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HOPE poster brought Shepard Fairey fame, controversy. Now what?

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Shepard Fairey stands in front of the now ubiquitous graphic of Barack Obama. His works will be in ArtBasel Miami Beach and elsewhere.

LOS ANGELES -- Fame breeds friction. Shepard Fairey is signing dozens of copies of his graphic red-and-yellow print of skateboarding legend Jim Muir that are spread across tables in a basement room of his Studio Number One building in Echo Park. He's talking about the places from which a collagist and graphic artist can grab images these days: stock agencies, Flickr, Creative Commons or such photographer friends as Glen Friedman, who took the shot of the airborne Muir that Fairey transformed with a dash of constructivist boldness and a sprinkle of cartoon shading.

"There's no shortage of images," he says with a twinkle of ironic mischief. "It's just that there's an abundance of lawyers as well." As the creator of perhaps the most widely seen piece of artwork in recent history -- the red,

white and blue poster of Barack Obama underlined by the message HOPE -- Fairey has been catapulted to global fame. His works will be everywhere during Art Basel Miami Beach -- inside the fair, as a mammoth mural in Wynwood and on the side of Miami Art Museum.

The 39-year-old street and graphic artist has also become a lightning rod for controversy. So far this year, he has been arrested for vandalism in Boston and embroiled in high-profile lawsuits with the Associated Press over the photograph he used for HOPE.

From making a potent symbol of historic change, Fairey has become one. "He embodies this new dispersed, grassroots, participatory culture about as well as any contemporary figure," says Henry Jenkins, Provost's professor of communication, journalism and cinematic arts at the University of Southern California. "The battle between AP and Fairey is an epic struggle between the old media and new-media paradigms, a dramatization of one of the core issues of our times."

STREET ART

A few years ago Fairey plied his trade during Basel as he has throughout much of his 20-year career: sniping posters illegally on the streets. The graduate of the Rhode Island School of Design first gained fame in the early 1990s with mysterious stickers featuring the wrestler Andre the Giant and enigmatic messages such as "Andre the Giant Has a Posse" or "Obey."

Eventually the secret got out: these snippets of street art -- which seemed to take on a pervasive life, like the World War II "Kilroy" graffiti -- were the brainchild of an illustrating major who escaped ennui via punk rock and skateboarding. "The Sex Pistols changed my life," says Fairey, who named one of his two young daughters after punk fashion designer Vivienne Westwood.

Fairey quickly developed a reputation for his provocative propagandist style. His stencils, stickers and posters featured images and motifs that either were iconic (Lenin) or became ironic through his bold colors and messages. The Obama poster has made Fairey probably the most famous of all street artists, eclipsing even his friend Banksy, the legendary Londoner whose work draws top dollars even though his real identity remains a secret.

"We've always liked street art and the stories of how the artists started tagging on the streets and turned into fine artists," says Kathryn Mikesell, the Miami art patron whose Fountainhead residency program is cosponsoring The Public Works, the large-scale Fairey mural to be installed in a vacant Wynwood lot. "It's an interesting dynamic how they're . . . able to be represented by a gallery and not work for 'the man.'"

For The Public Works, produced by Country Club Projects in partnership with Fountainhead and MAM, Fairey will construct an 8-by-120-foot mural of his iconic pieces -- a sort of greatest hits. A variation of his 2006 piece Arab Woman will also be mounted on a wall of MAM. This is the most high-profile project for Fountainhead, an organization founded by Mikesell and her husband Dan that brings artists and curators to Miami. Fairey's work will also be part of another Wynwood mural presented by Deitch Projects and Goldman Properties that includes an impressive selection of international and historic street artists, including Kenny Scharf and Futura. Deitch, Fairey's new gallery, will also offer two new pieces on canvas by the artist.

Unlike Banksy, Fairey has long accepted his place in the public eye. He's handsome, charming and eager to show off his collection of signed punk albums and artwork. "My strategy with my art has always been inside/outside -- that you need to be willing to do whatever it takes to connect with an audience," he says as he signs another Muir image (proceeds from the prints' sale will go to the skateboarder, who recently broke his neck surfing). "I'm operating under the assumption that people know that I'm a populist. My work is about connecting with a broad audience." The artist certainly got his wish with HOPE, which began as just another piece in a political series. During the 2004 campaign, Fairey posters attacked Bush and the war. For 2008, he decided he would take a different tack. "I had started to think about why my anti-Bush images and other people's anti-Bush images had not kept Bush from being reelected in 2004," he says. "Maybe it makes more sense to support rather than oppose. And I looked at Obama as the unique opportunity to endorse a mainstream candidate."

He initially made a few hundred posters with the word Progress. Then he made 10,000 for a rally at UCLA with Oprah Winfrey and Michelle Obama. The posters made the news, and within days the Obama campaign staff contacted Fairey and said they loved the image but preferred the words Hope or Change. Fairey put up the image as a free download on his website (provided any proceeds went to the Obama campaign). Just in time for Super Tuesday, the posters were everywhere.

"I had no idea it was going to be such a hit," Fairey says. "I did purposefully try to make it something that I thought could cross over, that would have enough appeal to my fan base to stylistically work for them and also not be quite as edgy or threatening. And not in any way to be ironic; to be sincere and patriotic. My feeling was that all my friends are already going to vote for Obama. The people that hopefully this image will appeal to is the person who's on the fence. It needs to be something that's nonthreatening. Something -- this sounds really corny -- but something that would maybe be hopeful and inspirational.

"I still don't regret it, though I'm a lot closer to regretting it than I ever thought I would be," Fairey says, growing somber. "It's such a nightmare that I'm going through."

AP PHOTO

The AP says that Fairey violated its intellectual property by basing his image on a photo taken for them by Mannie Garcia. Fairey acknowledges his use of the image -- although he initially said he had used a different image by the photographer. In October, he admitted he had lied.

He faces legal sanctions. His legal team resigned, but he has a new one in place. Fairey argues that the exact source of the image is immaterial; what matters is that he significantly transformed the photograph to create a new piece of art. He says that the piece therefore qualifies as Fair Use under copyright law.

Jenkins, author of *Convergence Culture: Where Old and New Media Collide*, agrees. "Artists -- whether professional or amateur -- need to be able to depict the country's political leadership, and, in almost every case, they are going to need to draw on images of those figures which come to them through other media rather than having direct access. . . . My sense is that Fairey's art was transformative in that it significantly shifted the tone and meaning of the original image."

There is a long, noble history of artists' redoing the work of others. *Beg Borrow and Steal*, the new exhibition at the Rubell Collection, features 74 artists whose work is highly appropriative. It gets its name from a quote attributed to Picasso: "Good artists borrow, great artists steal." "Appropriation is a creative act; it's become one of the most effective ways to make art in a media-saturated world," says Rene Morales, curator at MAM. "It's pretty clear that the image to which the HOPE poster relates would not, by itself, have been able to help move millions of people to action last fall."

An AP spokesperson referred The Miami Herald to previous AP statements about the case, including this: "AP believes it is crucial to protect photographers, who are creators and artists. Their work should not be misappropriated by others."

HOPE certainly made Fairey an art star. But notoriety has brought other headaches. Shortly before the opening party for a show of his work at the ICA, Boston police arrested Fairey. "I made the mistake of being very candid about my practice as a street artist," Fairey says. "The Boston police said that's an affront to the commonwealth."

TOO MAINSTREAM?

Fairey has also been criticized by underground communities for having gone mainstream and commercial with HOPE and with ventures such as his recent clothing line for Levis. "The ceiling to a lot of the rebel culture and the real activism and quasi activism was these people are glad to talk but don't do anything to engage in this process enough to make an actual difference," he says. "I said 'I'm going to engage in this process.'"

"Fairey is too simultaneously sarcastic and earnest to wallow in victimization. He seems defensive and slightly shell-shocked, but one gets the sense that he also at some level relishes his role as David against an outmoded media Goliath. Whoever wins the legal case, Fairey can take assurance in already having played a role in securing one important victory. Obama sent him a thank-you note.

"What I value most about the poster," Fairey says, "is that piece is going to go down in history, and it was not created by a corporation: It was a piece of grass-roots activism that made a difference."