Some music lacks stump of approval

Artists say songs exploited on trail

By Sarah Rodman and Joan Anderman
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When word got back to Jon Bon Jovi that Republican vice presidential candidate Sarah Palin had been playing his band's hit song "Who Says You Can't Go Home" at recent rallies, the rocker promptly issued a pointed rebuke.

"We wrote this song as a thank-you to those who have supported us over the past 25 years," the statement said. "The song has since become a banner for our home state of New Jersey and the de facto theme song for our partnerships around the country to build homes and rebuild communities. Although we were not asked, we do not approve of their use of 'Home.' "

Bon Jovi is among a growing number of artists - John Mellencamp, Heart, Foo Fighters, Jackson Browne, songwriter Gretchen Peters - who have voiced their dismay during this presidential campaign over the use of their music. Many, like Bon Jovi, have released statements admonishing the campaigns for using their music without permission.
But in most of these instances, no approval from the artist, record label, or publishing company was required.

At public rallies, candidates are free to play any song they might have in their collection. "If John McCain buys a CD, he can play that CD on a boombox at his event," said David Herlihy, professor of music industry at Northeastern University and a Boston-based entertainment lawyer.

Members of Heart complained that their permission was not sought for the use of "Barracuda" at the Republican National Convention. However, the event was held in an arena that pays performing-rights organizations such as BMI, ASCAP, and SESAC an annual fee for what is known as a blanket license. That allows the venue to use recordings of any of the more than 15 million songs those organizations oversee.

With no legal recourse, some artists are choosing to protest with their pocketbooks.

Acknowledging that the McCain-Palin campaign was within its legal rights to use the song, "Barracuda" co-writer Roger Fisher chose to put his money to work for his candidate. "I'm going to give my royalties to the Obama campaign," said the former Heart guitarist. "So now anytime they play the song, they're supporting [Barack] Obama."

Gretchen Peters, writer of the Martina McBride hit "Independence Day," which was used by the Palin campaign, is donating her royalty check for the entire quarter to Planned Parenthood.

"I don't think Sarah Palin is setting the cause of women and women's rights anything but backward several decades," Peters said. "I would have liked to have said stop, but I didn't have the wherewithal to say stop. In lieu of doing that, I made something positive happen."

Jackson Browne is the only artist so far to take legal action. The use of his 1977 hit "Running on Empty" in a television ad criticizing Obama's advice on conserving gasoline amounts to copyright infringement, according to a statement issued by Browne's attorney, Lawrence Iser. "In light of Jackson Browne's lifelong commitment to Democratic ideals and political candidates, the misappropriation of Jackson Browne's endorsement is entirely reprehensible, and I have no doubt that a jury will agree."

The Democratic presidential campaign has also received complaints. Earlier this year, Sam Moore of the soul duo Sam and Dave asked the Obama camp to stop using the song "Hold On, I'm Coming." At the time, Moore told the Associated Press that he was not endorsing any candidate.

Republicans and Democrats alike are prone to ignore the political leanings of the artists whose music they co-opt.

Kix Brooks of the country duo Brooks and Dunn, who performed at President Bush's inauguration in 2001, was startled to learn that Obama used the pair's song "Only in America" at the Democratic National Convention. But his reaction demonstrated bipartisan diplomacy.

"Seems ironic that the same song Bush used at the Republican convention last election would be used by Obama and the Democrats now," said Brooks in a statement. "Very flattering to know our song crossed parties and potentially inspires all Americans."
But songs don’t always reflect the views and values of the candidate who uses them. For years candidates have raised the ire of artists who wonder whether they even listen to the lyrics of a song.

In 1984, President Ronald Reagan famously referred to Bruce Springsteen’s "Born in the USA," apparently unaware that the anthem was a critique and not a statement of allegiance. And numerous candidates have mistaken "Pink Houses," John Mellencamp’s 1983 commentary on inequality and the distortion of the American dream, for a tribute to American pride.