

Singing In the Echo Chamber:

Music Censorship in the U.S. After September 11th

A Freemuse report by Eric Nuzum

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Contents

Executive Summary

Introduction

Section One: Free expression in America and the events of September 11th

Section Two: Incidents of music censorship in the wake of September 11th

Section Three: Protest music, musician activism, and censorship during the war on terror

Section Four: Other implications

Conclusion: Separating the real from the unreal

Index

Bibliography

Notes

Executive Summary

Singing in the Echo Chamber

Who is to say when musical performance is too violent, too sexual, or carries “dangerous” political or social messages? If a performer pumps their fist in the air during a performance, who is to say that the act is implicitly violent or a call for political dissent? Even if the performer didn’t intend it to mean this, is it appropriate to consider alternative interpretations? And when someone in power makes such a declaration, should those judgment calls be accepted blindly by others? Does a society have a call to action when *anyone* interprets a musical expression to contain messages that, arguably, are not apparent to others or are not in line with the stated intention of the performer? In post-September 11th America, rarely do the pundits and analysts stop to ask these questions.

When four hijacked commercial airliners crashed in three different locations in the Northeast United States, it ended the lives of 3,123 people, yet irrevocably changed the lives of more than 260 million others. Within hours of the attacks, the discussion concerning the long-term impact on free expression and personal privacy became heated and intense.

In the weeks, months, and years since the September 11th attacks in New York and Washington, many Americans had revisited their principles regarding national security, personal privacy, and preemptive military action. At every marker along this journey, musicians had participated (directly and indirectly) in the public discourse, both through word and song. As a result of their outspoken actions, many musicians had experienced strong resistance, sometimes resulting in censorship.

Heated political discourse is everywhere in American media, often enjoyed less as news and more as entertainment or sport. But instead of discussing issues in depth, these opinion makers

tend to cycle through the same stories, quotes, and perspectives offered elsewhere. Often times, once a news story enters the mainstream media, it is repeated, practically verbatim, in thousands of news and information outlets.

Analysts refer to this as the “echo chamber” of news media, where a report, once entering the national discourse, is repeated endlessly without any sense of the checks and balances normally applied to reporting. Oftentimes the competitive rush to air, print, or tell a story overwhelms the need for independent verification and truth-seeking. The story simply repeats and repeats, like an echo. As has been observed repeatedly in the United States since 9/11, in a time of intense political discourse and derision, this echo usually reverberates along side a call to stifle the speech of those involved.¹

The “echo chamber” manifests itself in another way—once an action has been labeled “treasonous,” “unpatriotic,” “anti-Bush,” “unsupportive of troops”—those statements tend to become part of the echo as well. Matters of intention and meaning are inherently subjective and are often subject to interpretation. Sometimes one person sees an action or event through a completely different lens than a person standing next to him, or even differently than the person participating in the original event. This has been a historical problem in matters of censorship—subjective interpretation passed on as cold, hard fact.

Further complicating matters is the speed at which controversial statements are spread through media, with little emphasis on truth or exploration of ideas, as well as an accompanying rush to judgment against those involved.

Whenever a musician finds themselves in the center of controversy, calls for censure are quick on the accusations heels. Additionally, as assumed judgments against performers spread, so do the calls for punitive action against them, creating a culture of intolerance to any political dissent. As is illustrated in this report, this “echo chamber”—and the knee-jerk reactions it sparks, are the central cause of most current calls for censorship against musicians in the United States.

Introduction

Impaled

It was supposed to be a fairly routine evening.

April 1, 2003. The first night of Pearl Jam's American tour—their first in almost three years. The band had sold out Denver's Pepsi Center, almost 12,000 tickets.

Pearl Jam broke huge with the release of their debut album, the multi-platinum *Ten*, released in 1991. Over the next several years the band's stature continued to increase, at one point selling 900,000 copies of their 1993 album *Vs.* during one week. During the band's 1994 American tour, Pearl Jam started a battle with concert giant Ticketmaster over fess attached to tickets sales, which proved to be an expensive and time-consuming distraction from making music. During the rest of the 1990s, the band floundered, selling fewer and fewer album and concert tickets. However, by 2000 the band had built its reputation on the road and started to experience a slow resurgence in interest and stature. That year the band released its entire world tour on CD (72 different CDs).

Then it was time for a break. The band didn't release their next CD, *Riot Act*, until October of 2002. Pearl Jam started their tour supporting *Riot Act* with 15 dates in Australia and Japan in early 2003 before embarking on a 60-date tour of the US.

There was a sense of excitement among the band and fans for this first performance (the first in Denver in more than five years). Several members of Pearl Jam were spotted in the wings during the opening set by Sleater-Kinney, the Olympia, Washington, band playing with Pearl Jam for the first time that evening.

Pearl Jam took the stage at around 8:45 pm and played a ninety-minute set. To keep things interesting for them, Pearl Jam performs unique song sequences at each stop on their tours—light

on their known hits and heavy on improvisation and extended jams. After closing with a Sleater-Kinney song (performed alongside the opening band), Pearl Jam came back for the first of two encores. Three songs into the first encore, Pearl Jam performed a song from *Riot Act* called “Bushleaguer,” one of the band’s most overtly political songs, written during the invasion of Afghanistan in 2001.

The band continued for another two songs, then played another three during its second encore. To the band and most of its fans, the almost three-hour show was a huge success. In fact, no one thought anything extraordinary had happened. Yet over the next few days the band would find itself in the midst of a maelstrom of controversy, condemnations of the band’s politics, and calls for censorship.

Band singer Eddie Vedder had been taking hits from bottles of wine throughout the evening and the effects slowly became apparent: forgotten lyrics, rambling between-song banter, missed cues, and a eulogy/song dedication to a deceased basketball player.

Before the song “Do the Evolution,” Vedder made his first of several comments concerning the war in Iraq, sharing the concerns of a friend who had served in Vietnam.

Towards the end of the story, Vedder heard a woman’s voice from the upper level behind him shout, “Shut up.”

“Did someone just say, ‘Shut Up’?” Vedder asked. “I don’t know if you heard about this thing called freedom of speech, man. It’s worth thinking about it, because it’s going away. In the last year being able to use it...we’re sure fucking going to use it and I’m not going to apologize.”²

“Just to clarify...we support the troops,” Vedder said later, during the first encore, eliciting cheers from the audience. “Our problem is certainly not with anybody over there doing something that not too many of us would do right now, not for those reasons. So to the families and those people who know those folks and are related to those folks and are married to those folks, we send our support. We’re just confused on how wanting to bring them back safely all of a sudden

becomes nonsupport. We love them, we support them. They're not the ones who make the foreign policy...Let's hope for the best and speak our opinions."³

After that, Vedder went to the side of the stage and returned wearing a sparkling silver jacket and a George Bush mask. The band began playing "Bushleaguer" and Vedder started to dance. Eventually, he took off the mask and placed it on top of his microphone stand, singing the song to the eye-level mask.

Later in the song, he raised the mic stand (still supporting the mask) into the air, waved it from side to side, then forced the mask to the floor by inverting the mic stand and shoving it downward. Vedder had performed the same routine several times before, during the shows in Australia and Japan, to little notice. But he'd never done it in the United States, or since the beginning of the Iraq War, or less than a month after the controversy surrounding comments made by the Dixie Chicks.

While this was happening, *Rocky Mountain News* music critic Mark Brown was up in the press box finishing his review of the show, which was due back at the paper before the concert was over. In his review, published the next day, he praised the show (giving it a grade of "A-"), invoking Led Zeppelin vocalist Robert Plant by invoking a Plant quote: "a great voice and a great melody can still carry the day."⁴

In his article, Brown acknowledged Vedder's drinking, noting that he was "in good humor throughout." Brown did note Vedder's anti-war exchange preceding "Do the Evolution," as well as similar anti-war comments made by Sleater-Kinney, noting that both we met with mixed reactions.

Brown included no mention of the "Bushleaguer" performance or any reaction from the crowd.

"I really didn't see it very well," Brown said in a telephone interview for this report. "I was up in the press box finishing my piece. I did hear 'Bushleaguer,' saw the mask and jacket, saw him put it on the mic stand, and saw him dancing around. I really didn't think anything of it."⁵

After Brown filed his review, he was heading back to his seat when another concertgoer came up to him.⁶

“This guy said to me, ‘Did you see what happened?’” Brown remembered. “I said I didn’t—that’d I’d seen the mask and the jacket but was too far away to tell what was going on. Then the fan told me that Vedder had impaled the Bush mask. He said he was offended and was leaving the concert as a result. He told me a bunch of others were leaving for the same reason.”

Brown said that he did some checking around, but still wasn’t sure if there was a story there.

“The next day my editor said to me, ‘When was the last time you saw people leave a concert because of political statements?’ I said, ‘Never.’ So, we decided to report it.”

Two days following the review, Brown published a column, entitled “Concert-goers Jam Exits After Anti-Bush Display,” reporting on what he perceived to be a significant number of attendees leaving the concert in protest of Vedder’s routine and its implied violence towards the President. In the article, Brown wrote that “dozens” of “incensed fans” walked out of the concert after Vedder “impaled” the mask on the mic stand.

Brown quoted Keith Zimmerman of Denver: “When he was sharing his political views in a fairly benign manner—supporting our troops, opposing policy—that’s OK. When he takes what looks like the head of George Bush on a stick, then throws it to the stage and stomps on it, that’s just unacceptable. I love Pearl Jam, but that was way over the edge. We literally got up and left.”⁷

“It was like he decapitated someone in a primal fashion and stuck their head on a stick,” added Zimmerman. “It kinda blows the Dixie Chicks away.”

Brown also quoted another fan who left in protest, Kim Mueller: “I wasn’t sure it was really happening,” said Mueller. “We looked at each other and realized he really did have George Bush’s head on a stick and was waving it in the air, then slammed it to the ground and stepped on it.”

Brown’s story ran on the bottom of page 53 on April 3rd. He didn’t think it was a big deal and figured it was over.

It wasn't.

The Associated Press picked up elements of Brown's story and ran it through its national news wire services. The story was picked up by hundreds, if not thousands, of print, television, and radio outlets within hours. The AP article focused on Vedder's actions with the Bush mask, saying in both the article's sub-headline and main text that Vedder "impaled" it on a mic stand. Within days, reaction to the story sparked calls for boycotts, protests, and censorship against Pearl Jam for their "violent" and "treasonous statements" against the President and the war in Iraq, as well as many passionate defenses of the band's right to free expression.

The AP story, complete with the impalement allegation, was quickly posted as the lead story on the Drudge Report,⁸ an internet site well-known for focusing on scandalous and salacious (and often conservative) perspectives on news stories. As a result of the exposure via AP and Drudge, the story spread quickly, as did the calls for punitive action against Pearl Jam.

Calls for sanctions, censorship, and boycotts came from countless television and radio talk show hosts and pundits, including national figures such as G. Gordon Liddy, Rush Limbaugh, Ann Coulter, Oliver North, and Fox News's Bill O'Reilly, who said in his email newsletter that "Pearl Jam is no doubt considering early retirement" after the incident.

Editorials in newspapers such as *The Wall Street Journal*, *The Washington Times*, and *The Augusta Chronicle* focused on the band's "unpatriotic" act in Denver, calling for sanctions against the band. In *The Augusta Chronicle*'s editorial said, "These perverted patriots of the Anti-War Brigade's Music Battalion have got a First Amendment right to say and do these things, one supposes. But their free speech need not—and should not—be free of consequences."⁹

Even fellow musician Gene Simmons of KISS had harsh words for Vedder and Pearl Jam following the incident. "I don't think everybody that booed will stop buying Pearl Jam records or going to Pearl Jam concerts, but I do know that a segment of the audience will stop. I'm one," said Simmons. "I've bought Pearl Jam records. I'm out. He crossed the line."

Simmons added that he had earlier pulled a feature on the Dixie Chicks from his magazine *Tongue* following the controversy over the band's statement against President Bush in London several weeks earlier. He said that he would place Pearl Jam under similar censure in the future. Explained Simmons: "In time of war, to aid and give comfort to the enemy, on stage and in a public forum is perfect fodder for anybody's press overseas that has a slightly different agenda, and I think it's reprehensible."¹⁰

Outside of the national political talk and opinion circuit, and especially back in Denver, feelings about the "Bushleaguer" controversy were decidedly mixed.

On Denver's 103.5 "The Fox," radio hosts Rick Lewis and Michael Floorwax invited listeners to call-in about the budding controversy. Some complained about the politics of both Pearl Jam and opener Sleater-Kinney, others wondered openly why the event was such a big deal.¹¹

Pearl Jam maintains a large catalog of concert set lists and fan reviews on its Web site. In the dozen fan reviews posted for the April 1st show in Denver, many fans didn't take much notice of Vedder's "Bushleaguer" antics. Those that did mention the event felt Vedder was making a drunken fool of himself while others interpreted it as par for the course from a band well-known for being outspoken on political, environmental, and social issues.

Several fans (and band members) were also incensed by the title of Brown's April 3rd article "Concert-Goers Jam Exits After Anti-Bush Display," which they perceived to be highly insensitive to the band's recent history.¹² They also took issue with Brown's characterization of the concert's events and the impact they had on attendees' decisions to stay or leave.

In her fan review of the Denver show, Stephanie Hamilton said, "Whatever you are reading in the papers about fans walking out is total B.S. I mean, yeah this was the encore, and a week night, and a show going on 3 hours, so of course some people are going to leave to beat the traffic. The press is making WAY TOO BIG a deal out of what Ed said and did. We all know PJ [Pearl Jam] is a political band. We all know they oppose Shrub [Bush] and his warmongering. Why are they

trying to make him out as some villain? Whatever happened to freedom of speech?? As Ed said in Denver, it IS going away, and I too am going to make damn sure I make the most of it while its still here.”¹³

Fan Joanne Owens added: “After reading the CNN [AP] story on Ed ‘impaling’ a Bush mask – plleasse – there was no ‘impaling’ on the stage that evening.”

Attention to the incident reached such a fevered pitch that Mark Brown, author of the original *Rocky Mountain News* article, wrote another column to clarify the incident and explain the decision-making process to write about the controversy that night at the Pepsi Center. In the article, Brown acknowledges the controversy and the “deluge” of emails and phone calls he’d received afterwards, from both sides of the controversy. Brown made it clear that he did not see the “Bushleaguer” performance with the detail that upset fans later reported to him. He explained how he spoke with people in different parts of the building and estimated that 60 to 75 attendees were leaving the concert as a result of Vedder’s “Bushleaguer” performance—also acknowledging that the number of protesting fans amounted to less than one-half of one percent of those in attendance.

Brown also pointed out what he felt was evidence of the original article’s balance: it featured 142 words of quotes from upset fans compared to 164 words quoting Vedder during the concert. Brown also answered many fan allegations about his bias or lack of complete reporting and discussed how he and his editor came to the decision to report on the controversy.

Brown was also careful to mention that the “impale” allegation originated in a quote from a fan, not him. Brown closed his final article on the subject by summarizing his reporting, and its justification, by saying, “It happened. We reported it fairly. That’s what a newspaper does.”¹⁴

The controversy also compelled the band to react as well. In a statement issued by the band through its label, Epic, Pearl Jam downplayed the reported incident.

“There were close to 12,000 people at the April 1st Denver show. It’s possible two dozen left during the encore, but it was not noticeable amongst the 11,976 who were applauding and

enjoying the evening's music. It just made a better headline to report otherwise. Ed's talk from the stage centered on the importance of freedom of speech and the importance of supporting our soldiers, as well as an expression of sadness over the public being made to feel as though the two sentiments can't occur simultaneously.”

Vedder told *Rolling Stone*, “People try to marginalize anyone with an opinion by saying, ‘What do these privileged people know about this?’ I’m trying to be as compassionate as I can. I’m not sure how being against the war all of a sudden means I’m not supporting our troops. We’re addressing the Bush administration, not those who are putting their lives on the line. They have our support and our love.”¹⁵

In a June interview, Pearl Jam bassist Jeff Ament reflected on the controversy. “Who all of a sudden said you can’t disagree with the politics of the people who run the country?” he said. “That’s kind of been our credo. It’s what this country was built on.”¹⁶

Despite the heated and intense calls for punitive action after the Denver incident, very little censorship actually occurred against Pearl Jam as a result. However, even with their reputation for fiercely defending their principles and positions, Pearl Jam was definitely spooked by the incident. They didn’t play “Bushleaguer” for almost three weeks (the band had previously performed the song roughly every other night) and only included it in the set lists for 6 of the tour’s 60 dates. Outside of that, the group experienced little that could objectively be considered actual censorship.

Yet, the “Bushleaguer” controversy with Pearl Jam is significant for several reasons. First, it was a pinnacle in the on-going consternation over musicians’ roles after September 11th. In the nineteen months between the September 11th attacks in New York and Washington until the “Bushleaguer” performance in Denver, many Americans had revisited their principles regarding national security, personal privacy, and preemptive military action. In that time, the United States had passed one of the most sweeping changes to law enforcement powers called “The Patriot Act,” lead an international effort to invade Afghanistan and overthrow its ruling Taliban

government, and was leading the call to invade Iraq over the presence of alleged weapons of mass destruction. At every marker along this journey, musicians had participated (directly and indirectly) in the public discourse, both through word and song. As a result of their outspoken actions, many musicians had experienced strong resistance, sometimes resulting in censorship.

Secondly, the “Bushleaguer” controversy illustrates one of the most troubling aspects of post 9/11 discourse: the speed at which controversial statements are spread through media, with little emphasis on truth or exploration of ideas, as well as an accompanying rush to judgment against those involved. By the time Eddie Vedder danced with the Bush mask in Denver, the United States was bitterly divided about the direction of the country and *both sides* were quick to invoke knee-jerk reactions to almost any expression of political thought.

Much of the anger surrounding the Pearl Jam performance in Denver centered around one word: “impaled.” In his April 12th article on the reporting and controversy, as well as in a telephone interview for this report, Brown says that it was the fans who used the word “impale” to describe Vedder’s actions with the Bush mask. However, in the article that sparked the entire controversy, Brown himself used the word “impale” to describe Vedder’s action in the article’s first sentence. It was not contained in a quote; it was not attributed to the observations of a third party.

The word “impale” has decidedly violent connotations. It is defined by the Merriam Webster Dictionary as “a: to pierce with or as if with something pointed; *especially* : to torture or kill by fixing on a sharp stake; b: to fix in an inescapable or helpless position.”¹⁷

Photos taken of the Denver concert and the “Bushleaguer” routine clearly demonstrate that Vedder did not “impale” the mask. According to photos, the full-head mask was put over top of the mic stand, kept in place by the mic stand’s pressure against the top of the mask. The mask was not pierced in any way, nor was the mic stand protruding through any of the mask’s openings. There simply was little justification to use such a loaded and divisive word.

After Brown's article, almost every media report on the incident focused on Vedder impaling the mask on the mic stand. Almost universally, every media report of the incident used the word "impale" with little emphasis placed on whether that implicitly violent action actually took place. Even the traditionally liberal *Rolling Stone* magazine described the action as "impaling," even though it ran the allegation next to a close-up photo of Vedder and the mask that clearly demonstrated its placement on the mic stand.

Almost everyone who criticized Vedder remarked that he had gone over a line—that political expression is fine, but that Vedder's was expressly violent towards the President and, therefore, deserved to be punished. But as is the case here, what if the event was widely misreported? By the time anyone recognized that, it was far too late.

Media analysts refer to this as the "echo chamber" of news media, where a report, once entering the national discourse, is repeated endlessly without any sense of the checks and balances normally applied to reporting. Oftentimes the competitive rush to air, print, or tell a story overwhelms the need for independent verification and truth-seeking. The story simply repeats and repeats, like an echo. As has been observed repeatedly in the United States since 9/11, in a time of intense political discourse and derision, this echo usually reverberates along side a call to stifle the speech of those involved.

The "echo chamber" manifests itself in another way—once an action has been labeled "treasonous," "unpatriotic," "anti-Bush," "unsupportive of troops"—those statements tend to become part of the echo as well. Matters of intention and meaning are inherently subjective and are often subject to interpretation. Sometimes one person sees an action or event through a completely different lens than a person standing next to him, or even differently than the person participating in the original event. This has been a historical problem in matters of censorship—subjective interpretation passed on as cold, hard fact.

Specifically regarding music, this has always been a source of controversy and censorship. With the rise for rock-n-roll in the mid-1950s, rock was widely thought to inspire loose moral

behavior and juvenile delinquency. In 1966, when John Lennon was misquoted about the popularity of Jesus among young people, it was widely assumed that Lennon's comments were dismissive of Christianity. Even with a far less sophisticated news media, this belief quickly spread, causing boycotts, protests, and record burnings across the United States. It was even assumed by some that the Beatles were Communist agents intent on corrupting America's youth.¹⁸ In 1970, as part of the Nixon administration's anti-drug efforts, the Federal Communications Commission (FCC) sent a telegram to all radio owners warning them to remove all songs condoning drug use.¹⁹ By almost any community standard, the songs in question—including "Yellow Submarine," "Eight Miles High," and "Puff (The Magic Dragon)"—contained no actual drug references whatsoever, literal or figurative. During the 1985 U.S. Senate hearings into popular music spurred by the efforts of the Parents Music Resource Center (PMRC), Twisted Sister's Dee Snider commented on allegations by PMRC founder Tipper Gore (wife of then-Senator and future Vice President Al Gore) concerning the lyrical context of Twisted Sister's song "Under The Knife." In his testimony, Snider explained the intended meaning of the song (it was about a fear of doctors and surgery), saying that the only explicit violence and sexual imagery was "in the mind of Mrs. Gore."

Who is to say when musical performance is too violent, too sexual, or carries "dangerous" political or social messages? If a performer pumps their fist in the air during a performance, who is to say that the act is implicitly violent or a call for political dissent? Even if the performer didn't intend it to mean this, is it appropriate to consider alternative interpretations? And when someone in power makes such a declaration, should those judgment calls be accepted blindly by others? Does a society have a call to action when *anyone* interprets a musical expression to contain messages that, arguably, are not apparent to others or are not in line with the stated intention of the performer?

Additionally, as assumed judgments against performers spread, so do the calls for punitive action against them, creating a culture of intolerance to any political dissent. As is illustrated in

this report, this “echo chamber”—and the knee-jerk reactions it sparks, are the central cause of most current calls for censorship against musicians in the United States.

Section One: Free expression in America and the events of September 11th

Land of the Free

America is often thought to be a country that promises unrestricted free expression to its citizens. However, that really isn't the case. The specifics of America's free speech provisions are confusing to many people, including many U.S. citizens.

America's principles of free expression are based upon the forty-five words of the First Amendment to the United States Constitution, which reads:

“Congress shall make no law representing an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

The foundations of American law pertaining to personal freedom—those that define free expression, freedom of religion and the press, as well as rights regarding free assembly, copyright, and open access to government, are found in that one statement.

The United States Constitution, like those of many countries, is meant to serve as a contract of sorts between the government and the governed. It is the first and primary law, a guide for all other federal, state, and local legislation, as well as the ultimate authority on what defines American jurisprudence. However, when looking at the First Amendment's promise of free expression, what trips up most people is the first five words of the amendment: “Congress shall make no law...”

In other words, that means that the government may not suppress or unfairly stifle free expression. However, the converse is true as well—that any entity *other* than the government *can* lawfully suppress and censor the expression of others. That means that any person, business,

media outlet, political group, or ad hoc gathering of people can undertake actions that directly or indirectly ban, suppress, or control access to the ideas and expressions of others. While ethical and moral considerations may be in play, the action's legality is not.

It isn't that the U.S. Constitution encourages this type of behavior, it simply isn't meant to address it. The Constitution is intended to protect the people from an ill-intentioned or corrupt government. The Constitution is not meant to regulate how the citizenry interact with each other.

Yet even given the broad freedom of expression in the United States, there are exceptions and restrictions. For example, any idea or expression that is deemed "obscene" is exempt from free expression guarantees from the United States government and can be subject to legal censorship. Though the operational definition of "obscenity" has changed over the years, it has remained relatively unchanged for more than three decades. Our current standard was established in a United States Supreme Court decision for the case of *Miller v. California* in 1973. That decision includes an obscenity definition known as the "Miller Test" which asks:

"(1) Whether the average person, applying contemporary community standards of the state and local community, would find that the work, taken as a whole, appeals to the prurient interest; (2) where the work depicts or describes in a patently offensive way sexual conduct specifically defined by applicable state law; and (3) whether the work lacks serious literary, artistic, political, or scientific value."

It's the third component of the "Miller Test" (this section is also sometimes called the "SLAPS Test"—for "Serious Literary, Artistic, Political, or Scientific value") that is often used when discussing the potential obscenity and affected free expression protection regarding music and musicians.²⁰

Though popular music has caused considerable alarm among detractors in the United States for more than fifty years, the SLAPS test has only been truly applied to music once.²¹ In May, 1990 the rap group 2 Live Crew saw its album *Nasty As They Wanna Be* ruled obscene by federal

judge Jose Gonzales, Jr., thus legally legitimizing a wave of censorship brought on the group during the previous year. Originating in Florida but quickly spreading throughout the United States, critics bemoaned the album's intrepid use of profanity.²² In his opinion, Gonzales ruled that *Nasty As They Wanna Be* failed the SLAPS test because rap music had significantly less artistic merit than "melodic" music. He also theorized that the focus of rap music was solely on the lyrics, thus permitting the musical album to be declared legally obscene based solely on the themes of the words of the songs. About eighteen months later, Gonzales's ruling was reversed by the U.S Court of Appeals. When the U.S Supreme Court allowed the Court of Appeals ruling to stand, the issue was permanently settled in the band's favor. While this might seem like an ultimate victory for 2 Live Crew, the intervening period resulted in more than a dozen arrests and the album's permanent removal record store shelves across the United States.

In addition to obscenity tests, there are other legal limits to American free expression. For example, speech is not protected if it is meant to incite crime or violence against others. The other major restriction against free speech concerns its broadcast on radio or television. Regardless of intention, there are restrictions on broadcast media in the United States between the hours of 6:00 a.m. and 10:00 p.m. (known as the "safe harbor" hours). The origins of these restrictions can be traced back to the first piece of national legislation meant to regulate use of radio, The Radio Act of 1927, which says "No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication." This is still enforced today, though the standards used to define "obscene, indecent, or profane" speech have changed.²³

In theory, any speech that falls outside of those restrictions, whether uttered on the radio, in a newspaper, through the Internet, or at a busy street corner, should be exchanged free of government censorship. However, despite the idealistic emphasis on protecting free speech in America, occasionally the principles of the country are manipulated and marred by incidents where public outrage at the message's content is used to control and suppress ideas—be they

political, artistic, scientific, literary, or even musical. These are usually events involving high emotion, fear, the spread of unclear or incorrect information, and hyperbolic rhetoric—like that found in the wake of the September 11th attacks.

Red Skies at Dawn

When four hijacked commercial airliners crashed in three different locations in the Northeast United States, it ended the lives of 3,123 people, yet irrevocably changed the lives of 260 million others. Within hours of the attacks, the discussion concerning the long-term impact on free expression and personal privacy became heated and intense.

In one of his many speeches in the wake of the attack, President Bush remarked that “Freedom has been attacked, but freedom will be defended.” Bush went on to say that the terrorists “cannot touch the foundation of America” and “we go forward to defend freedom.”²⁴ However, in an ABC/*Washington Post* poll taken the week of the attacks, 66% of those responding indicated that they would be willing to compromise some of their liberties and freedoms in order to ensure safety.

U.S. House Democratic Leader Richard Gephardt of Missouri told the *Washington Post* that the erosion of civil liberties was “inevitable.” “We’re in a new world,” Gephardt said. “We have to rebalance freedom and security.” Vermont’s governor (and future Democratic Presidential candidate) Howard Dean, said the crisis would require “a reevaluation of the importance of some of our specific civil liberties.” Dean continued, “I think there are going to be debates about what can be said where, what can be printed where, what kind of freedom of movement people have and whether it’s okay for a policeman to ask for your ID just because you’re walking down the street.”

As noted by Robert O’Neil of the Thomas Jefferson Center for the Protection of Free Expression, “In previous times of great national tension, government has felt compelled to, and has seemed justified in, abridging certain basic liberties, suspending habeas corpus during the

Civil War, suppressing public dissent during World War I, interning most persons of Japanese ancestry during World War II, and suppressing protest during the Vietnam era.”²⁵ Yet, despite profound embarrassment and regret after these previous actions, America seemed destined to repeat these same mistakes after the September 11th attacks.

Within days of the attacks, the federal government began taking similar measures. The U.S. Senate quickly approved authority for the Federal Bureau of Investigation (FBI) to more easily obtain warrants for electronic wiretapping and monitoring of online communications. The Congress also considered legislation to criminalize government leaks, as well as other “anti-terrorism” legislation meant to allow law enforcement to gather private financial and education records and information, expand the definition of a “terrorist” to anyone who knows or should know that an organization they support in any way is a terrorist organization, and seize the property of those so suspected.²⁶

The most powerful post-September 11th legislation was the “USA Patriot Act”—a sweeping revision of privacy laws relating to law enforcement investigation. Under the Patriot Act, investigators could access the records of bookstores and libraries, monitor communications between attorneys and their clients, restrict access to government information and documents, and detain suspected terrorists without cause, charge, or access to legal counsel.

Further complicating the protection of civil rights in the United States was the myopic jingoism permeating America, creating an atmosphere of intolerance. Peace activists and civil libertarians were branded as “un-American” and “crazy communists.” Displays of American flags in public places became an expectation. One national talk show host referred to the American Civil Liberties Union as “the American version of al Qaida.”²⁷ Many unpopular and dissenting opinions were dismissed as “unpatriotic.” Further, colleges and universities disciplined faculty who made controversial comments deemed “unpatriotic” and several newspaper editors lost their jobs for criticizing American policy. Throughout the country, incidents of anti-Arab discrimination and profiling increased.

Musically, America was taking a decidedly patriotic tact. Songs usually reserved for July 4th became daily regulars on many radio playlists, such as Lee Greenwood's "God Bless the U.S.A.," Garth Brooks' "We Shall Be Free," John Wayne's story song "America—Why We Love Her," and Whitney Houston's rendition of "The Star Spangled Banner." Some of these songs, including Aaron Tippin's "Where the Stars and Strips and Eagles Fly" and Greenwood's "God Bless America" went on to be 2001 top selling singles—with less than four months of sales.

In a demonstration that no level of popularity and public respect could insulate commentators against the blowback of post-September 11th jingoism, former President Jimmy Carter was widely criticized for remarking that President Bush's focus on the three "Axis of Evil" nations was "overly simplistic and counter-productive." Further, on September 17th, on ABC's *Politically Incorrect*, host Bill Maher and commentator Dinesh D'Souza were discussing the events of September 11th when Maher said that the actions of the September 11th attackers were "anything but cowardly." The next day many advertisers, such as Sears, FedEx, and Quizno's Subs, pulled their advertising from the program, which was cancelled by ABC shortly thereafter.

While all elements of American life were touched by the post-September 11th chilling effect, the arts seemed particularly affected.

A few weeks after the attacks, the Baltimore Museum of Art removed a 1990 painting, entitled "Terrorist" out of respect to visitors' sensitivities. After media coverage of the museum's decisions, BMA officials said the word would eventually be reinstated with an accompanying statement of the artist's motive for the work.²⁸

Following several complaints about art work that implied violence against the President, the Art Car Museum in Houston, Texas, received a visit from the Secret Service. The work in question, entitled "Empty Trellis" featured a charcoal rendering of President Bush at a podium

encased in a series of steel trellises. The artist said the work was a statement about the U.S. government's environmental policies.²⁹

In October, New York's *NewsDay* and several other newspapers pulled the cartoon strip "Boondocks" because it criticized U.S. support of Osama bin Laden during the Soviet invasion of Afghanistan in the 1980s.

In December, 2001, the director of the Southeast Museum of Photography in Daytona Beach, Florida, resigned after she claimed that she was instructed to cancel an exhibit of Afghanistan photographs.³⁰

While these events are chilling to those concerned with free expression through art, they pale in comparison to those in the most ubiquitous form of contemporary art: music.

Section Two: Incidents of Music Censorship in the wake of September 11th

The events of September 11th put the American music industry in a difficult position almost immediately. In the wake of such a numbing incident, many artists and music companies felt the need to display some sensitivity in the form of restraint: Dave Matthews nixed plans to release “When the World Ends” as his next single, Bush changed the title of their new single from “Speed Kills” to “The People That We Love,” the Cranberries pulled their video for “Analyse” because of its repeated images of skyscrapers and airplanes, Dream Theater changed the artwork from their three-disc live album to remove its renditions of burning New York buildings, and Sheryl Crow rewrote several lyrics for her upcoming album.

While many of these gestures were simple exercises in latent taste in the wake of the September 11th attacks, others were not. For example, The Strokes removed the song “New York City Cops” from the U.S. Version of their album *Is This It*. The lyrics and theme of “New York City Cops” deal with a relationship, but it does contain some lyrics, such as “New York City cops—they ain’t too smart,” that could cause potential consternation in a post-September 11th America.³¹

The official Website for the group Rage Against the Machine—a high profile virtual soapbox and town square for an assortment of progressive social and political discussion—shut down its discussion boards shortly after the attacks following queries to the band and site’s management by federal officials. The officials stated that they had received several complaints about “subversive” comments contained on the site’s message boards. The company hosting the site pulled down the discussion boards fearing it would be too closely associated with the “anti-American rhetoric.”

Further, the hip-hop group The Coup was forced by their record label, 75 Ark, to change the artwork for their album *Party Music*. The original cover featured the group standing in front of an

exploding World Trade Center.³² While admittedly eerie in the wake of the attacks, the artwork (originally created by the label eighteen months earlier) bore no direct connection to the attacks. The cover had not been printed, but had been distributed electronically to media in anticipation of the album's release. Shortly after the attacks, the group's leader, Boots Riley, said that the design "was supposed to be a metaphor for the capitalist state being destroyed through music." Though he had initially expressed concern about replacing the cover image, Riley backed down to pressure from his record company.³³ "Two hours after the thing happened, we got the call saying, 'OK, you've got to have another album cover. No discussion,'" Riley remembers. "That was it. It was one of the first things that I saw in a series of censorship."³⁴ The only further public comment on the cover came via a press statement released by the label which read, "75 Ark recognizes and supports the artistic freedom of its artists. However, recent extraordinary events demand that we create new artwork for the album."³⁵

Classical composer John Adams saw performances of his new opera *The Death of Klinghoffer* cancelled by the Boston Symphony Orchestra. The Orchestra's management said that the nation's concerns over terrorism called for self-restraint and to "err on the side of being sensitive." Said Adams: "In this country, there is almost no option for the other side, no space for the Palestinian view in a work of art. Susan Sontag said recently that she found the mood unprecedented in more than 40 years, and I agree."³⁶

Give Peace a Chance

The incident of music censorship in the immediate weeks after September 11th that garnered the greatest amount of public attention began shortly after the attacks themselves.

Within hours of the attacks in Washington and New York, programmers at Clear Channel radio stations across the United States began informally circulating lists of songs that might be

distasteful to play in the wake of the tragedy, each containing literal or metaphorical references a bit too close to recent events. The list, containing more than 150 songs described as “lyrically questionable,” started as a grass-roots effort by local programmers, then was redistributed to all programmers by Jack Evans, a senior regional vice president of programming for Clear Channel, the largest owner of radio stations in the United States. At the time of the list, Clear Channel owned more than 1,170 radio stations³⁷ reaching more than 110 million U.S. listeners every week. The company also had large interests in concert promotion, billboard advertising, and specialty advertisement placement.

The Clear Channel list was markedly different than the programming efforts of other radio stations, who tried to figure out which songs to *add* to playlists following the tragedies. Only Clear Channel focused on what to take away.

Among the songs listed in the Clear Channel email were “Fly,” “Jet Airliner,” “Devil in Disguise,” “Only the Good Die Young,” “Great Balls of Fire,” “Crash Into Me,” “Dancing in the Streets,” and many more.³⁸

When the story hit the mainstream press, most journalists got the story wrong. In a series of lapsed journalistic judgments, reporters were too quick to believe that the list existed, and then quick to believe it was a hoax.

By the time the story reached its peak, it had been distributed through every major news wire service in and had been published or used in almost every news outlet in the United States. The original story stated that Clear Channel overtly banned the songs to avoid consternation and controversy in the wake of the tragedies, which wasn’t true. The list did originate in several versions, circulated among colleagues at local radio stations. The lists were compiled by Evans and then e-mailed from corporate management to the stations under Clear Channel’s ownership. While the management e-mail did not call for an overt ban on songs, it did ask that programmers use “restraint” when selecting songs for airplay.

The story was initially reported on several radio industry web sites on September 14th³⁹, hitting the mainstream media on September 17th, led by a story on Slate.com.⁴⁰ Initially, Clear Channel played down the importance of the list. Spokesperson Pam Taylor spun the list as a sole work of Evans. She said Evans compiled a list “he thought might have some songs on it that might cause heightened sensitivity given the tragic events last week.”

“It was one man’s attempt to help program directors. No one was forced to do it,” Taylor continued. “If there had been one single corporate-wide list that was sent to all program directors saying, ‘Don’t play this,’ there would be a lot of people ready to take up arms saying that’s censorship of the airwaves.”⁴¹

When the story stayed in the press for the next few days, Clear Channel changed tactics and undertook an effort to deny the list entirely. The company released a cleverly worded press statement titled, “Clear Channel Says National ‘Banned Playlist’ Does Not Exist.” In the release, the company stated, “Clear Channel Radio has not banned any songs from any of its radio stations.” The release quoted Clear Channel Chief Operating Officer Mark P. Mays as saying, “Clear Channel strongly believes in the First Amendment and freedom of speech. We value and support the artist community. And we support our radio station programming staff and management team in their responsibility to respond to their local markets.”⁴²

While the statement might seem to end the matter, the statement is just as telling for what it doesn’t say as for what it does. Clear Channel correctly pointed out that the original e-mail didn’t directly order anyone to ban any songs, but no where in the statement does the company deny that a list of “lyrically questionable” songs was created, edited by management, redistributed to its stations by its own executives, and then acted upon by its employees. The statement denies the existence of an explicit ban, which is accurate, but does not deny the existence of the distributed list. Further, the statement does not deny any censorious actions by its employees.

While Clear Channel is quick to point out there was no explicit censorship involved with the list, it is a perfect example of music censorship at its most implicit. Regardless of Clear Channel’s

intentions, censorship did occur. While many Clear Channel programmers were quoted in the media as saying that they did not follow the suggestions of the e-mail, many times more said they did indeed remove songs from broadcast because of the list or its suggested sense of restraint, including some of the largest of Clear Channels' stations in Los Angeles, New York, Cleveland, Houston, and Chicago.⁴³ Further, while there was no explicit directive from Evans, he is an executive with a tremendous amount of sway over the future of the email recipients' careers. Arguably, when someone like Evans makes a suggestions, it is in the program directors' best interests to follow it.

Unfortunately, the news media didn't apply the necessary scrutiny to Clear Channel's statement. Just as quickly as the media was swept into the controversy, the entire incident was written off as a "hoax," disappearing from public discussion. Thanks to Clear Channel's savvy statement, follow-up stories stated that the list didn't exist at all, simply repeating the company's position without any scrutiny and skepticism. Most reports suggested that earlier reports were no more credible than any other Internet hoax, such as get rich quick chain e-mail schemes or tales of sick children needing correspondence.

Arguments over the complicated truth of various accusations and denials surrounding the Clear Channel list tend to distort the most troubling aspects of the incident. The real issue lies in the list's content, leading one to wonder exactly what Clear Channel's executives and programmers were trying to restrain.

While the list was mainly comprised of songs bearing lyrical references to burning, death, and airplanes; arguably an earnest, if ill-advised, attempt to show sensitivity to the heightened emotions in the wake of the September 11th attacks. But the list also advocated censure for "Peace Train" by Cat Stevens, John Lennon's "Imagine," and all songs by Rage Against the Machine. What do these songs have to do with flying airplanes into buildings? Absolutely nothing. Yet in the past each of these artists has expressed controversial political sentiments that buck against mainstream beliefs.

“If our songs are ‘questionable’ in any way, it is that they encourage people to question the kind of ignorance that breeds intolerance,” said Rage Against the Machine’s Tom Morello in an e-mail statement. “Intolerance which can lead to censorship and the extinguishing of our civil liberties, or at its extremes can lead to the kind of violence we witnessed.”⁴⁴

The inclusion of many of the list’s songs shows a troubling degree of literalism and prejudice when examining lyrical imagery. For example, “I Go to Pieces” was one of two songs by Peter and Gordon included on the list. “I suppose a song about someone going to pieces could be upsetting if someone took it literally,” said the group’s Peter Asher. “But ‘I can’t live without love’ is a sentiment that’s as true in crisis as it is in normal times. It’s a totally pro-love sentiment and could only be helpful right now.”⁴⁵

There are other odd inclusions, such as the Bangles 1987 novelty hit “Walk Like An Egyptian.” The song’s inclusion was troubling to Vicki Peterson, the band’s guitarist, since Egypt had little to no connection to the September 11th attacks. “This has got to be a joke,” Peterson said. “The healing power of music and especially some of those songs is comforting in times like these.”⁴⁶

The list did indeed contain many songs that could aid in the healing of those distraught by the tragic events. In fact, several songs seemed to be written especially to provide such comfort. Take, for example, Paul Simon’s “Bridge Over Troubled Water,” which was included in the list:

*“When you’re weary
Feeling small
When tears are in your eyes
I will dry them all.”*

Also, John Lennon’s utopic “Imagine”:

*“You may say that I’m a dreamer
But I’m not the only one
I hope someday you’ll join us*

And the world will live as one.”

Written on the back of a hotel bill during an airplane ride, “Imagine” has been embraced as a universal anthem since it was released in 1971. Some critics of the song point out that Lennon portrays an impractical proposition entirely removed from reality. But this same reason is also why it is so powerful—it, and all art, envisions and creates a world that can’t exist in real life. It inspires and reinforces the will to strive, rise above, and move forward. To hope for brighter things to come. One must ask what about this idea, or the emotions it evokes, would be so dangerous that it might cause Clear Channel to suppress the song’s airing?

The list’s existence and resulting actions are a perfect example of how a well-intentioned attempt at sensitivity can quickly careen down the slippery slope towards stifled free expression. This is hardly the first time American radio has taken such well-intentioned, yet censorious, action.

Back in 1940, the NBC radio network banned 147 popular songs containing potential sexual innuendo, including Billie Holiday’s version of “Love for Sale,” calling these songs “obscene.” In 1942, the United States government sent radio broadcasters a list of wartime practices, including a ban on weather forecasts (which might help enemies plan air attacks), and a suspension of listener requests (fearing it might allow the transmission of coded messages). In order to safeguard the morality of America’s youth, Billboard Magazine got behind a 1954 effort to rid radio of black R&B artists, claiming they “show bad taste and a disregard for recognized moral standards.” In 1967, the ABC radio network and a group called the American Mothers Committee tried to remove all songs from airplay that “glorify sex, blasphemy, and drugs.”

Weeks after the Clear Channel list left the public’s attention, its effects were still resonating on station playlists. At Clear Channel-owned stations in Tampa, Florida, many of the list’s selections were still off the playlist. “We’re being cautious and aware of what might be offensive at this time,” said Brad Hardin, programmer for Clear Channel in Tampa. “We’re still taking everything day by day.”⁴⁷

Other notable incidents of censorship during this period:

- In Rock Hill, South Carolina, the youth group of Northside Baptist Church tossed hundreds of CDs into a bonfire. The youth group said it was their way of protesting against popular music, which—according to group members—promotes rape and murder. “I’m tired of the world trying to force us to do things we shouldn’t do,” said group member Patricia Trovinger. “You need to put God before all this kind of stuff. He’ll help you more than these artists will.”⁴⁸
- Country singer Tim McGraw’s song “Red Ragtop” is banned by a host of country music radio stations because of its controversial lyrical subject: abortion. In the song, a young couple decides not to have a child. “It’s music, it’s supposed to move people,” said McGraw’s wife, fellow country singer Faith Hill. “I think the song is about life; it’s not about abortion. It tells the story about two lives, three lives.”⁴⁹
- Pepsi dropped rap artist Ludacris as a spokesperson in September of 2002, just one day after Fox News host Bill O’Reilly called him a “thug rapper” who “espouses violence, intoxication, and degrading conduct towards women.”⁵⁰ O’Reilly condemned Pepsi for hiring Ludacris, saying “Americans should let the merchants of bad taste know that hiring corrupters and incompetents is not acceptable.” Pepsi said that it apologized to anyone who was offended by Ludacris. In response, Ludacris said “My message represents an ideology and a way of life that is true to me and the new generation to an extent and a way of life that corporate and political forces can’t touch.” Pepsi decides to retain fellow Pepsi spokespeople, the rock group Papa Roach, despite the band appearing in an adult film and publicly urinating in Gatorade bottles (manufactured by Pepsi).

- Shortly after the September 11th attacks, hip-hop artist Michael Franti and his band Spearhead perform “Bomb Da’ World” at a taping of the *Late Late Show with Craig Kilborne*. The song is edited from the show before broadcast. Franti later claims that the FBI is monitoring his band’s activities.

Section Three: Protest music, musician activism, and censorship during the war on terror

Public shock and discussion concerning the carnage of September 11th slowly segued into discussion about America's response—the “war on terror.” In the media echo chamber, these were not times for political dissension, but for unity, restraint, and sensitivity similar to that demonstrated after the attacks. The jingoism permeating American media was so acidic that any person even *assumed* to be making a statement against the President, war on terror, or in support of any opposing world view was treated harshly.

In July, 2004, Steve Earle's song “John Walker Blues” ignited calls for its censorship in the *Wall Street Journal*⁵¹ and *The New York Post* two months before it's release. The song looks at events through Walker's eyes⁵², yet does not endorse Walker's actions or fate, nor does it take any ideological stance on Walker's beliefs. According to Nashville talk radio host Steve Gill, “Earle runs the risk of becoming the Jane Fonda of the war on terrorism by embracing John Walker and his Tali-buddies.”

Several radio stations pulled music by the group Jethro Tull after its signer, Ian Anderson, was quoted in an interview with the *Asbury Park Press*. “I hate to see the American flag hanging out of every bloody station wagon, out of every SUV, every little Midwestern house in some residential area,” Anderson said. “It is easy to confuse patriotism with nationalism. Flag waving ain't gonna do it.” The next morning, several talk radio programs had called for bans of Jethro Tull music from their stations. According to Phil LoCascio, program director of New Jersey classic rock station WCHR, “The reaction of our audience has been 99 percent in favor of the ban and 99 percent incredulous that he would say such stupid things. As far as we are concerned, this ban is forever.”⁵³

The sensitivity seems to apply to all controversial political sentiment, not simply those associated with the war on terror. New Jersey rocker Bruce Springsteen was refused police escorts and security after performing his song “American Skin” at several Shea Stadium concerts. The song was inspired by the unfortunately shooting of an unarmed West African immigrant, named Amadou Diallo, by four New York policemen who mistook his wallet for a gun. The order to remove the protective services came from a high-ranking police official when he learned that Springsteen was performing the song during his concerts that evening. The police security was reinstated when Springsteen dropped the song from his later performances.

In Florida and New York, local law officials used newly enacted anti-terrorism legislation as justification for “rapper profiling.” The police officers had previously used anti-terror laws to crack down on streets gangs. Since they assumed that rappers were aligned with street gangs, they created secret dossiers on rap artists such as Jay-Z, P. Diddy, 50 Cent, DMX, and Ja Rule.⁵⁴ The Florida files were combined into a six-inch “rap reference” binder, complete with photos of the stars and detailed records of their comings and goings in the area. In New York, several officers conducted three-day seminars on how to track rap artists for representatives of other police departments concerned with monitoring rap artists. “It would be pretty irresponsible not to have that information or not to provide appropriate security,” said Miami Beach police spokesman, Bobby Hernandez.”

Leading up to and during the invasion of Iraq, incidents of direct music censorship were few. However, those that did occur demonstrated, again, the power of the media echo chamber and its potential to accelerate incidents of music censorship. Many musicians who were focal points of the antiwar movement (or even *perceived* to be associated with the antiwar movement) received repeated harsh and visceral treatment in the media and by the public supporting the war. Those in support of the war seemed to have a quick trigger regarding any antiwar statement made by celebrities in any media. Web sites⁵⁵, newspaper editorials, and many current events radio and television programs felt that musicians, actors, and writers abused their access to the public.

These outlets campaigned to prevent celebrities from using their fame and public status to discuss the war—or specifically, to discuss their opposition to the war (media displays of patriotism or support for the war effort were often well-received and rarely questioned).

Singer and guitarist Lenny Kravitz was widely chastised for his open opposition to the war, reporting that he received countless letters and phone calls rebuking him for releasing an antiwar song, “We Want Peace,” that featured an exiled Iraqi pop singer. The *New York Post* referred to Kravitz as the “enemy’s pal.”⁵⁶

Sensing the brewing hostility towards antiwar music, Madonna edited then later pulled her video for “American Life.” The video’s strong antiwar imagery included Madonna tossing a live grenade to a George Bush look-alike. According to a statement released by the singer: “Due to the volatile state of the world and out of sensitivity and respect for the armed force, who I support and pray for, I do not want to risk offending anyone who might misinterpret the meaning of the video.”⁵⁷

The Sound of the Truth Coming from My Mouth

Just before performing their song, “Travelin’ Soldier” during a sold-out March 10th concert in London, Dixie Chicks lead singer Natalie Maines extemporaneously exclaimed, “Just so you know, we’re ashamed the President of the United States is from Texas.” It was a spur of the moment thing; she hadn’t planned to say it, nor had she offered this thought during any of the other tour stops. During previous shows, the group had dedicated the song to the soldiers fighting away from home.

For as large a controversy as Natalie’s comments eventually created back home, the incident did not seem to make much of an immediate impact. Six London papers reviewed the show and

five made no reference to the comment. Further, the American ambassador to Britain—who was in attendance at the concert—came backstage afterwards to greet the group and made no reference to the remark. The quote did not show up in the press at all until two days later, when London’s *The Guardian* newspaper published a lukewarm review of the show, including a mention of the comment and how unusual it was. A few days later the *Guardian* article was posted on the ultra-conservative U.S. website freerepublic.com (ground zero for conservative talk shows in America—information posted on the site is usually that day’s lead discussion topic on most conservative talk radio and television programs).

The next day, the story was instantly everywhere—reported in many media outlets and on the lips of almost every talk show host in the country. Negative reaction against the group was heated and quick.

Shortly after the controversy erupted, the group did release a strongly worded and largely unapologetic press statement. The group said that they had been overseas for several weeks and “the anti-American sentiment that has unfolded here is astounding. While we support our troops, there is nothing more frightening than the idea of going to war with Iraq. In a separate statement, Maines herself said “I feel the president is ignoring the opinion of many in the U.S. and the rest of the world. My comments were made in frustration and one of the privileges of being an American is you can voice your own point of view.”⁵⁸

However, the apology didn’t seem to register with those angered by her remarks. In fact, the tone of the statement seemed to fan the flames of critics’ anger towards the group. Even though news of the comment coincided with the emotional outbreak of the U.S. invasion of Iraq, the reactions focused on the band were quick and angry. With little concern for verifying the truth or accuracy of the statement, war supporters were swift to call for harsh sanctions against the group. Within a day of the incident’s mention on the Freerepublic.com Web site, dozens of radio stations (and several radio networks) pulled all Dixie Chicks songs from their playlists. Once the idea of a radio ban spread, freerepublic.com posted lists of radio station and DJ phone numbers and email

addresses in order to further the grassroots efforts. In Houston, two country radio stations—KILT-FM and 93Q held online polls to determine the fate of the Dixie Chicks in their playlists. In both polls the vast majority—73%—of respondents voted to remove the Dixie Chicks from the station’s airwaves because of their comment.

“As of right now, we are not playing the Dixie Chicks and I’m evaluating things as we go,” said KILT program manager Jeff Garrison. “The listeners have been very adamant about their beliefs. And right now, that’s where we stand.” Added KILT morning DJ Fred Hudson, “The phones lit up at 5am and they haven’t stopped.”⁵⁹

One radio station in Dallas logged hundreds of calls on the day the story broke, calling the group “anti-Bush,” “anti-American,” and “anti-troop.”

In Kansas City, all of the country music stations dumped the Dixie Chicks immediately after the controversy broke. According to staff at KBEQ-FM, calls against the Dixie Chicks were coming in at the rate of 700 per day. KMBC took the boycott a step further by inviting listeners to come by the studios for a “Chicken Toss”—adding their Dixie Chicks CDs to a garbage can placed outside the station exclusively for that purpose. However, not all of the city’s country fans agreed with the ban. “There are some artists that I like that have said things I don’t agree with,” said country listener Shawn Peterson. “But it doesn’t stop me from listening to them.”

The largest radio censure against the group came from Cumulus Media, which pulled all the Dixie Chicks material from all of its 42 country music stations across the United States. According to the *Los Angeles Times*, the company sent a memo to the Dixie Chicks’ record company, Sony’s Monument Records, stating that a personal, public apology by Maines (as opposed to the previous press statements) would be required before the company would reinstate the group to its airwaves. That ban remains in place today.

In Bossier City, Louisiana, concerned citizens held a demonstration that involved mass destruction of the group’s CDs, inviting children to stomp on the piles of CDs, and then running them over with a tractor.⁶⁰ In South Carolina, the state legislature approved a resolution calling

for the Dixie Chicks to play a benefit concert for military families⁶¹. Catherine Ceips, the representative who introduced the legislation, said that she saw the legislation as “an olive branch to the Dixie Chicks.”

“But only after they apologize first for exercising their free speech, is that correct?” rebutted fellow South Carolina legislator James Smith.⁶²

Maines was also the target of several parodies and comparisons to comments made by actress Jane Fonda during the Vietnam War. Other parodies included doctored photos of Maines cuddling in the arms of Saddam Hussein and altered CD cover artwork, renaming the group “The Terrorist Chicks.” Calls for censure against Maines were made on many of the Web sites devoted to silencing celebrities speaking out against the invasion of Iraq, such as boycott-hollywood.us and famousidiot.com.

Folksinger Tom Paxton said that the group didn’t deserve the shunning it was receiving. “There are just echoes of McCarthyism there,” Paxton said. “Quash all dissent. I say let them speak and let them sing.”⁶³

By the end of the week, Natalie Maines released a second, more conciliatory, statement. She said: “As a concerned American citizen, I apologize to President Bush because my remark was disrespectful. I feel that whoever holds that office should receive the utmost respect.

“While war may remain a viable option, as a mother, I just want to see every possible alternative exhausted before American soldiers’ lives are lost. I love my country. I am a proud American.”⁶⁴

When Nielsen Broadcast Data’s radio airplay charts were released for the week, the band had completely disappeared from the listings, despite having two Top 40 country singles the week before. But the controversy had taken a toll far beyond radio play. Sales of the group’s CD dropped off dramatically, from 124,000 copies the week before the controversy to just 32,000 the week the boycotts began. Further, Lipton Tea announced it was pulling out of its sponsorship of the group’s North American tour.

“We’re dealing with bigger issues than CD sales,” said the Dixie chick’s Emily Robison, whose property had been vandalized and family had received threatening phone calls. “I’m concerned about the safety of my family.”

The group even went so far as to order metal detectors for the opening dates of its upcoming American tour, starting just a few weeks after the controversy reached its zenith.

Added Robison’s sister, Martie, also of the group, “I think it’s rational and totally acceptable for people to write a letter. We know that some of our fans were shocked and upset, and we are compassionate to that. My problem is when does it cross the line? When is trashing Emily’s property okay? When is writing a threatening letter okay?”⁶⁵

In an interview with Diane Sawyer on ABC’s *Primetime Thursday*, Maines said, “Am I sorry that I asked questions and that I didn’t just follow? No. Accept the apology that was made, but don’t forgive us for who we are.”⁶⁶

The incident was reminiscent of a similar controversy 37 years earlier when John Lennon had been widely misquoted about the relative popularity of Jesus among teenagers, as compared to that of the Beatles. As printed in the American press, Lennon’s comment was “We’re more popular than Jesus now.” Widespread controversy erupted in the spring of 1966 over the misreported comment, leading to Beatles protests, boycotts, and record burnings. In Cleveland, the minister at the New Haven Baptist Church threatened to excommunicate any parishioner who listened to Beatles records or attended their concerts (the band was about to embark on a large scale U.S. tour). As the controversy continued into the summer, many radio stations dropped the group from playlists, including some who announced they were joining the protest even though they didn’t play any Beatles music. Further, the Ku Klux Klan nailed Beatles albums to burning crosses and legislation was introduced in Pennsylvania to prohibit the group from performing there on their tour.

By the time of the Dixie Chicks’ May 1st American tour, opening in Greenville, South Carolina, the controversy had died down. There were protesters at some venues, and security was

tighter than usual for a popular music concert. After the Greenville concert's third song, Maines invited anyone who had come to boo to get it out of their system. A few people did boo, but they were quickly drowned out by the roar of cheers coming from the rest of the audience. The tour continued with minor protests at several venues. After all the concerns concerning the tour's viability in the wake of the controversy, almost every stop on the tour sold out.

The Answer Is Blowin' In the Wind

While not exclusively a music censorship issue, it is important to note the unusual and unpredicted role that music played in the anti-war movement following September 11th. As in past military conflicts involving the United States, musicians attempted to play a central role in opposition to the war as well as efforts organized to show support for the government's action as well as for U.S. troops serving overseas. Almost unilaterally, protest music after September 11th failed to make much of a significant impact on the discussion in the United States.⁶⁷

There were a significant number of antiwar songs recorded and released by musicians, including Zack de la Rocha and DJ Shadow's "March of Death," R.E.M. "The Final Straw," "We Want Peace" by Lenny Kravitz, Billy Bragg's "The Price of Oil," "In A World Gone Mad," by The Beastie Boys, John Mellencamp's "To Washington," Mick Jones' "Why Do Men Fight?" and Cat Stevens' rerecorded version of his classic hit "Peace Train."

Yet of all these albums only System of a Down's "Boom", which was originally written years before about Operation Desert Storm and released on the band's 2002 album *Steal This CD*, saw significant distribution and airplay. Regardless of the reason, most antiwar music failed to ignite much interest among antiwar advocates on even the most grassroots level.

The pinnacle of protest music's power as a political and social communicator was during the Vietnam Era. The Vietnam conflict produced a plethora of classic, widely popular, and enduring songs, such as Edwin Starr's "War," John Lennon's "Give Peace A Chance," Country Joe's "Fixin' To Die Rag," "Bad Moon Rising" by Creedence Clearwater Revival, and Marvin Gaye's "What's Goin' On?" However, that history has not carried over to later conflicts.

Some have theorized that this less significant position is because the music created during later military actions lacked the urgency and personal sacrifice of the Vietnam Era, when the war was far more unpopular and a military draft was pulling a large number of unwilling young people into service.⁶⁸ Others, such as Audioslave's Tom Morello and System of A Down's Serj Tankian, have bemoaned the deregulation of the music industry and the suspected corporatization of record label rosters and station playlists for the lack of protest music. They suggest that radio stations and corporate record companies are unwilling to court controversy or do business with artists expressing unpopular political ideas. Michael Stark, a producer for the nationally syndicated *Tom Joyner Radio Program*, echoed these thoughts, saying "I don't think it will be anything like radio during the Vietnam War when radio was the voice of the revolution and the voice of the other side. Now you're not going to get any of that—you're going to get the voice of the corporate world."⁶⁹

Others respond that this theory discounts the companies' interest in money-making. "A big record company will still put out a 'subversive' record if they know they can make a lot of money off of it," observed Anthony Castillo of the Los Angeles band Slow Motorcade. "Profit is the media's motivation."⁷⁰

New York Times music columnist Jon Pareles offers that the reason for a lack of compelling anti-war music was because musicians themselves were so divided after September 11th.⁷¹ Musicians did respond, generously and immediately, after the attacks with charity performances and tribute songs. This could lead to a conflict when trying to delineate between sympathy for the attacks and protest against resulting acts of vengeance. For example, U2 once led crowds in

chanting “No war!” during their concerts. In the wake of September 11th and the bombing in Afghanistan, the band performed “Beautiful Day” at the Super Bowl half-time show as the names of September 11th victims scrolled behind them.⁷²

Elton John told *Interview* magazine in a 2004 article that he felt that modern musicians weren’t up to the task. “There’s an atmosphere of fear in American tight now that is deadly,” he theorized. “Everyone is too career-conscious.”⁷³ John’s thoughts were seconded by veteran music business attorney Owen Sloane, “The artists today play fluffy music, they do not have a real vision; they are not deep thinkers like a Dylan.”⁷⁴

This lack of impact on the political dialogue is not meant to suggest that many musicians were not vocal in expressing their opposition to the United States military escalations in the Middle East. Musicians who made statements against the invasion of Afghanistan and the war in Iraq include Conor Oberst (Bright Eyes), Shakira, Chuck D (Public Enemy), Sheryl Crow, Thievery Corporation, Ani DiFranco, and rapper Mr. Lif. Many more musicians became involved in efforts meant to oust President Bush from office during the 2004 elections. Those include Green Day, NOFX, Tom Morello, the Dixie Chicks, Don Henley, Steve Earle, Offspring, Tom Waits, John Fogerty, and James Taylor.⁷⁵

Lead by the Hip-hop Summit Action Network, a collection of musicians created a initiative called “Musicians United to Win Without War.” The group included Russell Simmons, Roseanne Cash, Lou Reed, David Byrne, and many others. The group took out a full page ad in the *New York Times* that included an open letter to President Bush, saying “Peace is not the absence of war, but it is the presence of justice. Domestically, Mr. President, rampant poverty is on the rise and the hopes and aspirations of millions of youth are being triaged on the altar of national neglect.”⁷⁶ “Musicians United...” planned no other activities except future advertisements.⁷⁷

A large group of musicians, including Bruce Springsteen, Neil Young, R.E.M., Pearl Jam and the Dixie Chicks toured together in battleground states under the banner of Vote for Change. The tour, in October of 2004, was meant to stimulate voter turn-out in support of removing President

Bush from office. Some have theorized that the lack of momentum with these efforts is that while they were firmly against a second term for President Bush, they failed to offer an alternative vision that went much further than opposition to the President.

Despite this level involvement and the general backlash against any musician or celebrity speaking their voice in opposition to the war, the response by musicians was far more tepid than expected. Concerns over potential protests as part of the Grammy Awards performances in 2003 led to rumors that CBS executives warned those scheduled to perform that they should not, in any way, use the Grammy stage as a soapbox for political expression. This rumor turned out to be false, yet during the awards ceremony, there were no direct anti-war references made by musicians at all.

Desperado

The Aladdin Resort and Casino is an example of the “bigness” that typifies modern day Las Vegas. The Aladdin is massive and huge on any and every scale.

The Aladdin has 2,567 guest rooms, a shopping mall with 140 stores, 75,000 square feet of convention space, six restaurants, two pools, an in-house wedding chapel, and more than 135,000 square feet of casino space. The complex occupies 35 acres of land.

Aladdin also has three performance venues; the largest is the 7,000 capacity Aladdin Theater, one of the highest grossing venues in all of Las Vegas. The Aladdin Theater is a popular venue for sporting and concert events. It has hosted such musical acts as Sting, Lenny Kravitz, ZZ Top, Mary J. Blige, and Elton John.

On Saturday, July 17, 2004, the Aladdin had booked veteran songstress Linda Ronstadt. The performance was billed as part of a “Greatest Hits Tour” with Ronstadt accompanied by the Baltimore Symphony Orchestra.

By the time that Ronstadt took the stage that evening things were already on rocky footing. Ronstadt had been quoted in the *Las Vegas Review-Journal* making disparaging comments about Las Vegas, prompting a few dozen concertgoers to request refunds for their tickets. Additionally, Ronstadt herself was upset with the venue’s promotion of the concert. Ronstadt was touring to promote her latest album, *Humming to Myself*, the third in a series of recordings featuring Ronstadt singing standards with an orchestra. She said that the first she had heard of the evening being billed as a greatest hits performance was when she was riding in from the airport and saw a billboard promoting the performance as such.

Ronstadt opened the concert with her 1983 hit “What’s New?”, then told fans about how disappointed she was that the concert was billed as a greatest hits show. She continued performing songs from the 20s, 30s, and 40s, arranged by Nelson Riddle, such as “Bewitched, Bothered, and Bewildered,” Frank Loesser’s “Never Will I Marry,” Billy Strayhorn’s “Lush Life,” and Cole Porter’s “Get Out of Town.” Ronstadt did perform orchestral versions of a few hits, such as “Ohh Baby, Baby,” “Just One Look,” and “Blue Bayou.” However, her performance didn’t sit well with many in the audience (several others requested refunds during the course of the show). During “Blue Bayou,” Ronstadt stumbled over some of the lyrics, gasped for breath during some passages, and ended the song by singing in Spanish, reportedly screaming the lyrics instead of singing them. The reviewer from the *Las Vegas Sun* summarized the show as “A generally lackluster, unenthusiastic performance by one of the top singers of the 70s and 80s. Her performance was uninspired and generally flat. She lacked stage presence, doing little more than sleepwalk from song to song.”⁷⁸ Ronstadt sensed that things weren’t going great, electing to shave 20 minutes off the performance and end early.

Then, at the end of the performance's obligatory encore, Ronstadt announced that she'd perform the Eagles' song "Desperado." Ronstadt had performed the song at the end of every concert over the past month, and each night she had offered the same dedication—to filmmaker Michael Moore, who's recent *Fahrenheit 9/11* had been causing controversy since it opened a few weeks earlier.

"There's this guy who is a great patriot," Ronstadt said. "I think he loves his country deeply, and he's trying to get the truth out. His name is Michael Moore."

Ronstadt is a long-time political activist. She was once romantically involved with former California governor and presidential candidate Jerry Brown. She was very active in the anti-nuclear movement in the 1980s as well as other issues and often performing at benefits for causes and groups. The notion of dedicating songs to controversial figures in the news was not new to Ronstadt either. During an earlier tour, she had dedicated "Straighten Up and Fly Right" to executives at the Enron Corporation. The Moore dedication was hardly out of character.

The dedication received a mixture of cheers and boos from the crowd. Ronstadt expected this—it had happened during every other stop on the tour as well.

She had even predicted such a reaction in her earlier interview with the *Review-Journal*. "They say the country is evenly divided, and boy is that true. One half of the audience cheers and the other half boos," she said. "I don't understand this country sometimes and I really fear for it. The government is making everybody in the world hate us, including the people that used to be our friends."

What happened next depends largely on who you listen to. According to some, reaction to the controversial dedication died down, Ronstadt performed the song, and the audience offered a standing ovation. However, according to others, the concert erupted into chaos.

"It was a very ugly scene," Aladdin president Bill Timmins, who attended the concert, told the Associated Press. "She praised [Moore] and all of a sudden all bedlam broke loose."⁷⁹

Timmins claimed that concertgoers threw cups at the stage in protest and stormed out of the auditorium in masse, ripping down promotional posters as they left the building.

Many eyewitness accounts contradict Timmins' report. One attendee was Paula Francis, a local TV anchorwoman. "I was stunned to read in the newspaper that anyone had a negative reaction," she said. "There were loud boos and there was quite a bit of applause. But everyone calmed down right away and seemed to enjoy the rest of the performance. At the end of the song, there was a standing ovation. I didn't see anyone who was upset."⁸⁰

Ronstadt says that she was unaware of any controversy beyond the immediate booing. "No one threw drinks or anything in the concert hall," she recalled. "I don't know what people did in the lobby, but if they behaved like naughty schoolboys, that's not my fault. I doubt it was the first time they had drunk people in Vegas, you know?"⁸¹

Regardless of which set of recollections you believe, what happened next is not in dispute. Timmins ordered Ronstadt removed from the property immediately. As soon as she walked off stage, she was escorted out of the hotel, not even allowed to return to her suite to retrieve her personal items. She was told that she was not allowed back, as a performer or as a guest, now or ever again.

"We needed her off the property," said Tyri Squyres, spokesperson for the Aladdin. "She wanted to incite the audience, and she incited them to the point where they were very upset. Squyres claimed that half of the audience left in protest, which seems substantially higher than estimates offered by other attendees. Squyres added that Ronstadt did not make a scene when asked to leave the property, saying, "She wasn't happy, but she was cooperative."⁸²

Approximately 100 concertgoers contacted the Aladdin box office afterwards requesting refunds because of Ronstadt's controversy, a number cited as both large and small, by both sides of the controversy (though the number actually represents about 2% of ticket sales, it is still a larger than normal number of such requests).

However, the controversy quickly sparked further calls for action against Ronstadt and other performers who spoke out about the war in Iraq. Critics saw the controversy over the song dedication as just another example of liberal entertainers using their celebrity to create a soap box for their political views. Those opposing them felt that action needed to be taken.

Several grassroots organizations, such as Citizens Against Celebrity Pundits and Boycott Hollywood, felt the removal of Ronstadt wasn't enough, and launched efforts to further censor the singer and dismiss her political statements. These groups started boycott and censorship campaigns, as well as letter writing drives to have prominent entertainment stars muzzled and/or removed from their jobs.

More than 80 newspaper editorials were written, both in favor of Ronstadt and condemning her statement and supporting the actions of the Aladdin staff. One editorials stated, "Ronstadt had the right to say what she said, but face it: Celebrities have to reach a rarefied level of presumptive arrogance to make this leap of flawed logic: 'If people like me on stage, surely they'll want to hear what I have to say about politics.'"⁸³

Two weeks later, on July 29th, singer Don Henley was performing in the Los Angeles area. He was loudly booed when he mentioned he was friends with Ronstadt. According to the *Orange County Register*, Henley responded to the boos by saying: "We used to be able to have a civil debate in this country. Not anymore."⁸⁴

Michael Moore himself addressed the controversy in an open letter to Timmins. He wrote: "Last time I checked, Las Vegas is still in the United States. And in the United States, we have something called the First Amendment. This constitutional right gives everyone here the right to say whatever they want to say...For you to throw Linda Ronstadt off the premises because she dared to say a few words in support of me and my film, is simply stupid and un-American. Frankly, I have never heard of such a thing happening."⁸⁵ Moore further offered to come to Aladdin and sing "America the Beautiful" with Ronstadt if they would allow her back.

Timmins justified his action by saying it was wrong for Ronstadt to bring her political agenda to the stage. “We live in a city where people come from all over the world to be entertained,” he said. “We hired Ms. Ronstadt as an entertainer, not as a political activist. Whether you are politically on the left or on the right is not the point. She went up in front of the stage and just let it out. This was not the correct forum for that.

“Our first and only priority is the enjoyment of our customers,” he added. “I made the decision to ask Ms Ronstadt to leave the hotel. There were a lot of angry people after she started talking. A situation like that can easily turn ugly and I didn’t want anything more to come out of it.”⁸⁶

Interestingly, Timmins’ ban of Ronstadt for life was largely baseless, because at the time the Aladdin was in bankruptcy and up for sale. It did sell, to the owners of the Planet Hollywood restaurant chain, soon afterwards. The Planet Hollywood CEO attempted to set things right by saying that Ronstadt would be welcome back in the future, and even jokingly invited Moore to come sing as well.

After the controversy subsided, Ronstadt told *Rolling Stone* that she had no regrets, reinforcing that she had, and continued to, offer the “Desperado” dedication at every one of her concerts, including those during the height of the controversy. “It’s like my independent poll,” she said. “I have never seen a reaction like this in all my years of touring. This is an election year. I want people to get their head up out of their mashed potatoes and learn something about the issues and go vote...I don’t think this is the time to back down.”⁸⁷

While the Ronstadt incident at the Aladdin is clearly a case of censorship, it is also worth noting on a more subtle level: the oversensitivity of the Aladdin staff to Ronstadt’s insertion of a controversial political comment or context into her performance. Obviously, the Aladdin staff did not have a problem with *all* political context. The Aladdin had displayed patriotic banners, shown support for troops and war efforts, and had allowed other performers to mention less controversial elements of the war on terror. Yet when Ronstadt offered her dedication to Moore, the reaction

was quick, visceral, and adamant. The Aladdin seems less concerned with an appropriate action and more concerned with immediately distancing themselves with Ronstadt's statements. And the management felt that the only way to acutely express their distance from Ronstadt was to openly and intentionally humiliate her. From a purely business perspective, it is arguably understandable: with the growing intolerance for dissent in America, the Aladdin would not want to find itself on boycott lists over one performer's dedication.

Also, the news media deserves some chastisement in this controversy for simply repeating claims that were made with very little effort placed on reporting the events, vetting the information, or attempting to find out the truth about the incident. As a result of their failings, we now have no clear idea how many people left the event in protest or if any actions against Ronstadt or the Aladdin actually took place (such as the reported cup throwing or poster ripping).

When the Aladdin staff were questioned for their action, many dismissed the event stating that Ronstadt was hardly a victim. They noted that Ronstadt had continued with her tour unabated and would hardly be impacted by the few dozen requests received for refunds as a result of the controversy.

However, this is not an acceptable excuse for looking past this action. Noting the insignificance of the controversy on an artist of Ronstadt's popularity is moot. Unfortunately in America, it is often times how we react to celebrity controversy that guides how we react to similar consternation with lesser known artists. If it is acceptable to condemn or censor Marilyn Manson, Eminem, or Linda Ronstadt because they are rich, very well-known, and popular, then it becomes acceptable to attempt to censor lesser-known artists who *are* greatly impacted by the actions taken against them. It sets a low standard for how we treat those who have differing views from ourselves. Left unchecked, it quickly segues into "They feel different than mine? They don't deserve to have a voice."

Other notable incidents of censorship during this period:

- In Maricopa County, Arizona, the sheriff, Joe Arpaio, asks the local Tower Records to remove a locally produced rap CD because it condones violence against police and contains an unflattering drawing of the sheriff himself. The CD was created by a former inmate turned rap artist names Gary Barocsi, or G Rival. The CD contained lyrics such as “I hate the law, I would love to bash the police in the jaw, rub their flesh til it’s raw and soak ‘em in gas.” Tower honors the sheriff’s request and removes the CD. According to spokesperson Wendy Powell: “We really believe in the First Amendment, but in this case, we had to recognize responsibility to the community.”⁸⁸
- In August of 2004, the Kansas attorney general withholds more than 1,600 CDs from distribution to libraries, saying that they promote violent or illegal activity. The CDs were part of more than 50,000 discs given to the state as part of an anti-trust settlement with the recording industry and were to be distributed to libraries. The CDs pulled by the attorney general’s office include OutKast, The Notorious BIG, Rage Against The Machine, Stone Temple Pilots, Lou Reed, and Devo. “What he’s doing is enforcing his concept of decency on libraries around the state of Kansas,” said the Kansas ACLU’s Dick Kurtenbach. “That’s not his business.”⁸⁹
- Dancehall reggae artist Beenie Man is cancelled from an appearance as part of the MTV Music Awards because of controversy over homophobia in his lyrics. The cancellation is one of several actions against Beenie Man, and other dancehall artists, including Elephant Man and Vybz Cartel, initiated by gay rights groups.
- Controversy arises over Incubus’ single “Megalomaniac” because of images of a winged character resembling Hitler and another character resembling President George Bush. Critics call for the video to be pulled from MTV and other outlets for being “anti-American.” The band says that the song, containing the lyric, “Hey

megalomaniac, you're no Jesus, you're no fucking Elvis—Step down, step down” was a criticism of Bush. “The people who are bashing human beings, American citizens, for their opinions, those are the most un-American people out there,” said Incubus singer Brandon Boyd. “When people start allowing that kind of behavior, that’s when we start walking back into the dark ages.”⁹⁰

- Fox News host Bill O’Reilly called Jadakiss a “smear merchant” after the rapper releases his song “Why.” The song contains the lyric, “Why did Bush knock down the towers?” which is edited out of the song at most radio stations. Jadakiss’s label, Interscope, rereleases the video with the line edited out. “It caught the ear of white America,” said Jadakiss. “It’s a good thing. No matter what you do, somebody’s not going to like it, but for the most part, most people love the song.”⁹¹

Section Four: Other implications

Nipplegate

The annual professional football championship game, known as the “Super Bowl” is an event with no rival in American sports—where the spectacle surrounding the event is often far more focal than the game itself. Super Bowl XXXVIII in 2004 was no exception.

The 2004 Super Bowl halftime spectacular was produced by MTV and included musical performances from Nelly, Justin Timberlake, P. Diddy, Kid Rock, and Janet Jackson. During the performance’s medley of songs, Timberlake planned to reach across Jackson’s costume and yank off the outer layer. However, during the actual performance there was what Timberlake later referred to as a “wardrobe malfunction.” When Timberlake grabbed and pulled at the costume, it removed the entire section covering Jackson’s right breast. The malfunction resulted in Jackson’s breast being exposed on live television for three seconds before she realized what happened and covered herself.

The following day, the story reverberated through the media echo chamber, creating a visceral controversy that wouldn’t abate for months. Television talk shows berated Jackson’s “crass,” “deplorable,” and “lewd” antic, yet played video of the event over and over again. The automated television recording company Tivo said the brief exposure was the most recorded and replayed event in their history.

As public outrage swelled, the National Football League, the CBS television network, and MTV all disavowed the incident, saying they had no advance knowledge of the planned choreography. Further, both Timberlake and Jackson apologized in public statements (with Jackson publicly apologizing for the incident on three separate occasions). Timberlake told

reporters for KCBS-TV that he was “shocked and appalled” by what had occurred at the Super Bowl. “All I could say was, ‘Oh my God. Oh, my God.’ I looked at her. They brought a towel up on stage. They covered her up. I was completely embarrassed and just walked off the stage as quickly as I could. I’m frustrated by the whole situation. I’m frustrated that my character is being questioned.”⁹²

Despite all this remorse, the outrage only grew larger and louder. Of the two performers, criticism seemed especially intense towards Jackson, with many distracters choosing to believe that she had intentionally exposed herself to generate publicity for her upcoming album. The Grammy Awards had previously invited both Timberlake and Jackson to be presenters, but threatened to revoke both invitations unless the two apologized *again* during the telecast. Timberlake conceded, quietly offering an apology to anyone who was offended by the unintentional display. Jackson, who was scheduled to participate in a tribute to Luther Vandross, would not agree to apologize again and was dropped from the show line-up. Further, ABC television loudly announced that it had decided to drop Jackson from the lead role in its upcoming Lena Horne biopic. According to sources, ABC had approached Jackson about opting out of the role, but Jackson only stopped her resistance once Horne and her family contacted Jackson, asking her to leave the project.

After the initial controversy, most of the blame fixated on CBS, who ran the event live without any sort of delay. Only a few weeks before the Super Bowl incident, the Federal Communications Commission (FCC), the federal agency that regulates broadcasting and broadcast content, had issued a controversial ruling that U2 singer Bono had not violated profanity regulations almost a year earlier at the Golden Globe Awards. When U2’s song “The Hands That Built America,” from the film *The Gangs Of New York*, won an award, Bono started his acceptance speech by saying it was “really, really fucking brilliant.” The FCC had explained its decision not to fine NBC (the awards show broadcaster) because Bono’s use of the word “fucking” was an adjective. Therefore, it did not fall under the current definition of indecent

speech on the radio. While many were shocked by the decision, according to the United States' often quirky systems for regulating speech on radio and television, the decision was legally correct.

Broadcasting in the United States has always had its own unique set of free speech and indecency provisions, based on the idea that broadcasting is inherently invasive: it comes into a person's house without the recipient's discretion. Therefore, it is subject to much tighter restriction than other forms of speech.

The FCC's indecency provisions were given birth in the groundbreaking Radio Act of 1927, which states "No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communications." This regulation was later reiterated in the Communications Act of 1934 and was added to the U.S. Federal Criminal Code in 1948. Despite this early start, the FCC never applied those provisions until 1970, when it fined a Philadelphia radio station for excrement and sexual references contained in an interview with Grateful Dead guitarist Jerry Garcia.

The landmark court ruling which defined the FCC's current standards and guidelines was *FCC v Pacifica*, in 1975, which determined that indecent programming could not be aired when it might be accessible by children, known as the "safe harbor" hours, currently 6:00 a.m. to 10:00 p.m. The FCC worked for the next 26 years under the definition of indecency that forbid material that depicts sexual or excretory organs and activities in a manner that is patently offensive as measured by contemporary community standards.

In the months before September 11th, the FCC had undertaken a crusade against indecency unparalleled in its history. This campaign originated in 1999, when the FCC created an Enforcement Bureau to streamline and centralize complaints about broadcast indecency. Before this time, indecency complaints were handled along with all the other commission business, often considered a minor function at the agency. In fact, before the Enforcement Bureau was founded, there was little attention paid to indecency enforcement. So little, in fact, that many bureau

officials felt the FCC was slowly working itself out of the content regulation business and solely focusing on the oversight of the telecommunications business. Under the Enforcement Bureau, there was a several stage process before a broadcaster could be fined. First, the bureau would complete an “indecent analysis” that considers whether the material is explicit, repeated or dwelled upon at length, and if it is pandering, titillating, or shocking.

In March 2001, the FCC issued a clarification of its regulations regarding indecency on radio. Immediately afterwards, the agency’s biggest target appeared to be stations airing hip hop music. Several rap stations from across the country, including broadcasters in Los Angeles, Pittsburgh, New York, Florida, and Wisconsin were fined for playing music with profanity during the safe harbor hours. KKMG in Colorado Springs, Colorado, was fined for playing an edited, profanity free version of Eminem’s “The Real Slim Shady”—with the FCC arguing that even though the song had bleeps over certain words, listeners could still deduce what the covered word was.

Citing the March clarification, the FCC expanded restrictions to include any use of innuendo or double-entendre to describe said "sexual or excretory" activities. The problem with this empowered literalism is that it’s difficult to name *any* song that doesn’t contain at least one potential sexual innuendo.

In the summer of 2003, a DJ at KBOO in Portland, Oregon, played a song by poet Sarah Jones and DJ Vadim entitled “Your Revolution.” The song, a send-up of the Gil Scott-Heron classic “The Revolution Will Not Be Televised”—here it’s “will not take place between these thighs”—condemns rappers for demanding an equal society for themselves, yet still filling their music with misogynistic lyrics. The song contains lyrics such as “Your revolution will not find me in the back seat of a jeep ... doing it and doing it and doing it well. Think I’m going to put it in my mouth just because you make a few bucks? Please, brother, please.”

When a local listener recorded the broadcast and sent it to the FCC Enforcement Bureau, KBOO was fined for airing “patently offensive” material. By anything except the most literal

interpretations of the questionable phrases, the song is a political protest. It is about feminism, not oral sex.

Though the FCC eventually reversed its ruling against the station, the station was, essentially, gagged for the almost two years it took to unravel the case. KBOO worried that those who filed the complaint might still be monitoring the station and they were cautious against provoking them further. KBOO, a small community radio station with limited resources, had spent more than \$20,000 defending itself against the ruling (they were fighting the matter on principle—had they simply paid the original fine, it would have cost them only \$7,500). They feared additional complaints could force the station to lay off staff or cut back programming.

In all, before the Super Bowl incident, the reinvigorated FCC has handed out 26 “notices of potential liability” and 13 “forfeiture orders,” and a total of \$1.7 million in fines to broadcasters for violations of indecency standards. However, even this was not enough for critics of broadcasting standards. The Super Bowl incident was the final straw for many advocates for strict regulation, and heavier penalties, for broadcast content in the U.S.

The week following the Super Bowl controversy, media organizations tried to satiate supporters of stricter regulation by trying to demonstrate self-control. Clear Channel fired Florida-based shock radio jock Bubba the Love Sponge and publicly declared that it was dropping Howard Stern’s morning radio program from all its stations.⁹³ According to Clear Channel, it was adopting new decency standards to make sure that material its radio stations air conforms to local community standards.⁹⁴ The company said it was applying its “zero tolerance” policy to Stern until he could assure the radio giant that his program would meet its new standards.

“Clear Channel drew a line in the sand today with regard to protecting our listeners from indecent content and Howard Stern’s show blew right through it,” said Clear Channel CEO John Hogan in a company press release. “It is vulgar, offensive, and insulting not just to women and African Americans but to anyone with a sense of common decency.”

NBC and ABC television both edited out partial nudity from their programs *ER* and *NYPD Blue* and all networks started using delays in all their live events.

MTV announced it was pulling “racy” artists from daytime playlists, including Britney Spears’ “Toxic” (featuring the singer in a sheer body suit), Blink 182’s “I Miss You” (feature two women kissing), Maroon 5’s “This Thing,” Ludacris’ “Splash Waterfalls,” and the Ying Yang Twins’ “Saltshaker.” MTV also added Incubus’ “Megalomaniac” to the list of provocative videos, though it contained no sexual content or innuendo at all.⁹⁵ Incubus guitarist Mike Einziger said of the daytime ban, “It’s ironic that this MTV scrutiny comes from an incident where someone bared their chest in public, while for the first time, our singer has his shirt on for an entire video.”

In one of its oddest editing decisions, MTV decided to request the removal of the word “pants” from Avril Lavigne’s “Don’t Tell Me,” but left in the word “ass.”⁹⁶

“We always take into account what the cultural environment is on an ongoing basis,” said an MTV spokeswoman. “Given the particular sensitivity in the culture right now, we’re erring on the side of caution for the immediate future.”⁹⁷ However, within weeks of the initial controversy subsiding, at least six of the videos had made their way back into daytime rotation.

The NFL, hoping to avoid further controversy for its halftime shows, cancelled a scheduled Pro Bowl performance by Timberlake’s former ‘NSYNC band mate JC Chasez, fearing it would be too sexually explicit. Chasez had planned to perform his single “Some Girls (Dance With Women)” at the NFL Pro Bowl the week following the Super Bowl. Initially, the football league asked Chasez to perform his song “Blowin’ Me Up (With Her Love)” instead, additionally asking that he agree to substitute the words “horny” and “naughty” in the lyrics.

“Under the circumstances, I understood their jitters, so I decided to accommodate their concern,” Chasez told MTV News. “I really wanted to try to help these guys out even though it is a huge compromise for me, as an artist, to go back and alter my work like that.”⁹⁸

After Chazez agreed to the NFL's proposed changes, the league changed its mind, informing Chazez that he could perform the national anthem before the game, but could not perform during the halftime show at all. According to an NFL spokeswoman, Chazez's planned performance was just "too over the top."

"While I agree the mishap at the Super Bowl was a huge mistake, the NFL's shallow effort to portray my music as sexually indecent brings to mind another era when innocent artists were smeared with a broad brush by insecure but powerful people," Chazez said in a press statement. "That's not the America I love. Nor is it the NFL I love. I'll sing the national anthem anytime, anywhere, but not for this NFL." Chazez later commented, "I did not play at the Super Bowl. I was not even at the Super Bowl. But I'm the one who got beat at the Super Bowl."

The FCC itself began to react to the increased scrutiny by issuing a bevy of fines against broadcasters, in addition to ruling that *any* use of profanity, at any time, is a punishable offense and that any potentially offensive content, including the sound of flatulence, would now fall under the list of forbidden content that would net broadcasters heavy fines and/or license revocation.

In Congress, eleven Republican congressmen sponsored a resolution that asked the FCC to revoke the license of broadcast stations that repeatedly air indecent material. Two other congressmen introduced a bill that would permanently ban the words "shit," "fuck," "piss," "cunt," "cocksucker," "motherfucker," and "asshole."⁹⁹

"Pop culture has been on a slippery slope for some time," said Representative Fred Upton, one of the bills sponsors and the chair of the House's Internet and Telecommunications Subcommittee. "This was the straw that broke the camel's back."

Committees overseeing the FCC also introduced measures to increase the penalty for broadcast content violations from \$27,500 to \$500,000, which were later passed in the House of Representatives. Further, it broadened its definition of who can be liable for paying FCC fines.

Previously, the broadcast license holder was the only entity fined, but under the proposed regulation revisions, fines could also be given to station employees and performers as well.

Additionally, the Senate passed legislation creating a three-strikes policy for broadcasters: calling for broadcast licenses to be revoked from any broadcaster found guilty of three offenses.

Senator Sam Brownback of Kansas, a long time critic of rock music who had previously held several congressional hearings about violence, sex, and profanity in popular music aimed at children, wrote a letter to Infinity Broadcasting, a large radio station owner and distributor of Howard Stern's radio show. Brownback declared that Stern's program not only violated Infinity's internal indecency policy, but also recent legislation he had proposed in the Senate aimed at toughening FCC standards. According to Brownback, "Any station airing programming that has *any* sexual or excretory content needs to take whatever steps are necessary to make sure that the programming is not even *arguably* indecent."¹⁰⁰

Brownback closed his letter with a thinly veiled threat to Infinity's broadcast licenses by saying, "It is my understanding that [Stern's program] is not an isolated incident. Are these types of broadcasts consistent with your public interest obligation to maintain a standard of decency as a licensed user of the public airwaves?"¹⁰¹

In a speech to the National Association of Broadcasters, Brownback insinuated that recent attempts at self-regulation would not be enough to stem the tide of indecency. He also suggested that the Super Bowl incident and other offensive radio and television broadcasts gave ammunition to terrorists in the "cultural war" being waged in Iraq.

In April, as a response to the newly introduced "get tough" measures, a group of 24 organizations—including Fox, Viacom, and the Recording Industry Association of America—filed a petition asking the FCC to reconsider some of its recent rulings. According to the 70-page document, the FCC's new guidelines mark a radical shift in policy that violates constitutionally protected free speech. "The FCC announced a standard that would allow it to censor all kinds of

things—anything considered blasphemous, coarse, or vulgar,” said Robert Corn-Revere, who represented the petitioners. “It puts the commission in the role of regulating taste.”

The petition cited several examples of the “chilling effect” created by the new measures, including radio stations pulling songs from airplay that had previously aired, in some cases, for decades. Radio programmers feared that the new sensitivities of the FCC might lead to penalties for material previously deemed appropriate for broadcast. Some newly-banned songs contained sexual innuendo, such as John Mellencamp’s “Jack and Diane”¹⁰² and Lou Reed’s “Walk on the Wild Side.”¹⁰³ Some songs were pulled for tepid profanity, such as “Money” by Pink Floyd.¹⁰⁴ Others were pulled from play for references to violence, drugs, or the occult, such as Steppenwolf’s “The Pusher,”¹⁰⁵ Pearl Jam’s “Jeremy,”¹⁰⁶ and Sheryl Crow’s “A Change Will Do You Good.”¹⁰⁷ “Rock’n Me Baby,” by Steve Miller Band, was apparently pulled simply for repeatedly containing the word “rockin’.” Some songs had garnered significant public controversy when they were originally released, such as Steppenwolf’s “The Pusher.” Originally released in 1968, the song became so controversial that the band was forbidden to sing the song’s lyrics during a North Carolina concert. The band circumvented the ban by having the audience sing the words. Despite the controversy, the song went on to become a staple of rock radio for more than 35 years.

It is worth noting that most of the profanity or arguably inappropriate lyrics in songs were already “bleeped” out or removed in previous radio versions. Under these new standards, even the edited, profanity-free versions were not played by stations. By and large, most of the songs pulled from radio play were done so out of oversensitivity and fear of reprisal rather than any legitimate assault on good taste or concern over the protection of children from adult material.

The fear and intolerance driven by the events of September 11th were palatable in the new wave of self-censorship. As one label executive said, “The current state of culture is different. It is an election year and no one wants to be made an example of.”

“It’s absurd,” said Lou Reed of the new wave of conservatism among programmers. “It’s like being censored by a squirrel. It’s beneath me, it’s beneath all these artists. It’s done by people who are very pious and stupid.”¹⁰⁸

Unlike other waves of public controversy since September 11th, the sensitivity towards broadcast content has not dissipated—many television radio stations, including news outlets, are now demonstrating strong conservatism towards programming. The most infamous example of this was during the fall of 2004, when the ABC television network planned to broadcast the movie *Saving Private Ryan*. Several ABC affiliates decided against airing the movie because of the violence and subject matter depicted in the contemporary World War II drama, fearing reprisal from the FCC.

The number of indecency complaints to the FCC has skyrocketed over the past several years. In 2000 and 2001, the FCC received only 350 complaints in each year. In 2002, the number rose to 14,000. By 2003, the number had exploded to 240,000. In 2004, the FCC receive more than one million complaints about the appropriateness of television and radio content. However, when analyzed by Todd Shields of *MediaWeek*, it was revealed that 99.8% of the complaints filed in 2003 and 2004 came from one group—the Parents Television Council, a conservative media watchdog organization that organized massive grassroots letter writing campaigns meant to rid media of undesirable programming.¹⁰⁹

According to Jonathan Rintels, executive director of the Center for Creative Voices in Media, “It means that really a tiny minority with a very focused political agenda is trying to censor American television and radio.”

In the case of a \$1.2 million fine against the Fox television network because of what the FCC described as “a mass of public complaints” was actually the result of only 23 individuals filing repeated complaints—out of a broadcast audience of 5.1 million.

Green Card Blues

Of all the immediate actions by the U.S. government following September 11th, the most strident by far are those concerning immigration. While visa restrictions have not caused any explicit examples of music censorship, they are still concerning and worthy of note here.

Even before September 11th, U.S. immigration was highly restrictive towards those desiring to enter or work in the United States. Often times, the process to receive a “green card” (U.S. government permission to reside and work in the United States) can take years and involve multiple hearings, forms, and processes. After the new regulations were put into place, most alien visitors to the United States were forced to begin the “green card” procedure over again, regardless of how far along they were in the process. Further, the U.S. government has also taken a much more proactive role in extraditing and deporting foreigners whose visas have expired. In many instances, the immigration restrictions in place only force those wanting to come to or stay in the U.S. to go “underground” and attempt to enter and stay in the United States with the government’s knowledge or intervention.

The implementation of these reforms that have the highest impact on music has been those regarding Cuba. Since September 11th, no Cuban musician has been granted a visa to enter the United States.

In 1996, musician Ry Cooder went to Cuba to record an album with a collection of Cuban musicians for an album and film called *The Buena Vista Social Club*. The album was a huge hit by world music standards, selling more than one million copies in the United States, winning a Grammy award, and bringing notoriety and fame to the musicians involved. Because of many of the musicians’ advanced ages, Cooder was eager to record more albums, but met with mixed success. In 2000, outgoing President Bill Clinton granted Cooder a waiver to return to Cuba to record two additional projects. However, since September 11th, he has not been able to continue

his work of recording and documenting Cuba's music. Speaking of the last disc he recorded with guitarist Manuel Galban and singer Ibrahim Ferer, Cooder said, "When I say this is a classic Latin record what I'm really saying is it might be the last chance to do this kind of mingling of people and styles. Politically, I can't do it again so I have to say that is the best I can do."¹¹⁰

Cooder was not the only one who had trouble coming and going from Cuba. In addition to the prohibition on travel to Cuba and the long-standing Trading with The Enemy Act (the 1917 legislation that forbids commerce with the country's enemies, applied to Cuba since 1959), post-September 11th immigration reform has re-enforced Cuba's status as a "state-sponsor of terrorism."¹¹¹ Further, reform policy suggests that, because Cuba is a communist state, all musicians wanting to come to the US are "employees or agents of the Cuban government or are members of the Communist party,"¹¹² thus making them ineligible to come to the country. As a result, no Cuban artists have been able to perform in the United States or visit the country to claim awards they've won for their work or join tributes in their honor.

Newly tightened visa restrictions have affected musicians from around the world, making it difficult for them to perform in the United States simply because the process has become unwieldy and unpredictable. Especially burdened are artists from other "state-sponsors of terrorism": Iran, Iraq, Syria, Libya, Sudan, and North Korea—even if the musicians currently reside in other countries. Many musicians who have received visas to tour the U.S. have reported increased law enforcement scrutiny at their performances and trouble using their visa to go to and from the country. This level of risk has forced U.S. presenters to abandon the idea of scheduling tours and performances for many foreign musicians. "It's a simple business decision on our part," said Scott Southard of concert presenter International Music Network. "If we feel there's a significant risk that we can't get an artist approved, of course we're not going to try."¹¹³ Even the number of government-sponsored cultural and academic exchanges has fallen to half of what it was ten years ago.¹¹⁴ This despite recommendations to the U.S. government to increase them,

saying that “American culture and the American people are the best assets for communicating values, diversity, and democracy.”¹¹⁵

It is sad to note, however, that most of the restrictions encountered by musicians do not amount to censorship. When singer Thomas Mapfumo reported problems entering Canada due to concerns over his visa to return to the US, or when Yusuf Islam (formerly known as singer/songwriter Cat Stevens) was denied entry into the United States, these incidents have much more to do with unfairness based on their religion or nationality, rather than with the government’s interest in censoring their music.

Conclusion

Separating the real from the unreal

As someone who chronicles music censorship events in the United States, I spend more time debunking myths than recording examples of suppressed expression. Claims of censorship are common, often offered as the supposed motivation for many unfortunate turns in a musician's career. However, upon examination, most fail to be provable acts of suppression.

Since the September 11th tragedies, free expression advocates, both in the United States and around the world, viewed the actions of the U.S. government and its citizens with a heightened sensitivity and skepticism. At times, the cries of those claiming censorship almost had an air of paranoia. Almost every major military campaign and national tragedy in the nation's history has been accompanied by calls for restraint of expression. While this was certainly the case after September 11th, most knee-jerk claims of stifled free expression simply were not censorship at all.

However, as the old joke says, "Just because you're paranoid, doesn't mean they're not after you." As has been demonstrated in this report, there are many examples of censorship that did occur in the heightened emotions of the days, months, and years following September 11th, 2001. Yet what makes censorship in the United States so different than in most of the rest of the world is that most music censorship in America happens for laudable reasons with the best of intentions. Individuals, groups, and government entities act out of concern for the well-being of the country, our safety from harm, and the ability of our families to live in peace and comfort. To many of these people, any censorship that results from their actions is a "necessary evil" required to protect those they care about and want to protect. Often, their intention is not to harm or suppress an artist, yet in a time of war and national tragedy, they consider artistic, political, and social expression to be of relatively little importance.

But what they don't realize, and supporters of free expression must gently remind them, is that the freedoms they callously toss aside are the very freedoms they are trying to protect. Our freedoms should not be put in a box during times of trial, but should be celebrated and offered as an example.

What most do not understand is that American values of free expression are not perfect. What our Bill of Rights does offer American citizens is an ideal, something we should strive to achieve for ourselves and an example of the tolerance and respect we should demonstrate to others. Because we are human, sometimes we fail. Failure does not demonstrate that the system is broken or that censors are necessarily evil or bad, but that we Americans still have more work to do to protect the basic tenets of our country.

If there is anything that we should place into an echo chamber, it is that: the necessity and importance of freedom, as well as the tolerance and understanding we must equally demonstrate in order to ensure those rights are available to all.

Index

- 103.5 "The Fox", 10
2 Live Crew, 17
50 Cent, 34
ABC, 20, 22, 30, 39, 53, 57, 61
Adams, John, 25
Aladdin Resort and Casino, 43, 45, 46, 47, 48, 49
Ament, Jeff, 12
American Mothers Committee, 30
American Skin, 34
Anderson, Ian, 33
Art Car Museum, 22
Asher, Peter, 29
Associated Press, 9, 45
Audioslave, 41
Augusta Chronicle, 9, 73
Baltimore Museum of Art, 22
Bangles, 29
Beastie Boys, The, 40
Beatles, 15, 39
Beenie Man, 50
Billboard, 30
Blowin' Me Up (With Her Love), 57
Bomb Da' World, 31
Bono, 53
Boondocks, 23
boycott-hollywood.us, 38
Boyd, Brandon, 50
Bragg, Billy, 40
Bridge Over Troubled Water, 29
Brown, Mark, 7, 11
Brownback, Sam, 59
Buena Vista Social Club, The, 62
Bush, George, 7, 8, 35, 50
Bushleaguer, 6, 7, 10, 11, 12, 13
Byrne, David, 42
Carter, Jimmy, 22
Cash, Roseanne, 42
Castillo, Anthony, 41
CBS, 43, 52, 53
Ceips, Catherine, 38
Chasez, JC, 57
Chicken Toss, 37
Chuck D, 42
Citizens Against Celebrity Pundits, 46
Clear Channel, 25, 26, 27, 28, 30, 56
Clinton, Bill, 62
Communications Act of 1934, 54
Constitution, United States, 16, 17
Cooder, Ry, 62
Coulter, Ann, 9
Country Joe, 40
Coup, The, 24
Cranberries, 24
Crash Into Me, 26
Creedence Clearwater Revival, 41
Crow, Sheryl, 24, 42, 60
Cuba, 62, 63
Dancing in the Streets, 26
de la Rocha, Zack, 40
Dean, Howard, 20
Desperado, 43, 44, 48
Devil in Disguise, 26
Diddy, P., 34, 52
DiFranco, Ani, 42
Dixie Chicks, 7, 8, 10, 35, 36, 37, 38, 39, 42
DJ Shadow, 40
DMX, 34
Dream Theater, 24
Drudge Report, 9
echo chamber, 14, 15, 33, 34, 52, 66
Eight Miles High, 15
Einziger, Mike, 57
Elephant Man, 50
Eminem, 49, 55
Enforcement Bureau (FCC), 54, 55
Evans, Jack, 26
famousidiot.com, 38
FBI. *See* Federal Bureau of Investigation, *See* Federal Bureau of Investigation
FCC. *See* Federal Communications Commission
FCC v Pacifica, 54
Federal Bureau of Investigation, 21
Federal Communications Commission, 15, 53
Ferer, Ibrahim, 63
First Amendment, 9, 16, 27, 47, 50
Fly, 26
Fox News Network, 9, 31, 51
Francis, Paula, 45
Franti, Michael, 31
G Rival, 49
Galban, Manuel, 63
Garcia, Jerry, 54
Gaye, Marvin, 41
Gephardt, Richard, 20
Golden Globe Awards, 53
Gonzales, Jr., Jose, 18
Gore, Tipper, 15
Grammy Awards, 43, 53
Great Balls of Fire, 26
green card, 62
Henley, Don, 42, 47
Hernandez, Bobby, 34
Hill, Faith, 31
Hip-hop Summit Action Network, 42
Holiday, Billie, 30
I Go to Pieces, 29
Imagine, 29
immigration, 62, 63
Incubus, 50, 57
indecency, 54, 55, 56, 59, 61
indecent, 18, 53, 54, 56, 58, 59
Interview, 42
Islam, Yusuf. *See* Stevens, Cat
Ja Rule, 34

Jackson, Janet, 52
 Jadakiss, 51
 Jay-Z, 34
 Jet Airliner, 26
 Jethro Tull, 33
 John Walker Blues, 33
 John, Elton, 42, 43
 Jones, Sarah, 55
 KBOO, 55, 56
 Kid Rock, 52
 Kravitz, Lenny, 35, 40, 43
 Ku Klux Klan, 39
Las Vegas Review-Journal, 43
Las Vegas Sun, 44
Late Late Show with Craig Kilborne, 32
 Lennon, John, 14, 28, 29, 39, 40
 Liddy, G. Gordon, 9
 Lif, Mr., 42
 Limbaugh, Rush, 9
Los Angeles Times, 37
 Lott, Trent, 20
 Love for Sale, 30
 Ludacris, 31, 57
 Madonna, 35
 Maher, Bill, 22
 Maines, Natalie, 35, 38
 Mapfumo, Thomas, 64
 Maroon 5, 57
 mask, George Bush, 7
 Matthews, Dave, 24
 Mays, Mark P., 27
 McGraw, Tim, 31
MediaWeek, 61
 Megalomaniac, 50, 57
 Mellencamp, John, 40, 60
 Miller Test, 17
Miller v. California, 17
 Moore, Michael, 44, 45, 47
 Morello, Tom, 28, 41, 42
 MTV, 50, 52, 57
 Musicians United to Win Without War, 42
Nasty As They Wanna Be, 17
 National Association of Broadcasters, 59
 National Football League, 52
 Nelly, 52
 New Haven Baptist Church, 39
 New York City Cops, 24, 73
New York Post, 33, 35
 NFL. *See* National Football League
 North, Oliver, 9
 Northside Baptist Church, 31
 Notorious BIG, The, 50
 O'Reilly, Bill, 9, 31, 51
 Oberst, Conor, 42
 obscenity, 17, 18
 Only the Good Die Young, 26
 Operation Desert Storm, 40
 OutKast, 50
 Papa Roach, 31
 Pareles, Jon, 41
 Parents Music Resource Center, 15
 Parents Television Council, 61
Party Music, 24
 Patriot Act, The, 12
 Paxton, Tom, 38
 Peace Train, 28, 40
 Pearl Jam, 5, 8, 9, 10, 11, 12, 13, 42, 60, 73
 Pepsi, 5, 11, 31
 Peterson, Vicki, 29
 Pink Floyd, 60
 PMRC. *See* Parents Music Resource Center
Politically Incorrect, 22
 President Bush. *See* Bush, George
Primetime Thursday, 39
 Puff (The Magic Dragon), 15
 Pusher, The, 60
 R.E.M., 40, 42
 radio, 9, 10, 15, 18, 22, 25, 26, 27, 30, 31, 33, 34, 36, 37, 38, 39, 41, 51, 54, 55, 56, 59, 60, 61
 Radio Act of 1927, 18, 54
 Rage Against the Machine, 24, 28
 Rage Against The Machine, 50
 Recording Industry Association of America, 59
 Red Ragtop, 31
 Reed, Lou, 42, 50, 60, 61
 Rintels, Jonathan, 61
 Robison, Emily, 39
Rocky Mountain News, 7, 11, 73
Rolling Stone, 12, 14, 48
 Ronstadt, Linda, 43, 47, 49
 safe harbor hours, 18, 54
Saving Private Ryan, 61
 Shakira, 42
 Shields, Todd, 61
 Simmons, Gene, 9
 Simmons, Russell, 42
 Simon, Paul, 29
 SLAPS test, 17
 Sleater-Kinney, 5, 6, 7, 10
 Sloane, Owen, 42
 Snider, Dee, 15
 Southard, Scott, 63
 Southeast Museum of Photography, 23
 Spearhead, 31
 Spears, Britney, 57
 Springsteen, Bruce, 34, 42
 Squyres, Tyri, 46
 Stark, Michael, 41
 Starr, Edwin, 40
 state-sponsors of terrorism, 63
 Steppenwolf, 60
 Stern, Howard, 56, 59
 Steve Earle, 33, 42
 Steve Miller Band, 60
 Stevens, Cat, 28, 40, 64
 Stone Temple Pilots, 50
 Strokes, The, 24, 73
 Super Bowl, 41, 52, 53, 56, 57, 58, 59
 System of a Down, 40
The Death of Klinghoffer, 25
 The People That We Love, 24
 Thievery Corporation, 42
 Ticketmaster, 5
 Timberlake, Justin, 52

Timmins, Bill, 45
Trading with The Enemy Act, 63
Travelin' Soldier, 35
Trovinger, Patricia, 31
U2, 41, 53
Upton, Fred, 58
USA Patriot Act, 21
Vedder, Eddie, 6, 13
Viacom, 59
Vietnam, 6, 21, 38, 40, 41

Vote for Change, 42
Vybz Cartel, 50
Wall Street Journal, 9
Washington Post, 20
Washington Times, 9
When the World Ends, 24
Yellow Submarine, 15
Ying Yang Twins, 57
Your Revolution, 55

Bibliography

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Notes

¹ Many have learned to harness this echo chamber effect by planting news stories and self-produced “video news releases” to start reverberations favoring a particular action or point of view.

² Taken from transcription of the concert recording.

³ *Ibid.*

⁴ Brown, (2003, April 2), pg. 40A.

⁵ Brown, (2004).

⁶ Brown’s picture runs with his by line in the Rocky Mountain News and says it is not uncommon for readers to greet him at concerts and events.

⁷ Brown (2003, April 3), pg. 53A.

⁸ <http://www.drudgereport.com>

⁹ The Augusta Chronicle (2003, April 5).

¹⁰ AnitGuy (2003), pg. 1.

¹¹ Bond, pg. 1

¹² Eight Pearl Jam fans were trampled to death during a 2000 concert in Roskilde, Demark.

¹³ Hamilton, “Fanviews of Denver #5,” pg. 1.

¹⁴ Brown (2003), April 12, pg. 2D.

¹⁵ Eliscu (2004), pg. 10.

¹⁶ Hammer, pg. 2.

¹⁷ Merriam-Webster, 2004.

¹⁸ Noebel, (1965).

¹⁹ Federal Communications Commission, FCC (1970), p. 409.

²⁰ While this standard is supposed to employ local, community standards as a guide, in the age of the Internet and national/global media, this becomes very difficult to quantify.

²¹ Many people assume that first charges brought against four people involved with the Dead Kennedy’s album *Frankenchrist* was the first case of an obscenity prosecution concerning a musical work. While the incident was extremely significant, the charges dealt solely with the album’s artwork, not the music itself.

²² The album contained the word “fuck” 226 times, 87 mentions of oral sex, 163 references to women as “bitches” and “whores,” and 1 mention of incest.

²³ In the changing national climate following September 11th, 2001, those definitions expanded considerably, as detailed in a later section of this report.

²⁴ Reuters (2001, September 16).

²⁵ Patman, Jean (2001, September 14).

²⁶ *Ibid.*

²⁷ “Speak up at your own risk,” 2001.

²⁸ Baltimore Sun, 2001.

²⁹ Houston Chronicle, 2001.

³⁰ Daytona Beach News Journal, 2001.

³¹ Lyrics to “New York City Cops” by The Strokes:

Here in the streets so mechanised
Rise to the bottom of the meaning of life
Studied all the rules didn't want no part
But I let you in just to break this heart
Even though it was only one night
It was fucking strange

Nina's in the bedroom
She said time to go now
But leavin' it ain't easy
I got to let go
I got to let go
And the hours they ran slow
I said everynight she just can't stop sayin'
New York City cops
New York City cops
New York City cops
They ain't too smart

New York City cops
New York City cops
New York City cops
They ain't too smart

Well, kill me now, I let you down
I swear one day we're gonna leave this town
Stop
Yes I'm leavin'
'Cause it just won't work
They act like Romans
But they dress like Turks
Sometime, in your prime
See me, I like the summertime

Nina's in the bedroom
She said time to go now
But leavin' it ain't easy
I got to let go
I got to let go
Oh!
Trapped in an apartment
She would not let them get her
She wrote it in a letter
I got to come clean
The authorities they've seen
darling I'm somewhere in between
I said everynight every night, I just can't stop sayin'
New York City cops
New York City cops
New York City cops
They ain't too smart
New York City cops
New York City cops
New York City cops
They ain't too smart

³² Original artwork for The Coup's Part Music:



³³ It's worth noting that Riley's recollections of the incident have changed somewhat over the past year. While he initially made statements suggesting that he strongly resisted the change, later statements tell a slightly different story. In later accounts, Riley stated that his prime concern was that a change might be interpreted as a change of heart regarding the group's strong anti-capitalist ideology.

³⁴ Baker, Soren (2001, 7 November).

³⁵ Internet: <http://www.75ark.com>

³⁶ Tommasini, (2001, November 25).

³⁷ This represents 1 out of every 10 radio stations in the U.S.—which is actually a deceptively small number relative to Clear Channel’s reach and impact. While 9 out of 10 may be owned by other entities, most Clear Channel stations are the largest and most significant stations in major markets).

³⁸ The list, as reported in the press, contains the following songs (list rearranged alphabetically by title, original spellings left intact):

“99 Luft Balloons/99 Red Balloons,” Nina; “A Day in the Life,” The Beatles; “A Sign of the Times,” Petula Clark; “A World Without Love,” Peter and Gordon; “Aeroplane,” Red Hot Chili Peppers; “America,” Neil Diamond; “American Pie,” Don McLean; “And When I Die,” Blood Sweat and Tears; “Another One Bites the Dust,” Queen; “Bad Day,” Fuel; “Bad Religion,” Godsmack; “Benny & The Jets,” Elton John; “Big Bang Baby, Stone Temple Pilots ,” Dead and Bloated”; “Bits and Pieces,” Dave Clark Five; “Black is Black,” Los Bravos; “Blow Up the Outside World,” Soundgarden; “Blowin’ in the Wind,” Peter Paul and Mary; “Bodies,” Drowning Pool; “Boom,” P.O.D.; “Bound for the Floor,” Local H; “Brain Stew,” Green Day; “Break Stuff,” Limp Bizkit; “Bridge Over Troubled Water,” Simon And Garfunkel; “Bullet With Butterfly Wings,” Smashing Pumpkins; “Burnin’ For You,” Blue Oyster Cult; “Burning Down the House,” Talking Heads; “Chop Suey!,” System of a Down; “Click Click Boom,” Saliva; “Crash and Burn,” Savage Garden; “Crash Into Me,” Dave Matthews Band; “Crumbling Down,” John Mellencamp; “Dancing in the Streets,” Martha and the Vandellas/Van Halen; “Daniel,” Elton John; “Dead Man’s Curve,” Jan and Dean; “Dead Man’s Party,” Oingo Boingo; “Death Blooms,” Mudvayne; “Devil in Disguise,” Elvis Presley; “Devil with the Blue Dress,” Mitch Ryder and the Detroit Wheels; “Dirty Deeds,” AC/DC; “Disco Inferno,” Tramps; “Doctor My Eyes,” Jackson Brown; “Down in a Hole,” Alice in Chains; “Down,” 311; “Dread and the Fugitive,” Megadeth; “Duck and Run,” 3 Doors Down; “Dust in the Wind,” Kansas; “End of the World,” Skeeter Davis; “Enter Sandman,” Metallica; “Eve of Destruction,” Barry McGuire; “Evil Ways,” Santana; “Fade to Black,” Metallica; “Falling Away From Me,” Korn; “Falling for the First Time,” Barenaked Ladies; “Fell on Black Days, Soundgarden ,” Black Hole Sun”; “Fire and Rain,” James Taylor; “Fire Woman,” The Cult; “Fire,” Arthur Brown; “Fly Away,” Lenny Kravitz; “Fly,” Sugar Ray; “Free Fallin’,” Tom Petty; “Get Together,” Youngbloods; “Goin’ Down,” Bruce Springsteen; “Great Balls of Fire,” Jerry Lee Lewis; “Harvester or Sorrow,” Metallica; “Have You Seen Her,” Chi-Lites; “He Ain’t Heavy, He’s My Brother,” Hollies; “Head Like a Hole,” Nine Inch Nails; “Hell’s Bells,” AC/DC; “Hey Joe,” Jimmy Hendrix; “Hey Man, Nice Shot,” Filter; “Highway to Hell,” AC/DC; “Hit Me with Your Best Shot,” Pat Benatar; “Holy Diver,” Dio; “I Feel the Earth Move,” Carole King; “I Go To Pieces,” Peter and Gordon; “I’m On Fire,” Bruce Springsteen; “I’m On Fire,” John Mellencamp; “Imagine,” John Lennon; “In the Air Tonight,” Phil Collins; “In the Year 2525,” Yager and Evans; “Intolerance,” Tool; “Ironic,” Alanis Morissette; “It’s the End of the World as We Know It,” REM; “Jet Airliner,” Steve Miller; “Johnny Angel,” Shelly Fabares; “Jump,” Van Halen; “Jumper,” Third Eye Blind; “Killer Queen,” Queen; “Knockin’ on Heaven’s Door,” Bob Dylan/Guns N Roses; “Last Kiss,” J. Frank Wilson; “Learn to Fly,” Foo Fighters; “Leavin’ on a Jet Plane,” Peter Paul and Mary; “Left Behind, Wait and Bleed,” Slipknot; “Live and Let Die,” Paul McCartney and Wings; “Love is a Battlefield,” Pat Benatar; “Lucy in the Sky with Diamonds,” The Beatles; “Mack the Knife,” Bobby Darin; “Morning Has Broken,” Cat Stevens; “Mother,” Pink Floyd; “My City Was Gone,” Pretenders; “Na Na Na Na Hey Hey,” Steam; “New York, New York,” Frank Sinatra; “Nowhere to Run,” Martha & the Vandellas; “Obla Di, Obla Da,” The Beatles; “On Broadway,” Drifters; “Only the Good Die Young,” Billy Joel; “Peace Train,” Cat Stevens; “Rescue Me,” Fontella Bass; “Rock the Casbah,” The Clash; “Rocket Man,” Elton John; “Rooster,” Alice in Chains; “Ruby Tuesday,” Rolling Stones; “Run Like Hell,” Pink Floyd; “Sabbath Bloody Sabbath,” Black Sabbath; “Sabotage,” Beastie Boys; “Safe in New York City,” AC/DC; “Santa Monica,” Everclear; “Say Hello to Heaven,” Temple of the Dog; “Sea of Sorrow,” Alice in Chains; “See You in Septemeber,” Happenings; “Seek and Destroy,” Metallica; “She’s Not There,” Zombies; “Shoot to Thrill,” AC/DC; “Shot Down in Flames,” AC/DC; “Smokin,” Boston; “Smooth Criminal,” Alien Ant Farm; “Some Heads Are Gonna Roll,” Judas Priest; “Speed Kills,” Bush; “Spirit in the Sky,” Norman Greenbaum; “St. Elmo’s Fire,” John Parr; “Stairway to Heaven,” Led Zeppelin; “Suicide Solution,” Black Sabbath; “Sunday Bloody Sunday,” U2; “Sure Shot Beastie Boys “; “Sweating Bullets,” Megadeth; “That’ll Be the Day,” Buddy Holly and the Crickets; “The Boy from New York City,” Ad Libs; “The End,” The Doors; “The Night Chicago Died,” Paper Lace; “Them Bone,” Alice in Chains; “Ticket To Ride,” The Beatles; “TNT,” AC/DC; “Travelin’ Band,” Creedence Clearwater Revival; “Travelin’ Man,” Rickey Nelson; “Tuesday’s Gone,” Lynyrd Skynyrd; “Under the Bridge,” Red Hot Chili Peppers; “Walk Like an Egyptian,” Bangles; “War Pigs,” Black Sabbath; “War,” Edwin Starr/Bruce Springsteen; “We Gotta Get Out of This Place,” Animals; “What A Wonderful World,” Louis Armstrong; “When Will I See You Again,” Three Degrees; “When You’re Falling,” Peter Gabriel; “Wipeout,” Surfari; “Wonder World,” San CookeHerman Hermits, ; “Worst

That Could Happen,” Brooklyn Bridge; “You Dropped a Bomb On Me,” The Gap Band; All Rage Against The Machine songs

³⁹ “The Reactions Keep Coming” (2001, September 14).

⁴⁰ Truitt, Eliza (2001, September 17).

⁴¹ Davis (2001), pg 2B.

⁴² Full text of Clear Channel Press Statement:

CLEAR CHANNEL SAYS NATIONAL “BANNED PLAYLIST” DOES NOT EXIST

FOR IMMEDIATE RELEASE

San Antonio, TX, September 18, 2001...Clear Channel Communications, Inc. (NYSE: CCU) today issued the following statement as a result of numerous stories, emails and calls concerning an alleged “list of banned songs” on its U.S. radio stations following last week’s tragedy in New York, Washington and Pennsylvania:

“Clear Channel Radio has not banned any songs from any of its radio stations.

Clear Channel believes that radio is a local medium. It is up to every radio station program director and general manager to understand their market, listen to their listeners and guide their station’s music selections according to local sensitivities. Each program director and general manager must take the pulse of his or her market to determine if play lists should be altered, and if so, for how long.

“In the wake of this terrible tragedy, the nation’s business community is responding with a degree of hypersensitivity,” explained Mark P. Mays, President and Chief Operating Officer of Clear Channel. “Even some movie companies have altered some of their release schedules in light of the mood in America today. Clear Channel strongly believes in the First Amendment and freedom of speech. We value and support the artist community. And we support our radio station programming staff and management team in their responsibility to respond to their local markets.”

⁴³ Sullivan, James (2001, September 18), Armstrong, Mark (2001, September 18), Ahrens, Frank (2001, September 18), King, Brad (2001, September 18), Wolk, Douglas (September 26),

⁴⁴ Strauss, Neil (2001, September 19).

⁴⁵ *Ibid.*

⁴⁶ Hochman (2001), pg. F58.

⁴⁷ Davis (2001), pg 2B.

⁴⁸ Boone (2002).

⁴⁹ Ferman (2002).

⁵⁰ Oh, (2002, September 6).

⁵¹ *The Wall Street Journal* (2002, July 24).

⁵² John Walker was the American citizen found fighting among the Taliban in Afghanistan, captured by U.S. forces, brought to the United States for trial, and sentenced to prison for twenty years.

⁵³ AP (2003, November 13).

⁵⁴ Muwakkil (2001).

⁵⁵ Internet: <http://www.ipetitions.com/campaigns/hollywoodceleb/>

⁵⁶ Gilbert, Sarah (2003, March 27).

⁵⁷ Wiederhorn, Jon (2003, March 31).

⁵⁸ Associated Press, 2003, pg. 1.

⁵⁹ Yahoo News (2003), pg. 1.

⁶⁰ St. John, Warren (2003, March 23).

⁶¹ Associated Press (2003, March 20).

⁶² Associated Press, 2003, March 20, pg. 1.

⁶³ Boucher, 2003, pg. A2.

⁶⁴ Associated Press, 2003, March 15, pg. 1.

⁶⁵ Dansby, 2003, pg. 15.

⁶⁶ *Primetime Thursday* transcript.

⁶⁷ Internet: <http://www.nytimes.com/2003/02/20/opinion/20THU4.html>

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- ⁶⁸ Epstein (2003, February 14).
⁶⁹ Strauss (2003, March 20).
⁷⁰ *Ibid.*
⁷¹ Pareles (2003, March 9).
⁷² Chang (2002, April 16).
⁷³ Poole (2004, August 10).
⁷⁴ *Ibid.*
⁷⁵ Cave (2003, December 11).
⁷⁶ Simmons (2003, March 10).
⁷⁷ Fenton (2003, February 27).
⁷⁸ Fink, 2004, pg 1.
⁷⁹ Boucher and Hilburn, 2004, pg. E1.
⁸⁰ Gumbel, 2004, pg. 28
⁸¹ Gardner, 2004, pg. D6.
⁸² Fink, 2004, pg. 2.
⁸³ Augusta Chronicle, 2004, July 22, pg. A04.
⁸⁴ Mayhew, 2004, pg. D4.
⁸⁵ Gumbel, 2004, pg. 28.
⁸⁶ Fink, 2004, pg. 2.
⁸⁷ Eliscu, 2004, pg. 26.
⁸⁸ Leonard (2004, January 29).
⁸⁹ Twiddy (2004, August 6).
⁹⁰ Wilkins (2004, October 4).
⁹¹ Moody (2004, July 16).
⁹² Mtv.com, 2004, pg. 1.
⁹³ Even though Stern's show, produced and distributed by Clear Channel rival Infinity Broadcasting, aired on only 6 of Clear Channel's nearly 1200 radio stations
⁹⁴ Reuters, 2004, pg. 1.
⁹⁵ See further explanation in the previous protest music section of this report.
⁹⁶ Sample lyric: "...will get you in my pants, I'll have to kick your ass."
⁹⁷ Gorman, 2004, pg. 1.
⁹⁸ Moss, 2004, pg. 1.
⁹⁹ Antimusic.com, 2004, pg. 1.
¹⁰⁰ Eggerton, 2004, pg. 1. Emphasis is Brownback's.
¹⁰¹ Cave, 2004, pg. 13.
¹⁰² Sample lyric: "Suckin' on chili dogs outside the Tastee-Freez. Diane's sittin' on Jacky's lap, got his hands between her knees."
¹⁰³ Sample lyric: "Candy came from out on the Island. In the backroom she was everybody's darling. But she never lost her head, even when she was givin' head."
¹⁰⁴ Sample lyric: "Money, it's a hit. Don't give me that do-goody-good bullshit."
¹⁰⁵ Sample lyric: "God damn the pusher. Goddamn the pusher man."
¹⁰⁶ Sample lyric: "Clearly I remember pickin' on the boy, seemed such a harmless little fuck. But we unleashed a lion, gnashed his teeth and bit the recess lady's breast."
¹⁰⁷ Sample lyric: "Scully and Angel on the kitchen floor and I'm calling Buddy on the Ouija Board."
¹⁰⁸ Cave, 2004, pg. 14.
¹⁰⁹ Shields, 2004, pg. 1.
¹¹⁰ BBC, 2003, pg. 1.
¹¹¹ Sublette, 2004, pg. 2.
¹¹² *Ibid.*
¹¹³ *The World*, 2003.
¹¹⁴ Center for Arts & Culture, 2004, pg. 8.
¹¹⁵ *Ibid.*