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Resistance to a Transition: How Emerging Genres Navigate Social Resistance

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Resistance to a Transition: How Emerging Genres Navigate Social Resistance

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Introduction:

In this paper, I present a framework for understanding how emerging musical genres behave within the social context of their time: First, a new vernacular genre emerges, causing widespread innovation within vernacular spaces which creates or strengthens a unique subculture. In this paper, the term ‘subculture’ will refer to “the normative systems of groups smaller than a society, to give emphasis to the ways these groups differ in such things as language, values, religion, diet, and style of life from the larger society of which they are a part,” as defined by J. Milton Yinger (626). Next, the subculture and musical form are targeted by powerful institutional forces which seek to silence the genre and subordinate the subculture. This opposition is found in various contexts, including concrete barriers such as censorship and other legal measures. Finally, musicians and fans within the genre push back on institutional pressure by satirizing and exaggerating the critiques presented by institutional forces. This response from musicians has proven to be effective in negating its detractors and allowing the genre to emerge in popularity and success.

By focusing on three unique case studies, my paper demonstrates how this framework operates in 20th century popular music. Each case study reveals the framework within the distinct genres of jazz, heavy metal, and hip-hop respectively. Though each genre has its own unique circumstance, it can be seen that the framework remains active in each situation. Therefore, my paper follows the format of tracing each step of the framework in the genres by designating a chapter to each example. The chapters provide background information on the genre which works to shed light on the unique elements that are present in each case.

Much of my ideology in this paper refers to the framework created by George Lipsitz in “Against the Wind: Dialogic Aspects of Rock and Roll.” In this paper, Lipsitz discusses how rock ‘n’ roll carries “traces of the past” which highlight post-war America from the perspective of the working class (99). This aspect of the music is what Lipsitz calls “dialogic,” meaning the present carries a dialogic with the past. For Lipsitz, rock ‘n’ roll music is inherently anti-capitalist, because the “glorification of pleasure and play serves as an implicit and sometimes explicit criticism of a society that places primary emphasis on the duty of labor” (112). In this capacity, I will refer to “leisure time” in reference to the “pleasure and play” described by Lipsitz, and with the understanding that this concept carries political weight. The presence of “play” refers to both musical play and any leisure time activity. In this way, it can be understood that music itself represents joy and free time, and that working-class play is often viewed suspiciously by institutional powers. The presence of play and leisure time in rock music, as described by Lipsitz, also describes many of the phenomena observed in my case studies regarding jazz, heavy metal, and hip-hop.

Lipsitz also writes that “very few rock-and-roll songs addressed social issues directly, but their roots in working-class folklore traditions enabled them to encode social messages” (115). In this way, rock music “derives its comedic and dramatic tension from working-class vernacular traditions” (116). Like the rock music studied by Lipsitz, the music of my case studies also find their roots in vernacular culture and working-class folklore. The encoded messages in my case studies are often satirical and hyperbolic, finding their roots in the cultures from which they come. In these quotes, Lipsitz uses the terms “vernacular” to reference folk traditions which survive into popular music through a dialogic process of making and sharing music. He uses

“working-class” to describe the people who create vernacular art, who are subject to certain conditions because of economic status. This framework is foundational for my paper in that it provides insight into what vernacular culture is and how it operates within popular music derived from it.

Lipsitz’ writing focuses on the specific post-war rock ‘n’ roll tradition, and argues that “industrial labor created the preconditions for rock and roll” (116). In this way, the music resists a society focused on industrial labor and develops a “fine art under circumstances that prevented them [the working class] from posing more direct challenges to power” (115). In the context of the rock ‘n’ roll tradition, this “power” represents the plant owners, prison guards, and overall industrial society which early rock songs resisted. In my paper, I apply this framework to the relevant conditions for the genre of study. My case studies therefore expand on Lipsitz’ expression of challenges to power in a wider context by applying the framework of rock music to jazz, heavy metal, and hip-hop. I use the term “institution” or “institutional powers” to describe whatever power structure that a musical genre seeks to resist.

My paper builds upon Lipsitz’ theories by applying his model of rock ‘n’ roll to three distinct musical traditions. My chapters on jazz, heavy metal, and hip-hop demonstrate a dialogic nature of these three forms. Due to their vernacular nature, these genres also contain the implicit political nature of free time in a society that favors labor that Lipsitz observes in rock ‘n’ roll. This aspect of my case studies proves to be extremely vital when considering the ways in which institutional pushback is responded to. Additionally, considering the political nature of music can provide insight into the motivations of institutional powers who attempt to silence new music genres.

Chapter 1: Social Ostracization in the History of Jazz

Jazz music finds its origins during the turn of the 20th century in New Orleans. The early days of the genre were a time in which artists pulled from various musical traditions to create a unique style separate from traditional American popular music. During this progressive era between 1890 and 1920, jazz musicians borrowed from the American genre of blues while actively seeking out African rhythms and embracing a rhetoric of “back to the roots” African-American music (Samardžić). For many of these working-class musicians, this meant studying the rhythmic qualities of African folk music, which was largely survived in the Americas by Afro-Caribbean performers. This historic callback comes from the fact that the working class night clubs and brothels were the main venue for jazz to be played; therefore poor black southerners made up the majority of musicians and fans.

Early social exclusion of the genre can be traced back to the 1920's, an era that is considered to be a “boom” for jazz. This boom period can be considered as the time in which jazz first crossed over from the purely vernacular space into the fringes of the American pop lexicon. As an artform with non-white creolized roots that simultaneously incorporates and pushes the limits of classical music traditions, jazz expanded the boundaries of what pop music could be. As the genre became popularized and more racially integrated, news outlets and magazines created a parallel between jazz and satanic or occult practices. Jazz musicians and fans alike - particularly women involved in the scene- were assigned the identity of the “vamp,” a slang term short for “vampire.” Carrie Allen Tipton writes that “by the early 1920s, jazz was all the rage, bringing not only a new musical language, but a new way of life. The censorious public discourse connected jazz with insanity, drug addiction, chaos, the primitive and bestial,

criminality, infectious disease, the infantile, the supernatural and the diabolical” (1). The connection between jazz music and the occult undoubtedly draws from the early history of jazz in New Orleans, a city widely known for Voodoo and nefarious activity. This social battle can therefore easily be read as a religious one, with the widely dominant Christian American media comparing jazz to anti-Christian folkloric monsters and demons.

Through a blend of its new musical elements, social context of performance, and direct satirization of criticism from its detractors, jazz represented a threat to both the existing record industry, and the white-dominated sphere of popular culture. It is evident that the industry and members of popular culture recognized the threat of jazz music and attempted to separate jazz artists from mainstream audiences and resources through a process of media campaigns which sought to otherize jazz musicians and fans. Certain aspects of the genre will provide useful context when examining the evidence of separation with a critical lens. While it is impossible to accurately determine the intentions of those who actively spread negative opinions of jazz musicians, speculation can be made when considering existing social relationships and the active qualities of the jazz scene. The evidence of exclusion from mainstream pop culture can be traced through magazines and other primary sources of social ostracization and “othering” of the musicians and fans involved in jazz music.

It is impossible to understand the ways in which jazz operated in the social sphere without commenting on the racialized aspect of the genre in the context of the 1920s . Jazz currently exists in the popular American consciousness as a primarily black genre with roots in creole and African-American tradition. Terry Teachout analyzes the racial history of jazz in “The Color of Jazz,” and points out that white musicians likely began playing jazz on stage alongside

black musicians “within a decade of its initial appearance (50).” Teachout uses this evidence to present a “multicultural” view of early jazz, and therefore argues that jazz perfectly represents the American melting pot (53). This argument re-claims jazz as a musical style that can belong to any American, white or black. I reject this holistic view of the origin of jazz music as a multicultural phenomenon and instead hold the view that jazz clubs and bars continued to be black spaces, however traversed by white musicians who were entering as welcome guests in a space that was not theirs. This is evident when considering the fact that jazz emphasized African-ness in the formative years of the genre (Samardžić). This alternative reading of the white musicians who remained active in the early jazz scene reimagines the jazz club as a space in which black culture was the dominant one. In this space, white musicians were welcome contributors who followed along with an existing culture, but did not dominate the scene.

In the ways that media outlets compared jazz musicians and fans to vampires, we can see parallels in the other battles occurring in social discourse during the time period of the jazz boom. By targeting jazz as a uniquely African-American artform and describing it as anti-Christian the battleground for pop music dominance became a proxy-war of sorts for cultural clashes of the eras in which jazz was played. The 1920s was an era in which Jim Crow laws dominated the social and legal landscape. These laws sought to subordinate black Americans and keep them entirely separate from white Americans. While white supremacists continued to draw parallels between black Americans and the criminally dangerous, the white media drew similar parallels to black-majority jazz groups. In this way, the ability of black musicians to represent themselves through music became extremely vital in order to take back control of popular anti-black narratives. In the context of the time period, racism in the media

often translated to violence for members of oppressed groups. This perspective highlights the importance of jazz discourse and also allows us to understand the motivations of those on either side of the phenomenon.

Analysis of jazz media coverage during the 1920s reveals that jazz-averse writers and speakers often commented on the “evil” aspects of the genre as much as its popularity. The Young Women’s Christian Association stated that “We are in deadly fear of the Jazz Devil, the demon which is consuming the country,” in a 1920 address at the University of Wisconsin (Tipton). In 1922, a reporter from the *Charlotte Observer* asked ‘Where can we hear music that is not of the hellish jazz?’ (Tipton). These examples represent the period trend of portraying jazz within the context of demonish and hellish imagery. They also seem to be exaggerating the popularity of jazz, which was surely a popular genre by the early 1920s, but was far from ‘consuming the country,’ or being the only available form of music as implied by the *Observer*.

The anxiety expressed from anti-jazz groups seems to be largely generalized and reluctant to cite specific reasons for their distrust of the genre. Instead, most publications choose to discuss the growing influence of jazz and the immoral consequences of such a phenomenon. This aspect of anti-jazz sentiments highlights the shift in power that the white public feared. If the music is to become widely popular, jazz’s growing influence represents a challenge of the dominant powers. Therefore, by highlighting its success, anti-jazz speakers were able to foster fear within the white population who read the genre as a threat to their claimed superiority and cultural influence.

It is also notable that these early expressed fears focus on satanic imagery and religious rhetoric. While an association with satan is an easy way to turn the tides of public opinion

against anyone in the United States, it seems that these accusations are also rooted in the general mistrust of Voodoo and Africanism. Misunderstanding and fearing the African qualities of jazz, as well as the Voodoo culture in New Orleans, fearful religious writers and speakers assumed that jazz itself featured a satanic element that would be dangerous if it became too popular. In this way, the “back to the roots” rhetoric and New Orleans culture was turned into a campaign against jazz which intended to increase mistrust of the genre despite its growing popularity.

It has now been addressed that jazz emerged into the American pop lexicon in the 1920’s, and that it was met with significant opposition from institutional powers upon its emergence. These facts demonstrate the creativity of early jazz musicians and describe the threat that the new genre presented towards existing popular and classical music forms. With these two existing factors in mind, it is useful to discuss the ways in which jazz musicians and the jazz community reacted to external negative attention and used its reputation to refute the challenges made against it. By analyzing individual case studies of jazz music, we can see that musicians were aware of public sentiments against jazz, and that they embraced these sentiments to satirize public opinion and help jazz become the widely popular form that it is today.

It is clear that the “vamp” identity which media outlets assigned to musicians and fans in the jazz scene was originally intended to otherize the genre and create a fear of anti-Christian mythological figures that were close to jazz music. This reputation, however startling to the mainstream American public at the time, was ironically embraced by musicians who identified with the vampire imagery and sound. In 1920, popular jazz singer Marion Harris released the song “I’m a Jazz Vampire,” written by Art Swanstrong and Carey Morgan (Library of Congress). The lyrics of “I’m a Jazz Vampire” reveal a desire to embrace the connection between the

physical aspects of jazz and fringe practices, with references to the “moan” of the saxophone as a mating call. Harris continues referencing the sexual promiscuity that is historically associated with vampirism by singing that her dancing leads men astray and that “wise men keep out o’ my way.” At the end of the song, Harris also seems to consciously embrace the individualist attitude of the jazz age which favors single players who are able to distinguish themselves amongst their peers. She states in the final verse that as a vampire, she is “all the evil music has.”

By drawing upon the individual as a vampire and simultaneously self-declaring jazz as an evil genre, “I’m a Jazz Vampire” encapsulates the idea of jazz as a genre controlled by the people who participate in it. This dichotomy between jazz soloing, which embraces the individual as separate from the whole, and jazz culture, which became a united identity of people who were otherized by anti-jazz media sources. For the ‘vamps’ involved in the culture, this identity turned out to be an empowering one which allowed musicians and fans to hold onto a sense of intrigue which carried on the genre’s vernacular roots. While jazz was founded within clubs and brothels in New Orleans, the jazz explosion in the 1920’s could conceivably put an end to the originally transgressive nature of the scene. Many members of the public embraced jazz as an alternative to prior existing pop genres, the weariness continued from journalists and academics who had yet to embrace jazz music. This allowed artists like Marion Harris to write and perform songs which satirically played on the concepts which were used against them. As a “pop” form which appealed to interested audiences during the time, the embracing of vamp culture further set jazz apart from other pop forms.

Following the vamp period of the 1920’s, jazz gained more commercial and intellectual success. It slowly became accepted by more widespread audiences, eventually gaining the

reputation it has today as a highly intelligent and complex form of music. Despite this long-term success, it's important to note that the history of jazz as a demonized art continues to be referenced and called upon by musicians. One of the most notable examples of this is Miles Davis's *Bitches Brew*, released in 1970. This album, among many others that followed it, purposely evoked mystical and occult musical themes through long ambient sections and digitally edited licks. Like many jazz albums since the early period in the 1920's, Davis evokes a certain African-ness in *Bitches Brew*'s spiritual nature, as is evident in its cover art (see figure A).

Considering George Lipsitz' view of dialogic music and applying it to jazz, we can see that artists like Miles Davis were using "traces of the past" to build upon an already-present aspect of the genre. While Marion Harris sang "I'm a Jazz Vampire" as a reaction to contemporary criticism, Miles Davis evoked a similar thematic structure as a result of his influences, which included vamp-era jazz standards. In this way, the political nature of jazz is carried along with those who are influenced by its earlier form and style. Therefore, jazz music carries similar dialogic aspects as rock 'n' roll, which features meaning beyond that of simple nostalgia (Lipsitz, 100).

From the historical context and case studies presented in this chapter, we can read the genre of jazz as a battleground in which cultural dialogue is shaped, discussed, and re-defined. From its inception to later innovations, jazz has sought to collage different musical traditions as a means of highly ritualistic individualized performance and expression. It has also invoked African imagery and utilized its African-American roots as a means of oftentimes non-verbal rhetoric regarding American race relations, an aspect of the genre which has been heavily

weaponized by its opponents. Jazz musicians have then embraced the rhetoric of their opponents, using satirical language and imagery to push back on the challenges brought against it. In almost every sense, it seems that this reaction was successful in legitimizing the genre and popularizing it as a form of popular music.

Chapter 2: Censorship, Satanism, and Heavy Metal

Heavy Metal music originated sometime in the late 1960s and early 1970s, immediately differentiating itself from other forms of rock through the way that it took the guitar style of traditional rock n' roll and morphed it into a much more abrasive sound. Heavy metal was also able to differentiate itself by forming a unique culture, fashion sense, and popular imagery. Of course, it also had to be played very, very loudly. While rock music developed into subgenres, the genre of metal chose the route of violent, chaotic riffs designed to sound both menacing and entirely separate from the softer pop-rock that was topping the charts. The guitar style was matched by the other instruments, as drummers played louder and faster, taking advantage of the relatively new double-bass pedal which became characteristic of metal for years to come. Singers also changed their style from melodic singing to calculated screaming.

It was no coincidence that the metal movement coincided with the “satanic panic” of the 1980s. Members of the religious right began to fear that heavy metal had come to take their children and turn them into blood-sucking, orgy-attending occultists. Industry leaders were sued and slandered during constant attempts to silence the genre and weaken its popularity. In this chapter, I will focus on the elements of heavy metal music that embrace satanism, both musically and lyrically, as well as discuss the resistance against the music and the ways in which musicians responded to the resistance. Through these case studies and examples, we can see how heavy metal contributed to a growing discussion of free speech and expression in the United States, including religious expression and censorship.

Heavy Metal became forever linked to the growing satanist movement in the United States, which began in 1966 when Anton LaVey founded the Church of Satan in San Francisco,

California. Metal musicians evoked the aesthetics of Satanism through their clothes and lyrics, unashamedly embracing the unpopular New Religious Movement (NRM). LaVey's Church of Satan was not literalist, as members of the still-surviving church choose to see Satan as a metaphor for self expression and individualism, rather than literally worshiping Satan as a deity. Instead of promoting specific beliefs and practices, the Church of Satan encourages its members to worship as they choose. This free-form new religious movement therefore came to exist in an abstract sense that is based around common imagery and rhetoric. Borrowing from European legends of witches, LaVey built a theatrical version of Satanism which successfully garnered the attention of journalists and media around the country.

LaVey's satanic masses, title of black pope, and devil horn-wearing intrigue took over the United States like a wave. Celebrities like Sammy Davis Jr. and Jayne Mansfield joined in Satanic masses, and LaVey's church grew (Moffitt). However, not everyone was on board with a new church built around the antagonist of the Christian Bible. Members of the religious right were quick to denounce LaVey and his followers, and along with denouncement came false claims aimed at driving fear and objections of the Church of Satan. Throughout the "Satanic Panic" era, which spanned from 1966 through the 1990's, widespread claims of homicide and ritual sexual abuse of minors were common. Reichert and Richardson explain that claims by the media, law enforcement, and politicians about widely publicized satanist activity contributed to a moral panic which perceived satanism as a larger threat than it actually was (50). This moral panic targeted new religious movements, including but not limited to Satanism, and created a nationwide fear of any new practices which could be viewed as a threat to Christianity.

The existence of theatrical and stylized imagery, combined with a mistrust from the establishment and politically right-wing population, set Satanism in a perfect place for a counter-culture musical movement. J. Milton Yinger defines the concept of 'subculture' as "the normative systems of groups smaller than a society, to give emphasis to the ways these groups differ in such things as language, values, religion, diet, and style of life from the larger society of which they are a part" (626). Considering this definition of subculture, we can consider the way that this growing counter-culture created a subculture in which people could fit into a new in-group which was distinct from the larger culture of America during this time period. By explicitly creating an ethos of devil worship, satanism and the accompanying music deliberately constructed a social group that could never break into the mainstream.

The unique culture of heavy metal satanism was evidently quite appealing for many people, and quite threatening for others. Black Sabbath guitarist Tony Iommi reflected on the reception of their self-titled debut album with *Metal Hammer* magazine, and pointed out that reviews often "said that nobody liked us" (Elliot). Despite insisting that nobody would listen to music with such dark and heavy themes, the reviewers were proven terribly wrong as Sabbath rose to the top of the rock charts. Tony Iommi said that "(the satanist reputation) was good and bad... it created this thing and people wanted to see what we were like" (Elliot). While music critics spread fear of the new genre, their misgivings seemed to only fuel the underground cult-like metal underground. Were metal albums immediately well-received, the emerging sound might not have been as enticing for the groups of fans who wanted to take part in a counter-culture that rejected mainstream values.

As fans of heavy metal grew in numbers, so did its opponents. In the 1980's, the United States began to experience a widespread moral panic about Satanism, which largely focused on heavy metal music and NRM's as its enemy. Throughout this "satanic panic," which lasted into the late 1990's, heavy metal bands faced legal opposition as well as social exclusion. Judas Priest and Slayer were among the most famous metal bands to go to court for the influence of their lyrics on young children (Horn). In 1984, Tipper Gore founded the Parents Music Resource Center (PMRC) in an attempt to censor music which was deemed inappropriate or dangerous for children to listen to. Gore addressed the music industry directly, and called for self-censorship in which albums would receive content ratings similar to movies (Belcik, 6). In an effort to further publicize the music they wanted censored, Gore and the PMRC released a list of "filthy fifteen" songs which exemplified amoral lyrics. Eleven of the fifteen songs on the list were either heavy-metal songs or songs that were heavily influenced by heavy metal.

The influence of the PMRC helped to grow fear across the United States. Before the PMRC formed, only 22 percent of adults wanted warning labels on explicit music. Six years later, that number rose to 53 percent (Belcik 7-8). In addition to explicit content warnings, the PMRC encouraged radio stations to quit airing music that has been deemed dangerous, and for record stores to sell explicit music in a separate section of their store. The requests of the PMRC created a media frenzy in which musicians, industry executives, and concerned parents debated the validity of these requests as well as questions of prior restraint under the first amendment. As debates about the impact of music on the youth spread, so did the demonization of heavy metal fans, who were largely made up of teens and young adults.

When tensions grew between supporters of the PMRC and the music community, the debate finally took center stage in the United States Senate during a hearing in 1985. Among those who argued against the PMRC's censorship proposals was Dee Snider, the lead singer of heavy metal band Twisted Sister, whose song "We're Not Gonna Take It" had been included on the filthy fifteen list. Along with Snider, Frank Zappa and John Denver were also present. Snider, as the only heavy metal musician present at the hearings, delivered an articulate testimony in which he cited his Christian faith and family values in the face of accusations from the PMRC. He explained that Tipper Gore had misinterpreted his lyrics, and that censorship based on lyrical interpretation is a dangerous precedent to set (Snider). Snider's argument was based around the fact that Gore had interpreted his lyrics as containing violent calls to action, when that was never his intention. It seems from this characterization that the heavy metal imagery used by the band caused Gore and other PMRC members to see Twisted Sister in a more sinister light than was ever intended by the band itself.

Snider's argument rests on the idea that it would be unfair to take action on music based on assumptions about its meaning and impact on the community. This concept is central to the history of heavy metal, as prior examples have demonstrated metal bands accused of forming cults, advocating for violence, and poorly influencing children. The PMRC represented a defining moment in which explicit opposition to heavy metal was presented in a clear nation-wide platform. This platform sparked advocacy for free speech from within the music community as a whole, and heavy metal musicians in particular began to directly address censorship and the PMRC in their music. The Los Angeles heavy metal band Megadeth released the album *So Far, So Good... So What!* in 1988. The album tackled the topic of freedom of

speech, and the band clarified that the album was written as a reaction to the PMRC (Megadeth Archives).

Perhaps the song on *So Far, So Good* that most directly addresses PMRC censorship is “Hook in Mouth.” The chorus spells out the word “Freedom,” evoking patriotic themes by drawing upon classic American ideas such as “the land of the free and the home of the brave.” After completing the spelling of “freedom,” the chorus ends by stating that it means “nothing to me as long as there’s the PMRC.” The track aims to turn the argument back on the PMRC by accusing them of being antithetical to American values. This argument is notably similar to Snider’s assertion of his Christian family values and how the PMRC was acting in ways that undermine what he believes. Megadeth, like Snider, seems to be embracing some traditional beliefs present in the Constitution as a way to build credibility with a skeptical audience. The song also pulls from typical critiques of the American government, comparing free speech restrictions to puppet control of public figures.

The song presents American values in a way that seems to work both satirically and literally as a direct appeal to the first amendment. In the beginning of the chorus, Megadeth singer Dave Mustaine actively draws upon imagery of soldiers who have sacrificed their life for American freedom. However, he also says that “they will cover your grave with manure.” In this way, it seems that the main point is that the freedom which Americans enjoy is merely an illusion created by the same rhetoric that he is employing at the beginning of the chorus. Through this lens, we can see the initial American rhetoric is being presented in a satirical way that is meant to point out Megadeth’s view of the inconsistencies behind the American idea of freedom. For Megadeth, it seems that the PMRC represents the antithesis to actual freedom. Further, the

concept of freedom in American politics is presented as being just as problematic as the PMRC itself, which works to enforce the illusion of freedom that Megadeth is pointing out.

It should also be noted that Megadeth's lyrics are astoundingly unsubtle in the message that they attempt to communicate: the PMRC is bad, and the United States is lying when they talk about freedom. By explicitly calling the PMRC by name, the song limits itself to this single conversation in that moment in history. Perhaps this fact demonstrates that heavy metal was not equipped to fight a philosophical battle against the large force of the American government. In this instance, it is clear that metal is reactionary in nature, and does not aim to proactively change things about the outside world. Instead, it reacts to the world by poking fun at it. Satanism itself is merely a reaction to Christian policies which embraces anything that goes against Christianity. Like Satanism, Megadeth simply poked fun at the PMRC instead of fighting against it on a deeper level. Considering the lasting effects of the PMRC, it is possible that this was the very mistake which led to the decline in heavy metal music.

The PMRC achieved large victories in their fight for music censorship. After years of lobbying, it became the national standard to print parental advisory stickers on all explicit albums, as is now required by the Recording Industry Association of America (RIAA). Major stores like Wal-Mart refused to sell any albums with this sticker (Belcik). The PMRC was also successful in placing a tax on blank cassettes to avoid a loss of profit on home-recordings of labeled releases. Both of these were considered major wins by the PMRC, and musicians were concerned that the profits of the record labels would be put before the freedom of expression for artists.

In the years after the PMRC's censorship proposals, it is important to question whether heavy metal music was able to prevail in the face of its opposition. The Parental Advisory sticker is still in use, and Tipper Gore's objection to satanist, violent, and sexual lyrics seemed to have swayed many Americans against metal music. Considering the satanic panic and PMRC censorship, it's notable that heavy metal continued to expand in the years following the 1980's despite widespread negative press for the genre. Possibly due to PMRC controversy, the early 2000's saw an increase in mainstream appreciation of watered-down metal-adjacent music with the rise of Nu-Metal with bands like Slipknot and System of a Down. These bands represented a less explicit version of the genre in the sense that songs often lacked the candid and direct satanist and/or violent lyrics as well as thematic tropes. With Nu-Metal bands dominating the mainstream commercial market, the underground metal scene continued to grow and give birth to new sub-genres within a much smaller underground community.

With mainstream bands pushing metal-adjacent and metal inspired music, it is clear that the general style of heavy metal not only survived, but made a lasting impact on rock music as a whole. Considering the fact that heavy metal was conceived as a subculture born out of mainstream rejection in bands like Black Sabbath, the survival of underground metal proves that fans stayed loyal to the form in the face of adversity from the PMRC. This complicated dynamic shows that heavy metal sustained many losses against the PMRC but was never beat out entirely.

By understanding the fact that heavy metal continued to grow after censorship restrictions, we can see how musicians embraced the negative rhetoric to keep the genre alive. Bands like Megadeth saw a potentially problematic situation in the PMRC and used their platform to discuss issues of free speech in the United States. However, the fight to censor music

seems to also have been successful in many ways. Therefore, this case study provides a more complex view of the ways in which emerging genres face opposition from institutional forces. While surviving in the underground, metal was forever changed by its fight against the PMRC.

Chapter 3: Hip-Hop and Lyrical Evidence in Court

Hip-Hop music began in the early 1970's when musicians in New York began remixing popular records in ways which focused on the "break" of the song, or the section without vocals. This method was spread via parties, cassettes, and word of mouth across New York during this period, though the scene remained fairly underground for many years. The non-commercial nature of the genre is partially due to the fact that DJ's were using copyrighted music by other artists, and were therefore unable to record or distribute their music. For this reason, it seems that most DJ's considered hip-hop to be a novelty for parties and not a potentially groundbreaking genre, allowing the genre to develop without the influence of record labels or commercial interests. It was during the early years that Masters of Ceremonies, or MC's, began to develop a rhythmic style of speaking over the breaks, a style that is now referred to as "rapping." For general use and the purpose of this essay, "rap" refers to this style of vocal delivery, while "hip-hop" refers to the overarching musical style, fashion, and culture in which rap exists.

It took many years for hip-hop and rap to become a style which was known throughout the United States. Contributions from countless artists and a few mainstream hits including "Rapper's Delight," "Rapture," and Run DMC's cover of "Walk This Way" caused the general American public to take note of the emerging genre. By the late 1980's, hip-hop was in the perfect position to take off and expand into different unique styles and subgenres. In 1988, L.A. group N.W.A. released the landmark album *Straight Outta Compton* which was notable in being the first well-known example of a subgenre called Gangsta Rap. Gangsta Rap embraced stories of crime and violence, often in hyperbolic and braggadocious ways. *Straight Outta Compton* was unapologetically brutal and anti-establishment, and received plenty of negative attention for

its controversial lyrics. Their most famous song off the album, “Fuck tha Police” was controversial enough to catch the attention from the F.B.I. and cause to police to storm the stage at one of their shows after performing the song. N.W.A. embraced the press by proudly naming themselves the world’s “most dangerous rap group.”

Despite substantial resistance from the powerful agents of the government, *Straight Outta Compton* received certified triple platinum status and gave birth to an entirely new style of hip-hop. Former N.W.A. member Dr. Dre formed Death Row Records with Suge Knight in 1991, which cemented Gangsta Rap as a chart staple genre. Tupac Shakur and Snoop Dogg continued to push Gangsta Rap from the West Coast, while the East Coast featured prominent acts like The Notorious B.I.G. This was a new era for hip-hop, as controversy surrounding the lyrics only helped to popularize the genre by increasing publicity and name recognition for highly controversial artists.

This cycle of condemnation and popularity seemed to be the trend for Gangsta Rap. Unlike adjacent movements like outlaw country; however, the trend of criminally explicit and violent lyricism continued to spread to newer subgenres even after its moment during the early 90’s. Gangsta Rap’s visual style and mindset instead became an overall staple of later movements in hip-hop like Trap, Chill-Hop, and Pop-Rap. It isn’t difficult to see the influence of early Gangsta Rap in contemporary artists like Migos, Kendrick Lamar, and Young Thug. In fact, New York rapper Jay-Z seemingly erased the stigma of gangster lyrics by making hip-hop the dominant genre in the pop charts and increasing the popularity of the genre through records that evoke the same criminal aesthetic as N.W.A. Through record sales and the acquisition of profitable investments, Jay-Z was able to become hip-hop’s first billionaire, demonstrating the

now-infamous “rags to riches” story. Combined with the work of his contemporaries, Jay-Z elevated hip-hop to the place where it now resides; hip-hop artists are consistently dominant in the charts and even artists outside of the genre borrow techniques and styles that began in hip-hop.

Considering the overwhelming success of hip-hop artists who use elements of Gangsta Rap in their music, it may seem counterintuitive to analyze a contemporary example of concrete opposition to the genre. However, contemporary examples may demonstrate how commercial success does not mean that artists are free from opposition. There are countless examples of successful artists being subjected to unfair treatments. As I have previously mentioned, even N.W.A. had their stage swarmed by police officers during their show. More recently, YNW Melly has been held in prison awaiting a murder case in which his song lyrics will be presented as evidence. This ongoing case study provides a perfect example of opposition to a popular artist. It is an optimal case study because it shows how music itself can be weaponized against artists in ways that may help a song’s popularity, yet still works out poorly for the artist. Melly’s case also demonstrates that opposition to Gangsta Rap is an ongoing problem which still threatens artists in a world after Jay-Z where hip-hop enjoys some degree of industry dominance.

YNW Melly’s story begins when he released “Murder on My Mind” in March of 2017. As an underground rapper from Florida, he made the track available for free on the streaming platform Soundcloud via his debut mixtape “I Am You.” After notable success from Soundcloud streaming, Melly re-released the track on other streaming services such as Spotify in 2018. The mixtape was successful enough to prompt Melly to record multiple successful EP’s, mixtapes, and singles, including a notable collaboration with Kanye West. Melly remained a mildly

successful rapper, however his streams began to surge when he turned himself in for a double-murder case in February 2019 (XXL). The charges were highly publicized because of the fact that many people began to point towards the lyrics of “Murder on My Mind” as Melly’s confession to the killings. These rumors were entirely unfounded because of the fact that the song was written years before the alleged murder took place.

Despite the fact that the song is too old to be related to the deaths of YNM Melly’s life-long friends, the murder ballad is likely to be used as evidence against him in the upcoming case. In fact, the lyrics to “Murder on My Mind” have already been used against in 2018 when Melly was sent to jail for violating his probation (The Fader). This case alone represents an unfair weaponization of fictional lyrics in the court of law. If prosecutors continue to do so in the upcoming case, the gravity of the situation deepens as Melly faces the death penalty for premeditated double-homicide. Though all of the facts of the case are not available to the public, I find it irrelevant and unnecessary to attempt to reach any conclusions about Melly’s guilt or innocence in the murders. Instead, I believe it is more useful to focus on the practice of using rap lyrics in criminal cases as an example of institutional opposition to Gangsta Rap.

YNM Melly is only the most recent example of rap lyrics being used in the courtroom, but he is far from the first. Lutes, Purdon, and Fradella found in a 2019 study that rap lyrics had been used in at least 160 criminal cases between 2012 and 2017. Their research suggested that prosecutors use rap lyrics in five ways: “(1) to prove gang affiliation for sentencing enhancement purposes; (2) as circumstantial evidence of the commission of a crime; (3) as direct evidence of having communicated a threat; (4) to prove motive, knowledge, intent, identity, or character; or (5) to establish what incited the commission of a crime” (77). It is clear that rap lyrics could

present biased or exaggerated lyrics that may have a strong psychological effect on certain juries, yet they continue to be permitted as evidence despite leading judges to incorrect conclusions.

Olutosin Oduwole was convicted of an attempted terrorist threat in 2007 because of a piece of paper found in his car, under a warrantless search, that read ““send \$2 to paypal account if this account doesn’t reach \$50,000 in the next 7 days then a murderous rampage similar to the VT shooting will occur at another highly populated university. THIS IS NOT A JOKE!”” (*People v. Oduwole*). The paper, however, was found to be discarded lyrics from a rap project of Oduwole’s. Despite this known fact, the note was used as evidence in his 2007 indictment. Although his appeal was heard by the Illinois Appellate Court and overturned under the grounds of insufficient evidence in 2013, Oduwole still spent time in jail for the charges. Further, the Appellate Court failed to set a precedent that would be insufficient to suppress any further evidence of this type. The Supreme Court of Illinois refused to hear the prosecution’s appeal, and Oduwole was a free man.

Following Oduwole’s acquittal, courts have not ceased using lyrical evidence against rappers. In fact, YNW Melly’s case regarding violation of probation in which “Murder on My Mind” was used took place five years later in Florida. Oduwole was acquitted due to insufficient evidence, but not because the court suppressed the lyrical evidence. This distinction is important because the case has no precedential power in similar cases without a court recognizing the lack of validity in lyrical evidence. Despite some state courts ruling on the issue, the United States Supreme Court has yet to address it (Walker). In this way, despite acquittal, prosecutors remain free to use rap lyrics as evidence in most states. Additionally, it seems that the prosecution has a

strong favor in this respect, as it is far less common for defendants to present their own lyrics for alternative purposes (Lutes, Purdon, Fradella, 77).

The conviction of Pennsylvania rapper Mayhem Mal in August of 2018 caused industry leaders to push back against a legal system that allows a person's free speech to be used against them in criminal court. Rappers Killer Mike, 21 Savage, and Meek Mill formally addressed the United States Supreme Court in an effort to educate the justices on the subtlety of violence in rap and hip-hop. The group opposed the fact that Mal was convicted of threatening a police officer because he threatened specific officers by name in a remake of an NWA song titled "Fuck the Police (Ghetto Superstar Committee)." The direct appeal to the Court mirrors the ways in which musicians responded to the PMRC in the 1980's, in that both groups made formal statements in political settings. Unlike in the fight against PMRC censorship, however, the rapper's Supreme Court testimony proved unsuccessful when the Court refused to hear Mal's case or make any move against lyrical evidence. This recent case makes any change seem unlikely, and offers rappers like YNW Melly little hope as their legal battles are worsened by lyrical evidence.

Unlike previous examples in jazz and heavy metal, the social commentary that is present in hip-hop is often implied rather than explicitly stated. In fact, it can often feel as if artists are purposely not avoiding social issues in their music in order to maintain the casual and enjoyable nature of the songs. To understand how this operates in the context of contemporary rap group Migos, I follow the cultural critic George Lipsitz in treating rock'n'roll as a notably egalitarian artform due to its emphasis on working class folklore and joy (Lipstitz, 112). Compared to the example of Megadeth explicitly addressing the PMRC, we can see how Migos' depiction of

working class stories are inherently political and demonstrate a more subtle and complex way to address criticism from detractors of the genre.

Migos seems to consistently exaggerate the idea of the “rap star” by playing with Gangsta Rap tropes in a way that feels almost playful and jovial. Their 2018 single “Stir Fry” exemplifies this concept in that the group compares cooking chinese stir fry to cooking crack in a lab. Though their songs often describe selling drugs- hence the term “trap,” which refers to selling drugs as well as drug-related rap songs, there is no evidence that Migos was ever actively involved in the drug trade. Though they were arrested in 2015 for minor drug possession charges, only one member spent more than two days in custody, and the charges were unrelated to drug sales or trafficking (Abdurraqib).

In another song by Migos, “Hannah Montana,” the group again makes a comparison from an innocuous thing, in this case a children’s TV show, to drug sales. The song aims to be humorous in its allusion towards white celebrities including Hannah Montana, Kary Perry, and Eminem, as a comparison to “white” cocaine which the group has been “trapping all damn night.” In both cases, Migos pokes fun at the stigma of drug-dealing by turning it into a catchy and fun song. This format makes the song appealing to a larger scope of listeners who are likely to overlook or ignore the lyrical content in favor of the overall energy of the song. Further, their songs are true pop songs in the sense that the verses seem to complement the refrain of the songs, unlike old school rap which focuses more on verses. This helps Migos to avoid the old-school focus on authenticity which would likely avoid such lighthearted topics and metaphors. With this in mind, we can see the topic of drug sales as a sort of ironic callback to old Gangsta Rap.

Applying Lipsitz's framework to hip-hop, we can observe how Migos turns the often trying experience of drug sales into a jovial experience for the working class who can reclaim power through money, clout, and simple pleasure. As a dialogic form similar to rock 'n' roll, trap music can also evoke the mindset of earlier artists through influence. In this way, Migos does not need to be "authentic" themselves as long as they are using the influences of artists who were communicating their own lived experiences through trap and gangsta rap. The working-class folklore of exaggerated gangsters and hyperbolic tales of trapping can thus empower members of the communities from which it derives inspiration, while simultaneously providing a palatable version of the drug trade to those who are seeking pop music from different communities.

Though the songs of Migos are self-contained, fictional stories which refer more to the conventions of genre than current events and social issues, it is important to mention that popular music can never exist inside of a vacuum. If rap artists like Migos are able to empower working class folklore through popular music, an inherent power shift is taking place in a way that works to de-legitimize stigma and pushback from institutional forces who seek to weaponize gangsta rap. Primarily, the exaggerated and playful nature of the lyrics seems to work as a satirical version of the genre, begging the listener to not take any of their claims seriously. This hyperbolic character presentation then sheds light on the fact that gangsta rap, like outlaw country, is primarily a form of character creation. Simultaneously, groups like Migos are able to portray drug sales as a simple form of folklore which can create fun stories and comedy, instead of a stereotypical criminal. This aspect of the music humanizes those who are within the oppressive system of drug trafficking.

Unlike the previous case studies in my thesis, satirization in hip-hop is an ongoing process which cannot be considered successful or not. While artists like Jay-Z turned hip-hop into the dominant form that it is today, the oppressive system of lyrical evidence the Courts have yet to ban prosecutors from using hip-hop lyrics in court. Despite indirect opposition from rap lyrics and styles, as well as direct opposition from artists in the Supreme Court hip-hop briefing, only a few states have banned the use of hip-hop lyrics in criminal court. When progress is made in cases like Oduwole's, another step is taken backwards in cases like YNW Melly's. This battle demonstrates the fact that hip-hop still faces prejudice and opposition that other genres like Metal and Jazz have already struggled against. Further, this battle demonstrates that chart success does not mean that opposition has been defeated. Hip-hop's battle with institutional forces has demonstrated that artists can be incarcerated while enjoying chart-topping hits. In cases like Melly's, the chart-topping track may have itself directly or indirectly contributed to the artist's incarceration.

With the methods of opposition used by hip-hop artists in mind, it can be assumed that more conflict between courts and artists will continue to take place. In that case, it could very likely continue to escalate. Given the prior case studies in this essay, it would seem to be a fair prediction to say that the artists will eventually win this battle and the system of lyrical evidence will be abolished. However, hip-hop itself represents a unique phenomenon, and predictions of this sort can often be foolish if said with confidence and certainty.

Conclusion:

Vernacular genres are likely to be pushed out by powerful institutions if the musicians are not prepared for a drawn-out philosophical battle over the course of many years. The case studies of jazz and hip-hop exemplify two genres that were well equipped to face the opposition that came upon their inception. However, we can see that heavy metal mirrored the Church of Satan, which existed to displease Christians by performing everything that the Bible and the church forbids. Similarly, heavy metal musicians such as Megadeth sought to oppose the PMRC by simply poking fun at its values in their song lyrics. Hip-Hop and jazz musicians chose a much more nuanced approach involving subtle satire which gave the genres lasting legacies as well as a sufficient response to its detractors. In sharp contrast, heavy metal split into watered down subgenres following PMRC censorship. It also provides a more nuanced reading of the success of gangsta rap, which seems to suggest a positive future in terms of the next step for hip-hop musicians.

George Lipsitz' theories on rock 'n' roll as an "implicit and sometimes explicit criticism of a society that places primary emphasis on the duty of labor" provided the most useful through line for my case studies (112). In jazz, heavy metal, and hip-hop, there is a focus on working-class leisure time. Heavy metal is again unique among these cases in that it favors fantasy and free time over philosophical sophistication. In this way, the value of heavy metal is underscored as a celebration of fantasy and escapism which could not stand up against the PMRC when it needed to. In jazz and hip-hop, however, much could still be said about their reliance on working class narratives and leisure time, though more self-aware habits of the genre allowed them to persevere in the face of opposition. In both jazz and hip-hop, artists chose to

portray themselves as the very characters they were accused of being, which proved to be more effective than metal's direct critique of its opponents. This argument should not be read as undermining heavy metal, as an emphasis on leisure time is in itself a political act. However, it should be noted that deeper nuances seem to be valuable for musicians in a vernacular genre who are likely to face opposition.

My case studies demonstrate that vernacular genres often face opposition in which institutional forces weaponize music against the musicians who create it. I have also demonstrated that satirization and hyperbole of these criticisms is often the tool that musicians choose to fight back with. Close readings of case studies and examples have demonstrated that these battles are often long and drawn out, and that victory will go to the side with more nuance and lasting philosophical arguments. Each chapter demonstrates a different application of my framework which shows that this process has been repeated throughout the 20th century. Other examples could surely be analyzed as well, including disco and electronic dance music. I hope that my framework, along with the case studies should provide a useful tool in understanding 20th century popular music and the more broad context of new and different vernacular genres.

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Figure A, The Cover Art for *Bitches Brew* by Miles Davis:

