

(Photo: Shannon Finney)



Equity Receives Helen Hayes Tribute

Equity received the prestigious Helen Hayes Tribute, recognizing distinguished theatre professionals who exemplify great commitment to the professional theatre, at the Annual Helen Hayes Award presentation in Washington, DC on April 8, 2013. It was the first time in the Award's history that the tribute was presented to an organization. Equity President Nick Wyman and former Equity President Ellen Burstyn (above) jointly accepted the Award "on behalf of the 900 AEA actors and stage managers in the Greater Baltimore/Washington area, as well as 49,000 Equity members nationwide."

Credit Where Credit is Due

In the December 2012 center-fold article about Chorus, the Chorus was described as "the heartbeat of the American musical." This phrase was first coined by Jean-Paul Richard, Officer Emeritus and, at the time, Second Vice President, at the 2008 ACCA Award Ceremony. Over the years the phrase has often been used to describe the vital importance of the Chorus and is now part of the Equity lexicon.

What's Going On @ Equity Today

Equity's Bonding Policy And How it Works

The Equity bond is one of the Union's cornerstone provisions to protect its members. It has been in place in Equity's contracts for decades, and has been used on numerous occasions to rescue members from defaulting producers or theatres.

Almost all producers are required to post a bond with Equity. (There are a few exceptions, where producers "pre-pay" salaries and benefits, e.g. under the Guest Artist Agreement.) This bond ensures that if an employer defaults on his/her obligations to Equity, you will receive the minimum salary, pension and health credits guaranteed by the agreement (generally two weeks' contractual salary and benefits). *However, your guarantee is contingent upon the proper filing of your contract.*

If you are working under any Equity agreement, you *must* file a signed copy of your contract with Equity no later than first rehearsal. This helps the Union to enforce your contract, assuring that your production is properly bonded. Filing contracts in a timely manner takes on even greater significance since Equity has introduced electronic employment contracts, which may be released to producers via email after a bond is secured.

Here's how it works: The amount of bond is determined by whether or not you are employed by a "single unit" producer or a seasonal theatre.

Single Unit Productions
Only single unit productions are fully protected by a bond—the extent contracts have been

filed with Equity. A single unit production is one that is individually produced (whether by one or more producers) that is not part of a regular season of plays presented by a specific theatre. Production Contract, Cabaret, HAT, BAT, Off-Broadway and Mini-Contract shows are examples of single unit productions.

Seasonal Theatres

Seasonal theatres post a bond for the largest number of active contracts in a two-week period. Seasonal theatres include all Stock, LORT, Dinner Theatres, Letters of Agreement and Small Professional Theatres.

When Equity receives more contracts than are protected by the bond, the Union demands that additional bond monies be immediately posted (except in summer stock where the season is too limited and the run of the shows too short for this to be administratively possible). Should the producer fail to increase the bond, the member will have the option of canceling the contract without any further obligation to the employer. Therefore, filing your contract may make the difference in Equity's ability to obtain a bond increase that will protect your contractual guarantees.

If you are employed at a seasonal theatre that defaults, you may receive only the portion of the contract guarantee that is available in the bond. Equity can't make up any difference, but will pursue the defaulting employer legally in an effort to secure the full obligation due to the members.



Ten Years of Central Region "Spirit"

Gathered for the Black History Month presentation of the Central Region's tenth annual *Spirit, A Celebration of Diversity* on March 18, 2013 are (l to r): Central Regional Vice President Dev Kennedy; Central Region Board and EEOC Member Diane Dorsey; Central Regional Director Christine A. Provost; Kathryn V. Lamkey Award winners Sandy Shinner and Jamil Khoury; EEOC Member Julie Proudfoot; and CRB Member and EEOC Chair E. Faye Butler.

Palm Beach Theatre Donates to The Actors Fund

Managing Director Sue Ellen Beryl and Producing Artistic Director William Hayes of Palm Beach Dramaworks launched a month of fundraising activities in February in conjunction with their

production of *A Raisin in the Sun*. Cast members solicited donations for The Actors Fund after every performance, and \$18,000 was contributed by PBD subscribers and supporters of the production.



CRB to Fill Six Non-Councillor Seats

As per the By-Laws, the Central Region will be electing six non-Councillors—four Principals, one Chorus and one Stage Manager—for seats on the Central Regional Board for the 2013 election. Only members living in the Central Region are eligible to run and to vote for those positions.

All candidates must meet the same eligibility requirements as the Councillors in their category. The Nominating Committee that was seated for the Council election will also serve as the Nominating Committee for these CRB positions.

Thursday, June 13, 2013 at 3:00 pm (CDT) is the deadline for candidate submission to the Nominating Committee. The Committee reports to the CRB on July 1, 2013. Wednesday, July 10 at 3:00 pm (CDT) is the deadline for nomination by Independent Petition. All candidate statements and photos are to be in the Chicago office by 3:00 pm (CDT) on Monday, July 15, 2013.

Ballots will be mailed on Monday, August 5, 2013 and must be returned to the Chicago office by 2:30 pm (CDT) on Tuesday, September 3, 2013. Results will be tabulated on Wednesday, September 4 or Friday, September 6 and will be reported to the CRB on September 9, when the new Board members will be seated.

In accordance with the Equity By-Laws, if there are no independent nominations for these non-Councillor Central Regional Board seats, and therefore no contest, there shall be no balloting and those uncontested members chosen by the Nominating Committee will be deemed elected.

For a submission form, contact Central Regional Director Christine Provost in the Chicago office at cprovost@actorsequity.org or 312-641-0393, ext. 232.

For a full election calendar, visit the Equity website, www.actorsequity.org.

West Focuses on Global Black History

The Western Region Equal Employment Opportunity Committee's Black History Month presentation was a program entitled *Global Black History*, highlighting the contributions of Equity performers born in countries other than the U.S. Among the participants were Steven Simeon and the Urban Theatre West Dancers, shown here.



(Photo: Staś Kmieć)

Julia Swings to the Music of the "Duke"

The Eastern Region Equal Employment Opportunity Committee celebrated Black History Month by presenting Julia and the "Duke," a cabaret tribute to the musical genius of Duke Ellington performed by Julia Breenetta Simpson (above) at the Laurie Beechman Theatre on February 11, 2013. A reception followed the performance.

Att: Archivists

The volume number listed on the front page of the April 2013 issue of Equity News is incorrect. It should be Volume 98 (not 97 as shown).

Office Closing

All Equity offices will be closed on Monday, May 27, 2013 in observance of Memorial Day. In addition, all offices will close early on Friday, May 24. (Check with your local office for the early closing time.)



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ACTORS'
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1913-2013

EQUITYNEWS

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Telling Our Story

By Nick Wyman, President

We are story-tellers. We spend our lives — when we can — creating a narrative to enlighten, amuse, educate or simply entertain others. Sometimes they are big stories, with grand themes and universal relevance. Sometimes they are small stories that attempt to find resonance in a very particular tale.

Our life is also a story. Sometimes it seems like a romantic comedy, sometimes it seems like something out of Aeschylus. Sometimes we feel as if we are the authors of our own narrative; sometimes we are clearly at the mercy of some all-powerful whimsical Re-Write Man. We are not fully in control of our own story (otherwise why would those directors foolishly keep choosing someone else for the jobs we covet?) but we definitely impact the narrative arc. We have chosen to be actors and stage managers and that has set all sorts of plotlines into motion. I have no idea where your story is going just as I have no idea where my story is going (though I'm hoping for a Nobel Prize — and maybe some Nilla wafers.) I just encourage you to keep going, to keep trudging the Road of Theatre. I tell you that your story is appreciated, that not only are there happy audiences behind you, there are happy audiences ahead of you.

One reason to feel good about your story is the greater story that you are part of: the Story of Actors' Equity. The story of AEA is a fabulous one. It is a story of triumph, a story of the little guys outwitting the fat cats, of the seemingly powerless imposing their will on the powerful by means of banding together.

We have brought dignity, respect and professionalism to our trade. We have achieved decent wages and working conditions. We have made the Equity Card a badge of honor and achievement. Not content with making life better for professional actors and stage managers, AEA has brightened the lives of soldiers through the USO and the Stage Door Canteen. AEA has fought against such social injustices as racial segregation, the McCarthy-era black list, and marriage inequality. AEA has demonstrated its compassion and great heart with the spectacularly successful Equity Fights AIDS.

AEA's story is one we can all be proud of. Let us tell this story to the world. And let us keep telling this story. AEA's story is not over. We are merely at the act break (and who knows, maybe it's a Shakespearean five-acter.) Many plot threads are unresolved. It is an exciting time. I personally can't wait to see what happens next.

In this story of AEA we are the authors and audience as well as narrators. The rest of the story is not only not yet told, it is not yet written. Let us bring the improvisatory ability of an actor and the problem-solving skills of a stage manager dealing with an emergency to the challenges of dealing with an uncertain economy, rapidly evolving business models, and game-changing technology.

An outline of our future story of AEA has at least two hooks: organizing and communication. We will bring new work and new producers into the fold of professional unionism. In addition to organizing work, we will organize ourselves, bringing focus and commitment to our goals. To do this we will rely on communication.

Telling our story *is* communication, and a large part of our communication will be telling our story. We will tell our story to ourselves so we know our history, so we are clear on not only where we come from and where we are, but also where we plan to go. We will tell our story to our bargaining partners and to our potential bargaining partners so they know the value we bring to a production. We will tell our story to the general public so they know who we are, who we have been and what we go through to do our story-telling. And we will tell future Equity members: those hoping and praying right now to get that card, those youngsters dreaming of a future life onstage someday, and those yet unborn who will rise to take our place.

We will let them know about AEA. We will celebrate those who have brought us to this point. We will celebrate the AEA of today: we few, we band of 50,000 brothers and sisters. And we will celebrate the outline of our future and lay the groundwork for that yet-more-glorious narrative. We will do what we were born to do.

We will tell our story.

Springboard to the Future

By Mary McColl, Executive Director

In describing Actors' Equity Association, its talented membership and its incredible history I use one word — remarkable. Remarkable because this most improbable of unions — one that represents professional stage actors and stage managers — has been a leader in our industry and an agent of change in areas important to our members as well as the country for 100 years.

Equity's foremothers and forefathers built a foundation solid enough to withstand the test of time, and now we will use that foundation as a springboard into our next 100 years. It is the foundation we will stand upon to face the current challenges not only to our industry, but the challenges faced by all labor unions as their rights are systematically stripped away across the country.

We are often asked, "Why would an actor need a union?" Our members, like workers everywhere deserve a safe environment, fair pay, dignity and respect. Equity's mission is to ensure that Equity members are paid fairly for the work they do, and recognized for the contributions they make to the overall success of a production. It is the work done by Equity in the areas of contract negotiation and administration that answers that question.

There is no other medium like live performance. Equity works diligently to protect its core jurisdiction and to ensure the Union remains relevant amidst the challenges of the industry today. Live performance creates unique partnerships with our colleagues in other theatrical unions as well as producing and creative teams. These partnerships are what make a production successful. Early in my career, a producer told me that theatre only works when everyone shows up. When we all show up, and the audience joins us, the magic happens.

As we look to the future, the leadership of Equity has embarked on a long range planning strategy that will continue to build and strengthen the Union over the next decade and beyond. We are focusing on two areas of importance — communication and organizing. These two areas are synergistically intertwined and are areas that the membership has told us are important to them.

Organizing has two areas of concentration and we will be focusing on both. First, we will focus on internal organizing where we provide our members with more information about the importance of Union and enlist their advocacy and activism in service of their brothers and sisters in the Union.

We will also focus on external organizing, which creates new work opportunities through existing employers or identifies new areas of work that can be brought into the Equity tent. Organizing melds into communications. Through communications and organizing strategies, we provide employers and potential employers with an understanding of what it means to their productions to hire our members.

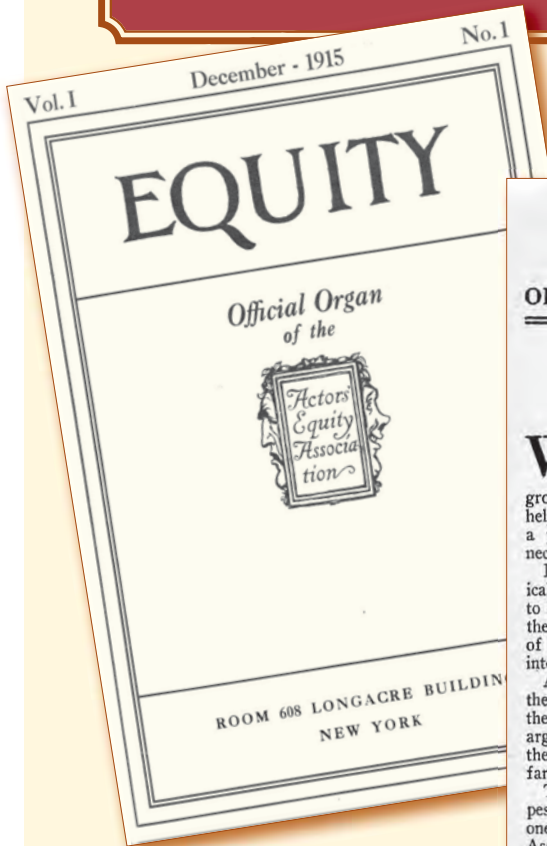
As we continue to develop our Communications Department, we will expand how we communicate internally with our members. We will have conversations, whether through membership meetings or focus groups, that help us to better understand what's important to the broadest membership. The information gained from this outreach will be used to create strategies that address negotiations, technological advancements, new media challenges, identify new job opportunities, and much more. We will work to be more nimble in our responsiveness and represent our members and the industry with a fierce advocacy.

Over the course of my career I have had the opportunity to stand in that sweet spot in the theatre, that place near the edge of the stage, where performer and audience meet. You know that spot of which I speak. It is a magical place. A new sweet spot for me is interacting with our members. For instance, when I stand on the stage at a Gypsy Robe® ceremony I feel a part of the community that gets built around a production.

On behalf of myself and the Equity staff from across the country I would like to say it's an honor and a privilege to be part of this remarkable Equity family. We have had a remarkable run so far, but it is nowhere near the end. Onward, into the future!

EQUITY

To celebrate Actors' Equity's 100 years, here's a look back at important stories from the Union's early history.



EQUITY

OFFICIAL ORGAN of the ACTORS' EQUITY ASSOCIATION

Our Dedicatory Address

BY THE PRESIDENT OF THE A. E. A.

WHY should the Actors' Equity rush into print—have a journal of its own? Because the Association has grown so strong numerically, grown so helpful and powerful professionally, that a publication of its own has become a necessity.

It is the surest, swiftest, most economical, and most effective way for the Equity to keep in touch with its members, to keep the members informed of the multiplicity of things that are being done daily in their interest.

An actor of standing is so perturbed by the prospect of the publication as to predict the disruption of the Association, for, it is argued, it was by the sin of publication that the other associations devoted to the welfare of actors fell.

This is far from being the utterance of pessimism. It is the natural fear felt by one who has knowledge and respect for the Association's deeds and accomplishments, and who would grieve to see the usefulness of the Association destroyed.

There need be little fear. The same conservative guidance that was with the Equity at its birth, and struggled on with it through its infancy, is still with it, encouraged by progress and fortified by experience.

There is no analogy between "other associations" and the Equity. Other associations in the actors' behalf have been socially or financially beneficial, or both. The Actors' Equity Association, strictly speaking, is neither. It does not give monetary aid or burial, as does the Actors' Fund, nor has it any social side whatever to it, as have the Lambs, The Players, Twelfth Night or the Dramatists' Club.

The Actors' Equity is a *business association*, established for the purpose of securing a "fifty-fifty," open-and-above-board contract as between actor and manager.

For the want of such an association to

uphold the rights of the actor, to insist upon them by argument and to protect them by competent legal representation, the actor has been retrograding alarmingly in business equity for the past quarter of a century.

There is a class of actors, happily diminishing, who do not object to this retrogression, because it seems temperamental, artistic, or Bohemian. What they never seem able to see is that it is really vain, selfish and stupid.

Though almost the last to adopt modern methods of organization to protect his interests, the actor is at last awake to his opportunity, and, it is confidently believed, will never again be weak enough to return to the antiquated manner of conducting his business affairs.

With rapidly increasing numbers, two thousand five hundred of him have organized and selected a body of their fellows upon whom they rely to express their wishes and to protect their interests.

Like all elective bodies, the Actors' Equity members have the power to change their officers at will, when it is found they do not adequately or satisfactorily represent the aims and wishes of the Association, or, in parliamentary terms, the body politic.

Nothing, therefore, can happen to the Actors' Equity Association except what its members permit, for they have it in their power to correct specify any act or action which may be contrary to their wishes.

Therefore, with increased confidence in the successful attainment of the objects for which our Association has been formed, and with congratulations for what has already been accomplished, we dedicate this initial number of "EQUITY" to the

ACTORS AND ACTRESSES OF AMERICA to whose interests our Association is devoted.

FRANCIS WILSON.

Our Seven Aims

- First—To secure transportation from New York and back to New York
- Second—To limit the period of free rehearsals
- Third—To re-establish the two weeks' notice clause
- Fourth—To protect an actor who shall have given more than a week's rehearsals from being discharged without pay
- Fifth—To prevent the increase of extra performances without compensation
- Sixth—To get full pay for all weeks played
- Seventh—To seek an adjustment with regard to the cost of women's dresses

The cover of the first-ever issue of *Equity*: December 1915; a dedicatory statement from President Francis Wilson and the seven aims of the new Union.

Acting as a Trade

(Courtesy of "The New Republic," Issue of April 22, 1916)

NOT long ago the Actors' Equity Association held a meeting simultaneously in five cities, including New York, and voted to submit at a general meeting in May a proposition to affiliate with the American Federation of Labor. The 800 actors present at the New York meeting passed the resolution without a dissenting vote. An actors' labor union! It sounds strange—almost as strange as a union of poets or portrait painters. The mere idea of it has long kept the actors from organizing. Though they are working under modern industrial conditions they have stubbornly refused to admit that they were members of a trade. "Are artists to place themselves on a level with hod-carriers?" they asked. And while they hugged their romantic pride, the managers gave them the short end of every contract.

It is important that actors have finally overcome their fear of the "hod-carrier"; no profession stands more in need of standardization and group-action than theirs. The actor, though normally on a weekly wage, has none of the security of the wage-earner. He shares in every liability of the business he is engaged in. He rehearses without pay for four to six weeks usually, sometimes eight to ten weeks. He usually provides his own costumes. He suffers an automatic cut in the position of the hod-carrier. He has in the year and is frequently obliged to accept a reduction whenever his play is "going slow." If his company ends its tour in San Francisco he pays his own fare back to New York. Whenever his play fails, his contract automatically becomes void. And even such contract as wage is a most unusual instrument. The manager holds the handle while he holds the blade. He must give two weeks' notice of his intention to leave, but he can be dismissed, if his employer chooses, on no notice at all. Even if he fulfills the conditions of his contract he can often be coerced to remain by means of an insidious blacklist in the hands of an unscrupulous man-

ager. If he believes himself injured he has no practical recourse. As the system works out, his contract is binding on one party and not on the other. The business of theatrical production as practiced is a risky speculation, and nearly every one of the risks is fastened to the actor's shoulders. Only one play out of seven produced in New York is a definite success, and two out of every three are definite failures. In other words, in two cases out of every three the actor works for eight to ten weeks in return for two or three weeks' salary, and then becomes a member of the unemployed begging for a job. As a result, he has been obliged to inflate his salary two or three times over. If chance throws him into a successful play he may become moderately rich; but again he may work season after season in failures.

There is little artistic dignity in such a gamble. It is as if your dentist were to say to you, "If you win at poker to-night you pay me a hundred dollars. If you lose, you pay me nothing." Or as if the portrait painter were to say, "My price is ten per cent. of the rise in your steel stocks between now and Tuesday." The effect of such an arrangement on the actor is hardly ennobling.

No doubt the manager will retort that the actor is, perhaps through no fault of his own, in a speculative business, and must distribute his risks as widely as possible. There are managers who have never done an actor out of a cent. Besides, actors are a vain and quarrelsome lot and sufficiently difficult as it is, without trying any union bullying. These personal recriminations may be left to Broadway. The real trouble lies deeper. It is all very well for a speculative business to distribute its risks, but the actor is not engaged as a member of the firm. He is hired as a highly skilled workman. This fact he has hitherto refused to see, to his own sorrow. In aesthetic he is beyond question an "artist," but in economics he is an artisan, a wage-earner, a member of a

Tribulations of Travelers

By PAUL N. TURNER

THIS article will be devoted to explaining some points which usually have to be considered by members of road companies, and regarding which there is a good deal of confusion.

We have numerous inquiries regarding the validity of receipts "in full" and releases "of all claims."

A familiar case is the following: A road company closes without notice. One of its members has a contract whereby he is entitled to one week's notice of closing.

When his last week's salary is paid to him, the company manager hands him a salary sheet which states that this payment is "in full of all demands," or contains a release, running in favor of the management, "of all claims."

The artist objects to signing it, and tells the company manager that his contract calls for a week's notice.

The manager says he has nothing to do with that, that he has been instructed to pay the salary and get the receipt or the release signed, and has no further instructions.

The artist needs his last week's salary to pay his current expenses, so he signs the receipt or the release.

Then when he returns to New York he wishes to know whether he can, in spite of the papers which he has signed, recover the one week's compensation which is unquestionably due him.

The Association has been very much interested in this question, and its Legal Department has been fortunate in securing two decisions, each of which, it is hoped, will be affirmed by the higher Court.

In each case, the circumstances were very similar to those just stated, and on both occasions the lower Court decided

that the release should be disregarded, and judgment was given in favor of the artist in spite of it.

The first of these cases was that of Mr. Walter Percival against Mr. Florenz Ziegfeld, Jr.

A dispute arose between them regarding the terms of a contract.

One of the points litigated was whether or not Mr. Ziegfeld was to pay certain railroad fares.

He did pay them for a time, but later deducted them from Mr. Percival's salary.

Later Mr. Percival signed receipts in full, but objected to the manager about the deductions, and was told by him to see Mr. Ziegfeld about the matter when the tour was over.

The Court below held that Mr. Percival was not bound by the receipts, that they were open to explanation, and gave him a judgment.

The second case was very recently reported in the daily papers.

Mr. Frank Sheridan brought suit against Mr. Harry H. Frazee and claimed Mr. Frazee owed him several weeks' salary.

It appeared that after this claim was made, Mr. Sheridan worked for Mr. Frazee in Mr. Sheridan's Law, and when this play the "Unwritten Law," at the request of Mr. Frazee, he signed, at the time when he received his last week's salary, the following:

"For a valuable consideration, we, the undersigned, hereby acknowledge the payment and discharge of all the payment and demands in full to date, claims and demands in full and of the same being a settlement in full and release of every kind and nature."

This paper was also signed by the other members of the company when they received their salaries.

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EQUITY

trade. His economic position cannot be secured until he realizes this fact and acts upon it. As an economic unit he is exactly in the position of the hod-carrier. He has at last recognized the fact as the hod-carrier recognized it some years ago.

The trouble has been that while the managers lived economically in the twentieth century, the actors were in the nineteenth. The customs and traditions of the actor's business are remnants of the conditions of thirty years ago. The free rehearsal clause, for instance, grew up in the days when it was understood that rehearsal carried with it a thirty weeks' engagement. With such traditions the actors to-day face a highly modern business organization.

The industry of theatrical production has undergone all the familiar developments—over-production, high competition, gentlemen's agreements, and now almost complete combination. Nearly all the "first-class" theatres in the country are controlled by two large firms. Though individual enterprise can spend its money freely, it cannot raise a curtain without the permission of one of these big organizations. And production itself is largely in the hands of a score of managers. These entrepreneurs are organized to meet the prevailing conditions. Two failures out of three productions do not disconcert them. They are capitalized to pool profits and losses, yet when they deal with their actors they take care to retain the old dogma—a left-over from the days when each play was a separate speculative venture. They operate from season to season. They hire their actors from week to week. There is no reason on earth why they could not engage their "artists" on yearly contracts, as they now engage a few stars.

These latter considerations, frankly, do not enter into the present movement toward unionization. The actors are concerned about "equitable" contracts. They are chiefly occupied with a hundred and one items of controversy which now go to the manager by default. Their Equity Association has had indifferent success. They now feel the need of a stronger club to wield.

We wish them all success, but we do not want to see them stop at railroad fares. The public has an interest in the success of

the proposed actors' union. It is a commonplace of economics that when a business is out of joint the public suffers—that there is a "third party" to every labor dispute—namely, the consumer. And the consumer, the theatregoer, suffers heavily in the present case. He must stand the cost of the enormously expensive method that prevails in the hiring of actors. He must support the actor during his weeks of job-hunting. He must in effect pay the actor's salary during the time given the manager in rehearsals. Most actors in New York to-day would gladly accept half their present salary if they could have iron-clad contracts for thirty-five weeks. Moreover, if actors were so hired that the risk were shifted wholly to the entrepreneur, the effect would be to decrease the wasteful overproduction which is now a deliberate policy among managers.

But the conditions of the profession will make a strong union difficult. Where there are sensitive people constantly striving for individual distinction, there will be constant danger of rivalry and factional fights. The actors must not lose sight of the fact that they are a "trade." On the part of the Federation of Labor, too, there is a special responsibility. There can be no question here of collective bargaining in the ordinary sense. There can be no attempt to apply the specific principles of other trades. What must be insisted on is a thorough standardization of contracts and working conditions. If the type of contract be uniform, the actor may be left to drive his own bargain without fear of cutting his neighbor's throat. A "strike," though a fantastic possibility, is not a weapon of the moment. The Federation must take conditions as they are. What the union needs for the immediate future is simply sufficient strength and solidarity to insist on a contract which works both ways.

No one will be the loser if this comes to pass, not even the manager. An actors' union is the one present hope of elevating the theatrical business. Through it the manager will benefit by a considerable increment of business stability. The public will get better returns for its money. And the actor will gain in dignity when his work becomes a profession instead of a gamble.

HIRAM KELLY MODERWELL.



Ruth La Grange is so eager to get to Equity Strike Headquarters and apply for membership that she brings her baby with her. (Reprinted from the *The Revolt of the Actors*.)

"Are artists to place themselves on a level with hod-carriers?" asks a magazine in 1916, commenting on the creation of an actors' union. The reprint was included in the May 1916 issue of *Equity*.

Mr. Frazee claimed that this not only was a receipt for the salary which was paid at the time, but a release of all claims that Mr. Sheridan had at that time.

Mr. Justice Van Sieten, sitting as a member of the Supreme Court of Queens County, rejected this claim, and virtually decided that the release did not amount to anything.

His opinion reads as follows:

Counsel for the plaintiff in his brief upon this motion requests an expression of opinion as to the validity of the alleged release, reference to which has been heretofore made, insisting that the question is of great interest and importance to the theatrical profession and contending that said release is void for want of consideration, and that it should have been excluded upon the trial. Said alleged release or salary receipt in full was not under seal, and therefore was open to attack, and may be ineffectual without proof of a consideration to support it (see Ryan vs. Ward, 49 N. Y., 204; Miller vs. Coates, 66 N. Y., 609; Gallo vs. the Mayor, 15 Hun, 61; Purdy vs. R. W. & O. R. R., 125 N. Y., 209; Redford vs. Holland Purchase Ins. Co., 56 N. Y., 354; Lord vs. Cronin, 154 N. Y., 172; Stiebel vs. Groatberg, 204, N. Y., 256; Code of Civ. Proc. sec. 569). Even the foregoing authorities it would seem that the alleged release or receipt in full standing alone furnished no defense, and disconnected from any other competent evidence should have been excluded.

While these cases tend to hold that when a receipt in full or a release not under seal are given at a time when only salary which is actually due is paid, they are not binding as to some other claim which may exist, the artist should, when asked to sign such papers, avoid doing so if possible, and if the company manager insists, then sign only upon the understanding with him that the claim which the artist wishes to reserve and which is not actually covered by the release, be taken up with the employer himself on the return of the artist to his place of engagement.

A reading of the important cases shows that theatrical managers are not the only ones who from time to time have tried to get releases without paying anything for them.

Years ago railroads were alert in getting the best of their employees in this matter. For instance, some years ago a man by the name of Purdy was in the employ of the R. W. & O. R. R., and after he had

been working for the company some time, his superintendent brought him a release to be signed, whereby he agreed not to hold the company liable in case of his being injured by the neglect of any of the employees of the railroad.

Some time afterward Purdy was injured, and when he brought suit the company set up this release as a defense, but the Court of Appeals said that as he was already employed when he gave the release, and as the company did not, to induce him to sign the release, give him any other or better employment or give him any special consideration for signing the release, it was void for want of consideration.

Likewise, the local firm A. A. Vantine & Co., having a dispute with a man by the name of Komp, who had dealings with it, paid him a sum of money admittedly due, and took a receipt which stated that this payment was full payment of the contract which Komp had with Vantine.

At this time, besides the money admittedly due, Komp had quite a large claim against Vantine.

Komp testified that at the time the receipt was given, the agent of Vantine agreed that if it could be shown that the balance that Komp claimed was due, it would be paid.

The question in the case was whether the receipt, being in writing, could be deemed to be modified by this oral agreement, and the Court said it could.

But, as stated above, notwithstanding these decisions, the way to avoid trouble is never to get into it.

Receipts in full and releases are always dangerous things, and while a way around them may be found, it is better that they never be signed.

Legally, a manager cannot demand or require any receipt at all; if the artist gives him one it is a voluntary act.

The following situation often arises:

A company is playing on the road and doing poor business. The contracts call for one week's or two weeks' closing.

The management, while the company is on tour, says to the company that unless they will take a reduction in salary, notice of closing will be given and the tour will be brought to an end.

Frequently members of the Association telegraph us to find out if an arrangement with the management for a cut, under these circumstances, is binding. It is.

Parties to a contract, who are over twenty-one (21) years of age, may modify it.

The management having reserved the right to terminate the engagement on notice, one week or two weeks, as the case may be, are within their rights in taking such action.

Having done this, they have an equal right to offer to the company a new engagement at a different rate of salary.

The members of the company may decline and be released from further employment, or they may accede to the new proposition and continue.

They have that opportunity of decision. Having decided, the new arrangement, if such be made, is binding upon both parties.

"Lost baggage" is the source of a great many just complaints.

The cause of the loss has usually a good deal to do with the speed of the railroad in making an adjustment.

If it arises through theft, then usually the matter goes to the Claim Department, to be wended its weary way through countless letters, exchanged between the railroad officials, to whom delay means advantage, and artists with constantly changing addresses.

If, however, the loss arises through a mere mistake of a baggageman or other lost property and thus minimizing possible claim for damage, the railroad often acts with reasonable celerity.

In either case, however, the wise thing for a member to do, immediately upon there being any serious delay or any loss, or night letter, reasonably full details; also, if possible, the name and address of railroad, passenger or baggage agent in charge of the division on which the loss occurred.

Every member should, before starting out on any tour, prepare an inventory of his baggage. It does not take long, and comes in very handy in case of loss.

In the absence of such an inventory, the member should, as soon as his baggage is not delivered as agreed, send by registered mail or deliver to the passenger or baggage agent of the road, a statement of contents; if there is any question as to whether the list be complete, a reservation may be made upon the statement to that effect. Two copies of this claim should be retained and one of these sent to the Association.

The Association will, immediately upon being notified, co-operate with its member, either to secure a prompt tracing of the baggage, or, if it is certain there has been a loss, in securing a prompt adjustment of the claim.

In making any claim, it is wise to remember just what constitutes baggage.

It has been defined as "such articles or articles of the necessity, convenience, comfort or recreation of the passenger may require him to take for his personal use, according to the habits or wants of the particular class to which he belongs, either with reference to the immediate necessities or the ultimate purpose of the journey."

Payment cannot be secured for the loss of anything but baggage. As to value, the purchase price and the amount of usage of the article should both be considered.

Nowadays, liability on the part of the railroad is strictly limited to the amount of value declared by the passenger. Therefore, there are very few cases where the amount of the recovery is likely to be anything near the amount of the actual value, unless such value has been declared and extra compensation paid.

It isn't so hard to live up to the principles of "equity" if you say "fair play" every time you try to think equitably.

Every member of the A. E. A. may consider himself a pioneer in a great cause. Justice is better than charity, and that's what A. E. A. stands for. Many who have come to scoff have stayed to pray. Progress is not always swift, but if it is sure it is all the better.

A tale of conditions on the road reprinted from the June 1916 issue of Equity.

Offering hospitality at Equity's Chicago office. (Reprinted from the September 1916 issue of Equity.)

The Chicago Office

Members who go to Chicago no less than those who reside there are expected to visit the A. E. A.'s office, 907 Schiller Building, whenever they can. Deputies who may be on the ground should do this as a matter of duty. Help us to make the place a centre of interest.

Taking Curtain Calls

OUR invitation for hints for the department to be called "The Suggestion Box" has brought an interesting letter from Lucile Watson-Fellows about the propriety of a player acknowledging applause on his first entrance.

We are printing Miss Watson's letter on the subject in full below. It opens up a pertinent field for discussion on a pertinent subject. Miss Watson disparages the growing custom on highly tenable grounds, and if we should penetrate more deeply into the psychology of the process it would probably be found that the players have had a good deal to do with fostering, instead of doing what they could to discourage it.

The late Richard Mansfield latterly insisted on acknowledging no calls until the close of the performance—if we may judge by observation rather than from close contact with the actor; and then only

after he had stripped himself of his "mask"—while, on the other hand, it is distinctly recalled that the Italian players headed by Novelli carried the custom to greater limits than any group of actors ever appearing in New York. They simply disregarded every rule of consistency by returning to the stage after every exit in order to bow their grateful thanks for the applause bestowed upon their efforts. This we think is the limit, but indicates the ultimate consequence of encouraging a habit that is steadily gaining in vogue. But let Miss Watson speak:

When I first joined the profession of acting, some thirteen years ago, it was considered distinctly "bad form" to acknowledge applause on one's entrance on the stage in character. The "stars" whom I had the honor to support never did it, and I have a distinct recollection of hearing it called

"cheap" and "a stock-company trick." I remember asking one famous actress before an opening what I should do when she came on, as I had to greet her with a speech of welcome before she spoke at all. She replied, "Keep right on talking." I did. I talked furiously and extemporaneously for nearly five minutes, and she kept shaking my hand, patting me on the back, and smiling into my face while the ovation which followed her entrance lasted. Never once did she act as if the audience existed. This behavior has always seemed to me to be the "correct thing." But of late years I have been alternately horrified and puzzled to see our best and finest players, when received with admiring hand-clapping, assume an expression of solemn humility, bow their heads reverently, and stand perfectly still until the applause died down. They then plunged with quite bewildering suddenness into their characterization. One beloved actor we all know always supports himself with one hand against some piece of furniture as if overwhelmed with gratitude. I never see him

do this but I say to myself, "Well, he accepts the nomination!" Now a doubt assails me that I may be all wrong. Surely, these notable ones must have a legitimate reason for their attitude, and I feel quite uncomfortable when some kind soul recognizes me and admits the fact by a hand-clap. I can't make myself bob my head as I see some others do, and I have a feeling that I must seem very ungracious and "old-timey" to ignore their recognition. I had four strenuous weeks once in a stock company as leading-woman, and I'm sure all the habits of that theatre loathed me because I couldn't assume an attitude of gratitude inconsistent with my characterization when they greeted my first entrance. What I would like to have done would have been to smile at them, kiss my hand to them, and say with Madame Trentoni in "Captain Jinks": "You're darlings, every one of you!" There really ought to be a recognized method of procedure, one way or the other, so that none of us will seem "cheap" or "ungracious."

LUCILE WATSON-FELLOWS.

When should an actor take a curtain call is the subject of a reprint from the October 1916 issue of Equity.

EQUITY

6

Edwin Booth Off Stage

OF THE multitudes who knew and acclaimed Booth the artist, few ever met the man and fewer still knew him. He had stage fright everywhere but on the stage. In fact, if he had not been practically born on the stage I doubt whether he would have ever faced even this publicity. He was abnormally shy, detested social gatherings, positively suffered under scrutiny, and the few who casually met him got the impression that he was uncommonly inept. This impression he never took the slightest pains to correct. So recently wrote Milton Royle, the playwright.

Mr. Royle began playing small parts in Booth companies when the great actor was fifty-three years old and in the zenith of his fame. That Booth was extraordinarily kind and forbearing is shown by some amusing stories of Royle's youthful blunders which ruined some of Booth's favorites. "Though one of fortune's favorites," says Royle, "he had in those fifty-three years already lived deeply and paid the price of greatness. Robbed of the birthright of childhood, at an age when most children were cared for, he became the guardian and caretaker of the erratic genius of his father; thus his life began in a shadow. His beautiful young wife died and left to his care a little motherless girl, and for seven months he made no attempt to resume his profession. At the height of his career, his brother assassinated Lincoln, and Booth left the stage, intending never to return. I believe he never again played in the city of Washington. Years before Henry Irving was hailed by all America as the master-producer of Shakespeare, Booth had done the same thing in his own beautiful theatre and the public, with cruel indifference, left him bankrupt, utterly ruined. His second marriage proved an unhappy one. This, in brief, was his life. It is not to be wondered at that melancholy was its prevailing characteristic note, and that he once said to me, 'I love those best who let me alone.' I am quite sure that what saved this sensitive soul from despair, suicide or madness was his delightful sense of humor, a saving grace quite unsuspected except for those who were privileged to see behind the veil."

"The artistic temperament," remarks Mr. Royle at another point, "usually allows itself nerves, and unpleasant exhibitions of irritability, bad temper and unreasoning pride. Booth was simple, gentle, kind and generous. On one occasion the young men of the company were singing glees in one corner of his special car with noisy and boisterous laughter. The manager asked Booth if he wanted it stopped. The latter was indignant at the suggestion. 'Let the boys alone,' he said. 'I'd join them if I had a better voice.'

"After the performance at night the members of the company used to gather around Booth in his private car and listen to him talk. He was an accomplished storyteller and always saw the humorous side of things. He smoked incessantly, changing from pipe to very strong cigars and back again to pipe. One of his stories was of his early experiences as a manager. It was in Honolulu, on his way back from Australia. Fifty dollars was the total of his capital. Booth was star, manager and bill poster all in one. The other members of the company were too proud to act in the humble capacity of bill-posting, and the native boys whom he employed, ate the paste. The latter, it seems, was made from some material very popular with the mon people as a breakfast food. One of Booth's partners, a white man, settled in the islands, became a chief and married a number of wives. Booth laughingly regretted that he had not been so happy and so fortunate.

"I have said that what saved this man from despair and ruin was his sense of humor," says Royle. "With a grimly whimsical fancy he had one of the bullets of the Chicago madman who attempted to assassinate him, mounted on gold and engraved: 'From Mark Grey to Edwin Booth, April 23d, 1879.'"

NEW USE FOR EQUITY CARD

The value of carrying your Equity card was exemplified the other day when an actor asked for the courtesy of the house to see a performance. The manager replied, "How do I know that you belong to the profession? Have you your Equity card with you?" He further said that this would be sufficient proof to him.

A portrait of Edwin Booth (brother of Presidential assassin John Wilkes Booth) reprinted from the October 1916 issue of *Equity*.

MAY, 1922

EQUITY SONG

(Published in full for the first time)

VERSE

All the world's a stage, actors all are we,
But now the call has come to all, to make us
Equity;
Brothers all are we, ever hand in hand,
In the fight for glorious right, victorious we
stand,
And many thousand hearts are strong
To sing as we march along—

CHORUS

All for one and one for all
And God be with us all
For in union there is strength,
Divided we must fall.
The actors are united now
At last the light they see
So, all for one and one for all
And all for Equity.

The value of carrying an Equity Card, reprinted from the June 1922 issue of *Equity*.



Ernest C. Joy and his two assistants in 1922 at *Equity's* first office in Los Angeles, located at 6412 Hollywood Boulevard.

Messages From Our Regional Vice Presidents

Why I'm Proud

**By Melissa Robinette,
Eastern Regional
Vice President**



When I was asked to write about a turning point in Equity's history – a time when I felt most

proud—many battles and accomplishments came to mind. Reading about our exciting history in Equity News, Council Minutes and *Performance of the*

Century has brought me to the conclusion that I am most excited and proud about where we stand *now*. Here's why:

In the Eastern Region, in just ten months, over 30 theatres/producers have become Equity or moved from Guest Artist/Special Appearance to full Equity contract. This means one thing: *more work*. This is a remarkable achievement given the financial challenges that many non-profit theatres are facing. Forty years ago, Equity had the wisdom and foresight to create a Developing

Theatres Department, which has nurtured hundreds of new theatre companies and created thousands of jobs.

In January, Equity received a direct charter from the AFL-CIO, giving us a stronger voice in the labor movement. In other public policy areas, I am most proud of Equity's support for Marriage Equality, which, hopefully, will be the law of the land in the near future.

In March, as part of the multi-million dollar renovation of the Equity Building, Equity opened a brand new, state-of-the-art

Audition Center. I was thrilled to attend my first EPA there! This is being done at *no cost* to the Union and is one of the most valuable resources that we provide for our members.

Regionally, our elected leadership and staff are traveling more than ever to get to know the Area Liaison cities. This provides us with a better understanding of our entire membership (not just those living in New York) and the specific needs, desires and challenges that each area faces on a daily basis.

In my conversations with actors and stage managers

across the region, two of the most common issues I hear are: we want *more work* and *better communications*. The great news is: we are on it. Working with our Executive Director, Mary McColl, Council is completing a long-term strategic planning process that is focusing resources specifically on those two important areas. I am delighted that Council's 2013-2014 budget has line items for organizing and communications that will transform these goals into reality, resulting in tangible benefits for our entire membership in the years ahead.

Looking Back; Planning for the Future

**By Dev Kennedy
Central Regional
Vice President**



The celebration of our founding allows us in the Central Region to pause and reflect on just

how far we have come in 100 years. Just imagine what the theatre scene in your community was like for an Equity member a century or even 50 years ago. It's doubtful

if very many actors or stage managers made much money working on a stage outside of New York City unless they were on a tour. Thankfully, the birth and growth of "regional theatre" in our country has changed that, and Equity was there every step of the way.

While there is certainly room for greater development in our business—and Equity is hard at work doing that—Equity members are able today to *live* and *work* in cities like Chicago, Cincinnati, Cleveland, Detroit, Kansas City, Louisville,

Milwaukee, Minneapolis, New Orleans and St. Louis, to name just the liaison cities in the Central Region. Members work and live in many other great communities besides these, a fact that was pretty unimaginable to our founders 100 years ago.

How many actors outside of New York City received health benefits in 1963? Or qualified for a pension? Or enjoyed being able to audition for Equity-covered work?

No one could have, or did, predict how theatre in America

would develop over Equity's lifetime, let alone the last 50 years. Change has been constant and will continue to be. It's always happening, right in front of us, whether we choose to see it or not. I hope the membership knows and will take heart in the attention focused on the future by your Council. This dedicated group of volunteers, actors and stage managers like you, are working very hard to stay with, and even ahead of, change within our industry.

We are making a sizable investment in real estate and information technology systems to help lower our cost of doing

business and to provide the tools necessary to compete in tomorrow's workplace. We are in the process of developing a formal "plan for the future," a first for Equity, focusing on organizing and communication. Details of this effort will be rolled out in the months to come.

We know from history, actors and stage managers working together can make miracles happen. I know we will continue to do so. Thank you to all the members who contribute in whatever way they do to Actors' Equity. Together, all across our great nation, we make Art a real part of our lives.

Go West Young Man — The Pioneering Spirit

**By Doug Carrae
Western Regional
Vice President**



Horace Greeley once said, "Go West young man" and a lot of actors and stage managers

over the years have done just that. Perhaps it's because in every member there's a little of that pioneer, up by the bootstraps, spirit. We want to create and will go wherever

there's an opportunity; and we'll create the opportunity where there isn't any.

In the very early years of our Union, Equity established an office in Los Angeles as actors began to move west seeking opportunities in the burgeoning movie business. At the turn of the 20th Century, theatre had consisted primarily of touring dramas and variety shows. But in the 1930s, with the large pool of theatre actors in town working in celluloid, Edwin Lester "invented" the Civic Light Opera and began sharing shows with

Homer Curran in San Francisco. At the same time, two pre-eminent Shakespeare companies, Oregon Shakespeare and the Old Globe, were established, demonstrating that theatre had a permanent place in the wild west, and they eventually became Equity employers.

A decade later, and in keeping with that pioneer spirit, some of our members recognized that actors needed opportunities to work on the stage. Finding none, they helped to create them, most notably La

Jolla Playhouse and Pasadena Playhouse. In the sixties, seventies and eighties, as actors began to put down roots in the cities (Houston, Dallas, Denver, Seattle, Phoenix, Las Vegas) where they had worked (and wanted to remain), a new dynamic began to emerge. These pioneers also wanted places to work and create. A whole new world of small regional theatres began to spring up.

Today, the Western Region of AEA is over 12,000-strong with a membership as vast and diverse as the region itself. From Honolulu to Boise and Houston

to Seattle, the drive to create still pushes us as it did one hundred years ago. Our members grace stages, large and small, entertaining audiences and inspiring the next generation of actors and stage managers, pioneers to pursue this most rewarding of careers.

Looking to our next hundred years, Equity's Council has embarked on the development of a long term strategy that will strengthen and focus the Union in areas that are important to the members. And, the tenacity and pioneer spirit which brought us from 1913 to 2013 will carry us on to 2113.

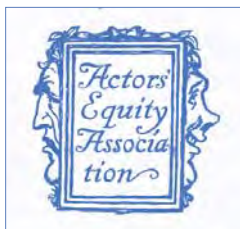
A Look Back@1913

January 9 – Richard Nixon, 37th President of the U.S., is born in Yorba Linda, CA.

February 2 – New York City's Grand Central Terminal opens.

February 3 – The 16th Amendment to the Constitution is ratified, creating a federal income tax.

March 3 – Women march 8,000-strong down Washington's Pennsylvania Avenue spearheading the movement for a Constitutional Amendment giving women the vote.



March 4 – President William Howard Taft, on his last day in office, creates the U.S. Department of Labor.

March 24 – The Palace Theatre opens at 1564

Broadway in New York City.

April 24 – New York's Woolworth Building, then the world's tallest building, opens.

May 1 – The Longacre Theatre opens at 220 West 48th Street in New York City.

May 26 – ACTORS' EQUITY ASSOCIATION IS FOUNDED. Composer/director/actor and producer George M. Cohan says: "I will drive an elevator for a living before I will do business with any actors' union." Later a sign will appear in Times Square reading: 'ELEVATOR OPERATOR WANTED. GEORGE M.

Did You Know...

Stage Managers have always been a part of Equity. In the early days, there was one standard Equity contract, with a blank space for your role (or job duty) and signature. Before stage work became so highly specialized, positions were more fluid. Actors worked as Stage Managers, and Stage Managers worked as Actors.

COHAN NEED NOT APPLY!"

July 14 – Gerald Ford, the 38th President of the U.S., is born in Omaha, NE.

October 16 – The Booth

Theatre opens at 222 West 45th Street in New York City.

October 31 – The Shubert Theatre opens at 225 West 44th Street in New York City.



CELEBRATE



100

YEARS