

Woody Allen sues Amazon for failing to distribute his latest film and other breaches of contract

By David Walsh
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Lawyers for veteran filmmaker Woody Allen, 83, filed a suit Thursday in US District Court, Southern District of New York, against Amazon Studios for failing to distribute his already completed film, *A Rainy Day in New York*, and breaking a four-film agreement. The filing seeks \$68 million in damages.

Amazon's refusal to distribute Allen's film and honor its contract with him is a brazen act of censorship that is the direct product of the #MeToo witch hunt. If anything, this is a stepping up of the repressive campaign that has already led to the destruction of dozens of careers, the excision of actor Kevin Spacey from Ridley Scott's *All the Money in the World* and the suppression of Louis C. K.'s film, *I Love You, Daddy*.

Allen is a major figure in global filmmaking. It is perfectly legitimate for the lawsuit to argue that the writer-director "is one of the most critically acclaimed, iconic, and successful filmmakers in the history of motion pictures. Mr. Allen has made more than 50 films, earning honors and accolades around the world and generating substantial international box office receipts. Mr. Allen's combination of critical and commercial success as a writer and director for over five decades is unparalleled in the film industry." Allen now faces, for all intents and purposes, blacklisting, and a concerted attempt to drive him out of the film business.

In fact, thanks to Amazon's actions, 2018 was the first year since 1981 in which an Allen-directed film did not appear and only the third such year since 1971. It is appalling, and there is no outcry in the media whatsoever. Allen is simply being treated contemptuously as one of those "high-profile men" who deserve their collective fate.

To whatever extent possible, the reactionary #MeToo campaign is seeking to determine what and who the public will see. In an atmosphere redolent of the McCarthyite period, those merely accused of sexual misconduct have been stigmatized and their artistic efforts stifled.

As we noted last January, writing about Allen's difficulties at the time, the sexual abuse campaign "has literally nothing to do, despite the claims of its pseudo-left defenders, with 'workplace safety' or the conditions of working class women. This is a movement of the selfish and affluent, for the selfish

and affluent," which "further undermines democratic rights and due process. The identity politics mafia has attempted to create a reign of terror in Hollywood, the media and on college campuses in particular. Any disagreement is greeted with abuse and efforts to destroy the reputation and career of the critic."

Allen has been the target of unsubstantiated accusations by Dylan Farrow, his adopted daughter, that he molested her in 1992. The filmmaker resolutely denies the charges, which investigations by the New York Department of Social Services and a team from the Yale-New Haven Hospital Child Sexual Abuse Clinic, ordered by the Connecticut State Police, found to have no credible basis. The latter probe specifically concluded that "Dylan was not abused by Mr. Allen" and that her statements had a "rehearsed quality." It argued that either Dylan Farrow's statements "were made by an emotionally disturbed child and then became fixed in her mind" or that "she was coached or influenced by her mother [Allen's embittered former partner, Mia Farrow]."

Moses Farrow, another adopted child, who was present at the location the day of the alleged abuse, argues that no such incident occurred and *could not possibly have occurred* given the specific conditions prevailing in the household and its logistics. He alleges instead that Mia Farrow was guilty of pervasive physical and psychological abuse against himself and his siblings. He insists that "the fatal dysfunction within my childhood home had nothing to do with Woody. It began long before he entered the picture and came straight from a deep and persistent darkness within the Farrow family."

Amazon entered into a relationship with Allen in 2016, when it distributed his *Café Society* and later, his subsequent film, *Wonder Wheel* (2017). Amazon also produced his television mini-series, *Crisis in Six Scenes* (2016).

"Seeking to capitalize on Mr. Allen's international stature, talent, and track record," the lawsuit asserts, "Amazon—a technology giant but Hollywood novice—sought to develop its nascent entertainment studio by entering into a series of deals with Mr. Allen and his company, Gravier, promising to finance and distribute his future films and to be his 'home' for the rest of his career."

However, the eruption of the sexual harassment campaign, initiated by denunciations of producer Harvey Weinstein in the *New York Times* and the *New Yorker* magazine—by Allen’s son, Ronan Farrow—in October 2017, followed by Dylan Farrow’s renewed accusations promoted by the *Times* and the rest of the media, dramatically cooled Amazon’s ardor for a relationship with the writer-director.

In its current article on the Allen-Amazon affair, the *Times* writes that as “the #MeToo movement began placing a spotlight on the behavior of powerful men in Hollywood, the longstanding accusations [by Dylan Farrow] received new life.” This is all too modest. The *Times* did its level best to incite hostility against Allen and provided arguments for his exclusion—for example, in its filthy January 28, 2018, article, “Can Woody Allen Work in Hollywood Again?” The piece provocatively began, “Hollywood says it’s done with Harvey Weinstein, James Toback, Kevin Spacey and other figures ousted for misconduct through the #MeToo movement. But what about Woody Allen?” (The article also included this sentence, ominous in light of future developments: “An Amazon spokesman declined to comment on ‘Rainy Day’ beyond a terse statement: ‘We have not announced a release date for this film.’”)

In December 2017, according to Allen’s lawyers, Amazon studio executives had met with the filmmaker and his company to discuss “the negative publicity and reputational harm Amazon Studios had received because of allegations made against its former President, Mr. [Roy] Price, and its association with Harvey Weinstein and The Weinstein Company.” One month later, Amazon officials still confirmed to Allen that the company “would release *A Rainy Day in New York* consistent with Amazon Content’s contractual obligation to do so ... but requested that Mr. Allen and Gravier agree to ‘push back’ the scheduled date for the release of the film to 2019.”

The film—shot in New York in September and October 2017—was still in post-production at the time and Allen and his company agreed to the delay. They then “completed the film, and continued to take steps to prepare for its release.” Allen also began planning the three other films he had agreed to write and direct for Amazon under the agreement they had.

On June 19, 2018, however, Amazon sent an email terminating the contract, without providing “any legal or factual basis.” In response to various requests for an explanation, according to the suit, Amazon’s counsel “merely made the vague statement” that Amazon’s fulfillment of the agreement had become “impracticable” because of “supervening events, including renewed allegations against Mr. Allen, his own controversial comments, and the increasing refusal of top talent to work with or be associated with him in any way.”

“Although Mr. Allen and Gravier’s counsel requested that Defendants [Amazon] (i) explain what they meant by ‘renewed

allegations’ and Mr. Allen’s ‘controversial comments,’ (ii) identify the ‘top talent’ to whom they referred, and (iii) state what term of the MAA [Multipicture Acquisition Agreement] purportedly gave Amazon Content the right to terminate, Defendants did not respond.”

The “controversial comments” presumably refer to an interview Allen gave the BBC in October 2017 during which he observed that the “whole Harvey Weinstein thing is very sad for everybody involved ... Tragic for the poor women that were involved, sad for Harvey that his life is so messed up.” He added, “You also don’t want it to lead to a witch hunt atmosphere, a Salem atmosphere, where every guy in an office who winks at a woman is suddenly having to call a lawyer to defend himself. That’s not right either.” It has become “controversial” to call attention to elementary legal and democratic rights.

The lawsuit argues that “Amazon has tried to excuse its action by referencing a 25-year old, baseless allegation against Mr. Allen, but that allegation was already well known to Amazon (and the public) before Amazon entered into four separate deals with Mr. Allen—and, in any event it does not provide a basis for Amazon to terminate the contract.”

None of this gives the #MeToo zealots pause for thought. This recent comment in *Vogue* is typical of the utter disregard for democratic rights that has infected the American media: “In the wake of Me Too, several high-profile men in Hollywood are finally seeing the consequences of their alleged sexual misconduct. (For many this has meant a quiet retreat to lick their wounds at their seaside manses, clueless as to how to contribute to society in a meaningful way if they are not on the Hollywood A-list.) Allen evidently does not believe he should be one of them. His defensive stance is a definitive mood: ‘Never say die.’”

Allen has not been charged, much less convicted of any wrongdoing. Why should one be obliged to “see the consequences” of “alleged,” entirely unproven and perhaps invented “sexual misconduct”?

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