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Introduction

Still Fighting the Power

Frank Rudy Cooper and Gregory S. Parks

We listen to music not only to be entertained, but to better understand ourselves both individually and collectively. It is precisely because music is so entertaining that it has such great potency as a vehicle for political expression. Music's potential to influence society's political evolution has long been recognized. For example, Plato warned that "the modes of music are never disturbed without unsettling of the most fundamental political and social conventions."[1] Soul music and, now, hip-hop music emerged to express various manifestations of Black consciousness. And the debates about hip-hop, as about jazz in the mid-twentieth century, reflect the essential tension in Black music – to entertain on the one hand and to inspire and uplift on the other. In light of that role, this Introduction makes the case that hip-hop music has a distinguished history and important present in the fight for social justice.

This Introduction proceeds as follows. First, we discuss how hip-hop developed from the late 1970s to the twenty-teens. Next, we consider the significance of the present moment for law and public policy. Then, we show how one song, Public Enemy's "Fight the Power," encapsulates the long-standing and ongoing importance of hip-hop music to law and policy. Finally, we briefly summarize the exciting and informative chapters that you will read in this book.

HOW HIP-HOP DEVELOPED

Hip-hop has always been about entertainment, but it is at its best when it is also about social issues. One person who was quick to get behind this new movement in music was Sylvia Robinson. She and her husband, Joe, created Sugar Hill Records. After being turned down in her attempt to sign the artist DJ Grandmaster Flash, Sugar Hill decided to take matters into their own hands and formed its own hip-hop group, the Sugarhill Gang. The group unexpectedly enjoyed great success based on their hit single, "Rapper's Delight." When "Rapper's Delight" was released and the glass ceiling above hip-hop artists was shattered, Grandmaster Flash quickly

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rethought his decision to reject Robinson's offer, and soon the iconic group Grandmaster Flash and the Furious Five accepted a record deal with the label.

Grandmaster Flash and the Furious Five's legendary song "The Message" (discussed in this volume) proved that hip-hop could educate while it entertained. Edwin Fletcher, the house percussionist for Sugar Hill, came up with the rhythm and then the lyrics for a song that would eventually be titled "The Message." The song is raw, mentioning glass being broken in the streets and other common occurrences that accompanied living in South Bronx in the early 1980s. It was a reality in a song. Robinson was obsessed with the new song and was more than excited for the newly signed Grandmaster Flash and the Furious Five to record it. Unfortunately, the group was not enthusiastic about the song. Grandmaster Flash even admitted his reluctance for *High Times*, saying, "Like you listening to music, let's say throughout the week you're nine-to-five, you had a hard week's work, you're tired, you want to go out and party. Why would a person want to hear this? . . . The risk factor was so high, either it was going to be a big hit or it was gonna miss." Despite the reluctance of the group, Robinson did not let up and continued to pressure the artists into recording the song. She was convinced that the public was craving political commentary in their music and she was right. While the short follow-up trend of "message rap" failed to sell at the time, hip-hop with a message eventually made its mark. "With hindsight, 'The Message' was inevitable. It was the record that critics, especially white ones, had been waiting for, placing hip-hop in the socially conscious bloodline of Stevie Wonder, Curtis Mayfield, and Gil Scott-Heron."[2]

The significance of "The Message" as a statement about law and policy should not be underestimated. As Dorian Lynskey notes, "In a few stark, eloquent verses, Edwin Fletcher sketched out the city that the hip-hop kids came home to when the clubs and the block parties were over." He continues, "Here are roach-infested tenements and failing schools, predatory junkies and pitiful bag ladies, hookers and killers, inflation, unemployment, and strikes; things fall apart." The song concludes on a low note, "chronicling the life and death of a kid who sees that the only people making decent money on his block are 'the number book takers, thugs, pimps, pushers.' So he drops out of school, 'turns stick-up kid,' gets sent to jail, and ends up swinging from a noose in his cell."[3]

What was so revolutionary about "The Message" was its narrator. From singers of soul to the eventual gangsta rappers, songs were sung in an outside-looking-in perspective. "The Message," though, was narrated by a man who lived on those streets and suffered that life, every single day. The record was the first of its kind but most definitely not the last, as it proved to be a guiding light to future introspective and more personal records. The single's "priority is not how to make the black nation rise but how to save one man from falling."[4] Just as Robinson expected, the song blew up, and one could argue that hip-hop was never the same after "The Message" was delivered. "In 2002 it became the only top record in the inaugural intake of the

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Library of Congress' National Recording Registry, dedicated to recordings that are culturally, historically, or aesthetically important, and/or inform or reflect life in the United States."[5] Despite their hesitations, the Furious Five are credited with pioneering hip-hop's positioning as a conductor of social commentary and a leader of change.

The movement from Grandmaster Flash and the Furious Five to the group Public Enemy further demonstrates the significance of hip-hop songs to law and policy. Bill Stephney formed Public Enemy with the goal of creating a "hybrid of Run-D.M.C. and the Clash" and with the intention of making a statement with every lyric they sang.[6] In 1987, Public Enemy released its debut album, *Yo! Bum Rush the Show*. "On the album cover, the group members cluster under the harsh glare of a single bulb like menacing basement conspirators, poised for a revolution rather than a party. At the foot of the image runs a ticker-tape message: 'THE GOVERNMENT'S RESPONSIBLE'."[7] A year later, Public Enemy released *It Takes a Nation of Millions to Hold Us Back*, and the reaction was tremendous.[8] The music cut between speeches of Malcolm X and Khalid Abdul Muhammad, there were bursts of turntable scratching and sounds one might only hear living on the streets. "These elements didn't merge so much as collide," and it was a sound begging to be heard.[9] Public Enemy gained enough notoriety even to be watched by the police. "It was occurrences such as this that led the FBI to create a study of rap music and its possible effects on national security in which Public Enemy was referenced by name."[10]

In 1988, following the success of their album *It Takes a Nation of Millions to Hold Us Back*, the members of Public Enemy sat down with Spike Lee to discuss the soundtrack to his upcoming movie "Do the Right Thing."[11] The film director needed "an anthem to scream out against the hypocrisies and wrongdoings of the system."[12] Public Enemy member Carlton "Chuck D" Ridenhour found his inspiration for the feature song in the 1975 Isley Brothers' hit "Fight the Power."[13] The movie "was a referendum on the civil rights movement. After the climactic riot [scene], the movie ended with two competing quotations regarding the validity of violence as a means of dissent, one from Dr. King, one from Malcolm X. Each viewer got to decide which one better suited the times."[14] Any appeal that Public Enemy had gained at this point though had surely been seized by the toxic commentary given by group member Richard "Professor Griff" Griffin when he gave an undeniably anti-Semitic interview with the *Washington Times* on May 9, 1989.[15] But as Chuck D explained, to a certain extent, Griff was expected to be extreme: "Flavor is what America would like to see in a black man – sad to say, but true – whereas Griff is very much what America would not like to see." Chuck, at first, did not condemn his friend for his anti-Semitic comments.[16] He received a lot of flak for this but believed that a person should be able to speak his mind, even if what he is thinking is toxic. However, with time and boycotts, eventually Public Enemy and Professor Griff parted ways.[17]

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The creative energy emanating from groups like Grandmaster Flash and the Furious Five and Public Enemy soon boiled over and a movement all its own began to form in the West.[18] "If Public Enemy [was] the Clash, seeking to build something new from the ruins of the older order, then Niggaz With Attitude ('N.W.A.') were the Sex Pistols, bent on dancing amid the debris."[19] Up until the late 1980s, hip-hop had been almost exclusively dominated by East Coast artists – especially those hailing from New York City. "West Coast artists had long-been dismissed as inferior imitators who lacked the talent or credibility to compete, but one group that single-handedly bucked that trend was a five-man crew from Compton called N.W.A. ('Niggaz With Attitude')."[20]

A primary explanation for the emergence of NWA and West Coast "gangsta rap" was Los Angeles's policing policies in the 1980s. The racial makeup of the Los Angeles area shifted greatly from the 1960s to 1970s, but the soon predominantly Black area was hit hard by the subsequent decline of the manufacturing industry. Toward the end of the decade, law enforcement attempted to curb the increasing gang activity by instituting Operation Hammer in 1987.[21] This endeavor saw police arresting large numbers of Black and Hispanic males on small charges. This only assisted in creating an aura of victimization and police brutality.[22] This was the environment that inspired O'Shea "Ice Cube" Jackson, Eric "Easy-E" Wright, Andre "Dr. Dre" Young, Lorenzo Jerald "MC Ren" Patterson, Antoine "DJ Yella" Carraby, along with so many others. The success of the single "Boyz-N-the Hood," with its brutal honesty, put N.W.A. in the position to release their 1989 *Straight Outta Compton* album.[23] One of its tracks, "Fuck tha Police," is indisputably *the* song of the record.[24] The protest song is a direct assault on LAPD chief Daryl Gates and his oppressive tactics towards Blacks, especially young Black men.[25] "As protest, *Straight Outta Compton* is blithely uninterested in causes or solutions, only in the reality of 'street knowledge'."[26]

The usefulness of gangsta rap for political protest was epitomized by another West Coast artist. In 1992, Ice-T released his song "Cop Killer" with his group Body Count.[27] This song is an angry and revenge-fueled dialogue.[28] Additionally, "Cop Killer" boasts a chorus that is worryingly devoid of remorse for the homicidal revenge taken against police or for their grieving families.[29] A boycott was almost immediately called against Time Warner for producing the record, and even Tipper Gore wrote an editorial in which she compared Ice-T's work to Nazism.[30] Despite his repeated explanations that the song was a fantasy and not an actual plan to assault law enforcement, Ice-T eventually removed "Cop Killer."[31] In its place, the controversial artist released a new song, appropriately titled "Freedom of Speech," with the lyric "just watch what you say!"[32] What started as a statement of protest against police brutality ended up becoming Ice-T's battle against censorship with the rapper even commenting, "Freedom of Speech is a great concept, it sounds good, but it has never applied and will never apply."[33]

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This book helps make the connection between hip-hop songs and the transformation of law and policy sought in the recent uprisings over police violence. Some contend that Public Enemy's "Fight the Power," off the soundtrack for Spike Lee's movie *Do the Right Thing*, planted political hip-hop in the mainstream of US culture. In the wake of the 2020 killings of Breonna Taylor and George Floyd, that song has been remade and serves as an anthem for the Black Lives Matter movement thirty-one years after it was first released. It is in this moment that a group of law scholars turn to songs to offer incisive social commentary through what Public Enemy's Chuck D described as "Black people's CNN" – hip-hop music.

THE SIGNIFICANCE OF THE CURRENT MOMENT

One way of thinking about the current moment is that it is the time of Black Lives Matter. Black Lives Matter was founded after the acquittal of George Zimmerman for stalking then slaying Trayvon Martin, and took the country by storm during the Ferguson, Missouri uprisings of 2014 and 2015.[34] Originally a Twitter hashtag, it became a long-lasting social movement. In the 2016 presidential campaign, it caused Hillary Clinton to repent for her husband's contributions to mass incarceration when he was President.[35] In the 2020 campaign, it was acknowledged as a fundamental part of the Democratic Party, albeit one newly elected President Joe Biden was equivocal about.[36] The need for Biden to have a significant relationship with supporters of Black Lives Matter is still a bit surprising, given the radical principles behind the movement.

Black Lives Matter is different in many ways than other civil rights movements from the late 1970s to twenty-teens, but the comprehensive and radical nature of its vision deserves special attention. In the Vision for Black Lives, which comes out of the movement, the target is not just police violence against Blacks, but the whole structuring of racial capitalism.[37] They call for Black communities' abilities to control their own safety, health, economic, and other decisions.[38] Political change made these goals seem further away, but then closer than ever.

When white supremacist Donald Trump succeeded the first Black President, it brought about a significant shift in the spirit of these times. When political conservatives marched on Charlottesville, Virginia bearing Nazi and confederate battle flags and drove a car into counterprotesters, killing one, Trump said there were "very fine people on both sides."[39] He had kicked off his campaign by associating Central American immigrants with gang members and rapists.[40] During Trump's Presidency and even through the insurrection he inspired after losing the 2020 presidential election, the United States seemed closer to becoming a white supremacist and fascist state than to acknowledging and atoning for the theft of lands from indigenous peoples and Mexico, racism against and then exclusion of Asians, or the theft of labor from Africans and its legacies. Hence, current President Joe Biden was right when he said the 2020 election was "about the soul of America."[41]

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The Biden Presidency presents new opportunities for racial progress. Already, a Congressional committee has submitted a bill to establish a commission to study reparations to the House of Representatives.[42] Meanwhile, several songs discussed in this book served as anthems for Black Lives Matter protests focusing on policing in the summer of 2020, and those protests are likely to continue. We are eager to see how music will embody and inspire that movement. One example of civil rights struggles of both the past and present through hip-hop music is Public Enemy's song "Fight the Power," which struck a nerve in 1989, and then was rereleased in 2020.

"FIGHTING THE POWER" IN 1989 AND 2020

Director Spike Lee's critically acclaimed 1989 movie *Do the Right Thing* is driven by a fierce anthem, rap group Public Enemy's song "Fight the Power." Lee recalled, "I wanted it to be defiant, I wanted it to be angry, I wanted it to be very rhythmic. I thought right away of Public Enemy."[43] The song plays as part of the background of several scenes as it blares from a huge boombox carried around by the character Radio Raheem. Raheem literally dies for the cause of having the local pizza shop acknowledge the culture of the Black neighborhood it profits from. In a crucial scene, the police chokehold Raheem to death. This leads the protagonist, Mookie, to spark an uprising that destroys the pizza shop, for which he had been a delivery man. As *Do the Right Thing*'s credits roll, "Fight the Power" plays again to drive home the movie's dissatisfaction with the racial status quo. The story of "Fight the Power" helps illustrate how hip-hop music can serve as an especially potent call for changes in law and policy.

The story of "Fight the Power" actually begins in 1975, with the Isley Brothers' original version. To the sound of classic funk-style twanging bass guitars, they protest,

> I try to play my music
> They say my music's too loud
> I try to talkin about it
> I got the big run around
>
> When I rolled with the punches
> I got knocked on the ground
> With all this bullshit going down
> . . . .[44]

Their core complaint is that, when they try to express themselves, they get shut down. Given that the Isley Brothers' song came on the heels of the Vietnam War and the violent repression of the Black Power movement by the FBI, the suffering was real.[45] So, their response is important: do not give up, fight! While many artists have

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covered the song, the group that most potently answered the song's call is Public Enemy.

Public Enemy's "Fight the Power" is an especially appropriate song to lead off this book because it reflects calls for change both at the start of the 1990s and again through a revised version in 2020. The 1989 version of the song was culturally relevant in its own right. It was #1 on the Billboard Rap charts, #3 on the dance charts, and #20 on the R&B (general Black music) charts. Music writer Dorian Lynskey went so far as to call it "the most provocative song ever."[46]

The movie that the 1989 version of "Fight the Power" is from, Spike Lee's critically acclaimed *Do the Right Thing*, was even more of a cultural phenomenon. It was controversially second for best film at the renowned Cannes film festival.[47] It was thus one of the first popularly discussed movies by a Black director since the Blaxploitation films of the early and mid-1970s. It is the film that launched Spike Lee as a cultural icon who would become closely associated with Nike's Michael Jordan advertisements and the New York Knicks.

Most importantly, Public Enemy's loud and layered 1989 hip-hop version of "Fight the Power" stood as a declaration of the intention for change. It begins with a sample in which activist Thomas Todd laments:

> Yet our best trained, best educated, best equipped, best prepared troops refuse to fight. Matter of fact, it's safe to say that they would rather switch than fight.

That statement throws down the gauntlet in favor of fighting power rather than joining it. Verse 2 explains what people should be doing: "To revolutionize, make a change, nothin's strange." We already had a clue about who the revolution is against when Public Enemy declared in Verse 1, "Our freedom of speech is freedom of death/We've got to fight the powers that be."[48] As in many Public Enemy songs, then, the power that must be fought is the US government.

The people Public Enemy are calling to action are Black people. Commentators have accurately described the lyrics as a "call upon blacks to stand up for themselves against racism." For instance, Public Enemy's secondary rapper Flavor Flav repeats the traditional colorblind line, "People, people! We are the same," and lead rapper Chuck D. immediately responds "no – /We're not the same 'cause we don't know the game."[49] Public Enemy thus rejects the optimistic notion of what would later be called a post-racial society and insists that Black people are a distinct group, that Black people have historically been oppressed, and that we must end that oppression.[50] This countermessage is consistent with Public Enemy's ideology of unabashed Black Nationalism.

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Public Enemy's Black Nationalism was controversial, but it contained the seeds of a valuable vision for the future. In the 1989 version of "Fight the Power," Public Enemy challenges icons of US's popular culture:

> Elvis was a hero to most, but he
> Never meant shit to me, you see, straight out
> Racist – that sucker was simple and plain
> Motherfuck him and John Wayne! 'Cause I'm Black and
> I'm proud, ...[51]

That statement is Black Nationalism as critique of the mainstream US culture. Such Black Nationalism was controversial because it often came paired with anti-semitism and a rigid gender/sexuality system.[52] But Black Nationalism also existed as a positive vision of an independent Black America. In this mode, Black Nationalism prefigured the Movement for Black Lives' Vision for Black Lives. Chuck D. has since transcended the narrow version of Black Nationalism and provided means of fulfilling its vision. His Rock the Vote coalition became a force in politics with a diverse coalition of comrades.[53] The era of strictly political rap launched by "Fight the Power"'s Black Nationalist approach was highly impactful, as even today's gangsta and party rap music often mix in social criticism.

Public Enemy's impact on message music, especially as accomplished through "Fight the Power," would be hard to overstate. The song's explicitly political message raised the standard for meaningful music.[54] Music writer Dorian Lynskey contended that, thirty years after it was released, Public Enemy's 1989 "Fight the Power" was still a call to action around the globe.[55] Marcyliena Morgan, a Harvard professor and founding executive director of Harvard's HipHop Archive, agrees, declaring that the song "teaches us to refute unjust and corrupt powers in place and stand in solidarity against them. Fight the Power was destined to call attention to societal imbalances and injustices."[56]

Public Enemy's 1989 call for change had some cultural impact, but the 2020 version of the song was part of a much larger cultural moment. The summer of 2020 saw uprisings throughout the country and the world declare that Black Lives Matter. This movement has connected Derek Chauvin's murder of George Floyd[57] to the police slaying of Breonna Taylor during a hail of indiscriminate gunfire when executing a no-knock warrant to the private slaying of Ahmaud Arberry to the suicide of Sandra Bland after a pretextual traffic stop to a general cycle of violence against Black people in the US.[58] Public Enemy thus kicked off the twentieth annual BET Awards with a powerful remix of their 1989 anthem, joined by Nas, Rapsody, YG, The Roots, and Black Thought, along with help from DJ Lord, JAHI, DJ Questlove, Professor Griff, and the S1Ws.[59]

The 2020 version of "Fight the Power" is an even more detailed indictment of US racism. For example, in Verse 1, Nas raps:

> Cowards are huntin' black men, that's what I'm seein'
> How many Tulsas have been burnt down?

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Those references to the police hunting Black people like animals and the destruction of Tulsa's Black Wall Street and massacre of its residents in 1921 connect America's racist past to its racially equivocal present. Further, the rapper Rapsody exclaims in Verse 2:

> To the boys in the hood, duckin' bullets and batons
> From boys in the hood, triple Ks on they arm
> . . .
> Fight for Breonna and the pain of her mother, gotta

Again, the police are equated with white supremacy and Black victims are lauded as martyrs for the cause of equality. In Verse 5, YG then connects police violence to silence on America's past, proclaiming:

> They tryna erase our history, stop and think
> History class ain't tell us 'bout Juneteeth[60]

That lyric reconnects the song to the 1989 version, as Chuck D. and Flavor Flav repeat their 1989 verse denouncing Elvis Pressley and John Wayne as Verse 6 of the 2020 "Fight the Power." In light of these powerful lyrics, it should be no surprise that the 2020 version of "Fight the Power" was critically acclaimed.[61]

Considered as a whole, the 1989 and 2020 versions of "Fight the Power" provoke mixed emotions. It is saddening to note that the original framework of the 1989 song is as relevant today as it was thirty-one years ago.[62] The *Daily Mail* reported, "There have been weeks of protests around the world to fight police brutality and systemic racism in the wake of George Floyd's death at the hands of law enforcement at the end of May. So there is no greater time for Public Enemy to bring back their 1989 hit Fight The Power for a new generation."[63] But the 2020 remix also yields hope:

> The beauty of the video and message of the 2020 version is that it helps us realize that this generation hasn't just started a movement – they've joined one. It's hiphop heads who've "been there, heard that and have seen that" with the next generation who will keep on keeping on. They are artists and soulmates who know what we're fighting for.[64]

Together, the 1989 and 2020 versions of the song connect the past to the present.

"Fight the Power," in both its 1989 and 2020 versions, stands out as an example of music as social commentary.[65] Whether it is through reparations, an abolitionist horizon for policing, or some other means, a change must come.

THE CHAPTERS

Our analysis of "Fight the Power" is but a teaser for the thorough and engaging chapters in this book.

In "From 'Fuck tha Police' to Defund the Police: A Polemic, with Elements of Pragmatism and Accommodation, Hopefully Not Fatal, As Black People Hope About Encounters with the Police," Paul Butler considers NWA's 1988 song "Fuck

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tha Police" as an invitation to think about the meaning of "defund the police." It examines the resonance of "Fuck tha Police" over time, up to and including the George Floyd-inspired protests. It uses the song to analyze how civilians should feel about cops in a democracy. Are they a positive good, as many white people might suggest, a necessary evil, as some people of color might suggest, or an unnecessary evil, as suggested by the "defund the police" movement?

In "Hip-Hop and Traffic Stops," Henry L. Chambers, Jr synthesizes analysis of Jay-Z's 2003 song "99 Problems," as well as Chamillionaire's 2005 "Ridin'" and 2007 "Hip Hop Police" as a means of understanding police racial profiling. The songs analyzed in this chapter discuss policing Black men. Though the songs are more than a decade old, they are just as relevant today as when they were released. They tell stories of interactions between police and Black men, describe how such interactions do proceed, and suggest how they should proceed. The artists indirectly comment on freedom by discussing how police should treat someone they may not like or may envy but who the police have no basis to believe is engaged in criminal behavior. Indeed, the songs suggest police have an obligation to police properly even if the suspect may in fact be engaged in criminal behavior. However, the songs are somewhat surprising in that they seem to suggest Black men will typically be hassled by police but that Black men with resources may be able to fearlessly assert their rights to not be policed unfairly in some circumstances. The songs provide strong material to explore what policing should look like in the current age.

In "'Black Cop': It's a Blue Thing (or Is it?)," Kami Chavis utilizes KRS-One's 1993 song "Black Cop" to consider the contradictions inherent in being a Black police officer. The song reveals the complex role that Black police officers play in the subjugation of Black communities. In the song, Black officers are portrayed as utilizing the same street justice and harassment as their white counterparts to "oversee" Black people, just as plantation owners and enslavers used Black overseers on plantations to keep enslaved people subjugated. In fact, the lyrics suggest the deliberate use of the Black officer to effectuate the continued oppression of the Black community. The George Floyd death was the last ember to land upon a long-burning fire that would spread throughout the country. In response to protests against police brutality, several municipalities made significant and broad changes to their police practices. Among these changes are demands to diversify the police, arguing that, if there were just more Black officers, this might ameliorate the complaints of racial profiling and police violence against Blacks. However, a careful analysis of "Black Cop" and its enduring themes requires us to question that proposition.

In "'Illegal Search': Race, Personhood, and Policing," Roger A. Fairfax, Jr. analyzes LL Cool J's 1990 song "Illegal Search" as a precursor to later hip-hop critiques of policing. This song represented LL Cool J's awakening to social consciousness in the 1990s. "Illegal Search" helped advance a narrative about policing that remains prominent in hip-hop to this day. "Illegal Search" might have been

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