Can unions save the creative class?

Newspapers are dying. Musicians and writers can't get paid. Maybe it's time for creatives to really organize

By SCOTT TIMBERG

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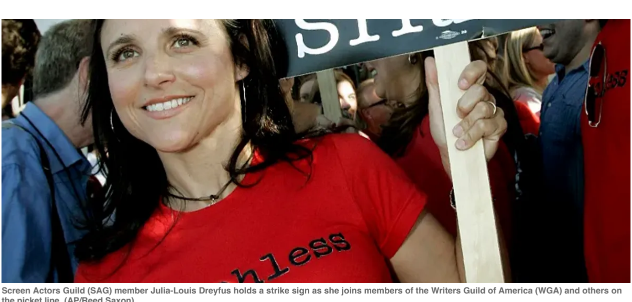

Screen Actors Guild (SAG) member Julia-Louis Dreyfus holds a strike sign as she joins members of the Writers Guild of America (WGA) and others on the picket line. (AP/Reed Saxon)

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Being a musician is a good job, but that doesn't mean it's okay to go broke doing it. --David Byrne

They're just for hard hats. They peaked around the time Elvis was getting big. They killed Detroit. They've got nothing to do with you or me. They're a special interest – and they hate our freedom.

That's the kind of noise you pick up in 21st century America – in politics and popular culture alike – when you tune your station to the issue of trade unions. Union membership, and ensuing muscle, have been in steep decline in both the public and private sectors. Just look at Wisconsin's "right to work" push, the anti-teachers union "reform" movement, corporate union-busting, P.R. "messaging" firms hired by management to smear striking workers, hostility from the Republican right and indifference from a Democratic Party that's reoriented itself around professionals and Silicon Valley.

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Also in decline: America's creative class -- artists, writers, musicians, architects, those part of the media, the fine arts, publishing, TV and other fields -- faced with an unstable landscape marked by technological shifts, a corporate culture of downsizing, and high unemployment.

So is it time for artists to strap on a hard hat? Maybe unions or artists' guilds can serve and protect an embattled creative class. With musicians typically operating without record labels, journalists increasingly working as freelancers as newspapers shed staff, and book publishing beginning what looks like a period of compression, unions might take some of the risk and sting out of our current state of creative destruction.

"Musicians are trying to negotiate this changing landscape," says Kristin Thomson, once a guitarist for the band Tsunami and an owner of indie label Simple Machines, now a director of the Future of Music Coalition. Many musicians ask the group how to deal with today's complicated mix of outlets and platforms, or what to expect from label support. "Others saw their mechanical royalties falling off a cliff. There are revenue steams out there, but they're all changing so fast. This is a difficult time for artists trying to understand it all. And there's a lot more competition because the barriers to entry are a lot lower."

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To their partisans, of course, unions don't just help the workers at a few companies; they can have a transformational effect on society as a whole. Supporters credit them with the 40-hour work week, the weekend, fair wages, safe working conditions, overtime pay – much of the edifice that build the American middle class in the mid-20th-century. Unions often set wage standards across a field, even for people who don't belong to them; uncounted artists, writers and musicians can pursue their craft because their spouses have union-protected jobs, like public school teachers.

"And it's because of the decline of labor that these things are going away," says Thomas Frank, best known as the author of "What's the Matter With Kansas?" "If you're worried about inequality in this country, which is just galloping along, the main cause – even bigger than the skewed tax code – is the decline of unions."

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The journalist and author Scott Martelle has seen the issue from several angles. While working at the Detroit News, a Gannett paper, he served as a union activist during the 1995 strike, and rather than cross a picket line to work, left for the Los Angeles Times two years later. The locally owned Times, by contrast, still retained a whiff of old-school corporate benevolence: for some of that decade, the paper had employed a staff doctor on call for the newsroom, and sometimes sent writers on first-class flights to cover stories. We never formed a union, its staffers sometimes told each other, because they treated us well. (Disclosure: Martelle was a colleague of mine at the Times.)

But the good times didn't last. When private-equity mogul Sam Zell leveraged a buyout of the Tribune Corp. – owner of the Times, the Baltimore Sun, the Chicago Tribune, the Hartford Courant and other papers – and drove the company into bankruptcy, waves of bloodshed for the newsrooms began. In the summer of 2008, something like 300 reporters and editors at the Times alone lost their jobs. Martelle was one of them. The next batch of firings came in October, and there was still no union to make the process more humane: Staffers were told they had until 5 p.m. to clean out their desks, and security was standing by for anyone who dawdled. (By contrast, the Tribune executive who steered the doomed sale to Zell, Dennis FitzSimons, walked away with a golden parachute in excess of $40 million.)

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"In a lot of ways, the newspaper industry went along thinking it would be rich and fat forever," says Martelle, who last year published the book "Detroit: A Biography." "And the journalists were in the same situation. So when the Tribune Corp. blew up, it was too late to organize. People get motivated to join unions because they are frustrated or scared. And 10 years ago, no one was frustrated or scared."

* * *

Trade unions and artists' guilds – various bodies in which creative types collaborate politically -- date back at least as far as the first stirrings of the market economy. Masons lodges, common in the Middle Ages, operated like a cross between movie studios and architecture firms. As early capitalism became a force nearly as important to artists as the church, artisans and artists joined guilds, which were less hierarchical than the lodges, and worked in some ways like contemporary unions. They asserted rules for training, apprenticeship and journeymen, not radically different from a blacksmiths' or saddlers' guild.

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"Guilds in the Middle Ages arose whenever an occupational group felt its economic existence threatened by an influx of competition from without," historian Arnold Hauser wrote in his definitive "The Social History of Art." "The object of the organization was to exclude or at least restrict competition." These guilds could be illiberal in some ways, but they also "marked a decided step forward in the artist's freedom."

This conflict between those inside and outside the guild exerted itself frequently in these years: Itinerant entertainers like jongleurs and wandering minstrels often enraged guild groups like watchmen or town musicians, who typically held a monopoly on performing at weddings and funerals, and were beaten back by established players. Stage actors experienced similar conflicts: Some were connected to a local guild, others wandered from inn to inn to perform for a passed hat, while some, as permanent theaters began to be established in Shakespeare's time, joined standing companies and resented those who didn't.

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Guilds were hardly perfect – the Meistersingers were almost comically Teutonic in their earnest love of musical rules, and guild traditionalism sometimes put them behind artistic developments. But they were important to keep amateurs from stealing material – songs, for instance -- in these days before copyright or contemporary notions of intellectual property. The nature of art means that these guilds did not function as smoothly as, say, blacksmith guilds. "There never was as period in their history," British music historian Henry Raynor wrote, "when the town musicians were not engaged in a bitter struggle to preserve their monopoly."

When the culture of the Renaissance told artists that they were individuals -- even, in some cases, geniuses – that their talent was inborn, and that their role was to liberate the human spirit, many painters, sculptors and others decided they did not need some musty old medieval guild, with its years of training and numerous restrictions. But because artists have little power and influence in isolation, they found themselves soon migrating into academies of art that were more conservative and hidebound than the guilds. In 17th century Holland, similarly, a formidable group of painters emerged – Rembrandt, Hals and Vermeer among them – but because artists fell on the wrong side of the supply/demand curve, and there was no guild to protect them, even the best artists struggled, some selling tulips to pay the rent, some just going broke.

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Romanticism in the 19th century doubled down on the cult of individualism: An artist or poet was a supernatural creature destined to soar about the dull crowd. As industry came into Britain and New England, creating inhumane working conditions and belching smoke into the skies, only the most political of artists saw anything in common with the masses filing into the sooty factory each morning. Unions started up in earnest about this time, and some guilds saw a revival. But by and large, artists were committed to an individualism either heroic (Beethoven, Wagner) or dejected/alcoholic/absinthe-sipping (Baudelaire, Poe).

The turn of the 20th century, flanked by the Progressive era, saw a growth of unions and successes such as child-labor laws. Perhaps more than any subgroup of the creative class, musicians – classical, Broadway and big-band artists especially – became unionized by the 20th century, generally with the American Federation of Musicians.

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"The unionization of music in the United States has a mixed history," says Ted Gioia, a music historian, jazz pianist and former corporate executive. "Many U.S. cities still had segregated musicians unions long after the Supreme Court said 'separate but equal' was wrong -- in 1963 we still had 39 all-black locals in the AFM. James Petrillo, the head of the AFM, didn't want to force the issue, and this one man had an enormous influence on what happened -- or didn't happen -- in American music. Petrillo was also responsible for the musicians' strike of 1942-1944, and though I'm sure he felt he had good reasons for calling a halt to recordings, many blamed the decline in the big bands to this decision. And even today, we face a gap in American music history."

The American Society of Composers, Authors and Publishers – the songwriters' union, dedicated to protecting and enforcing copyright – also made its share of mistakes. "When ASCAP launched a boycott of broadcasters in 1941," Gioia says, "they opened up opportunities for its rival BMI, and eventually had to settle for lower rates from radio than what they started with. In this instance, the public was deprived of music and the composer ended up with a worse deal."

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Of course, the most consequential event in the recent history of unions has nothing to do with art or music. When Ronald Reagan – the only American president to come out of organized labor and simultaneously an avatar of "rugged individualism" – fired 13,000 striking air-traffic controllers in 1981, he helped erase unions from the American map. "The government had never done something like that, replacing striking workers," says Frank, whose latest book is "Pity the Billionaire." "It was a signal to striking workers, that it would side with management. It was the beginning of an offensive. For the strikes of the '80s, over and over again, strikers just got replaced."

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In the right circumstances, guilds could be a force for stability for artists and artisans during unstable times. But between unions and creative types sits a long-standing cultural barrier.

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"A lot of white-collar employees don't see themselves as workers," says Martelle, who now belongs to the Authors Guild. "They see themselves as 'partners' or some other euphemism." Newspaper journalism has blue-collar roots, and typically the production staff was committed to unionism. "But by the '70s and '80s, journalism was more about kids coming out of college, from the managerial class."

He saw this in action while striking in Detroit: Roughly half the journalists went to work during the strike, while virtually none of the drivers, printers or production staff did. "There were a lot of liberal journalists who talked a good game. But when push came to shove, they crossed the picket line."

These days, he says, "journalists don't see themselves as union people. The only difference is the tools we use in the trade." Reporters and editors are brought up in a culture that discourages entangling alliances – they're supposed to be impartial, which leads some to decline even to vote -- and they're discouraged from joining anything.

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It's nearly as true for many musicians, says Thomson. "When musicians enter this world – as a rock band, hip-hop singer or electronica act – a larger structure like a union doesn't seem to make sense if they are still booking their own shows," she says. "For musicians it just doesn't align with how they see themselves. 'I don't have a salaried job, how can I go on strike if it's just me and my band?' "

Many of them eventually join a union, she says, and many musicians around Hollywood studios, Broadway stages and Nashville's music factory are unionized, typically with the 90,000-member American Federation of Musicians. Even some of the rock bands come around. "It's when people see a larger career arc, or if they ever play on live television -- say, as a guest on a late night talk show -- as the AFM and SAG-AFTRA are almost always the conduit for payments. Or when a Canadian artist needs a visa to perform in the United States. Until then, it might never cross their radar."

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Says Frank: "You're talking about people who went to college; they've been brought up thinking that unions weren't for them. This whole idea of the 'free agent society' has gone so far; I don't know how you reverse that. And they didn't just sell it to management – they sold it to workers. They think it's cool to not have health insurance or benefits!"

The key work of this movement, "Free Agent Nation: The Future of Working for Yourself," was written by former Al Gore speechwriter Daniel Pink. "Democrats are as deep into it as Republicans are," Frank says. "The Democrats are embarrassed by organized labor, especially when they think about their future. It's professionals – that's who they want."

This isn't just a class, or ideological, problem. Artists, musicians, writers – even some journalists – go through periods of developing their individual voices, years of what jazz musicians call "woodshedding." This can take place in graduate school, or while bartending or driving a cab – Philip Glass and Steve Reich ran a furniture-moving company – but whatever the details, it tends to reinforce a sense of individualism. Whatever a person's specific politics, the artist's path often discourages a sense of collective unity.

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"Collective bargaining requires an obedient rank-and-file," Gioia says. "But is there a profession more resistant to this than art-making? I'd rather try to put the toothpaste back in the tube than attempt to get artists to march in lockstep."

One of several groups trying to make this work is Freelancers Union, a decade-old Brooklyn-based nonprofit that calls itself a "federation of the unaffiliated" for the nearly one-third of the workforce that works independent of a steady employer. But it's not just graphic designers working from home in their pajamas: Founder Sara Horowitz was spurred to do something for freelancers when she took a law firm job and saw she was classified as an independent contractor, with no health insurance or retirement benefits. In 2008, she started the for-profit Freelancers Insurance Co., and in the fall opened the Freelancers Medical Center in Brooklyn. The group hopes to offer unemployment insurance as well. But some freelancers outside New York complain that they'd love to join the group, but wish it offered medical insurance west of the Hudson. (The group offers dental, 401K and disability nationally.)

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Unions, though, typically require concentrated centers of population for some of their collective action to work, and in a creative class decentralized by a half century of suburbanization and several decades of the Internet, that's harder and harder to find.

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Despite all the difficulties and challenges faced by unions, there's also one recent major success by a creative class union: The Hollywood strike of 2007 and 2008 led by the Writers Guild of America.

The strike was launched over writers' frustration at getting left behind by the shift to digital media. "We had been sucker-punched on a lot of previous technological advances," says screenwriter Howard Rodman, now a WGA vice president, who was active in the strike, offering a long list going back to videocassettes and cable. With the Internet developing as a way of distributing films and television, the union decided to plant its flag in cyberspace, rather than wish they had a decade later. "We knew it we didn't get it in that negotiation," he says, "we never would."

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Despite the decline in union membership, workers still strike, and technological changes are sometimes the cause. Recently a number of symphony orchestras have fought with management, and found themselves on the losing end: The Minnesota Orchestra, asked to take a large pay cut by management, has been locked out, with no medical benefits, since October. These stories are depressingly familiar.

But here's what happened in Hollywood: The writers struck for 100 days … and in the end got most of what they wanted. So, what happened?

Part of the writers' success came because the Hollywood unions – including the Screen Actors Guild, the Directors Guild of America, the Teamsters and various unions of "below the line" workers – have deep roots in the movie business. (By contrast, the effects houses – one of which, Rhythm & Hues, filed for Chapter 11 right before winning an Oscar for "Life of Pi" – are not unionized.) But previous Hollywood strikes have fizzled, like the strike of 1988 over video royalties.

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The '07-'08 campaign was also better run than most. Support by high-profile stars – Steve Carell calling in sick to "The Office" – helped, as did enlisting the showrunners who head a television program and often come out of the writers' ranks. "These were people who made a lot of money for the studios, and who were used to working at the highest levels of the networks and studios," says Rodman. "It wasn't the suits versus the barbarians."

During a period that cut into many writers' savings, the union offered loans to some, which kept screenwriters' homes from being taken or their medical coverage from being cancelled. (No strike is an unalloyed victory. The studios, who employ the writers, lost hundreds of millions it could have earned. The Los Angeles area, including it florists, caterers and other support workers, lost even more – something the messaging firm hired by studio management made clear as it worked to demonize the striking writers.)

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Part of the reason Hollywood strikes can work is that the unions *protect their position*: Anyone who symbolically crossed the picket line can never be a member. "You can never come back – you are exiled," Rodman says. That doesn't mean that some writers (including some who penned soap-opera scripts) don't keep working. But there were not enough scabs to undercut the union.

"At the end of the day, the studios would rather deal with a writer than want to be in the cesspool trying to determine credit," he says. "They don't want to give the unions everything they wanted, but to borrow a little, it's better than dealing with 10,000 maniacs."

Some say Hollywood's unusually liberal culture give unions power. But ask a striking graduate student at NYU or Yale, or the public radio staff whose unions have been broken or deflected, about how unsupportive liberal cultures can be.

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Hollywood executives often support liberal social issues after hours, they don't typically let politics get in the way of their earnings or their dealings with talent. And Hollywood films have hardly been consistently pro-union. "On the Waterfront" is a great film, but it also takes a cartoonish view of union leadership. Similarly, for decades gangster films – including the Godfather movies – portrayed unions as handmaids to the mob. For every "Matewan" – made outside the Hollywood studio system, incidentally – there is enough material like "Blue Collar" for an anti-labor film festival. "Remember that movie, The Replacements?" Frank asks of a 2000 film starring Keanu Reeves. "It's about a scab football team and how awesome they are."

The recent film "Won't Back Down "shows Maggie Gyllenhaal and Viola Davis as plucky heroines who stand up to a reactionary school system – weighed down by an ingrown teachers union – to save a Benetton ad's array of kids. It was funded in part by plutocrat Philip Anschutz, who also supported the anti-teachers union documentary "Waiting for Superman." It's only a matter of time before the Koch brothers make one of their own.

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Rodman sees unions as more important than ever, and the only institution making the middle-class writer and the working actor possible at a time of historic income disparities. "As the conglomerates change, as entertainment becomes a smaller percentage of [multinational's] earnings, we'll see if that changes."

It may be that the crisis in capitalism — a system with which unions have a fraught but also symbiotic relationship – means unions can't operate the way they used to. Some union advocates see the 21st century economy as a return to the smoky early years of industrialism, before unions made themselves felt — the Information Age version of sweatshops and endless work weeks.

Technological shifts, in some ways, are making things harder. As the blue-collar employees who traditionally made newspaper production possible are replaced by automation, unions lose members and their strength dwindles further: The process is cumulative. "A union derives its power from organized action, with a strike as the big stick," Martelle says. "If you can limp along putting out a paper with managers, then you can't use that stick. They can always fill a paper with bulshit. But if you can't put it on a truck, you're in trouble."

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That was the old model. "If you look at the stories from the last few days – corporate profits up, with no hiring coming – you see the problem," he says. "If people aren't working, there's nothing unions can do."

Still, newspapers with strong guilds – the New York Times and Washington Post – have seen fewer layoffs and less brutal severances, on the whole, than those without. And the business was ailing in 2007, as well, but the lack of union protection at the Tribune's two largest newsrooms, L.A. and Chicago, is part of what made Zell's dirty deal – build on employee pension plans – possible.

There is certainly no shortage of problems – new and old – that an artists' collective of some kind could address. In his insightful recent book, "How Music Works," David Byrne talks about the difficulty of getting musicians paid for songs on Pandora, Spotify and other services. "Spotify has reached agreements with the major labels, just as MTV did before them," he writes. "And just as before, the artist, who should be entitled to a share of that equity, is missing from the equation. Maybe this time around that will get fixed, and if it does then streaming will be an additional source of income for artists — especially if the artists hold on to the rights to their songwriting and recordings." Without a powerful musicians guild, it's hard to imagine this resolving any better today than it did in the MTV '80s.

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"We know that a union would be a good thing," Frank says, "but it's very hard to start a union in a white-collar environment. When unions swept the country in the 1930s, very large workforces were concentrated in one place." Creative professionals simply don't have the numbers, and freelancers in the decentered age of the Internet are scattered geographically in a way that's very different than the way legions of workers would get together under one roof every morning at a Manchester cotton mill or Detroit auto plant. "It's harder for them to catch fire. You need unions, but you probably won't get one."

Gioia sees the current problem replaying the struggles of medieval guilds. "The biggest challenge to organizing creative labor is the large number of people willing to do the same work for free. This isn't a problem when you are a coal miner or factory worker. But if you are a photographer, painter, musician, poet or some other creative talent, you soon figure out that the same gigs that you depend upon to pay your bills are someone else's hobby. That other person might even pay for the opportunity to do what you are doing to make a living. This makes collective bargaining extremely difficult, because you have very little leverage in the negotiation."

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Some of the creative fields may figure a way out of the current mess; some won't. It may have less to do with ingenuity and more to do with how fast the respective pies are shrinking. Despite some disruptions, and an output heavy on 14-year-old-boys' testosterone fantasies, Hollywood studios continue to make enormous profits. Newspapers, magazines, book publishers and record labels, by and large, don't.

Rich Yeselson, a D.C.-based writer who worked in the labor movement for two decades, considers unions the institutions that can best cut against income inequality and protect workers. "But a union can't compensate for an industry whose business model is in crisis," he says, "which is the real problem with the newspaper industry. If the business can't generate surplus profits that might go to unionized workers, rather than to shareholders (that's what the tug of war between management and labor is about), then the union is only bargaining, effectively, over severance and other closing costs (which is not nothing, but not wages and benefits going forward either).

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"If often shocks conservatives to be reminded of this, but unions are capitalist institutions, they were founded in the early 19th century pretty much simultaneously with the development of modern capitalism. Managers and owners usually hate unions, but even the most militant unions look to cut a deal with management because the point is to use the union's power to extract more money and better working conditions for workers. But there has to be profits to extract - unions can't bump a dying industry."

Somebody may figure out a way to make this brave new world less inhumane. But it's going to take a while, and there will be plenty of pain along the way.

By SCOTT TIMBERG

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