LIVE from the NYPL & *Wired*

present

Lawrence Lessig, Shepard Fairey, and Steven Johnson

Remix: Making Art and Commerce Thrive in the Hybrid Economy

February 26, 2009

Celeste Bartos Forum

LIVE from the New York Public Library

www.nypl.org/live

PAUL HOLDENGRÄBER: Welcome to our spring season LIVE from the New York Public Library opening night. My name is Paul Holdengräber. I am the Director of Public Programs at the New York Public Library. I could think of no better way of opening this season than with the evening you're about to experience. Remix: Making Art and Commerce Thrive in the Hybrid Economy. It's hip, it's cool, it's provocative. It's another

evening copresented and cosponsored with *Wired* magazine. We've had fun with *Wired*, especially with Melanie Cornwell, who I love, who has been the originator **(applause)** yes, for Melanie!—who has been the originator of much of this mischief. Thank you so much, Melanie. Be it back in my blessed days in Los Angeles, when David Byrne gave a PowerPoint presentation titled I love (heart) PowerPoint, or Wilco's Jeff Tweedy together with Steven Johnson and Lawrence Lessig talking about Who Owns Culture? And of course our big event on Google.

But enough about the past. Here's the future even if, or especially even if, as the French poet Paul Valéry once said, the future isn't what it used to be. Well, here it is, a language I barely understand but know is important, of mashup and remix. Here is our dream team: Lawrence Lessig, back for the fourth time here LIVE from the New York Public Library, Steven Johnson, joined by Shepard Fairey who recently has been I think somewhat in the press. **(laughter)**

But before getting to the presentations and the conversations and the questions, let me tell you something about upcoming LIVE programs and something about this evening. First of all, please, please consider becoming a Friend of the Library. Starting for as little as forty dollars, you are in, you are a Friend, and that gets you a fifteen-dollar ticket to all LIVE events instead of twenty-five dollars, that's a ten-dollar off each and every time. There's a membership table. Go to it after the event and please join tonight. It will help our cause tremendously. What is our cause, you may ask? To bring you live

conversations, discussions, debates, to present you with what I like to call cognitive theater.

And what's coming up? Next week we have the president of the New York Public Library, Paul LeClerc. He will be in conversation with Father Patrick Desbois. We will then host a tribute to John Updike with David Remnick, ZZ Packer, Sonny Mehta, and many others. Shortly after that, Thomas Friedman with Nandan Nilekani, Andrei Codrescu will interview Henry Alford and Mark Twain: this will be my first impersonification of Mark Twain. A two-part series this spring with *Bookforum*, entitled Cultural Obituaries, a two-part evening with Alex Ross, Barbara Eisenberg, and Frank Gehry, followed by Alex Ross interviewing the composer and conductor Esa-Pekka Salonen, and much, much more.

Join our e-mail list, but also, and here is something brand-new and exciting which started last night, join our blog at www.nypl.org/blog instead of slash LIVE. Ask questions of the talent before the event and after. Aby Warburg once spoke of the afterlife of the work of art. Now the time has come for the afterlife of the conversations or debates. Voice your interests, your agreement, your dissent. When we get your Q and A, we got three Q and A questions tonight which we will pose after the event. You may also submit questions tonight in writing before you leave at the end of the evening and at our feedback station or online.

Steven Johnson, who is the thirty-fifth most popular man on Twitter, will **(laughter)**—I don't even know what I am saying, but I know, you know, I found out about Twitter two weeks ago, but I'm just not a son of modernity, but I know all of this is terribly important, will serve as master of ceremonies, instigator, and moderator, and much more. He will tell us how the evening will unfold, what the issues are, but the bare bones are as follows. Lawrence Lessig will present followed by a conversation between Shepard Fairey, Lawrence Lessig, and Steven Johnson, then questions from the blog and a few from our fabulous audience tonight.

Let me thank our beer sponsor, the Brooklyn Brewery, for providing libations for our reception after the event—so thank you, Brooklyn, and thank you to its brewery. **(applause)** Alcohol always gets applause. There will be a signing after the event. Only books bought tonight will be signed. Thank you to our independent bookseller, 192 Books, **(applause)** and thank you once again to *Wired* magazine, for all your support, present, past, and I hope future, and thank you once again, one more time Melanie Cornwell and now Steven Johnson.

(applause)

STEVEN JOHNSON: All right, so I want to start by apologizing to Paul. He was very adamant leading up to this event that Lawrence Lessig and I do our best to get arrested **(laughter)** to build buzz about this evening and we both failed pretty miserably. I haven't paid a parking ticket in like two months, nothing worked, so we're here sadly a little less

controversial than we were hoping to be, but it's going to be a great night, I'm really excited about it, honored to be here, honored to be here with these two guys. I think that what's exciting about this conversation that it's both in a sense kind of timely and timeless. It's timely obviously in the sense that we have Shepard here, who really, and I think most of us would agree created *the* iconic image of 2008 in many of our minds and has been in the news in general, and of course we have Lawrence Lessig, whose book *Remix* is really the definitive statement of how this culture is working and how it's going to work, so we're in the news, we're in the middle of things happening right now. We're going to talk a lot about advanced technologies, and how they're going to change the world and how they're going to change creativity.

But what I wanted to just stress at the outset is to say that the issues here that we're wrestling with are old ones, that they have actually quite deep roots in American culture, in fact, roots that go back hundreds of years, and I just wanted to tell one quick story to kind of set the stage to remind ourselves that this is not in some sense new, that these are old values that we're in a sense rediscovering, and so I just wanted to tell you a story that I kind of came across in the research of my last book, *The Invention of Air*, which I went into not thinking that it was going to be a book about remix culture and the open flow of information and kind of open-source values, but the more I pursued this storyline I realized that it was very much about those values. And it starts really with kind of the hero of the book, Joseph Priestley, who was a great eighteenth-century kind of polymath figure, a pioneering chemist and scientist, a great political writer and activist and also a very prominent theologian. He cofounded the Unitarian Church in England in the 1770s.

And one of the things that Priestley did in the early 1780s is he wrote an extremely controversial book called *The History of the Corruptions of Christianity* and what this book basically argued was that the original message of kind of Christ's tenure on earth, that core kind of moral code that Christ had argued for, was extremely valuable and that one should orient oneself around that kind of ethical system and that Christ's teachings were very much important and still alive in the world today, but he believed, Priestley believed, that that message had been corrupted over the years and that layers and layers of kind of magic and superstition had been added to the story and that it was really his work to go back and unearth all these extra elements that had been added by theologians and priests to kind of, in a sense, amaze people and spellbind them and to get back to that core story of Jesus' life without all the—without all the supernatural elements. So he did this very extensive kind of archive work where he went through and found all these quotes and showed in this document all the distortions that had been added to the story over the years. And about ten years later—It became an incredibly controversial book. An angry mob literally burned down his house in part because of what he'd written, but about ten years later, it traveled across the Atlantic and was read by Thomas Jefferson.

And it had an enormous impact on Jefferson. He would later write again and again about it, I mean it would say that his whole religious system basically rested on this book, and, as most of you know, Jefferson had kind of wrestled with his faith and when he found this book and realized that there was a way to kind of hold on to his Christianity without buying into all the supernatural elements, he decided *that* was the kind of religious value

system that he was going to embrace for the rest of his life, and so he set out to create one of the great underground documents in the history of American culture, which many of you probably know about, which is Jefferson's Bible, we now colloquially call it—it's the *Life and Morals of Jesus of Nazareth, Extracted Textually from the Gospels*. This is the original American remix. What Jefferson did is he went through the Bible and basically eliminated all the parts that weren't just about Jesus' message about how to live, and cut out all the magic bits and cut out all the stuff about resurrection and cut out all the stuff about walking across water, all those elements, and he just left that core story of what Jesus was trying to teach us. Of course it was never published during his time, it was kind of this underground text, but the approach that he was taking is exactly the kind of approach that we're going to be talking about tonight. It was to take a bunch of documents, Priestley's document, the ideas from Priestley's books, to take them, recombine them, and take an actual text or series of texts, or series of books, and recombine them in new ways to create a new statement about the world, right?

And what I want to stress here is that is a very rich and powerful way of thinking about ideas and about culture. It is not trivial. It can be incredibly funny, but it can also be incredibly profound. And if you look actually wider than just Priestley and Jefferson, you look at the entire kind of Enlightenment era— Franklin was as much a part of this as Jefferson and Priestley were—what you find again and again is that they worked in this mode, that the Enlightenment culture, the innovations of Enlightenment culture, were all about the open flow of information and the ability to grab things and remix them and put them in interesting new combinations. Franklin has a wonderful line in one of his letters

where he describes why he just kind of gives all of his data and his innovations and ideas away and publishes them as early as he can, because he says that by getting ideas out into the open and allowing them to circulate, they will attract the attentions of the ingenious and those intentions will improve the ideas themselves, that ideas get better when they flow, when they circulate.

And so part of what I want us to be thinking about as we talk to these two amazing guys tonight is how odd it is, really, when we think about how rich this activity was that the American founders were so engaged with, this rich form of kind of remixing culture and recombining it, and yet when we see the exact same practice being applied to someone doing the same thing to, I don't know, you know, a Prince song, that suddenly we feel like it's necessary to bring, you know, the United States Congress into it and an armada of lawyers—that in a sense, that this is a way of thinking about the world that has very deep and, in a real sense, American roots, and so I think what we have to really get to, with the opportunity we have now that the technology has kind of allowed us to really rethink these things, it's really where we think innovation and creativity comes from. And do we think that fundamentally innovation, creativity comes from protecting ideas, building walls around them, or does it come from connecting ideas? And I think that if you go back through history you'll find that the connective power of ideas has been an unbelievably strong force of innovation over the years, so we're going to talk about that in more detail, we're going to look at it in practice, but the first thing we're going to get to do is listen to one of—*the* greatest guide to this you can possibly imagine, the preeminent legal scholar on this and a wonderful writer, my friend Lawrence Lessig.

(applause)

LAWRENCE LESSIG: So my friend Tim Wu sent me this quote from Aldous Huxley in 1927. Huxley writes, “In the days before machinery, men and women who wanted to amuse themselves were compelled in their humble way to be artists. Now they sit still and permit professionals to entertain them by the aid of machinery. It is difficult to believe that general artistic culture can flourish in this atmosphere of passivity.” Now, Huxley’s message was actually first articulated to the United States Congress about a decade before by John Philip Sousa. Sousa was testifying about what he called the “talking machines.” This is what he had to say: “These talking machines are going to ruin the artistic development of music in this country. When I was a boy, in front of every house in the summer evenings, you would find young people together, singing the songs of the day or the old songs. Today you hear these infernal machines going night and day. We will not have a vocal cord left,” Sousa said, “the vocal cords will be eliminated by a process of evolution as was the tail of man when he came from the ape.”

Now, we’re here tonight to celebrate a form of creativity. No one captures that form better than this man, Shepard Fairey, and he’s been described by many as providing the artistic world something radically new. And, indeed, he is the very first artist in the history of art to build upon earlier artistic creation. The very first one. No one ever thought about this idea before. **(laughter)** And indeed, more than that, he is the very first artist ever to do this with photographs. No one ever thought before about taking a

photograph and adapting it in some special way using the technology of the time. He is the man who came up with this idea and he's the very first one to do it with politicians. **(laughter)** No one ever had this idea before. And maybe most important, at least to those of us who celebrated this event, he was the very first one to make this extraordinary poster. **(applause)**

Now, to make this poster, he was inspired and built upon a photograph. This photograph, which—that wasn't the photograph?—was that the photograph? No? That one? Was that the photograph? Oh, come on, Shepard, was that the photograph? How 'bout this one, come on, this is pretty close, right? Yeah, but that, no? This one? This one. That's it, okay. He was inspired to build upon *this* photograph and create something new, create this extraordinary poster, a poster that captured a spirit and motivated a movement and then other people were inspired by him, this fantastic Web site, which allows you to create Shepard Fairey–like photographs however you'd like, so I took my five-year-old, I uploaded it, there he is, **(laughter)** my five-year-old as HOPE, and then I took my two-year-old, and uploaded it, there is my two-year-old tongue. **(laughter)**

Okay, so, of course, there's nothing radically new in this story. There's the continuation of a form of expression and celebration that has been with us from the beginning of artistic expression. And it's of course not just Shepard, it is the spirit of the times. Think for example of music. Everybody knows this album, *The White Album* by the Beatles, which inspired Jay-Z to make this album, *The Black Album,* which then inspired DJ Dangermouse five years ago Tuesday to produce this extraordinary album, *The Grey*

Album, which synthesizes the tracks of the *White Album* and *Black Album* together to produce something gray. That's five years ago. The modern equivalent of this, Girl Talk, can mix 230 different tracks together to produce something new.

Or think about something called anime music videos. Everybody knows what anime are—these cartoons increasingly sweeping American culture. Anime music videos are produced by people synchronizing these images to music, reediting them to express something different, something as trivial as this or this. But maybe most important has been the extraordinary examples in the context of politics. Of course remix wasn't something in the last cycle that Shepard practiced alone. This became a symbol of the early stage of the Obama campaign expressing Obama's message in this remix precisely. And not just pro-Obama. And still my favorite is this, this is the last time I show this one, I think. Those are examples of extraordinary creative stuff, broadcast in this new medium, but we miss what's extraordinary about remix if we focus on this broadcast alone.

Think about what's developing in contexts like YouTube. So here's a video I came across on YouTube. 1.7 million people saw this video, but that inspired this video, of course about 3.2 million people watched this video, and there are these ten others I found doing exactly the same thing. Or everybody knows this extraordinary. So *SNL* remixed this a bit. But much better than *SNL* were amateurs remixing it. Literally scores of these on YouTube, to my very favorite one. Or here's a different trend. So this video inspired this one. Which inspired this one. The point is these are conversations that's happening in this

space. It's the modern equivalent of what Sousa spoke of when he spoke of the young people together singing the songs of the day or the old songs, but not on the corner or in the back lawns, but in the presence of this platform that invites people from around the world to participate. It is showing us that Huxley was wrong—the atmosphere of passivity has been transformed.

So, so much is *not* new. There is something that is new. Bizarre as this may seen, after hundreds of years of balance and respect for the creative process, there's been an explosion in a new approach by the law to these efforts and expressions of creativity. This is my favorite example. This is Holden. Holden is thirteen months old, when his mother Stefanie saw Holden dancing, she grabbed her digital camera, captured it. And she then wanted her mother to see it, so she did what any mother of the twenty-first century does, she uploaded this to YouTube, Holden dancing. After a couple months, she got a notice that the copyright owners to that music had informed YouTube that the material infringed their copyrights and they demanded it be taken down. Now where are we when serious people sitting around a serious conference table can look at this and think it's important to invoke the laws of our Congress to protect the extraordinary abuse of this mother sharing the celebration of her child with her mother?

Or you all know this extraordinary poster has inspired a lawsuit because the copyright owners of this photograph that this was based on demand payment for the right to build upon that in a way that celebrates this extraordinary politician. Now, when you look at these issues, you should say, "what should the law do about this question of remix? How

should we regulate it?" We regulate it through this doctrine called copyright. So we should think about what is copyright actually for? What is its purpose here? And of course copyright's legitimate and important purpose is to produce incentives for authors to create. It functions by restricting speech—copyrighted work cannot be copied freely and shared with everybody in the world—but the objective is to produce more speech. So we limit freedom in order to produce more free speech.

But obviously we should be limiting freedom only where we are actually producing more free speech, and whenever the government wants, through regulation, to limit speech, we should recognize this regulation imposes costs and we should make sure the benefits from that regulation exceed the costs. So, for example, imagine Congress passed a rule that said you needed permission, when writing, whenever you wanted to quote someone. So the person who wrote this passage, quoting lots of people in the passage, would have to contact the author of the work that he or she was quoting and ask ,"may I quote this?" and the author could say yes or no, here's how you could do it, here's how much money you have to pay me. Now the thing to recognize is, of course, this regulation is possible and in some theoretical sense it would even benefit writers, those whose work would be quoted, but as all of you have as an intuitive sense, the cost of that regulation would wildly overwhelm the benefit and therefore we don't regulate the right to quote. You're free to quote as long as you cite—and plagiarism is in my view the only offense deserving the death penalty—but you're free to quote as long as you cite; that's what free expression involves.

Now that's the same question we have here, same question that exists in remix. And we could understand this question by thinking of two possible rules that could govern remix. Number one, we could have a presumption that says you need permission for everything you would remix. Or number two, we could have a rule that says the presumption is it's free. If we had a presumption of permission, just think every single time people like Greg Gillis or Stefanie Lenz wanted to remix things they would have to seek permission, but as you think about what that would do, what the consequences of that rule would be, it's clear the benefits of such a rule to artists would be tiny because such permission could not possibly change the incentives the original artist had when the original artist made the work that is being remixed. So it's no great benefit, but the costs to the second generation of creators are huge—the costs especially to amateurs and young artists and controversial artists. For them to get permission would be impossible, so they couldn't possibly create legally—it would drive this creativity underground, make them "criminals."

That's the world is where the rule says permission. The world where the presumption is free is radically different. The costs of this rule are tiny, because the effect on incentives, of freely allowing remix, incentives for the original author to create would be tiny, but the benefit here would be huge, because if this remix is clearly legal, even if not one more person would be engaging in remix, even if you believe kids will remix regardless of what the law says, if it's legal, then we can begin to teach and share and celebrate this form of creativity in a way that we can't today.

So if we think about this in the context of the purpose of copyright, my view is it's clear we should be *de*regulating this form of expression. Remix should be free of regulation to facilitate it to flourish in the way that it already is in so many contexts, but, as you know, that's not the law's response here. We don't see *less* regulation in this context, we see *more* regulation in this context. We're waging senseless, hopeless wars about this violation of copyrights, wars referred to as the copyright wars, or as my friend the late Jack Valenti used to refer to as his own, "terrorist war where apparently the terrorists in this war are our children." Now this war of terrorism here is threatening artists like Shepard Fairey or Candice Breitz or even Jeff Koons and people like Stefanie Lenz. It's threatening kids. The RIAA is suing more than 28,000 kids for using material on the Net illegally according to the RIAA but to no effect, because the one thing we know about peer-to-peer file sharers is they apparently don't read Supreme Court opinions. Here's where the Supreme Court declared peer-to-peer file sharing presumptively illegal, but there was no real change in what the behavior was, so the law becomes a tool to stop a form of expression that is increasingly defining this generation of creators now.

For many years, a decade, I spent my life, as tenured professors tend to do, going around thinking that the policymakers in this context were a bunch of idiots. And then after about a decade I realized that the idiot was actually me. Because I looked at this and I thought, "they're idiots because these are a bunch of easy public policy questions which they just get wrong." So a decade ago Congress passed a statute in honor of this man, the Sonny Bono Copyright Term Extension Act, which extended the term of existing copyrights by twenty years. The question Congress should ask is "Does this advance the public good?"

Well, when we challenged this statute in the Supreme Court this left-wing Nobel Prize winner, wait, that's a right-wing Nobel Prize winner, Milton Friedman, said he would join the brief, declaring that there's no possible way that this could advance the public good, only if the word no-brainer existed in the brief somewhere.

But apparently there were no brains in this place when they passed that law, so this easy public policy question Congress got wrong and this was the sort of thing that led me to believe that they were just idiots, but it was I who was the idiot, because the mistakes of Congress here have nothing to do with stupidity. The mistakes of Congress here have to do everything with the economy of influence that drives Washington to pass the rules it passes. They seek in Washington not sense but campaign dollars. And it's that seeking that drives them to these insane public policy choices.

So, for example, just this week, this man, Congressman John Conyers, from Detroit, Michigan, introduced for the second Congress in a row this bill 801, House Resolution 801 functions like this. We have something like the National Institute of Health that commissions all sorts of research. The bill that Conyers introduced said that it would be illegal for the National Institute of Health to require that that research be freely accessible by any American. The law says they can't require open access for this research. They must allow publishers the exclusive right to control the distribution of research to Americans that we have paid for. Now, we distribute this research in journals that cost literally thousands of dollars a year. So we have an economy where the author writes these articles for free. The reviewers review the articles for free. They get published and

nobody gets paid for anything, but the publisher collects money from the distribution of the knowledge the United States government has paid to create.

Now, when I saw this, I thought, “Wow, I didn’t realize there were publishers in Detroit,” but of course there are no publishers in Detroit. Indeed, the main beneficiaries of this law are foreign publishers. So this is the opposite of the idiotic Buy American provision in the stimulus bill. It’s the foreign publishers protection act, which Congress now would enact because Congressman Conyers thinks we should enact it. Now, this law doesn’t have one Nobel Prize winner who opposes it. There are thirty-three Nobel Prize winners who have said that this is an outrageous intervention into the spread of knowledge and in a way Jefferson would have celebrated. Indeed, the former and current heads of the NIH say that this would harm science in America. It is a no-brainer if there is a no-brainer. So why is it Conyers is pushing this law? Well, today, in fact, one hour ago, MAPLight organization, which studies the relation between money and politics, produced a study that demonstrates that those who cosponsored this bill received twice as much money from publishers as those on the committee that didn’t.

Now, this is a practice that is simple to describe. It is called corruption. I don’t mean it’s graft, I don’t mean anybody was bribed, I don’t mean that Conyers was trying to feather his own nest. These are good people, no doubt. **(laughter)** But they are good people who live in and don’t change a corrupted system and in such a system, it is no surprise that idiotic rules rule. Now, I’ve changed my work. This is the last time I get to come here and talk about these extraordinary subjects because my view is that we need to change

this. And this is the focus of my work for the next decade of my life. But this is not the focus of our conversation tonight. The focus of our conversation tonight is the creativity celebrated in work like this.

But let me bring it back then, in closing, to this creativity. The one thing that we should recognize is that we cannot kill this form of expression, we can only criminalize it. We can't stop our kids from being active in ways that we or I wasn't growing up, we can only drive them underground. We can't make them passive, we can only make them "pirates." And the question is: is that any good? Our kids live in a time, an age of prohibitions, constantly living life against the law. Normal behavior is deemed to be criminal behavior. Now, that life is extraordinary corrosive. It is extraordinarily corrupting. It is corrupting of the rule of law and the very ideals of a democracy. We have got to do better, if not for the RIAA and the Motion Picture Association of America, at least for them. Thank you very much.

(applause)

STEVEN JOHNSON: Okay, ladies and gentlemen, Shepard Fairey. **(applause)** So here's what we're going to do. We're going to start by letting Shepard talk a little bit about his work in a slightly more conversational mode, so if Larry and I get inspired or want to show our own artwork, we can if we want to. And Shepard is going to walk us through a couple of crucial pieces in his history as an artist and talk about them, and then we're going to open it up to a more general conversation, and then we're going to open it

up to an even more general conversation. So do you have control of the—here, I'm going to pass the baton to you.

SHEPARD FAIREY: To the right. Unlike politics, forward is to the right. Okay, anybody know this image, seen this image before? So, yeah, copyright infringement, I've got a long history with that, I guess. I started in 1989 with this inside joke with a few skateboarder friends of Andre the Giant, the wrestler, who I just happened to choose as a picture out of a magazine or a newspaper to teach a friend how to make a stencil and wrote "Andre the Giant Has a Posse," which posse was a big hip-hop slang word, and that would be for our group of friends, our posse. So immediately, this had nothing to do with wrestling. It had to do with a quirky image that my friends and I could turn into an inside joke and when people would say, "what's this Andre the Giant posse thing about?" we could say, "sorry, it's top secret, we're not allowed to tell you if you don't know."

But this image, though it started off in a very, very nonchalant, silly way, once I put a few stickers around Providence, Rhode Island, where I was going to the Rhode Island School of Design at the time, people started to talk about it. And then I heard people talking about whether it was a band or it had to do with skateboarding or whatever in the grocery store and then the local free paper ran a contest saying, "Does anybody know what the Andre the Giant Has a Posse sticker campaign is about?" And I realized very quickly that, first of all, that images in public space that weren't advertising actually renewed a sense of wonder about public space, and I started to look into this concept of phenomenology, which is the idea of reawakening a sense of wonder about one's

environment. And it also made me think about the control of public space that most of the dialogue in public space is about things that have some sort of commercial benefit, so I think this speaks to Larry's, you know, look at what the agenda is and look where the money is and, you know, a lot of times things will clear up really quickly.

So I thought about the control of public space and the idea of an image provoking a conversation about that and that's how I got going. I quickly evolved that image, because I was like, "Aww, I've got an audience for this image that's really silly, what do I do now? Maybe I'll evolve it into a version of the counterculture Big Brother is Watching You and get people to question the idea of just submitting to the idea that it can be a one-way conversation with advertising, that anything can encroach on the visual horizon as long as it's paid for, but the moment you put something out there that says, "Well, here's what I think," but if it's not paid for, you're a criminal.

So yeah, the next version of course was OBEY. OBEY and GIANT. Andre the Giant started it, but OBEY was really the thing. The idea that people follow the path of least resistance, frequently justifying a degree of cooperation even though they're not happy with being controlled, but then when you tell them to directly obey, they actually are very offended, so, yeah, I guess that was my idea, to agitate. We're talking about remix and we're talking about the power of reference. I mean, the Andre the Giant thing didn't actually reference anything that I felt was significant that I was building upon, and in fact it was its ambiguity that I think created a lot of people wondering, a conversation about what it was, like a Rorschach test, like an inkblot test, which I found, you know,

fascinating, but then I also felt like I wanted to build on some of the concepts of *1984*, so I evolved it into this more Orwellian Big Brother image.

This is an example of remix that I think is fairly strong because the Greetings from Iraq image is so much more potent if you realize what the reference is. The reference of course is this Yellowstone poster, it's an escapist destination in the United States, it's very beautiful and then you, you know, you have the war in Iraq that's a bad situation for the U.S. soldiers, it's a bad situation for the Iraqis, and in one slide, you know, it's a geyser, and you know, something to go see, whoo, the geyser, and then it's an explosion and then in the next one something to run from.

You know, I've made some images that remixed some political leaders, you know, back in 2003, 2004, I wasn't too excited about the war so I did some stuff of George Bush and how am I going to comment about George Bush unless I illustrate a likeness of George Bush, and if I want to talk about the things that George Bush is doing, can I put him in a scenario that is symbolic but not something he's literally ever done necessarily? And is that a useful tool of communication? I think yes. This is actually based on the presidential—*official* president portrait, which I found out is public domain—whew! **(laughter)** But, anyway, I don't know if George Bush or the photographer would have necessarily approved of this reinterpretation, yet I think the statement with many people censoring themselves and being begrudgingly complicit due to sort of the moment that we were in and, you know, the atmosphere of fear, you know, I felt it was important to

say something that I think was, you know, letting people know it was okay to be vocal that you weren't stoked on Bush, you know.

So, that brings us to this. Which—we'll see this what eighty times tonight? This is the collage version, this is the real art version. Anyway, this Barack Obama, you know, I wanted to make an image that I felt represented Barack Obama as someone who was not outside the mainstream like the right wing was trying to portray him. Someone who had the characteristics of leadership—he could bring change, hope, progress. And that he was a patriot, so the colors were very important and the idea of the blue and the red, blue states and red states converging, right there in the middle, where we—you know, Can't we all get along? Was very important to this image and finding a reference that would allow me to illustrate that, you know, I looked through a lot, and as you saw in Lawrence's presentation, there were a lot of different images I could have worked from, and I chose the Manny Garcia photo and now I'm being litigated against. So here's some other versions.

After I made that image and it got some traction on the Internet and I sent out thousands of posters all on my own dime, the Obama campaign said, "We really like the style of that image. We have some images that you could work from, would you do one for us?" So I did CHANGE. And then later, *Time* magazine asked me, would you, your image really made an impact on this election cycle, we think it became really iconic. Could you do something similar for our cover?" And the interesting thing about this is that you can see that the red and the blue are on opposite sides, his head is leaning the opposite way,

his mouth is open, but many, many people said to me, “It’s so great that your HOPE image ended up on the cover of *Time* magazine.” So, really, there are so many ways that an image derives its power. So I would contend that the illustration style, the idealization of an image, the style in which it’s illustrated, the way it’s been colored, and its implementation, that I spent hundreds if not maybe more hours just putting this image out there and rallying many, many different people to help distribute the image and then it became, you know, a symbol due to how it was very, very diligently perpetuated. Where does this image derive, or the HOPE image, derive its real cultural currency from? You know, I think that there are a lot of variables that need to be taken into account.

So, you know, now we see some of the offshoots and you see that the most of the spoofs were based on, actually they’re all based on the style—the style of the image, the colors of the image, and that’s a really important part of artistic communication. Here’s a bunch of spoofs of the Andre the Giant image, and it’s my opinion that—and the OBEY image—that these are wonderful, even if they’re criticizing my image, my image has become the reference point, it’s become the symbol, and every spoof, whether it’s for or against, actually gives more power to the original, and, you know, I would say the same thing about the photo reference for the Obama, actually it was a Darfur photo from a panel in 2006—from a 2006 Darfur panel with George Clooney and Barack Obama that actually was not even relevant in terms of news anymore, and it was a very—it was a very unspectacular, unexceptional photo, but now that it became this poster, it’s actually given a lot more value to the original.

So, you know, those are the real points that I wanted to touch on. I've got tons of examples of remix. Remix has been a really important part of my body of work, because references that a lot of people understand are a great way to establish where you're coming from in a piece of communication. As an artist I'm very much a populist, and I believe that connecting with as many people as possible through accessible metaphors is crucial to what I do, so it's a really big part of my work.

(applause)

STEVEN JOHNSON: So you hinted at this, but why do you think—what do you think about that image? What was it that really caused it to resonate the way that it did, you know, why did it—of all the images circulating around, of all the campaign images that were out there, by the campaign, by other people, why do you think that one kind of took hold?

SHEPARD FAIREY: Well, I think that now that the image has become, you know, a symbol, really you've got to look back to the beginning of when I created it over a year ago, the middle of January, 2008. No one had created a really iconic image of Obama and of course the campaign had some really strong materials—the logo, the very sophisticated graphics, but I think that if you watch Obama speak, he has a manner that is very appealing and this Pavlovian association—you know, maybe that's not the right analogy, you know, this euphoric association—you're going to get a steak later after I ring the bell—is, you know, I think Obama is very compelling in that a portrait really

reminded people of his power as an orator and, you know, his perceived integrity and idealism in a way that a slogan or a logo or a Web site or any other graphic device could not compete with, so it was just a matter of creating the correct portrait for the right moment. And really the strength of it is derived from Barack Obama and the amount of emotional investment that a lot of people had in Barack Obama as a leader.

So, you know, forget me, forget Manny Garcia, the real thing is that the image was about Obama and so, you know, I think that the, you know, people were worried that there would be the Bradley effect, that people would perceive Obama as oooh, he's not white, he's half black, that illustrating him in red, white, and blue for me seemed basically mandatory for a contemporary political graphic. They've all been so safe. This is one of the most safe mainstream graphics I've ever created, but still some people were like, "Oh my God, it looks so socialist and edgy and weird," you know, and I just thought that that was very bizarre but, you know, I tried to make an image that represented my style, but that could transcend the niche that I'm usually seen in and appeal to the mainstream and be seen as a patriotic image where, you know, the guy's portraying hope and change and progress, and I don't know really what made it work other than it was the right moment to make that image, it was needed.

STEVEN JOHNSON: You know, it seems to me—and I'm the last person to be an art critic in this context, but it seems to me that there's one thing that you did add to it that you should give yourself more credit for. Which is that because your work draws upon so much kind of historic iconography, you know, that socialist propaganda kind of

iconography that we've seen some examples of. It seems to me that there's something about that image that you really added to it, not just the face, but all the way that it's designed that put Obama in the middle of that competition, in the middle of Iowa, and the pettiness of a political campaign, that made him look historic. Right? That there was this kind of temporality to it that was suddenly there where you could see him and he looked suddenly like Che, or he looked like all these kind of iconic figures that we've been staring at in images like that over the last decades and suddenly it kind of pulled him out of the momentary kind of fighting between you know Hillary and Obama and it set him upon a kind of larger stage in that way, and I think that that's, and I think that that's a big part of why it resonated for people as well, I think.

SHEPARD FAIREY: And the idea that something was worthy of being treated as an icon, I think a lot of people—they respond to it very intuitively and then they look for an intellectual justification of why they think okay, this guy's been portrayed as an icon, maybe he deserved it, maybe I should figure out why, or this guy, he's an imposter, and now I have to figure out why he's not the real deal, and why he shouldn't be portrayed this way, and then they go check out his Web site and they're won over and it's a done deal.

LAWRENCE LESSIG: Something else that you did, which was that this was an authentic expression of grassroots support for the candidate and what's so important about the success of Obama was the suggestion, which you helped make real that this was not just a central-command campaign run by a bunch of professionals, it was about

inspiring a class of people who were not part of politics in the last twenty years, and so the fact that they could point to this thing they had nothing to do with creating that became such an important part of the popular culture was another way of ratifying what his campaign was about.

SHEPARD FAIREY: Well, I think that that's a really important point. The idea that usually the two-party system is seen as controlled by a very, very small group of affluent people, that, you know, first of all, you know, Obama, a lot of people thought, was, you know, the alternative to the Hillary juggernaut, which was just a next phase of a dynasty. And I actually, you know, like a lot of Hillary's views, but I think symbolically it was really important for Obama—that, you know, that Obama was coming from a different place, and then, you know, the image being a grassroots image, being—seeming of the people, by the people, I think was something that was very, very influential because grassroots art that's embraced by a lot of people, that, you know, if you're doing Gladwell-speak or whatever, would be tastemakers, influencers, they take that image and they share it with their friends, and in what's going on with modern technology, it was e-mail signatures, Facebook, and MySpace, and it ended up, because I had a free download on my Web site, so people printed out copies, but they also just grabbed the jpgs, and it was on blogs. I mean, it spread like crazy on the Internet and it really felt like it was something not generated by the campaign but generated in a genuine grassroots way, and I completely agree with you that that was such a powerful component of it.

STEVEN JOHNSON: Can you say something about the grassroots campaign you're working on in terms of the legal element, asking people—

LAWRENCE LESSIG: Yes, we want you to make a poster for us, actually. **(laughter)** Well, do you mean the change Congress or?

STEVEN JOHNSON: No, just trying to track down the other similar you were asking users to help with—

LAWRENCE LESSIG: That's right! So, at Stanford I run the Center for Internet and Society, we have a fair use project which has been defending artists in a wide range of contexts, including people who are being threatened by the James Joyce estate, people threatened by Yoko Ono, **(laughter)** people threatened by the Harry Potter . . . so when we heard about Shepard's troubles, we volunteered and so we are now Shepard's lawyer. We have a fantastic lawyer, Tony Falzone, who's the head of this, who is running the campaign and has told us exactly what we're not allowed to say and what we can talk about.

But we then, I just launched on my blog a kind of crowd-sourced defense, which was help us gather the kind of knowledge a court needs to understand why this is part of what art has always been, so I asked them to provide both the images that were similar to the image that he gave, and you saw some of them that I showed here, but also images from art history that help, you know, idiot lawyers like me, and judges who are just slightly

less idiotic like me, understand why this is what art has always been, and there's been an explosion—scores of people who have sent in extraordinarily detailed and some not so helpful, but some, a lot of it very helpful stuff, to say because they believe that this is an important fight to fight, the idea that this expression is the subject of federal litigation is just a measure of just how screwed up this federal system has become.

SHEPARD FAIREY: Well, a point I want to make about it is—first of all, when I made the image, I had no idea it was going to become what it's become and I actually believe that copyright is important in some instances. I mean, I'm a lawyer, I mean, I'm not a lawyer, he's a lawyer—**(laughter)** wow, what a slip, huh? I'm learning all the lawyer talk now, but, you know, I'm not a lawyer, I'm an artist, so I really believe that, you know, anything that stifles one's ability to communicate and express themselves is undesirable, but I do believe in intellectual property, but you know when the AP approached me after one whole year of the image being out there and in every interview I did I acknowledged that I did a Google search and used a a reference from the Internet that was an AP photo, you know, they said, "Okay, we own this image, we want damages, you're going to have to submit to our will," you know, and I said, "Well, you know, I don't think I should have to, but if it will make you feel better, I'll pay what would have been the original licensing fee for the image."

And they said, "No, no, no, we want damages." And I said, "What damages? Your photo's worth way more now than it would have been worth." And I thought about it and I said, you know, "Do I really want to complicate my life having to fight the AP? I made

the image to help Obama. That's done. Do I even really care now what happens with it?" And I had put all the money back into making posters, donating to charity, or donating to Obama's campaign, and that was my intention of what to do with any revenue from it, but I thought, "Well, since it's not about the money, it's about a lot of artists who aren't in the position that I'm in where that if hey, if up against the wall, I can license an image if I need to," and to avoid legal hassle I may have to do that in a lot of cases—I'm high profile now, I might be watched closely.

But for every young artist who made an Obama poster during this cycle, who did it in the exact same way I did, they worked from a reference from the Internet, and it was a very profound impact I think that these artists made, or every poster artist that made something against Bush in 2004 that might actually have been the seed that germinated into people making pro-Obama posters this time. Is it really fair for the AP to send a ripple of fear out to that entire community that they will not make art for fear of having, you know, Congress coming after them for copyright law? And I said, you know, this is something that I need to fight just for the sake of artists in general, not just for me.

(applause)

STEVEN JOHNSON: So one of the things we have here that in a deliberate way we've set this up as a panel with a lot of consensus, but I'm going to try and instigate a little bit here just so it doesn't get too touchy-feely and be kind of verbally abusive for the rest of the night. But to asking a couple of questions, one or two for you, too, Larry. Where do

you draw the line? I mean, think about your own work, when somebody appropriates your own work and manipulates it in some ways, what are the points at which—I think we have probably a lot of consensus in the room that some form of remixing is important. So the problem then becomes how do you define the boundaries of it? I mean, do you have a clear sense of that in your head or is it a kind of case by case . . .

SHEPARD FAIREY: It's absolutely a case-by-case basis. The people that work with me. I do a clothing line—it's a licensing deal. I have people that are always trying to look out for my interests. Actually, I frequently don't listen to them because I want to err on the side of allowing people frequently to use my images as long as it's, you know, something that's transformative or even if it's not transformative if it's such small scale that I see something of myself when I was the kid with the Xerox machine in my mom's office running off copies of my favorite album covers to cut stencils from to make my own T-shirts. You know, did I want like the FBI showing up at my house to bust me for one Sex Pistols shirt that I made? You know. You know, this is—I think a lot of it has to do with a case by case.

The instances, though, where I will go after someone is if the work isn't transformed in any way and it's made purely for exploitative profit. You know, I actually went after some of the people that bootlegged the Obama image because I had given all the money from the image to the ACLU and to the movement to overturn Prop 8 in California and if one guy, we knew had bragged about buying a Mercedes with the profits from bootlegged posters. I said, "You know what, you know, the ACLU might really need a

Mercedes, I'd love to do that for them." So you know it's really a case-by-case basis, but I definitely think that—I have free downloads of a lot of my images on my Web site. If it is used as, you know, a tool for communication or not for profit, I'm never going to have a problem with it. And some people have said, you know, "You have to protect your mark," and, you know, the things that inspired me to make art were about frequently being irreverent toward the idea of protected marks, so it's, you know, I think that it's all in the spirit of what I do and the only things that I'm going to go after are real just straight bootlegging operations.

LAWRENCE LESSIG: It's an important line to try to draw because some people think that this debate is between those who want to make money and those on the free culture side who don't think money should be earned by anybody anywhere, and that's not the division, right? Artists have got to make money. Artists have got to earn enough money to be able to flourish and do their art. That's the purpose of the copyright system, and that's an important purpose for the system to play.

The critical thing is to draw the distinction between places where somebody is "ripping you off," and places where they've been inspired by you and to celebrate that inspiration. And what I've been excited about, and the reason I'm kind of optimistic about this issue now, which is a problem for me, because I'm so depressed and pessimistic about everything that I just can't hang around the free culture debate anymore—that's why I've got to go to corruption where I will never be optimistic about anything—is that some of the biggest, most powerful bullies in this field are getting it. So, for example, Viacom has

a lawsuit against YouTube that I think has no basis in law, but anyway they have that lawsuit, but Viacom also has a very sharp distinction, where they say, you know, "if you take a—if you take a Colbert show and you upload it to YouTube and you don't do anything to it, we will take it down within twenty-four hours, we will notice them right away. But if you do anything to it, if you remix it at all, if you express some creative on top of the stuff you've taken, we won't touch it." Now, they're not saying they're licensing it, they're not saying you're free to do it, but they're saying, "we're going to exercise restraint, so that we encourage one kind of creativity that we think celebrates our work while stopping a kind of abuse that is obviously competing with the business model."

Now, if more businesses behaved like that, I think we could get back to a balance that really made sense of exactly the line you're trying to draw, but too many of these businesses are controlled, I'm sorry to say, by lawyers who think about this as a religious question. Like, "the right has been violated, we have to stop the violation of the right." Without ever asking, "Does it really help our business or hurt our business that people are creatively remixing and spreading our creativity?"

STEVEN JOHNSON: Let me ask you a question about the actual expressive range of the art. I thought it was interesting and this may be somewhat self-selected by the purposes of an audience and this kind of crowd, but if you looked at all the examples you showed, I would say 90, 95 percent of the kind of the major kind of expressive modes were pretty much comic, satire, they were jokes, they were very appealing, there was

some political edge to some of them, obviously, in the Blair/Bush love story, but the mode was decidedly about quick visual gags of superimposing things. And I think particularly when you look at kind of video and audio mashups, particularly video mashups, that that's not radically unrepresentative of what's been out there. Do you think that that shows some kind of limitation to what's possible, or why has it skewed in that direction thus far?

LAWRENCE LESSIG: I think exactly the opposite. I think it shows something about the enormous potential for this, because, you know, satire, especially political satire that's actually effective, is very hard to do, to do well. If you tried to write something that was as powerful as that Bush/Blair video, you couldn't do it. You couldn't in eight hundred words in an op/ed in the *New York Times* convey the same power and reflective sense of just how emasculated Blair had become in response to America as this video did. So the point is because we are a culture that is so deeply surrounded by music and images and we learn to communicate like this—this form of literacy has a potential that exceeds the potential of words for us right now. And what is the *Daily Show* except the most important political commentary America has every single day, right? And it's astonishing, but it's because it uses these images in exactly that way. So I think that if, you know, you want to do history—we're actually seeing a lot of great remix history in this same form—you are going to do philosophy, I still think you're going to have to stick to words, but political satire and reflection I guess I think increasingly rather encourage this literacy, teach it, and allow it to spread so that we can see exactly where—

STEVEN JOHNSON: I wanted to ask you also about this shift. It was great to see some of this kind of preview of coming Lessig attractions with the corruption thing. Did you—I'm intrigued by the whole idea of kind of the tenure plan. Did you think you were going to do something like this ten years ago? Did you imagine that your kind of intellectual life would evolve with these kind of larger blocks of time and that you would move to something else, or is it something that kind of occurred to you on the fly?

LAWRENCE LESSIG: No, so, a decade ago, it was actually about fifteen years ago when I started as an academic, I kind of imagined being an in-the-stacks academic who just read books and wrote things that nobody ever read, and that was kind of liberating because I didn't really care you know how good it was, I just was working things out, nobody was going to read it, and then I got tripped onto this activism around free culture, really as a lawyer with a guilty conscience. I just felt like the lawyers were doing such damage here, and in fact our tradition, our legal tradition, was so much richer and better than where we had come that I felt like I had to do something about it.

But it was actually Obama and Gore together that flipped me. So Obama has in his book *The Audacity of Hope* this image of, you know, ten years he had been in the business of being a politician and he told his wife it was up or out—he was going to run for the Senate, up or out. And I had this sense of how important it was to liberate yourself from what you were good at. And I said, "That's a great idea, I'm going to throw away all of my intellectual capital after every ten years and force myself to relearn a whole new field because otherwise you get old very quick." So that was number one. And number two

was Al Gore, you know, so Al Gore had done extraordinary work forcing us to see the consensus scientists had forever about global warming, but one of the things Gore says, if you listen carefully to what he's talking about, is that this problem of global warming was affected by exactly the kind of corruption that I'm talking about.

And it hit me, you know, again this is an obvious point, and it would only take an idiot ten years to recognize this point, but it took me ten years to recognize this point that it wasn't just esoteric areas like copyright where money was actually buying stupid results—it was the most important public policy questions America is facing money is buying stupid results, and so if it's the most important and the most esoteric that is being corrupted by the way the system works right now, it struck me that there is no better issue to confront. And you know, I am enormously lucky. I mean, I'm not wealthy, but I have tenure, which means I don't get paid to say what I'm saying, I get to say whatever I want. You know, many people who have tenure—trust me, I live with them—say idiotic things all the time and many of you might think I say idiotic things all the time, but it's really great to have people in our society who get to say what they believe, not what they're hired to say, and so that was the opportunity that I thought having the position I did and some notoriety and opportunity in places like NYPL to talk about it made it make sense for me to give up the hopeful task of free culture and turn to the dark of corruption.

STEVEN JOHNSON: We're going to shortly open it up for conversation. I wanted to just ask both of you for your thoughts just about these issues and this new administration. Where do you think—it's just going to start cycling.

SHEPARD FAIREY: The satire, the humor of the remixes—this is really silly, right, but it's a lot harder to make Andre the Giant appealing than it is to make Marilyn Monroe appealing, right? It's just, you know, my little commentary on Pop Art. I think that humor is a really important aspect of social commentary, so I really agree with Larry, but let's talk about Obama.

STEVEN JOHNSON: Do we feel optimistic about these particular issues in this new administration? Do we feel that there is an opportunity to really have this conversation and start reinventing some of our assumptions about how copyright, for instance, should work and how fair use should work? Do we get the sense that's it's going to get better, or until you solve this corruption problem it's going to stay, it's going to stay the way it is?

LAWRENCE LESSIG: Well, so Obama is facing an enormous range of crises, and I kind of liken it to imagine you have cancer and you're going to the hospital to start chemotherapy and on the way to the hospital you have a massive car accident. That's kind of our nation today. Obama was constantly talking about how we had to change the way Washington worked, we were on our way to doing that, and then we had the car accident of these extraordinary crises that befell the country. And just like the analogy suggests, you go to the hospital to a trauma unit that's going to stabilize the patient and then hand off to the reform candidate, so too that's our nation right now. And Obama is trying to stabilize, it's the trauma unit, and there's a million enormous problems that he's got to address before we can get on to some of these other issues.

So the critical issue for me, and I have not yet seen a clear signal that he is going to do this, but the critical issue for me is whether he commits his administration to fundamentally reforming the way Washington works, which is something more than this kind of idiot bipartisanship, right? Bipartisanship got us into Iraq. Right, that we were bipartisan about our commitment to Iraq. What we need is someone who's going to say that the way Congress functions right now is broken, deeply flawed, and we have to change it fundamentally, and the simplest way to change it, in my view, is to establish something that Teddy Roosevelt argued for a hundred and two years ago, which is citizen funding of the nation's elections, so that no matter how stupid they do—whatever they do that's idiotic, you can't possibly think it's because of the money. It might be because there are more Republicans than Democrats, or more Democrats than Republicans, but it's not the money, so you can begin to have some faith that we can engage with them about the authentic issue that they're talking about without believing that there is this thing in the background.

He has not yet signaled this is his issue. He was a cosponsor of a public funding bill in the last Congress. The Durbin/Specter bill. It will be introduced again in the next week. We'll see his position on that, and the real question for me is whether he's going to be strong on it. The IP issue is also an open question. Again, there are a million more important issues than the IP issues, but he has appointed some very pro-IP extremist people to the Justice Department and people who used to prosecute on behalf of the RIAA. There is not yet anybody appointed in this mix who comes from the other side,

who comes from the side that signals the importance of free-culture, open-science type issues.

Now, I do believe he gets it and critical people in the administration get it. He committed the transition to licensing all of its content under Creative Commons licenses. The web—whitehouse.gov explicitly says, "Everything we do is in the public domain. Anything contributed to this site is under a Creative Commons license." So it's not like they're not aware of it, but you put your finger on it, you know, when Al Gore was vice president, and they were thinking about health care, Al Gore said to Clinton, "You've got to deal with campaign finance before you deal with health care, because you will never get health care if you don't deal with campaign finance." And Clinton said "No, we're going to go after health care," and of course we didn't get health care. And I think that's the same insight Obama's got to have here. You've got to deal with campaign finance, before we get not the stimulus passed, but health care that really does anything, a global warming solution that really does something, all of these areas where the moneyed interests can direct the solution in a way that it's no solution at all, only changing Washington's economy of influence will make that change possible.

(applause)

STEVEN JOHNSON: And from the art side, Shepard, I mean, how does it feel to you? Is it going to be harder to be less oppositional?

SHEPARD FAIREY: Well, I—you know, I'm actually relishing the opportunity to support something. I, you know, I think it's important to maintain a critical eye, but I also think that, you know, we have an opportunity that we haven't had for at least eight years to maybe effect some change. I think that everything that Larry said is a hundred percent right on, and, you know, we'll see—you know it's the interests of corporations that they're getting their way as opposed to a real democratic solution where instead of Congressmen looking at, you know, "how many of my constituents care about this?" It's "how influential is the one constituent?" You know, as an artist, I'm wanting to make art. I mean, here's a piece about the environment. The environment is something that I'm really worried about. The war. I'm still worried. I think we're wasting a lot of energy in Iraq and I don't know—if the Russians couldn't do anything with Afghanistan, I mean, who knows? You know, I feel like it's an interesting time for me as an artist, because I've been—it's very easy to be opposed and to criticize, and now I'd like to help support some things. You know, the green economy is really important to me, I think I have an image here somewhere. You see, that's what we've been doing wrong right here, the money, the . . .

STEVEN JOHNSON: There you go, you have your poster already.

SHEPARD FAIREY: There is actually something somewhere that has to do with the environment. Wait, all right, there we go. Operation Oil Freedom—that's what Iraqi Freedom's about, right? This image is called Evolve/Devolve, and we've had a great solution at our fingertips for years in wind and I'm trying to make art that you know I

think this image is—it's a little bit more classical than a lot of my stuff. It's great. I'm like, "Hey, I get to do a landscape! This is just awesome!" The fact that not all the aspects of the landscape are perfect, you know, is it keeps with tradition for me but, you know, I think global warming and what's going on with the earth. I actually think that the whole War on Terror is such a miniscule issue compared to it, it's such a tool of distraction to just keep the oil industry from really having to be called on the carpet. That's my opinion.

STEVEN JOHNSON: All right, let's open it up! Now we have—we wanted to start things actually, since we do have Andrew Filippone here, of the brilliant Charlie Rose video we saw at the beginning, we thought we just would hear a word or two from Andrew and actually start by asking a question of the audience to you, Andrew. I'm fascinated by—and I'm curious to hear your thoughts about this, as well, Shepard. I'm fascinated by the process of this kind of art, so exactly how many hours of Charlie Rose did you watch? How do you put something like this together, just to figure out the components for it?

ANDREW FILIPPONE: I gave myself a real strict limit. I was going to record one episode, whatever it would be, on a certain night and I did that. I actually fell asleep while it was recording, I had it rolling, woke up around 12:30, it was over, I took the tape out, and the next day I started it. It only took about eight hours of editing, actually, to make that. And it started by breaking the show down and finding some pattern in it somewhere and the pattern was that Microsoft/Yahoo exchange and I started editing there and built out from it into either direction, front and back, and when it took that turn, that

“don’t do that” line, when it took that turn into like this dark, kind of threatening thing, that’s when like the Beckett kind of thing sort of came about—it looked like a Beckett play, it sounded like a Beckett play, elliptical, absurd, almost pointless and that was really it. There was a lot of serendipity involved, that it just fell together. I wish there were more to it. It really—I wish everything were that easy, I mean, really, eight hours total and it was done.

STEVEN JOHNSON: Is that how it works for you, everything is incredibly easy?

ANDREW FILIPPONE: Lucky, lucky.

SHEPARD FAIREY: I’m stimulated by images, so a lot of times I collect tons of books and old magazines and newspapers and sometimes I get an image and I say, “I don’t know what I’m going to use this for, but I’m going to put it in a folder and I’m going to go back to it,” and then another image I find says, “Ah! That’s what’s going to dovetail with the other one,” so for example this image is based on a photograph I took looking from Williamsburg into Manhattan that was just a photo looking over the river and you can see the skyline and some smokestacks. And then I was looking through an old Life magazine and there was an ad with a couple looking at the tract home expanse and saying, “Honey, we need to live here,” and I said, “all right, now I know what I’m doing. It’s going to be they’re looking across the river and I’m going to create These Sunsets are to Die For.” So the idea of you know the style of the fifties image having this sort of naïve optimism á là Norman Rockwell with the you know with sort of both the beauty but

also the fact that this is somewhat sinister that the beautiful sunset is being created by pollution, that was how I was going to remix those elements.

And sometimes these things come together very quickly. I did the Obama illustration in one evening and had it in production the next day. Time was of the essence, it was only a couple of weeks until Super Tuesday. This, I had a couple of the images sitting around, one for years and one for at least a couple of months, before I realized that's what I'm going to do.

STEVEN JOHNSON: Now, we had, as Paul mentioned on the blog that apparently they've added at the New York Public Library here, which is very exciting. You people have been e-mailing questions and the first question, actually, that came in was from Paul Miller, a.k.a. D.J. Spooky, those are the kind of people hanging out on the NYPL blog already, **(applause)** only a couple of days old, it's going to be a happening scene. This is for Shepard Fairey and Lawrence Lessig. Question: Do you think that technology has democratized the creative process and made it more of a social process? Can people ever be original again, or will everything be about sampling—graphic design material, video material, and sound?

SHEPARD FAIREY: As an artist, my opinion is, you know, once people are having to be original by throwing paint in front of a jet turbine to, like, spray on a canvas that's fifty feet away, it's like, "well, let's just not be original." **(laughter/applause)** You know, I think one of my favorite Orwell quotes is "It is the duty of intelligent men," and I would

add in parentheses “(and women),” “to continuously restate the obvious,” and the idea there I think being that we’re all so daft that the obvious isn’t as obvious as it should be, that, you know, these kinds of communications to me, you know, we say the same thing over and over and over in subtly new ways. I don’t think I’ve ever had an original thought or an original idea ever in my life, and there are a lot of people that have made me aware of that on the Internet. **(laughter)** However, I’m using that very tool to come up with art that I’m charging zillions of dollars for. So, you know, I think that there can be creativity even within elements of recycling and I absolutely think that it has democratized this process in a way that’s incredibly powerful for people who were frequently powerless before and I couldn’t be happier about it.

LAWRENCE LESSIG: And I think that we don’t understand what the word “original” means. I mean, the word “original” doesn’t mean that you’re in the middle of a field creating something nobody has ever thought of before. I mean if you think for example classical music was original, oh, of course, classical music is a form and when they made classical music, they took popular songs from the time and they incorporated it into that form. That was original composition at the time. You couldn’t do that today, of course, because if you took, you know, Britney Spears and you incorporated it into some classical song you would find lawyers at your door in a nanosecond, right, so you can’t even be original in the way that they were original then.

But the point is what is original is relative to a genre of creativity. And what I find so striking about remix is how hard it is, not how easy it is. You want to do it well. You

want to do it in a way that wants to make people want to listen to a hundred times or watch it a hundred times so they can work out all the relationships of what exactly the references are about. You're teaching cultural literacy. You've got to respect the past in order to understand what great remixes are. As opposed to somebody who sits down and just writes a love ballad. That's original? So again, you said it much better than I. Don't give me original if it's another Britney Spears song. Give me original in the sense of somebody who teaches us, how the songs of—the *Grey Album* teaches us the relationship between the songs of the sixties and the songs of the nineties. What is that relationship? How does it speak to us today? And that is an original expression, even if it is taking other stuff and mixing it in.

STEVEN JOHNSON: Who will walk up to this microphone here? Just walk on up. Just walk up to the microphone, wrestle your way to the front.

Q: Hi there. My name is Tim Wu, I have a question that's really for anyone. Why is everyone laughing so hard? Anyway, the thing that really fascinates me about the Associated Press lawsuit is exactly what you were talking about, is this decision, that they even decided to bring this lawsuit at all. And what's interesting is that, Shepard, you're in the same position that they're in. In other words, you're both entities where people are using or remixing your work, yet your decision process was so different than their decision process and is the problem—is one of the problems of the system is that—one of the problems is the law—but is one of the problems of the system is that the human element has been lost? It's not actually a human—it's sort of functionally a human

deciding things at AP, but the Associated Press is not a human being, the Associated Press is an organization, and they're making their decisions, you know, in this completely robotic way, where they're thinking, "well, there's a possibility of making more money off this," so is that at some essence part of the problem here is that the decisions being made are just being made in sort of this insane way?

SHEPARD FAIREY: Well, I think that people should be behaving as, you know, ethical human beings first with a sensitivity to all the different variables, all the different dynamics, you know, with revenue being maybe just one small facet of it. What I love is when people go, "This one company, they used to be really, really for the people, and then they went public and now they're—they've got the shareholders to answer to," as if, you know, if they don't make enough profits the shareholders will be waiting outside the office with pitchforks—well, maybe they will be, but I don't know, but I feel like I make art not just about making money, so that's not what my primary focus is.

The AP—you know, I was surprised by their response, considering that when there speculation on the Internet that it was a Reuters photo and in fact a lot of people were convinced it was a Reuters photo, both Reuters itself as an organization that functions similarly to the AP and the Reuters photographer said that they were proud and honored that the image was derived from their property. It's a really big difference. Wouldn't it have been great if it really was the Reuters photo, for me? But I wouldn't be here with these awesome guys. Anyway, you know, and Obama's president, so I mean, come on,

what is there to be bummed about? **(applause)** But yeah, you know, maybe—he knows about the influence and corruption and stuff.

LAWRENCE LESSIG: I would just add it's a pathetic defense to say it's the institution. There is no such thing as an institution. There are people sitting inside an institution who make a decision and they should be responsible for the decision. It's an outrageous decision to invoke this federal regulation against a creator like this, or to threaten to invoke it, just like it was outrageous to try to take Holden Lenz down from YouTube because barely in the background there's this music by the artist now known but formerly known now known as formerly known as Prince in the—playing. I mean, that's a decision by a human being who should be held accountable for his very bad judgment imbalance.

Q: Thank you, first of all. One of the things that I heard that I'm really amazed me, I have a question about this. You said something about this form of literacy, what you guys are doing, what I didn't hear addressed, and where remixing really was—inner cities in our education is an absolute mess and we have kids inside of inner cities that have kind of pioneered this that are killing each other and now I want to know where does artists, where do you guys and the attorney share, and everybody here shares a responsibility, there you talk about the policies on top and green and war, but there are wars going on inside of our schools and these are the kids that are really remixing. I didn't hear anything at all in this conversation that we have got a black president, and we have three white educated men, and I now just did a I personally did a study in the Johnnie Cochran

School in South L.A. that thirteen-year-olds are each spending four to six hours a day on YouTube and MySpace mashing things up. So my question is where is the responsibility of artists and the system?

LAWRENCE LESSIG: Let me start with the system. In the last book I did, *Free Culture*, I tell the story of Elizabeth Daly and Stephanie Barrish, in L.A. who are launching these programs inside of L.A. schools to encourage kids to do mashup remix movies. And what they found was whereas you couldn't get kids to focus for thirty minutes in the English class trying to learn to write an essay, these kids were spending twelve hours a day at school learning how to make film and remix film and to make music videos and to express in this form creativity and what's so outrageous about the current system, of course, is that the technology invites these kids to be creative in a way that the technology of fifty years ago didn't. Right? It took a lot of training to be a great guitarist. It takes less training to be a great user of the technology of today, but the law says when they create this fantastic remix, the school is not allowed to put it up on the Internet, because if they put it up on the Internet, the lawyers in the school will say, "Oh, I'm sorry, the legal liability here is too great." So the kids create, they can't even show it to their friends. The school forbids them from even having an exhibit in the school that shows it because of what the law says. So my view is this is literacy in the twenty-first century. We have to validate it, because it is a literacy that is not just fantastic for rich, well-educated kids, it's also fantastic in the most democratic way for the widest range of any kid that can get access to a computer. And that's as much a reason to be fighting for it as anything that has to do with what rich kids would think.

(applause)

SHEPARD FAIREY: Just to add to that—the only time I ever did well in school was when I would get extra credit for having a visual aid for a presentation and that was because the only reason I did the research on the topic was so that I could make a good visual aid, so that whatever communication was in my poster actually had some foundation in research I'd had to do to write the paper. So, you know, the idea of creativity enhancing learning, I think that value is immeasurable.

STEVEN JOHNSON: Let me go back to the online questions, this is actually from Angela Stash, who I think may be here, and it—the question is since this event takes place in a physical library with millions of tangible book objects—also known as books—**(laughter)** sorry Angela, I don't mean to make fun of you, actually I think it's a great question and that's why I'm asking it. Is there a future for the book and if so what future may it be?

LAWRENCE LESSIG: Yes.

STEVEN JOHNSON: Good. Well, actually, let me think for a minute about it. I've noticed and I think we're going to see more and more of this because of things like the Kindle which I just got the other day, the e-book from Amazon. I have this process in writing books now that I've kind of built over the years which is that when I'm doing

research for a book I assemble this mass of quotations basically from everything I've read, everything I've read online, everything I've kind of outlined in books that I've dutifully transcribed over and copied over and when I sit down to actually write a chapter, what I do is I grab all the quotes that I think might be useful for that document, throw them into the same kind of Word file and launch that and I start writing the chapter with these kinds of islands of quotations from other sources.

LAWRENCE LESSIG: You copied that from me!

STEVEN JOHNSON: And what it does, is I mean eventually, sometimes you eliminate the quotes over time, you rewrite them, you come up with your own words, sometimes you use them, but you start with this kind of archipelago of ideas that are there and it helps you with that kind of initial writers' block of looking at a blank page—you've got all these ideas. I think that is actually how writers really have always worked, we've just had tools that have made it easier for us to do that and the more text we have that is digital and that we can move around and kind of build these kind of little islands of connection I think in the long run we're going to be better off.

LAWRENCE LESSIG: Absolutely. So the follow-up from yes was, and therefore all of these books need to be digital, they have to be accessible digitally, freely accessible digitally if it's out of copyright or even if it's out of print, but books are actually a hopeful medium, because we can actually digitize books once they go out of copyright and make them accessible. If you contrast that with for example documentary film, it's a

total nightmare. Documentary film in the twentieth century was made with this practice. You would make a film, you would take sixty seconds from CBS. You would sign a license with CBS that says, "you agree your only right to this sixty seconds from CBS is governed by this license and you agree that you only have permission to distribute this for five years in North America for educational purposes," which means that at the end of five years the only way you can release the film is to go clear the rights to all of these bits that have been put into the film.

Now, what that means is this whole generation of creativity, ninety-five percent of it will be illegal to distribute not because of copyright but because of these licenses. There's an extraordinary documentary on Charles Guggenheim, whose daughter Grace Guggenheim has literally spent twenty years of her life clearing the rights to her father's films so that she can put them on DVDs. Now this is a complete disaster for this culture, unlike books. We will always have access to books but not access to films. But if you go to Washington and you say "this is the problem of copyright, this is the thing we need to be worrying about, as well as worrying about the RIAA," they don't even understand that there's a problem, they don't even know that there's an issue there to think about.

STEVEN JOHNSON: Okay, we have time for one more question. Let's do it in the room, you, sir.

Q: Thank you, good evening. My name's Werner, I have a question for professor Lessig, actually two, but they're related. At the beginning of the Change Congress movement,

there was a suggestion that you might run for office in Congress but at the time you decided not to. Are you going to change that? Are you going to run for office?

LAWRENCE LESSIG: So I have promised my firstborn male child if I break the promise that I'm never running for Congress, because I became convinced that the only way to convince people that you're actually serious about reform is to commit irrevocably to not become part of a system that you think is broken. I think if I had been—I wouldn't have been elected. We have a fantastic Congresswoman, Jackie Speier, I think she's amazing. I shouldn't have beat her, so I think you know there's no reason I should have won. But if I had been elected, I could not begin to bring about the kind of change that I think has to happen and be a member of Congress. Members of Congress spend forty to seventy percent of their time on the phone raising money to go back to Congress. I mean, this is outrageous. Half their time at least is spent not dealing with the national problems we have but just trying to raise money to get back to Congress, and I would have been part of that system. So I think that what we need is people—citizen reformers who want to change the system from the outside, and that's my commitment to what Change Congress is going to be.

(applause)

Q: And the second half of the related question then. If there is a spot within the your next ten years of this topic, if there is a spot becoming on the Supreme Court, will you seek to fill it?

LAWRENCE LESSIG: No.

STEVEN JOHNSON: Will you run for president? How ’bout that?

LAWRENCE LESSIG: Run for president, of course!

PAUL HOLDENGRÄBER: Well, I think it’s time to drink Brooklyn Beer. And it’s time also to tell you that you can submit questions that talent will answer in a little while. There’s a table there, and join the Library, Lawrence Lessig, Steven Johnson, Shepard Fairey, thank you very much!