
CASES AND COMMENTARIES

The Journal of Mass Media Ethics publishes case studies in which scholars and media professionals outline how they would address a particular ethical problem. Cases are drawn from actual experience in newsrooms, corporations, entertainment arenas, and other agencies. We invite readers to call our attention to current cases and issues. We also invite suggestions of names of people, both professionals and academicians, who might write commentaries.

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MIDNIGHT RIDER: THE TRAGIC ABSENCE OF AUTONOMY

Sarah Jones called her father the night before she died on location for the film *Midnight Rider*. Things did not quite seem right on the low-budget production. As second camera assistant, she was being asked questions about equipment for which others should have had the answers.

The film portraying the life of singer Gregg Allman included a dream sequence shot in Wayne County, Ga. Permission to film at a mill had been secured, but no one at CSX Railroad had granted rights to shoot on a nearby trestle bridge (Brett, 2014). A dream shot was to take place on the tracks. Actor William Hurt asked twice about safety but was reassured that no more trains were scheduled for the day. He then asked how long the crew would have to get off the bridge if train came by. He was told 60 seconds, and he argued that the time frame was nowhere near long enough. No one else expressed concern. The crew lifted a metal bedframe onto the track. The camera operators took their places, and Hurt's hairdresser stood nearby. That is when they either heard or saw the train coming at them at speeds up to 60 mph.

Jones was killed when as she tried to grab equipment, and the hair stylist was injured as she clung to the side of the bridge. The director, writer, and producer were all charged with involuntary manslaughter and criminal trespass.

Film production was put on hold. The production company Unclaimed Freight attempted to plan restarting the film in Los Angeles, but Hurt reported he would not continue in the starring role (McNary, 2014). Numerous Facebook pages appeared, including "I REFUSE to work on *Midnight Rider*! For Sarah!!" (2014). An online petition "A Pledge to Sarah" calls for all members of film crews to promise to speak up about safety concerns on movie sets in an effort to change the industry culture. More than 3,000 crew members from around the globe

have signed the pledge, including directors, photographers, producers, camera assistants, boom operators, and whole production companies.

Sarah Jones's parents said the outpouring of support and stories of the differences their daughter made in others' lives have overwhelmed them. They want the industry to make safety the first priority rather than a mitigating factor. Elizabeth Jones said, "I understand from people in the industry that safety is oftentimes compromised in order to steal a shot, and a dollar mark cannot be put on stealing a shot at the risk of someone's life" (Johnson, 2014).

The power issues are evident here. A small, young woman is told by her superiors to do something she believes might be dangerous. She does it because it is part of her job. She dies. It would be paternalistic to deny she had a role in her own demise. It also would be unrealistic to assume, had she spoken, she would not have been labeled "difficult."

One of the greatest dangers in any encounter is groupthink—a belief that comes to be accepted because it goes largely unchallenged. While Hurt did raise safety questions, those who were supposed to provide safety reassured him. No others saw it as their role to say no to the scene. Sissela Bok describes the dangers of this kind of groupthink in her work *Secrets* (1989). The more parties involved in a secret, the thinner the individual responsibility for the ethics becomes. Accountability then disappears into the ether. While all parties seemed to be aware of the potential danger in *Midnight Rider*, the responsibility seems to have been passed around and spread thinly enough to permit tragedy. Everybody assumed everyone else had done his or her job, and the greater goal of making of the film meant to move forward. Not surprisingly, the least powerful became the victims.

A culture appears to have been created not unlike ancient secret societies where, as Bok describes, members are denied autonomy and reduced to such a state that they may be manipulated into harming others. No one on the film set intended for Jones to be killed or for the train to appear when it did. Benign neglect, however, created the same result as if murder had been planned.

The best response to this tragedy is for deliberate changes to come to the filmmaking culture. The clear autonomy of all film workers needs to be reestablished, to encourage their voices so that they may protect not only their own lives but also the lives of those around them.

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THE TROUPER SYNDROME: A TRAIN WRECK WAITING TO HAPPEN

In show business lore, a “trouper” perseveres without complaint no matter how arduous or dangerous the circumstances. In the camaraderie-driven, show-must-go-on world of entertainment, the appellation is a high compliment. But that never-say-die ethos likely contributed to the death of 27-year-old camera assistant Sarah Jones on the set of *Midnight Rider*.

Jones, killed by a train while helping film a dangerous scene on a railroad trestle, was a classic trouper. A *Hollywood Reporter* (Johnson, 2014) story based on interviews with her family, friends, and colleagues after her death described her variously as “indefatigable,” with “a knack for following instructions and a can-do attitude that endeared her to nearly everyone,” and “huffing with lots of gear, always smiling, never complaining” (she earned the nickname “The Ant” for lugging around equipment far too heavy for her).

Like her colleagues, some of whom held an impromptu prayer meeting when they realized what was being asked of them (Johnson, 2014), Jones ventured out on a narrow trestle above the Altamaha River to help shoot a dream sequence despite concerns about safety. The others were lucky to survive. Seven were injured, including hairdresser Joyce Gilliard, whose arm was shattered by the train.

Had Jones not briefly paused to try to rescue gear as a CSX locomotive bore down at 60 miles per hour, she might have lived. And if she and the others had escaped safely, when shooting wrapped there might have been beers all around and Jones would have earned a war story to share with young people she would one day mentor.

The entrenched ethos of accepting and even embracing personal risk in the service of public performance, manifest in the death of Sarah Jones, raises ethical questions about what leaders owe subordinates, team members owe colleagues, and what individuals owe themselves—as well as what teachers, mentors and models owe young people who look to them to learn what it means to be a professional.

The trouper ethos does not sustain itself. It is perpetuated and maintained by supervisors, mentors, role models, colleagues, teachers, and even popular culture. It is the rare media memoir or biography that does not recount the dangerous deeds that allowed the protagonist to get the scoop or the shot: Edward R. Murrow’s rooftop broadcasts from London during the blitz; Margaret Bourke-White shimmying out onto the Chrysler Building’s polished gargoyles; Harold Lloyd dangling from the hands of a clock high above a city street in the aptly named “Safety Last!”

LEADERSHIP AND SUPERVISION

Trapped over the Altamaha River, Jones faced myriad pressures. She was a second assistant camera operator, the lowest-ranking member of the camera crew. Care of the camera gear was partly her responsibility. She did not want to let her crew mates or Director Randall Miller down. Even if the risky shot gave Jones pause, she understandably feared displeasing her supervisors. As a veteran cameraman nearly killed by a train during a shoot in the 1980s, when he was an up-and-comer, observed: “Everybody knows how powerless that position is” (Cohen & Johnson, 2014).

Safety regulations formulated after the ghastly decapitation deaths of movie veteran Vic Morrow and child actors Renee Shinn Chen and Myca Dinh while filming a helicopter scene for the *Twilight Zone* movie in 1982 could have protected Jones and her colleagues. Industry regulations place the first assistant director in charge of safety, but her prime objective is to help the director keep the production moving smoothly, clearly a conflict of interest (Cohen & Johnson, 2014). According to a colleague who worked with Jones previously: “Everybody realizes it could have really been them put in this situation. We’ve all put ourselves in compromising positions to fulfill someone’s vision” (Verrier, 2014).

Clearly First Assistant Director Hillary Schwartz and Location Manager Charlie Baxter were legally and morally obligated to make sure the company had permission to film on the trestle, and to cancel the shot when they discovered such permission had not been granted, as a lawsuit by Jones’s parents contends (Cohen, 2014). Miller, according to the suit, instructed subordinates to deceive the cast and crew by assuring them permission to shoot on the trestle had been granted and that no more trains were due to cross that day. (Baxter, Schwartz, executive producer Jay Sedrish, and cinematographer Mike Ozie are also defendants in the suit filed by Sarah Jones’s parents.) During testimony in another suit, Miller stated: “I did not know it was a live train trestle. That’s not my job” (Patten, 2014).

The cast and crew of *Midnight Rider* had good reason to be wary of Miller. A promotional video distributed by his production company boasted of his “guerrilla style” methods on the 2013 film *CBGB*, which included having a small child—a trouper in training?—roam in a field among cows. In the video, Miller asks, “I don’t think it’s dangerous at all to have a little kid running with cows, do you think? No. No” (Johnson, 2014).

In addition, experienced hands on the *Midnight Rider* crew had never seen a train shoot that was not preceded by a safety meeting or overseen by railroad employees. Also, a dangerous action setup at a remote location by custom should have had a medic on hand; *Midnight Rider* did not (Johnson, 2014).

LEADERSHIP AND ROLE MODELS

Role models should lead, especially when formal leadership is lax on a critical issue such as safety. As the trestle setup commenced, star William Hurt did raise questions about train traffic and complained the one-minute window to evacuate if a train appeared was insufficient. Eventually he acquiesced because “no one backed me up.”

As an established star on a low-budget production with a B-list director, Hurt would not have suffered career repercussions had he insisted on a delay until safety measures were instituted. His failure to do so seems more a testament to the power of the trouper ethos than an ethical lapse, but it sent a message to those with less status.

If an Oscar-winning star with 35 years of Hollywood experience was willing to take the risk, how could a 27-year-old assistant have the audacity to delay or halt the production? Unlike Hurt, low-status crew members like Gilliard and Jones would suffer long-term career harm by being labeled “difficult.” According to Oscar-winning cinematographer Haskell Wexler: “This is a sort of a poison pill in the entertainment business—if you can’t cut the mustard even if the mustard is detrimental to your health, safety, and family life, you don’t belong in the business and there are plenty of people who will take your job” (Yamato, 2014).

THE SHOW MUST GO ON

The trouper ethos articulated by Altamaha River survivors and film industry insiders is remarkably similar to that of members of another performance community who knowingly risk debilitating injury and even death to stay onstage—professional football players, many of whom admit they have remained in a game despite being seriously injured or have lied about concussion symptoms in order to be cleared to play. And for similar reasons: Reluctance to be called “soft” or let down team members, and fear of being benched, that is, losing their jobs.

Filmmaking, like football, is not for the faint of heart. The days are long, and location crews must deal with extreme weather, fickle light, and few amenities. Everyone involved is driven by economic pressure and professional pride to “get it done.” But when intense effort turns into unjustified risk, someone has to yell “Cut!”

Young people climbing the career ladder take cues from those higher on that ladder: bosses, colleagues, models, mentors, and teachers. All owe novices who seek to follow them not just their knowledge, but also their protection.

The death of Sarah Jones should be the catalyst not only for a review of safety rules but also for a deconstruction of the trouper ethos that caused supervisors to fail in their duties to subordinates, role models to (reluctantly) lead the way into danger, co-workers to fail to look out for each other, and individuals to trade their own safety for a dream sequence-turned nightmare high above the Altamaha River.

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ACCOUNTABILITY BEGINS AT HOME

On July 13, 2014, the director and producer of *Midnight Rider* turned themselves in to the Wayne County (Georgia) Sheriff's Department after being charged with involuntary manslaughter and criminal trespass in the February 20 death of 27-year-old camera assistant Sarah Elizabeth Jones (Bynum, 2014, May 12). Randall Miller, the director, and Jody Savin, the producer, are a married couple who own Unclaimed Freight Productions Inc., the production company that organized the shoot on train tracks in Doctortown, Georgia. Unit production manager and executive producer Jay Sedrish, also charged, had not yet turned himself in to police as of the writing of this commentary.

Jones's death sent shockwaves through nearby Savannah, home to a strong film community. As Georgia is a right-to-work state that offers numerous incentives, its various cities have long been attractive to filmmakers. Savannah has a starring role in many movies, including *Forrest Gump*, *Midnight in the Garden of Good and Evil*, *The Last Song*, *Forces of Nature*, *The Gingerbread Man*, and *Glory*.

In September, the 18-year director of the Savannah Film Office was canned after a flap involving the shooting of Paramount's *SpongeBob Squarepants 2*. Jay Self told Savannah NBC affiliate WSAV that he was ordered by his boss, Leisure Services Director Joe Shearouse, to push through film permits outside of the standard legal process (Gullberg, 2013).

Miller had already earned himself a reputation during the 2012 Savannah shoot for *CBGB*, which he directed (Yamato, 2014, April 8). According to *Deadline Hollywood*, Savin complained at a February 16 meeting for Savannah Women in Film and Television that Self kept showing up on the CBGB to make sure they were adhering to the city's policies and procedures. Savin reportedly said, "We make movies by our own rules" (Yamato, 2014, April 23).

Four days after the SWIFT meeting, Jones was dead and six others were injured after what all reports say was an unauthorized "preshoot" on the train trestle used by CSX Transportation. Rayonier Inc., which owns the land encompassing the trestle, had apparently granted permission to be on the property but not on the trestle. CSX had not granted permission for filming on the trestle (*Savannah Morning News*, 2014).

There is a theme here and the theme is cutting corners. The glaring ethical lapses in judgment in shooting in a dangerous location without proper permission resulted in death and injury, despite the fact that the Alliance of Motion Picture and Television Producers had recently issued a safety bulletin regarding guidelines for railroad safety (AMPTP, 2013).

It is not just Hollywood studios and production companies focusing on their profit/loss statements. The media and the public follow the money also. "Keeping track of the numbers . . . is where the discussion of films in the popular media begins and ends. Importance and significance are now just a matter of keeping score" (Lewis, 2013, p. 63).

This production featured a well-known subject—singer Gregg Allman—plus a high-profile actor—William Hurt, who was supposed to play Allman. Hurt was on the tracks during the preshoot and had voiced some concerns about the safety of the shoot (Verrier, 2014). He pulled out of the biopic in April.

Shockingly, Miller and Savin had planned to continue with shooting *Midnight Rider*, resuming production in Los Angeles in June (Verrier, 2014)—that is, until the grand jury indictments put their plans on hold. Miller, who was himself on the track with Jones, deflected blame, stating that it was not his job as director to secure necessary permits (Bynum, 2014, May 12).

For certain, Allman's is a good story—one Allman sued to get back from Miller (Bynum, 2014, July 15). The two settled out of court.

Jones's death should serve as a wake-up call to the Savannah community and to the film industry as a whole. If basic human decency does not do it, then the public relations fallout regarding the incident should at least give pause to leaders seeking profit (ironically) at all cost. Then there is the threat of lawsuits. In fact, Jones's family filed suit a wrongful death lawsuit in May. Her father, Richard Jones, told the *Savannah Morning News* that "there's a minority of people in the industry that are too much about the dollar, and unfortunately it takes slapping them upside the head with the dollar in order to get their attention" (Bynum, 2014, May 22).

It should be obvious, but lives should trump bottom lines every time. The buck should stop with the people in charge. It is indeed part of the job.

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RESPONSIBILITY THWARTED

Sixty seconds. That is how much time the 20-person crew of *Midnight Rider* had to escape from a train barreling at them while filming on a train-trestle in Georgia. You can do a lot of things in one minute, especially if your life depended on it. But when something goes wrong, it can be the fastest and slowest 60 seconds of your life. Unfortunately, it went very wrong on

that tight and narrow bridge—mistakes were made, shrapnel flew, seven people were injured, and Sarah Jones, a young camera assistant, was killed. What makes this tragedy worse is that it was completely preventable (National Council for Occupational Safety and Health, 2014).

Tragic deaths, illnesses, or injuries are not uncommon while a film is in production—accidents on set have been reported as far back as 1914 (GoldenSilents.com, 2004). Because of this, producers and insurers of films usually take extreme precautions to protect their investments. If an investment is not sound, insurers will not provide coverage and the movie will not be made. Recently, Harrison Ford broke his leg on the set of the new *Star Wars* film. He will be out for weeks because a door slammed into his leg. The insurance company has stepped in to cover the costs because it was an accident and all safety precautions had been taken. It is part of the industry and the process.

During a typical film production, a measure of steps are taken to ensure the safety of a crew—locations are scouted numerous times, safety procedures are explained to cast and crew repeatedly, and a distinct set of safety rules are followed. This keeps insurers happy and helps prevent accidents (Friendly, 2014). Additionally, the Director's Guild of America states that it is the responsibility of the first assistant director to “inspect the set daily for potential safety violations and report any such problems” (Masters & Handel, 2014). It is the responsibility of employers to provide a safe, nonhazardous workplace, regardless of location. Employees should be given proper safety training and have the tools and equipment to maintain the safety of the employees (Occupational Health & Safety Administration, 2010). These standards exist in order to protect the cast and crew from accident and injury.

This, however, was no accident. It was negligence, and appropriate safety precautions were not taken. From crew accounts, there were no medics on location, no railroad personnel supervising the tracks or watching for trains, or no safety meetings before the shoot (National Council for Occupational Safety and Health, 2014). The producers of the film acted negligibly when they put their crew on an active train track, did not get permission to be on the track, did not know the train schedules, did not have spotters to keep the crew safe, and did not prepare the crew for all the possible scenarios that might happen. In fact, when the producers placed a bed on the tracks to film the dream sequence, they made the situation worse by creating unsafe on-set working conditions. By doing so, they put everyone on that bridge in a life or death situation—one that they did not know how to safely escape from ahead of time.

An incident report from the Wayne County Sheriff's Office showed that trade operators had denied the producers permission to be on the track. When asked about whether the crew had permission to be on the tracks, Executive Producer Jay Sedrish replied, “That's complicated” (Dowd, Kelley, & Buckthorpe, 2014). If this is in fact true, the production company should have known the risks and dangers of this type of shot. This was not a group of college students doing something dangerous on a course assignment; this was a legitimate, professional organization that chose not to take preventative measures to fulfill its moral obligation to protect its employees. Crew reports indicate the filmmakers told the crew they were safe on that bridge, when, in fact, they were not (Johnson, 2014). The production company essentially lied and caused the death of Sarah Jones through its negligent actions.

People have been looking for someone to blame for this situation. Some blame the crew for not blowing the whistle on the unsafe practices on set. Others blame the producers of the film, who appear to have taken cost-cutting measures at the expense of their employees. The President of the Academy of American Cinematographers, Richard Crudo, blamed this death on the “larger loss of humanity in society” (McNary, 2014). It cannot be said what is happening

on other low-budget, independent films, but if the pressures of making a low investment, high return piece cause casual disregard for the value of human life, has Hollywood lost its way? If the producers of *Midnight Rider* were more concerned about schedules than safety, who is to say other safety regulations and violations are not happening elsewhere? Will there be more tragic stories like Sarah's?

We may never find out if this was just cutting corners to cutting costs or if it was something else. Perhaps they were trying to get the best shot and the best angle to make the best film they could. But in the process, they lost their moral way and lost the life of Sarah Jones. Perhaps the producers saw the crew as means to an end and lost sight of their value as human beings. Perhaps, this time, the producer's artistic ambition got ahead of the safety of and responsibility to the crew. Perhaps the loyalty of the crew made them forget to question the honesty of the producer.

The Georgia Bureau of Investigation, the Occupational Health & Safety Administration, and the National Transportation Board all have investigations into this death under way. It will be interesting to see what new information will come to light as this story unfolds. We will probably never know all the details of this story, but what we do know is clear: the producers of *Midnight Rider* had a responsibility to the people who worked on this film. They were negligent in that responsibility, and the death of Sarah Jones stemmed directly from those actions. If anything, this incident can serve as a precursor for more safety regulations in the film industry, particularly for low-budget and independent films like this. Millions of dollars are probably now lost from this movie no longer being made, but that is nothing compared to the loss of life.

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