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Meeting Today in Equity-Off Broadway Dispute

By MEL GUSSEW

The yearlong conflict between Actors Equity and the American Playwrights, a battle that has seriously injured Off Broadway and is threatening its very existence as a nurturing ground for new theater, is being edged toward a resolution.

The rift began last year, when the actors' union added stringent provisions to its nonprofit theater code governing Off Broadway. Among other things, the new Off Broadway code was to be asked to bear a heavy financial burden for their productions. Equity acted to protect its actors, who often work for little or no money in Off Broadway ventures. According to the new Equity ruling, actors in such productions, those in minor as well as lead parts, must be offered their roles again should the play move to Broadway or Off Broadway. If not, they must be paid four or five weeks' salary. Should the new producer be unwilling to assume that financial burden, the reasonable fear was that the play would fail on the Off Broadway stage. The playwright must sign the Equity code to the effect that his play can be put on Off Broadway.

The remuneration applies not only to Broadway and Off Broadway productions but also to television or to the movies. In addition, the financial obligation still holds even if the Off Broadway venue is later converted to a theater, a move that is often made for operational reasons. This could mean that a play which might have been an Off Broadway success would have to be competed to pay more than he earned from a particular Off Broadway production.

Weller Files Suit

Detrimenting the controversy was an episode involving Michael Weller, who had successfully produced a new Off Broadway company presenting Michael Weller's "The Outing." The show, a romantic comedy about a man who is forced to live with his gay roommate, was a financial and artistic success, and in the normal course of events, the show was to have run extended or been moved to an Off Broadway theater. However, the show was closed down by Equity, or more accurately by the Weller company, before the production was over. Weller was cited for violating the Equity code. The Weller company then filed suit in Federal Court against Equity in October, charging the union with violations of the Sherman Antitrust Act and the National Labor Relations Act. It was joined in its suit by five other playwrights, David Mamet, Romulus Linney, Barbara S. Graham, John Olive and James Chadwick.

Sources of New Plays Diminished

Seven weeks ago, the Council of Equity made its first formal recognition of the suit. It decided to consider the suit "in the strongest manner.... at the bite-end," while at the same time taking action "in the interest of the best interests of the parties and the reasonable settlement." Although this seems like a hardline response, it was actually more in the nature of a campaign progress report. Sources within Equity indicate that the union will probably be making an attempt at a peaceful solution out of court. One hopeful sign is that William Swire, executive secretary of Equity, is considered to be far more conciliatory than his predecessor, Alford Gady. As a first step, lawyers for Equity and the Weller company are said to be scheduled to confer on Tuesday.

For the playwrights and the Off Broadway companies, a swift settlement is urgent. Because of the code, playwrights have been increasingly reluctant to have their plays produced Off Broadway. A showcase production could lead to so many financial obligations to actors as to make future presentations financially impractical. The Weller suit adds that this would also make "it virtually impossible to exploit the work for television or motion pictures." Many playwrights have taken a strong stand against Equity, preferring to keep work unproduced than to deal with the union.

One of the cold spots on the Off Broadway institutional theaters themselves. Because Equity's threat to actors, who often work for little or no money in Off Broadway ventures. According to the new Equity rule, actors in such productions, those in minor as well as lead parts, must be offered their roles again should the play move to Broadway or Off Broadway. If not, they must be paid four or five weeks' salary. Should the new producer be unwilling to assume that financial burden, the reasonable fear was that the play would fail on the Off Broadway stage. The playwright must sign the Equity code to the effect that his play can be put on Off Broadway.

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