

Audible Optics: Popular Music as a Public Relations Resource in Political Campaigns

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This essay addresses how music is used by political campaigns as a strategic rhetorical tactic that I label audible optics. Audible optics are a variation of political “optics,” which are public relations practices designed to make a client’s cause appear in a positive light without attending to their substantive positions or character. This argument proceeds in two stages. The first section offers a theoretical framework dealing with issues of representation and iconicity that bear upon the explicit use of music by political campaigns. The second section offers a discussion of celebrity politics on stage.

Keywords: Celebrity Politics, Iconicity, Lanham Act, Political Campaigns, Popular Music, Public Relations Optics

In politics, more than anywhere else, we have no possibility of distinguishing between being and appearance. In the realm of human affairs, being and appearance are indeed one and the same. — Hannah Arendt, *On Revolution*¹

The national political conventions of the Republican and Democratic parties offer a synoptic representation of contemporary U.S. presidential campaigns. For nearly 30 years, the two major political parties have chosen their party’s candidate for the presidency prior to their national conventions. Rather than working to settle intraparty political differences, these political conventions engage in the symbolic act of attempting to sway voters, with the campaigns looking for a quantifiable “bounce” or “bump” among likely voters exposed to television, radio, newspaper, and new media coverage of the campaigns.² In 2012, U.S. taxpayers underwrote the \$136 million cost, with \$100 million covering security and \$18 million given to each party to pay for signage, balloons, and other consumables.³ Commentators from across the political spectrum weighed in on the practice, with Tom Brokaw observing that “modern political conventions have become extravagant

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¹ Hannah Arendt, *On Revolution* (New York: Penguin, 1962), 94.

² In a blog hosted by *The Wall Street Journal*, Neil King Jr. reports poll data showing that President Obama was the beneficiary of a “more sizeable and potentially more durable bounce” from the Democratic convention with daily tracking polls showing Obama leading by an average of 4.5 percentage points. Neil King Jr., “Obama Rides Convention Bounce into Fall Campaign,” *The Wall Street Journal*, September 10, 2012, accessed July 14, 2016, <http://blogs.wsj.com/washwire/2012/09/10/obama-rides-convention-bounce-into-fall-campaign/?mod=WSJBlog>.

³ Lauren Vicary, “Who Pays for the Conventions? We All Do,” *Bloomberg*, June 8, 2012, accessed September 3, 2012, <http://go.bloomberg.com/political-capital/2012-06-08/who-pays-for-the-conventions-we-all-do/>. This expenditure is in addition to the more than \$1.1 billion raised and nearly \$898 million spent by the candidates, their parties, and their Super PACs by July 2012. Jeremy Ashkenas, Matthew Ericson, Alicia Parlapiano, and Derek Willis, “The

infomercials staged in a setting deliberately designed to seal them off from any intrusion not scrubbed and sanitized.”⁴ Marc McKinnon, the chief media advisor to George W. Bush for his 2000 and 2004 campaigns, concurred, arguing that the parties hold the events because of the “physics of tradition” and that viewers are treated solely to novelties such as “a new never-seen-before podium design” or “something edgy with music or entertainment.”⁵ While the cutting-edge distractions for the U.S. election in 2016 are unfolding, this essay focuses on one such “novelty”—the varied usages of popular music in U.S. presidential campaigns with examples drawn from contemporary (2008-2016) presidential election campaigns.

An examination of the history of U.S. presidential campaigns offers ample evidence concerning how music has long been employed by political campaigns to support their candidates.⁶ This has been so since the early days of the republic, with songs like “Adams and Liberty” (1800) being used to generate political will for politicians.⁷ Although such music shares markings of the popular music prevalent during its time, its production and performance was tied to the situated historical needs of the political campaigns paying for the music’s production. During these early campaigns, musicians tasked with performing the songs did not need to support the politician being represented. For instance, Jodi Larson notes that songwriter Irving Berlin was not affiliated with the U.S. Republican Party when he wrote the song “We Like Ike” for Dwight D. Eisenhower’s campaign under the moniker “Republican for Eisenhower” in 1952.⁸ Given that such songs were commissioned by the campaigns and styled by the musicians to meet the norms of their times, there was a great deal of congruity between popular culture, the specific music being utilized, and the politics being represented. For the contemporary observer, such historical music is of interest in how it functions rhetorically to advance strategic goals of the campaign. Songs were made to fulfill several tactical purposes, including telling the candidate’s story, motivating voters, and less honorable purposes such as inciting base prejudices for political gain.

2012 Money Race: Compare the Candidates,” *New York Times*, 2012, accessed July 14, 2016, <http://elections.nytimes.com/2012/campaign-finance>.

⁴ Tom Brokaw, “How About One Day and One Prime-Time Night?,” *New York Times*, August 27, 2012, accessed September 6, 2015, <http://www.nytimes.com/roomfordebate/2012/08/26/do-party-conventions-matter-anymore/party-conventions-should-be-one-day-and-one-prime-time-night-of-speeches>.

⁵ McKinnon concludes that “at the end of the day, it’s going feel as new and different as a Barnum & Bailey circus.” Mark McKinnon, “Four Days of Speeches? No, Thanks,” *New York Times*, August 26, 2012, accessed September 6, 2015, <http://www.nytimes.com/roomfordebate/2012/08/26/do-party-conventions-matter-anymore/get-rid-of-the-party-conventions>.

⁶ Several notable essays provide cogent cases illustrating and explaining the continued use of music in political campaigns. Cf. Martin Cloonan and John Street, “Politics and Popular Music: From Policing to Packaging,” *Parliamentary Affairs* 50 (1997): 224-34; Simon Frith and John Street, “Rock Against Racism and Red Wedge: From Music to Politics, from Politics to Music,” in *Rockin’ the Boat: Mass Music and Mass Movements*, ed. Reebee Garofalo, 67-80 (Cambridge: South End Press, 1992); John Street, “Celebrity Politicians: Popular Culture and Political Representation,” *British Journal of Politics & International Relations* 6 (2004): 435-52; John Street, “Rock, Pop and Politics,” in *Cambridge Companion to Pop and Rock*, ed. Simon Frith, Will Straw, and John Street, 243-55 (Cambridge: Cambridge University Press, 2001); John Street, Sanna Inthorn, and Martin Scott, “Playing at Politics? Popular Culture as Political Engagement,” *Parliamentary Affairs* 65 (2012): 338-58.

⁷ Benjamin Schoening and Eric Kasper note that the “election of 1800 thus marked the first time campaign songs were used in an American presidential election. . . . John Adams’ campaign song was ‘Adams and Liberty,’ set to the tune of ‘To Anacreon in Heaven,’ which would later serve as the tune for Francis Scott Key’s poem ‘The Defense of Fort McHenry’ or, as we know it today, ‘The Star Spangled Banner.’” Benjamin Schoening and Eric Kasper, *Don’t Stop Thinking About the Music: The Politics of Songs and Musicians in Presidential Campaigns* (Lanham, MD: Lexington Books, 2012), 33.

⁸ Jodi Larson, “American Tune: Postwar Campaign Songs in a Changing Nation,” *The Journal of Popular Culture* 42 (2009): 3.

By the latter part of the 20th Century, political campaigns turned away from purpose-written songs, opting instead for ready-made popular songs that could be substituted in and out of the campaign as needed.⁹ As Jodi Larson argues, “After the 1980 campaign, no national candidate would use a campaign song that included a specific platform or even a reference to a candidate’s individual identity. All campaign music after 1980 consisted of unmodified popular songs used just as they were written.”¹⁰ As political campaigns began appropriating, rather than producing, music for their campaigns, a host of new opportunities and threats opened for musicians who may now enter into relationships with campaigns out of a sense of political affiliation, as an opportunity to promote causes that they support, or as an opportunity to make money. Musicians may also find themselves unwittingly thrown into the political realm when their music is appropriated by campaigns that contravene their own political beliefs. Even when the connections are precarious, political campaigns invoke popular music to generate interest and energy, establish emotional bonds with prospective voters, and to communicate aspects of their candidate’s character or politics.

The signs point to music being a mainstay in contemporary political campaigns. As Martin Cloonan and John Street argue, contemporary “cynicism about politics and politicians” has resulted in politicians turning to popular music more frequently “in a desperate attempt to make themselves appear interesting, relevant, and credible.”¹¹ John H. Tindell and Martin J. Medhurst extend this observation to the issue of MTV’s youth voter initiative “Rock the Vote.” They present the campaign as a cynical persuasive effort to induce youth voting by symbolically linking voting to “desirable but somewhat taboo activities (sex, violence, social protest, etc.)” and transferring the “opportunity to experience the pleasures of those forbidden activities . . . to the act of voting, now seen as, itself, a mode of defiance or subversion—a way to ‘rock’ the establishment.”¹² Although this study’s purpose is to identify how music is used as a strategic resource in contemporary campaigns, one might separately analyze whether the cynicism that Cloonan, Street, Tindell, and Medhurst have identified is a response to growing political apathy or, conversely, whether the use of popular music is a tactic to encourage voters to engage in facile or peripheral thinking.

This essay addresses how music is used by political campaigns as a strategic rhetorical tactic that I label *audible optics*. I approach *audible optics* as a variation of political “optics,” which are public relations practices designed to make a client’s cause appear in a positive light without attending to their substantive positions or character. In short, political campaigns use music as part of their systematic attempts to encourage voters to perceive their candidate as worthy of a vote. Rather than focusing on developing substantive positions, music is invoked as a peripheral persuasive tactic to help facilitate diverse strategic objectives associated with political campaigns. The larger objective of this line of inquiry is to better understand how political campaigns use available means of persuasion to influence prospective voters. As Cloonan and Street argue, “It may be that politics is trivialized by its encounters with popular culture, but this does not make the encounters themselves trivial. On the contrary, the relationship between politics and popular culture is important to a comprehension of both our political and our cultural life.”¹³

This argument proceeds in two stages. The first section offers a theoretical framework dealing with issues of representation and iconicity that bear upon the explicit use of music by political

⁹ Larson, “American Tune,” 3.

¹⁰ Larson, “American Tune,” 18.

¹¹ Cloonan and Street, “Politics and Popular Music,” 223.

¹² John H. Tindell and Martin J. Medhurst, “Rhetorical Reduplication in MTV’s Rock the Vote Campaign,” *Communication Studies* 49 (1998): 23-24.

¹³ Cloonan and Street, “Politics and Popular Music,” 233.

campaigns. The second section offers a discussion of celebrity politics on stage. Taking a cue from Street's work, celebrity politics refers to both relationships that politicians foster with popular culture in service of their political agenda and relationships fostered by entertainers who hope to influence political processes.¹⁴ This section highlights instances including musicians working to support political campaigns, political campaigns coopting the creative product of unwilling artists, musicians using the opportunity for political associations as an entrance point into the political process, and of bands-for-hire who are not committed to particular ideological uses of their music.

Audible Optics: Representational Function of Campaign Tunes or Songs the Most Like Candidates

Political campaigns are in the business of manufacturing a public perception that generates votes for their candidate. This practice may be cynically dismissed when seen as efforts to manipulate publics by such tactics as pandering or substituting political platforms with jingoistic sound bites. The implicit operating logic behind such dismissals enacts a form/content distinction that presumes the possibility of a world in which content may be achieved without rhetorical intervention, that one may do the work of politics without intervening rhetorical discourses. The approach is exemplified in commonplace assertions that call for politicians to stop the "rhetoric" and get to work. During campaign season, adversaries may dismiss their opponents for real or perceived contradictions between their rhetoric and their policies, or their words and deeds. For instance, a political ad run by the Romney/Ryan campaign on Forbes.com in November 2012 announced that their ticket is "Empowering women through action, not rhetoric," which, when clicked, led to an article entitled "It's Time to Put Up or Shut Up: Why Political Rhetoric Isn't Good Enough For Me Anymore."¹⁵

As bearers of a body of knowledge, scholars of rhetoric may well be caught in between a similar cynicism and a reactive defensiveness. Our political climate includes discourse "rich in anger, deliberate misunderstanding, and extreme partisanship" while "insincerity and incivility is packaged and sold to citizens as if it were news or politics."¹⁶ As citizens in a democratic state we hope for something better. At the same time, calls to separate style from substance, talk from action, rhetoric from politics are both contrary to the work that we do as scholars of rhetoric and are propositionally impossible. Scholars of rhetoric may focus on a more idyllic perception of the human-rhetorical situation in which democratic practices would ideally operate on a rhetorical foundation in which citizens perform a key function of governance by discussing and debating competing policies and interests. We do, however, get the bad with the good as rhetoric demarcates the media through which all communication and advocacy happens in the realm of human affairs. While this surely includes conscientious debate concerning the best policies to adopt to produce some form of a better future, it also includes practices that undermine rational decision making processes including salacious appeals to our basest desires and concerted campaigns to make the trivial appear important while matters of importance are pushed out of the reach of ordinary people. In short, rhetoric happens as much in the cliché and the jingo as it does in rational discussion and debate.

¹⁴ Street, "Celebrity Politicians," 437-439.

¹⁵ Ty Kiisel, "It's Time to Put Up or Shut Up: Why Political Rhetoric Isn't Good Enough For Me Anymore," *Forbes*, October 30, 2012, accessed July 14, 2016, <http://www.forbes.com/sites/tykiisel/2012/10/30/put-up-or-shut-up/>.

¹⁶ Ronald A. Placone and Michael Tumolo, "Interrupting the Machine: Cynic Comedy in the 'Rally for Sanity and/or Fear,'" *Journal of Contemporary Rhetoric* 1 (2011): 10.

In serving its strategic public relations role for political campaigns, popular music has been appropriated by contemporary political campaigns as an audible optic meant to be an iconic representation of the candidate. Michael Leff and Andrew Sachs explain “icon” as a semiotic term indicating a “sign that has a nonarbitrary relation to what it represents” and that, with the exception “of a few onomatopoeic words, the signifiers of language are non-iconic,” and the relationship between words and meanings is the arbitrary product of conventions, indicating that “form bears only an arbitrary relationship to its meaning.”¹⁷ Their approach towards iconicity maintains that such a semiotic perspective limits an understanding of iconicity to meaning as it happens at the level of individual words. They argue that “above the level of the words, discursive form often enacts representational content,” indicating that the form of communication bears influence on the meaning disclosed.¹⁸ Iconicity is a phenomenon that audiences experience as discourses play out in communicative contexts and critics may apprehend it through interpretive lenses that eschew dichotomous understandings of form and content. Leff and Sachs conclude that such an approach facilitates a deeper understanding of how meaning happens as “the more primitive force of image-generation controls things—not only absorbing much of the function of argumentation but also forming the base from which argument proceeds.”¹⁹ Consequently, for political campaigns, music may be used to invoke an experience of iconicity in which songs or segments of songs are invoked to enact representational content that shapes audiences’ perceptions of candidates and their campaigns.

Music may be used as an audible optic to elicit both meaning and emotion. Rhetorical scholar James Herrick notes that “musical notation and performance constitute a symbol system” with the ability to communicate meaning through the application of musical technique.²⁰ He observes that filmmakers regularly use music to evoke a range of emotional responses, perhaps due to the “rhetoric of music [being] so well established that we readily understand what it is ‘saying’ to us.”²¹ The ominous “da-dunn . . . da-dunn” of the thriller *Jaws* (1975) illustrates this argument, since the film’s two notes are enough for viewers to readily identify that danger is looming, which subsequently invites an appropriate emotional response.

Political campaigns use music in an analogous manner, searching for music that may be utilized as audible optics. When contemporary campaigns appropriate existing popular music, they search for a level of congruity to their strategic aims. Take for instance, the supporters of Congressman Ron Paul taking the stage to the “Imperial March,” or theme song for Darth Vader, following Paul’s second place finish in the 2012 New Hampshire primaries.²² This seemingly odd choice coupled with Tom Petty’s “I Won’t Back Down,” which played as Paul took the stand, fed into Paul’s remarks concerning his status as an outsider who is dangerous to the status quo. His

¹⁷ Michael Leff and Andrew Sachs, “Words the Most Like Things: Iconicity and the Rhetorical Text,” *Western Journal of Speech Communication* 54 (1990): 253.

¹⁸ Leff and Sachs provide a simple example drawn from Lakoff and Johnson asserting that, even though there is no new semantic content added, there is a fundamental difference between saying “someone is ‘very, very, very tall’” and “He is very tall.” Leff and Sachs, “Words the Most Like Things,” 258.

¹⁹ Leff and Sachs, “Words the Most Like Things,” 258.

²⁰ James A. Herrick, *The History and Theory of Rhetoric: An Introduction* (New York: Pearson, 2013), 6.

²¹ Herrick, *History and Theory of Rhetoric*, 6.

²² Jason M. Volack, “Ron Paul Finishes Second in NH, Says ‘I Didn’t Know You Were Out There,’” *ABC News*, January 11, 2012, accessed July 14, 2016, <http://abcnews.go.com/blogs/politics/2012/01/ron-paul-finishes-second-in-nh-says-i-didnt-know-you-were-out-there/>. A transcript of the commentary and audio of the event played on NPR’s *Morning Edition* can be read and heard at: “Ron Paul Captures 2nd Place in N.H. Primary,” narrated by Robert Smith and Steve Inskeep, *Morning Edition*, *NPR*, January 11, 2012, <http://www.npr.org/2012/01/11/145020769/ron-paul-captures-2nd-place-in-n-h-primary>.

counterparts chose much safer selections with candidate Jon Huntsman playing U2's "Beautiful Day" and frontrunner Mitt Romney playing Kid Rock's "Born Free," both offering upbeat aspirational messages to the campaigns.²³

In appropriating music, political campaigns appear more concerned with the persuasive potential of linking segments of songs rather than with a level of fidelity between the artists and the campaigns. The cooptation of music from unwilling artists is taken up in the next section. By delaying the critical task of identifying and explaining incongruities we can instead focus on how even the most apparent incongruities are not particularly important to the audiences who are targeted by specific political campaigns. Take, for instance, the British conservative party using the decidedly non-conservative "Imagine" penned by John Lennon.²⁴ The point of such a usage was not to mark a transition in the campaign's political platform in which prospective voters would adopt a series of policies consistent with imagining a world without countries, possessions, or religion. Rather, the music is used to evoke a sense or emotion that frames the campaign in a positive light. Furthermore, it would be naïve to think this particular song's appeal is limited to a like-minded fan base. Listeners may enjoy the song for what it says and, just as easily, for how it sounds, for an affect that the song encourages, or due to its established status and repetition. Consequently, the campaign's use of this song reflects an understanding of the affective dimensions of the experience of listening to the song rather than an endorsement of its propositional content. A similar response could be offered in response to the Associated Press's animated "expose" of the "Music Minefield" in which they show how "parsing songs and extracting lyrics that work in a campaign can be a peril-fraught exercise for presidential candidates."²⁵ Their animations accompanied by pop music do offer the opportunity for a good laugh by discussing unwanted symbolism and lyrics cut out by the campaigns. Nonetheless, campaigns whose music selections are shown to have unwanted supplemental meanings would not likely be concerned so long as the audible optics worked in service of their campaign's persuasive aims.

Celebrity Politics on Stage: Cooptation of the Un/willing, Musician Advocates, and Bands-for-Hire

The relationship between political campaigns and musicians is not simply a one-sided affair. Street explains how political campaigns seek to associate themselves with popular culture as part of an overall campaign strategy. He argues that the first form of celebrity politics entails "the legitimately elected representative (or the one who aspires to be so)—who engages with the world of popular culture in order to enhance or advance their pre-established political functions and goals."²⁶ The entertainers who occupy the status of popular culture celebrities need not be seen as passive recipients of handshakes with ulterior motives. Street explains a second form of celebrity politics that "refers to the entertainer who pronounces on politics and claims the right to represent peoples and causes, but who does so without seeking or acquiring elected office. Their engagement tends to take the form of public gestures or statements aimed at changing specific public policy decisions."²⁷

²³ "Ron Paul Captures."

²⁴ Richard Middleton, *Studying Popular Music* (Philadelphia: Open University Press, 1990), 16.

²⁵ Ted Anthony, Peter Hamlin, Jaime Holguin, "The Music Minefield," *Associated Press Wire Reports*, 2008, accessed July 14, 2016, http://hosted.ap.org/specials/interactives/_national/campaign_songs/.

²⁶ Street, "Celebrity Politicians," 437.

²⁷ Street, "Celebrity Politicians," 438.

The use of music in political campaigns sets the stage for a series of incongruities in which music is appropriated for its effect at the cost of the musical artist's political beliefs or public persona. As argued above, political campaigns utilize music as audible optics to help facilitate persuasive aims. In terms of the specific use of music, campaigns aim to generate specific affective responses or to brand the candidate or campaign in association with strategically selected choral sound bites in the same way that music is used to sell products by, as David Huron argues, providing entertainment, structure, memorability, lyrical language, targeting audience segments, and establishing credibility.²⁸ Whereas one might question the legitimacy of specific musical choices by specific political campaigns, the issue of legitimacy is not likely to be of concern to campaigns outside of limited legal actions that artists employ to disentangle themselves from unwanted associations. The use of popular music in political campaigns also creates the opportunity for musicians to exercise a form of celebrity politics by using their music and performance into the political process. This section offers examples and discussion of three separate categories of celebrity politics on stage ranging from the issues of unwilling cooptation of artists' creative works to the work of musician advocates and musicians who enter into the political process for a paycheck rather than political or ideological aspirations.

The Obama/Biden campaigns of 2008 and 2012 are of particular interest here because the campaigns forged associations with musicians based on shared political beliefs. Consequently, the legitimacy of the campaigns' musical selections are not contradicted by the beliefs and aspirations of the artists who produced the created works. During these two federal election cycles the Obama/Biden campaigns had an upper-hand in attempts to connect to audiences through popular music due to creative professionals being drawn to Barack Obama's brand and celebrity power. In an article for *Advertising Age*, Rupal Parekh explains that, while candidates pay top dollar for advertisements, advertising and other creative professionals produced free consumer-created marketing materials for Obama's 2008 campaign including a music video created by musician will.i.am and advertising executive Mike Jurkovic that generated over 10 million online views.²⁹ Parekh argues that the "fact that Mr. Obama 'behaves like a well-defined brand' probably has something to do with why advertising and marketing creative types are attracted to him more so than other candidates."³⁰ This feature of Obama's campaign is buttressed by his status as a "celebrity politician," which, as explained in the next section of this essay, indicates that he engages with popular culture to support his political work. In an article in *Campaigns and Elections*, Brittney Pescatore addresses an imbalance in the politician/popular culture relationship, noting that "candidates often turn to musicians to inspire crowds, [but] musicians rarely return the favor."³¹ Obama stands out as an exception, for example, when he offered a video introduction for rap artist Jay-Z at his inaugural Made in America music festival; Jay-Z returned favor by helping the president raise \$4 million worth of campaign contributions.³²

²⁸ David Huron, "Music in Advertising: An Analytic Paradigm," *Musical Quarterly* 73 (1989): 557-74.

²⁹ Parekh explains that, while all candidates receive consumer-created campaign materials, Obama received unprecedented free support from creative professionals. Rupal Parekh, "Creatives have a Crush on Obama," *Advertising Age* 79 (2008): 3.

³⁰ Parekh, "Creatives," 27.

³¹ Pescatore notes an exception with Merle Haggard independently introducing a pro-Hillary Clinton song into his musical performances. Brittney Pescatore, "Cue the Music," *Campaigns and Elections* 28 (2007): 12.

³² Kia Makarechi, "Jay-Z's Obama Ad Demonstrates Rapper & President's Mutual Appreciation," *The Huffington Post*, October 16, 2012, accessed July 14, 2016, http://www.huffingtonpost.com/2012/10/16/jay-z-obama-ad-video_n_1969699.html.

Accordingly, the Obama/Biden campaigns generated a broad range of support from musicians, which is reflected in their campaign's use of music. In 2008, the Obama/Biden campaign issued a special album entitled "Yes We Can: Voices of a Grassroots Movement" containing 18 songs, the majority of which were produced exclusively for the album. The album functioned both to raise funds and as a form of strategic communication that drew on a wide range of musical styles from artists as divergent as U2, Kanye West, Stevie Wonder, and John Mayer. Seven of the songs featured excerpts from Obama's speeches and two contained excerpts of speeches by Dr. Martin Luther King, Jr. The Associated Press reported that the Obama campaign's official soundtrack was one of many musical contributions to his 2008 campaign, which contrasted sharply with the McCain campaign that "had songs penned for him, such as "Lead the Way" by a lawyer named Judd Kessler," but had "not inspired the same groundswell of musical support."³³

The Obama/Biden campaign continued their novel approach by releasing a new soundtrack for their 2012 campaign on the online streaming music service Spotify.³⁴ Similar to their previous soundtrack, this one included 29 diverse songs from artists including Bruce Springsteen, Ricky Martin, Arcade Fire, Aretha Franklin, Sugarland, and Al Green. Chris Richards, pop music critic for the *Washington Post*, reported that the campaign contacted the artists before including them to avoid "the backlash suffered by so many Republican candidates in the past," who have used music without contacting the artists.³⁵ Richards also noted that the playlist marked both a continuation and a break from antecedent uses of music by political campaigns. It was a continuation insofar as "candidates have been playing music on the stump since the days when doing so required a brass band."³⁶ It marked a break insofar as the songs selected by staffers and volunteers for use throughout the campaign gave the impression that "[w]e're being invited into a courtship ritual as old as cassette technology. This is a collection of songs designed to make the recipient fall in love with the sender."³⁷

While many musical genres were included, the hip-hop genre was notably absent from the Obama/Biden campaign's Spotify playlist. Richards explains that the genre "continues to vex this presidency"³⁸—artists played instrumental roles in the campaigns and offered substantial commentary on political themes that resonated with voters but were kept at a distance from official White House business.³⁹ This specific relationship could generate productive scholarship centered on the analysis of race, gender, and politics. Criminologists Charis E. Kubrin and Erik Nielson's

³³ Associated Press, "Obama Campaign Now has an Official Soundtrack," September 19, 2008, accessed July 14, 2016, <http://today.msnbc.msn.com/id/26796237/ns/today-entertainment/t/obama-campaign-now-has-official-soundtrack/>.

³⁴ The campaign's announcement of the playlist may be found at: barackobama, Tumblr post, 2012, <http://barackobama.tumblr.com/post/17319836576/behold-the-2012-campaign-playlist-on-spotify>.

³⁵ Actively seeking permission of the artists would not necessarily have to do with copyright issues. Campaigns may purchase public performance licenses to songs legally without contacting the artists. By contacting the artists for prior approval, the Obama campaign was able to effectively avoid the legal costs and potentially bad publicity from lawsuits waged by musicians who would enter into litigation stemming from political differences or economic concerns. Chris Richards, "The Mixed Bag of Obama's Campaign Song Playlist," *Washington Post*, February 9, 2012, accessed July 14, 2016, http://www.washingtonpost.com/lifestyle/style/the-mixed-bag-of-obamas-campaign-song-playlist/2012/02/09/gIQAVCqX2Q_story.html.

³⁶ Richards, "The Mixed Bag."

³⁷ Richards, "The Mixed Bag."

³⁸ Richards, "The Mixed Bag."

³⁹ Chris Richards, "President Obama hasn't had rappers, hip-hop artists in White House Music Series," *Washington Post*, April 25, 2010, accessed July 14, 2016, <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/23/AR2010042300046.html?hpid=topnews>.

article, “Rap on Trial,” provides a foundation for understanding the pragmatics of this distancing. They provide historical context for how rap lyrics have been used by prosecutors in criminal trials against amateur rappers, highlighting the “devastating effects it can have on defendants.”⁴⁰

In contrast to the Obama/Biden campaign’s vexed relationship with hip-hop, Ben Carson’s campaign for the 2016 Presidential Primary Party’s took a different route. Prior to announcing his intent to run for the Republican nomination, Carson is on record in April 2015 criticizing hip-hop culture as destroying the African-American community’s faith, family, and values.⁴¹ When challenged with the claim that similar arguments were made against rock and R&B, Carson coded his argument in language concerning religious belief. He stated “When I talk about the hip-hop community, I’m talking about the aspect of modern society that pretty much dismisses anything that has to do with Jesus Christ.”⁴² On September 4, 2015, Carson’s campaign posted the song “Black Republican” and then a campaign song as part of a “Freedom” radio spot starting on November 5, 2015, both by the “Republican Christian rapper” Robert Donaldson, who goes by the stage name Aspiring Mogul.⁴³ The artist explains his contributions in an interview with NPR staff where he describes how he is motivated by Christian faith and a belief that African-American males need more entrepreneurship. He created his first song about Carson after seeing *Gifted Hands*. After this song was promoted on social media by Carson’s campaign manager Barry Bennet, Aspiring Mogul created a song for Carson’s campaign. The campaign put \$150,000 behind the song in radio ads in eight markets that target African-American voters.⁴⁴ The use of these songs indicates that the Carson campaign was actively starting to act on its potential to draw African-American to the 2016 primaries. Jonathan Martin, a national political correspondent for the *New York Times*, indicates that attempts to draw out black voters, who historically do not participate in Republican primaries, were notably absent from Carson’s campaign and that doing so may take his attention from the white voters who he is more likely to be supported by.⁴⁵ The song drew national coverage and generated crowd-sourced parodies criticizing a perceived inauthenticity of Aspiring Mogul’s songs because of the generic affiliation with hip-hop.

This usage is resonant with the Romney/Ryan campaign’s use of Kid Rock and Toby Keith’s music to render words that Romney could not say and a sensibility that he was perceived to lack in the 2012 campaign. Kid Rock has long identified himself as a supporter of the GOP. The feeling had largely been unreciprocated, most notably in relation to the incident in 2005 when President Bush’s daughters invited Kid Rock to perform at the inaugural youth concert⁴⁶ and the party rescinded the invitation due to his explicit sexual lyrics including, the *LA Times* reported, a line

⁴⁰ Charis E. Kubrin and Erik Nielson, “Rap on Trial,” *Race and Justice* 4 (2014): 185.

⁴¹ Leslie Larson, “Ben Carson Blasts Hip-Hop for Hurting African-American Communities,” *Business Insider*, April 6, 2015, accessed July 14, 2016, <http://www.businessinsider.com/ben-carson-blasts-hip-hop-2015-4>.

⁴² Larson, “Ben Carson Blasts.”

⁴³ “Meet The Man Behind the Ben Carson Rap,” narrated by NPR staff, *All Things Considered*, NPR, November 7, 2015, <http://www.npr.org/2015/11/07/455150311/meet-the-man-behind-the-ben-carson-rap>. The facebook post (with a link to the song) may be found at: Ben Carson, Facebook post, March 20, 2016, <https://www.facebook.com/realbencarson/posts/522977764535361>.

⁴⁴ Ashley Parker, “Ben Carson Releases Rap Ad on the Radio,” *New York Times*, November 5, 2015, accessed July 14, 2016, <http://www.nytimes.com/politics/first-draft/2015/11/05/ben-carson-releases-rap-ad-on-the-radio/>.

⁴⁵ Jonathan Martin, “Ben Carson Appeals to Black Voters, but His Campaign Doesn’t, Yet,” *New York Times*, November 15, 2015, accessed July 14, 2016, <http://www.nytimes.com/2015/11/06/us/politics/ben-carson-black-voters-republican-primary.html?ref=first-draft>.

⁴⁶ Jayne Podesta, “Bush Twins Wanted Kid Rock at Inaugural,” *People*, January 25, 2005, accessed July 14, 2016, <http://www.people.com/people/article/0,,1020675,00.html>.

“about ‘pimpin’ Bush’s mother, Barbara.”⁴⁷ The *Washington Post* reported that Romney’s “campaign playlist has already traced a shift in his political persona—from 2008’s Boston businessman (playing the Fenway Park standard ‘Sweet Caroline’) to 2012’s untethered American conservative (‘like an untamed stallion,’ Kid Rock sings). Now, the music seems to show Romney reaching out to the right-wing voters who have spurned him so far.”⁴⁸ The choice of “Born Free” as a main theme song for the Romney/Ryan campaign was safe insofar as it allowed for the affiliation with the entertainer while using a song with safe lyrics. The use of the edgier song “American Ride” by Toby Keith is a different matter. Used after Romney’s speeches at some rallies to direct “blue-collar unhappiness about immigration, gas prices and political correctness” with a “sardonic tone that seems out of sync with the genial, G-rated Romney himself.”⁴⁹

Public commentary concerning Vice Presidential nominee (2012) Paul Ryan’s musical taste offers an entrance into a discussion of the cooptation of music created by artists who do not want to be affiliated with a particular candidate, campaign, or party. On August 13, 2012, Gil Kaufman for MTV News reported that Rage Against the Machine (RATM), a rap metal band with unmistakable leftist political beliefs, was featured heavily in the Vice Presidential nominee’s iPod playlist.⁵⁰ Kaufman sees the inclusion as proof that “powerful music can be a universal language,” while noting that a response from RATM would be likely.⁵¹ The response came three days later in an Op-Ed piece published by *Rolling Stone* penned by RATM guitarist Tom Morello. After noting that Ryan had stated that “he [Ryan] likes Rage’s sound, but not the lyrics,” Morello notes that “Rage’s music affects people in different ways. Some tune out what the band stands for and concentrate on the moshing and throwing elbows in the pit. For others, Rage has changed their minds and their lives. Many activists around the world, including organizers of the global occupy movement, were radicalized by Rage Against the Machine and work tirelessly for a more humane and just planet. Perhaps Paul Ryan was moshing when he should have been listening.”⁵² Although Ryan later addressed RATM being his favorite band as a mischaracterization,⁵³ the public airing of differences does lead to the broader issue of political campaigns trying to associate themselves with entertainers who would otherwise be unwilling to be associated with a particular candidate or campaign.

Bruce Springsteen’s song “Born in the U.S.A.” offers the paradigmatic example of how political campaigns coopt creative work from artists who are explicitly against being perceived as having political affiliations with specific politicians, campaigns, or parties. This song highlights what Larson labels “a spate of media flaps and even lawsuits brought by artists resisting a separation between substance and the appropriation of the songs’ emotional value.”⁵⁴ Recognizing “Born in

⁴⁷ “How Much Fun Can \$177 Million Buy?” *Los Angeles Times*, January 16, 2005, accessed July 14, 2016, <http://articles.latimes.com/2005/jan/16/opinion/op-spending16>.

⁴⁸ David A. Fahrenthold, “Mitt Romney’s Campaign Songs, From Sunny to Angry,” *Washington Post*, February 8, 2012, accessed July 14, 2016, https://www.washingtonpost.com/politics/mitt-romneys-campaign-songs-from-sunny-to-angry/2012/02/08/gIQAAWixzQ_story.html.

⁴⁹ Fahrenthold, “Mitt Romney’s Campaign.”

⁵⁰ Gil Kaufman, “Paul Ryan’s Favorite Band: Rage Against The Machine? GOP’s VP Candidate Is An Avowed Fan of Fiercely Political Leftist Band, Proving That Powerful Music Can Be A Universal Language,” *MTV News*, August 13, 2012, accessed July 14, 2016, <http://www.mtv.com/news/1691687/paul-ryan-rage-against-the-machine/>.

⁵¹ Kaufman, “Paul Ryan’s Favorite Band.”

⁵² Kaufman, “Paul Ryan’s Favorite Band.”

⁵³ Jim Rutenberg, “Paul Ryan: ‘I Call This Getting Wienermobiled,’” *New York Times*, September 12, 2014, accessed July 14, 2016, http://www.nytimes.com/2014/09/14/magazine/paul-ryan-wienermobiled.html?partner=socialflow&smid=tw-nytmag&_r=1.

⁵⁴ Larson, “American Tune,” 19.

the U.S.A.” as “arguably an ideal campaign song for [the 1984 Reagan campaign’s] purposes,” the Reagan campaign asked Springsteen’s people for permission to use the song and were denied.⁵⁵ Nonetheless, Larson explains, “just days later, Reagan would reference the singer in a speech in an effort to connect himself to the blue-collar themes of Springsteen’s songs.”⁵⁶ In an interview with Kurt Loder from *Rolling Stone*, Springsteen lamented that Reagan wanted to use his music without listening to the underlying political message concerning a need to genuinely support the plight of ordinary people rather than manipulating and exploiting their “need to feel good about the country they live in.”⁵⁷ Marc Dolan of *Politico* argues that the Reagan campaign’s appropriation of “Born in the U.S.A.” politicized Springsteen, “turning him from a relatively apolitical performer from an avowedly working-class background to a passionate advocate for the rights of the disenfranchised.”⁵⁸ In the subsequent years, Springsteen has notably taken to the stage to actively support political campaigns that he chooses to associate himself with while taking steps to prevent politicians that he disagrees with from using his creative works. His representatives have specifically taken steps to prevent or stop Ronald Reagan, Bob Dole, Pat Buchanan, and, in the 2016 primary, Donald Trump. The latter’s usage was slightly different than the others insofar as “Born in the U.S.A.” was utilized to highlight the emergent questioning of candidate Ted Cruz’s eligibility to hold the office of the presidency as a “natural born citizen” despite being born in Canada.⁵⁹

Artists have limited options to seek injunctive action from political campaigns. From a lay perspective, facing the artist’s objections, one might think that the campaign is violating the artist’s copyright. This is, however, generally not the case insofar as campaigns or the venues at which campaigns hold events may purchase blanket licenses that grant public performance rights of entire catalogues of music.⁶⁰ When campaigns fail to purchase rights to the performance, they are susceptible to lawsuits. For instance, Mike Huckabee’s campaign reached an out of court settlement with the band Survivor for playing “Eye of the Tiger” without paying for performance rights.⁶¹ Jose Pagliery for *CNN Money* reports that Huckabee’s lawyers had attempted to claim a fair use exemption from copyright by stating that the “anti-gay-rights rally was a ‘religious assembly . . . signifying joy and praise at the release of Mrs. [Kim] Davis’ from jail.”⁶² This position was rejected because Huckabee had reported the rally as a presidential campaign expense.

In the guidelines for the use of music by political campaigns, the American Society of Composers, Authors, and Publishers (ASCAP) indicates that artists “may be able to take legal action even if the campaign has the appropriate copyright licenses” with liability under claims of the

⁵⁵ Larson, “American Tune,” 19-20.

⁵⁶ Larson, “American Tune,” 20.

⁵⁷ Kurt Loder, “The Rolling Stone Interview: Bruce Springsteen on ‘Born in the U.S.A.’,” *Rolling Stone*, December 6, 1984, accessed November 6, 2012, <http://www.rollingstone.com/music/news/the-rolling-stone-interview-bruce-springsteen-on-born-in-the-u-s-a-19841206>.

⁵⁸ Marc Dolan, “How Ronald Reagan Changed Bruce Springsteen’s Politics,” *Politico Magazine*, June 4, 2014, accessed July 14, 2016, <http://www.politico.com/magazine/story/2014/06/bruce-springsteen-ronald-reagan-107448?o=0>.

⁵⁹ Jessica Chasmar, “Donald Trump trolls Ted Cruz with ‘Born in the U.S.A.’,” *Washington Times*, January 15, 2016, accessed March 10, 2016, <http://www.washingtontimes.com/news/2016/jan/13/donald-trump-trolls-ted-cruz-with-born-in-the-usa/>.

⁶⁰ Sheffner explains that campaigns avoid copyright infringement claims when they purchase expensive “blanket licenses, which cover millions of songs, through performance rights organizations.” Ben Sheffner, “Legal Matters,” *Billboard*, August 29, 2009, 6.

⁶¹ Jose Pagliery, “Mike Huckabee Paying \$25,000 for Playing ‘Eye of the Tiger,’” *CNN Money*, June 27, 2016, accessed August 5, 2016, <http://money.cnn.com/2016/06/27/news/mike-huckabee-eye-of-the-tiger/index.html>.

⁶² Pagliery, “Mike Huckabee.”

“Right of Publicity,” the “Lanham Act” (which is federal trademark law), or “False Endorsement.”⁶³ These laws concern the protection of the artist’s image or brand, which is mostly in the realm of trademark protection rather than copyright.⁶⁴ Writing for *Landslide: A Publication of the American Bar Association Section of Intellectual Property Law*, Robert Clarida and Andrew Sparkler note that “American courts have yet to accept claims under the right to publicity or the Lanham Act by a songwriter against a political campaign when the campaign possesses a performance license from the songwriter’s performing rights organization.”⁶⁵

In short, while legal options are available, they are relatively limited and not proven to be widely effective in allowing artists to protect their creative works from political campaigns who they do not want to be associated with. When faced with an unwanted use of a creative work, Springsteen’s manager Jon Landau explains, the “artist gets drawn into the question of whether or not to take any action, and run the risk of giving the politicians some additional publicity, or [allowing] the public for one second to think that someone like Neil Young was endorsing Donald Trump It’s kind of a reverse endorsement trap.”⁶⁶ In the past, largely GOP candidates, “attempting to use a popular song risks receiving a snub from the artist who not only rejects the candidate but then takes shots at [their] political stands. Republicans in the past have nearly always kowtowed to the artists’ demands.”⁶⁷ Ben Sheffner, former legal staffer for John McCain’s presidential campaign in 2008 and current Content Protection Counsel at the Motion Picture Association of America, summarizes that campaign rallies with music are a “minefield for copyright and election lawyers.”⁶⁸ Sheffner explains that musicians sue political campaigns, not for violating copyright laws, but under federal law for falsely implying political endorsement or under state law for violating their right to publicity.⁶⁹

From the logic of the campaigns, ceasing to use music when asked both allows the campaign to maintain that they had copyright clearance while disavowing claims to trademark violation and minimizes the attention spent on negative publicity or adverse political responses from artists and their fans. Nicole Rizzo Smith, a member of the Trademark Practice Group of Sunstein, Kann, Murphy, & Timbers, LLP, explains that the “media coverage of an artist’s dispute with a politician inevitably takes the focus away from the campaign’s message, and instead highlights the candidate’s apparent disregard for the intellectual property rights of oth-

⁶³ “Using Music in Political Campaigns: What You Should Know,” The American Society of Composers, Authors, and Publishers, accessed July 14, 2016, <http://www.ascap.com/about/legislation/advocacy-resources/using-music-in-political-campaigns-what-you-should-know.aspx>.

⁶⁴ “When Politicians Use Music Without Permission It’s Not a Copyright Issue, It’s a Trademark Issue (But It Doesn’t Matter Anyway),” *The [Legal] Artist*, September 15, 2015, accessed July 14, 2016, <http://www.thelegalartist.com/blog/when-politicians-use-music-without-permission-its-not-a-copyright-issue-its-a-trademark-issue-but-it-doesnt-matter-anyway>.

⁶⁵ Clarida and Sparkler “Singing the Campaign Blues: Politicians Often Tone Deaf to Songwriters’ Rights,” *Landslide* 3 no 2 (2010): 3.

⁶⁶ Quoted in: Steve Knopper, “Why Politicians Keep Using Songs Without Artists’ Permission,” *Rolling Stone*, July 9, 2015, accessed July 14, 2016, <http://www.rollingstone.com/politics/news/why-politicians-keep-using-songs-without-artists-permission-20150709>.

⁶⁷ Tevi Troy, “How Donald Trump Broke the GOP’s Music Curse: Creative and Bold Use of Pop Music has Bedeviled Republican Pols for a Generation-Until The Donald,” *Politico Magazine*, February 7, 2016, accessed July 14, 2016, <http://www.politico.com/magazine/story/2016/02/donald-trump-2016-music-gop-213603>.

⁶⁸ Sheffner, “Legal Matters,” 6.

⁶⁹ Sheffner, “Legal Matters,” 6.

ers. The impression left with some voters is that these candidates do not demonstrate respect for the laws which they hope to swear to uphold.”⁷⁰ The Trump campaign has elected to defy the requests of artists, most notably Adele, and play their music even after they ask the campaign to stop. Clarida and Sparkler note that a scenario in which artists take legal action under trademark laws “would present an interesting legal issue” insofar as it would present a case where performance would be “legal from a copyright perspective, at least initially, even when the songwriter objects to the performance of the work in association with a particular campaign.”⁷¹

Lastly, musical acts need not affiliate themselves with political parties or candidates to be associated with a campaign in precisely the same way that a musical act need not be supportive of a particular product to have their music associated with it in an advertisement. There is no necessary correspondence between musical performance and political concern. As such, it is well within the range of legitimacy for a group to simply perform live or have their music associated with a political campaign in exchange for payment or the opportunity for exposure to a broader audience. For instance, the *Tampa Bay Times* reported that at the 2012 “Republican National Convention, everyone has a message. For multiplatinum rock band 3 Doors Down, that message is: Hey, check out our new song!”⁷² In a separate interview, the band’s guitarist, Chris Henderson, commented on the band writing a tribute song at the request of the National Guard. Henderson notes that “whatever anybody takes away from that, will be their own thing. As far as being a political band, this band is anything but a political band.”⁷³ After commenting on his own tour of duty during the first Gulf war, Henderson notes that “as far as anybody’s political view is, I don’t care. . . . [Volunteer soldiers] should be commended no matter what their political views are.”⁷⁴ Not to commit the intentional fallacy, whether the band intends partisan affiliations is less important than how such affiliations are formed in the minds of audiences who interact with their music. A more cynical critic might see Henderson’s attempts to label the band apolitical as a part of strategic marketing decision to distance themselves from their perceived connections to the Republican Party so as not to alienate a substantial portion of their fan base. Nonetheless, their performance can be understood as a legitimate business decision to accept the RNC’s invitation to perform their music immediately prior to Romney’s keynote speech and gain substantial national media exposure.

Conclusion

The historical shift towards campaigns using existing popular songs indicates that music persists as a communicative medium that frames and differentiates politicians and their campaigns. The shift also created a host of opportunities and problems for politicians and musicians. Musicians whose songs are used in campaigns enter into relationships with political campaigns with a broader range of objectives. While some artists actively contribute their music to a candidate, party, or

⁷⁰ Nicole Rizzo Smith, “Please Refrain From Using My Refrain! Musicians Again Confront Politicians For Unauthorized Use of Songs,” Intellectual Property Update, 2012, accessed July 14, 2016, <http://sunsteinlaw.com/please-refrain-from-using-my-refrain-musicians-again-confront-politicians-for-unauthorized-use-of-songs/>.

⁷¹ Clarida and Sparkler “Singing the Campaign Blues,” 3.

⁷² Jay Cridlin, “3 Doors Down Brings Musical Message to RNC in Tampa,” *Tampa Bay Times*, August 28, 2012, accessed July 14, 2016, <http://www.tampabay.com/news/politics/3-doors-down-brings-musical-message-to-rnc-in-tampa/1248419>.

⁷³ Chris Henderson, “3 Doors Down Guitarist: ‘Critics Know Nothing About This Band,’” [ultimateguitar.com](http://www.ultimate-guitar.com/interviews/interviews/3_doors_down_guitarist_critics_know_nothing_about_this_band.html), August 13, 2008, accessed July 14, 2016, http://www.ultimate-guitar.com/interviews/interviews/3_doors_down_guitarist_critics_know_nothing_about_this_band.html.

⁷⁴ Henderson, “3 Doors Down.”

cause, others are unwilling participants who find themselves embroiled in lawsuits to secure injunctions against what they perceive as unauthorized uses of their art by political campaigns.

Partisan musicians may be officially affiliated or serving as independent supporters/detractors. Others may be unaffiliated with a candidate or party but still choose to perform at campaign events or conventions for purposes ranging from financial compensation or media exposure to being given the opportunity to raise money and awareness for causes that they support. A final category of musicians find themselves thrown into the mix as unwilling participants in such strategic campaign initiatives when they hear their music being used by campaigns that contradict their own political beliefs.

This essay explored several types of involvement of music in contemporary U.S. presidential campaigns. Whether the artists' work or performance is used voluntarily or involuntarily, whether the artists support a politician, party, or cause, or whether the artists see their involvement as merely an opportunity to work is largely disconnected from the political purposes to which their involvement is put in the campaigns. Whether prospective voters acknowledge it or not, popular music is used by political campaigns as an audible optic as part of their systematic attempts to encourage voters to perceive their candidate as worthy of a vote. The use of popular music, particularly the use of artistic performances against the political will of the artists who created it, reflects an entrenched cynicism in political campaigns who operate under the knowledge that sometimes a pop song isn't just a pop song.