

Artifact: A musician's struggle against a giant corporation

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Jared Leto is perhaps best known to the general public for his work as a film actor, most notably in David Fincher's *Fight Club* (1999) and Darren Aronofsky's *Requiem for a Dream* (2000). However, in recent years he has devoted his attention to the world of music, as the lead singer of Thirty Seconds to Mars.

Artifact, directed by Leto himself, under the pseudonym Bartholomew Cubbins (of Dr. Seuss fame), revolves around major record label EMI's decision to sue the band for \$30 million in August 2008. The film was screened November 8 as part of the New York City documentary festival DOC NYC and previously, in September, at the Toronto film festival.

The "crime" committed by Leto's group was simply wanting to excuse themselves from their existing, demonstrably illegitimate contract. EMI, however, claimed that Thirty Seconds to Mars had failed to deliver the three albums required by their agreement.

Leto and his band mates were understandably aggrieved at the fact that having sold over 2 million albums at the time of being taken to court, *they had not received a penny in royalties* and ... were still \$1.4 million in debt to EMI. This, as the film makes clear, is the standard operating procedure of the record companies, who are in the business, as one commentator notes, "of not paying musicians."

Leto explained the predicament on the band's web site: "We had been signed with them [EMI] for nine years. Under California law, where we lived and signed our deal one cannot be bound to a contract for more than seven years. ...

"Yes, we have been sued by EMI. But NOT for failing to deliver music or for 'quitting'. We have been sued by the corporation quite simply because roughly 45 days ago we exercised our legal right to terminate our old, out of date contract, which according to the law is null and void.

"We terminated for a number of reasons, which we won't go into here (we'd rather not air dirty laundry) but basically our representatives could not get EMI to agree to make a fair and reasonable deal."

Thirty Second to Mars' struggle with EMI commenced just as the financial crisis erupted. The filming of what would

become *Artifact* also began at that time and Leto, with a certain degree of self-importance, draws parallels between the plight of the band and global economic crisis. "As we are trying to make a deal with EMI the world is falling apart," he comments. Nonetheless, insofar as the musician denounces the record giants and Wall Street as part of the same problem, he is on to something.

The Louisiana native comes across for the most part as quite a decent, grounded individual, as he narrates the film, reflecting on his and his brother and fellow band member Shannon's childhood and the band's origins, as well as commenting on their David and Goliath-like battle with EMI.

Indeed it was his elder brother, drummer Shannon, we are informed, who first infused Leto with a love of rock 'n' roll. Their mother, despite the economic challenges she faced, played her role also, encouraging the boys throughout a troubled upbringing. Leto's recollection of his youth consists of having "instruments in one hand and food stamps in the other."

The scenes involving Leto's mother are sincere, but some of the material could have been left out, as it tends to become a little sentimental.

Leto's musings about music are also not terribly enlightening, but this may depend on one's reaction to his band's sound. Those sequences in which the film becomes a bit of advertising for Thirty Seconds to Mars (perhaps inevitably, given that this is, after all, a documentary about the production of their third album, "This is War") are among its least compelling.

In all fairness, Shannon Leto is undoubtedly an extraordinarily gifted drummer. Nor can one deny the talents of third band member, guitarist and keyboardist Tomo Milicevic.

In any event, the film does not stand and fall on the worthiness of the group's music or the depth of its members' insights. The central issue here is the objectively exploitative and predatory character of the record business.

The lead singer at one point sarcastically bemoans the fact that EMI legally controls their lives and music. He plays a brief tune on the piano and sighs, "They own everything." He repeats this a number of times to emphasize his point.

Yes, indeed, Leto and his band mates fit the stereotype of

naïve artists who knew little or nothing about the business side of the music industry. However, we do see all three of them earnestly trying to comprehend the complications of their predicament throughout the documentary. This involves lengthy scenes with foul-mouthed management and lawyers who proceed to give the band somewhat predictable advice.

Despite the financial and legal entanglements, Thirty Seconds to Mars diligently proceed to record “This is War” in Leto’s basement.

The larger than life British-born producer Mark “Flood” Ellis is summoned to work his magic. Flood’s reputation has preceded him, based on his work with New Order, U2, The Smashing Pumpkins and other major bands. He tends to impart fairly generic artistic platitudes, but his greatest talent, one presumes, does not lie in the quality of his aesthetic commentary.

In any event, the film appropriately spends some time discussing what led Thirty Seconds to Mars to Leto’s Hollywood basement, which was EMI’s “change of hands.”

Terra Firma Capital Partners, a private equity firm run by tycoon Guy Hands, obtained EMI in a \$6.4 billion (£4.7 billion) public-to-private buyout transaction in August 2007. Hands immediately displayed his callous disregard for and lack of knowledge about the intricacies of the music industry, firing long-term staff members. The CEO’s new-look company quickly alienated Leto and his fellow band members.

So malevolent were company officials they even tried to prevent the making of the documentary, and indeed the independent production of the album “This is War.”

However, Mr. Hands ruthlessness eventually worked against him. His lack of expertise in the music industry backfired and before long, in 2011, Citigroup took over at EMI.

Leto describes the film in an early narration as “the age-old battle between art and commerce.” This is very true. And despite an initial idealistic desire not to compromise, as the piece progresses we see that Thirty Seconds to Mars are indeed forced to do just that. This harsh reality unfolds in a protracted sequence involving Leto as he waits patiently for a response to a proposed meeting with the record company. Days and nights pass by as he hears nothing. The desperation is palpable, and so is the situation of the artist who has his hands tied when it comes to dealing with the big music business corporations.

The filmmakers interview a wide variety of individuals, including fellow artists, journalists, music producers and even former record company executives. Some are more insightful in their remarks than others.

A somewhat cynical rhetorical question is posed by a fellow artist: “Can a band sell 20 million records without a label? Maybe. But then the label becomes interested and what choice does the artist have then?” His point being that despite the independent power of the Internet and other technological avenues, the artist will still need assistance from a major record label to advance his or her career.

This point is corroborated when Leto confides to his brother, while contemplating whether to stay with EMI or not, “Independence is a life commitment. It would be my job 24/7.” He is clearly deflated by the whole episode.

Presenting the film at the Toronto film festival, Leto was asked why his band hadn’t started its own record label. He suggested that there were others who would be better at that job. “Shannon and I like to make things and share them with the world,” he observed.

Leto also explained in Toronto, as *Filmmaker* magazine noted, “We are not an anti-record company. We are anti-greed. We all deserve to be treated fairly.” He praised most record company employees, but added, “It’s those few people at the top who are keeping a system that screws the artist, and a lot of times the employees, instead of rewarding them. That’s a corporate problem, not just a record business problem.”

One of the film’s strengths is that it underlines, perhaps only half-consciously, not simply the “antiquated” character of present artist-company business relations, but the incompatibility of a digital musical universe and the existence of profit-seeking private companies.

With sales falling sharply on an annual basis, the record companies are in serious crisis, one reason why they are trying to squeeze every last cent from the artists. The “pirating” of music is virtually impossible to stop in this day and age. In an amusing conclusion to the film, Leto asks a large concert audience how many of those present have the band’s latest album. A loud affirmative cheer goes up. He then asks how many have gotten the songs for free from the Internet. An equally loud cheer!

Music should be available to everyone free of charge, and the musicians compensated in a different manner. But that requires a different economic system.

To their credit, Leto and Thirty Seconds to Mars had the courage to take on EMI and the record business as a whole. *Artifact* is a genuine exposé of the ruthlessness and greed that dominates the music industry.



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