

Answers by Warren Tolman- Democratic Candidate for Attorney General

General Questions for Attorney General Candidates:

(Note: Questions 1-3 can be answered with a yes or no, but please feel free to elaborate beyond a one word answer)

1. MALC has had a great working relationship with the current AG's administration. Would you continue this open door policy to MALC and by extension to the arts and creative economy communities?

Yes, I will make sure that a Tolman Attorney General's Office is a partner to MALC and other groups and individuals representing the arts and the creative economy.

Furthermore, I have always believed that arts and culture are crucial to a vibrant society and the education of our children. It is promising to see in the most recent state budget increased support for the Massachusetts Cultural Council and growing interest in STEAM in our public education system. Hopefully the positive trajectory of increasing funds for the arts continues and as Attorney General, I will advocate for the importance of arts as well as increased funding for the arts and arts education.

2. Labor Issues impact artists of all disciplines. The current AG's labor team has been very supportive in ensuring artists of all disciplines are not exploited.

a. One key labor issue facing our community is the treatment/exploitation of adjunct professors.

Would you be willing to work with MALC and other stakeholders to better address this issue?

Yes. As a former adjunct professor at Boston College Law School and Northeastern University School of Law, I understand the issues which adjunct professors face. Adjunct professors now make up a majority of higher education instructors, a reversal from just a few decades ago. Wages, hours, and benefits that were already low continue to fall as the expected workload increases and the chance of obtaining tenure falls. There is little job security because even once scheduled, classes can be cancelled on a moment's notice leaving no source of

income. All of this despite research that shows what most of us already know: adjuncts actually do a very good job of teaching.

I will work with MALC and other stakeholders to protect the rights of adjunct professors. We have some of the best educational institutions in the country right here in Massachusetts. These institutions fuel our creative economy and rely on the hard work and dedication of their faculty, many of which work on an adjunct basis. We need to do more to protect our educators and as Attorney General, I will work hard to ensure we do so.

b. The Massachusetts Independent Contractor 2004 law change has been an issue that has been negatively impacting artists of all disciplines and those in the Creative Economy. This law change made it next to impossible for people to be classified as independent contractors in this State. Once you are classified as an employee, you do not own or control your intellectual property. It is the property of the employer. Many artists of all disciplines and others need and want to be classified as independent contracts to retain total control over their intellectual property and by extension their livelihoods. MALC, along with Labor and the AG's office, have been trying to solution to this issue.

Would you and, by extension, your office work with MALC, our friends in labor and other stakeholders, to craft a solution to this key issue?

Yes. As Attorney General, I will work with MALC and my friends in labor as well as business interests and other stakeholders to find an agreement that ensures fair wages and benefits to working men and women while recognizing the unique position of many creative contractors. The right to earn fair pay and benefits should not have to mean a tradeoff for an artist's creative work product. I will work with advocates on all sides of this issue to forge a solution that protects artists and their creative work products without compromising workers' rights.

3. Intellectual Property is the 21st frontier and needs safeguarding. Identity theft is one example that most are familiar with. Copyright protection is critical for artists of all disciplines.

a. Would you and your office work with MALC to better ensure and advocate that copyright protection (as well as the monetary and moral rights that go with it) is upheld and strengthened in our changing and expanding digital age?

Yes. As we get into the digital age, I am concerned that people's rights to both their physical and digital content are being compromised. I won't take it lightly. Where there are instances of actionable copyright infringement, I will investigate and potentially file suit against infringers. I will work with the arts community and advocacy groups like MALC towards solutions that make it harder to ignore copyright, whether through legal avenues or technological solutions.

b. Would you use the power of your office to promote the benefits of copyright and sponsor public education on proper use and etiquette surrounding creative works of all kinds?

Yes. The Attorney General's Office is well suited to educate the public about legal issues like copyright law. I will work with the arts community to promote the benefits of copyright to the public. We need to remind the public that the musicians, the painters, the actors, the graphic designers, and all of the other artists who create the works that we love are directly harmed. When copyrights are ignored, artists' livelihoods are put at risk. As Attorney General, I will make sure that message is heard.

c. Would you and your office support state legislation that protects the commercial value of artists, entertainers and other notable personalities? This would allow a person and their family to protect the use of a person's images or personality in advertising, etc. Thirteen states have enacted statues that specify a transferable right to publicity that survives death.

Yes. As a husband and father with three children, I understand the importance of providing for your family. I recognize that for many in the arts community, their legacy that they have to pass on to their loved ones is the works they created, their names, and their likenesses. I believe we should make sure the right to publicity survives death so artists are better able to provide for their families and loved ones. It was encouraging to see the right to publicity bill (S. 2022) passed in the Senate, which contains important protections for artists' rights to publicity. Hopefully it will be passed into law in the next legislative session.

Link to the most recent piece of legislation on this issue: <https://malegislature.gov/Bills/188/Senate/S2022>

4. Is there anything else you would like to share in regards to your policy and/or platforms that directly impact artists of all disciplines and by extension the arts and creative economy communities?

I believe we need to invest more in educating the whole child, which means expanding arts and culture education in our high schools and colleges rather than cutting them. My wife Carolyn and I are the products of the Watertown Public Schools and our three children are Watertown Public School graduates and attendees. I was the first in my family to go to college, and taught in a public high school before going to Boston College Law School. As a state legislator, I made improving education a top priority. I was the chief Senate sponsor of the Reading Recovery Program, an early intervention literacy program used in many school systems statewide. I was chief sponsor of the bill that established the special “Invest in Children” license plate, which is on over 12,000 cars and has raised over \$4 million for a fund which provides grants for projects to improve the quality of day care at non-profit day care centers throughout the state. I sponsored a number of measures to help ensure that local school districts get their fair share of funding under state education reform funding formulas.

I will listen to groups like MALC about issues that are important to their members and work towards solutions. I am proud that Massachusetts has strong laws supporting working men and women. If some of those laws have unintended consequences for certain professions, I will work with leaders in those professions and the legislature to find a solution that fixes the problem while continuing the strong commitment we have to working families. I will advocate for expanded arts programs and arts education and work to educate the public about the importance of the arts and of protecting copyrights. I will also encourage abandoned housing initiatives to consider reutilizing abandoned housing for artist workplaces as part of downtown revitalization.

All of my policy positions are available on my website at <http://warrentolman.com/on-the-issues/>. I ask for your support and your vote in the September 9th Democratic primary election.