However, Equity refused to create a contract instead opting for an enforceable code that did not need to be approved by both parties. Thus, a code would allow Equity to regulate the actions of its own membership and penalize AEA actors for working with companies that refused to sign the code. The enforcement of the code, which prohibited AEA members from working with theatres that had not signed it, would pressure theatres into signing the Showcase Code in order to gain access to Equity actors. In response to Equity’s refusal to negotiate, the OOBA sent mailings to AEA members and held meetings attempting to convince the membership that it is only fair for the OOBA to be involved in the creation of the code or preferably a negotiated contract. This prompted Equity to disperse a two-page flyer, which stated, “THE FACT IS THAT THERE WILL NEVER BE A TWO-WAY, NEGOTIATED CONTRACT FOR CARFARE…A two-sided contract is for a salary” (emphasis included from original, 1978). To be sure, for decades, Equity negotiated contracts without negotiating salaries, but that policy had changed in the 1940s.
Much to Equity’s dismay, the OOBA was more influential than the union was at convincing its own membership. Thus, when the general membership vote was held on the new code, once again the AEA members defeated the proposed Showcase Code. Interestingly, this time the AEA membership proposed and voted on its own proposal. This proposal read that Actors’ Equity must “promptly and in good faith commence negotiations with Off Off Broadway so as to establish an agreement governing the conditions of employment of the Actors’ Equity Association membership at the Off Off Broadway theaters” (Gussow 1978, 14). This proposal passed -- forcing the union into negotiations that it had been refusing for years.

Of course, a call for negotiation would not mean a settlement would be soon. In fact, the groups attempted negotiation for a full year and a half to no avail. As the beginning of the 1979-1980 season approached, Equity and the OOBA were no closer to resolving their differences. Thus, Off Off Broadway theatres remained dark. While the representative organizations could not come to an agreement, Equity began approaching companies individually. The divide-and-conquer tactic that proved successful with Broadway theatres some fifty years previously was attempted again. While not nearly as successful this time around, Equity did manage to get five theatres to sign the Showcase Code and subsequently reopen by November of 1979.

Other producers tried to remain open by utilizing non-Equity actors or acting in the productions themselves. The latter tactic brought to the forefront an issue that had not
formally been addressed since the creation of Actors’ Equity. As it happened, many producers in these Off Off Broadway ventures were also card-carrying members of Actors’ Equity. These theatre professionals reinstated the problem from the early 1900s surrounding actor-managers. Case in point, the co-producers of the South Street Theatre, Jean Sullivan and Michael Fishchetti, were also Equity members. As producers, they refused to sign the Equity code, but they did not want to close the doors to their theatre. Thus, they wrote a two-character play and performed in it themselves. However, since they were also members of the union, Equity charged Sullivan and Fishchetti with conduct prejudicial to the welfare of the union, and they faced a formal hearing. After the years of battle over the Showcase Code, Equity expressed no sympathy for the Off Off Broadway theatres or the producers; Equity members or not: “If they can’t pay the actors, they shouldn’t be paying the others. Pay us first and argue with Con Ed [Consolidated Edison Electric Company]” (Fraser 1979, 78).

In the absence of a negotiated agreement between Equity and the OOBA, Actors’ Equity moved forward with the implementation of a code, now titled Equity’s Funded Nonprofit Theatre Code. Within the code, there was a stipulation that read: “The Code is granted with the provision that the Producer and the Author acknowledge a lien against the play, generated as a result of services rendered by AEA members rehearsing and performing the play in the Code Production, and that the Producer and the Author both agree and warrant that they are bound jointly and separately to convey notice of said lien to subsequent producing interests.” Under the new code, both the producer and author of
the play were required to sign an agreement that would make both the playwright and
original producer of a production financially liable to the actors should the work ever be
produced in the future and the actor was not hired. Additionally, there was no time limit
set on the provision – which caused producers and playwrights to wonder if they would
still be liable 20 years down the road. The unusual stipulation in the code caused outrage
among playwrights who subsequently created an association entitled the Playwrights’
Coalition Against Actors’ Equity Funded Nonprofit Theatre Code.

The first casualty of Equity’s new code was the play *Split* by Michael Weller. The play
was being produced at the Second Stage Theatre, a theatre that had refused to sign the
code. Therefore, Equity members were forbidden by the union from performing there.
Nonetheless, Equity members defied their union and took parts in the production. The
production opened and received favorable reviews. When Equity learned that its
members had been performing at a theatre that had not signed the code, an AEA
representative arrived at the theatre one hour before curtain. AEA demanded that the
theatre sign the code and retroactively pay salaries to its members. Faced with the
shutdown of the production, the producers signed the agreement and the show went on
that night.

However, the agreement also required the signature of the playwright. Weller refused to
sign the agreement stating that, “Equity is trying to make me a tool in its collective-
bargaining procedures. How can I obligate myself in that way? The only playwrights
who sign the agreement are beginners who don’t know any better” (Buckley 1980, 13). Upon Weller’s refusal to sign the agreement, Equity had Split shutdown.

Angered by Equity’s action and concerned about the ramifications of the code, Weller filed a lawsuit with the Federal court in October 1980. In the suit, Weller alleged that Equity had violated the National Labor Relations Act and the Sherman Antitrust Act by restricting trade. Upon filing, five other playwrights joined the lawsuit including David Mamet and John Olive. For nearly two months following the filing of the lawsuit, Equity made no comment. Then, Equity publicly stated that it had decided to contest the suit “in the strongest manner possible to the bitter end” (Gussow 1980, C26).

While Equity took an assertive public stance, internally, there were discussions of a settlement. Perhaps one reason that a settlement was possible was that Donald Grody had left Actors’ Equity and was replaced with Williard Squire, known for being more pacifying than the often confrontational Grody. In fact, despite Equity’s firm public position on the lawsuit, the union did settle with the playwrights out of court in November of 1981. The agreement that was reached prohibited “Equity from placing liens on plays or requiring playwrights to pay, guarantee or assume obligations for ‘conversion payments’” (Gussow 1981, C16). Furthermore, the agreement released a playwright from obligation if he or she had signed the Nonprofit Theatre Code prior to the agreement.

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9 A “conversion payment” is the payment of funds to an actor who originated a role but was not offered a role in subsequent productions of the play.
The resolution of the lawsuit alleviated what had become a near decade-long war between Actors’ Equity Association and the Off Off Broadway community. However, it did not restore Off Off Broadway to the height of productivity it had in the early 1970s.

7.3.4 Regional Theatre

The 1960s had been a hotbed of activity for the professional regional theatre movement. Companies sprang up in every state of the union. But, by the 1970s, growth had been replaced with decline. The number of professional theatres that were members of the League of Resident Theatres (LORT) had dropped from 69 companies in 1969 to 47 theatres in 1971. The decline was likely more a stabilization process following an explosion of activity. Nonetheless, it resulted in fewer Equity contracts for actors. However, the decline in the early 1970s made way for the gradual and steady increase of LORT theatres over the next three decades.

Another small but fascinating shift began from the successful regional theatres and the artists involved. As discussed in the previous chapter, the regional theatre movement was spurred from a desire to “decentralize” the American theatre. Artists wanted to explore theatre in communities outside of New York City, and funding sources, particularly the Ford Foundation and the National Endowment for the Arts, supported that vision. However, by the 1970s, some successful companies were looking to bring work back to New York. In a process dubbed “recentralization” by Ziegler, the author explained, “having once succeeded in various capacities in the central commercial theatre and
having rejected it, they were now very interested in coming back – and in glory” (1977, 210). Additionally, Ziegler contends that this process even occurred for artists who had never tried or never succeeded in New York. In this scenario, once actors or directors had succeeded in a regional theatre, they would pack their bags and make their way to New York. This movement suggests that, even after many theatre professionals insisted that theatre could and should exist outside Broadway, for some, success was still measured by one’s achievements in New York.

7.3.5 Stock and Community Theatre

While up to the 1970s, Equity had been overwhelmingly successful in unionizing commercial theatre and regional theatre, it was still struggling with community theatres and some stock companies. Thus, in the early 1970s, Equity began to take on some of these venues with varied success.

One theatre Equity targeted was Casa Manana in Fort Worth, Texas. The company was a summer stock musical theatre which hired local talent and had previously operated under a union contract. However, in 1973, tensions between Equity and Casa had mounted. In March of 1973, Equity representatives Donald Grody and Williard Swire arrived in Fort Worth, contract in hand, in attempt to convince the Casa Manana’s leaders and board to meet Equity’s standards. Equity and Casa nearly reached an agreement, but the sticking point was the weekly wage. Casa offered and stated it could pay a maximum of $161.50 per week. The Equity minimum was $175.88, which was equal to a 19.7 percent increase
over the salary Casa was required to pay the previous season. Grody and Swire returned to New York empty handed.

Soon, Grody sent a letter to Casa’s Board warning, “You may be certain that we will take every legal action and adopt every lawful means to put your theatre out of existence unless it pays the minimum wages” (1973). With no signs of a settlement in sight, the Casa planned to open its doors for the summer utilizing an entirely non-union cast. General Manager Mel Dacus publicly stated that, “There is no doubt in my mind that Casa Manana will have the same high-quality musicals we have been able to produce for the last 15 years. I can assure you we will not have high school musicals” (Hand 1973, 6B). The last statement was a reaction to Grody who had issued a statement claiming that without AEA actors, seeing a production at the Casa would be like seeing a high school musical.

When the Casa actually did open its doors on May 21 with non-union performers, Equity sent in a picket line. Grody proclaimed that, “Fate and fortune have made Fort Worth our battlefield and we will be the victor” (AEA). Certainly, the picket line and accusation of amateur theatre took its toll on the Casa. Ticket sales had dropped. By the end of the month, Casa was taking out advertising to explain its perspective. One such advertisement featured the Casa’s musical director and American Federation of Musicians union member, Joe Stecko, with the headline, “Joe Stecko knows Professional Theatre” (1973). The full-page piece was a letter from Stecko which stated, “In my
opinion, a professional performer is one who is paid for doing a quality job on stage. Those who have been critical of Casa Manana’s professionalism have, in truth, not even seen a show this year. I believe it is merely their inflammable emotions which cause them to underrate our wonderful summer theatre” (1973). While during the 1973 season, Casa Manana never signed an Equity contract, a new contract was signed for the following season.

Equity had also taken notice of the Palace Dinner Theatre in Kansas City, Missouri after seeing an advertisement for a production of *Star Spangled Girl* promoting a “professional N.Y. cast.” The Palace did not have an Equity contract; therefore, Equity opened an investigation. It was determined that none of the actors in the cast were union members. In his report, the Equity investigator wrote that while the Palace was promoting “a professional N.Y. cast,” it was not promoting *the* professional N.Y. cast. Moreover, he realized that if the cast was comprised of Equity members, Equity would not have an issue with the manner the production is be advertised. Therefore, Gray wrote,

The main questions seem to revolve around the word “professional.” It is true that in our rule books and in our own thinking we associate a professional with an actor who is a member of Equity. I don’t think that would stand up against a more precise dictionary definition or common usage where the professional is one who gets paid and the amateur doesn’t. I believe that the phrase was used to mislead the public into thinking that they were getting a group of Equity actors from this city. Only the lawyers, however, will be able to determine how good a case they have with this language viewed against the requirements of the Missouri fraud law. As a layman, and with apologies, I can only offer the observation that if these people have been paid and are being truthful, at least two of three actors did at various times reside and/or appear in New York (Gray 1973).
Despite the investigator’s concerns, Equity dispatched a picket line to the Palace. A month later, Swire reported to Grody, “…the theatre seems to be doing fairly good business. Carrothers tells me that the picket line did not seem to hurt them in the least. As a matter of fact, it is his opinion that it helped them (Kansas City sounds as if it might be like Fort Worth with its anti-union bias)” (1973).

Both cases highlight the definition of “professional.” While Equity had worked for years to promote a definition of a professional actor as an Equity actor, even its own employees questioned whether or not the definition would be legally valid.

7.3.6 The Pursuit of a National Theatre

In the early 1970s, Actors’ Equity, having already succeeded in the creation and expansion of theatre activity nationwide, began reexamining the possibility of the creation of a National Theatre. The concept of a National Theatre in the United States was certainly not new (not to be confused with The National Theatre, a theatrical venue located in Washington, D.C.). In fact, Congress had created one in 1935 with the American National Theatre and Academy (ANTA). However, ANTA was never a resounding success partly due to the government’s failure to appropriate funds. Nonetheless, the theatrical community had always envisioned the likes of a U.S. National Theatre modeled after the European tradition.
Thus, as commercial and regional theatres began to falter in the ability to sustain the employment of actors, Equity launched a National Theatre Committee. In Equity’s conception, the purpose of a National Theatre would be to provide employment opportunities for its membership. This notion is certainly the same concept that had driven Equity in its work in regional theatre development. Yet, as regional theatres had begun to diminish and opportunities in commercial theatres became more limited, Equity was forced to create another venture that would assist in alleviating unemployment.

By 1973, Equity’s committee began producing materials for industry distribution, promoting the concept of a contemporary National Theatre. In the primary document Equity disseminated, *Declaration of Intent Toward Establishment of a National Theatre of the United States*, the union stated, “The need for a National Theatre of the United States is unquestionable and undeniable” (1973). Thus, the document was not fashioned as a work to persuade or convince those who may not immediately understand the benefits of such a project. In fact, virtually the only argument Equity constructed as a means of persuasion was employment. There seemed to be an overarching belief from the committee, that a National Theatre would be generally embraced – certainly by the theatrical community and eventually by the larger public and political communities.

Furthermore, Equity’s original concept was specifically and openly modeled after the Federal Theatre Project of the 1930s. Equity’s purposeful and consistent referral to the FTP was an interesting choice considering the perpetual controversy that surrounded that
Project. Certainly, Actors’ Equity focused its discussion of the FTP around the development of superior theatrical work and employment for actors and theatrical artists. However, it would be more difficult for those in the policy and political arenas to only dredge those recollections of the FTP. To the very audience Equity had to convince to fund a National Theatre, the union chose to associate it with the most controversial theatrical endeavor of the twentieth century.

The committee, which consisted of both staff of Equity and external constituents, distributed the Declaration among the executive staff of Actors’ Equity. The feedback from AEA executives centered on two primary concerns. The first concern was that the document did not discuss how such a massive undertaking could be accomplished. There was no plan for organization or financing. The second concern centered on a specific statement within the document, “A National Theatre of the United States is not intended to supplant or compete with any Theatre presently extant – commercial or nonprofit – but to expand existing theatre” (original emphasis). In response, Williard Squire (who was serving as the Assistant Executive Secretary at the time prior to being promoted to Executive Secretary) wrote to in an inter-office memorandum:

This is beautifully sounding in theory but any such theatre would be bound to compete in some way with another theatre in the same area in which the National Theatre would play. I do not see how they could possibly implement their statement. When I developed the 40-theatre circuit plan in 1954, the strongest opposition came from commercial producers, especially the Theatre Guild subscription, claiming unfair competition.

Although Squire’s internal correspondence did not specifically mention it, the theatre circuit he refers to was not only opposed by commercial producers. The producers took
the issue to the National Labor Relations Board, in which a ruling was determined that sided with the producers. It stated, “The union cannot perform its statutory function as bargaining representatives if simultaneously it is an immediate business competitor of the particular employer it purports to represent.” Thus, this earlier ruling does present yet another item Equity needed to be aware of as it moved forward with the promotion of a National Theatre.

In the same year, the committee drafted a Proposed Bill to Establish National Theatre in the United States. The bill called the creation of a federal agency, the Office of National Theatre in the United States. This document, unlike the Declaration of Intent, did include a dual rationale for such a creation. The proposed bill suggested that the creation of this agency would allow for the American public to access live theatre at a reduced cost which would improve the “cultural and educational level of our nation…thus improving our image and standing in the world community.” The bill also included an employment argument, “It will stimulate the U.S. economy in general by providing jobs or remuneration for thousands, maybe millions…” The proposed economic impact of a National Theatre was certainly overstated. It is unclear whether or not the Proposed Bill was ever submitted to Congress.

By May 1974, the National Theatre Committee began publicly circulating its Declaration of Intent – notably with no alterations from the 1973 document. The committee sent it to other unions, influential individuals, and members of the press. By the end of the year,
Equity had garnered the support of several unions including AFTRA and SAG. AEA was also developing an all-star committee of AEA members to serve as public voices on the committee including Joanne Woodward, Uta Hagen, and Hume Cronyn.

Over the next couple of years, the momentum for the creation of a National Theatre, prompted by Equity, was picking up steam. By December 1976, Clive Barnes, the legendary New York Times theatre critic, was writing of the concept in his column, “The Critic’s Notebook.”

The United States does not have a national theater, and we can deny that obvious fact until we are red, white and blue in the face but we cannot remove its factuality. Of course, we can claim that our resident theater, across the country is a national theater, or that Joseph Papp’s multifarious organization service in such a capacity, but no it really won’t do. A national theater, in a realistic sense, must be a large organization existing in New York City, offering in repertory the masterpieces of the world in English and the best of English-speaking contemporary drama, preferably in premieres…it should have about 150 actors on permanent contract, and it should be independent of commercial worries, other than those of keeping its losses reasonable (75).

Barnes continued describing his view of a National Theatre. He ended his column by considering who should be responsible for the creation of such a theatre. He proposed that it should be Joseph Papp.

I will yield to no one my admiration for Mr. Papp. He is in almost every single way the best thing to ever happen to the American theatre. The best thing ever. He is a realist, a brilliant entrepreneur of other men’s dreams, and he had created a great theatre. But he has refused to accept his responsibility to create a national theatre…He is not giving the American people what they desperately need: A national theatre (75).
In response to the column, Papp wrote a considerable piece retorting Barnes’ suggestions. First, Papp attacked the proposed structure and probability of the institution: “When in God’s name has any theater been able to keep its losses reasonable?” (1976, 5). Papp proceeded in accessing the expected cost in running a theatre of the size Barnes suggested with 150 permanent actors. He arrived at a sum of $20 million “spent annually for one theater in one city of the United States.” But perhaps Papp’s primary point in his response is asking the question: Is a National Theatre necessary?

Here in the United States we have a strong and independent commercial theater, a vital, energetic and ever-growing Off Off Broadway movement, a great number of first rate regional theaters throughout the land producing work of high quality. Is it fitting that we impose on these nationwide independent theaters a monolithic superstructure that will absorb the greatest share of subsidy and inevitably not only discourage, but crush those aborning?

...We would be unwise to encourage the creation of a government creature that by its institutional nature must function conservatively, if not fearfully. In the United States we know the destructiveness of monopolies; we have laws against them. A national theater is a theater monopoly and like all monopolies of dominance and massive support, effectively destroys new movements in the theater, movements which flourish best in a wide-ranging competitive milieu.

...Now it the time for meaningful subsidy to all theaters, not one; the kind of real support that will make it possible for independent theaters to rise to national prominence in their own domains, under their own auspices and control, under their own leadership in their own communities, towns and cities, out of their own native soil (1975, 39).

Barnes and Papp represented the two distinct positions that had emerged in the theatrical industry. When Equity began dispersing its proposal for a National Theatre, the union seemed certain that the theatre community would embrace the concept. Thus, the disparaging of the concept by perhaps the most notable theatrical professional of the time,
Joseph Papp, was devastating to the cause. In fact, Papp’s public outcry against a National Theatre prompted other theatrical professionals to speak out against it as well, including the drama critic for *The Washington Post*, Richard L. Coe.

Meanwhile, Equity’s National Theatre Committee was busy developing extensive plans for a National Theatre. By 1977, the Committee’s recommendation had shifted from a single theatrical entity to a “system of national theatres throughout the United States serving millions of people and employing thousands of Equity members, as well as members of all other theatrical and allied unions” (Gordon 1977, 16). A formal proposal to Congress was devised by May 1978. The proposal recommended the establishment of a national theatre in the 60 largest cities in the country. Ohio, for instance, would have five National Theatres, located in Columbus, Cincinnati, Cleveland, Akron, and Toledo.

In Equity’s proposal, each of the 60 theatres would receive a minimum of 50 percent of its annual budget from a federal government subsidy supplied through an additional tax. Furthermore, the proposal suggested that each theatre operate on a rotating repertory basis, changing the programming nightly. This type of rotation is by far the most expensive means of producing theatre and many companies that had experimented with rotating repertory were forced to switch to single production runs due to cost. The Committee’s proposal estimated that the establishment of these 60 theatres would create “50,000 new and permanent jobs in all areas of theatre production and management.”
These regionally-based theatres would be headed by an agency based in Washington, D.C., the National Theater Administration (NTA). The proposal suggested that the Director of the NTA would be a Presidential appointee. The Director would supervise ten regional directors, a bookkeeping department, and a secretarial staff. Furthermore, the plan indicated that the artistic director of each theatre would be selected by each city’s Department of Cultural Affairs. Additionally, the NTA would also have a National Board of Directors which would be comprised of 18 union representatives from theatre unions and 10 public members.

Pointedly, the proposal stated that, “The Department of Cultural Affairs and the National Theater Administration may not interfere in any way with artistic decisions made by the Artistic Director of a national theater. Freedom of the theater should be considered to be guaranteed by the Constitution, under the First Amendment.” Of course, the National Endowment of the Arts cases in the 1980s and 1990s prove that this type of “freedom” and federal subsidy do not co-exist. While Equity certainly could not have seen into the future to predict this outcome, it is interesting that none of the Committee’s internal or external documents considered the artistic restrictions of the federally-funded Federal Theatre Project or its controversial demise.

Perhaps the most breathtaking aspect of Equity’s National Theatre Committee proposal was the estimated cost. The annual budget for the 60 theatres in the first four years was predicted to be $192 million – with $145 million being provided by government subsidy,
federal and state. The proposal assumed that costs would rise every four years and that the government subsidy would also increase. Thus, the government portion of the cost for the first four years was $580 million; for years five through eight, the subsidy would be $1.16 billion; and in the years nine through twelve, the cost to taxpayers would be $1.174 billion. These figures only included operational costs; they did not include the costs of building theatre venues or maintaining facilities. The budget resulted in taxpayers contributing $4.06 billion for twelve years of theatre in 60 cities, and patrons of the National Theatres would still have to buy tickets to see a production.

To provide some perspective, in 1978, the same year Equity devised this proposal, the National Endowment for the Arts was allocated an appropriation of $123.8 million. Over the following 12 year period, the NEA received $1.86 billion from Congress, less than half the proposed budget of the National Theatre system. Furthermore, the proposal’s promise of 50,000 new jobs for theatre professionals does not add up. The figure would imply that each of the 60 theatres would employ approximately 833 people. Moreover, even if the National Theatre system had no expenses other than paying its employees, in the first year, each of the 50,000 workers would receive a total of $3,840 (the average salary in the 1970s was $7,564). Finally, the structure of the National Board, responsible for policy decisions, was clearly union-centered which seems highly-unlikely in a time when the government was legislatively reducing the power and influence of organized labor.
While Equity was preparing to publicly introduce its expansive National Theatre plan in 1983, at least two other plans surfaced. One plan was presented by Roger Stevens who wanted to create a National Theatre at the Kennedy Center located in Washington D.C. Another plan came from an unlikely source, Joseph Papp. Actually, while Papp labeled his plan, “National Theatre on Broadway,” it was essentially a program that would subsidize current Broadway theatres with money from New York City, not the Federal government. Papp’s plan also called for theatrical unions to create special contracts for the Broadway theatres that would reduce costs for the producers in hopes of stimulating more theatrical activity.

Equity’s plan was by far the most expansive and expensive program of all the National Theatre plans that surfaced. However, none of the plans ever became a reality. The plans were provoked by the much publicized financial crises in the theatrical industry. Nonetheless, the timing of the introduction of the concept to the public was poor. Controversy was percolating regarding public funding for the arts. And none of the plans was particularly skillful in expressing why tax dollars should be utilized for such a venture other than the fact that theatre industry was in a dire financial situation. Thus, it is not much of a surprise that the plans received little support outside the theatrical community.

In the last decades of the twentieth century, Actors’ Equity had firmly established itself within all aspects of the theatrical industry. Systematically, the union worked for eighty
years to unionize virtually every avenue of theatrical activity in the United States. In fact, by 1980, Equity had successfully normalized the use of Equity actors and established the association between “Equity” and “professional.” Because of the union’s success, few monumental struggles occurred in the 1980s and 1990s between Actors’ Equity and producers in the theatrical industry. To be sure, there were contractual disputes, tense negotiations, and individual disagreements (e.g. Miss Saigon casting), but there were no strikes. Strikes were threatened; deadlines were missed; but, in the last two decades of the century, Equity actors never walked a picket line.

7.4 Contextual Analysis

7.4.1 Resource Availability, Control, and Use

Throughout the 1970s, 1980s, and 1990s, Actors’ Equity formed committees, issued press releases, and spoke fervently about the decline of the American theatre and the vast unemployment of actors. Yet, over the thirty year time period, available workweeks for Equity actors nearly doubled (Figure 7.3).
Figure 7.3 – *Actors’ Equity Member Workweeks, 1970-2000*\(^\text{10}\) (Actors’ Equity Association)

Employment for actors on Broadway fluctuated greatly during these three decades (Figure 7.4). There were three significant dips in employment where workweeks drop below 25,000. The first drop came during the economic stagflation of the early 1970s although workweeks on Broadway were climbing when the overall unemployment rate reached over 8 percent. The second slump was experienced in the mid-1980s during one of the country’s worst recessions and during the year of the musicians’ strike which

\(^{10}\) The Actors’ Equity data in this chapter excludes two seasons, 1977-78 and 1978-79, as no information on those years could be located.
cancelled nine productions for nearly a month. Similarly, the drop in the early 1990s corresponds with the economic uncertainty of the time and the high unemployment rates (although it was the time period when some of the most popular productions in Broadway history were open including *Cats, Les Misérables, The Phantom of the Opera*, and *Miss Saigon*).

**Figure 7.4 – Number of Broadway Workweeks, 1970-2000 (Actors’ Equity Association)**

Beginning with the 1984-1985 season, the League of American Theatres and Producers also began tracking data about its membership. Since the League’s statistics only consider its own membership, the numbers are not inclusive of every production on Broadway or the road. However, the figures do represent the majority of commercial theatre. The League data focuses on three areas: theatre weeks, annual gross, and
attendance. Prior to Actors’ Equity data collection that tracked workweeks, the only figures that were available were theatre weeks. Beginning in the mid-1980s, it becomes possible to compare both sets of statistics. This comparison (Figure 7.5) indicates that theatre weeks have a correlation with workweeks. This would be the expected relationship following the logic that the more productions that are open each week, the more work available for actors.

![Comparison of Broadway Theatre Weeks & Workweeks, 1984-2000](image)

**Figure 7.5** – *Comparison of Broadway Theatre Weeks & Workweeks, 1984-2000* (Actors’ Equity and the League of American Theatres and Producers)

Turning to commercial theatre on the road, like Broadway, workweeks experienced extreme highs and lows (Figure 7.6) during these three decades. Employment on the road was at its peak in the early 1980s and again in the mid-1990s.
While Broadway and the road showed similar trends, examining both reveals that the road experienced larger swings in available employment (Figure 7.7). The road experienced its lowest number of workweeks during the 1974-1975 season with only 17,802 compared to its peak seven years later in 1981-1982 with 43,913 workweeks. Meanwhile, Broadway’s low, in 1973-1974, was 22,776 workweeks, but its peak was not until 1997-1998 with 42,446 workweeks.
The comparison of Broadway workweeks to theatre weeks shows similar trends. However, the same comparison with road workweeks and theatre weeks shows disparities (Figure 7.8). Specifically examining the 1991-1995 period, between the 1991-1992 season and the 1993-1994 season, there is a 38 percent increase in workweeks and only a 6 percent increase in theatre weeks. Then, the following season there is an 18 percent decrease in workweeks, while there is only a .06 percent decrease in theatre weeks. Additionally, from the 1987-1988 season to the 1988-1989 season, there is an increase in workweeks with a simultaneous decrease in theatre weeks. This discrepancy indicates that theatre weeks may not necessarily be a reliable indicator of employment, which

Figure 7.7 – *Broadway and Road Workweeks, 1970-2000* (Actors’ Equity Association)
makes it more difficult to draw conclusions regarding employment in the years prior to
the tracking of workweeks.

![Comparison of Road Theatre Weeks & Workweeks, 1984-2000](image)

**Figure 7.8 – Comparison of Road Theatre Weeks & Workweeks, 1984-2000 (Actors’
Equity and the League of American Theatres and Producers)**

Shortly after the institution of the League of Resident Theatre (LORT) contract, Actors’
Equity also began tracking the number of weeks AEA members were employed in
resident or regional theatres (Figure 7.9). Equity members had the highest level of
employment during the 1988-89 season, with 62,397, which marked only one of three
seasons that resident theatre workweeks surpassed the 60,000 mark. While AEA tracked
the number of LORT workweeks, finding the number of theatres that operated under the
League of Resident Theatre contract has proven more difficult. During the time period, the figures could only be located for four years. These numbers are also plotted on the Figure below.

Figure 7.9 – Resident Theatre Workweeks, 1970-2000 (Actors’ Equity Association)

The data indicates that there was a significant rise in available employment during most of the 1970s and 1980s. However, the early 1990s brought a decrease in workweeks. This decrease could be tied to the economic conditions of the time and, perhaps, the controversies surrounding art and the National Endowment for the Arts.
While the figures for commercial theatre and LORT theatres are helpful in understanding the available resources for the employment of actors during the time period, they do not account for all employment. In addition to the theatrical venues discussed above, there were other venues, such as stock theatre, dinner theatre, Off Broadway, Off Off Broadway, Theatre for Young Audiences, developing theatre, and industrial shows. However, Equity does not provide individual figures for each category separately.

During the time period, the only other category that Equity released workweek data for was the Developing Theatres. This category did not appear until the 1979-80 season. A Developing Theatre, according the Equity definition, is a theatre that still needs time and flexibility to grow; therefore, the AEA contract features a broader range of pay scales based on the number of performances per week. Theatres operating under these contracts must be located outside of New York, Chicago, or Los Angeles and have fewer than 350 seats. The amount of workweeks coming from developing theatres increased substantially during this period (Figure 7.10). However, little is known about these theatres in order to provide generalized information. These companies, which can be commercial or nonprofit, work directly with Equity to come to terms on contracts; therefore, there is no professional association negotiating for these companies. However, the data indicates that by the 1990s, Developing Theatres accounted for 15-18 percent of all Equity workweeks.
Using the data from Actors’ Equity, it is possible to evaluate the availability of workweeks by contract type (Figure 7.11). The data indicates that “Other Contracts” provide the most employment for Equity members. This would include stock; dinner theatre; Theatre for Young Audiences; industrial shows; 99-seat theatres; special theatre contracts in Hollywood, San Francisco, Orlando, and Chicago; contracts for cruise ships and theme parks; and Off and Off Off Broadway. Some of these theatrical groups were represented by a professional association which would negotiate with Equity (e.g. Off Broadway, stock theatres). Nonetheless, most of these theatrical factions were small, and therefore, data regarding the member companies was not collected nor disseminated.
either by the professional association or Equity. Thus, virtually all that is known about these companies is in terms of combined workweeks and earnings.

Figure 7.11 also illustrates that for eight years in the 1980s and early 1990s, LORT theatres provided more employment for Equity members than Broadway and road shows. Furthermore, while Developing Theatres provided the least amount of employment for Equity members, their significance increased throughout the time period, and by the 1990s, Developing Theatres provided approximately 75 percent of the number of workweeks of LORT theatres.

Figure 7.11 – Equity Workweeks by Contract Type, 1979-2000 (Actors’ Equity Association)
However, if instead of workweeks, the comparison examines earnings, an entirely different picture of Equity employment is elucidated. Utilizing data regarding the actual earnings of Equity members signifies that most earnings come from Broadway and road contracts even though the contract type accounts for fewer workweeks (Figure 7.12). In fact, by the end of the century, the Broadway and Road contracts account for more in earnings than all of the other contracts combined.

![Figure 7.12 – Equity Member Earnings by Contract Type, 1979-2000](image)

Examining this data regarding employment during these decades confirms that Actors’ Equity has penetrated every area of the theatrical industry – indeed, virtually every area of live performance. (Equity even investigated gaining jurisdiction over wrestling and the
Thus, for the first time in the existence of the union, Actors’ Equity Association established itself as a true power in the theatrical industry. By the 1980s, Equity had successfully restructured the industry so that it revolved around the actors’ union. If a company wanted to do a live performance with actors, it contacted Equity. Thus, there were no strikes or work stoppages because they became unnecessary. The last theatrical producers to really revolt against Actors’ Equity were those of Off Broadway and Off Off Broadway – yet Equity was able to establish contracts there as well.

Equity was so successful because it redefined what it meant to be a theatrical union member – card-carrying members of Equity were professional actors. If an actor did not possess an Equity card he or she was an amateur. By the last decades of the century, Actors’ Equity had effectively convinced everyone from the Broadway producer, to the dinner theatre owner in New Mexico, to the United States Government, to the aspiring young actor in Miami, to the theatre-going public, that the only professional theatrical actors were Equity members. In doing so, Actors’ Equity came to control one of the industry’s primary resources. This control provided the union with the power and authority necessary to direct change.

While Actors’ Equity was largely successful in controlling and manipulating the industry in which it existed, the time period does reveal one monumental failure of the union – the National Theatre. Equity spent nearly 15 years planning for the implementation of a
National Theatre in the United States. Why, after so many years, did the plan fail so miserably? The answer seems to lie in the union’s lack of understanding of the larger social environment in which it existed at the time. To be sure, Equity was not the only organization or group to misinterpret the social context of the 1980s. Though Equity had come to understand and control the theatrical industry, it failed to comprehend the larger social environment – one of conservatism, one that rejected the notion of “big government,” and one that was suspicious of artists and artistic intention. Thus, the Equity plan and the other proposals for a National Theatre could not succeed.

7.4.2 Normalization

While the internal professionalization process of Actors’ Equity was largely completed in the 1950s and 1960s, the final decades of the century solidified the union as the standard for professionalism within the field. DiMaggio and Powell contend that the professionalization process is intended to create “a pool of almost interchangeable individuals who occupy similar positions across the range of organizations and possess a similarity of orientation and disposition…” (1983, 152). Actors’ Equity was interested in creating such “a pool” but the union’s focus did not lie so much on its own membership or individuals but rather on the industry. Herein, Actors’ Equity sought to create a pool of almost interchangeable organizations that were similar in orientation making them viable options for employment for its membership.

Equity was successful in creating these organizations across the theatrical industry due to Hypothesis B-1 (the greater the extent to which an organizational field is dependent on a
single source of support for vital resources, the higher the level of isomorphism); Hypothesis B-3 (the fewer the number of visible alternative organizational models in a field, the faster the rate of isomorphism in that field); and Hypothesis A-5 (the greater the reliance on academic credentials in choosing managerial and staff personnel, the greater the extent to which an organization will become like other organizations in its field).

Once Equity had established itself as the source for professional actors, the field was forced to conform to the union’s standards of operation. Similarly, as Equity was effectual in homogenizing large sections of the industry – Broadway, regional theatres, stock – operational alternatives diminished for the remaining theatrical factions. Thus, many of these companies no longer even attempted to organize professional associations in retaliation to Equity’s demands; they simply conformed. Operationally, the theatre companies began looking more and more similar due to the reliance on credentials – not academic credentials for staff as the original hypothesis states but on the credentials the union bestowed upon its membership. Thus, a theatre company could not employ professional actors unless it met specific operational standards, not only in terms of salary but also facility structure, hours of work, and employment expectations. Additionally, Equity’s influence became so dominant that these operational standards have also permeated theatrical institutions that do not utilize Equity members (e.g. no performances on Monday nights, dressing room requirements).
7.4.3 Goods Expansion and Actor Identity

By the 1970s, Actors’ Equity had, for the most part, clearly established the collective goods and incentives that it could provide to its membership – minimum salaries, a pension plan, safe and sanitary work conditions, and, of course, the most valuable good, the status of a professional actor. In the last decades of the century, Equity’s collective offerings did not particularly change. However, Equity did expand the availability of those collective goods. By increasing the number of theatre companies that worked under the confines of an Equity contract, AEA members would have greater access to the collective goods.

Indeed, Equity’s most significant predicament during this time frame was controlling its own membership in Off Off Broadway productions during the 1970s. The clash between Equity and its members serves as a reminder of the strong occupational identity of the membership as actors – not unionists. The membership’s rejection of the Off Off Broadway code in defiance of its union provides an indication that Equity has established itself with its own members as a professional association not necessarily as a union. To be sure, Equity historically promoted this position. It consistently spoke of itself and behaved, with its own members, more as a professional association than as a union. However, with producers, Equity functioned as a union. The strategy, which had been so successful at enticing actors to join Equity, backfired in this case because Equity relied on its membership to walk the union line, forgetting that its members first identified themselves as actors.
The birth of the twenty-first century brought political unrest, terror, and reality television. The century began in political crises when one Presidential candidate won the popular vote and the other won the Electoral College. However, the issue of “hanging chads” and statewide recounts was soon forgotten when a terrorist attack hit U.S. soil. On September 11, 2001, the United States was assailed via an elaborate airline hijacking plot by members of the al-Qaeda network. For years to come, Americans would be haunted by loss of loved ones and the terrifying images of the collapse of the World Trade Center.

The country was, at least for a time, united in its resilience to overcome this tragedy.

However, by 2003, discord resumed across the nation as citizens debated the United States invasion of Iraq. The following year, another contested Presidential election came and went. In 2005, the nation was stunned once again by tragedy – this time in New Orleans. The country watched awestruck as Louisianans shouted for help from the roofs of their flooded homes after Hurricane Katrina.

While the country suffered much misfortune in the first few years of the century, its citizens embraced entertainment as a coping mechanism. Americans soon learned to sing
along to the teenage contestants on *American Idol* and rooted for their favorite *Survivor* as they tried to navigate life on a tropical island. While the audience loved this revived form of television entertainment, the explosion in popularity of reality programming concerned actors. Professional performers were quickly being replaced by “real people” who came at a much cheaper price.

This final contextual chapter allows for the understanding of the contemporary labor and theatrical environments. It discusses the current concerns of organized labor as the nation solidifies its role in the knowledge economy as opposed to the manufacturing marketplace. Moreover, it highlights the contemporary conditions for theatrical actors and presents a picture of wages and benefits of the current Actors’ Equity member.

### 8.1 Organized Labor in the Twenty-First Century

The turn of the century did not bring good news for labor unions in the United States. Union density continued its downward trend (Figure 8.1). Union density in the entire workforce and in the public sector dropped a full percent in five years, and density in the private sector fell 1.2 percent. An examination of public sector employees indicates that local government actually has the highest density of union members with 41.9 percent. This is attributed to the highly unionized professions of teachers, police officers, and fire fighters. Nonetheless, there is an overall decline in density.
Figure 8.1 – Union Density, 2000-2005 (Compiled from the Bureau of Labor Statistics)

In addition to union density, union membership over the five years has declined (Figure 8.2). However, 2005 did see a one percent increase from 2004. Since 2003, union membership has remained below 16 million; not since 1952 has union membership in the United States been so low.
The continued decline in union membership has been attributed to several factors. There has been a decline in the once highly unionized manufacturing industries. In 1961, 51 percent of production employees were unionized; however, in 2005, only 13 percent held union cards. Contributing to this decline is the movement of manufacturing plants from generally pro-union states such as Michigan, Pennsylvania, and New York to right-to-work states in the South, where union membership has remained low (Mosca and Pressman 1995). Additionally, “According to Thomas Karier (1991), during the 1980s, much of the decrease in unionization stemmed from the disproportionate growth of non-
union employment. He believes that management’s opposition to representation elections, the downsizing of manufacturing operations with high union representation, the replacement of striking workers, and the subcontracting of previously unionized work all contributed to the declining unionization” (Mosca and Pressman 160).

In addition to the declining numbers, organized labor has faced internal fractures in the twenty-first century. In 2005, the AFL-CIO marked its 50th anniversary, but instead of celebrating, the federation was desperately attempting to retain its membership. Its efforts were unsuccessful. In July, the two largest unions in the AFL-CIO, the International Brotherhood of Teamsters and the Service Employees International Union (SEIU), announced their departure from the Federation. Shortly thereafter, a third union, the United Food and Commercial Workers also announced it was leaving. The exodus of these unions also resulted in a loss of nearly one-third of the AFL-CIO’s membership.

The unions left the AFL-CIO over a mounting disagreement over how to retain union strength and build membership. The president of the SEIU stated, “Our world has changed, our economy has changed, employers have changed; but the AFL-CIO is not willing to make fundamental changes as well” (Associated Press 2005). The three unions joined several others in forming a new group called the Change to Win Coalition. The new organization claims it will provide new alternatives for securing the union role in the twenty-first century. Furthermore, in February 2006, two more unions announced that they would leave the AFL-CIO. Two of the largest construction trade unions – with a
combined 1.1 million members – joined several other construction unions in the creation of the National Construction Alliance.

The current difficulties of labor have prompted Bennett and Taylor (2002) to ask a poignant question about the future of labor unions: Have labor unions been victims of their own political success? It certainly raises the question about whether workers actually need unions any longer to protect them in the workplace. Since the creation of the modern union in the United States, unions have steadfastly labored to ensure the protection of employees in the workplace. This protection has taken the form of internal negotiations and political advocacy. Yet, “the more success unions achieve in the legislative and regulatory arenas, the less future workers will have to gain, relative to their colleagues from the past, from joining a union” (Bennett & Taylor 245).

Lichtenstein agrees that the nation’s workforce has largely turned its back on unions in favor of governmental protection. However, he contends that there are problems with an absolute substitution of the union model for the governmental regulation. The first problem that arises is enforcement. Lichtenstein argues that the current regulatory and legal system is incapable of enforcing the inner workings of the millions of U.S. businesses. He also argues that employee rights suffer when the regulatory process is removed from those who are directly involved and handed over to the National Labor Relations Board or the court system.
Nonetheless, there are few who would argue that organized labor is not in trouble. In May of 2006, Forbes Magazine, in an article entitled “Jobs that will Disappear,” predicted that the twenty-first century will not need union organizers or union leaders. "The labor movement has not come to terms with the knowledge economy at all" (Clark 2006). The question that remains is, “What can be, or what should be, done to save labor unions?” Certainly, there are millions of unionists who strongly support the resurrection of union ideals. However, even union leaders disagree on how to revitalize organized labor.

Will the further erosion of unionism hurt Actors’ Equity Association?

8.2 Actors’ Equity and the Theatrical Industry

As the millennium dawned, the theatrical industry remained relatively stable. The exception was in the 2001-02 season when the horrific events of September 11, 2001 took their toll on theatrical industry – particularly in New York (Figure 8.3). However, in the seasons following 2001-02, workweeks for AEA members rebounded from the brief drop.
In the new century, LORT companies have dominated the employment opportunities for Equity members (Figure 8.4) offering nearly as many workweeks a year as Broadway and road combined. Developing theatre provided the second largest amount of workweeks, yet these companies provide the lowest wages.
In the last reported season, 2004-05, of the Equity members who had earnings, 50 percent of those wages were made in Broadway and road productions (Figure 8.5). Although LORT companies provided the most workweeks, contracts in these productions only accounted for 16 percent of total AEA member earnings. Similarly, Developing Theatre only resulted in seven percent of earnings; Stock and Dinner Theatre (which Equity does not provide workweek totals for) supplied 12 percent of the wages.

**Figure 8.4 – Equity Workweeks by Contract Type, 1999-2005**
Furthermore, examining the total membership in the 2004-05 season illuminates that only 46 percent of Equity members had earnings on an AEA contract (Figure 8.6). Of those 17,794 members only 8 percent (3,228) earned enough to sustain a living (over $25,000).

Figure 8.5 – Equity Member Earnings by Contract Type, 2004-05 Season
Does this imply that that 54 percent of the union are free-riders? While the figure certainly represents that 21,649 people can call themselves “professional actors” despite the fact that they did not work a single day as theatrical actors, it actually seems that Actors’ Equity needs them more than they need the union. In order for the union to retain control of the industry, it must retain control of the actors. If actors no longer need Equity to obtain employment in non-amateur theatre, Equity will lose its power over this critical resource which has allowed the union to maintain authority in the industry.

**Figure 8.6 – Equity Member Earnings by Dollar Range, 2004-05 Season**
Indeed, it appears that this may already be occurring. In the 2006-07 season, 40 percent of the national tours on the road are non-Equity including the blockbuster commercial successes *The Producers*, *Hairspray*, *Cats*, and *Rent*. This has been an escalating issue for Actors’ Equity since the turn of the century. The proliferation in non-union road tours has resulted in a loss of Equity workweeks on the road (Figure 8.7).

![Equity Road Workweeks, 1999-2005](image)

**Figure 8.7 – Equity Road Workweeks, 1999-2005**

In fact, in 2004, Equity almost called a Broadway and road strike due to the proliferation of non-union tours. During negotiations with the League of American Theatres and Producers, the League pushed for reduced salary rates and concessions from Equity for touring productions. The impetus of the demand was the knowledge that in an effort to
secure union contracts for a tour of *Evita*, Equity agreed to allow the non-League producers to pay substantially lower wages than it required of League producers. Thus, the League felt that it was being punished by the union for being a reliable Equity employer. A strike was avoided when the Equity and the League developed a new experimental touring code which allowed for tiered salaries based on gross box office receipts. (In the same contract, Equity also secured some minor profit sharing rights for actors on Broadway – a first for theatrical actors). The new League contract, which has been in place for two seasons, resulted in an increase in road theatre weeks and gross box office receipts the first season but these have dropped slightly since (Figure 8.8). Meanwhile, non-union road shows continue to tour successfully.

![Figure 8.8 – Road Gross and Theatre Weeks, 1999-2006](image-url)
But why are touring producers looking to mount non-union productions? Why is Actors’ Equity willing to capitulate to non-union producers by lowering wages? And why are actors willing to take these roles?

A synthesis of collective action theories indicates that the answers could lie in Equity’s collective goods offerings and the distribution of those goods. Under nearly every one of Actors’ Equity’s 40 different contract agreements, producers are required to contribute a percentage of the actor’s weekly salary to a pension fund. For example, a minimum salaried Equity performer on Broadway earns $1,465 a week; additionally, the producer must contribute $87.90, or 6 percent, toward the pension plan. Since the pension fund was created in 1961, it has grown to over $1 billion. In order for Equity members to qualify for these funds, they must have five years of continuous service with a permanent break; or under a new rule, they must work two weeks every year for ten consecutive years. Thus, only about 4,600 members qualify for the pension. In order to receive health benefits, AEA members must work for 12 weeks to qualify for six months of coverage. For each Equity member, producers on Broadway and the road contribute $190 per week toward the health plan; LORT companies pay $142; and developing theatres pay a median of $137.50. Additionally, during the 2000 contract negotiations for Broadway and the road, Equity secured an employer contribution of three percent into member 401(k) retirement plans.
Ultimately, between pension, health, and retirement contributions, producers pay 30-50 percent, in addition to the weekly minimum salary requirement, to employ an Equity member. Certainly, benefit costs are high for nearly all employers – typically resulting in a 21-30 percent cost above salary requirements. However, there is a notable difference between benefits for Equity actors and typical employer benefit payments: The majority of Equity members never get to collect on those benefits. Since unemployment and underemployment among the Equity membership is so high, few AEA members actually qualify for these benefits. Thus, these material benefits are not actually collective goods, which results in their diminished value for AEA members and potential AEA members.

The increased cost of material benefits for Equity producers has allowed non-union producers the ability to offer actors more in terms of salary while still maintaining an overall cost savings. In other words, some non-union producers are willing to offer actors a higher wage than the Equity minimum since they do not have to pay the additional material benefit expenses. Actors accept these higher wages knowing they come without the advantage of benefits. However, since even as an Equity member there is no guarantee of the material benefits, actors do not necessarily feel slighted by the arrangement.

Additionally, the non-union producers have been successful at booking the non-Equity productions into the very same venues as Equity producers. This has been possible because of three factors. First, the break up of the Shubert monopoly in the 1950s
required that the theatrical industry separate production and distribution. No longer could the Shubert Organization, or any other theatrical producer, only book its productions into its own theatrical venues across the nation. Second, since Equity agreed to sign contracts with producers in the 1920s that prohibited sympathy strikes, the theatrical unions do not necessarily support one another when it comes to the preservation of the union house. Therefore, it is possible for a non-Equity production to perform in a theatre that is engaged in other theatrical union contracts. Finally, non-union producers can frequently offer a better rate to theatrical venues for the run of their shows.

What about the more valuable solidary good of professionalism? Since the non-Equity productions are being booked into the very same venues as Equity productions, the definition of professionalism for an actor is now being blurred. Hundreds of non-Equity actors are recognized as professionals by producers, theatrical venues, and audiences nationwide. In fact, an audience member might sit in the same seat, in the same venue, watching an Equity cast one week and a non-Equity cast the next. Can the audience tell the difference? Equity hopes that the answer is “yes,” but often the answer is likely to be “no.”

Consequently, an actor now has a choice whether to join Equity, receive a union card, pay initiation costs and annual dues, earn a salary, be entitled to the status of a professional actor, and possibly earn some material benefits. Alternatively, an actor can not join Equity, not be required to pay fees or dues, not earn material benefits, earn a
comparable salary to Equity members, and still be entitled to the status of a professional actor – if he or she can obtain employment. Unfortunately for Actors’ Equity, there are quite a number of actors who are willing to choose the second path because in both scenarios the actor is now entitled to the status of a professional actor. Moreover, as has previously been established, actors embrace a strong occupational identity as an “actor” not a “unionist.” Therefore, actors will choose to function as actors before they are willing to function as unionists. Thus, Actors’ Equity is failing to retain its monopoly on the solidary good. Once a union loses its monopoly over a collective good, the good becomes available as a private good, at a cheaper cost to the individual than participating in collective action (Booth 1985). Therefore, what the future holds for Actors’ Equity Association as a powerful player in the theatrical industry might just depend on its ability to preserve its monopoly on the status “professional actor.”
 CHAPTER 9
REFLECTIONS AND CONSIDERATIONS

It is clear from this historical examination that Actors’ Equity Association, as an organization, has been instrumental in shaping the contemporary U.S. theatrical industry. Without Equity, we might not have the complex industrial structure which includes Broadway, touring, Off Broadway, Off Off Broadway, regional theatre, university and college theatre, summer stock, dinner theatre, and children’s theatre which, combined, employ thousands of actors each year. Actors’ Equity professionalized the actor and, subsequently, institutionalized an entire industry. Despite its considerable influence over this limited industry, questions arise about the fate of this labor union. This final chapter will summarize the key developments in Actors’ Equity’s maturity utilizing the conceptual framework as a guide over the last century, address the research questions presented in the first chapter, and pose considerations and questions about the union’s future.

9.1 The Quest for Authority

Actors’ Equity Association began as a derivative of failed actors’ association by actors who would not allow their vision to die. In an age when the United States was controlled by monopolies, actors fought to preserve the legitimate theatre and their profession from
the cartels of the Theatrical Syndicate and the Shuberts. These cartels controlled the resources of the industry and the actors. Notably, the reliance of theatrical field on the theatrical monopolies created interconnectedness. Theatres across the country were linked to the New York-based Syndicate and Shuberts. It was this interconnectedness which allowed for the institutionalization process of the theatrical industry to occur, a necessary step before isomorphism can transpire.

Emerging during the institutionalization process, Actors’ Equity became a key player in the subsequent structuration of the field. However, Equity first experienced isomorphic change of its own institution. Originally opposed to unionization, Actors’ Equity found that it had very little influence over the powerful businesses that controlled the theatrical market (Figure 9.1). In fact, actors were purposely marginalized and viewed by theatrical producers as being unreasonable and overpaid. Lee Shubert stated that, “no person who delivers as little as the actor is paid so much” (*Dramatic Mirror* 1913).
Despite the producer’s denouncements of the contribution of the actor, Actors’ Equity pressed on. Following in the footsteps of the American Federation of Musicians and the International Alliance of Stage Employees, Equity joined the American Federation of Labor in 1919 determined to become an instrumental faction in the legitimate theatre. However, Equity still struggled with the ability of offer collective goods to its membership or to exert power over the industry. It would take the Strike of 1919, the support of other theatrical unions, and the implementation of the Equity Shop before Equity became a true power player in the theatrical field (Figure 9.2).
Even after the establishment of an actors’ union in the theatrical industry, the field continued to be controlled by a monopoly, the Shuberts. However, in the 1920s, this concentration of power and authority created significant risk for the Shuberts who owned the majority of the theatrical venues. Equity’s threat to the Shubert Empire forced the monopoly to negotiate with the union when other producers refused. When the Shubert’s finally capitulated to the union, other producers soon followed. In this instance, resource dependence caused isomorphic change.

To be sure, Equity suffered its share of defeats in these early years including the unsuccessful closed shop efforts and the failure to unionize the film industry.
Nonetheless, Equity and other theatrical unions did experience a monumental success with the Federal Theatre Project. The decision of the Project’s director to primarily limit employment to union membership established credibility for the unions and provided an unprecedented endorsement of their work by the Federal Government. While the Federal Theatre Project was generally considered a controversial disappointment in terms of government programs, for theatrical unions, it established the foundation for future governmental support as well as encouraged isomorphism within the theatrical field by encouraging companies to hire Equity actors and adhere to the union’s regulations.

While noncommercial theatres had existed in the first half of the twentieth century, these companies became an integral part of the theatrical landscape in the 1950s and 1960s. These new companies offered the largest diversification of resources since the industry institutionalized. This meant that the field would no longer be reliant on a production and distribution monopoly like the Shuberts.

Recognizing the potential for employment in nonprofit theatres, Actors’ Equity took steps to encourage the development of these theatres throughout the nation. Moreover, the union also induced theatres, nonprofit and commercial, to become “Equity theatres.” Indeed, the union seemed to hit its stride mid-century by simultaneously utilizing union tactics such as strikes and picket lines and the professional association device of creating an organization whose membership card was synonymous with professionalism. This would be, by far, the most important collective good Actors’ Equity ever offered its
membership. Consequently, the industry shifted its reliance from a production and distribution monopoly to resource monopoly, Actors’ Equity Association. Thus, Equity came to concurrently control the industry and its actors (Figure 9.3). Furthermore, Equity spurred the development of additional professional associations throughout the industry as theatrical producers joined together to bargain with Equity. These professional associations, Equity’s influence of the field, and the financial resources provided by foundations and the NEA led to institutional isomorphism within the noncommercial theatrical sector.

Figure 9.3 – Theatrical Industry, late 1960s
After Equity’s successes in the 1950s and 1960s, the 1970s brought some disappointments. The union’s loss of control over its own membership during the battle for Off Off Broadway demonstrated the difficulties of attempting to be both a labor union and a professional association. While in some ways, unions and professional associations provide similar functions, there can be significant differences. In this case, Equity’s assessment of the action that should be conducted in order for the union to further its power and authority within the theatrical industry was counter to the opinion of its membership as to what would further their profession and their role as professionals within the same industry. Thus, the rift may have been indicative of a potential fracture in the structure of Actors’ Equity Association. Equity was attempting to present the image of two organizations – a labor union to producers and a professional association to actors.

Nonetheless, as the century came to a close, Actors’ Equity had a firm grip within the theatrical industry as the union had successfully normalized the use of Equity actors in varied theatrical venues. However, while employment opportunities had diversified, the majority of earnings for AEA members were still controlled by Broadway and road producers.

As the twenty-first century became a reality, breaks among Equity’s rank-and-file became an issue as actors were able to secure viable employment with non-Equity touring companies. Heading into the 2006-07 season, 40 percent of the Broadway road
tours will be non-Equity companies. Will Equity be able to continue to hold its resource monopoly in the theatrical industry? Or will Equity begin to suffer a similar decline as other labor unions have? These are questions that this research cannot answer.

Figure 9.4 – Theatrical Industry, 2006

9.2 Looking Back

When designing this study, the primary assumption was that Actors’ Equity Association had an impact on the development of the theatrical industry in the United States. However, the extent and significance of the union’s role in the field’s maturity was unknown. In an effort to assess Actors’ Equity’s role and the development of the theatrical industry within the confines of the organizational theories serving as a
framework, several questions were created to guide the research. The answers to most of these inquiries were complex with information spanning over numerous years, if not decades. However, a recapitulation of the principal findings is provided below.

What was the impetus for the creation of the union, Actors’ Equity Association? How does the concept of institutional isomorphism help explain the actors’ gravitation toward unionization at the turn of the twentieth century? Does the historical motivation differ from the contemporary motivation?

For years, actors had been attempting to create an association that would represent their interests within the theatrical field. In order to accomplish this, actors first attempted to form a professional association – even the early incarnation of Actors’ Equity was a professional association with a goal of preserving the legitimate theatre and advancing the profession of acting. However, Actors’ Equity, and the groups before it, found that producers would not take them seriously or live up to the agreements that the association would negotiate. Meanwhile, actors watched as their theatrical counterparts joined the rank-and-file by forming unions. Musicians and stagehands had successfully unionized and producers operated under their negotiated contracts. Thus, Actors’ Equity, which had remained outside of organized labor for six years, finally decided to unionize in order to be successful with the producers. This decision was largely influenced by the perception of the success of the musicians and the stagehands, which indicates that this was an instance of institutional isomorphism.
In its earliest years, Actors’ Equity had very little authority within the theatrical industry. But as the industry expanded and grew, in part due to the work of Equity, the union became more and more influential. By the end of the twentieth century, Actors’ Equity had established itself perhaps the most powerful institution in the theatrical industry. Thus, no longer was the union concerned with gaining authority, it was now focused on retaining control.

*How can the theory of institutional isomorphism be used to better understand the construct of the theatrical industry?*

Looking at the contemporary theatrical industry, the similarity of theatre companies is clear. But why have these artistic enterprises come to be homogeneous institutions? This uniformity can be explained by the theory of institutional isomorphism. As the theatrical industry expanded three practices encouraged homogeneity. First, theatres looked to other companies that were perceived as successful as a guide for how to structure their institution. Furthermore, this practice was encouraged by private foundations and the government through financial subsidies. Second, theatres came together to form professional associations. These professional associations were originally founded to negotiate with Actors’ Equity. A consequence of group negotiation was the growing similarity of the group. Finally, through negotiations with theatre companies (even those outside professional associations) Actors’ Equity demanded standardization in organization structure to create consistency for its membership.
Why do actors join Actors’ Equity Association particularly since collective action theory contends that is irrational for individuals to take part in group action? How important is the idea of professionalization to actors and Actors’ Equity Association? 

Actors’ Equity is an interesting case study of unionism because of the behavior of the membership. There are numerous instances where the membership is divided on its support of collective action or oppose Equity’s recommendations. Yet, despite these disparities, Equity’s membership grows. Actors’ Equity ultimately solidified its power as a union due to its ability to provide the solidary good of professionalization. If the union had not been able to secure this good, it might not have been so successful.

Has the changing perception of organized labor affected Actors’ Equity Association? Despite an increasing membership, is Actors’ Equity showing signs of distress as other private sector unions are?

Thus far, Equity has benefited from the highly unionized theatrical industry and the producers’ belief that Equity members are more talented than non-Equity members. However, there are signs of difficulties for Actors’ Equity. The propagation of non-Equity road shows is certainly troublesome for the union. While road shows only represent one segment of employment opportunities for Equity’s membership, the success of these non-union productions could be indicative of a larger forthcoming movement. The cost of utilizing Equity actors is high and the theatre industry has been on shaky economic ground. Thus, if producers in other theatrical arenas see non-Equity road shows as being successful, they may choose to model themselves after these new
companies (institutional isomorphism). Thus, more companies could abandon Equity and its membership.

*How might Actors’ Equity stave off irrelevance in the twenty-first century?*

In order for Actors’ Equity to remain viable in this anti-union environment, it will have to prove itself relevant to actors and theatres within the theatrical industry. Certainly, maintaining control of the solidary good of professionalism is one alternative. However, Equity may need to also investigate other alternative collective goods or a different organizational model. The only collective good Equity has been successfully able to offer to its entire membership is professionalism and now this good is also at risk. Equity’s other goods, including standard union offerings such as pension and health care, have been offered to such a limited number of its membership, they fail to be collective goods. Thus, Actors’ Equity may need to consider other goods that it could actually provide to its entire membership or how to restructure itself so that it can provide its current goods to the entire membership.

**9.3 Looking Forward**

There is no doubt that the role of American unions in the workplace has diminished over the last 50 years. It is clear that the function of unions of the past will not be the same in the future. Creative sector unions, which have exuded strength in the last few decades, will soon have to consider this new reality. Since creative sector unions are still viable unlike many other unions, these unions might have the opportunity to define what “new
unionism” in the United States should be. Yet, in order to do so, these unions must vigilantly understand to their contextual environment, learn from their past, and be insightful and courageous when planning the future.

For Actors’ Equity Association this will mean addressing questions about its past and present. Some of those questions should include:

- Does the vast unemployment create such a sense of desperation in the AEA members, that they becoming willing to defy their union in order to gain employment?
- Do the rising membership figures actually hurt Equity in terms of union solidarity but help sustain professional legitimacy?
- Do Equity demands place excessive pressure on theatre producers with little gain for AEA members?
- How can Equity be more adaptive to change in an age that embraces immediacy?

While Actors’ Equity faces many questions about its future, the union should be content with its past accomplishments. Over a century ago, a group of actors came together and dreamed of establishing, “a professional association which aims to assume such magnitude as to make membership in the association tantamount with membership in the profession” (Monthly Bulletin as quoted in McArthur). In this endeavor, they surely succeeded.
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