

## **Timeline of key events and comments by Shepard Fairey about the Obama Hope poster:**

### **Jan. 30, 2008**

Report of Fairey creating the poster.

### **May 18, 2009**

In an interview with the Washington Post, Fairey outlines the basic steps to making the poster. "To create his Obama poster (which he did in less than a week), Fairey grabbed a news photograph of the candidate off the Internet. He sought an Obama that looked presidential. "He is gazing off into the future, saying 'I can guide you,'" is how Fairey reads the image.

### **October 13, 2008**

Fairey is quoted in a story on Huffington Post, saying: "My philosophy is usually if I want to make things happen I'll just act first and apologize later." Fairey further states "I looked for an image that I thought was a good image, illustrated it in one day and had the posters in production the next day."

### **Feb. 9, 2009**

Fairey files a complaint for declaratory judgment and injunctive relief in US District Court in the Southern District of New York. In the complaint Fairey identifies the image as that taken by photographer Mannie Garcia, which depicts Obama at a panel discussion at the National Press Club in April 2006 alongside actor George Clooney.

### **Feb. 26, 2009**

In an interview with Terry Gross interview on Fresh Air from WHYY, Fairey once again states that the image he used to create the Obama Hope poster "was actually the one where Obama and George Clooney are both in the frame, but it was shot probably a second before or after the one that's been circulating." Gross: "Now, some people are contesting whether that's the actual photo that you used. I don't know if you're following this or not, but there's a blog by James Danziger, who is the person who put out the alert -- let's find the photo that, you know, inspired this poster. He says that when you overlay the photo with George Clooney of Obama with your poster, they're a little out of sync, whereas when you overlay that single shot of Obama with your poster, they're perfectly in sync. So do you want to address that? Because they're saying that you're claiming it's a different photo than it is." Fairey: "Well, that's where the part of being an artist comes in, doesn't it? It's that liberties had to be taken with the photo to get what I wanted. The one thing that I had to adjust was whether Obama was going to be looking more to the right or more directly towards the viewer, so I had to adjust his eyes a little bit. That's the main thing that I recall adjusting. And I rotated his head really slightly. It's a hand-illustrated image that I also did some digital tweaks to before I started illustrating it. And so, yeah, that would probably explain that."

### **March 11, 2009**

AP files an Answer, Affirmative Defenses and Counterclaims of Defendant, the Associated Press. In AP's answer, AP states that Fairey acted in bad faith, deliberately misrepresenting the source of the infringing works in his complaint. Specifically, AP claims that the plaintiffs were well aware that the infringing works were based on the Obama photo, that the plaintiffs deliberately misidentified in their complaint another photo taken by Garcia, which included an image of the actor George Clooney seated next to President Obama (the "Clooney Photo"), as the source of the infringing works.

### **March 26, 2009**

In a blog post written by Fairey and published on Huffington Post, entitled "The AP, Obama & Referencing," Fairey states: "The AP photo I used as a reference, which I found out much later was taken by Mannie Garcia (which was actually this one, not the one being circulated in the press) was a news photo that showed George Clooney and Barack Obama attending a 2006 panel on the genocide in Darfur."

### **April 2, 2009**

Posting on the obeygiant.com web site, *Shepard Fairey vs The Associated Press*, repeats the same language as was published on Huffington Post. Fairey states: "The AP photo I used as a reference, which I found out much later was taken by Mannie Garcia, (which was actually this one, not the one being circulated in the press) was a news photo that showed George Clooney and Barack Obama attending a 2006 panel on the genocide in Darfur."

**April 9, 2009**

In an open letter to Fairey by James Danziger on [pictureyear.blogspot.com](http://pictureyear.blogspot.com), Danziger states: "What really bothered me, however, and continues to bother me is that once the correct picture was identified (Mannie's full frame shot of Obama's head and shoulders) you continue to insist that the picture you used was the one of Clooney and Obama. Unless it is part of your legal strategy – making your case based on using a detail of a larger picture rather than the entire picture – it makes no sense as it has been indisputably proven that the full frame head shot is the source. I guarantee this 100 percent. Admit you made a mistake and acknowledge the correct source picture as Mannie's headshot."

**April 14, 2009**

Fairey files his Answer and Affirmative Defenses of Plaintiffs and Counterclaim Defendants. In it, he says he used the Clooney photo as a visual reference to create the Obama works.

**June 10, 2009**

In an interview with The A.V. Club ([avclub.com](http://avclub.com)), Fairey states, "First of all, the AP is showing the wrong photo. I'd found this image of George Clooney and Obama at this Darfur panel, and I thought, 'That's kind of the right look for Obama.' When I saw the one they had, I thought they'd just cropped in on the same photo, but I realized it was taken either a split second before or a split second after."

**Oct. 9, 2009**

In a letter, Fairey's attorneys inform AP they want to amend their pleadings, and say that they "no longer contend that the Clooney Photograph was used in the creation of the Obama Hope poster" and, in fact, admit Fairey used the Obama photo AP claimed was used. They also inform AP that Fairey created new documents claiming use of the Clooney photo after he had filed his original complaint, and that Fairey also attempted to delete key documents about which photo he had used. In addition, they tell AP that statements made to AP about the existence of some of Fairey's files addressing the Obama illustration "now appear to have been inaccurate."

**Oct. 20, 2009**

AP files an amended counterclaim, claiming it has uncovered new evidence showing substantial profit from commercial exploitation of the image, on T-shirts and other merchandise. AP also contends Fairey did not make a "mistake," as he claimed, about which photo he used in the poster; it "strains credulity" that he could not remember cropping Clooney out of the photo, AP states. In addition, AP numerates on how Fairey has licensed AP images for legal use, such as with the cover image for the Aug. 20, 2009 Rolling Stone.

**Undated**

The Clooney photo is displayed on the Obey Giant Web site, under an update by Fairey of the litigation, after the filing of his response to AP's counterclaims.



Clooney Photo



Obama Photo



Obama Hope Poster