

**“All Samples Cleared!”:
The Legacy of *Grand Upright v. Warner* in Hip-hop,
1988-1993**

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Abstract

In December of 1991, the first lawsuit concerning digital sampling was settled in court. Involving rapper Biz Markie and singer-songwriter Gilbert O’Sullivan, *Grand Upright v. Warner* has been widely hailed as a landmark legal decision, as well as a disaster for musical creativity in hip-hop. In this dissertation, I begin by interrogating the case’s significance both in legal and cultural terms, and go on to assess its lasting musical impact in a variety of ways. First, I consider how the case garnered its landmark status, and then expose how historiographic snap judgments created the received narrative about the case. Next I consider *Grand Upright* as the culmination of a series of debates settled out of court, involving artists such as Vanilla Ice, MC Hammer, and Tone Loc. Decided during a moral panic concerning crime and rap music, the *Grand Upright* decision echoed widespread media discourse that conflated sampling with theft. Having engaged with the legal and cultural debates surrounding the case, I then turn to its musical impact: I conduct a corpus study of over three hundred songs drawn from 1988 to 1993, a period often referred to as the “golden age” of hip-hop. My findings suggest that while the average number of samples per song does change, these trends are not equally distributed across subgenres. I explore which genres and artists are most commonly sampled, observing how features common to much African-American vernacular music are especially important in the sampling canon. Because artists can no longer take access to samples as a given, I then consider other forms of intertextuality in golden-age hip-hop songs, such as cover songs and interpolations. I conclude with a series of vignettes on how the effects of sampling lawsuits continue to be felt in today’s music industry, with examples drawn from Kanye West and Jay-Z, De La Soul, and Kendrick Lamar. Ultimately my aim is to offer a revisionary history of hip-hop sampling and copyright in the golden age by reframing *Grand Upright* as a picture of creative resilience rather than catastrophe.

Résumé

En décembre 1991, la première poursuite concernant l'échantillonnage numérique a été réglée devant les tribunaux. Impliquant le rappeur Biz Markie et l'auteur-compositeur-interprète Gilbert O'Sullivan, la décision *Grand Upright c. Warner* a été largement saluée comme une des plus marquantes en la matière, en plus d'être qualifiée de désastreuse pour la créativité musicale dans le hip-hop. Dans cette thèse, je questionne d'abord l'importance de ce dossier tant sur le plan légal que du point de vue culturel, pour ensuite évaluer ses conséquences musicales à long terme. Premièrement, j'examine la façon avec laquelle ce dossier a acquis son statut de cause marquante, et je montre que des jugements historiographiques hâtifs en ont façonné l'histoire officielle. Ensuite, je situe l'affaire *Grand Upright* comme l'aboutissement d'une série d'autres controverses réglées à l'amiable, impliquant des artistes comme Vanilla Ice, MC Hammer et Tone Loc. Intervenue en pleine panique morale sujet des liens entre criminalité et musique rap, le jugement *Grand Upright* s'est fait l'écho d'un discours médiatique plus large associant l'échantillonnage au vol. Ayant débattu des enjeux légaux et culturels liés à cette affaire, je m'intéresse ensuite à ses conséquences musicales, en dressant un corpus de plus de 300 chansons lancées entre 1988 et 1993, une période souvent décrite comme « l'âge d'or » du hip-hop. Mes recherches montrent que même si le nombre moyen d'échantillonnages par chanson fluctue, une telle tendance ne se reflète pas uniformément parmi les différents sous-genres. J'identifie les genres et les artistes les plus souvent échantillonnés, observant à quel point les traits les plus typiques de la musique vernaculaire afro-américaine sont particulièrement prisés dans le catalogue d'échantillons. Puisque les artistes ne peuvent plus tenir l'échantillonnage pour acquis, j'explore d'autres formes d'intertextualité dans les chansons issues de l'âge d'or du hip-hop, telles que les reprises ou les interpolations. Je conclus avec une série de vignettes qui montrent

que les effets des poursuites en matière d'échantillonnage continuent de se faire sentir dans l'industrie musicale d'aujourd'hui, à partir d'exemples tirés de l'œuvre de Kanye West et Jay-Z, De La Soul et Kendrick Lamar. Mon but ultime est de proposer une version révisée de l'histoire de l'échantillonnage et du droit d'auteur dans l'âge d'or du hip-hop en resituant l'affaire *Grand Upright* non pas comme une catastrophe, mais comme un exemple de résilience créative.

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I count myself extremely lucky to have a likeminded and compassionate group of friends who helped me through the trials and tribulations of the Ph.D. I must thank Kate, Ian, Jen, Kiersten, Erin, Keelan, and Sophie: each one of you listened to me rant about my research, played cheerleader, and helped to ground me in your own way. Last but not least, I must thank my family. First, my aunt Carole, who helped support me through the difficult early days of the Ph.D. Any thanks I extend to my parents here will not do justice; thank you for encouraging me and my musical pursuits of all sorts since day one. I have to thank Katie, for fielding calls at all times of day and night and for thinking through many of these issues with me. I thank my partner James with all my heart for supporting and encouraging me in countless ways throughout this process. For whatever it’s worth, this dissertation is as much yours as it is mine.

Finally I must thank Rosie, whose “good vibrations” were a constant source of comfort. Every day I strive to be the person she thinks I am.

Statement of Contributions

Introduction: On Sampling, Hip-hop, and *Grand Upright v. Warner*

I am grateful to my internal examiner, Dr. Nicole Biamonte, for referring me to the articles on corpus studies mentioned in this introduction.

Chapter 3: “Ample Samples, This for Example”

Corpus Study

In this chapter I consulted WhoSampled.com as my main source in locating samples. I also consulted members of listening community, namely James Beaver, David McLeish, Ben Duinker, and Jeremy Tatar.

Chapter 4: “What Goes Around Comes Around”

The Sampling Field of Reference

Many thanks to Nicole Biamonte for her suggestion that I explore rhythmic complexity as a shared feature of sample-based hip-hop and the genres it samples.

Conclusion: “93 ‘Til Infinity”

The Long Shadow of Sampling Lawsuits

I’m glad that my external examiner, Dr. Murray Forman, suggested that I consider the effects of sampling lawsuits on remix culture in the later 1990s and early 2000s: it was a fitting way to end this dissertation, which was in many ways an outgrowth of my work on mashups during my MA.

Introduction:

On Sampling, Hip-hop, and *Grand Upright v. Warner*

From the spontaneous manipulation of vinyl records, to the use of electronic digital samplers, the use of pre-existing recorded music has always been central to hip-hop music. Although rap soon became the focus of hip-hop music, it began with the DJ. Hip-hop DJs adapted the two-turntable and cross-fader set up from disco, using this technology to spin breakbeats, passages in funk, soul, and disco records when instrumentation is stripped back to drums and sometimes bass.¹ Hip-hop music soon evolved to incorporate new technologies: DJs lent their skills to producing, and beginning with Marley Marl in 1985, more and more hip-hop music was created with digital samplers.² “Sampling” is the practice of extracting a segment from a previous recording, musically altering it through cutting, looping, or tempo changes, and using it as an element in a newly recorded song. New sampling technology from the CMI-Fairlight (1979) to the Akai MPC60 (1988) allowed for musical textures built solely on snippets of existing recordings. By hip-hop’s so-called “golden age” from the late 1980s into the early 1990s, most of the musical backing tracks for hip-hop songs consisted either partially or entirely of digital samples.

Given that elements of pre-recorded songs long formed the musical foundation of hip-hop music, it now seems inevitable that the genre would come into conflict with American copyright law. Even the first commercially significant hip-hop song, “Rapper’s Delight,” provoked a legal dispute that ended with members of disco group Chic receiving songwriting credit on the 1979 hit. “Rapper’s Delight” did not use a digital sample, but instead relied upon a live band re-

¹ For more on breakbeats in hip-hop’s early days, see Tricia Rose, *Black Noise* (Middletown, CT: Wesleyan University Press, 1994), 51.

² Rose, 79.

performing the main groove of Chic's "Good Times" (also released in 1979) on repeat for nearly fifteen minutes. As hip-hop continued to take inspiration from earlier music, the 1980s saw numerous out-of-court settlements pertaining to sampling, including cases involving De La Soul and the Turtles, MC Hammer and Rick James, and Vanilla Ice and Queen (with David Bowie). However, because music industry professionals on both sides of these debates were skeptical about the effects of a sweeping legal decision, these disputes were settled out of court for many years.³ The legal status of sampling remained ambiguous until 1991, as hip-hop music and culture gained more exposure and commercial success in the mainstream.

The first sampling lawsuit to be settled in court, *Grand Upright v. Warner* was filed on December 17, 1991. The case involved rapper Biz Markie and singer-songwriter Gilbert O'Sullivan: Markie included a four-measure sample of Gilbert O'Sullivan's 1972 piano ballad, "Alone Again (Naturally)," in his similarly-titled song, "Alone Again." Markie also sang the song's refrain, meaning that he included both a digital sample and a newly-performed reference (also called an interpolation). O'Sullivan requested a preliminary injunction with the aim that Markie's album be removed from shelves. Judge Kevin Thomas Duffy heard the case in the court for the South District of New York between November and December of 1991. He found that sampling without a license was not only infringement, but also suggested it constitutes theft, referring the case for criminal prosecution.⁴ As the first case settled in court, *Grand Upright* set a precedent for the future of sampling in hip-hop. It has been referenced in subsequent sampling lawsuits, and also had a significant impact on music industry practices, establishing sample licenses as yet another means for copyright owners to profit from their holdings. Perhaps most

³ "Old is New Again in the World of Sampling," *Variety*, August 1, 1990.

⁴ *Grand Upright Music Ltd. v. Warner Brothers Records, Inc.*, 780 F. Supp. 182; LEXIS 18276 S.D.N.Y. December 16, 1991.

importantly, the decision sent a strong message to artists that the re-use of recorded music is off-limits unless one acquires the appropriate license. The music industry subsequently adopted strict sample licensing procedures, because the potential cost of fighting a lawsuit was markedly more expensive than paying to use a sample up front.

Grand Upright was decided at the time of what appears to have been a moral panic surrounding rap in the early 1990s, which itself was part of a broader cultural context that obsessed over criminality in Black communities.⁵ The Willie Horton case influenced the 1988 presidential election, with George H.W. Bush using the convict's furlough escape and subsequent perpetration of rape, assault, and armed robbery to bolster his "tough on crime" policies. When elected, Bush took over the "War on Drugs": this campaign caused prison populations to grow exponentially. African Americans were disproportionately affected, and, arguably, targeted by the "War on Drugs," making incarceration a common theme in rap lyrics, and bolstering criminal stereotypes about African Americans. A clash with the police in Detroit during N.W.A.'s 1989 tour placed the group on the blacklists of venues and mainstream radio stations across the country. Discussions of sampling in the popular press often mapped the language of moral panic—highlighting theft, violence, and overall criminality—onto the creative practice of sampling, which had the effect of promoting anti-Black stereotypes. For example, Mark Volman of the Turtles spoke in praise of the *Grand Upright* ruling, claiming "Sampling is just a longer term for theft ... Anybody who can honestly say sampling is some sort of creativity

⁵ According to Stanley Cohen, a moral panic occurs when a "condition, episode, person, or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians, and other right-thinking people." Stanley Cohen, *Folk Devils and Moral Panics* (Saint Albans, UK: Paladin, 1973), 9. Unpacking exactly what happened in the late 1980s and early 1990s, and whether or not contemporary accounts of "moral panic" are justified based on primary sources, is a promising topic for future research. For the purposes of this dissertation, however, I will continue to refer to the furor in the media concerning hip-hop as a "moral panic."

has never done anything creative.”⁶ In the same vein, Judge Kevin Thomas Duffy’s decision opens with the admonishment “Thou Shalt Not Steal,” and continues to equate sampling with theft throughout his decision. Although copyright is often discussed as if it were a neutral force detached from culture, it is firmly situated within broader debates surrounding popular music and issues of identity, racial politics, and power relations.⁷

“The Moper Vs. The Rapper”⁸

Ideas about what constitutes plagiarism, homage, and originality vary from genre to genre. As a golden-age rapper and a 1970s singer songwriter, respectively, Biz Markie and Gilbert O’Sullivan seemed to hold conflicting models of musical originality. For these reasons, a brief discussion of each of these artists’ musical backgrounds will shed light on how the *Grand Upright* dispute came to be.⁹ Marcel Hall, better known as Biz Markie, was born in Long Island in 1964, and rose to prominence in the mid 1980s along with other members of the so-called “new school.”¹⁰ He had been beatboxing since his childhood in the early 1970s and started rapping in 1978.¹¹ After collaborating with rapper Roxanne Shanté, he joined the famed Juice Crew headed by producer Marley Marl. What Markie may have lacked in technical proficiency as a rapper, he made up for in charm and humour. He told Brian Coleman that he struggled to find the spotlight next to some of his friends and collaborators:

⁶ Steve Hochman, “Judge Raps Practice of ‘Sampling,’ ” *Los Angeles Times*, December 18, 1991 and James Jones, “Hammer Takes Hold: Rapper Taps Pop’s Snap in Crossover Hits,” *USA Today*, July 30, 1990.

⁷ K.J. Greene, “Copyright, Culture, and Black Music: A Legacy of Unequal Protection,” *Hastings Communication and Entertainment Law Journal* (1999): 343. Greene writes that copyright operates with an “assumption of race-neutrality” of copyright, something he argues is patently untrue.

⁸ John Leland, “The Moper Vs. The Rapper,” *Newsweek*, January 5, 1992.

⁹ Most of the writing on Biz Markie comes from journalists such as Jeff Chang and Brian Coleman, and there is little scholarly mention of him beyond his role as the defendant in the *Grand Upright* case.

¹⁰ Brian Coleman, *Check the Technique: Liner Notes for Hip-hop Junkies* (New York City: Villard, 2007), 45, and Jeff Chang, *Can’t Stop Won’t Stop* (New York: St. Martin’s Press, 2005), 255-256.

¹¹ Coleman, *Check the Technique*, 45.

Being on Warners [sic] or just through Cold Chillin' [Records] didn't make a difference, since I was never that promoted anyways. I was always my own promoter, since people never seemed to worry that much about me. They put more emphasis on [MC] Shan, [Roxanne] Shanté and [Big Daddy] Kane. It wasn't a big deal. I'd just have to work a little extra harder to get noticed.¹²

Coleman's portrait frames Markie as a joker and an underdog who had to fight for every success that he had, and a cult favourite more than a conventional star.

Back in the seventies and eighties, peeps had to pave their own way. And no one showed that more than the diabolical Biz Markie, who brought more humor to hip-hop than it had ever seen. He made heads laugh and dance, but he also made them see themselves. Biz was the Everyman. The class clown. The guy in the corner who always had to work harder to get heard.¹³

Indeed, Markie's unconventional rapping was something that set him apart: his delivery is not overly clear, and he often slurs words together for comedic effect. Nelson George, writing for *Billboard*, suggested that Markie's quirk was part of his appeal; the single, "Nobody Beats the Biz" "is built around the unusual rap approach of Markie, who is something of a cult hero among the hip-hop hardcore."¹⁴

After contributing verses and beatboxing to other members of the Juice Crew for about a decade, Markie's debut album *Goin' Off* was released in 1988. It produced the singles "Vapors" and "Make the Music With Your Mouth, Biz," the first of which was a minor hit on the *Billboard* Hot Black Singles chart (#80, on July 9, 1988). His next album, *The Biz Never Sleeps* (1989) featured the biggest hit of his career, "Just a Friend," which reached #9 on the *Billboard* Hot 100 chart on March 17, 1990. The song is based on Freddie Scott's 1968 hit "(You) Got What I Need," and could even be considered a hip-hop cover of the song.¹⁵ "Just A Friend" was supported by a comical music video that portrays Markie performing the song's hook at the

¹² Coleman, *Check the Technique*, 48.

¹³ Coleman, 45.

¹⁴ Nelson George, "Don't Be Fooled by a Low Profile," *The Rhythm and The Blues, Billboard*, April 25, 1987, 27.

¹⁵ Something I call an Interpolated Cover, fully explained in Chapter 5.

piano, wearing a powdered wig, ruffled shirt, and brocade jacket clearly meant to evoke the 18th century, while singing the hook horribly out of tune. Markie's third album, *I Need A Haircut* featured the single "What Goes Around Comes Around" (#84 on the Hot R&B Singles chart, #4 Hot Rap Songs), as well as the offending song "Alone Again," which was not released as a single. Following the case, Biz Markie released his fourth album, *All Samples Cleared!* in 1993, and then after a hiatus of a decade, he came back with his final album to date, *Weekend Warrior* (2003). It seems he was attempting a comeback at the time, but his career took a significant hit following the *Grand Upright* case, and with two exceptions, any of his songs that appeared on the *Billboard* charts after *All Samples Cleared!* were in the capacity of a featured artist on someone else's track.¹⁶

The plaintiff Raymond "Gilbert" O'Sullivan was born in Waterford, Ireland, in 1946.¹⁷ Little can be gleaned about O'Sullivan's early life because he is notoriously secretive; his family lived near the Waterford Crystal factory, was entrenched in the lower-working class, and lacked financial stability.¹⁸ Growing up, O'Sullivan was obsessed with The Beatles, whose songwriting would later become an important influence:

I was a Beatles fanatic. When I started off their lyrics had a lot of influence on me. About the only thing I didn't do was be a member of their fan club. I even cut my eyebrows to look like Paul. They put in me the idea of an image because of the fact that they looked so different. I tried to look like Paul McCartney down to the last.¹⁹

¹⁶ He had a minor hit on the "Hot R&B and Hip-Hop Sales" chart in 2004 with his *Weekend Warrior* single "Chinese Food" (at #30), as well as a "Hot 100 Recurrent" hit with "Just A Friend" again in 2009 (#24), likely propelled by his appearance reciting a line from the song in a Radio Shack advertisement, and the release of a greatest hits compilation (both during that year).

¹⁷ Ernie Santosuosso, "Irish Star of 'Alone Again' Doesn't Mind That He's Rarely Alone," *Boston Globe*, September 24, 1973.

¹⁸ Santosuosso, "Irish Star of 'Alone Again.'"

¹⁹ Michael Watts, "Working Class Hero: Gilbert O'Sullivan," *Melody Maker*, October 9, 1971.

By 1970, O'Sullivan had attracted the attention of Gordon Mills, an agent who had helped launch the careers of Tom Jones and Englebert Humperdinck.²⁰ O'Sullivan's first commercial success was the single "Nothing Rhymed," which made the UK Top 10 but didn't gain traction in the North American market. He then released the studio albums *Himself* (1971) and *Back to Front* (1972), but his greatest hit, "Alone Again (Naturally)" (1972) was released as a single. The song helped propel O'Sullivan to fame, with the *New York Times* reporting that this hit alone (including many cover versions) had made the songwriter a millionaire.²¹ The ensuing fame did not sit well with O'Sullivan, who retreated from the public eye for much of 1974.²²

In discussing his work, O'Sullivan consistently emphasized the importance of songwriting and the feelings that inform it; he is particularly sensitive to people making fun of the heartfelt sentiments he expresses in his songs. In one interview, he said of "Alone Again (Naturally)," I knew it was a nice ballad, so it had to be not a comic lyric. That's clear. Nothing humorous."²³ The question of humour raised its head once more when Cold Chillin' Records contacted him to ask permission to sample "Alone Again (Naturally)." In a 2010 interview, O'Sullivan recalled:

They approached us and said, "we would like to sample your song, 'Alone Again' and use it on a track." So we said, "Okay, let's hear it, and if we like it, we'll see where we go from there." And they sent it over, and what they had done was they sampled the intro to "Alone Again" (which is what they do), and then [Biz Markie] rapped over it. And then we discovered he was a comic rapper. And one thing that I'm very guarded about is protecting songs, and in particular "Alone Again." I'll go to my grave defending that song, to make sure that it's not used in a comic scenario, which is offensive to people

²⁰ "Jones, Humperdinck, and Now O'Sullivan," *South China Sunday Post-Herald*, October 11, 1970, 32.

²¹ Ian Dove, "One Song Did It For Gilbert O'Sullivan," *New York Times*, September 7, 1973, 45.

²² Peter Jones, "The Elusive Genius Who Hates Crowds," *South China Morning Post*, February 23, 1975, 27.

²³ "GILBERT O'SULLIVAN tells the TRUE story of ALONE AGAIN (Naturally)," YouTube video, 13:03, posted by mohawk3881, February 3, 2012.

who bought it for the right reasons. And so therefore we refused. But, being the kind of people that they were, they decided to release it anyway.²⁴

Clearly Markie's use of the song touched a nerve by interpreting "Alone Again (Naturally)" in a comic style.

It goes without saying that Markie and O'Sullivan come from different musical backgrounds, and articles about the case (such as John Leland's "The Moper Vs. The Rapper") do not hesitate to highlight their differences.²⁵ More importantly, the conventions of their respective genres (hip-hop and singer-songwriter) assess originality according to different criteria, and thus they consider using the music of the past in radically different ways. As a singer-songwriter, O'Sullivan's sense of originality is closely tied with a sense of authorial intent, supported by a model of authenticity that often privileges the artist's biography. Articles like Peter Jones' "The Elusive Genius Who Hates Crowds" portray O'Sullivan as a solitary creator.²⁶ Songwriting cannot be forced, O'Sullivan quipped: "I'm not a flaming computer ... but the songs do keep on coming ... I usually sit down at the piano with no specific ideas in mind. I just play ... the melodies just come out while I'm playing around. I don't force it or anything. I just enjoy it."²⁷ O'Sullivan has indicated that "Alone Again (Naturally)" is not autobiographical, but it still cues to its listeners that it could be interpreted in that way. On the other hand, Markie works in the context of hip-hop, which holds different concepts of authenticity and originality: what is valued is not so much the novelty of a song's raw materials, so much as the commentary on them, the new and imaginative way that the older material is

²⁴ In fact, O'Sullivan and his brother Terry did not respond to Cold Chillin' Records before Markie's album was due to be released, so O'Sullivan misremembered this detail. "Gilbert O'Sullivan on Biz Markie Sampling Case @ Branchage Film Festival," YouTube video, 2:31, posted by HipHopSlam, September 28, 2010.

²⁵ John Leland, "The Moper Vs. The Rapper," *Newsweek*, January 5, 1992.

²⁶ Jones, "The Elusive Genius," 27.

²⁷ Tony Norman, "Gilbert O'Sullivan," *New Musical Express*, May 6, 1972.

used. Hip-hop also tends towards a collaborative approach to creativity, with crews, posses, and cliques contributing to each other's work, fostering community through collaboration (and it is no coincidence that Markie himself was a member of a famed hip-hop crew). Ironically, O'Sullivan took a different stance when it came to listeners and other artists interpreting "Alone Again (Naturally)": "once it's in the public domain, it's your song. If you like a song of mine or by anybody, it's yours. And your interpretation is all that matters, not my interpretation."²⁸ In the *Grand Upright* case, O'Sullivan and Markie clashed not only on whether or not sampling was creative or criminal, but also on the very nature of what it means to create music that is original.

O'Sullivan suggests that an issue other than copyright infringement may have been at stake: his comments indicate an acute sensitivity to ridicule. Some copyright systems, like those in Canada, the United Kingdom, France, and Germany, have a tradition of moral rights protections. Laura Murray and Samuel Trosow explain moral rights as "the right of integrity, the right of attribution, and ... the right of association."²⁹ These rights belong to the original creator of the work, they cannot be transferred to another person while the original creator is alive, although they can be waived.³⁰ A violation of this first right, they explain, can be framed in response to the following question: "how do we tell whether a modification to a work had prejudiced the honour or reputation of the author?"³¹ O'Sullivan's comments quoted above suggest that he felt that his honour and reputation may have been endangered by Markie's use of his song. His complaint can be read as a response to the violation of his moral rights, rather than infringement alone. Because O'Sullivan worked primarily in the United Kingdom, he may have

²⁸ "GILBERT O'SULLIVAN tells the TRUE story," YouTube video, February 3, 2012.

²⁹ Laura J. Murray and Samuel E. Trosow, *Canadian Copyright: A Citizen's Guide* (Toronto: Between the Lines, 2007), 63.

³⁰ Moral rights can be waived if the work is created in the context of employment. In some copyright traditions, moral rights are perpetual, and can be inherited.

³¹ Murray and Trosow, *Canadian Copyright*, 63.

been familiar with the British copyright system, which includes protections for moral rights. But, because of *Grand Upright*'s jurisdiction—the South District of New York—the case was decided according to American copyright law, which does not have a general moral rights provision.³² If he could have made a complaint based on a moral rights grievance, he likely would have, but since the United States Act did not protect moral rights, he pursued the case based on the neighbouring rights (the infringement of the work and the recording). O'Sullivan owned both the publishing rights—the song abstracted as a work as it might be notated in a score—and the recording—also called “masters” or mechanical rights, which captured a particular performance of a work, preserving it in a physical or digital medium. It is rare for the original artist to retain rights to both, but in O'Sullivan's case, his ownership of both work and recording was insufficient to make a claim on the basis of moral rights, which he may have preferred.

Legal disputes like this one often emerge when an outsider is implicated in an unfamiliar artistic tradition. O'Sullivan could be considered such an outsider to hip-hop culture: rather than negotiating authorship credits or engaging in dialogue with Markie and his label, he resorted to legal action. Viewed this way, it is no surprise that it took such a long time for a sampling case to land in court: as I discuss later (in Chapter 4), the bulk of golden-age samples came from African-American vernacular genres that laid much of the musical and cultural foundations for hip-hop. Although Nile Rogers of Chic brought a complaint to Sugar Hill Records, ultimately the dispute was settled out of court. The singer-songwriter genre not only held different ideas of authenticity and originality, but also different values about how much control an author should have over their material once it is released into the world. Coming out of a musical tradition with roots in funk, soul, and even blues, hip-hop celebrates citation, communal creativity, and a

³² See Murray and Trosow, *Canadian Copyright*, 65. It does have a special provisions pertaining to visual art, but overall the United States has not been open to moral rights claims.

loose sense of musical works as finished and autonomous. As an outsider to this tradition, O'Sullivan used legal recourse, indicating a clash of ideas about creativity between these genres.

Scholarly Fields & Critical Framework

To assess the impact of the *Grand Upright* decision, I am compelled to draw upon strategies from a variety of scholarly fields; I am concerned with questions of genre, originality, stylistic change, public discourses on hip-hop and crime, as well as the intersections between legal institutions and musical aesthetics. I engage with the fields of musicology, media and cultural studies, Critical Race Theory, and legal studies. At its core, this is a historical project on a genre of popular music: I rely heavily upon popularity charts, primary sources from print media, and a range of songs from hip-hop greats to singles by unknown artists. I blend this detailed approach to historical research with methods from empirical musicology, such as calculating average number of samples per song over a period of multiple years. I engage with important musicological debates, especially questions of musical similarity and originality. How similar can two songs be before sampling or citation becomes plagiarism? According to different systems of musical meaning and value, how high is the threshold for musical originality? And, perhaps most importantly, who gets to decide? I analyze individual hip-hop songs in order to discuss broader trends and to highlight the salient features of a particular artist or song. On a larger scale, I also conduct a genre study of hip-hop during a time of significant stylistic change.

Some primary sources (like those in *Billboard*) discussed hip-hop's musical changes in real time. Indeed, the primary source literature on the case offers an informative snapshot of the genre in a state of flux. Because of the nature of *Grand Upright*'s portrayal in the media, I engage with cultural studies and media studies. The case was extensively documented in

mainstream American media, which allows me to interpret both how it was debated at the time, and how discourse on the case evolved. Obviously, the lawsuit did not occur in a vacuum: Judge Duffy's decision was delivered at a time when rap music and its perceived associated threats were in the public eye. Because of this ostensible moral panic, it is crucial that I capture the cultural context of hip-hop in the late 1980s and early 1990s, and so I incorporate not only print media but also relevant examples from film and television. In this way, I examine hip-hop music in and as popular culture: politics, ideology, and power structures collide in the creation and dissemination of hip-hop music, as in any popular culture. Adapting concepts from critical theorists such as Michel Foucault, I read popular culture within a broader cultural context. By researching hip-hop and its legal issues, I engage with the connections between different cultural texts, the aesthetic values or particular groups of society, and institutionalized power.

As a critical factor in American structures of power, race played a significant role in how popular discourse framed these debates. Critical Race Theory and African-American literary theory offer insights on both discussions of identity politics, and the interpretation of particular works. Although hip-hop was created by people of various racial identities, because of its origins in Black communities in the South Bronx, hip-hop has long been understood as a Black genre. Scholarship on the tradition of Signifyin(g) holds a critical place in this project, because sampling can be understood as an extension of this Afro-diasporic rhetorical and intertextual practice. I use Signifyin(g) to explore the ways in which hip-hop intertextuality is part of larger African-American literary and musical traditions, ones that value citation, iteration, and double meanings.³³ As the creations of people who were often legally subjugated, instances of

³³ Henry Louis Gates, Jr., *The Signifying Monkey* (New York: Oxford University Press, 1988); Samuel A. Floyd, *The Power of Black Music: Interpreting Its History from Africa to the United States* (New York: Oxford University

intertextual reference as resistance and political commentary are particularly salient. In this vein, I am especially concerned with the intersections between Critical Race Theory and critical legal studies, from which the former field initially emerged.

Finally, I undertake a study of intellectual property, and music copyright in particular. The musical values that underlie American copyright doctrine were derived from European art music, thus positioned to unfairly impose these values on the complex field of American popular music, which did not develop directly from this tradition. Although *Grand Upright* may indeed have been an important turning point for both music copyright and sampling aesthetics, it was not the first dispute of its kind, only the first to be settled in court. I draw upon historical traces of these other debates settled out of court, as well as placing *Grand Upright* in dialogue with subsequent case law on the issues of sampling and musical plagiarism in hip-hop. I engage with the American Copyright Act of 1976, the aforementioned case law, as well as other literature on hip-hop, crime, and intellectual property. Following the major trends in critical legal studies, I pay special attention to how ideologies shape legal statutes and decisions. Ultimately law is a part of culture, and engaging with it as something other than a neutral governing force is paramount.³⁴

In undertaking historical projects such as this, many perspectives are possible. Recent works of popular music history, such as David Brackett's *Categorizing Sound*, uncover the tendencies of presentism and historicism in historical research.³⁵ Presentist perspectives abound

Press, 1995); James A. Snead, "Repetition as a Figure of Black Culture," in *Black Literature and Literary Theory* ed. Henry Louis Gates Jr., (New York: Methuen, 1984).

³⁴ Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43 no. 6 (July 1991); K.J. Greene, "Copyright, Culture, and Black Music: A Legacy of Unequal Protection," *Hastings Communication and Entertainment Law Journal* (1999); Olufunmilayo B. Arewa, "From J.C. Bach to Hip Hop: Musical Borrowing, Copyright and Cultural Context," *North Carolina Law Review* (2006).

³⁵ David Brackett, *Categorizing Sound* (Oakland: University of California Press, 2016), 5.

in historical work; according to such studies, one of the central concerns of writing histories is interpreting the events of the past as a way to understand present circumstances. The past is firmly viewed from a present perspective, often through retroactive groupings or lists. Presentist histories may view canons as a given, and work with them or bolster them. They may also be concerned with modernizing past events in order to make them legible. Historicist work, on the other hand, engages with the past as its own, distinct period, one that is removed from our own and which requires extra work to access. Regarding differing approaches to the historical study of genre, Brackett writes, “The opposition between presentist and historicist approaches contrasts the retroactive grouping of texts into a genre based on a presumed stylistic consistency and critical consensus with the study of the conflictual meanings of categories via a reconstruction of a historical horizon of meaning.”³⁶ Thus a historicist perspective pays attention to details that may not seem relevant from a present perspective, but may in fact have been deeply meaningful during the period in question. Many of the existing studies on *Grand Upright* espouse a presentist perspective, evaluating the impact of the case based only on the music from the late 1980s and early 1990s that is now deemed to be of greatest value. However, if the aim of a study is to discern what impact *Grand Upright* had on the genre of hip-hop music in general, and more importantly, in the months and years immediately following the lawsuit, one must include canonical and non-canonical artists alike. In other words, because of an existing wealth of presentist accounts, I espouse a historicist perspective, aiming to better understand how *Grand Upright* was understood (culturally, legally, and musically) in the early 1990s.

Because I take a historicist approach, I must pay special attention to how current historical knowledge about the period was produced: Michel Foucault’s genealogical approach is

³⁶ Brackett, *Categorizing Sound*, 5.

conducive to such historicist work. Brackett describes a genealogy as “a method [that] attends to a period’s historical accidents and forgotten trivialities and to the role of these in struggles in cultural production.”³⁷ As a natural extension of historicist writing about music, genealogy demands that the historian “identify the accidents, the minute deviations—or conversely, the complete reversals—the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us.”³⁸ Instead of simply understanding the *Grand Upright* decision as a turning point (as it is so often framed), I aim to question its implicit historical significance. Rather than a teleological point of arrival, or the origin of a new aesthetic practice, I treat *Grand Upright* as an interstice, a moment when, for innumerable reasons, law and practice came into conflict. I interpret *Grand Upright* as neither an origin nor an end, but instead a moment of rupture that demands study:

Genealogy does not pretend to go back in time to restore an unbroken continuity that operates beyond the dispersion of forgotten things; its duty is not to demonstrate that the past actively exists in the present, having imposed a predetermined form to all its vicissitudes.³⁹

I interrogate which cultural and legal conditions made a dispute like *Grand Upright* possible, and why a case that was not broadly binding came to signify the end of the golden age of hip-hop. As a result, I approach secondary sources with a healthy dose of skepticism, following currents in Foucault’s thinking in general. Genealogy demands that any historical fact currently assumed to be “self-evident” was itself produced and solidified over time.⁴⁰ While my usage of genealogical strategies is most obvious in Chapter 1, they permeate the other chapters as well, most notably in how I frame and develop my main research questions.

³⁷ Brackett, *Categorizing Sound*, 6.

³⁸ Michel Foucault, “Nietzsche, Genealogy, History,” in *Language, Counter-Memory, Practice: Selected Interviews*, ed. by D.F. Bouchard (Ithaca: Cornell University Press, 1977), 146.

³⁹ Foucault, 146.

⁴⁰ Brackett, *Categorizing Sound*, 6.

Literature Review

In addition to these critical sources, the vibrant scholarship on hip-hop music also provides an important foundation. Although new in the history of popular music studies (and even more so in the field of musicology), musical scholarship on hip-hop has already covered much terrain. For example, Tricia Rose's foundational study *Black Noise* was published in 1994, directly following the period I discuss in this dissertation. Rose deftly lays out hip-hop's origins, its social context, and discusses its musical aesthetics. The chapter "Soul Sonic Forces" outlines the intersections of technology and oral transmission in hip-hop, with a special focus on the various meanings embodied in hip-hop sampling.⁴¹ *Black Noise* is of particular interest not only as the first book-length scholarly work on hip-hop, but also as a historical document arguably hailing from the golden-age of hip-hop itself. Some more recent studies, such as Loren Kajikawa's *Sounding Race in Rap Songs* also offer important context for my research.⁴² Kajikawa examines rap's uncanny ability to "sound race"—something characteristic to hip-hop but less explicit in other genres. He suggests that discourse on rap is always racially coded: descriptions of Public Enemy's explosive, incendiary style served as euphemisms for Blackness.⁴³ He presents his case studies chronologically, with the chapter on Public Enemy ("Rebel Without A Pause") being particularly informative. In dialogue with primary sources from the golden age, Kajikawa argues that:

Rather than simply providing a canvas for the group's politically charged lyrics and imagery, [Public Enemy's] beats conveyed important content of their own. Building on the techniques and styles of their predecessors while introducing a new way of conceiving of and working with breakbeats--an innovation I describe as "revolutionizing the break"—Public Enemy enabled a new sounding of race in popular music.⁴⁴

⁴¹ Rose, *Black Noise*, 62-96.

⁴² Loren Kajikawa, *Sounding Race in Rap Songs* (Oakland, University of California Press, 2015).

⁴³ Kajikawa, 2.

⁴⁴ Kajikawa, 51-52.

Rose and Kajikawa both argue that samples can articulate musical values and convey extra-musical significances, which are crucial to hip-hop's ability to create meaning.

In *The 'Hood Comes First*, Murray Forman considers how geography is particularly important in hip-hop music and culture; space and place are central to hip-hop discourse. He proposes that hip-hop operates with a "geography of difference" that can be seen in hip-hop's persistent associations with the 'hood, poverty, and urban spaces.⁴⁵ Hip-hop's investment in space is not limited to the physical world: he identifies other, more abstract spatial elements of rap, including discursive space which itself contains the abstractions of the "street" and the "city."⁴⁶ Hip-hop is part of a "black public sphere" comprised of debates concerning everything from what constitutes music, to social, political, and ethical questions.⁴⁷ More recently, Forman has challenged the very concept of hip-hop's "golden age," something I would like to echo in this work.⁴⁸ Now that the genre is in its fifth decade, Forman identifies the tendency of "hip-hop nostalgia," which is particularly concerned with the music of the "golden age." A label such as this implies that the music that came before or after may be of inferior quality—a value judgment I want to resist in my own work. Forman forcefully states that "The Golden Age discourse articulates ideological and authoritative supremacy."⁴⁹ Indeed, as will become clear in what follows, hip-hop fans and scholars alike are invested in demarcating the beginning and the end of the "golden age," often lamenting what came after. I have chosen to use the term "golden age" in

⁴⁵ Murray Forman, *The 'Hood Comes First: Race, Space, and Place in Rap and Hip-Hop* (Middletown, CT: Wesleyan University Press, 2002), 1, xix.

⁴⁶ Forman, *The 'Hood Comes First*, 9.

⁴⁷ Forman, *The 'Hood Comes First*, 11, 12.

⁴⁸ Murray Forman, "The Golden (Age) Cudgel: Hip-Hop Nostalgia and Generational Dissonance," (Conference Paper, Hip-hop in the Golden Age, Bloomington, IN, February 16, 2019).

⁴⁹ Forman, "The Golden (Age) Cudgel." Direct quote drawn from conference abstract.

my work, more as a legible short-hand for a particular period than as a statement of value about hip-hop music in that period or any other.

Beyond these works about hip-hop more generally, several notable sources focus specifically on sampling. Justin Williams's *Rhymin' and Stealin'* identifies the use of pre-existing musical materials as a "fundamental element of hip-hop culture and aesthetics."⁵⁰

Although he does not deal with music copyright explicitly, many of his observations are relevant to considerations of sampling cases. Echoing Rose, he writes

Intertextuality in hip-hop culture always lies at the crossroads between technology and history, between African and African American artistic traditions and newer technologies like digital sampling that allow practitioners to extend older traditions in new and varied ways.⁵¹

Williams considers the history and meaning of sampling in Chapter 1, "Historicizing the Breakbeat," and discusses how jazz rap drew upon jazz's authenticity and prestige in Chapter 2. Approaching sampling from a different perspective, in *Making Beats: The Art of Sample-Based Hip-Hop*, Joseph Schloss presents an ethnography of sampling as a participant observer.⁵² In addition to providing oral histories of sampling, he considers how DJs and producers understand the differences between sampling and live instrumentation, as well as what makes a desirable sample. Mark Katz, on the other hand, considers technological perspectives in *Capturing Sound: How Technology has Changed Music*. Chapter 7 is devoted entirely to sampling: Katz contrasts sampling with more traditional forms of quotation, discusses the technologies that made golden-age sampling possible, as well as the transformative creativity embodied in sampling.⁵³

⁵⁰ Justin Williams, *Rhymin' and Stealin'* (Ann Arbor: University of Michigan Press, 2013), 1.

⁵¹ Williams, 5.

⁵² Joseph G. Schloss, *Making Beats* (Middletown: Wesleyan University Press, 2013), 2.

⁵³ Mark Katz, "Music in 1s and 0s: The Art and Politics of Digital Sampling," in *Capturing Sound: How Technology Has Changed Music* (Berkeley: University of California Press, 2010), 146-176.

Most writing on hip-hop sampling mentions *Grand Upright*, but it is usually passed over briefly, since it is now taken for granted that the case re-defined industry standards and discouraged hip-hop producers from sampling. Some recent scholarship addresses the case in depth, but sustained attention like this is not typical.⁵⁴ In the *Journal of Popular Music Studies*, Amanda Sewell studies the impact of *Grand Upright*, tracing the changes to sampling in the works of five groups over four albums in the late 1980s and early 1990s.⁵⁵ There is a definite trend in the number of samples in the representative albums from the Beastie Boys, De La Soul, Public Enemy, Salt-N-Pepa, and A Tribe Called Quest: the average number of samples per song peaks in 1989, and declines around 1991.⁵⁶ Despite these changes, Sewell argues that the groups' careers did not suffer, and that changes to sampling in hip-hop music are due to factors other than the *Grand Upright* decision. Sewell's work is relevant for any study on the lawsuit, and it even provides a model of the methodology I use in Chapter 3. However, her choice of representative artists does not provide a sufficiently diverse sample size to answer the questions that my project addresses. Describing the rationale behind the selection of the aforementioned artists, she writes,

I selected these five groups for this study for several reasons. First, all five are rap ensembles with multiple members, and the lead rappers in the groups remained consistent across the various albums examined. Second, all of these groups are relatively well-known and have had a reasonable amount of commercial success—all five have had at least one platinum record as certified by the Recording Industry Association of America.

⁵⁴ Amanda Sewell, "How Copyright Affected the Musical Style and Critical Reception of Sample-Based Hip-Hop," *Journal of Popular Music Studies*, 26 (June-September 2014), and Kembrew McLeod and Peter DiCola, "Grand Upright Sets the Tone," *Creative License: The Law and Culture of Digital Sampling* (Durham, NC: Duke University Press, 2011), 131-139. For shorter discussions of the case, see Joanna Demers, *Steal This Music: How Intellectual Property Law Affects Musical Creativity* (Athens: University of Georgia Press, 2006), 7, 94; Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity* (New York: NYU Press, 2001), 143; Donald S. Passman, *All You Need to Know About the Music Business*. 2nd ed. (New York: Simon & Schuster, 1994), 303; and James Boyle, *The Public Domain: Enclosing the Commons of the Mind* (New Haven: Yale University Press, 2008), 147.

⁵⁵ Sewell, "How Copyright Affected the Musical Style," 302.

⁵⁶ Sewell, 302.

Finally, all of these groups released at least two albums before the December 17, 1991 Grand Upright decision and at least two albums after the Grand Upright decision. By using 1991 as the turning point, it becomes clear how the groups' musical styles changed.⁵⁷

These are all valid reasons, and give weight to her findings. Arguably, however, Sewell's representative artists affect, if not predetermine, her findings; the Beastie Boys, De La Soul, and Public Enemy in particular are already known for their use of many samples per song, and are commonly cited in discussions about the decline of sampling. By only including artists already acknowledged to have used many samples, and allegedly affected by the *Grand Upright* decision, Sewell risks reinforcing the narrative of the end of the golden age that she herself critiques. In this regard, I have chosen to depart from Sewell in some important ways. My corpus is drawn from the *Billboard* Hot 100, the Hot Black/R&B Singles, and the Hot Rap Songs charts, with the aim of better representing the rap music an everyday listener would have encountered. Even if the *Grand Upright* decision *did* affect artists like Public Enemy and the Beastie Boys, I am more interested in the case's impact on the genre at large.

Like Sewell, Kembrew McLeod and Peter DiCola focus on sampling lawsuits' effects on canonical artists. In their book on sampling, *Creative License*, in a section titled "Albums You Can't (Or Don't) Make Anymore," they undertake an illuminating experiment about sample licensing fees.⁵⁸ Using data collected from sample clearance agencies, they figure out how much it would cost to license all of the samples on two golden-age classics, Public Enemy's *Fear of a Black Planet* (1990) and the Beastie Boys' *Paul's Boutique* (1989). *Fear of a Black Planet* contains a total of 81 recognizable samples, while *Paul's Boutique* has a total of 125.⁵⁹ Taking into account the prominence of a sample in a new song, the profile of the sampled artist, and

⁵⁷ Sewell, 300.

⁵⁸ McLeod and DiCola, *Creative License*, 201-212.

⁵⁹ McLeod and DiCola, 207-208.

industry conventions about royalties for both songwriting credits and sound recordings, McLeod and DiCola calculated what percentage of the rights in each song Public Enemy and the Beastie Boys would have to concede to the artists they sampled. Some artists always demand 50% of the musical composition share, making it impossible for a song with more than two samples to be divided into less than 100%. For example, *Fear of a Black Planet*'s hit song "Welcome to the Terrordome" contains 9 samples: given McLeod and DiCola's schema regarding musical composition percentages demanded by sampled artists, "Welcome to the Terrordome" would have to offer up 435% of the work for samples alone, leaving none of the rights in the song for Public Enemy themselves. The experiment demonstrates the absurdity of the current sample clearance system, and how much industry practices have lost touch with intuitive ideas of creativity and collaboration. Given each album's hypothetical sample budget and total revenue, each would have the group and their label losing millions of dollars, suggesting these albums would be impossible to make given current sample-clearance practices.

A tacit assumption in McLeod and DiCola's experiment is that *Grand Upright* played a role in making these sample-heavy albums unfeasible. Their discussion begins by comparing these albums to "what happened after hip-hop's golden age," a period to which these albums are assumed to belong.⁶⁰ In an earlier chapter titled "The Golden Age of Sampling," McLeod and DiCola write that "after a wave of lawsuits ... the legal landscape radically changed," and that "courts helped bring the golden age of sampling to an end," implying that the first sampling lawsuit settled in court played a major role in ending the golden age.⁶¹ McLeod and DiCola's sample clearance experiment (described above) serves as a perfect representative of many years of speculation as to the impact of lawsuits on sampling creativity in hip-hop. They argue that the

⁶⁰ McLeod and DiCola, *Creative License*, 201.

⁶¹ McLeod and DiCola, 27 and 35.

legacy of cases such as *Grand Upright* has made certain kinds of music impossible to make and sell legally. Like Sewell, McLeod and DiCola take Public Enemy and the Beastie Boys as representatives of sampling in the years preceding *Grand Upright* rather than the outliers that they may well have been. Nonetheless, I take up this research in the same spirit as McLeod and DiCola by investigating the changes in hip-hop sampling around 1990-1991, and do so through the collection of data relating to the changing number and types of samples.

Scholars working on music copyright, and especially Kembrew McLeod, frequently include interviews with music producers about how the decision affected their creativity. For example, in a 2004 interview with McLeod, Bomb Squad producer Hank Shocklee admitted that Public Enemy “had to change [their] whole style” in 1991, alluding to, though not naming, the *Grand Upright* decision. He vividly describes the changes to their production techniques:

We were forced to start using different organic instruments, but you can’t really get the right kind of compression that way. A guitar sampled off a record is going to hit differently than a guitar sampled in the studio. The guitar that’s sampled off a record is going to have all the compression that they put on the recording, the equalization. It’s going to hit the tape harder. It’s going to slap at you. Something that’s organic is almost going to have a powder effect. It hits more like a pillow than a piece of wood. So those things change your mood, the feeling you can get off of a record. If you notice that by the early 1990s, the sound has gotten a lot softer.⁶²

Shocklee goes on to say that his production team felt discouraged from sampling, and that the change to their sampling aesthetics was related to this fear. While descriptions such as this are evocative, they take place within a discourse that is invested in revealing *Grand Upright* as a barrier for sampling creativity.

⁶² Kembrew McLeod with Chuck D and Hank Shocklee, “How Copyright Law Changed Hip Hop: An interview with Public Enemy’s Chuck D and Hank Shocklee about hip-hop, sampling, and how copyright law altered the way hip-hop artists made their music,” *Alternet* (website), accessed February 29, 2020 at https://www.alternet.org/2004/06/how_copyright_law_changed_hip_hop/.

Arguably these discussions of *Grand Upright* are steeped in nostalgia for the “golden age” of hip-hop, and lament how the case (allegedly) single-handedly killed the collage approach to sampling. All the while, scholars with this perspective often make the case that the canonical groups mentioned above (Public Enemy, De La Soul, and the Beastie Boys) were the most severely affected. Because it supposedly spurred a departure from the beloved sample collage aesthetic of the golden age, the impact of the *Grand Upright* decision has been primarily characterized as negative. As Amanda Sewell observes, much of the work on *Grand Upright* takes the form of “a good-versus-evil rhetoric in which the producers of sample-based hip hop are David to the Goliaths of major record labels, disingenuous copyright holders, and sample troll companies.”⁶³ Indeed, most of the sources I have encountered frame *Grand Upright* as a catastrophe for hip-hop creativity, without interrogating the possibility that aesthetics in the genre may have been changing before the decision. To harken back to genealogy, even “facts” like the negative effects of sampling cases were produced over time, and are themselves evidence of complex historical processes.

Methodology

Much of the literature just described mentions or engages with the *Grand Upright* decision in some way, but many questions regarding the case’s significance remain. First of all, what (if any) were the effects of the *Grand Upright* decision on hip-hop music? Is it true that the legal decision “killed” golden age sampling, as many historical accounts suggest, or were the changes

⁶³ Sewell, “How Copyright Affected the Musical Style,” 314. The “sample troll companies” Sewell refers to are corporate entities that purchase the rights to many songs, often from the 1960s and 1970s, specifically with the intent of bringing lawsuits against subsequent artists who have used these songs. Bridgeport Music Inc., the prosecution in 2005’s *Bridgeport v. Dimension* is the sample troll *par excellence*.

less significant, or of a different kind? Indeed, is it possible to attribute any musical changes to this case in a concrete way, or were there other factors at play? Which artists might have been affected by a lawsuit like this? Were these effects felt universally within the genre of hip-hop, or were some artists affected more than others? As I conducted this research, other questions began to suggest themselves: which events and debates in popular culture may have influenced the way this case was decided? Why was sampling so frequently demonized in the popular press? How did the case's impact come to be taken for granted by scholars of music history and intellectual property? If sampling was no longer a financially viable option for producers, how did they respond? Are the effects of this decision felt in today's music industry in some way? *Grand Upright v. Warner* is most productively understood when positioned at the centre of a network of artists, labels, media debates, and questions concerning hip-hop as a genre in a state of flux. To these ends, I investigate *Grand Upright*'s legacy in a variety of ways: primarily through a corpus study that traces the changes to sampling practices, and through engagement with an array of primary sources. Rather than privileging methodologies and questions that aim solely to assess the case's impact on present music, or furthering any existing narrative of hip-hop, I weave a complex historical account that does not yield easy answers. I move from controversy to controversy, taking stock of how the issues of sampling, creativity, theft, criminality, authenticity, and mainstream success were understood in their original contexts.

To assess how a case like *Grand Upright* may have affected music, I was presented with the challenge of collecting large amounts of data about the conventions of hip-hop sampling before the case and afterwards. Such genre-wide insights can be gleaned from corpus studies. A corpus study, according to Trevor de Clercq, is a study of a body of musical works (a corpus),

“encoded and then analyzed using statistical methods” using a computer.⁶⁴ Thus I relied upon a corpus of popular hip-hop songs that appeared on at least one of three *Billboard* charts: Hot Rap Songs, Hot Black/Hot R&B Singles, and the Hot 100, from 1988 to 1993. Since it was not possible to examine every popular song that appeared on the charts at this time, I had to select individual songs to serve as a representative sample. Choosing or building a corpus is not neutral work—de Clercq rightly observes that selecting a corpus is itself a form of analysis—and each strategy has benefits and drawbacks. Studies such as David Temperley and Trevor de Clercq’s, and Benjamin Duinker’s, have drawn on lists from *Rolling Stone*, while John Ashley Burgoyne, Jonathan Wild, and Ichiro Fujinaga have used the *Billboard* charts to generate corpora.⁶⁵ Because of the nature of my research questions, I opted to generate my corpus using the *Billboard* charts—I explain this process in further detail in Chapter 3. I make no claims to absolute objectivity in my corpus-based work, because any corpus includes some bias or other: corpora using greatest-hits lists like those by *Rolling Stone* feature the preferences of the (often unknown) respondents who created the lists or ranked the songs, while hand-picking songs—even with the utmost care to inclusion and representation—can result in a corpus that is coloured by the preferences of the researcher in other ways. For example, I made a conscious effort to include a higher percentage of the female artists who appeared on the charts, as well as attention to the regional styles mentioned above that was perhaps not representative of their statistical

⁶⁴ Trevor de Clercq, “Rock and Computational Musicology,” in *The Bloomsbury Handbook of Rock Music Research*, eds. Allan Moore and Paul Carr (London: Bloomsbury, 2020), 150.

⁶⁵ Trevor de Clercq and David Temperley, “A Corpus Analysis of Rock Harmony,” *Popular Music* 30 (2011): 47–70; Benjamin Duinker, “Diversification and Post-Regionalism in North American Hip-Hop Flow,” (PhD diss., McGill University, 2020); John Ashley Burgoyne, Jonathan Wild, and Ichiro Fujinaga, “An Expert Ground Truth Set for Audio Chord Recognition and Music Analysis,” in *Proceedings of the 12th International Society for Music Information Retrieval Conference* (2011), ed. Anssi Klapuri and Colby Leider, 633–638.

frequency. However, I chose the set of drawbacks that seemed the least intrusive to my project, and limited my study to a single genre, during a single period.⁶⁶

Although it would have been interesting to contrast the findings of my corpus study with testimony from hip-hop artists, this was beyond the scope of my project. Luckily, because Sewell's and McLeod and DiCola's studies both include them, there is a wealth of interviews with artists concerning the impact of sampling lawsuits. Additionally, one challenge of relying upon interviews in a study of *Grand Upright* is that the case's reputation and apparent legacy has influenced people's perceptions of it, to the point that it is difficult to get a historical perspective on what "really happened." In these cases, I turn to primary sources to trace how the case was discussed in its original context, how people connected to the music industry felt its effects at the time, and then put these accounts in dialogue with the findings of my corpus study. In this way, my project is informed by empirical musicology; it may include a corpus, but it is more appropriately a "corpus-assisted" study than a true corpus study.⁶⁷

On the surface, it may seem that a case study of *Grand Upright* has an overly narrow scope. However, because the decision was delivered at a time of significant change in hip-hop, a study of the musical effects of this case inevitably becomes a genre study. In this way, *Grand Upright* serves more as a point of entry than a single object of study, a means of discussing hip-hop music in transformation rather than an isolated case study. Each legal dispute, song, artist, and even each tabloid scuffle functions as a node in the generic network of hip-hop music. In what follows, I interrogate the lasting impact of *Grand Upright* in a variety of ways: I conduct analyses of the discourse surrounding the case in the popular press and academia; position the

⁶⁶ See David Huron, "On the Virtuous and Vexatious in an Age of Big Data," *Music Perception* 31 (2013): 6, on limiting the scope of corpus studies.

⁶⁷ A distinction aptly stated by my colleague Benjamin Duinker, "Diversification and Post-Regionalism in North American Hip-Hop Flow," (PhD diss., McGill University, 2020), 19.

case within the broader context of a moral panic concerning rap in the late 1980s and early 1990s; undertake a corpus study to quantify the changes to sampling procedures in hip-hop music; and explore how artists continued to make use of earlier music when their access to samples was compromised.

Locating Myself

Before outlining the dissertation's chapters, I want to reflect briefly on my own position in relation to this research. I come to this dissertation as a White academic, one who was born just before the "golden age" of hip-hop. I am what Murray Forman refers to as a "hip-hop native," someone born into a world that already included hip-hop culture, who never knew a world without it.⁶⁸ Growing up in rural and small-town Ontario, my first exposure to hip-hop came around 1990—I vividly recall the music video for Sir-Mix-A-Lot's "Baby Got Back," and cereal merchandise tie-ins for MC Hammer. My world always had hip-hop culture buzzing in the background, but I did not take an active interest until much later: the first hip-hop album in my house was the soundtrack to *8 Mile* in 2002. My love for hip-hop bloomed somewhat later, as I encountered Public Enemy in an undergraduate survey of popular music.

I approach the study of hip-hop music with several layers of privilege: as a White person, coming from the middle class, and as someone who had access to not only an undergraduate degree but also familial support for graduate studies. I listen as someone who has devoted much of her life to the formal, academic study of music, so as an "expert" listener, I differ from many of the original consumers of the music I study. In this dissertation I do not intend to take any

⁶⁸ Murray Forman, "'OG Means Original': Aging in and with Hip-Hop," (Keynote Lecture, Hip Hop Studies North and South, Helsinki, Finland, November 19, 2015). Cited in Inka Rantakallio, "New Spirituality, Atheism, and Authenticity in Finnish Underground Rap" (PhD diss., University of Turku, 2019), 38.

position other than my own, and my observations place my listening experiences in dialogue with what other scholars and artists have written. I am careful not to speak for Black artists. Instead, I put the voices of Black scholars and artists at the forefront of my writing; I attempt to use the privileges that I have (racial, institutional) to speak to instances of systemic racism and miscarriages of justice that I uncover in my work. To echo Mickey Hess, I feel that I am a “guest in the house of hip-hop,” as well as a White ally to issues of racial justice.⁶⁹ I realize that hip-hop music isn’t made for me: as Ice Cube told bell hooks,

I do records for black kids, and white kids are basically eavesdropping on my records. But I don’t change what I’m sayin’, I won’t take out this word or that word because I got white kids buying my records. White kids need to hear what we got to say about them and their forefathers and uncles and everybody that’s done us wrong. And the only way they’re goin’ to hear it uncut and uncensored is rap music ... even though they’re eavesdropping on our records, they need to hear it.⁷⁰

I may be a fan and scholar of hip-hop, but I am cognizant that what I am doing is “eavesdropping” on a cultural form that is not addressed to me. It is in this context that I enter into the work presented in the dissertation.

Chapter Outlines

I begin my study with a consideration of how *Grand Upright* achieved its monumental status in music copyright scholarship. Chapter 1 consists of a discourse analysis that traces how *Grand Upright* was discussed in both scholarly and popular media. I consider the perspectives of people working in the music industry and law in the years following the case, as well as later commentary from musicologists and media studies scholars. Interest in the case accompanied

⁶⁹ Mickey Hess, *A Guest in the House of Hip-Hop: How Rap Music Taught a Kid from Kentucky What a White Ally Should Be* (New York: Ig Publishing, 2018).

⁷⁰ bell hooks, *Outlaw Culture: Resisting Representations* (New York: Routledge, 2006), 150-151.

more widespread scholarly concerns about the fairness of music copyright, especially in light of the Digital Millennium Copyright Act of 1998, the takedown of Napster in 2001, and the filing of other sampling lawsuits, most notably *Bridgeport v. Dimension*. Chapter 2 builds upon the cultural and historical context outlined in Chapter 1, with a special focus on the intersection of copyright lawsuits and criminality in the popular press. Time and time again I encountered the same language that is used to stereotype Black people as inherently criminal applied to the musical technique of sampling. I explore how a network of artists, media debates, popularity charts, and lawsuits connect the moral panic surrounding gangsta rap to the sampling cases settled out of court before *Grand Upright*. I trace connections between Tone Loc, 2 Live Crew, MC Hammer, and Vanilla Ice, artists who were commercially successful (and at times controversial), but for a variety of reasons, are not typically included in histories of hip-hop. Having enjoyed such commercial successes, and working in the subgenre of pop rap (in the cases of MC Hammer and Vanilla Ice), these artists seem to be excluded from hip-hop histories on the basis of a perceived lack of authenticity or musical complexity.

I present the corpus study that contributes the core of this dissertation's original research in Chapter 3. It is comprised of hip-hop songs drawn from the numerous subgenres that reflect the genre's diversity in the years surrounding the *Grand Upright* decision, from 1988-1993. I use a typology proposed by Amanda Sewell to classify the samples in each of the over 300 songs in my corpus, in large part replicating the findings of her study on sampling during this period. By plotting frequency histograms, I also note that changes to sampling practices are unevenly distributed, with some artists and subgenres being more affected than others.

Chapter 4 picks up on the findings of Chapter 3, exploring which artists were sampled most frequently and why. Overall, I call attention to the importance of African-American genres

to the sampling canon, drawing on the concept of Signifyin(g) to further explore the relationships between hip-hop songs and the music of the past that influences them. From 1988 to 1993, however, the sampling frame of reference did not remain static, which can be attributed to two interlocking factors: the gradual emergence of a sampling canon, and the turn away from the collage aesthetic that valued many, eclectic sample sources with varied musical sounds. I propose that the sample compilation *Ultimate Breaks and Beats* played a role in solidifying this canon, popularizing certain samples more than others. I devote Chapter 5 to exploring alternatives to sampling, specifically focussing on interpolations and covers. I propose a spectrum of similarity that ranges from single, one-off interpolations to full-on covers. Evocations of music of the past can be read as instances of Signifyin(g), especially in the guise of troping as described by Samuel Floyd. By considering interpolation as another form of intertextuality in hip-hop, I emphasize that while sampling (at least as it was used in the golden age) may have changed, the fundamental strategy of building on the music of the past remains constant. A brief conclusion follows up on contemporary issues in sampling and music plagiarism, offering several vignettes which, taken together, present a sense of how the effects of sampling lawsuits continue to be felt in today's music industry. These vignettes use examples from artists such as Jay-Z and Kanye West, De La Soul, Kendrick Lamar, and Frank Dukes. From a contemporary perspective, copyright lawsuits did not "kill" sampling, but their effects are broadly felt, from music industry licensing practices to producers' stylistic choices.

Chapter 1: “When Laws were Stern and Justice Stood”:

The Changing Histories of *Grand Upright v. Warner*¹

On December 17, 2019, the Instagram account “onthisdateinhiphop” shared a photo of Biz Markie to commemorate the twenty-eighth anniversary of the *Grand Upright v. Warner* case (Figure 1).

Figure 1: “onthisdateinhiphop” post, December 17, 2019.



Markie sits in a powdered wig attired as a judge, with the caption “BIZ MARKIE SUED AND HIP-HOP SAMPLING CHANGES FOREVER. (1991).” The post elaborates:

#OnThisDateInHipHop ... in a copyright case against #BizMarkie, judge Kevin Thomas Duffy ruled that sampling without permission qualifies as copyright infringement. The

¹ Slick Rick, “Children’s Story,” *The Great Adventures of Slick Rick* (1989).

judgement changed #HipHop because any future music sampling needed to be preapproved by the original copyright owner.

Up until then, producers like #PublicEnemy's #TheBombSquad used HELLA samples to create their instrumentals. Now that samples had to be cleared first, the time it took to clear one record would be stupid mad long if the song had more than a few samples ... in addition to that, sample clearance fees made it uneconomical to use more than 1 or 2 songs to sample.²

As this Instagram post suggests, hip-hop fans are very interested in the impact of sampling lawsuits on musical creativity, to the point that this user speaks with some confidence to the effect of such cases. The post goes on to argue that producers adapted to the decision by using fewer samples, turning to interpolations, and using more live instruments. Like many sources, it places the plight of Public Enemy and their production team the Bomb Squad at the centre of the discourse on this case.

The post from Figure 1 is a telling example of how Biz Markie's lawsuit has been memorialized. Fans and scholars alike have commented upon the case's landmark status and subsequent impact on the music industry and producers' aesthetic and stylistic choices. Judge Kevin Thomas Duffy's terse decision invites such interpretation: he famously begins with a quotation from the Old Testament, comparing sampling with theft. Interest in the case and assessments of its impact on both the music business and on aesthetics have varied significantly: while people working in the music industry and law at the time knew immediately that the decision would be important, musicologists only became interested in the case after the year 2001, when the study of intellectual property in music began to grow in popularity. In the years following 2001, the impact of *Grand Upright* was overwhelmingly characterized as negative,

² Onthisdateinhiphop, Instagram post, December 17, 2019, https://www.instagram.com/p/B6LZDT6HVPk/?utm_source=ig_web_copy_link. Ellipses in original.

lamenting the long-gone “golden age” of hip-hop that it seemingly brought to an end.³ Renewed interest in the case came at a time when music copyright was receiving frequent media attention, because of high-profile debates surrounding music piracy (c. 2001) and the *Bridgeport v. Dimension* decision (2005).⁴

This chapter examines the changing appraisals of *Grand Upright*, from initial interest in the popular press to the current characterization of the case as disastrous for hip-hop; it offers a discourse analysis of sources dating just after the decision, and pays special attention to how the case entered into histories of hip-hop and music copyright. I trace connections between legal cases, scholarly literature, and the popular press to situate the discourse on *Grand Upright* in a larger network of intellectual property issues. By examining how *Grand Upright* is discussed in scholarly and popular literature, I construct a genealogy of how *Grand Upright* acquired its current status as a “landmark case.” This knowledge was systematically produced through repetition and citation: I aim to unsettle the accepted narrative about the case’s significance. *Grand Upright*’s path to “landmark” status and historical significance was not linear: the earliest historical documents indicate divisions and disagreement about the case’s importance. Indeed, *Grand Upright* accrued its status as a landmark case in part by accident. Its citation in the subsequent case *Bridgeport v. Dimension* (2005) contributed to interest in this earlier case, and re-framed it as historically significant and worthy of attention. That is not to say that *Grand Upright* had no effect until this time, but more importantly, the discourse surrounding the case shaped scholarly appraisals of what impact it may have had. Repeated citations led to the current understanding of the case as catastrophic, which misunderstands the case’s import from a legal

³ See especially Kembrew McLeod and Peter DiCola, “The Golden Age of Sampling,” in *Creative License: The Law and Culture of Digital Sampling* (Durham, NC: Duke University Press, 2011), 19-35.

⁴ *Bridgeport Music, Inc. v. Dimension Films*, 410 F. 3d 792; LEXIS 10140. Sixth Circuit, June 3, 2005.

perspective. Mention of the case in *Bridgeport* and historians' repeated citations participated in "the long baking process of history."⁵ In sum, this chapter offers an account of how the discourse on *Grand Upright* evolved and led to its current appraisal as a turning point, a landmark, and according to some, a disaster.

Grand Upright v. Warner: Details Concerning the Case

"Alone Again," the penultimate song on Biz Markie's third studio album, *I Need A Haircut*, featured a sample of Gilbert O'Sullivan's 1972 hit, "Alone Again (Naturally)." Markie's attorney sent a cassette of the song (recorded in March of 1991), to O'Sullivan's brother Terry, who represented his legal interests in the United States.⁶ Not having received a response before the album needed to be ready for distribution, Warner Brothers released the album on August 27, 1991.⁷ Terry O'Sullivan then sent a cease-and-desist, asking that the song be removed from the album, to which Markie's attorney responded that they had anticipated permission and would not have released the song had they known of O'Sullivan's objection.⁸ The lawsuit itself arose when O'Sullivan's publisher (Grand Upright Music), sought an injunction against Markie's distributor (Warner Brothers), a request that the album be pulled from shelves until the issue was resolved. It seems that Biz Markie's defense left much to be desired: his attorney Robert Cinque did not raise the Fair Use or *de minimis* exceptions, which allow artists to make use of copyrighted material under special circumstances. Fair Use offers protections for uses like criticism,

⁵ Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Countermemory, Practice: Selected Essays and Interviews* ed. D.F. Bouchard (Ithaca: Cornell University Press, 1977), 144.

⁶ Carl A. Falstrom, "Thou Shalt Not Steal: Grand Upright Music Ltd. v. Warner Bros. Records, Inc. and the Future of Digital Sound Sampling in Popular Music," *Hastings Law Journal*, 45 (January 1994): 362.

⁷ Falstrom, 363.

⁸ Falstrom, 363.

commentary, and journalism, while *de minimis* stipulates that if the amount taken from a pre-existing work is very small, the resulting work does not constitute infringement. Either one of these exceptions could have been excellent arguments in defense of Markie's sampling. Instead, the case hinged on whether or not O'Sullivan truly owned the copyright—which he did—and placed undue emphasis on Warner Brothers' request for a license, framing it as evidence of their guilt.

The decision was written by Judge Kevin Thomas Duffy, a judge for the South District of New York from 1972 to 2016.⁹ In his long career, Duffy specialized in neither intellectual property nor music; *Grand Upright* is not even mentioned in the *Almanac of the Judiciary*'s list of Duffy's notable cases.¹⁰ Rather, he tried numerous organized crime and terrorism cases, the highest-profile being the Gambino crime family trials of 1985 and the trial of 1993 World Trade Centre bomber Ramzi Ahmed Yousef.¹¹ Because of the perceived risks to his personal safety, Duffy and his family spent many years with a security detail of federal marshals.¹² A devout Catholic, Duffy took great interest in religion, and frequently drew upon religious texts in his decisions; according to Benjamin Weiser, "He said that he had read the Quran—he kept two translations behind his desk— as well as the Bible and the Analects of Confucius, and that he had studied Buddhism and Manichaeism."¹³ He shocked many when he quoted the Quran in his

⁹ Duffy shifted to senior status (semi-retirement) in 1998.

¹⁰ *Almanac of the Judiciary*, s.v. "Kevin Thomas Duffy" vol. 1 (New York: Aspen, 2004): 69.

¹¹ See John F. Keenan, "Some Thoughts on Judge Kevin Thomas Duffy," *Fordham Intellectual Property, Media, and Entertainment Law Journal* 2 (1992): 11, and Benjamin Weiser, "After Nearly 44 Years, and 3 Major Terrorism Trials, a Judge Leaves the Bench," *New York Times*, October 10, 2016.

¹² Weiser, "A Judge Leaves the Bench," *New York Times*.

¹³ Weiser, "A Judge Leaves the Bench," *New York Times*.

ruling in Yousef's case, refuting the idea that the tenets of his faith could have inspired the violence that Yousef and his co-conspirators had planned.¹⁴

Duffy seems to have been mercurial at the bench. In a piece written in tribute to his 20th anniversary as a federal judge, John F. Keenan wrote: "All who know him can attest that he is entertaining, and a study of any one of his 915 reported decisions will convince the reader that he is intellectual," and that his decisions betray a "rare legal acumen [which] gets right to the core of a case, a human being of unusual common sense, humor, and humility."¹⁵ Not all descriptions of Duffy are as flattering as Keenan's, however. A short article in the *New York Times* concerning the different kinds of judges ranked Duffy as neither lenient nor tough: "some judges are regarded as difficult to rank because lawyers find them to be unpredictable, even erratic, a label frequently given to Kevin Thomas Duffy."¹⁶ In his comments about *Grand Upright* on the *Music Copyright Infringement Resource*, legal scholar and intellectual property specialist Charles Cronin had some tough words:

Defendant's heart must have sunk upon learning that Judge Kevin Duffy would hear this case. The *Almanac of the Federal Judiciary* (2004) quotes lawyers who have appeared before Duffy in a mixed review that suggests he is an unpleasant and difficult judge to appear before: "He's mercurial. He can be a brute."¹⁷

Cronin also references an incident in 1996 when Duffy was reprimanded by a Circuit panel "for mistreatment of a lawyer appearing before him."¹⁸ The "Lawyer's Evaluation" in the *Almanac of the Judiciary* (2004) appraises Duffy as a "good-to-very-good" judge, who does not favour plaintiffs/prosecution or defense; he is characterized as a "straight shooter" and a "cowboy" who

¹⁴ Weiser, "A Judge Leaves the Bench," *New York Times*.

¹⁵ Keenan, "Some Thoughts," 9.

¹⁶ "Categories of Judges," *New York Times*, March 4, 1987.

¹⁷ Charles Cronin, Comment on *Grand Upright v. Warner*, Music Copyright Infringement Resource (website), accessed February 13, 2020, <https://blogs.law.gwu.edu/mcir/case/grand-upright-v-warner/>.

¹⁸ Cronin, Comment on *Grand Upright v. Warner*, Music Copyright Infringement Resource.

can be “tough on lawyers,” but who entertains jurors by “go[ing] off on long tangents and giving long lectures.” In addition to the passage quoted by Cronin above, lawyers seemed to find him difficult and unpredictable to work with: “You do not want to rub him the wrong way ... I think his ability is fine, but I downgrade him for his attitude. It’s just a real hassle appearing before him. He can be very unpleasant.”¹⁹ Viewed in the context of Duffy’s long career, the *Grand Upright* case was simply one part of the judge’s complicated legacy. With its ominous opening warning, Duffy’s decision was true to form in so far as it was grounded in a sacred text, and, as Cronin writes, despite its “take-no-prisoners tone [and] iffy understanding ... of the facts and issues before him in this case,” the tone and content of the decision are understandable given his expertise in complex criminal cases.²⁰

Contemporary Responses to *Grand Upright* (1991-1994)

Reactions to Duffy’s decision in 1991 and early 1992 varied, although there was little reason to monumentalize the case, since its impact was yet to be determined. This section focuses on responses to *Grand Upright* in popular press, trade publications (such as *Billboard*), and in legal scholarship from 1991 to 1994. Reviewing these primary sources reveals that *Grand Upright* had not always been hailed as a catastrophe for hip-hop, with some commentators even supporting the decision. Unlike scholarship after 2000, early responses to the case seemed to understand its legal significance: as the first case concerning sampling to be settled in court, *Grand Upright* carried some weight. However, as an injunction filed in a district court that was not appealed, in many ways the case’s afterlife in copyright and hip-hop scholarship has been disproportionate to

¹⁹ *Almanac of the Judiciary*, 71.

²⁰ Cronin, Comment on *Grand Upright v. Warner*, Music Copyright Infringement Resource.

its legal significance. A variety of perspectives emerge in the early 1990s, with outright condemnation of the case limited to a few music industry professionals and early-career legal scholars. In 1991 and early 1992 appraisals of the *Grand Upright* decision were mixed, with most commentary in the popular press either commending Duffy's decision as a defense of creativity, or expressing concern for the possible negative effects on hip-hop music.

Many early articles took an ambivalent approach to the case, refraining from casting judgement except for acknowledging *Grand Upright*'s significance as the first sampling case to be settled in court. Commentators like Deborah Russell, who covered the case for *Billboard* soon after the fact on January 4, 1992, highlighted its importance as a historic first: *Grand Upright* "will carry much weight and provide a yardstick against which future sampling cases will be measured."²¹ She emphasized the case's significance without casting it in an entirely positive or negative light. Other journalists, such as Richard Harrington (*Washington Post*) expressed concerns about the potential effects on music, as well as making light of the situation. He wrote that the decision might "send a cold chill through the rap industry" by strongly discouraging artists from sampling, but also used wordplay throughout the article to make light of the situation. His title, "The Groove Robbers' Judgment" includes what he calls a synonym for sampling, although read in the context of Duffy's decision, one wonders if Duffy himself is implicated as the "groove robber."

Like Harrington, much of the other journalistic and trade coverage often pointed out the seeming absurdity of the case's feuding parties: the rapper sued by the morose balladeer. Titles like "The Moper vs. The Rapper" (*Newsweek*) and "Dissed by Pirates, Dogged by 'Sample Hell'" (*Billboard*), give an impression of the colourful depictions of *Grand Upright* in the

²¹ Deborah Russell, "Judge Clips Biz Markie on Sampling Issue," *Billboard*, January 4, 1992, 1, 63.

media.²² Although ostensibly offering humorous commentary on the case, these sources are often biased in favour of O'Sullivan. One article emphasized the injustice that this "solitary, artistic person" had to "[take] a stand for principle."²³ Commentary such as this frames Gilbert O'Sullivan as a gentle spirit who was unceremoniously robbed of his greatest song, even though the specifics of the case were much more nuanced than this.²⁴ On the other hand, Markie is portrayed either as thieving, or crass and incompetent: not only is sampling dismissed as theft, but Markie's own integrity was called into question, as in one article that closed with a consideration of Markie's particularly crude song, "Toilet Stool Rap" (1991).²⁵ In the context of the moral panic concerning rap at the time, Markie's status as a comedic rapper was not emphasized so much as his identity as a young Black man. Articles like David Gates, Vern E. Smith et al.'s "Decoding Rap Music" (*Newsweek*) are a testament to how their general readership was not attuned to the nuances of different rap subgenres or the personas of different rappers, and the portrayal of Biz Markie in much of the early coverage similarly treats the genre as monolithic.²⁶

The *Grand Upright* decision had supporters as well, although it was often couched in neutral journalistic language that subtly favoured O'Sullivan. James Barron offered one such sympathetic portrayal of Gilbert O'Sullivan in the *New York Times*.²⁷ He took for granted that

²² John Leland, "The Moper Vs. The Rapper," *Newsweek*, January 5, 1992; Richard Harrington, "The Groove Robbers' Judgement," *The Washington Post*, December 25, 1991; Havelock Nelson, "Dissed by Pirates, Dogged by 'Sample Hell,'" *Billboard*, November 28, 1992.

²³ Michael F. Sukin, "Rappers Shouldn't Bash Victor in Sampling Suit: O'Sullivan Was Only Defending His Rights," *Billboard*, June 6, 1992, 6.

²⁴ See especially James Barron, "Composer, Who Knows He's Heard That Song Before, Sues," *The New York Times*, November 29, 1991, and Ronald Sullivan, "Judge Rules Against Rapper in 'Sampling' Case," *New York Times*, December 17, 1991.

²⁵ Harrington, "The Groove Robbers' Judgement," *The Washington Post*.

²⁶ David Gates, Vern E. Smith, Patrice Johnson, Jennifer Foote, and Andrew Murr, "Decoding Rap Music," *Newsweek*, March 19, 1990, 60.

²⁷ Barron, "Composer, Who Knows He's Heard That Song Before, Sues," *The New York Times*.

Markie was guilty because of his original request for a license, demonstrating the same reasoning as Duffy's decision. In *Billboard*, lawyer Michael F. Sukin, (who worked on O'Sullivan's legal team) responded to apparent backlash to the decision, vaguely alluding to a controversy but never naming any dissenters. He too painted a sympathetic portrait of O'Sullivan, who should be commended for standing up to the artists who wanted to take his music.²⁸ Some sources praised the decision outright, with some echoing Duffy's language in calling Markie's sampling "outright theft."²⁹ O'Sullivan's other lawyer, Joseph "Jody" Pope gave many interviews and consistently asserted that the term "sampling" was simply a euphemism "to mask what is obviously thievery."³⁰

Some articles criticized the decision, expressing concern that it would stifle musical creativity; these concerns were normally expressed by people working in the music industry, and especially by those involved with labels that specialized in hip-hop. A&R representative Dan Charnas bluntly feared the decision would "kill hip-hop music and culture," and called it a "nightmare for rappers."³¹ The president of Tommy Boy Records (a hip-hop label) explained that *Grand Upright* was a case of the aging rock establishment looking to capitalize on a fresh new genre with the sole objective of making money.³² By November of 1992—nearly a year after the decision—*Grand Upright* was included in *Billboard's* retrospective about the year in music. Hip-hop journalist Havelock Nelson wrote that 1992 was a difficult year for rap, in part

²⁸ Sukin, "Rappers Shouldn't Bash Victor in Sampling Suit: O'Sullivan Was Only Defending His Rights," *Billboard*, 6.

²⁹ Sullivan, "Judge Rules Against Rapper in 'Sampling' Case," *New York Times*.

³⁰ Chuck Philips, "Songwriter Wins Large Settlement in Rap Suit," *Los Angeles Times*, January 1, 1992.

³¹ Dan Charnas, interviewed in Philips, "Songwriter Wins Large Settlement in Rap Suit," *Los Angeles Times*, January 1, 1992.

³² Monica Lynch, quoted in Leland, "The Moper Vs. The Rapper."

because the case “prompted more than a few major labels to initiate ‘ultrasafe’ sample-clearing procedures.”³³

Despite mixed reactions in the trade literature and popular press, legal scholars unequivocally recognized the case’s importance. Their over-arching critiques of the case addressed the lack of a Fair Use consideration, its limited jurisdiction, and *Grand Upright*’s involvement of both the work and the recording. The Copyright Law of the United States includes a section regarding the “limitations on exclusive rights” of copyright owners, one of which is Fair Use. Section 107 states that use of a copyrighted work “for purposes such as *criticism, comment*, news reporting, teaching ... scholarship, or research, is not an infringement of copyright.”³⁴ The primary strengths of this Fair Use phrasing are its flexibility and adaptability. “Criticism” and “comment” can entail a variety of uses; parody and satire reasonably fall under these exceptions.³⁵ To say that Markie was, at the very least, *commenting* on O’Sullivan’s song would be grounds for such a Fair Use consideration—and I believe that the song could even be understood as a send-up or parody. The Fair Use exception exists in order to protect exactly this sort of commentary on preexisting works; without it, the law unfairly skews the balance of power in favour of copyright owners, rather than copyright users.³⁶ Section 107 also requires that the courts consider

- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- (2) the nature of the copyrighted work;

³³Nelson, “Dissed by Pirates, Dogged by ‘Sample Hell,’” *Billboard*, R-24, and quoting Barry Weiss, R-24.

³⁴ Copyright Law of the United States of 1976, Pub. L. No. 94-553 § 107, (1976). Emphasis added. I have consulted the version of the law that was contemporary with the case.

³⁵ The *Campbell v. Acuff-Rose* decision interpreted 2 Live Crew’s sendup of Roy Orbison’s “Oh, Pretty Woman” in this way: *Luther R. Campbell et al. v. Acuff-Rose Music, Inc.*, 510 US 569, LEXIS 2052 March 7, 1994.

³⁶ Balancing owners’ and users’ rights is a central feature of American copyright. In the act of sampling, a user of one preexisting copyrighted work may become the owner of a new one, but that does not preclude the invocation of this powerful exception.

- (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- (4) the effect of the use upon the potential market for or value of the copyrighted work.³⁷

A nuanced interpretation of Markie's sampling in light of Fair Use may have still resulted in a ruling of infringement.³⁸ However, the fact that there seems to have been no consideration of Fair Use whatsoever is a massive oversight on the parts of both Markie's legal representation and Judge Duffy. Had *Grand Upright* considered these issues, the outcome may have been quite different.

Despite the importance of case law in the American system (which considers cases to be just as binding as statutes or regulations), *Grand Upright* would have only been applicable to other, lower courts in the same district. This hierarchy determines which decisions are binding at which courts, so although *Grand Upright* could be cited as precedent in cases in other jurisdictions, the case itself would not be binding. Scholars like Dean A. Johnson (then a Juris Doctorate candidate), were clearly thinking of this system when remarking that the case would not be broadly binding, but they still had concerns about what this kind of ruling could mean. Additionally, because O'Sullivan owned both the master and the publishing rights (and the sample used significant parts of both), Johnson argued that the decision was not broadly

³⁷ Copyright Law of the United States, § 107.

³⁸ For example, although Markie only uses eight bars and the chorus, they constitute a significant portion of the original song. "Alone Again" was released commercially. These are reasonable arguments against Fair Use, but were not raised.

applicable.³⁹ Many of the cases settled out of court before *Grand Upright* clearly concerned infringement of either the recording or the work, but not both. Biz Markie's use of both, coupled with the fact that the original performer also owned both work and recording, makes *Grand Upright* unlike previous sampling cases; Johnson intimates it was unlikely that subsequent cases would present the same problem. He suggests that record labels and publishing companies are usually more amenable to licensing samples than individual artists are, providing context for O'Sullivan's objection.⁴⁰ To Johnson, *Grand Upright* is a prime example of the vital need for Fair Use analyses—which would help to minimize poor jurisprudence in music copyright cases.

Writing at the same time as Johnson, two other Juris Doctorate candidates, Carl Falstrom and Randy Kravis, each sensed that *Grand Upright* would have significant effects in the industry, and even anticipated some of its potential aesthetic ramifications. Falstrom casts *Grand Upright* in a negative light, criticizing the case's complete lack of legal precedent (beyond the Old Testament).⁴¹ Both Falstrom and Kravis discuss the risks that *Grand Upright* posed both as a legal precedent and to the music industry. Falstrom remarked upon the hostility towards hip-hop in the music industry, which he attributes to the ambiguous legal status of sampling.⁴² Kravis, meanwhile, calls the case a disappointment, a missed opportunity because it failed to address key

³⁹ A. Dean Johnson, "Music Copyrights: The Need for an Appropriate Fair Use Analysis in Digital Sampling Infringement Suits," *Florida State University Law Review* 21 no. 1 (Summer 1993): 163. Not every instance of sampling would have justified clearances of both the work and the recording because some only use small recorded portions that are do not necessarily express elements of the work, such as the two-second guitar sample of Funkadelic's "Get Off Your Ass and Jam" (1975) used in N.W.A.'s "100 Miles and Runnin' " (1990). Given that "Get Off Your Ass" centres around the sung hook "Shit! Goddamn! Get off your ass and jam!" and lasts two-and-a-half minutes, it cannot reasonably be argued that the two-second instrumental sample also makes use of the work. The case thus only considered the question of infringement of the recording. Other cases such as *Newton v. Diamond* hinged on this issue. *Newton v. Diamond*, 388 F.3d 1189 LEXIS 27920, Ninth Circuit, April 7, 2003.

⁴⁰ Johnson, 163. Arguably O'Sullivan is making an argument based on the concept of moral rights (that the author's original intent is not distorted), but moral rights policy does not exist in the United States, making infringement the next logical option.

⁴¹ Falstrom, "Thou Shalt Not Steal," 364.

⁴² Falstrom, 367.

concepts such as *de minimis*, Fair Use, and situations of wilful infringement.⁴³ An interesting parallel between Falstrom and Kravis's articles is that both refer to sampling as an "art form." Falstrom fears that in the future sampling "will virtually perish as an art form," while Kravis wrote that the case "could injure rap and hip-hop music to the point of destroying an art form."⁴⁴

Johnson, Falstrom, and Kravis were all Juris Doctorate candidates when their articles were published, and both Johnson and Falstrom had documented interests in music outside of music copyright scholarship. Johnson majored in Music Theory and Composition in his undergraduate degree, and while Falstrom's short biography only indicates that he earned a B.A., he was also involved in college radio in Chicago at WHPK-FM, and credits a friend with cultivating his appreciation of hip-hop.⁴⁵ Kravis's article includes no biography, and his firm's website indicates that he specializes in criminal law, but his writing on music suggests that he too had more than a passing interest.⁴⁶ All three legal practitioners were likely around the same age at this time, and as recent graduates and young adults, they were in the same demographic as many hip-hop listeners. These articles are thus of special interest not only as some of the earliest legal scholarship on the case, but also because they are written by young scholars who seemed to be fans of hip-hop. By referring to sampling as an "art form," Falstrom and Kravis took a stance that was not ubiquitous at the time.⁴⁷ Each of these scholars was concerned not only with the legal implications of the case, but also with the future of the nascent art of sampling. Rather than viewing a discussion of the legal perspectives on music sampling as an opportunity to question its aesthetic validity, Johnson, Falstrom, and Kravis all take the artistic merit of hip-hop as a

⁴³ Randy S. Kravis, "Does a Song by Any Other Name Still Sound as Sweet?: Digital Sampling and Its Copyright Implications," *American University Law Review* 231 (1993): 268, 269.

⁴⁴ Falstrom, "Thou Shalt Not Steal," 386, and Kravis, "A Song By Any Other Name," 270.

⁴⁵ Johnson, "Music Copyrights," 135 and Falstrom, "Thou Shalt Not Steal," 359.

⁴⁶ "Profile" on the Law Office of Randy Kravis website, <http://www.randykravis.com/> accessed December 12, 2015.

⁴⁷ Falstrom, "Thou Shalt Not Steal," 386 and Kravis, "A Song By Any Other Name," 270.

given, and proceed with critiques of contemporary copyright with the hopes of ensuring the circulation of this music.

A Legal Legacy: *Grand Upright* After 2000

Interest in *Grand Upright* waxed and waned: this section explores how *Grand Upright*'s status as a landmark case was solidified by 2005. In order to assess interest in the key terms "Grand Upright" and "Fair Use," I used Google NGrams, which calculate how often these terms appeared in print. Figure 1 shows a Google NGram for the number of appearances of the term "Grand Upright Music" in the Google Books English language corpus, from the years 1985-2015.⁴⁸ The first mentions of "Grand Upright" appear in 1991, with a small peak in 1994. I suspect this is due to the turnaround time for many peer-reviewed scholarly publications (for example, Falstrom, Johnson, and Kravis's articles came out in this time frame). There are markedly fewer entries in 1996 and 1997, with interest shooting up dramatically from 1999 to 2000, ultimately peaking in 2005. Compare Figure 1 with Figure 2, which shows the frequency of "Fair Use" entries in the same time period.

⁴⁸ Because Google NGram recommends using some amount of "smoothing" or averaging, the graph appears to have an entry in 1990, but this is just a result of how the curve was generated. I have examined the entries before 1996 to ensure that they do indeed refer to *Grand Upright v. Warner*, and all but two in this time span do. The model is obviously not infallible, but does offer an interesting glimpse of the history of *Grand Upright* in print.

Figure 1: Google NGram for term “Grand Upright Music” (1986-2015)

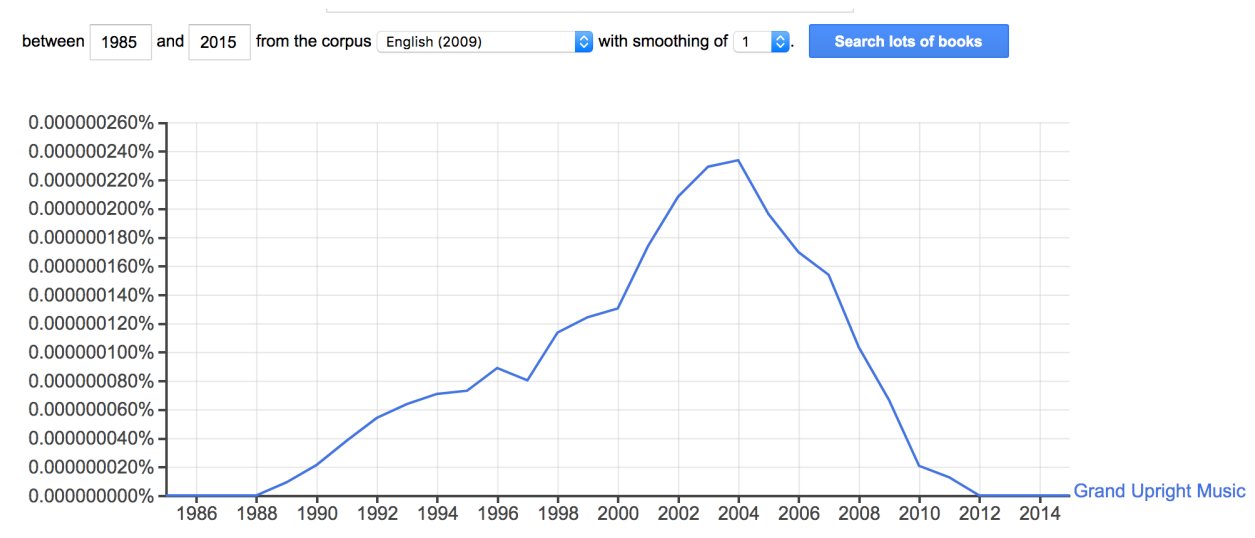
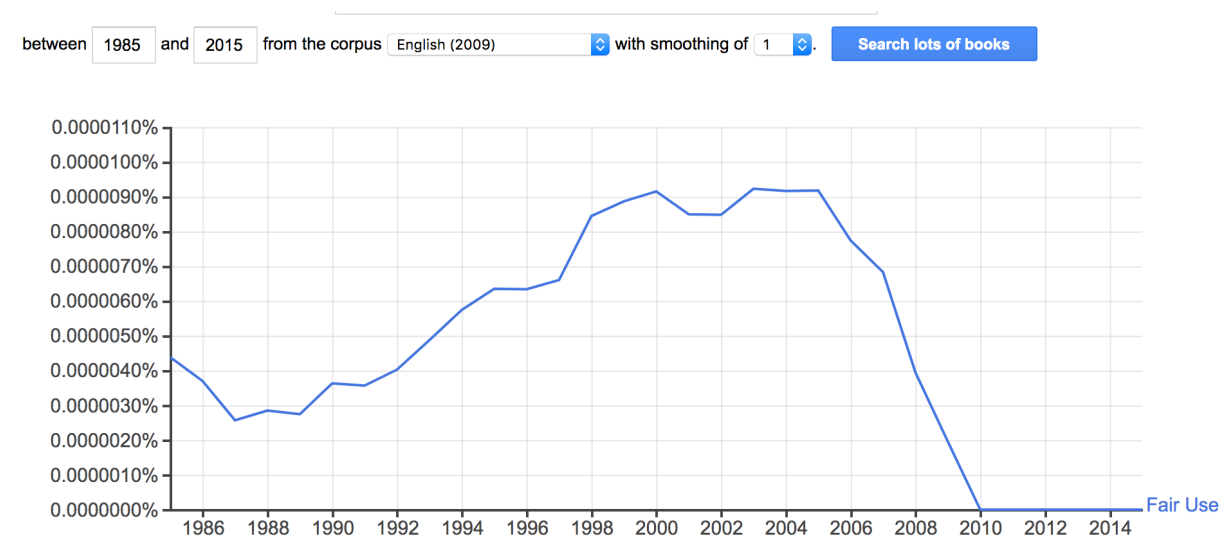


Figure 2: Google NGram for term “Fair Use” (1986-2015)



This term also sees a surge of popularity, in this case peaking in 2003. Interest in *Grand Upright* seems to be tied to some more general preoccupations with copyright. Naturally, correlation does not equal causation, but there does appear to be some relationship between the interest in the terms “Fair Use” and “Grand Upright” according to the Google NGrams. If anything, discussions of Fair Use in the media beginning in the mid-2000s may have spurred interest in the earlier case

(the literature for which contains many mentions of Fair Use), but the frequency of the term “Grand Upright” occurs on a much smaller level of scale than that of “Fair Use.”⁴⁹

Several developments could explain the heightened interest in *Grand Upright* circa 2005.⁵⁰ As changes in technology made it easier to copy and share music, the industry, witnessing this loss of revenue, lobbied legislators to give them back control of their content. For example, compact disc burning and file sharing allowed users to distribute music with unprecedented ease. They were able to “rip” compact discs onto their computers; from there, this music could be shared via various peer-to-peer networks. In response to innovations such as these, content owners lobbied for greater protections. When technology changes again, it has usually opened up other means for copyright circumvention; the result is a perpetual tug-of-war between content owners and users. The 1998 Digital Millennium Copyright Act (DMCA) was one such law that gave copyright owners more avenues to control their holdings. Copyright owners viewed the passing of this bill as a much-needed tool in the fight against piracy, and then turned their attention to music downloaders. In 2001, peer-to-peer sharing service Napster was shut down after being sued by A&M Records, and music and copyright came to media attention like never before. In a similar spirit, the Recording Industry Association of America (RIAA) began to sue music downloaders beginning in 2003, with thousands sued by 2009.⁵¹ In April

⁴⁹ “Fair Use” reaches a maximum of 0.0000092281%, while “Grand Upright” only peaks at 0.0000002291%. Notably the N-Gram for “Fair Use” would include results that do not relate to hip-hop or music specifically, leading to this term being used much more often than “Grand Upright.” However, the trends indicated in the N-Grams still suggest an increasing interest in both terms in the early to mid 2000s.

⁵⁰ For more on copyright developments at this time, see Michael Carroll, “Whose Music is it Anyway?: How We Came to View Musical Expression as a Form of Property,” *University of Cincinnati Law Review* 72 (2004): 1405-1407.

⁵¹ Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (New York: Penguin, 2003), 328, note 11. Numbers range between 18,000-35,000 individuals sued. When Lessig published *Free Culture* in 2004, he cites a number of just under 300. On these various estimates and for a good survey of the cases, see *Electronic Frontier Foundation*, “RIAA v. The People: Five Years Later.” Accessed at <https://www.eff.org/wp/riaa-v-people-five-years-later>.

2003, RIAA sent out a message to users of the file-sharing service Kazaa: “When you break the law, you risk penalties. There is a simple way to avoid that risk: DON’T STEAL MUSIC.”⁵² The subsequent lawsuits against everyday listeners received significant media coverage. Two of the first defendants in these cases, Jammie Thomas-Rasset and Joel Tenenbaum,⁵³ grabbed the media’s attention. RIAA punished these downloaders in a manner that was seemingly disproportionate to their offences in order to dissuade others from making the same mistakes. Thomas-Rasset, an Indigenous mother of four was initially found liable for damages totaling \$222,000 USD for downloading and making available 24 songs through Kazaa (2007); a re-trial raised this amount to \$1,920,000, but an appeal reinstated the earlier total (2012).⁵⁴ A Ph.D. student at Boston University, Joel Tenenbaum was found guilty of the same charges (he downloaded and distributed 30 songs), and was ordered to pay \$675,000 (2009).⁵⁵ Thomas-Rasset was featured in the copyright documentary *R!P: A Remix Manifesto*, which came out while she was awaiting a second trial.⁵⁶ Even though these cases did not concern sampling directly, sampling and downloading were often lumped together as different forms of “music theft.”

Digital sampling was also in the spotlight from 2001 to 2005; three high-profile sampling lawsuits took place during this period, and though they had different outcomes, each ignited interest in *Grand Upright* in some way. *Marlon Williams v. Calvin Broadus* in 2001 involved

⁵² Carroll, “Whose Music is It Anyway,” 1406.

⁵³ *Capitol Records v. Jammie Thomas*, 579 F. Supp. 2d 1210, LEXIS 84155, District of Minnesota, September 24, 2008; *Sony BMG v. Joel Tenenbaum*, 593 F. Supp. 2d 319, LEXIS 33364, District of Massachusetts, January 14, 2009.

⁵⁴ *Capitol Records, Inc. v. Thomas-Rasset*, 692 F.3d 899, LEXIS 19040, Eighth Circuit, September 11, 2012.

⁵⁵ *Sony BMG Music Entertainment v. Tenenbaum*, 719 F.3d 67, LEXIS 12968, First Circuit, June 25, 2013.

Tenenbaum’s damages were decreased to \$67,500 in 2010, but the full amount was re-instated and upheld in 2013.

⁵⁶ *R!P: A Remix Manifesto*. Directed by Brett Gaylor, 86 minutes National Film Board of Canada, 2008.

Marley Marl and Snoop Dogg.⁵⁷ Marley Marl alleged that Snoop Dogg's "Ghetto Symphony" infringed his earlier, iconic hip-hop song "The Symphony," but the court ruled that copyright did not subsist in Marl's work because it contained a significant sample of Otis Redding's "Hard to Handle" (1968). Snoop Dogg's track also featured this sample, which was one of the main reasons for their apparent similarity. In another case, *Newton v. Diamond*, the court also ruled in favour of the defendants. The Beastie Boys sampled James Newton's solo flute composition "Choir" in their song "Pass the Mic."⁵⁸ The flutist-composer made his claim for infringement based on the score rather than the recording of his work; the judge deemed that the minimally-notated score did not show a work that was significantly original.⁵⁹ Although these cases did not address the exact same issues as *Grand Upright*, because they both involved sampling, they seem to have sparked interest in the earlier case.

The sampling lawsuit that drew the most attention to *Grand Upright* was also the most important: *Bridgeport v. Dimension* was brought before the Sixth Circuit Court of Appeals in June 2005 (a higher court than one at which *Grand Upright* was tried). Bridgeport Music Inc., a publishing company which purchased the rights to a significant number of funk and R&B records, sued Dimension Films for the use of an uncleared sample of Funkadelic's "Get Off Your Ass and Jam" in the N.W.A. song "100 Miles and Runnin'."⁶⁰ To further convolute the case, the song by N.W.A. was included on the soundtrack of Dimension Film's 1998 comedy *I Got the Hookup*, making the dispute technically about an uncleared sample in a song that appeared in a film.

⁵⁷ Marlon Williams v. Calvin Broadus, LEXIS 12894, S.D.N.Y., August 27, 2001.

⁵⁸ Newton v. Diamond, 388 F.3d 1189 LEXIS 27920, Ninth Circuit, April 7, 2003.

⁵⁹ Had Newton sued on the basis of the recording rather than the work, the outcome might have been quite different. Because so much of "Choir" relates to timbre, one could make a better argument for infringement based on the recorded performance of the work.

⁶⁰ Bridgeport Music, Inc. v. Dimension Films, 410 F. 3d 792; LEXIS 10140. Sixth Circuit, June 3, 2005.

Like *Grand Upright*, *Bridgeport*'s decision has been commonly hailed as disastrous.⁶¹ Judge Ralph Guy proclaimed, "Get a license or do not sample. We do not see this as stifling creativity in any way." The decision cites *Grand Upright*, but conspicuously *not* as formal precedent. Note 12 references Duffy's "Thou shalt not steal" admonition, and note 16 outlines the court's hesitance towards relying on *Grand Upright*. "Although *Grand Upright* applied a bright-line test in a sampling case, we have not cited it as precedent for several reasons": as a district court opinion, it is not binding (according to the hierarchy of courts); the judge does not distinguish between the recording and the work; and the decision does not include any statutory analysis. "Nonetheless, it did precipitate a significant increase in licensing requests and changes in the way some artists and recording companies approached the issue of digital sampling."⁶² *Bridgeport*'s conspicuous non-citation of *Grand Upright* ignited interest in the earlier case, drawing comparisons between Guy's proclamation and Duffy's, as well as their ostensible negative impacts on the music industry. *Grand Upright* likely appeared so frequently in print in 2005, as indicated in Figure 1, because of this pseudo-citation in *Bridgeport*.

Like popular interest in Fair Use, music downloading, and sampling, scholarly interest in *Grand Upright* increased around 2001, peaking in 2005. Media scholar Siva Vaidhyanathan says that the case nearly stopped sampling altogether.⁶³ He admits that "the case did not kill the music, it just changed it broadly and deeply."⁶⁴ One is led to believe that the broad and deep changes were negative ones, based on his descriptions. Although he concedes that the case didn't kill hip-hop, he does announce the "death" of at least one kind of sampling. He writes:

⁶¹ See especially McLeod and DiCola, *Creative License*, 139-147.

⁶² *Bridgeport Music, Inc. v. Dimension Films*, 410 F. 3d 792; LEXIS 10140. Sixth Circuit, June 3, 2005.

⁶³ Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity* (New York: NYU Press, 2001), 141.

⁶⁴ Vaidhyanathan, 143.

The death of tricky, playful, transgressive sampling occurred because courts and the industry misapplied stale, blunt, ethnocentric, and simplistic standards to fresh new methods of expression. The trend could have gone the other way.⁶⁵

Vaidhyanathan's language is strong and evocative. He takes the stylistic ramifications as a given, and doesn't engage with the alleged musical changes in a detailed way, writing that sampling into the later 1990s was "non-transgressive, nonthreatening, and too often clumsy and obvious," but he does not reference any particular artists or songs.⁶⁶ Sampling into the later 1990s was not uniform: members of the Wu-Tang Clan continued to sample jazz recordings in their solo efforts; gangsta rappers such as the Notorious B.I.G. and 2pac sampled everything from funk to 1980s pop, while alternative hip-hop artists like MF DOOM drew on eclectic range of samples from B-movie soundtracks and film trailers to spoken word recordings. Perhaps "tricky, playful, transgressive" sampling became less common, but all of these examples from the later 1990s and early 2000s speak to the fact that thoughtful, even "transgressive" sampling did not die. Vaidhyanathan's book became an important source for research on the *Grand Upright* case: it is cited in many of the other secondary sources I discuss in this chapter. Because of these citations, I trace the current mythologized treatment of the case back to Vaidhyanathan, who in his treatment of the *Grand Upright* decision as monumental, strayed away from what the case is legally.

The scholarly considerations of *Grand Upright* that followed Vaidhyanathan's book in 2001 largely took the same tone. From the publishing of *Copyrights and Copywrongs* in 2001 to the release of the documentary *R!P: A Remix Manifesto* in 2008, music copyright garnered greater critical and scholarly attention. For example, legal scholar Susan Latham casts the case in

⁶⁵ Vaidhyanathan, *Copyrights and Copywrongs* 143.

⁶⁶ Vaidhyanathan, 143.

dramatic terms: “the court struck fear into the music industry,” and that as a consequence “the pendulum swung in the direction of extreme caution, or paranoia, and the licensing of digital samples skyrocketed.”⁶⁷ Her discussion emphasizes fear and paranoia, which can hardly be said to be assets to the music industry or creative practices. Olufunmilayo B. Arewa remarks on how Duffy’s language in the decision resonates with stereotypes about African Americans and theft, which is “by no means limited to legal commentary and is also discussed in general discourse about hip hop.”⁶⁸ Once again, her assessment—with which I wholeheartedly agree—places the *Grand Upright* case at the centre of debates about race, creativity, and musical value in hip-hop. In a similar vein, Jason Toynbee situates the case within a long tradition of phonographic orality that stretches back to the blues, and using the case as a testament of Karl Marx’s assertion that intellectual property as a form of capital must be abolished.⁶⁹ The implication here is that the oral traditions he lays out are worthy of protection, and that music copyright cases like *Grand Upright* jeopardize this special tradition of musical expression. James Boyle’s discussion of the case in his book *The Public Domain* is particularly interesting, because he declares flatly that *Grand Upright* was “a disaster for rap music. The industry’s practice turned full circle almost overnight.”⁷⁰ Boyle cites Vaidhyathan to support this statement, amplifying this earlier source, and further solidifying its version of the *Grand Upright* narrative. Joanna Demers and Kembrew McLeod and Peter DiCola also condemn the case, the latter authors writing in their book that the

⁶⁷ Susan J. Latham, “Newton v. Diamond: Measuring the Legitimacy of Unauthorized Compositional Sampling—A Clue Illuminated and Obscured,” *Hastings Communication and Entertainment Law Journal* (Fall 2003): at *124.

⁶⁸ Olufunmilayo B. Arewa, “From J.C. Bach to Hip Hop: Musical Borrowing, Copyright and Cultural Context,” *North Carolina Law Review* (2006): 580.

⁶⁹ Jason Toynbee, “Copyright, the Work and Phonographic Orality in Music,” *Social and Legal Studies*, (February 2006): 90.

⁷⁰ James Boyle, *The Public Domain: Enclosing the Commons of the Mind* (New Haven: Yale University Press, 2008), 147.

lawsuit “effectively ended the ‘Wild West’ period for sampling,” as if to recall the “tricky, playful, transgressive” language of Vaidhyanathan.⁷¹

A particularly interesting case study is Donald Passman’s evolving commentary on *Grand Upright* in his music industry guidebook *All You Need to Know About the Music Business*. The guidebook is a standard text for anyone first learning about the music business, and Passman has revised it every three years since its initial publication in 1991 to stay abreast of current trends. Passman’s music copyright section cites *Grand Upright* as a significant moment for the music industry, but his treatment of the case changes over time, tracing the dominant narrative about the case. In the 1994, second edition—the first to be published since the decision—he writes:

This “catch me if you can” attitude was *first litigated* in the case of [Grand Upright] which involved the rapper Biz Marky [sic] sampling Gilbert O’Sullivan’s “Alone Again (Naturally).” See if you can guess how the judge ruled in this case by reading the first line of his opinion:

“Thou shalt not steal.”⁷²

“Because of this case,” he continues, “everyone now treats sampling with the utmost care and respect.”⁷³ By 2013, Passman’s perspective is somewhat different: though these semantic changes were small, they were significant. In the eighth edition (2013), he wrote that “this ‘catch me if you can’ attitude *came to an abrupt halt*,” and that now sampling should be handled “with

⁷¹ Joanna Demers, *Steal This Music: How Intellectual Property Law Affects Musical Creativity* (Athens: University of Georgia Press, 2006), 7, 94. McLeod and DiCola, *Creative License*, 132. See also Kembrew McLeod, *Freedom of Expression ®: Overzealous Copyright Bozos and Other Enemies of Creativity* (New York: Doubleday, 2005), 78-79.

⁷² Donald S. Passman, *All You Need to Know About the Music Business*. 2nd ed. (New York: Simon & Schuster, 1994), 303. Emphasis added.

⁷³ Passman, *All You Need to Know*, 2nd ed., 304.

red velvet gloves.”⁷⁴ The precise difference between “utmost care and respect” and “red velvet gloves” is debatable, but more importantly, bringing the earlier approach to sampling “to an abrupt halt” is quite different than simply acknowledging that it was the “first [case] litigated.” When writing after 2000, Passman frames *Grand Upright* as a significant event; one imagines golden-age sampling as a speeding freight train that was forced to slam on the brakes when *Grand Upright* presented an obstacle. Passman’s changes over time crystallize the trends that I observe elsewhere; in 1994, he refers to it simply as “the first” (as did much journalistic literature), while the 2013 edition evokes an “abrupt” and significant change to sample clearance practices in the industry. That is all to say, his narrative changed along with the discourse surrounding the case and its effects, and reflected a marked turn towards a negative interpretation of the case.

More recent research by Amanda Sewell breaks with these trends, because she refuses to characterize the effects of *Grand Upright* as entirely negative (or positive). She does however echo McLeod and DiCola when she writes that it “essentially put an end to this golden age and led artists to sample much less frequently.”⁷⁵ Otherwise, she is ambivalent towards the potential aesthetic effects of the case, though “this decision forever changed how artists and their record labels approached sample-based hip hop,” the resulting use of more real instruments in gangsta rap wasn’t necessarily a bad thing.⁷⁶ Her approach represents a turn away from taking the effects of the case as a given: she conducts a large-scale study of albums by five canonical hip-hop

⁷⁴ Donald Passman, *All You Need to Know About the Music Business*. 8th ed. Riverside, NJ: RosettaBooks, 2013, 333, 334. These changes seem to date back at least to the 2006 edition, but I have not been able to access each edition of Passman’s book in order to confirm that this is when the changes to this wording were introduced.

⁷⁵ Amanda Sewell, “A Typology of Sampling in Hip-Hop” (PhD diss., Indiana University, 2013), 25.

⁷⁶ Amanda Sewell, “How Copyright Affected the Musical Style and Critical Reception of Sample-Based Hip-Hop,” *Journal of Popular Music Studies*, 26 no. 2-3 (June-September 2014): 295.

artists in order to ascertain whether or not sampling changed.⁷⁷ While I disagree that the artists she chose are representative of the genre as a whole, I commend her approach of turning to the music to answer this kind of historical question. It is the objective of this dissertation to assess what effects *Grand Upright* may have had, and given that both hip-hop and sampling more generally have continued to be part of the landscape of popular music, accounts like Sewell's are helpful interventions, because they ask "what happened?" rather than "how bad was it?"

Discussions of *Grand Upright* evolved after the effects of the case became more apparent, and the echo chamber of *Grand Upright* scholarship established that the case was a landmark, and a disastrous one at that. Of course, it could not have garnered this reputation in a vacuum: changes to copyright law, such as the Digital Millennium Copyright Act, and prominent sampling lawsuits sparked interest in music copyright, inspiring reflection on *Grand Upright*'s place in the histories of hip-hop and music copyright. Admittedly, I found a shortage of sources in favour of the decision after Sukin's 1992 defense in *Billboard*. However, this may be because the bibliography that I surveyed is closely interwoven, with later sources citing earlier ones that offered critiques of the case. In legal studies and in the music industry, where one might expect a more balanced response to the decision, I still perceive skepticism—not simply of the argument that the song's sampling constitutes infringement (for it is possible to have come to this decision by way of statutory interpretation), but of Duffy's justification for this finding.

The great irony of the evolving considerations of *Grand Upright* is how far removed they are from the case's legal significance. The dispute was brought to a district court, O'Sullivan's representation was merely seeking an injunction against the sales of a record that contained what he perceived to be "his" intellectual property. After little ceremony (the docket indicates that

⁷⁷ Her study concerns Public Enemy, De La Soul, the Beastie Boys, A Tribe Called Quest, and Salt-N-Pepa.

most of the case was argued on December 4, 1991), the injunction was granted, and Markie's record was removed from music stores until a new version without the offending track could be released. As a decision in the South District of New York, this case was not widely binding. Its afterlife in music copyright scholarship and hip-hop fandom (as evidenced by the Instagram post that began this chapter) is disproportionate to the case's legal status. *Grand Upright* is not even cited broadly as precedent, despite the pseudo-citation in *Bridgeport*, in part because the legal community was skeptical of Duffy's findings and did not find them useful or broadly applicable. For these reasons, the musical and cultural afterlife of *Grand Upright* far overshadow the case from a legal perspective; indeed, one of the most significant aspects of the case is how it was memorialized, monumentalized, and turned into a creative catastrophe for hip-hop music. By systematically interrogating how the knowledge of *Grand Upright* as a landmark case was produced, it becomes apparent that its impact may not only be exaggerated, but mischaracterized.

Conclusion: Sampling, Creativity, and Theft

The one constant over the decades in the *Grand Upright* literature is its most memorable quote; nearly every source from 1991 to 2014 included Duffy's Seventh Commandment warning. Knowing that Duffy had a penchant for citing religious texts may recontextualize this austere opening statement, but it still lends gravity and weight to what follows. As Falstrom points out, it is the only reference to any precedent, suggesting that Markie's sampling wasn't just illegal: more importantly, it was blasphemous. To emphasize the severity of the offense, Duffy even referred the case for criminal prosecution, which was not pursued.⁷⁸ In 1991, the maximum

⁷⁸ The lawyers' comments in the *Almanac of the Judiciary* mentioned above emphasize how tough Duffy was on sentencing, so this recommendation can be viewed in light of that tendency. *Almanac of the Judiciary*, 71.

penalty for criminal copyright infringement was \$250,000 USD and five years in prison.⁷⁹ As Ronald Gaither writes, Markie's "primary 'crime' was nothing more than following the rich sampling tradition of rap music and hip-hop culture."⁸⁰ Duffy's decision betrayed an underlying distrust of hip-hop music and its race- and class-based connotations that was common at the time, leading him to mischaracterize sampling as theft. As David Goldberg and Robert J. Bernstein observe, a court's aesthetic preferences (and related, unconscious biases) should not be relevant factors in the decision of infringement cases, but they inevitably are.⁸¹ In a similar vein, K.J. Greene argues that copyright reinforces the same racial stratification he observes in society at large, even though it operates with an "assumption of race-neutrality." As a legal system, copyright might seem to transcend the racial politics that place African Americans at a systemic disadvantage in the American legal system, but it too has engrained biases. Copyright not only considers intertextual elements of African-American musical creativity to be theft, but it also lacks adequate protections for the musical elements that mark originality in these songs.⁸²

When it comes to music, American copyright only protects the parameters that can be easily notated, and thus strongly favors music derived from the "literate" European art music tradition. Greene even goes so far as to connect intellectual property rights to civil rights: "If our law is genuinely committed to justice and fundamental fairness, we cannot separate the effects of segregation and discrimination from Intellectual Property or any legal regime."⁸³ He cites *Grand Upright* as one of many instances in which African-American creativity is misunderstood by

⁷⁹ Sullivan, "Judge Rules Against Rapper in 'Sampling' Case," *New York Times*.

⁸⁰ Ronald Gaither, "The Chillin' Effect of Section 506: The Battle Over Digital Sampling in Rap Music," *Vanderbilt Journal of Entertainment Law & Practice* (Spring 2001): 204.

⁸¹ David Goldberg and Robert J. Bernstein, "Reflections on Sampling," *New York Law Journal* 209 no. 10 (January 14, 1993): 31.

⁸² K.J. Greene, "Copyright, Culture, and Black Music: A Legacy of Unequal Protection," *Hastings Communication and Entertainment Law Journal* (1999): 343.

⁸³ Greene, "Copyright, Culture, and Black Music," 384.

notation-centric copyright.⁸⁴ By only protecting melody and lyrics explicitly, American copyright imposes the values of Western art music on popular music that originates from oral traditions in which these are not necessarily the most important musical parameters. *Grand Upright* not only denies that sampling could be creative and worthy of protection, but even more, it asserts that sampling constitutes theft. Because of “stolen” samples and lyrics, and more covertly, the way some of these lyrics seemed to coincide with stereotypes about African Americans, hip-hop was frequently associated with criminality in general. Arewa claims that this erroneous conflation comes from a fundamental misunderstanding of musical borrowing in hip-hop,⁸⁵ while Nelson even goes so far as to call it a “moral panic.”⁸⁶ Equating sampling and theft serves to reinvigorate age-old stereotypes of essential criminality in African Americans while also belittling the creativity embodied in sampling. This discourse of “sampling as theft” occurred against the backdrop of what appears to have been an even more pervasive moral panic concerning rap as violent, obscene, and criminal.

Not only does the discourse on *Grand Upright* surreptitiously associate hip-hop sampling with theft, but it also suggests that the genre suffers from an overall lack of creativity. Judge Duffy concludes his decision by highlighting that Markie and his label were showing “callous disregard for the law” by knowingly infringing on the work of another musician, and that “their only aim was to sell thousands upon thousands of records,”⁸⁷ suggesting a corrupt motivation behind their choice to sample O’Sullivan’s song. Even Charles Cronin, who is critical of Duffy’s decision and generally sympathetic to the defendants in the case, wrote “apart from the gibberish

⁸⁴ Greene, “Copyright, Culture, and Black Music,” 382, note 202.

⁸⁵ Arewa, “From J.C. Bach to Hip Hop,” 581.

⁸⁶ Nelson, “Dissed by Pirates,” R-12.

⁸⁷ *Grand Upright Music Ltd. v. Warner Brothers Records, Inc.*, 780 F. Supp. 182; LEXIS 18276 S.D.N.Y. December 16, 1991.

chanted over O'Sullivan's ostinato, there is nothing original in Biz Markie's song or his recording except his performance of it."⁸⁸ Sampling, and hip-hop more broadly, frequently came under similar critiques in the popular press; this discourse foregrounded the themes of theft, criminality, profanity, rap as non-music, and evoked multiple stereotypes about African-Americans as inherently criminal, lacking creativity, and even sub-human. In the next chapter, I explore how the same language expressed in Duffy's case was used to dismiss the artistic merits of hip-hop as a whole, by conflating the genre with criminality, and playing into the moral panic surrounding the genre in the contemporary press.

⁸⁸ Cronin, Comment on *Grand Upright v. Warner*, Music Copyright Infringement Resource.

Chapter 2: “Caught, Can We Get A Witness?”:

Copyright Lawsuits and Criminality in Hip-hop

Back in 1988, no sampling lawsuits had been settled in court. However, rap artists had begun to reference them in their songs. Artists seemed aware that the first sampling lawsuit was on its way: such a decision would carry weight in the music industry. Sampling lawsuits were discussed from the popular press, to legal scholarship, to rap records themselves. In the song from which this chapter takes its title, “Caught, Can We Get A Witness?,” (1988) Chuck D raps:

Caught, now in court ‘cause I stole a beat
This is a sampling sport
But I’m giving it a new name
What you hear is mine
P.E. you know the time
Now, what in the heaven does a jury know about hell
If I took it, but they just look at me
Like, “hey I’m on a mission,
Check it out y’all: condition.”
(0:27-0:43)

As early as 1988, Chuck D highlights how juries would be ill-equipped to judge the art of sampling, in part because they would not understand its transformative nature (“I’m giving it a new name / What you hear is mine”). Public Enemy were not alone: Stetsasonic’s “Talkin’ All that Jazz” (1988) defends sampling against uninformed critiques; in “Grand Larceny” (1988) Ice-T explains how he uses sample-packed beats to steal the spotlight; Ice Cube boasts about going “Jackin’ for Beats” (1990). By late 1991, when *Grand Upright* was being heard in court, it must have seemed past due to many artists who had already been predicting for years how sampling would fare in court.

In the verse quoted above, Chuck D alluded to how sampling could be perceived as stealing: he “stole a beat.” Much of the discourse surrounding sampling in the popular press

framed sampling in exactly this way: as theft, as derivative, and above all, as something artists did because they did not have the musical proficiency or creativity to craft their own beats. In a 1991 issue of *Studies in Popular Culture*, William Maxwell wrote:

Those who worry about the connection between rap and crime do have a point; there is *thievery* at rap's musical core. Rappers are notably unanxious about their refusal to accept the logic of private artistic property, however. Although d.j.'s refer to sampling as '*stealing*' in rap idiom, they consider their actions as something other than criminal.¹

Maxwell identifies tension between how artists perceived sampling, and the thievery that might be apparent to an outsider looking in. Even in the context of this scholarly journal, one can observe the perception of rap music and hip-hop culture more generally as essentially criminal.

Music journalist Mark Dery took it a step further, explicitly comparing sampling to looting:

“Fabricated from stolen snatches of prerecorded music by smash-and-grab producers who frequently thumb their noses at copyright laws, [rap] is the musical equivalent of shoplifting.”²

Such attitudes stem from broadly circulating stereotypes about young African-American men, who, by no coincidence, make up the majority of rap performers. Maxwell and Dery were not alone in these attitudes—indeed, as I will show, many sources dating from the late 1980s and early 1990s characterize rap as a criminal genre, specifically because of sampling's tenuous legal status. Sampling was framed not only as unoriginal, but as piracy; in a kind of cultural gatekeeping, these same sources often question hip-hop's very status as music, aiming to exclude the practices of young people of colour from the production of “art.”

Criminality is at the heart of reception of rap in the late 1980s: stereotyping of African Americans as criminal helped produce the common association of rap with crime. In *The Mark of*

¹ William Maxwell, “Sampling Authenticity: Rap Music, Postmodernism, and the Ideology of Black Crime,” *Studies in Popular Culture* 14 (1991): 6.

² Mark Dery, “Confrontation: Public Enemy,” *Keyboard* (1990), reprinted in *That's the Joint*, ed. Murray Forman and Mark Anthony Neal (New York: Routledge, 2004), 471.

Criminality: Rhetoric, Race, and Gangsta Rap, Bryan McCann theorizes the “mark of criminality” as a central feature of gangsta rap, and I would add, of hip-hop culture more broadly.³ The mark of criminality is contingent upon its historical context, changing alongside discourses concerning African-American identity. It is a “generic regime of discourses of blackness,” one that “privileges hypermasculinity, hyperviolence, and hypersexuality as central characteristics of black subjectivity” as in 1980s and 1990s gangsta rap.⁴ Robin D.G. Kelley argues that, besides being musically compelling, gangsta rap offers “a window into, and critique of, the criminalization of black youth.”⁵ The mark of criminality can be taken up by artists to critique dominant discourses: McCann argues that artists like Boogie Down Productions, Ice-T, and N.W.A. employ a “parodic reconfiguration” of the mark of criminality to highlight its absurdities, and to highlight how it draws on age-old stereotypes of African-Americans as inherently criminal.⁶ Nevertheless, such “parodic reconfigurations” often serve to perpetuate, rather than dismantle, these stereotypes. In this way, the artists mentioned above are often misunderstood as endorsing the ruthless lifestyles they aim to critique, and thus perpetuate these images in the media. Christine Reyna, Mark Brandt, and G. Tendavi Viki argue that:

anti-rap attitudes can be a proxy for anti-Black attitudes, but the potency of anti-rap attitudes for the disenfranchisement of the Black urban poor lies not simply in prejudice broadly defined, but specifically in the attributional content of the stereotypes associated with rap.⁷

Stereotyped associations between rap, race, class, location, generation, and criminality work together, so that the mark of the criminal and rap are most typically associated with young,

³ Bryan McCann, *The Mark of Criminality: Rhetoric, Race, and Gangsta Rap in the War on Crime Era* (Tuscaloosa, AL: University of Alabama Press), 2017, 3-10.

⁴ McCann, 3.

⁵ Robin D.G. Kelley, “Kickin’ Reality, Kickin’ Ballistics: ‘Gansta Rap’ and Postindustrial Los Angeles,” in *Race Rebels: Culture, Politics, and the Black Working Class* (New York: The Free Press, 1994), 184.

⁶ McCann, *The Mark of Criminality*, 36.

⁷ Christine Reyna, Mark Brandt, and G. Tendavi Viki, “Blame it on Hip-Hop: Anti-Rap Attitudes as a Proxy for Prejudice,” *Group Processes and Intergroup Relations* 12 (2009): 363.

Black, urban, poor men—regardless of the actual identities of rap listeners, artists, or criminals.⁸

As the demographic most associated with hip-hop, these young men and boys have been stereotyped by law enforcement, and accused (and even wrongfully convicted) of crimes with rap music used as evidence against them.

How Rap Came to be Viewed as a “Criminal” Genre

A brief chronology of how rap became viewed as a “criminal” genre—and how artists used and critiqued this association to authenticate their work—will help elucidate how sampling could be understood as theft. Kelley traces the outlaw attitude found in much gangsta rap to blues in the early twentieth century and the “baddman” trope of late nineteenth-century ballads.⁹ Although hip-hop itself was not always viewed as explicitly criminal, he writes that “gangsta lyrics and style were part of the whole hip hop scene from its origins in the South Bronx during the mid-1970s.”¹⁰ In these early days, hip-hop culture relied on re-using and misusing public and private property as spaces for music making and dance,¹¹ but these transgressions did not seem to adversely affect perceptions of the culture. Old-school hip-hop songs by artists like the Sugarhill Gang, The Funky 4+1, Kurtis Blow, and The Treacherous Three include boasts and self-aggrandizement, but the music and the rapping do not bear strong associations with criminality. One of the first detailed references to crime in rap is Melle Mel’s final verse in Grandmaster Flash and The Furious Five’s “The Message” (1982). Melle Mel narrates the life story of a child born in urban poverty, who grows up to admire the criminals in his neighborhood. As a young

⁸ Indeed, the abstraction of “the city” is omnipresent in hip-hop. See Murray Forman, *The ‘Hood Comes First: Race, Space, and Place in Rap and Hip-Hop* (Middletown, CT: Wesleyan University Press, 2002), 26.

⁹ Kelley, *Race Rebels*, 186.

¹⁰ Kelley, 186.

¹¹ See Tricia Rose, *Black Noise* (Middletown, CT: Wesleyan University Press, 1994), 34-35, as well as Forman, *The ‘Hood Comes First* for discussions on the role of public spaces in early hip-hop.

man, he eventually ends up in prison “for an eight-year bid” and takes his own life. Even the famous refrain of “The Message” can be read as both a critique and a threat, foreshadowing the dual impulse of gangsta rap: “Don’t push me ‘cause I’m close to the edge / I’m tryin’ not to lose my head / It’s like a jungle sometimes, it makes me wonder how I keep from goin’ under.” By no means does Melle Mel’s rap glorify violence or a criminal lifestyle, but it is certainly one of the first examples to deal plainly with those themes, and how they affected the demographics most associated with rap.

In his verse, Melle Mel clearly denounces the lifestyle and activities that lead to the unnamed young person’s fate, instead pointing to this tragedy as a symptom of urban decay and poverty; other artists like Ice-T use criminal imagery to bolster their own perceived authenticity. While using many musical features of old-school hip-hop, Ice-T’s “The Coldest Rap” (1983) also includes some of the lyric hallmarks of gangsta rap:

Yo yo yo, please please, please check it out
Cause I'm a player, I'm always clean
I bought Mercedes Benz when I was seventeen
From the womb to the tomb, I run my game
Cause I'm cold as ice, and I show no shame
(1:10-1:23)

In the song’s three verses, Ice-T boasts of his wealth, weapons, sexual prowess, and his car, all of which became common themes of gangsta rap lyrics. Ice-T is commonly acknowledged as a progenitor of the subgenre: Tricia Rose writes, “Ice-T put the Los Angeles gangsta rap style on the national map, which encouraged the emergence of NWA, Ice Cube, Too Short, and others.”¹² Subsequent songs in the mid-1980s by Ice-T and Schoolly D (such as “6 in the Mornin’” [1986], “P.S.K.” [1985], and “The Signifyin’ Rapper” [1988]), further solidified the conventions of gangsta rap by incorporating more “criminal” lyric imagery. The lyric content alone, however,

¹² Rose, *Black Noise*, 4.

would not be enough to fuel the moral panic surrounding gangsta rap that followed in the media: several high profile incidents of violence involving hip-hop artists intensified these concerns.

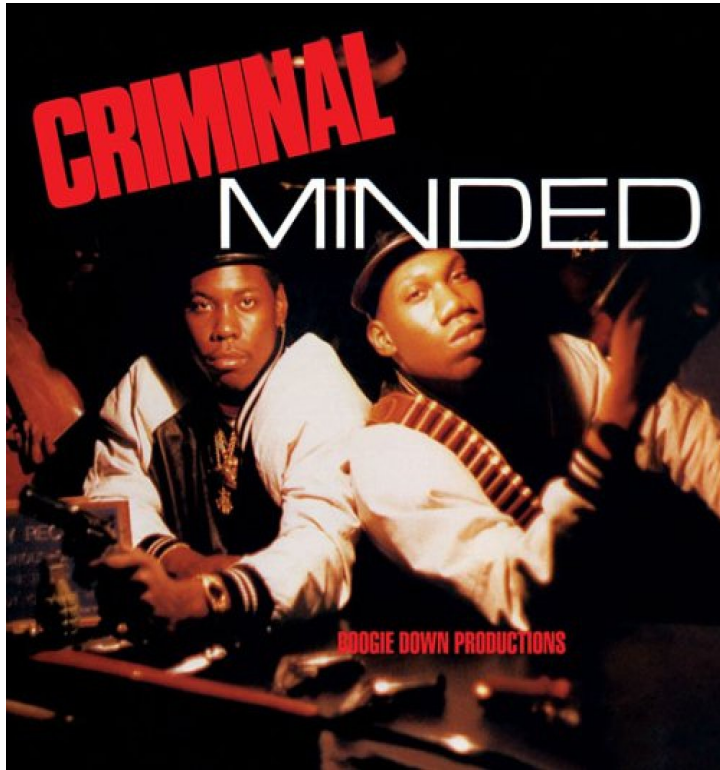
One such incident occurred on December 27, 1985, when seven people were shot at a holiday party for the cast of the hip-hop film *Krush Groove* in New York. The United Press International reported that “since its debut last summer, *the movie has spawned violence among its fans* in communities across the country. ‘Krush Groove’ features rap music and dancing that is popular among black youths.”¹³ As with the *Krush Groove* shooting, violent crime was not merely a topic for films. In 1987, DJ Scott La Rock of hip-hop group Boogie Down Productions was shot and killed while trying to defuse a confrontation between friends; the group had received attention in the previous months for their album *Criminal Minded*, which included cover art of Scott La Rock and rapper KRS-One displaying guns and ammunition—likely the first album cover to include such imagery (Figure 1). Coverage of the incident in the popular media drew attention to the parallels between Scott La Rock’s music, the *Criminal Minded* album cover art, and the violent nature of his death. In the *New York Times* Esther Iverem wrote, “Some say the tragedy illustrates how violence and the hip-hop music scene seem to come together like the clapping hands at rap concerts and films.”¹⁴ She goes on to draw attention to the *Criminal Minded* album cover, citing it as a sort of omen, despite the fact that KRS-One insisted that the album in no way advocated violence, that he and La Rock were simply drawing attention to the fact that “the people who are criminal minded are the people who are on top today.”¹⁵

¹³ “Violence Erupts at Krush Groove Christmas Party” *United Press International*, December 28, 1985. Emphasis added.

¹⁴ Esther Iverem, “Violent Death Halts Rap Musician’s Rise,” *New York Times*, August 31, 1987.

¹⁵ Iverem, “Violent Death Halts Rap Musician’s Rise,” *New York Times*.

Figure 1: Boogie Down Productions, *Criminal Minded*, B-Boy Records © 1987



To honour La Rock's memory, KRS-One founded an East-Coast hip-hop super-group called The Stop the Violence Movement (STV), which released a hit single, "Self-Destruction," in 1988.¹⁶ STV advocated against violence in hip-hop and in Black communities more broadly. By 1990, a West-Coast equivalent of STV—The West-Coast All Stars—released "We're All in the Same Gang," a song denouncing gang violence, which incidentally featured some of the artists most associated with gangsta rap.¹⁷ Despite these interventions, the super-groups continued to evoke associations between rap and gun violence.¹⁸ Discussions of violence in rap—and even songs

¹⁶ The group included KRS-One, Stetsasonic, MC Lyte, Kool Moe Dee, Doug E. Fresh, Public Enemy, Heavy D, and Just-Ice.

¹⁷ Such as Dr. Dre and Eazy-E of N.W.A., King Tee, and Ice-T.

¹⁸ Nelson George's column "The Rhythm and the Blues" highlights this tension, while also drawing attention to the risks the Stop the Violence Movement artists were taking by taking a stance *against* violence, because such a stance could affect their perceived authenticity in the hip-hop community. Nelson George, "Rap Artists Confront Community Issues," *Billboard* November 26, 1988, 22.

denouncing violent crime—reinforced the associations between the genre and criminality in the media, despite the artists’ best intentions. As Kelley writes:

Virtually all gangsta rappers write lyrics attacking law enforcement agencies, their denial of unfettered access to public space, and the media’s complicity in equating black youth with criminals. Yet, the rappers’ own stereotypes of the ghetto as “war zone” and the black youth as “criminal,” as well as their adolescent expressions of masculinity and sexuality, in turn structure and constrain their efforts to create a counternarrative of life in the inner city.¹⁹

Although KRS-One was offering such a counternarrative in his creation of the Stop the Violence Movement, “Self Destruction” was one more piece of popular culture that depicted hip-hop and crime as hand in glove.

Other high-profile incidents in from 1989 to 1991 enhanced the American public’s perception of rap as an inherently criminal genre. One such incident was the Central Park Jogger case of 1989. On the evening of April 19, 1989, a young White female investment banker was raped and beaten in Central Park as she went for a jog after work. Coverage of the incident indicated that the suspects were young African-American and Latino men, and that they sang portions of Tone Loc’s “Wild Thing” (1989) after the attack. Reports began to refer to the actions of the alleged group of teens as “wilding”:

One of the accused [was quoted] as saying, “We were going ‘wilding.’” But police in the precincts had never heard the word before; nor had street kids surveyed by reporters. Some suspect that the accused actually told the police they were after “the wild thing”—a euphemism for sex—from [Tone Loc’s] *rap song of that name*.²⁰

Although the author, J. Anthony Lukas, omits the artist’s name, Tone Loc’s “Wild Thing” would have been known to many readers, since earlier in 1989 it peaked at #2 on the *Billboard* Hot 100—the highest position that a rap song had held to date. The thought of bands of young Black men and boys roaming neighborhoods looking to stir up trouble and commit violent crimes

¹⁹ Kelley, *Race Rebels*, 185.

²⁰ J. Anthony Lukas, “Wilding—As American as Tom Sawyer,” *New York Times*, May 28, 1989. Emphasis added.

distressed citizens in New York City and beyond: the Central Park jogger case appeared to escalate into a full-blown moral panic with rap music at its core.²¹ Perhaps more than anything, the panic surrounding “wilding” served to perpetuate “a lexicon of urban crime that reinforces criminal stereotypes. As a result, prejudice and discrimination in the criminal justice system [were] reproduced.”²² Indeed, the five boys convicted in the Central Park jogger case were exonerated in 2002 thanks to new DNA evidence and a supporting confession from a convicted serial rapist. But by this date, the damage to rap’s reputation was done: because rap was already understood in the popular press to have ties with crime, its position at the heart of the “wilding” moral panic (with a rap song even providing its name) solidified rap’s status as a violent, criminal genre. Contemporary listeners might notice the irony that Tone Loc’s “Wild Thing” neither advocates violence in any way (although it does contain some misogynistic lyrics), nor was it performed by an artist associated with gangsta rap. The connection between Tone Loc’s “Wild Thing” and the Central Park jogger case was merely coincidental (the perpetrator neither sang any of the song, nor was among the accused in the first place), but it did not make the apparent correlation between rap and violent crime any less powerful.

As KRS-One argued, hip-hop and crime do not naturally go hand in hand. In the *New York Times* article concerning Scott La Rock’s tragic death, Boogie Down Productions’ manager Scotty Morris clarified that the association is not a natural one: “it’s not the music itself, it’s the environment. Violence was here long before hip-hop.”²³ Since its early days, hip-hop culture existed in urban spaces that were underserved or abandoned by their governments, often making alternate systems of community organizing necessary (in the tradition of the Black Panther

²¹ Michael Welch, Eric A. Price, and Nana Yankey, “Moral Panic Over Youth Violence: Wilding and the Manufacture of Menace in the Media,” *Youth and Society* 34 no. 1, (September 2002): 5.

²² Welch et al., 18.

²³ Iverem, “Violent Death Halts Rap Musician’s Rise,” *New York Times*.

Party)—it was this role that gangs of the South-Central Los Angeles initially served.²⁴ The violence that plagued hip-hop artists and culture in the 1980s and early 1990s was ultimately a symptom of the same systemic injustices that affected urban, poor and working-class communities of colour: if anything, rap helped to give voice to the struggles that were previously passed over in popular music. As KRS-One wrote in a *New York Times* Op-Ed,

Ineffectively schooled, with no positive role models, just wanting money like fantasy people on TV, poor youth have nothing constructive to do. When Nancy Reagan told everyone to “Just say no” to drugs, she didn’t indicate what to say “Yes” to. We are adrift in this country, exiles from a system that wants nothing to do with us. Many of us will continue to end up on drugs, in jail or dead.²⁵

He goes on, “Rap music, stigmatized by many as mindless music having no artistic or socially redeeming value, can be a means to change.” By simply speaking to the experiences of young urban people of colour, and by offering an alternate forum for history and knowledge, KRS-One suggested that rap could be part of the solution.

“Rap Sheet”: Coverage of Rap and Crime in the Popular Press

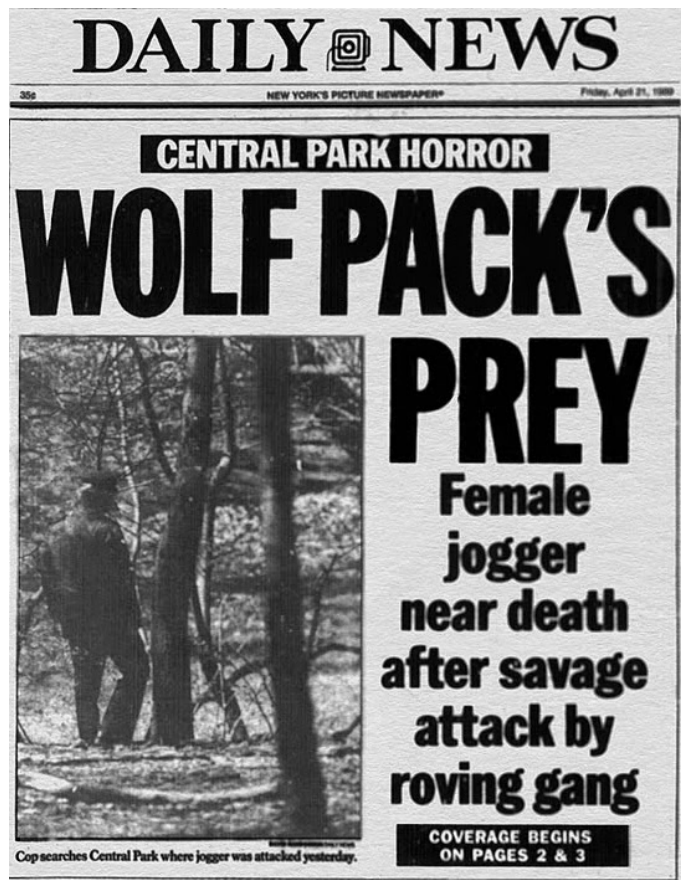
Few articles dating from this period display the depth and nuance of KRS-One’s editorial. Indeed, coverage of violence connected to hip-hop in the popular press exacerbated stereotyping and contributed to the moral panic surrounding the Central Park jogger case—which in turn spilled over to affect perceptions of rap music and hip-hop culture more broadly. For example, one cover story on the Central Park jogger case blatantly dehumanizes the suspects in the case on

²⁴ See Kelley, *Race Rebels*, 196, and Josephine Metcalf, “From Rage to Rap and Prison to Print: Social, Cultural and Commercial Context in the Emergence of Gang Memoirs,” *European Journal of American Studies* (Autumn 2009): 7-10.

²⁵ KRS-One, “A Survival Curriculum for Inner-City Kids,” *The New York Times*, September 9, 1989. Notably the *Times* describes KRS-One as “a song writer and producer” for “a rap group,” as if to distance him from rap to lend greater credibility to his claims.

the basis of race, age, and class: New York's sensationalist tabloid the *Daily News* included a shocking cover story on the incident (see Figure 2).

Figure 2: *Daily News* Cover Story, April 21 1989



The headline never refers to the accused as *people*: they are a “wolf pack” with the jogger as their “prey,” and their individuality is erased by their identity as a “roving gang.” Valerie Smith and Kimberlé Crenshaw highlight how coverage in such cases dehumanizes the suspects in exactly this way, because the incident was reported as an “*interracial rape*,” instrumentalizing anti-Black racism and the hyper-sexualization of Black men in order to fuel the moral panic

under the guise of sympathy for the White female victim.²⁶ Writing for *Newsweek*, George Will blames the rape of the Central Park jogger on rap music—here, not Tone Loc, but 2 Live Crew:

When arrested a defendant said “It was something to do. It was fun.” Where can you get the idea that sexual violence against women is fun? From a music store, through Walkman earphones, from boom boxes blaring forth the rap lyrics of 2 Live Crew ... Fact: Some members of a particular age and social cohort—the one making 2 Live Crew rich—stomped and raped the jogger to the razor edge of death, for the fun of it. Certainty: the coarsening of a community, the desensitizing of a society will have behavioral consequences.²⁷

Will concludes his article with the same logic that Crenshaw and Smith identify in the coverage of the Central Park jogger case more generally, by suggesting that the members of 2 Live Crew are less than human: “Words, said Aristotle, are what set human beings, the language-using animals, above lower animals. Not necessarily.”²⁸ Both in the rumour that the accused sang “Wild Thing” during the incident, and in the attribution of the violence to the graphic lyrics of 2 Live Crew, coverage of the Central Park jogger case fuses rap with the identities of the accused as young, African-American and Latino men, through the mark of the criminal. Crenshaw describes the racist mechanism that prompted mention of 2 Live Crew in the case, “Since the rapists were young Black males and *Nasty* [album by 2 Live Crew] presents Black men celebrating sexual violence, 2 Live Crew was in Central Park that night, providing the underlying accompaniment to a vicious assault.”²⁹ Notably, neither the accused nor the perpetrator referenced 2 Live Crew, making Will’s column the only reason 2 Live Crew would be discussed in the context of the case. Because much of the “evidence” presented against the Central Park Five has since been debunked as anecdotal or fabricated, it is unlikely that either Tone Loc or 2

²⁶ Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review* 43 no. 6 (July 1991): 1267, and Valerie Smith, “Split Affinities: The Case of Interracial Rape,” in *Conflicts in Feminism*, ed. Marianne Hirsch and Evelyn Fox Keller (New York: Routledge, 1990), 271 and 274.

²⁷ George Will, “America’s Slide Into the Sewer,” *Newsweek*, July 30, 1990.

²⁸ Will, “America’s Slide Into the Sewer,” *Newsweek*.

²⁹ Crenshaw, “Mapping the Margins,” 1291.

Live Crew were “in Central Park” at the time of the brutal assault—“Wild Thing” may not have been sung, rapped, chanted, or otherwise—but it only takes one or two such reports to plant such an idea, and in doing so exploit existing prejudices against young Black men and the music associated with them.

Journalists such as Jon Pareles, writing in the early 1990s, recognized how the stereotyped association of rap with crime was perpetuated. He cited an Op-Ed in the *New York Times* by Democratic Representative Barney Frank, who argued, “Crime has become—for conservatives and liberals—a marker of race.”³⁰ Frank argued that the early 1990s obsession with violent crime (and the related uncritical trust of the police) had roots in the protests surrounding the 1968 Democratic Convention in Chicago. He wrote, “For many white Americans the fear of crime became a fear of crime by young black males.”³¹ Pareles applies Frank’s ideas directly to rap in his 1992 article, “On Rap, Symbolism and Fear” in the *New York Times*. Not only is crime a marker of race, but,

Rap is an even more precise marker: despite the growing number of rappers who are white, female, suburban or all three, rap is still overwhelmingly made by young, black, urban males—a demographic segment that many Americans consider threatening. Hating rap, a purportedly esthetic judgment, can be a synonym for hating and fearing young black men.³²

Articles like this one demonstrate how some critics of popular culture were aware of how rap evoked crime even in the early 1990s, mapping crime onto the intersections of youth, Black bodies, urban spaces, and masculinity.

³⁰ Barney Frank, “Race and Crime: Let’s Talk” (Op-Ed) *New York Times*, January 13, 1992.

³¹ Frank, “Race and Crime: Let’s Talk,” *New York Times*. Frank went on to talk about the double-bind experienced by Democrats who wanted to be firm on crime, but also understood that crime in urban communities of colour is often due to a lack of social programming and infrastructure for young people.

³² Jon Pareles, “Pop View: On Rap, Symbolism and Fear” *New York Times*, February 2, 1992.

Some sources played upon the word “rap” itself to highlight its connections to crime.³³ Dave Marsh writes, “New York’s racially charged trial of the gang that allegedly raped and brutalized the Central Park jogger contains a heavy component of anti-hip-hop hysteria,”³⁴ in an article titled “Hip Hop Gets a Bad Rap.” In the same vein, *Spin* published an article entitled “Murder Rap,” about the hit MC Hammer allegedly put out on the White hip-hop group 3rd Bass over disparaging remarks about his mother.³⁵ Incidentally, the dispute happened while Hammer’s new album, titled *Please Hammer Don’t Hurt ‘Em*, was enjoying considerable success on the charts, a coincidence which *Spin*’s Mark Blackwell does not miss the opportunity to point out. An article from Canada’s *Globe and Mail* published a few months later also uses this connotation of “rap,” but does so to highlight MC Hammer’s positive image in comparison to other rappers: “Despite rap’s bad, uh, rap, MC Hammer comes across as sort of the Roy Rogers of the genre. He’s the good guy, disseminating a message of love, peace and (occasionally) religion.”³⁶ Despite the fact that this portrayal of MC Hammer is in contradiction to the earlier reportage that he had threatened other rappers’ lives, the *Globe and Mail*’s Alan Niester clearly feels the need to imply Hammer is not another one of *those* rappers, but instead is a good guy in a “bad” genre. Given these repeated associations between rap and the mark of the criminal in the popular press, it makes sense that many casual readers would have seen rap as such, both perpetuating stereotypes about young, Black men as inherently criminal, and about the genre of rap as depraved and morally corrupt.

³³ Robin Kelley notes this irony: “thousands of African American and Latino youth have had their names and addresses logged in the LAPD anti-gang task force data base—ironically, called a ‘rap sheet’—whether they were gang members or not.” *Race Rebels*, 183.

³⁴ Dave Marsh, “Hip Hop Gets a Bad Rap,” *Newsday*, July 19, 1990.

³⁵ Mark Blackwell, “Murder Rap,” *Spin*, May 1990.

³⁶ Alan Niester, “The Action Never Stops as Rap’s ‘Good Guy’ Brings his Message of Love, Peace and Understanding to the SkyDome: Hammer Stages a Spectacle,” *Globe and Mail*, October 19, 1990.

Parallel to the dehumanization of 2 Live Crew and the accused in the Central Park jogger case is the tendency to exclude hip-hop music, and rap specifically, from the status of music.³⁷ Whether or not rap constituted music had been debated since hip-hop's early days, but the dispute had been re-ignited by incidents like the Central Park jogger case and 2 Live Crew's obscenity trial (which is discussed later in this chapter). *Newsweek* published a special issue on rap on March 19, 1990, which dealt with this very question in an article called "The Rap Attitude."³⁸ This "attitude" is nearly always bad, and such is the case with artists like N.W.A. They describe rap as "a rhythmic chant, a rhyme set to a drum solo, a rant from the streets about gunning down cops. Now that's attitude."³⁹ Even *Billboard* became the site for this renewed debate in 1990 when Wynton Marsalis's manager, Edward C. Arrendell II, took a stand against 2 Live Crew and obscenity in rap. He even went so far as to deny rap's status as music:

The signal being sent to far too many young people by our industry is that to become a recording artist today, you don't have to know how to sing, read, or write music, play an instrument, be literate, informed, or discreet. All you have to know is how to rhyme and curse.⁴⁰

He echoed George Will, who implied that 2 Live Crew's use of language demands that we re-think language as the only thing that separates the human from the animal.

Letters to the editor responding to Jon Pareles's article, "On Rap, Symbolism and Fear" summarize some common attitudes about rap as non-musical noise. John Wright argued that everyday listeners do not take exception to rap for the reasons that Pareles outlines (like anti-

³⁷ This debate was also re-animated more recently in the field of musicology in response to Pierpaolo Polzonetti's controversial blog post on *Musicology Now*, "Don Giovanni Goes to Prison: Teaching Opera Behind Bars," (February 16, 2016), in which he referred to rap as "blatant lyrics and pounding beat," which elicited a flurry of comments and thorough responses, like those by Will Cheng, ("Musicology, Freedom, and the Uses of Anger," February 21, 2016), and Bonnie Gordon ("The Perils of Public Musicology," February 22, 2016).

³⁸ Jerry Adler, Jennifer Foote, and Ray Sawhill, "The Rap Attitude," *Newsweek*, March 19, 1990.

³⁹ Adler et al., "The Rap Attitude," *Newsweek*.

⁴⁰ Edward C. Arrendell II, "Industry Sacrifices Morals to Profits: Pornography Degrades Free Speech," *Billboard*, November 3, 1990, 84.

Black racism), but instead because it is not music: “Loud pounding rhythms with shouted lyrics and no melody do not constitute music. Rap is not intelligible, it has no continuity or structure, and it certainly lacks melody and harmony.”⁴¹ He goes on to clarify that he dislikes Black and White rap equally, clearly sensing potential critiques for discounting rap from the status of music for racially-motivated reasons. Gary Anderson argued that rap constituted a regression to an earlier stage of music:

It is no secret that music began with rhythm, progressed to melody and reached its developmental culmination with harmony—not to oversimplify the case. Rap, despite its modern trappings, is a regression—and that is why it is disturbing in its implications.⁴²

K.J. Walters’s letter connected the topic of rap’s status as non-music back to its offensive, criminal content, writing “Some rappers mean to offend me, white devil that I am, and so I am offended.”⁴³ These letters indicate an awareness of the racialized nature of their critiques, but they aim to focus discussions on the music itself, as if to function as a sort of talisman against any resulting accusations of racism. In her article “Mapping the Margins,” Kimberlé Crenshaw argues that the condemnation of 2 Live Crew’s music at their obscenity trial implies that rap in general lacked artistic merit; this in turn aims to erase the specificity of African-American culture in decisions about whether or not certain kinds of art are permissible.⁴⁴ Taking her point one step further, it is possible to view the tendency to exclude rap from the status of music as part of the same impulse that aims to exclude some—like the Central Park Five—from the status of people, especially incarcerated people of colour. That is not to say that these debates are synonymous or that they even share the same stakes or consequences. However, the discourses

⁴¹ John Wright, “Rap Music: Another Reason for Rejection,” Letter to the Editor, *New York Times*, February 16, 1992.

⁴² Gary Anderson, “Rap Music: Progress This Is Not,” Letter to the Editor, *New York Times*, February 16, 1992.

⁴³ K.J. Walters “Rap Music: So What’s To Like?” Letter to the Editor, *New York Times*, February 16, 1992.

⁴⁴ Crenshaw, “Mapping the Margins,” 1288.

of belonging and exclusion, of satisfying certain requirements to qualify as either music or person, were happening at the same time in the media, from roughly 1988 to 1992, as rap accrued its status as a criminal genre.

Detractors of rap also discounted sampling as derivative to deny its status of music; in this way sampling as a musical technique is most firmly linked to discourse on rap and criminality. *Newsweek*'s "The Rap Attitude," describes "the thumping, clattering, scratching assault of rap—music so postindustrial it's mostly not even played, but pieced together out of prerecorded sound bites."⁴⁵ Unlike some other sources, like the *New York Times* Letters to the Editor discussed above, the authors do give rap the label of "music," although their descriptions of rap's sonic qualities are decidedly un-musical. David Zimmerman, writing for *USA Today*, describes sampling as the "controversial practice of mixing bits of old hits into new music... like audio Trivial Pursuit."⁴⁶ He goes on to ask if this "controversial" practice is even legal, which may be decided in court with an upcoming case involving The Turtles and De La Soul. In 1990, Pareles wrote that much of the older generation considers rap "rude jumbled noise"—something that the younger generation shaped by television could appreciate, while the "older one plugs its ears."⁴⁷ Aware of the bias against sampling, some artists distanced themselves from it when possible. A profile on Vanilla Ice (notably before the "Ice Ice Baby" sampling scandal) set him apart from other rappers based on his preference for real instruments: he (reportedly) "creates most of his own material. His arrangements often use more live drums and bass and a more sophisticated array of keyboards than one usually finds in rap."⁴⁸ It is no coincidence that these musical features are often coded as White, using musical sophistication and the use of real

⁴⁵ Adler, et al, "The Rap Attitude," *Newsweek*.

⁴⁶ David Zimmerman, "Rap's Crazy Quilt of 'Sampled' Hits," *USA Today*, July 31, 1989.

⁴⁷ Jon Pareles, "How Rap Moves to Television's Beat," *New York Times* January 14, 1990.

⁴⁸ Stephen Holden, "Vanilla Ice Crosses Over," *New York Times*, October 17, 1990.

instruments (as opposed to samples) as a way to legitimize Vanilla Ice in spite of his identity as a White rapper. As Andrew Goodwin writes, “we have grown used to connecting *machines and funkiness*,” and in the same vein, much Black popular music from the 1970s onwards has made extensive use of the funkiness of synthesized or processed musical sounds.⁴⁹ From another perspective, artists working in predominantly White genres (such as rock) often rhetorically distanced themselves from these synthesized sounds—which were used commonly in disco—making a claim to authenticity by playing “real” instruments. Vanilla Ice’s use of real instruments (as opposed to samples) could be understood as a strategy to authenticate his rap as “real” music, and to distance it from the stolen, noisy, creations of his Black contemporaries.

Sampling Lawsuits: Tone Loc’s “Wild Thing”

Discussions of sampling such as these obviously connect to the discourses of rap as non-music and as a criminal genre. However, it is in the media coverage of sampling lawsuits, and of 2 Live Crew’s obscenity trial, that the assertion that sampling is criminal is the clearest. Numerous copyright cases were settled out of court, such as the disputes involving Tone Loc and Van Halen (1989); Vanilla Ice and Queen and David Bowie (1990); and MC Hammer and Rick James (1990). Although they didn’t go to trial, each case participated in the discourse on rap and sampling as criminal, and by doing so, set the stage for the *Grand Upright* decision in December of 1991.

Tone Loc’s “Wild Thing” was released in January 1989, and quickly achieved the top position on the *Billboard* Hot 100 for a rap song to date, peaking at #2 on February 18, 1989.

⁴⁹ Andrew Goodwin, “Sample and Hold: Pop Music in the Digital Age of Reproduction,” in *On Record: Rock, Pop, and the Written Word* eds. Simon Frith and Andrew Goodwin (London: Routledge, 1990), 224.

The success of “Wild Thing” seemed something of a surprise to the music industry, coming from a little-known artist on the independent label Delicious Vinyl. The song is a pop culture pastiche: the title references the Trogg’s “Wild Thing” (1966), the instrumental features a sample from Van Halen’s “Jamie’s Cryin” (1978), and the music video is a send-up of Robert Palmer’s iconic “Addicted to Love” video (1985).⁵⁰ In his signature raspy baritone, Tone Loc raps about going to clubs, picking up women, and having sex (doing the “Wild Thing”). The song’s rapped hook and catchy sample led to the song’s unprecedented success: the rap song with the next-best performance on the Hot 100 was Run-D.M.C.’s “Walk This Way,” which reached #4 in 1986.⁵¹

Because the case was settled out of court, there exists no clear summary of how the dispute between Van Halen and Tone Loc emerged—however, the details are roughly as follows. Van Halen’s management seems to have asked for a flat fee to use the sample, as low as \$5,000, as well as a songwriting credit.⁵² Once “Wild Thing” became a hit—selling over two million copies—Van Halen wanted more. The resulting civil suit was settled out of court between May and July of 1989, for somewhere between \$180,000 to \$200,000.⁵³ Tone Loc resented the settlement’s outcome, asserting that “Wild Thing” was a hit in its own right. He told the *Toronto Star*, “Some people say we should give money to those bands, but I don’t see why. When people hear my song, they probably want to go out and buy *Van Halen* again. We’re giving them free advertising.”⁵⁴ Incidentally, Van Halen went on to sue 2 Live Crew as well, over an uncleared sample from “Ain’t Talkin’ Bout Love” (1978) in their song “The Fuck Shop” (1989). However,

⁵⁰ See Pareles, “How Rap Moves to Television’s Beat,” *New York Times*.

⁵¹ See Paul Grein, “Chart Beat,” *Billboard*, February 18, 1989, 6.

⁵² See Dan Charnas, *The Big Payback: The History of the Business of Hip-Hop* (New York: New American Library, 2010), 229-230. As Charnas writes, the whole production of “Wild Thing” was done on a shoestring budget, and its success was largely the result of an investment made by Island Records.

⁵³ I have dated this settlement to the best of my ability based on the articles I’ve found indicating when the suit was underway and settled, but have not found anything that can narrow down the period more because it took place out of court. Regarding the amount, see Bruce Pollack, *America’s Songs III: Rock!* (Routledge: New York, 2017), 222.

⁵⁴ Mitch Potter, “Rapping to Suburbia,” *Toronto Star*, July 8, 1989. Emphasis in the original.

there are only scant references to this suit and no public indication of how it was settled.⁵⁵

Negative coverage of Tone Loc's "Wild Thing," both in the context of the sampling lawsuit and the alleged singing of the song in the Central Park jogger incident participated in discourse on rap as unlawful. Ironically, Tone Loc is not an artist who trafficked in criminal imagery in his music: the lyrics of his hit songs, "Wild Thing," "Funky Cold Medina" and "Cheeba Cheeba" (all released in 1989) discuss wealth, womanizing, and smoking marijuana, but not violent crime or police brutality in the vein of contemporary artists such as N.W.A. But to mainstream skeptics of rap, like the ones Pareles describes in "On Rap, Symbolism and Fear," the differences between N.W.A. and Tone Loc are irrelevant or illegible. Articles like *Newsweek's* "Decoding Rap Music" indicate that indeed, the different streams and subgenres of rap can be overwhelming and confusing for the uninitiated: the authors aim to demystify the differences between the wholesome rappers like Young MC and the Fresh Prince, and "the sub-Chaucerian 2 Live Crew, the gun-happy N.W.A., [and] the fiercely political Public Enemy."⁵⁶ In this case, Tone Loc's identity as a rapper, and consequently as a Black man in his early twenties, was more important than any specific features of his music or how it participated in the hip-hop field of cultural production. Articles like "Decoding Rap Music" suggest how rappers of all stripes were typically grouped together and discussed monolithically, because the article aims to do the opposite by explaining the differences between rap subgenres. Tone Loc's case shows

⁵⁵ The civil suit is mentioned in a variety of newspaper articles and seems to have taken place in December of 1990: see "Van Halen Lawsuit Claims 2 Live Crew Ripped Off Riff" *Orlando Sentinel*, December 22, 1990; "A Selected Summary of Southern-California Related Business Litigation Developments of the Past Week," *Los Angeles Times*, December 24, 1990, The Associated Press, "Van Halen Sues 2 Live Crew," *The Globe and Mail*, December 22, 1990. Searches for the case number indicated in the LA Times (Case No. 90- 6834) have revealed no details as to the settlement.

⁵⁶ David Gates, Vern E. Smith, Patrice Johnson, Jennifer Foote, and Andrew Murr, "Decoding Rap Music," *Newsweek*, March 19, 1990.

how the intersections of race, age, musical genre, and proximity to legal disputes (even those that never went to court) could bestow the mark of the criminal.

Vanilla Ice's "Ice Ice Baby"

The next high-profile—and now notorious—sampling case to be settled out of court involved Vanilla Ice's use of Queen and David Bowie's "Under Pressure" (1982) in his hit song, "Ice Ice Baby" (1989). "Ice Ice Baby" surpassed "Wild Thing" and became the first rap song to reach #1 on the *Billboard* Hot 100 on November 3, 1990. Vanilla Ice and his producer DJ Earthquake sampled the bass-line of "Under Pressure" and re-recorded other elements of the groove. Vanilla Ice defended the sampling in the media: in a now-famous interview with MTV in late 1990, he emphasized that "Ice Ice Baby" and "Under Pressure" were totally different because of a pick-up to beat 1 in the bass.⁵⁷ Once again, since the dispute was settled out of court, the exact details are unavailable; the parties seem to have reached a settlement at the beginning of November of 1990, for an undisclosed but likely astronomical sum and songwriting credits for David Bowie and each member of Queen.⁵⁸ In "Ice Ice Baby," the MC raps about cruising in a convertible in Miami with a friend, checking out women and engaging in gunplay:

Shay with a gauge and Vanilla with a nine
Ready for the chumps on the wall
The chumps are acting ill because they're so full of eight balls
Gunshots ranged out like a bell
I grabbed my nine
All I heard were shells
(1:45-1:56)

⁵⁷ See "Vanilla Ice Interview," YouTube video, 2:40, posted by Daniel Bothma, June 17, 2012.

⁵⁸ K.P. Perkins writes that the case was settled two weeks earlier, on November 18, 1990, "Under Raps: Hot Pop Vocalist" *Dallas Morning News* November 18, 1990. A note in the *Harvard Law Review* outlines how the complaint proceeded and estimates that the settlement was a very high amount: "A New Spin in Music Sampling: A Case for Fair Play" *Harvard Law Review*, 105 no. 3 (January 1992): 728.

Vanilla Ice uses slang to reference violence and gang culture, so that not all listeners would have noticed; Ice's friend Shay has a 12-gauge shotgun, he carries a 9mm handgun, while "Eight Balls" likely refers to Olde English 800, a malt liquor.⁵⁹ In this passage, Ice and his friend shoot some neighborhood drunks who are trying to steal their car. I was surprised to encounter only one mention of these violent lyrics in the press at the time, despite the attention to violent lyrics in the songs of artists like Ice Cube and the sexually graphic lyrics of 2 Live Crew.⁶⁰ The spoken hook and the groove are the memorable portions of "Ice Ice Baby," and since the verses are largely forgettable and the violence therein is discussed in coded terms, the verse quoted above seems to have flown under the radar, so to speak. Dallas program director for KJMZ Elroy Smith confessed "I don't know what the record is about, and I don't care"—and he likely wasn't alone in this sentiment.⁶¹ The mainstream media likely gave Vanilla Ice a pass on these sordid lyrics because he was White.

In his public persona Vanilla Ice emphasized his origins in the street, gang culture, and the seedy underbelly of Miami in order to assert his authenticity. As one of the first mainstream White rappers, Vanilla Ice had something to prove, and framed his lower-class background and inner-city provenance as a way to mitigate his racial privilege. Vanilla Ice's record label made a biography available, which many news outlets consulted while writing profiles of the rapper while his single was climbing the charts. One such article was Stephen Holden's "Vanilla Ice Crosses Over" in the *New York Times* (October 17, 1990). In this profile of Vanilla Ice, Holden

⁵⁹ The track "8 Ball" from *N.W.A. and the Posse* (1987) is an ode to Olde English 800, popular with many rappers in the 1980s. By referencing an "8 ball" Vanilla Ice is not only making a coded hip-hop reference, but he is also connecting himself to N.W.A. to boost his authenticity. Many thanks to Murray Forman for pointing out this reference.

⁶⁰ Gates and Medina note that listeners do not seem bothered by references to Vanilla Ice carrying a shotgun in "Ice Ice Baby," while the references to violence in other songs get more attention. David Gates and David Medina, "Play that Packaged Music: New from Vanilla Ice and MC Hammer, Rap Lite!" *Newsweek* December 3, 1990.

⁶¹ Perkins, "Under Raps," *Dallas Morning News*.

writes that he is a “former motorcyclist from Miami” and that Ice’s “real name is a closely guarded secret.”⁶² Ice told Holden over the phone that he grew up in a rough neighborhood: “The projects were a block away from my house, and that’s where my friends were from.” Holden continued, “Before becoming a fulltime rapper, he said he was involved with ‘gangs and stuff.’ ‘I got stabbed five times. The last time I lost half the blood in my body.’” Much was made of the “fact” that Vanilla Ice attended the same “predominantly Black” high school as Luther Campbell of 2 Live Crew, who was also in the media throughout 1990 because of his group’s obscenity trial. Vanilla Ice was also said to be a decorated motocross champion for Team Honda, who had suffered serious injuries in a motorcycle accident. All of these reported biographical details clearly aimed to enhance perceptions of Vanilla Ice’s authenticity, especially as it related to race and class. Gangs, “the projects,” Luther Campbell, and a precarious life of violence are here coded as Black—although Vanilla Ice happens to be White, his experiences in Miami seemed to map onto many expectations of rap, which was assumed to be a Black genre. In reporting about Vanilla Ice in 1990, the hardships his past were used to justify his authenticity as a rapper—the same “started-from-the-bottom-now-we-here” approach common in much current hip-hop.

The inclusion of biographical details in articles on Vanilla Ice is significant not only because of how they interact with issues of authenticity and race. Many of the elements of Vanilla Ice’s biography that were used in the press to authenticate him as a performer were soon debunked, casting doubt on his reliability. K.P. Perkins wrote an exposé for the *Dallas Morning News* revealing Vanilla Ice’s “true” identity and the inaccuracies in his biography. Perkins was attuned to how biography influenced interpretations of Vanilla Ice’s music, calling the original portrait “a colorful teen-age background full of gangs, motorcycles and rough-and-tumble street

⁶² Holden, “Vanilla Ice Crosses Over,” *New York Times*.

life in lower class Miami neighborhoods, culminating with his success in a genre dominated by young black males.”⁶³ According to Perkins, and subsequently confirmed, Vanilla Ice was none other than Robert Van Winkle, son of a piano teacher who spent most of his teenage years in Dallas, Texas. He had competed in some motocross, but was never on Team Honda, nor did he attend the same high school as Luther Campbell. The neighborhoods and school referred to in the original biography also were not predominantly Black. Ice’s publicist Elaine Schock admitted, “Yeah, he may have exaggerated a little ... I’ve known artists who have done much worse. A lot of artists do this.” When pressed for comment by the *Dallas Morning News*, Vanilla Ice denied everything: he didn’t want his high school years investigated because everyone would see how “bad” he was; refused to confirm his real name because it could “endanger his life”; his mother’s profession was irrelevant and all that was important is that she is a “great lady. That’s all you need to know.” A former high school classmate touched on the issue of race: “The elite people thought he was a jerk—that he tried to act too black. And a lot of the black students didn’t particularly care for him for the same reasons.” The article goes on to discuss Vanilla Ice’s sampling dispute with Queen and David Bowie, adding that the refrain from “Ice Ice Baby” also seems to have been lifted from Black fraternity Alpha Phi Alpha’s chant “Ice ice baby, too cold, too cold.”⁶⁴

Given how rap was commonly circulating with connotations of criminality in 1990, it makes sense that these elements would come together in Perkins’s article. Not only does a sampling dispute throw the legality and originality of Vanilla Ice’s hit song into question, but the debunking of his biography also indicates how media portrayals of authenticity in rap relied upon ties to crime, the backdrop of streets, and preferred artists who were young Black men. In this

⁶³ Perkins, “Under Raps,” *Dallas Morning News*.

⁶⁴ Perkins, “Under Raps,” *Dallas Morning News*.

way, the case of Vanilla Ice's "identity" is informative because it is a failure; clearly someone—perhaps his publicist—recognized the importance that Vanilla Ice being taken seriously as a rapper in spite of his Whiteness. This is why cultivating his image as lower class, as a gangster, and in the same social circle as another Black rapper (one who was known for his hardcore lyrics) was a critical move. When these biographical details were disproved, Vanilla Ice had little left to stand on: his song was unoriginal, his biography was a lie, and he had not shown much promise as an artist otherwise. Perkins also evokes the disgraced Milli Vanilli, emphasizing that "no one is saying that Vanilla Ice didn't write or perform the songs on his album," but simply by stating this, Perkins suggests that there is little else about Vanilla Ice that is genuine. Near the end of the article, Vanilla Ice takes a shot at MC Hammer—to whom he was frequently compared. Ice insisted "I'm a rapper; Hammer's an entertainer ... I've lived it more than he has. That's what makes me different," once again bringing biography into the discussion on authenticity.

MC Hammer's "U Can't Touch This"

MC Hammer and Vanilla Ice were often discussed together in the popular press in 1990. For example, David Gates and David Medina credit them with creating a new, family-friendly subgenre of rap that they called "rap lite."⁶⁵ The two artists also toured together in 1990. The similarities do not end there: MC Hammer also famously re-worked a pre-existing song to great success. His hit song "U Can't Touch This," which sampled Rick James's "Super Freak" (1981), reached #8 on the *Billboard* Hot 100 (June 16, 1990). The album that featured this single, *Please*

⁶⁵ Gates and Medina, "Play that Packaged Music," *Newsweek*. The different subgenres of hip-hop during the late 1980s and early 1990s are discussed in detail in Chapter 3.

Hammer Don't Hurt 'Em, held the top position on the *Billboard* 200 pop album charts for 21 weeks (only to be nudged out by Vanilla Ice's *To The Extreme* on November 10, 1990). Early coverage indicated that the song was "fully licensed and credited," framing MC Hammer as a "good guy" in a genre of lawless samplers.⁶⁶ Hammer discussed his stance on sample licensing in *People Magazine* on July 30, 1990: "This song is a take-off of 'Super Freak.' I'm borrowing enough of his song that he deserves to be compensated."⁶⁷ Elsewhere he clarifies that his approach was "non-traditional in rap music."⁶⁸ His good faith attitude did not seem to satisfy Rick James, however:

Hammer is indeed compensating James for use of the tune, but while James, 38, has accepted the money, he has this to say about Hammer's sampling: "I think the responsibility is for MC Hammer to let kids know that it's my song. I think rappers are not creative enough to make their own music [and] they don't have enough integrity to pay the artist that they steal music from. James Brown should be a multibillionaire, and I've heard my music in at least 40 rappers. *If I were to take MC Hammer to court right now, I could clean him out.*"⁶⁹

Even though "Super Freak" was licensed through the appropriate channels, it seems that Rick James resented how much MC Hammer was profiting on his song—the success of "U Can't Touch This" seems to have come as something of a surprise. James also spoke to *USA Today*, where he criticized not only Hammer, but rappers in general. He said that rappers like MC Hammer "spend their time finding the best riffs, the best hooks, then they (add) some dumb-ass words and make millions ... They call it sampling; I call it stealing."⁷⁰ Rick James's comments resonate with other media coverage that frames sample-based music as unlawful, despite the fact that he was receiving royalties from "U Can't Touch This." His objection seems to be more in

⁶⁶ Richard Harrington, "Smooth Moves: Top Pop Rapper MC Hammer's Got 'Em," *The Washington Post*, July 29, 1990. See also Niester, "The Action Never Stops," *Globe and Mail*.

⁶⁷ Peter Castro, "Chatter," *People Magazine* July 30, 1990.

⁶⁸ Jon Bream, "MC Hammer: Surge in Popularity Surprises Rapper," *Minneapolis Star Tribune*, September 21, 1990.

⁶⁹ Castro, "Chatter," *People Magazine*. Emphasis added.

⁷⁰ James Jones, "Hammer Takes Hold: Rapper Taps Pop's Snap in Crossover Hits," *USA Today*, July 30, 1990.

the vein of moral rights: he does not appreciate what MC Hammer did with his song artistically. However, as outlined in the Introduction, because the United States lacks a moral rights doctrine, artists are forced to pursue these cases as infringement rather than moral rights violations. By September of 1990, Rick James seems to have done exactly this, suing MC Hammer for more royalties.⁷¹ The dispute was not widely publicized, and seems to have been resolved by October 17, 1990, when the *Phoenix Gazette* reported that “James, Hammer are back in touch” (after “sour notes,” the two were “back in harmony”⁷²), while *Jet* felt it necessary to report that “MC Hammer, Rick James Squash Rumours of Feud.”⁷³ Following the dispute, MC Hammer “[couldn’t] figure out why Rick [was] so upset. ‘If Rick is saying these negative things, I can’t understand it. He’s making money and he’s been brought back to life. If I’ve done something wrong by helping him become well known and popular again, then excuse me.’”⁷⁴ Hammer adopted a common defensive trope from the time, suggesting that he may have even done Rick James a favour by rekindling interest in his song. Even though “good guy” Hammer decided to play by the rules and acquire a license, his sampling of Rick James’s “Super Freak” was still met with friction and the threat of legal action. Some of the negative responses to sampling seemed to come from a slightly older generation of musicians—like Rick James—who had a different idea about what constitutes musical creativity, one that excluded the direct use of pre-existing material. In this regard, it seems that even artists like MC Hammer, who cleared their samples before it was the norm, were faced with skepticism, and thus potentially grouped with other rap artists who were marked as criminal for other reasons. The debate between MC Hammer and

⁷¹ This dispute was not highly publicized, and appears to have been settled out of court. The only reference I located indicating that the lawsuit was underway was in Abiola Sinclair, *New York Amsterdam News*, “MC Hammer sued by 70s Rocker, Rick James,” September 1, 1990. Other sources refer to the dispute as being already resolved.

⁷² “James, Hammer Are Back in Touch,” *Phoenix Gazette*, October 17, 1990.

⁷³ “MC Hammer Says He Will Pay Rick James For ‘Borrowed’ Song,” *Jet*, November 5, 1990.

⁷⁴ “MC Hammer Says He Will Pay Rick James For ‘Borrowed’ Song,” *Jet*.

Rick James highlights the differences between creative theft, which although frustrating for artists, is essentially legal, and intellectual property theft, which is not.

Even though he was on the “good” side of a perceived dichotomy in rap, MC Hammer did in fact have darker episodes in his biography. Growing up poor in East Oakland, Stanley Burrell hustled and scalped tickets outside of Oakland A’s games until he was noticed dancing, and was hired as a bat-boy.⁷⁵ Burrell then worked his way up through the music industry by utilizing his relationships in professional baseball, adopting the moniker “Hammer” after one Oakland A’s player noticed a resemblance to “Hammerin’” Hank Aaron.⁷⁶ Despite his family-friendly public persona, MC Hammer was known by other hip-hop artists to be tough and uncompromising: he had disputes with other rappers, including Redman, Too \$hort, and the group 3rd Bass, who told *Spin* that Hammer had put out a hit on them with the L.A. Crips because of derogatory comments the group had made about his mother. Hammer responded that 3rd Bass’s comments “sound ... like violence ... it’s in their best interest to say that they never said anything about my mom, if you know what I mean. It’s in their best interest.”⁷⁷ By inferring that 3rd Bass should think before they speak, MC Hammer’s statement reads as a threat, albeit a vague one. In the later 1990s, MC Hammer became close friends with Tupac Shakur and signed to Death Row Records, notoriously owned and founded by Suge Knight; both Shakur and Knight had well-documented connections to L.A. gangs. Even though the media framed him as rap’s most family-friendly entertainer, MC Hammer’s affiliations placed him close to criminally-marked people and organizations.

⁷⁵ See Jeffrey Ressler, “Hammer Time: America’s Most Popular Rapper is Also a Demanding Taskmaster,” *Rolling Stone*, September 6, 1990.

⁷⁶ Ressler, “Hammer Time,” *Rolling Stone*.

⁷⁷ Blackwell, “Murder Rap,” *Spin*.

Biography served different purposes in the star personas of Vanilla Ice and MC Hammer. In the case of Vanilla Ice, a largely fabricated biography was used by his label to authenticate his music: details regarding crime, associations with Black artists, danger, and intrigue were used to offset his identity as a White, mainstream rapper. MC Hammer, on the other hand, minimized the adversity in his past and his humble beginnings in order to shift the public's focus to his skills as an entertainer (rapping, dancing, and to a lesser extent, acting). Despite what his popular reception would suggest, MC Hammer seems to have retained connections to criminally-marked artists and organizations during his career in the 1990s, but rather than using these to emphasize his hardness, realness, or authenticity, Hammer chose to downplay them so as not to compromise his appeal to a broad range of listeners. Vanilla Ice had the privilege to represent himself in a variety of ways, and his management clearly wanted to emphasize exactly the traits that Hammer sought to minimize: connections to violent crime, gangs, and poverty. Not only do the cases of MC Hammer and Vanilla Ice's biographies in the public sphere demonstrate how Black and White artists were forced to navigate these issues differently, but they also serve to highlight the importance, or perhaps, the power of perceived proximity to criminality.

As Nasty as They Wanna Be: 2 Live Crew's Obscenity Trial

MC Hammer and Vanilla Ice were both frequently contrasted with harder or edgier artists in the media, as refreshing and wholesome alternatives to the "porno picaresque of [artists like] The 2 Live Crew."⁷⁸ For many, 2 Live Crew seemed to symbolize the worst rap of the era, specifically because they were put on trial for obscenity in 1990. 2 Live Crew's obscenity trial was widely publicized and served to solidify rap's connection with the mark of the criminal. The trials

⁷⁸ Gates and Medina, "Play that Packaged Music," *Newsweek*.

considered two separate sets of obscenity charges: those relating to the retail sale of 2 Live Crew's album *As Nasty as They Wanna Be* (1989), and others concerning the group's performance of an obscene song at an adults-only concert in Florida. The furor surrounding *As Nasty as They Wanna Be* spanned much of 1990, as documented in *Billboard*. Florida attorney and anti-obscenity activist Jack Thompson led the charge against 2 Live Crew, submitting the group's lyrics to Florida Governor Bob Martinez in February 1990, later targeting authorities in Ohio, Indiana, Tennessee, and Texas to ban the album.⁷⁹ Ironically, 2 Live Crew had already revised their labeling procedures in response to obscenity concerns: the sale of their debut album, *The 2 Live Crew Is What We Are* (1986) provoked a lawsuit against a teenage record store clerk in Callaway, Florida for selling the cassette to a 14-year old, and resulted in the closing of a music store.⁸⁰ In response to this case, 2 Live Crew issued two versions of their 1989 album, a clean version (*As Clean as They Wanna Be*), which contained no profanities or sexually explicit lyrics and a slightly different track listing, and the "dirty" version, which was completely uncensored. The 2 Live Crew were negotiating the issue of obscenity during the Parents Music Resource Centre's (PMRC) debates on record labeling and the sale of obscene music to children. Despite the group's decision to release two versions of the album, which were clearly labeled as censored and uncensored, the PMRC decided to publish certain offending lyrics from the uncensored version of the album, exacerbating and sensationalizing media coverage. Perceptions of 2 Live Crew were not helped by the fact that they were commonly cited in the Central Park jogger case of the previous year.

⁷⁹ See Jack Thompson, "Clean Up Record Lyrics—or Else: Authorities Are Watching the Industry" *Billboard*, October 6 1990.

⁸⁰ Chris Morris, "Florida Clerk Faces Obscenity Charge for Cassette Sale," *Billboard*, May 2, 1987.

On April 16 1990, Florida Federal District judge Jose Gonzalez ruled that the album was obscene, making the distribution of the material to an adult a misdemeanor, and to a minor a felony, “punishable by a fine of up to \$10,000 and five years in jail.”⁸¹ Media coverage of the 2 Live Crew obscenity proceedings hit a fever pitch in June 1990 when members of the group were arrested in Florida for “performing an obscene song” at an adults-only concert.⁸² *Billboard*’s editorial section became a site of debate over the artistic merits of *As Nasty as They Wanna Be* and the censorship of the album as an infringement of free speech. Edward C. Arrendell II, Wynton Marsalis’s manager at the time, wrote that, “The controversy surrounding 2 Live Crew has absolutely nothing to do with the First Amendment. The real issue is the impropriety of marketing pornography to children.”⁸³ He went on: “The controversy surrounding Crew is not a racial issue. Crew is not a victim of America’s racial double standard.” It was no coincidence that *Billboard* included a photo of Arrendell, who is African American, to emphasize his point that it was no simple matter of a mainstream, White media censoring Black cultural expression. However, Henry Louis Gates, Jr.’s testimony in the Eleventh Circuit Court of Appeals and James Bernard’s response to Arrendell in *Billboard* suggested otherwise. Bernard (also African American), then the associate editor of *The Source* and a Harvard law student, disagreed with Arrendell and vehemently defended 2 Live Crew:

These artists are very hard working and sincere young people, trying to make a living in a society that seems hellbent on destroying them. You may not want to hear what they want to say, but I’ll tell you one thing: They have more dignity than to fuel this country’s

⁸¹ Edward Morris, “Florida Grand Jury Rules 5 videos, 4 albums obscene,” *Billboard* April 28, 1990. The other albums were: Ice-T, *The Iceberg: Freedom of Speech* (1989); Eazy-E, *Eazy-Duz-It* (1988); and another 2 Live Crew album not named in any media coverage I encountered, though likely their *The 2 Live Crew is What We Are* (1986).

⁸² Bruce Haring, Melinda Newman, and Chris Morris, “‘Nasty’ Ruling, Arrests Galvanize Industry,” *Billboard*, June 23, 1990.

⁸³ Arrendell, “Industry Sacrifices Morals,” *Billboard*.

basest stereotypes by calling another member of the black community a piece of shit in a public forum.⁸⁴

Bernard was also concerned about the “backdoor censorship tactics against rappers” that he alleged Arrendell advocated, which serve to silence Black artists promoting unpopular or controversial messages, comparing the persecution of 2 Live Crew to that of Paul Robeson and Richard Wright. Henry Louis Gates, Jr. famously testified as an expert witness for 2 Live Crew during their appeal in the Eleventh Circuit, but before doing so, he wrote about the obscenity charges leveled against the group in the *New York Times*:

2 Live Crew is engaged in heavy-handed parody, turning the stereotypes of black and white American culture on their heads. These young artists are acting out, to lively dance music, a parodic exaggeration of the age-old stereotypes of the oversexed black female and male. Their exuberant use of hyperbole (phantasmagoric sexual organs, for example) undermines—for anyone fluent in black cultural codes—a too literal-minded hearing of the lyrics.⁸⁵

He repeatedly refers to the album as parody, and defends *Nasty* as having a special place in the history of the First Amendment.⁸⁶

2 Live Crew was ultimately acquitted of all obscenity charges, their performance was deemed not obscene on October 20, 1990, and their album came out on May 7, 1992.⁸⁷ But, by this time, the group was already embroiled in another legal dispute: a copyright infringement

⁸⁴ James Bernard “Rap is Testimonial to Black Pride: Arrendell Out of Touch with the Street,” *Billboard*, November 24, 1990.

⁸⁵ Henry Louis Gates, Jr., “2 Live Crew, Decoded,” *New York Times*, June 19, 1990.

⁸⁶ See Crenshaw, “Mapping the Margins,” 1291. Kimberlé Crenshaw later agreed with most of what Gates argued, but insisted that Black women be placed at the center of the debate: 2 Live Crew were denounced for the graphic sexual—and at times, violent—acts involving women, but it was the voices of women, and specifically Black women, that were not included or considered in the obscenity trial discourse. This strategy thus placed an abstraction of Black women’s bodies and their rights in the case against 2 Live Crew, once again representing young, Black men as inherently violent and hypersexualized

⁸⁷ See Charles-Edward Anderson, “2 Live Crew Acquitted (December 1990) *ABA Journal* 78 no. 12, (December 1990): 29, and Chuck Philips, “Appeals Court Voids Obscenity Ruling on 2 Live Crew Album,” *Los Angeles Times*, May 8, 1992.

case brought by Roy Orbison's publisher, Acuff-Rose Music.⁸⁸ The group's profile in the media connects them to several key themes that pervade the discourse surrounding rap in the late 1980s and early 1990s: rap as violent (in relation to the Central Park Jogger case); rap as obscene; rap as non-music or rappers as subhuman (as in George Will, cited above); and finally, rap, based on sampling, as theft. Music journalist Richard Harrington wrote that artists like "2 Live Crew, N.W.A. and Ice Cube seem to monopolize media interest" (rather than ostensibly wholesome artists like MC Hammer)—the groups he cites here all bear the mark of the criminal.⁸⁹ Repeated depictions of rap artists in this way serve to perpetuate stereotypes regarding young Black men, which ultimately leaves them more vulnerable to legal and extra-legal violence as a result.⁹⁰

Sampling, Criminality, and *Grand Upright v. Warner*

In this chapter, I have intentionally focused on incidents that occurred before the December 1991 decision of *Grand Upright v. Warner*. The sampling disputes involving Vanilla Ice, Tone Loc, and MC Hammer show how the media and musicians from genres other than hip-hop considered sampling to be a form of theft. By December of 1991 it seemed inevitable that a case would go to court after so many disputes were settled privately; a short piece on sampling in *Variety* indicated that to date, cases had been settled out of court because "both sides are afraid of what might happen."⁹¹ Many working in the record industry seemed to see the *Grand Upright* decision as a worst-case scenario. Due to growing associations between rap and criminality, and more directly with anti-Black racism and stereotyping, sampling was not regarded with the same

⁸⁸ Campbell v. Acuff-Rose, a landmark case regarding parody as Fair Use. The initial decision was filed in the Middle District of Tennessee on January 14, 1991, although the appeal process brought the case to the Supreme Court in 1994.

⁸⁹ Harrington, "Smooth Moves," *The Washington Post*.

⁹⁰ Crenshaw, "Mapping the Margins," 1266.

⁹¹ "Old is New Again in the World of Sampling," *Variety*, August 1, 1990.

respect as intertextual practices in other arts, such as collage in visual art, the use of found footage in film, or even the use of pre-existing recordings in *musique concrète*. Anti-Black prejudice underpinned the reasoning that denied rap the status of music. Articles such as “Decoding Rap Music” indicate that even by 1990, the creativity embodied in rap, and especially in sampling, was not widely understood or appreciated. These writings instead highlighted the inaccessibility of a “largely unassimilated” genre that “is mostly produced by young black men—and one quarter of their homeboys end up in serious trouble with the law.”⁹²

After the events and disputes outlined in this chapter—the rise of gangsta rap; the *Krush Groove* and Scott La Rock shootings; Tone Loc versus Van Halen; Vanilla Ice versus Queen and David Bowie; MC Hammer versus Rick James; the Central Park jogger case; and 2 Live Crew’s obscenity trial—the *Grand Upright* decision was delivered. As a specialist of neither copyright nor music—and clearly not rap—it was unlikely that Judge Duffy’s exposure to rap and hip-hop culture would have been more extensive than any citizen consuming mainstream media. Much of the media Duffy could have accessed was in the vein of the articles mentioned in this chapter—ones that conflate sampling with theft in the context of broader stereotypes about young Black men. It is unlikely that he sought out additional sources, or would have been inclined to consult specialized publications on hip-hop. For these reasons, Duffy’s decision in the *Grand Upright* case is consistent with mainstream media coverage of rap in the late 1980s through to the end of 1991. His decision at first echoes (and subsequently sets the tone of) the popular press, in characterizing sampling as theft. As outlined in this chapter, Duffy was not the only person who held this opinion—he was simply one whose opinion on the matter held legal weight. Duffy’s focus on sampling as theft precluded the possibility that it could be anything else. His short

⁹² Gates, et al., “Decoding Rap Music,” *Newsweek*.

decision instead focussed on whether or not O'Sullivan truly owned the copyright to "Alone Again (Naturally)." In Footnote 2, Duffy writes "The argument suggested by the defendants that they should be excused because others in the 'rap music' business are also engaged in illegal activity is totally specious. The mere statement of the argument is its own refutation."⁹³ He places "rap music" in scare quotes, as if to question the genre's status as music. His response to Markie's defense's comments (that sampling is a common practice, and thus should not be punishable in this instance) recalls the media's obsession with the other "illegal activities" with which rappers allegedly occupied themselves. At the end of the decision, Duffy refers the case for criminal prosecution, emphasizing the "criminal" nature of sampling.⁹⁴

I do not mean to suggest that media coverage of rap directly influenced Judge Duffy's decision in this case: that he read a derogatory article about rap, and subsequently judged Biz Markie harshly. Rather, I interpret his decision in the *Grand Upright* case as part of the same cultural moment that produced a moral panic surrounding gangsta rap, that assumed the guilt of the Central Park Five in part due to their alleged singing of a rap song; the same moment that saw hip-hop highlighted in the media time and time again as occupying the margins of society and the periphery of what is legally permissible. The *Grand Upright* decision betrays the same prejudiced thinking that viewed rap as non-music, and as an inherently criminal genre. Chuck D's final verse in "Caught, Can We Get A Witness?" ends by returning to the theme of sampling as theft: "They say that I stole this / I rebel with a raised fist, can we get a witness?" Although Public Enemy pledges to rebel and resist sampling lawsuits, in retrospect, the decision of *Grand*

⁹³ *Grand Upright Music Ltd. v. Warner Brothers Records, Inc.*, 780 F. Supp. 182; LEXIS 18276 S.D.N.Y. December 16, 1991, Footnote 2.

⁹⁴ The maximum penalty for which was \$250,000 USD and five years in prison. See Ronald Sullivan, "Judge Rules Against Rapper in 'Sampling' Case," *New York Times*, December 17, 1991.

Upright made such refusals merely symbolic, since there was little artists could do to directly resist legal decisions like *Grand Upright*.

Chapter 3: “Ample Samples, This for Example”: Corpus Study¹

From decrying sampling lawsuits in their music to giving interviews with academics, Public Enemy’s Chuck D emerged as an important figure in the discourse on music copyright in hip-hop. His vocal critiques, coupled with his group’s position as canonical artists, have rendered Public Enemy an outsize presence in histories of *Grand Upright*. For example, in a 2004 interview with Kembrew McLeod, Chuck D mused on how Public Enemy felt the effects of sampling lawsuits:

Public Enemy’s music was affected more than anybody’s because we were taking thousands of sounds. If you separated the sounds, they wouldn’t have been anything—they were unrecognizable. The sounds were all collaged together to make a sonic wall. Public Enemy was affected because it is too expensive to defend against a claim. So we had to change our whole style, the style of *It Takes a Nation and Fear of a Black Planet*, by 1991.²

What is assumed, but not stated outright, is that *Grand Upright* was settled in 1991. McLeod elaborates by referencing the case, “By 1991, no one paid zero for the records they sampled without getting sued. They had to pay a lot.” 1991 functions as a fulcrum on which the discourse on sampling and music copyright pivots. Public Enemy seems to have been affected by such legal decisions more than other hip-hop artists, but the impact felt by this group only begins to tell the story of how sampling aesthetics changed in response to copyright lawsuits.

In this dissertation, my primary aim is to assess what impact the *Grand Upright* decision had on sampling practices and aesthetics, and to these ends, I conduct a corpus study which synthesizes findings concerning the changing numbers and types of samples with my listening

¹ Queen Latifah, “Dance for Me,” *All Hail the Queen* (1989).

² Kembrew McLeod with Chuck D and Hank Shocklee, “How Copyright Law Changed Hip Hop: An interview with Public Enemy’s Chuck D and Hank Shocklee about hip-hop, sampling, and how copyright law altered the way hip-hop artists made their music,” *Alternet*, May 31, 2004, accessed February 29, 2020 at https://www.alternet.org/2004/06/how_copyright_law_changed_hip_hop/.

experiences as a musicologist and scholar of hip-hop music. The corpus study constitutes the core of the original research of this dissertation; in some way or other, all of the other chapters relate to my findings. This chapter is divided in two parts: in the first, I explain the rationale and methodology of my corpus study, and engage with the large-scale trends suggested by my findings. The second part consists of close readings of several musical examples to demonstrate how individual artists changed their approaches to sampling. Each example is drawn from a different hip-hop subgenre, tracing the work of a single artist or group across multiple years. I propose some reasons for changes to sampling practice and the shifting relationship between sampling and interpolation. Overall, I use the findings of the corpus study as a point of entry to discuss changing trends that I have observed as a listener, but had not had the tools to describe.

My corpus consists of popularly circulating hip-hop songs from the years 1988 to 1993. These years were not chosen haphazardly. I begin my study in 1988 because it is the year that *The Source*, the first major hip-hop magazine, was published, and a year that falls at the beginning of the period many scholars of hip hop and music copyright point to as a “golden age,” either of hip-hop sampling, or of hip-hop music more broadly.³ 1991, and the *Grand Upright v. Warner* decision, is in the middle of this six-year period: my goal was to assess the trends in sampling before the lawsuit, approximately at the time of the lawsuit, and afterwards. I chose to end my corpus study in 1993, because, to my ear, significant aesthetic changes in hip-hop sampling had permeated the genre by this time. Dr. Dre’s influential album *The Chronic* was released in December of 1992, followed by Snoop Doggy Dogg’s *Doggystyle* in 1993; these crossover hits spawned many imitators. Consequently, gangsta rap, and the subgenre of G-funk,

³ Kembrew McLeod and Peter DiCola, *Creative License* (Durham, NC: Duke University Press, 2011), 19; Justin A. Williams, *Rhyming and Stealing* (Ann Arbor: University of Michigan Press, 2013), 2; Joseph G. Schloss, *Making Beats* (Middletown: Wesleyan University Press, 2013), 39.

had become the new sound of much of mainstream rap music by 1993. In the early 1990s, gangsta rap dominated the field to the point that other genres rhetorically positioned themselves in relation to it (for example, Justin Williams cites jazz rap as a notable self-proclaimed alternative).⁴ By 1993 hip-hop was established as an important part of the field of popular music, and not simply the short-lived fad that critics alleged in the 1980s. As I conducted this study, it became clear that music released in 1988 sounded significantly different from music released in 1993, and that a study of this period would suffice as a snapshot of a genre undergoing aesthetic transformation. Because I aim to assess genre-wide changes, it is crucial that I consider hip-hop's larger field of cultural production.⁵ Generically speaking, hip hop music in the late 1980s and early 1990s was segmented into several subgenres: previous studies focused on the subgenres that have accrued greater prestige, which is why artists like Public Enemy, De La Soul, and A Tribe Called Quest are frequently cited. Such a presentist lens does not offer a complete picture of the genre and its sub-generic organization in the late 1980s and early 1990s: historians tend to discuss the entire genre as if it consisted only of the canonical artists and their work. To more fully explain the hip-hop field in the golden age, I will give an overview of the numerous subgenres represented in my corpus, and subsequently explain other factors that informed the selection of songs for this study.

⁴ Williams, *Rhymin' and Stealin'*, 48.

⁵ Following Pierre Bourdieu, "The Field of Cultural Production," in *The Field of Cultural Production: Essays on Art and Literature* (New York: Columbia University Press, 1993): 29-73.

The Hip-hop Field of Production

By the late 1980s, hip-hop benefited from increased mainstream success and exposure. Following Run-D.M.C.'s crossover hit "Walk This Way" in 1985, more and more hip-hop songs appeared on the *Billboard* Hot 100 chart. Run-D.M.C.'s songs differed from many of their contemporaries because of their increasing use of rock samples and beats, whereas previous hip-hop relied more heavily on disco and funk grooves. *Billboard* even introduced a bi-weekly rap chart on March 11, 1989, and the chart became weekly on November 4 of the same year. As a genre entering its second decade, hip-hop became increasingly segmented into distinct subgenres. Sources such as *Newsweek*'s "Decoding Rap Music" provide interesting insights into how subgenre was understood during the golden age.⁶ This article explains the different types of rap to the readers of *Newsweek* in a special issue published in March of 1990, specifically aiming to clarify the differences between artists and subgenres as they were understood by hip-hop fans. Some of these terms were used interchangeably, and some artists participated in more than one category; therefore my overview of hip-hop's field of cultural production in the golden age is meant to orient the reader, but not to firmly assign artists to their respective subgenres.

Perhaps the most frequently discussed subgenres were the closely related hardcore rap and political rap, both of which were occasionally termed "reality rap." According to "Decoding Rap Music," hardcore rap included artists like N.W.A., Public Enemy, and 2 Live Crew. These artists all deal explicitly with themes of violence, police brutality, sexuality, drugs, or other mature themes in their lyrics. Into the 1990s, the label hardcore is gradually replaced by the more familiar term, gangsta rap. Other hardcore /gangsta rap artists include Too \$hort, Ice-T, Compton's Most Wanted, the Geto Boys, and Das EFX. The *Newsweek* article singles out Public

⁶ David Gates, Vern E. Smith, Patrice Johnson, Jennifer Foote, and Andrew Murr, "Decoding Rap Music," *Newsweek*, March 19, 1990, 60.

Enemy as “political,” which was often referred to elsewhere as a subgenre distinct from hardcore, albeit one that was closely related.⁷ Political groups such as Public Enemy would be labelled “conscious” by contemporary hip-hop fans. Artists creating political hip-hop featured similar lyric themes to those making hardcore rap, but often from the perspective of inspiring social change. Representative artists in addition to Public Enemy included Boogie Down Productions (as well as KRS-One’s solo work), Queen Latifah, Brand Nubian, and Common (at the time still working as “Common Sense.”) Taken together, hardcore and political rap were treated as the most authentic subgenres by many music critics, and they were also the most feared by the mainstream media. Articles like J.D. Considine’s “Fear of A Rap Planet” attest to the widespread concern *cum* moral panic surrounding these genres: in the case of hardcore, regarding the glorification of violence, misogyny, and drug dealing, and in the case of political rap, because of its unabashed Black nationalism and pointed critiques of police brutality and systemic racism.⁸

On the other end of the spectrum, so to speak, was pop rap, also called “rap lite.”⁹ “Decoding Rap Music” contrasted the more “wholesome” and family friendly approach of these artists to the more threatening hard-core and political artists. In a *Newsweek* profile on Vanilla Ice and MC Hammer, David Gates and David Medina compared MC Hammer and Vanilla Ice to the hardcore artists who were concerning parents:

Both Hammer and Vanilla are creatures of MTV: entertainers whose choreography and costumes loom as large in the total package as their musicianship. Hammer is black and Vanilla is white, but both have been denounced as “rap lite” acts without esthetic [sic] or

⁷ See KRS-One, “A Survival Curriculum for Inner-City Kids,” *The New York Times*, September 9, 1989.

⁸ See J.D. Considine, “Fear of a Rap Planet,” *Musician* (February 1992), in *The Pop, Rock, and Soul Reader*, ed. David Brackett, 3rd ed. (New York: Oxford University Press, 2014), 441-446. That is not to say that hardcore/gangsta rap did not share these critiques, but media coverage did not address it as often.

⁹ David Gates and David Medina, “Play that Packaged Music: New From MC Hammer and Vanilla Ice: Rap Lite!” *Newsweek*, December 3, 1990.

political substance—and welcomed by parents scandalized by the porno picaresque of The 2 Live Crew.¹⁰

Pop rap or “rap lite” differed from hardcore because of its use of references to Top 40 pop: memorable hooks (“U Can’t Touch This!,” 1990), a focus on fashion and choreography, and a preference for uncontroversial lyric themes, like school and benign teen angst (the Fresh Prince’s “Parents Just Don’t Understand!” of 1988), partying, and the music itself (Vanilla Ice’s “Play that Funky Music,” 1989). The most notable artists grouped under this label besides Vanilla Ice and MC Hammer were the DJ Jazzy Jeff and the Fresh Prince, Young MC, and Marky Mark and the Funky Bunch.

Closely related to pop rap was the subgenre of new jack swing, which could be understood as a subgenre of pop rap itself, since artists like the Fresh Prince and MC Hammer also released new jack swing songs. Initially a “new jack” was understood as a new breed of gangster, but the associations with crime quickly fell away so that new jack swing was primarily set apart by its musical characteristics, which blended together influences from multiple Black genres.¹¹ In a 1987 article in the *Village Voice*, Barry Michael Cooper coins the term “new jack swing” to refer to a new blend of musical elements brought together by producer and songwriter Teddy Riley:

It was in the Bronx River that the young man mixed rap, gospel, jazz, funk, go-go, and gothic romanticism by way of synthesizers. After worshiping and playing in several churches, playing and learning in several playgrounds and music classes, he found the elements to put together a totally new form of R&B. I call it The New Jack Swing.¹²

¹⁰ Gates and Medina, “Play that Packaged Music,” *Newsweek*.

¹¹ Barry Michael Cooper, “Teddy Riley’s New Jack Swing: Harlem Gangsters Raise a Genius,” *Village Voice*, October 18, 1987. Compare the depictions of gangster’s in Cooper’s article to the later, seemingly unmarked music of artists like the Fresh Prince.

¹² Cooper, “Teddy Riley’s New Jack Swing,” *Village Voice*.

Despite the clear influence of contemporary R&B and hip-hop, Cooper also notes the importance of swung rhythmic figures derived from big band jazz, which are recreated on drum machines and synthesizers. After Cooper coined the term, he solidified its lasting power and legacy by writing the screenplay for the film *New Jack City* (1991), the soundtrack for which was dominated by new jack swing hits like Ice-T's "New Jack Hustler." Many artists dabbled in new jack swing with a song or two (like Ice-T or Kool Moe Dee), but artists like Kid N' Play, Bell Biv Devoe, Wreckx-N-Effect, and Al B. Sure! were known primarily as new jack swing artists.

Fitting the mould of neither pop nor hardcore, the distinct category of jazz rap occupied a small but important corner of the hip-hop field. The term jazz rap solidified somewhat later, with a notable 1993 article by Dennis Hunt still calling the music "jazz-influenced rap."¹³ Like political rap, jazz rap frequently espouses an Afrocentric perspective, but it is distinguished by its use of jazz samples and an improvisatory approach to rap lyricism inspired by poets of the Black Arts Movement. Jazz rap was key terrain for experimentation, eccentricity, and humour: De La Soul's *3 Feet High and Rising* (1989) included comic skits in between songs, with samples ranging from jazz and funk records to a French language instructional tape.¹⁴ Writing about De La Soul in 1989, Jeanine McAdams emphasized their eclecticism:

Rap also became whimsical and new wave in 1989. With much of the rap realm crowded with the feuding "old school" and "new school" rap factions, a new movement—dubbed the "next school"—was born with the charting of the Tommy Boy threesome De La Soul. With their anti-gold, anti-Kangol, anti-violence stance, their dreaded heads and peace symbols, De La Soul injected a surreal, progressive, Afrocentric, utopian, even goofy approach to the genre that at first glance seemed at odds with the hardcore B-boy faction of the music, which had in most cases used the mike to brag, diss, spin verbal pyrotechnics, and recount sexual exploits.¹⁵

¹³ Dennis Hunt, "Liberating Rap With Jazz Sound: Freestyle Fellowship Adds Riffs to Rhymes," *Los Angeles Times*, June 29, 1993.

¹⁴ De La Soul, "Transmitting Live from Mars," *3 Feet High and Rising*, Tommy Boy, 1989, Compact Disc.

¹⁵ Jeanine McAdams, "Spotlight: Rap," *Billboard*, December 16, 1989, R-20.

Jazz rap's authenticity was discussed in one of two ways: either the use of jazz was understood to elevate hip-hop by lending its ties to high culture, or it was read as inauthentic and soft, because it did not deal with the same brutal themes as hardcore rap and eschewed its preference for hard-hitting beats. Hunt identifies this tension in his 1993 article on Freestyle Fellowship: "like much cutting-edge material, Freestyle's songs aren't for everyone. Rap fans accustomed to popular artists like Dr. Dre and the Geto Boys may not have the patience for Freestyle's fanciful flights."¹⁶ A first generation of jazz rap consisted of artists of the Native Tongues collective, such as De La Soul, A Tribe Called Quest, and Black Sheep, and later expanded to include others groups such as Digable Planets, Arrested Development, the Pharcyde, and Freestyle Fellowship. Jazz rap intentionally positioned itself as an alternative to the increasingly crowded hip-hop mainstream, boasting of more thoughtful lyrics, a purposeful avoidance of misogyny, and a greater openness to sampled source material.

Several regional styles also entered the hip-hop field at this time; as subgenres primarily marked by region, I will discuss them together. The first notable southern subgenre gained mainstream traction at this time: Miami bass was pioneered by groups like 2 Live Crew, and was defined by the bass-heavy sound of the Roland TR-808 drum machine, mixed for Jeeps and other vehicles with custom sound systems. In the lyrics and album art of Miami bass, low-end frequencies were often mapped onto the low-end of the buttocks, emphasizing the importance of dance contexts for this subgenre. The most obvious example of this correlation is the music video for the Miami bass hit "Baby Got Back" (1992) incidentally by a Seattle artist, Sir Mix-A-Lot. The "Baby Got Back" video features an onslaught of imagery of the female posterior, all the

¹⁶ Hunt, "Liberating Rap with Jazz Sound," *Billboard*, F-1.

while a Roland-TR 808 synthesized kick drum pumps out a syncopated sub-bass ostinato.¹⁷ In addition to 2 Live Crew, L'Trimm, Tag Team, and 95 South also made music in this style. On the other side of the ocean, the explosion of electronic dance music in the United Kingdom fostered the new subgenre of hip-house, which blended house instrumentals with rapped vocals. Hip-house is not typically discussed in histories of hip-hop, but because my project takes an inclusive and historicist approach, I consider hip-house part of the larger generic formation of hip-hop. Artists include Tyree, Technotronic and Hi Tek 3 (two different monikers for the same group), 2 in a Room, and the Jungle Brothers. Also blending dance music with rapping, Jamaica produced its own signature hip-hop style, blending the production styles of dancehall and dub with rapped vocals strongly influenced by Jamaican toasting. Labelled alternately as reggae-rap or reggae fusion, this regional style is of particular interest because of Jamaica's significant role in the early days of hip-hop.¹⁸ Shabba Ranks, Mad Cobra, and Born Jamericans each combined the elements of hip-hop and Jamaican popular music.¹⁹ Finally, a cohort of Latino rappers based in California blended hip-hop with Latin music to create a subgenre alternately labelled as Spanish- or Latin rap.²⁰ Incorporating rapped verses in both English and Spanish—at times switching mid-phrase—Latin rap also drew upon Latin dance rhythms and other musical signifiers of Latin- and South America. Artists include Kid Frost, Mellow Man Ace, Gerardo, and Cypress Hill, the last of which fused Latin rap with hardcore. Each of these subgenres was

¹⁷ For another example, see the album art for 2 Live Crew's *As Nasty As They Wanna Be* (1989). Notably Mix-A-Lot samples dialogue from a Vietnamese sex worker in the film *Full Metal Jacket* (1987), which was also sampled by 2 Live Crew in their single from the album *Nasty*, "Me So Horny."

¹⁸ Hip-hop pioneer DJ Kool Herc brought Jamaican sound system techniques with him when he moved to the Bronx in the late 1960s. For labeling conventions, see Michael Conally, "Hip-hopping to the Beat: The Reggae/Rap Connection," *Billboard*, June 9, 1990, R-3.

¹⁹ The Canadian artist Snow also blended hip-hop and dancehall, but had no connection to Jamaica other than his interest in the nation's music.

²⁰ Craig Rosen, "Bilingual Rap Is Translating into Sales," *Billboard*, September 8, 1990, front page, and Deborah Russell, "Latin Sound Network Tunes In to Spanish Rap," *Billboard*, October 30 1990, 44.

included on the *Billboard* Hot Rap Songs chart between 1988 and 1993, indicating that, although they may not fit the current conception of hip-hop or rap music, at the time they were understood to participate in that larger generic formation.

Assembling a Representative Sample

Having engaged extensively with primary sources to understand the hip-hop field during the golden age, it was imperative that I draw my corpus from primary sources, rather than retrospective, canonizing ones. It would have been easier to compile a list of songs based on the numerous “best of” lists in *Rolling Stone*, *Vibe*, or *The Source*. Even Sewell’s study, which lays much of the groundwork for my own, focused on the albums of five canonical artists, tracing their sampling habits before and after the *Grand Upright* decision.²¹ Any historian knows that the dream of re-creating, or even studying history “as it really was” is folly,²² but in this case, I believe that we can get a little closer by broadening the field of study to include examples of hip-hop music that are not typically discussed by scholars, despite their commercial success and popularity at the time. To these ends, my study takes a historicist approach, to adopt David Brackett’s distinction between historicist and presentist approaches.²³ This means that my corpus includes songs by pop-rap artists like MC Hammer, Vanilla Ice, and Marky Mark and the Funky Bunch. Despite their exclusion from most serious histories on hip-hop, these artists had hit songs on the *Billboard* charts, and constituted an important part of the field of cultural

²¹ Public Enemy, Beastie Boys, A Tribe Called Quest, De La Soul, and Salt-N-Pepa. See Amanda Sewell, “A Typology of Sampling in Hip-Hop” (PhD diss., Indiana University, 2013), 189-225, and Amanda Sewell, “How Copyright Affected the Musical Style and Critical Reception of Sample-Based Hip-Hop,” *Journal of Popular Music Studies*, 26 no. 2-3 (June-September 2014): 295-320.

²² Williams also makes reference to the challenge of not representing hip-hop “Wie es eigentlich gewesen” when beginning his historical account of the origins of the genre. See Williams, *Rhymin’ and Stealin’*, 22.

²³ David Brackett, *Categorizing Sound* (Oakland: University of California Press, 2016), 9.

production, not just as hip-hop music, but as popular music more broadly. As my findings suggest, pop-rap songs typically have fewer samples than their more serious counterparts, meaning that the large-scale patterns in sampling vary by subgenre. To conduct such a study that is not informed by the historical field of production effectively constitutes the omission of an important set of subgenres, and within those subgenres some of the most broadly circulating and recognizable songs from this period.

In order to avoid the problems outlined above, I used the *Billboard* charts to select the songs for my study. From 1988 to 1993, I surveyed *Billboard*'s Hot 100 (B100), Hot Black Singles/Hot R&B Singles (BRB), and Hot Rap Songs charts (BRS).²⁴ I included a balance of hip-hop songs from all three charts, which led to the representation of diverse hip-hop subgenres, including pop, jazz, gangsta, and Latin rap, turntablism (instrumental hip-hop), new jack swing, and hip-house. During my period of study region became increasingly important, so I represented the diverse regional sounds represented on the charts, from the East Coast, West Coast, Midwest, south, and Jamaica. I included crossover hits, as well as songs from the BRS chart that did not cross over. Songs that only appeared on the BRS represent an important subsection of hip-hop: in some cases, these songs were participating in the hardcore, gangsta, or political rap subgenres; in others, there were specific features that made crossover unlikely (strong language, sexually explicit or violent lyrics). I attempted to include as many female performers as possible: this is the one way in which I gave special treatment of any kind. Female performers often worked in subgenres that marked the margins of hip-hop, like TLC, whose music undoubtedly participates in the genre of hip-hop, but does not always include rap and

²⁴ See Brackett, *Categorizing Sound*, 236-238 for more on the evolution of this chart. The name of the *Billboard* chart associated with African-American musical genres has undergone many name changes over the years; the name changed from "Hot Black Singles" to "Hot R&B Singles" on October 27, 1990.

shares many features with contemporary R&B. Even so, songs by female performers ultimately make up a small percentage of the overall corpus study. I did not give canonical artists special treatment, instead including their songs as I would any others, looking at their chart performance, and assessing how they circulated as representatives of their subgenres.

Because of the sheer volume of music, I had to limit my perusal of the charts to once or twice a month. In the first year, this aligned well with the bi-weekly BRS; on November 4, 1989, the chart became weekly, at which point I made sure to check each chart at least once a month, and would consult it more if I noticed any trends or discourse of particular interest.²⁵ If a song did not appear high on the charts, but stayed in the lower regions of one or multiple charts for a long period, I included it. I compared the “Year in Music” retrospective issues to my list to make sure I hadn’t left out any songs deemed important at the time. Once I had compiled the song titles for each year, I cross-checked them, to make sure that no song was included twice, and that if a song appeared across two years, I included it in the year during which it achieved its peak position on the charts.

Because not all of the artists I included in my corpus were known to me before I began this project, I began to develop strategies to recognize hip-hop music through the names of artists and song titles. Of course, this was only relevant to songs and artists that appeared on the B100 and BRB and not the rap-specific BRS. Tricia Rose gives an excellent overview of the importance of naming conventions and hip-hop artists’ identity. It is these sorts of naming conventions that make hip hop artists more easily visible on the charts. She makes reference to the following as markers of hip-hop identity:

²⁵ For example, Vanilla Ice had the first B100 Number 1 hit in November 1990, which was of special interest, both in terms of the charts, and how other features in *Billboard* discussed it as a milestone for rap music.

Tricia Rose on Naming Conventions in Hip-hop²⁶

<u>Naming Convention</u>	<u>Examples</u>
Proficiencies or Roles (DJ, MC)	<i>DJ</i> Cut Creator, <i>MC</i> Lyte, <i>Grandmaster</i> Flash
Coolness, Power, Supremacy	Ice Cube, Fresh Prince, Queen Latifah
Self-Mockery	Too Short, Fat Boys, Special Ed
Specifying Location	Compton's Most Wanted, Born Jamericans

I noticed a few additional naming conventions, elaborated below:

<u>Naming Convention</u>	<u>Examples</u>
Youth	Kid N' Play, Young & Restless
References to related or sampled genres	DJ Jazzy Jeff, Funky Four + 1
Authenticity	The Real Roxanne, "2 Legit 2 Quit"
Artist Name in Song Title	"Please Hammer Don't Hurt Em" "DEF=Doug E. Fresh"
References to Sound Systems and Stereos	"Pump Up the Jam," "The Boomin' System"
Dogs, Beasts, Wildness	Snoop Doggy Dogg, "Wild Thang"
"B" (in vein of B-beats, B-boying, etc) ²⁷	"B Girls"
Communal Creation, "featuring"	The Cookie Crew, MC Shan feat. TJ Swan
Abbreviations and Stylized Spellings	"What U Waitin' 4," "Doowutchyalike"

²⁶See Tricia Rose, *Black Noise* (Middletown: Wesleyan University Press, 1994), 35-38. Rose names location and group affinities as an important part of naming conventions, but does not give a specific artist example here, instead focusing discursively on how place/space and groups, gangs, and turf are signified. Therefore, I have added a couple of clear examples in the vein she describes.

²⁷ "B" came to stand in for "break," in hip-hop culture based on early practices that involved breakbeats, break-spinning, and breakdancing. Here, as a single letter, it is used to evoke hip-hop's earlier days.

Naturally, some of these tendencies can be found in other popular music genres, but in my case they simply served the function of catching my eye and encouraging me to listen to the song to discern whether or not it was a candidate for my corpus.

After I had selected the songs that would represent each of the six years (about fifty per year), I worked through the corpus chronologically. Beginning in 1988, I noted each song's peak chart positions for B100, BRB, and BRS (as relevant), and then I commenced my work with identifying and classifying samples, using Amanda Sewell's sampling typology.²⁸ I also recorded the artist and genre for each sample with the aim of characterizing golden-age sampling's field of reference (discussed at length in Chapter 4). Sewell's dissertation on sampling focuses on albums released between 1986 and 1997, containing my period of study.²⁹ I chose to use Sewell's typology for a number of reasons. First of all, it is the first and most comprehensive typology of sampling specifically encompassing my period of study, and using a pre-existing model made my work much easier. Second, although Sewell chose to focus on canonical artists and albums, her methodology was otherwise very similar to my own.³⁰ Finally, and most importantly, as I worked with Sewell's typology, it resonated with my experiences as a rap listener and scholar of the late 1980s and early 1990s: the sample types she proposes put into words conventions and patterns that I had long heard and recognized, but did not yet have a concrete way to describe. In short, I used her typology because it works, and it works especially well for hip-hop from 1988-1993.

²⁸ Sewell, "Typology," 26-67, and Sewell, "How Copyright Affected the Musical Style," 304.

²⁹ Sewell does include examples before and after these dates, but this is the period most of her examples, including her five-artist corpus, are drawn from.

³⁰ I will go into more detail below: Sewell consulted the same sampling databases, and relied on her own listening skills to identify samples that were not listed.

Using Sewell's Typology of Sampling

In her 2013 dissertation, Amanda Sewell presents a typology of sampling that consists of three main sample types, each with multiple subtypes. I will give a brief overview of each sample type and subtypes, since I will use these terms and their abbreviations throughout the balance of this chapter. Structural samples provide the basis of the song's groove; Surface samples punctuate the groove, either at regular intervals or as purposeful interruptions; Lyric samples capture audible text, used either once or repeatedly.

The first, and most commonly used type is the Structural sample. They are slices of previous recordings that are "repeated end-to-end in sustainable patterns throughout a track," and can be broken down into their sub-types based on source instrumentation.³¹ As the name suggests, Structural samples constitute the musical foundation for hip-hop songs: "individual Structural samples coalesce to form the track's groove."³² Sewell breaks the Structural sample type into four subtypes: Percussion-Only (PO), Intact (IN), Non-Percussion (NP), and Aggregate.³³ Percussion-Only samples are just that, they include only percussion instruments of the source track, whether it is solo drum kit, or other percussion. Intact samples take a vertical slice from a source recording, so that all instruments sounding in the original, including percussion, are also present in the sample. The Non-Percussion subtype is similar to the Intact one, "using original bass, keyboards, or other instruments, but *lacking any sampled drums*."³⁴ Sewell also includes a fourth type, Aggregate, which I did not use in my study; this subtype describes a musical texture that, as a Structural type, is looped for the duration of a song (or section), but is derived from multiple source songs. For example, the aggregate structure might

³¹Sewell, "Typology," 27.

³² Sewell, "Typology," 34.

³³ Sewell, "How Copyright Affected the Musical Style," 304.

³⁴ Sewell, "How Copyright Affected the Musical Style," 304. Emphasis added.

take drums from one song, bass from another, and keyboard and horn from yet another. Because her dissertation project was more interested in describing the musical textures that result from different sampling techniques, rather than counting samples and identifying their sources, I have chosen not to use the Aggregate type, since it does not help answer the question of how the total number of samples changed. If I had used the Aggregate type, the average number of “samples” (or, more accurately, sample-based structures) for the first few years of my study would have been much lower. For example, the groove of Tone Loc’s “Funky Cold Medina” (1989) is made up of four Structural samples, two Percussion-Only, one Intact, and one Non-Percussion.³⁵ If I were using Sewell’s Aggregate subtype, these four samples would only count as one Aggregate sample structure; it is for this reason that I have limited my corpus study to her first three Structural sample types.

Sewell proposes a Surface sample type, which operates on top of or in dialogue with the Structural-sample groove:

Not all non-vocal or non-lyric sounds in a sample-based hip-hop track are actually part of the groove, however: samples can accent or rupture the groove or the lyrics without necessarily being a component of the groove or the lyrics themselves.³⁶

Surface samples can be broken down into three subtypes: Constituent, Emphatic, and Momentary. Constituent samples are “only a beat long and appear ... at regular intervals atop the groove.”³⁷ Some of the most common constituent sample types are James Brown grunts and shouts, and brass hits that recur over the groove once every bar. The other two Surface types, Emphatic and Momentary, function more like framing devices or interruptions. Emphatic Surface samples occur at the beginning or end of a track: brass fanfares and reggae style drum

³⁵ See Appendix 1, 243. Cowbell from The Rolling Stones (PO), drums from The Gap Band (PO), full-band sample of Foreigner (IN), and electric guitar from Kiss (NP).

³⁶ Sewell, “Typology,” 48.

³⁷ Sewell, “How Copyright Affected the Musical Style,” 304.

introductions are particularly common Emphatic samples. House of Pain's "Jump Around" begins with such a "fanfare," an Emphatic sample of the horn introduction of Bob & Earle's "Harlem Shuffle" (1966). Sewell describes the Momentary subtype as a sample that appears "only once in a track but in an unpredictable place."³⁸ Although they become less common into the early 1990s, Momentary samples are common in the early years of my study; they serve as moments of rupture, as Tricia Rose would describe them, in the midst of the otherwise loop-based groove.³⁹ In these ruptures, Momentary samples often fulfill a dialogic function. For example, in N.W.A.'s "100 Miles and Runnin'," a female voice narrates in between verses, "The FBI has a little message for you" (2:51), which proves to be something more of a threat. The song's groove is interrupted by Vincent Price's cackle from the end of his monologue in Michael Jackson's "Thriller," (2:53), which persists over a sample of Martha and the Vandellas' "Nowhere to Run": Martha Reeves cautions that there's "nowhere to run to baby, nowhere to hide." The female voice resumes, wishing N.W.A. "Good luck, brothers," and the regular groove resumes at 3:02. This ransom-note collage in music suggests that the FBI is the villainous Price, and that to avoid being caught, the outlaws of N.W.A. must keep "runnin'." As I discuss below, it is the Surface samples that are most adversely affected by the changes to sampling that follow the *Grand Upright* decision. Given just this example, I believe it is clear that the loss of the expressive potential of Momentary samples, at least in part due to sampling lawsuits, is something that would have been deeply felt by hip-hop producers.

Sewell's final type is the Lyric sample, which is broken into Single and Recurring subtypes. Although these types seem fairly self-explanatory, I will briefly delineate how they function. First, I want to emphasize that Sewell indicates that these are samples of "spoken, sung,

³⁸ Sewell, "How Copyright Affected the Musical Style," 304.

³⁹ Rose, *Black Noise*, 38-39.

or rapped *text*.”⁴⁰ In this way, a Lyric sample could be similar to a Non-Percussion or Constituent sample, but the important difference is the use of distinguishable text. As I mention above, vocal Constituent samples are quite common, but I did not classify them as Lyric samples simply because they were vocal: the verse groove of Queen Latifah’s “Dance for Me” includes a non-texted, doo-wop-inspired vocal sample from Sly and the Family Stone’s “Dance to the Music” (1968).⁴¹ I classified this as a Non-Percussion sample, because it had no discernable text. As Sewell enumerates in her dissertation, the Lyric sample is special, in that it relies on text recognition.⁴² Singular Lyric samples often fulfill a similar function to Momentary Surface samples, interrupting the musical structure, and creating dialogue between different elements. Recurring Lyric samples, on the other hand, often function as hooks or refrains, or else are formally significant in some other way. In some cases, a Recurring Lyric sample becomes the hook of the new song—something Sewell calls a “scratch hook”—which I discuss later in this dissertation in the context of the Derivative Song and the Interpolated Cover.⁴³

After generating my corpus, I located and identified the samples in each song, classifying them according to Sewell’s typology. This was a process of intense listening and sample hunting that took my research on strange tangents: an exercise that also connected me to online communities devoted to sample-based hip-hop. My primary resource in this process was WhoSampled.com, a database that professes to be “the world’s largest community for fans of sampled music, cover songs and remixes.”⁴⁴ The website has over 20,000 contributors (including

⁴⁰ Sewell, “How Copyright Affected the Musical Style,” 304.

⁴¹ “Dance for Me,” beginning at 0:16-0:49, and throughout; “Dance to the Music,” 0:15-22. “Dance for Me” is an interesting case: in the lyrics, Latifah reflexively comments on the samples of her song, “I put my rhyme to a DJ Mark beat /*Ample samples, this for example* / are made by the 45 King so cancel your plans.” It is from this passage that I draw the title of this chapter.

⁴² Sewell, “Typology,” 54, 68.

⁴³ Sewell, “Typology,” 72. I propose describe the Interpolated Cover in detail in Chapter 5.

⁴⁴ “About,” Whosampled.com (website), accessed December 4, 2018, <https://www.whosampled.com/about/>.

me), who listen, identify, document, and discuss sample-based music, interpolations, covers, and remixes. As my corpus study progressed, and I began to recognize a sampling canon, this process became easier, and in many cases, I could identify many commonly used samples without using WhoSampled. I first listened to all of the samples listed on WhoSampled, and classified them according to Sewell's typology. Although WhoSampled does distinguish between interpolations—newly performed passages of older songs—and samples, they were listed together under the category of “samples,” so I had to sort through which entries were samples and which were interpolations. If I found a WhoSampled entry deficient in some way, I deferred to my own listening. For example, if I couldn't hear a listed sample, I didn't include it.⁴⁵ When I heard a sample that was not included on WhoSampled, the process became a bit more complicated. When my own listening knowledge fell short, I consulted a combination of the-breaks.com, Wikipedia, original CD liner notes (in PDF and hard copy), genius.com (a lyric website, but which occasionally includes musical discussions in the comments section), Reddit, and my listening community.⁴⁶ In fewer than ten instances I was not able to identify the sources of samples: in these cases I included them in my study as per usual, classifying them according to Sewell's typology, and including the best possible description I could with regards to genre.⁴⁷ Because I privileged my own listening above WhoSampled and the other sources listed above, I take complete ownership for any misidentifications or possible misclassifications.⁴⁸ Luckily, because of the size of the corpus, it is improbable that any such small errors adversely affected my findings.

⁴⁵ See “Typology,” 18. Sewell also privileges her own listening skills.

⁴⁶ See Williams, *Rhyming and Stealing*, 16, on listening communities in hip-hop.

⁴⁷ For example, film/television sample in Le Juan Love's “Everybody Say Yeah.” See Appendix 1, 240.

⁴⁸ In terms of the latter, it is possible that I may have classified a sample as Non-Percussion when there may have in fact been very quiet percussion in the sample: but generally samples fall clearly into one of these types, and I am confident that any such errors are few and far between.

Findings

My corpus consists of 307 songs, with roughly 50 songs representing each year. After recording information regarding the number and types of samples, I explored the data I had collected in a variety of ways. Taking inspiration from the scientific method, I essentially repeated the experiment outlined in Chapter 5 of Amanda Sewell's dissertation, later published in the *Journal of Popular Music Studies*, and I roughly reproduced the same findings.⁴⁹ Instead of using five canonical artists and five of their albums over a 10-year span, I studied a representative sample of artists and songs from a six-year period.⁵⁰ Still, the fact that both Sewell's study and my own indicate a decline in the average number of samples around the year 1991 emphasizes that something important, impacting hip-hop music as an entire genre, was happening at this time. To follow in this line of empirical reasoning, I am also cognizant that correlation does not equal causation: it would not be accurate to say that *Grand Upright v. Warner* was the sole reason that the number of samples per song declined, but I am comfortable arguing that it played an important role.

⁴⁹ Sewell, "Typology," 203, and Sewell, "How Copyright Affected the Musical Style," 302.

⁵⁰ My corpus has fewer songs than Sewell's, but it also covers a shorter time period.

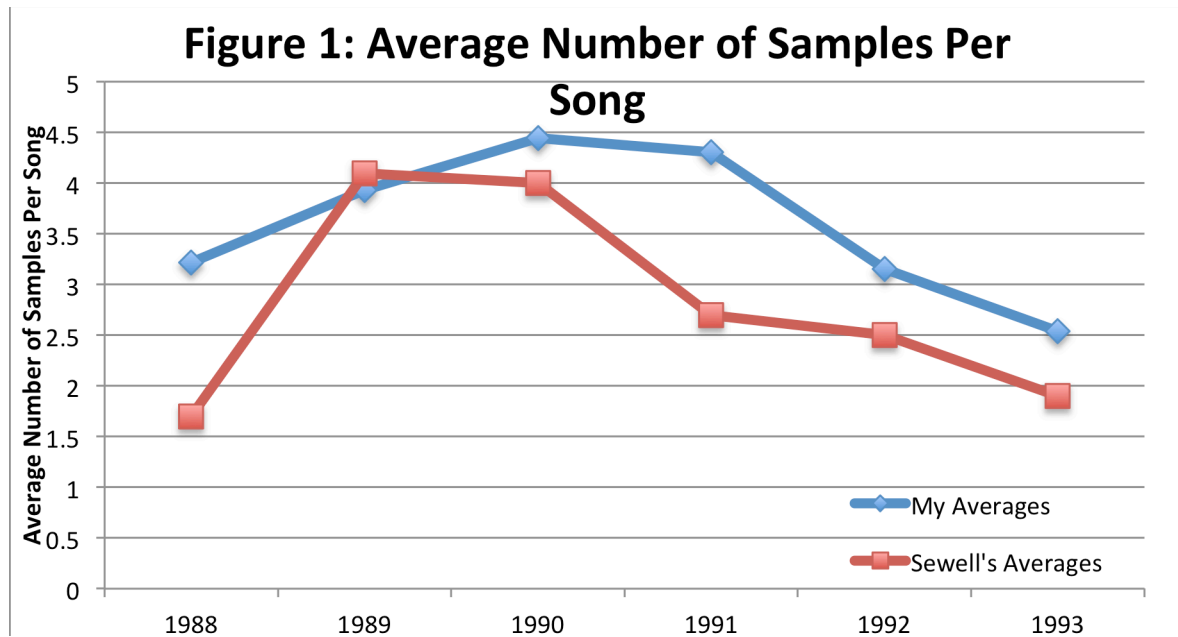


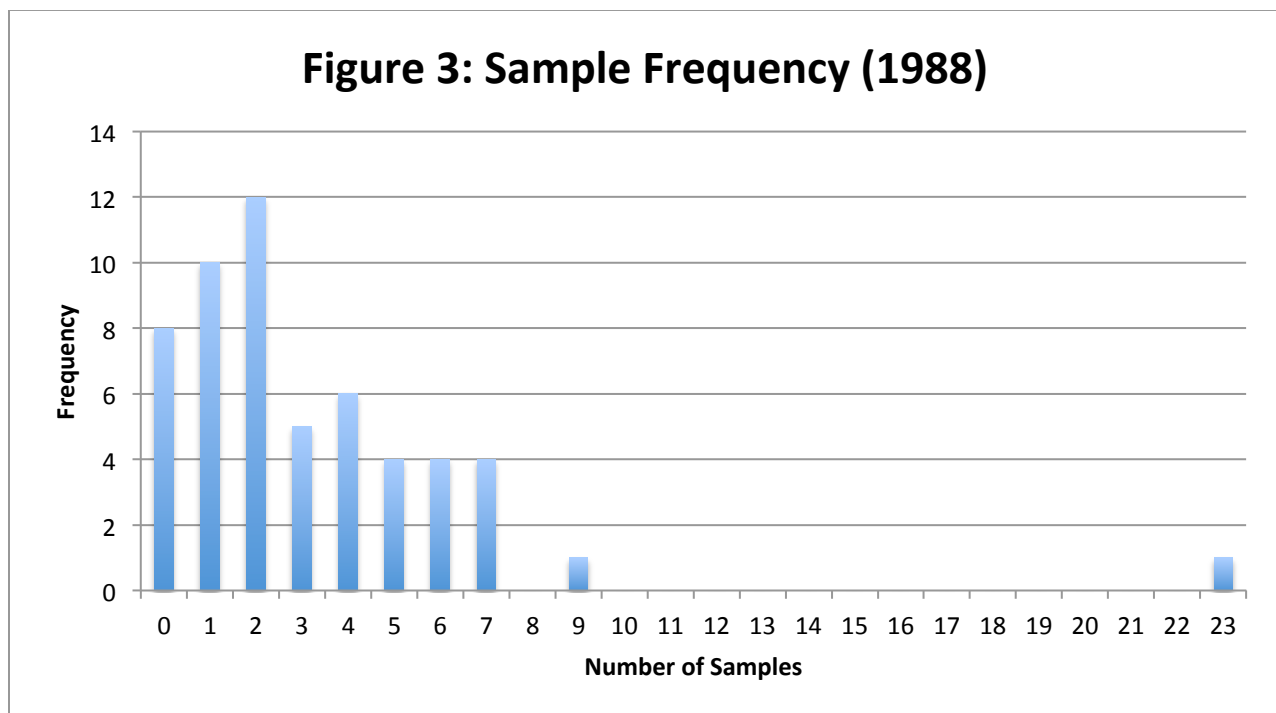
Figure 2: Average Number of Samples Compared to Sewell ⁵¹

	McLeish: Average Number of Samples	Sewell: Average Number of Samples
1988	3.2	1.7
1989	3.9	4.1
1990	4.4	4
1991	4.3	2.7
1992	3.2	2.5
1993	2.5	1.9

On the whole, our findings are similar: an increasing average number of samples per song, peaking in 1989 or 1990, with a decline from 1991 to 1993. Sewell's highest average is 4.1 in 1989: I expect that her average is slightly higher than my own for that year because of her reliance on canonical artists. The rest of the study indicates that her averages were lower than mine, which I attribute to her use of the Aggregate sample type (as outlined above). However,

⁵¹ Averages drawn from Sewell, "How Copyright Affected the Musical Style," 302.

despite the differences between our studies, one thing is clear: the dominant trend is a decreasing number of samples into the early 1990s. It is a powerful image, but one that only communicates part of how sampling changed during this time period. In order to see how the number of samples per song was distributed, I plotted frequency histograms, compared samples to interpolations, and looked at the percentage of songs with no samples. All of the subsequent figures present more depth and detail, and in some cases, counterpoints to Figures 1 and 2.

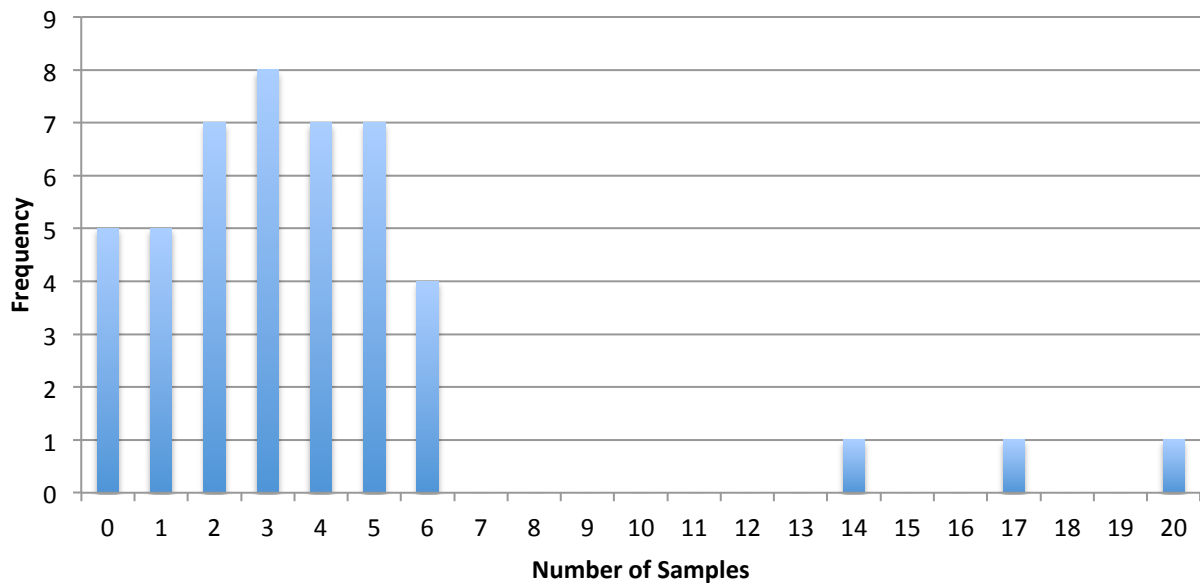
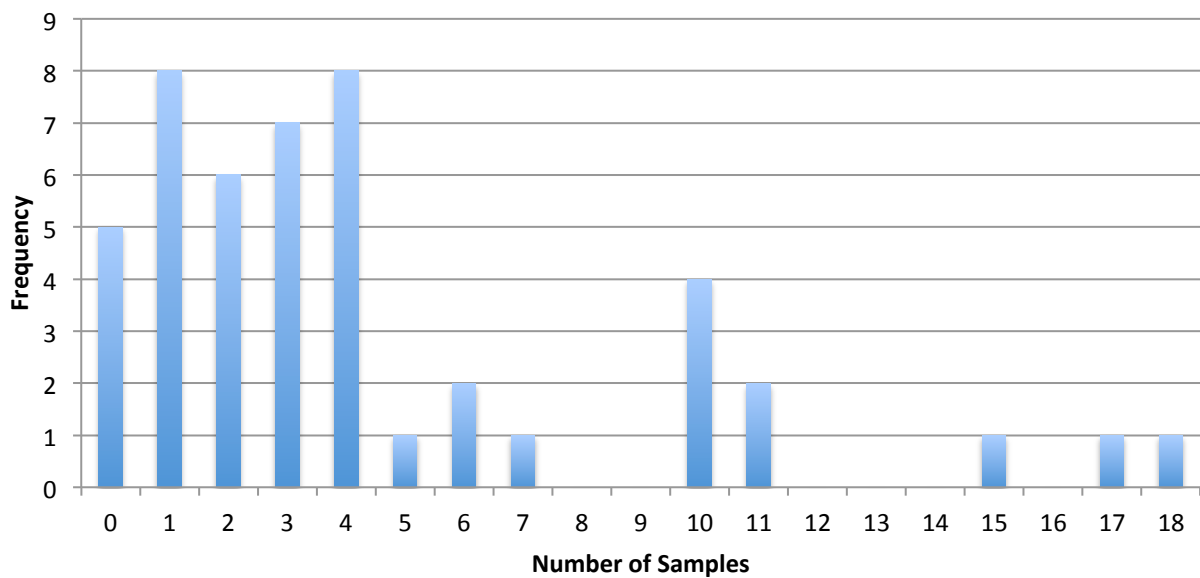


I plotted a frequency distribution histogram for each year of my study in order to see how the numbers of samples per song were distributed: Figure 3 shows how many songs in 1988 have “x” number of samples. The bulk of the songs in this year are concentrated at the left side of the graph, with many songs containing one, two, or zero samples. The song with the most identifiable samples in my study comes from 1988: Public Enemy’s “Night of the Living Baseheads” is on the right of the graph, with twenty-three identifiable samples. It is a visually striking outlier, given that the song with the next-highest number of samples has only nine

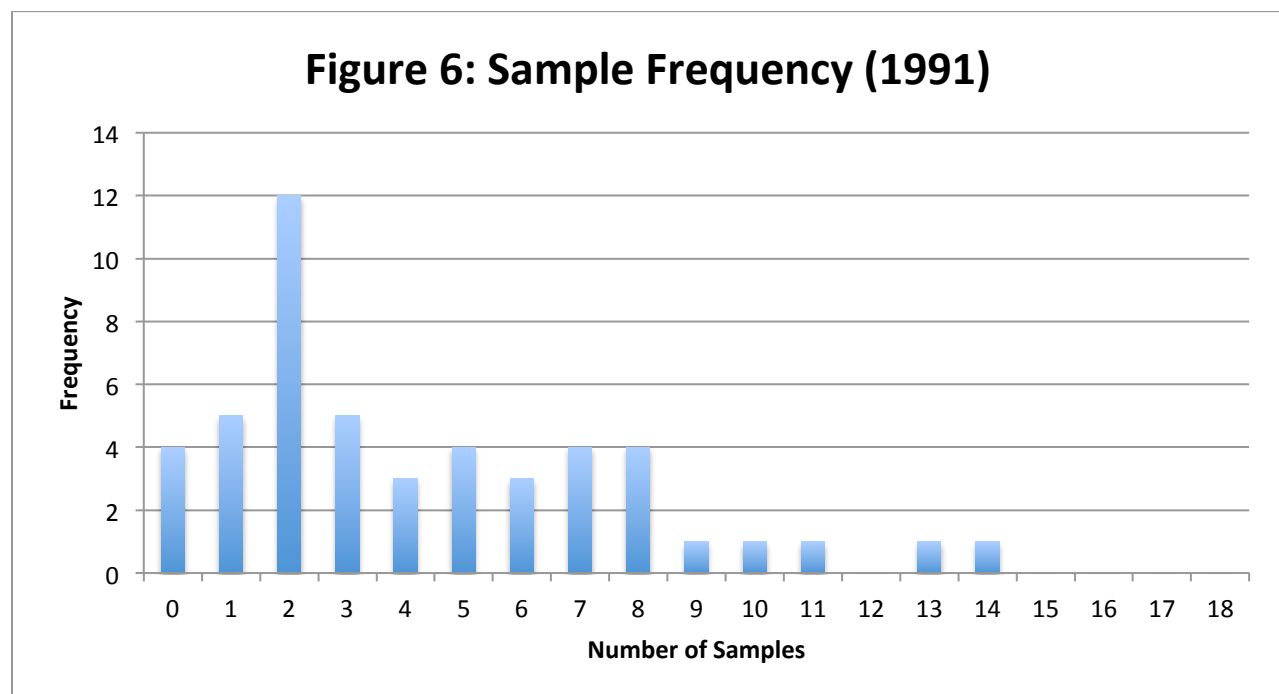
(“Bring the Noise,” also by Public Enemy). The outlier status of Public Enemy’s songs is significant: not only does this histogram show that Public Enemy’s songs contained more samples than their contemporaries, but, from a historiographical perspective, it demonstrates that their approach to sampling was the exception, not the rule. As mentioned previously, Public Enemy is frequently at the center of the discourse surrounding the perceived decreasing number of samples following lawsuits like *Grand Upright*.⁵² Because of their status as a canonical “golden-age” group, the discourse surrounding the impact of lawsuits, and the related decline in the number of samples per song disproportionately addresses the negative effects these developments had on Public Enemy. As the following frequency histograms will show, all artists appear to be affected by these changes, but scholars tend to focus on Public Enemy because they used so many samples in the first place.

The histograms for 1989 and 1990 demonstrate some compelling trends: the majority of samples are distributed more evenly than in 1988, from zero to four being common. As in 1988, there are still a few outliers with more samples than average, but in these years, there are more songs that fall into this category. While in 1988, there was only one song with ten or more samples, in 1989 there are three, and in 1990, there are nine. That is to say, there were more songs with more samples, which tells a different story than simply rising averages alone in these years. Based on my listening experience, I expected to find a greater number of samples across subgenres before completing the corpus study: artists like old-school rapper Kool Moe Dee, and pop-rap / new jack swing duo Kid N’ Play have songs with ten samples.

⁵² McLeod and DiCola’s experiment in *Creative License* uses *Fear of a Black Planet* as a case study, 201-212. Sewell includes Public Enemy in her study of five artists: “How Copyright Affected the Musical Style,” 300, and Sewell, “Typology,” 220.

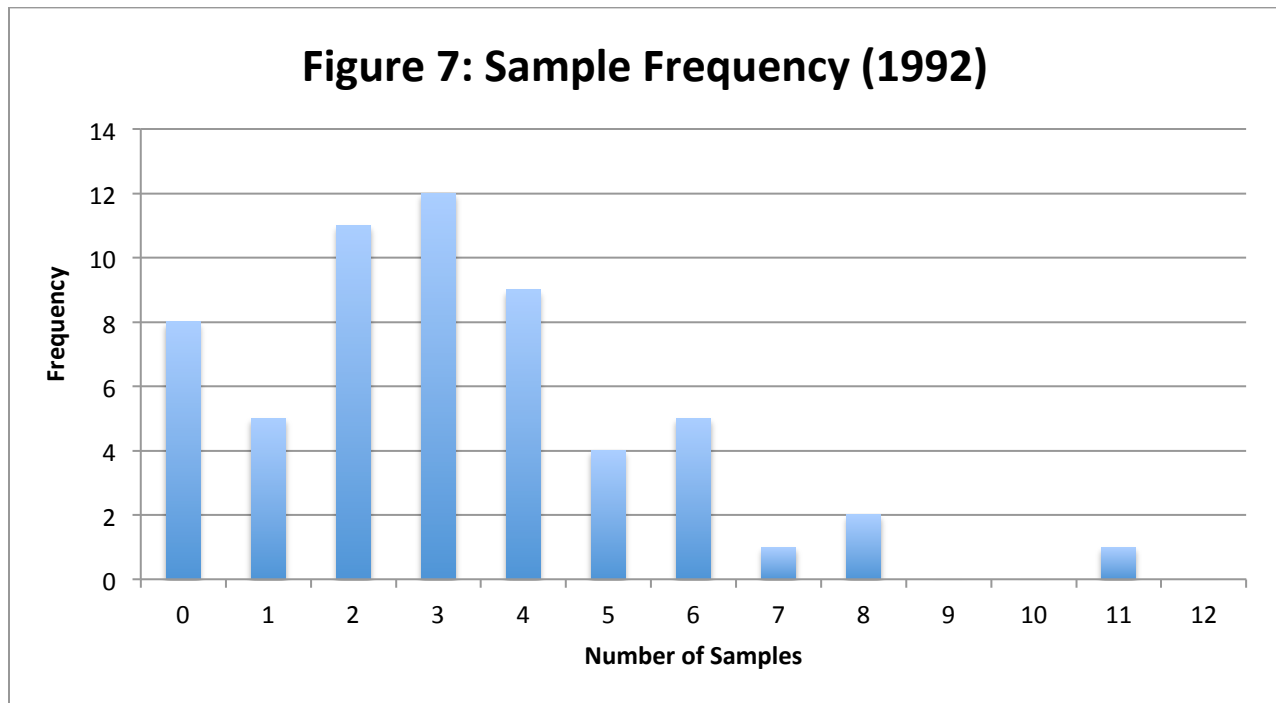
Figure 4: Sample Frequency (1989)**Figure 5: Sample Frequency (1990)**

In other words, it is not simply canonical, East Coast artists (known for their dense sampling textures), who are including more samples—the preference for more samples per song ranges across subgenres. In 1990, N.W.A. and N.W.A.-alumnus Ice Cube have songs with seventeen and fifteen samples respectively, indicating that West Coast artists also used the sample-dense collage aesthetic at this time.⁵³ The sample collage aesthetic was developed on the East Coast, and as it migrated west, it is possible to understand its migration as a testament to the dominance of East-Coast-inspired production even into 1990.⁵⁴



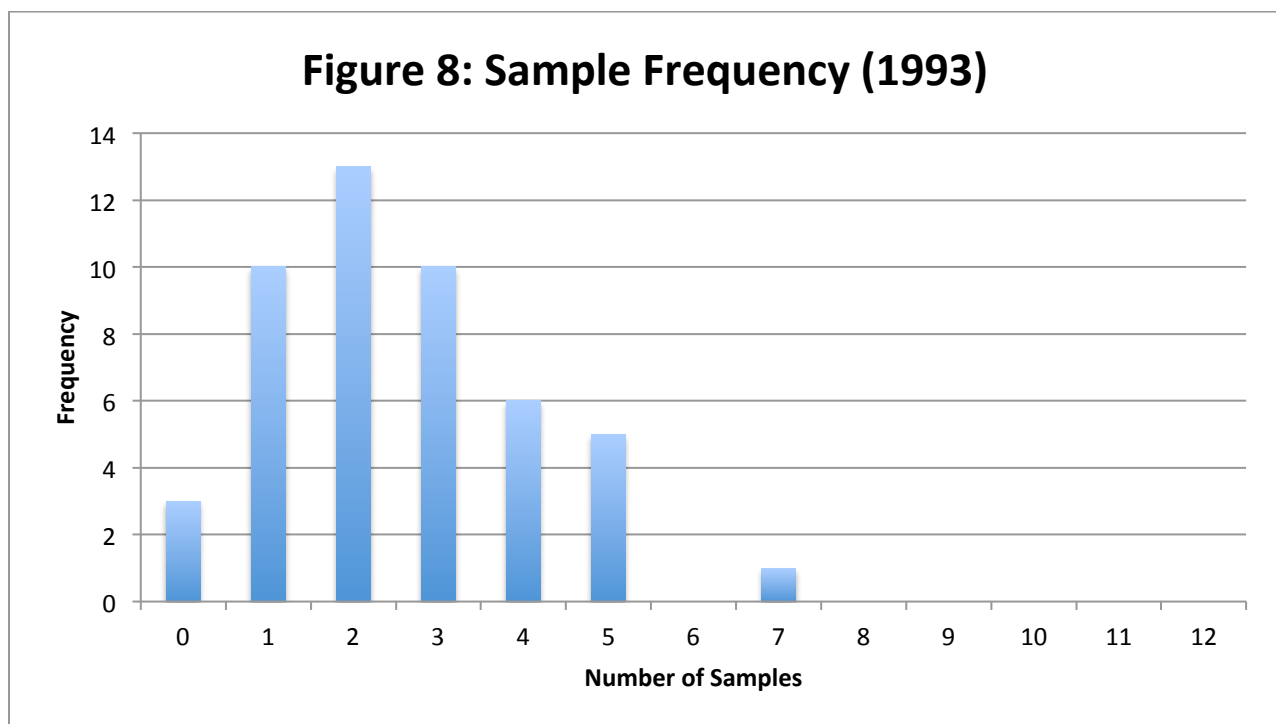
⁵³ N.W.A.’s “100 Miles and Runnin’,” produced by Eazy-E, Dr. Dre, and DJ Yella, and Ice Cube’s “Amerikkka’s Most Wanted,” produced by the Bomb Squad. Ice Cube likely developed his own approach to the Bomb Squad’s collage aesthetic after working with the production team on his album *Amerikkka’s Most Wanted* (1990).

⁵⁴ Many thanks to Murray Forman for suggesting this reading of the West Coast’s use of the collage aesthetic.



Because the graphs for 1991 and 1992 demonstrate what I believe is the same tendency, I will discuss them together. Figure 6 shows that, already in 1991, the outlier songs with the most samples have either been eliminated or shifted down towards the left side of the x-axis. There are no songs in my corpus in that year with more than fifteen samples, let alone the twenty or more I recorded in 1988 and 1989. Outliers have fewer samples by 1991: there are a handful of songs with nine to fourteen samples, while the rest are fairly evenly distributed between one and eight, with two samples being the most common. The songs with the second- and third-most samples in 1991 are by Public Enemy and their DJ, Terminator X, (“Can’t Truss It,” with thirteen samples, “Homey Don’t Play Dat,” with eleven samples, respectively), but the song with the most samples is by West Coast rapper Yo-Yo. Her song, “Stompin’ to the 90s” has fourteen samples, and was produced by Ice Cube, solidifying the fact that West Coast hip-hop did make use of many samples at this time, despite the fact that studies on this period usually focus on East Coast

groups.⁵⁵ Figure 7 indicates that the trend from 1991 became even more extreme in the following year: eleven samples is the maximum for this year, by West Coast Latin-rap group, Cypress Hill (“The Phuncky Feel One,” produced by DJ Muggs). Not only is the impact of copyright lawsuits unevenly felt across subgenres, but also across regions: East Coast artists are no longer the statistical outliers with the most samples beginning in 1991; instead some West Coast artists take up the collage aesthetic and continue to produce songs with more than average samples into 1992.⁵⁶



When compared with the previous graphs, Figure 8 starkly illustrates the aesthetic changes that occurred from the late 1980s into the early 1990s with regards to the number of

⁵⁵ As noted above, Ice Cube was likely inspired by the Bomb Squad after his collaboration with them, and consequently adapted this style when producing Yo-Yo’s debut album *Make Way for the Motherlode* (1991). West Coast artists may have been using the collage aesthetic production style more frequently, but its roots were on the East Coast (note 53).

⁵⁶ Although none surpass the 23 samples of Public Enemy’s “Night of the Living Baseheads.” The migration of the collage production style from East to West Coast, and its decline in each of these regions in hip-hop music promises to be a fruitful topic for future research.

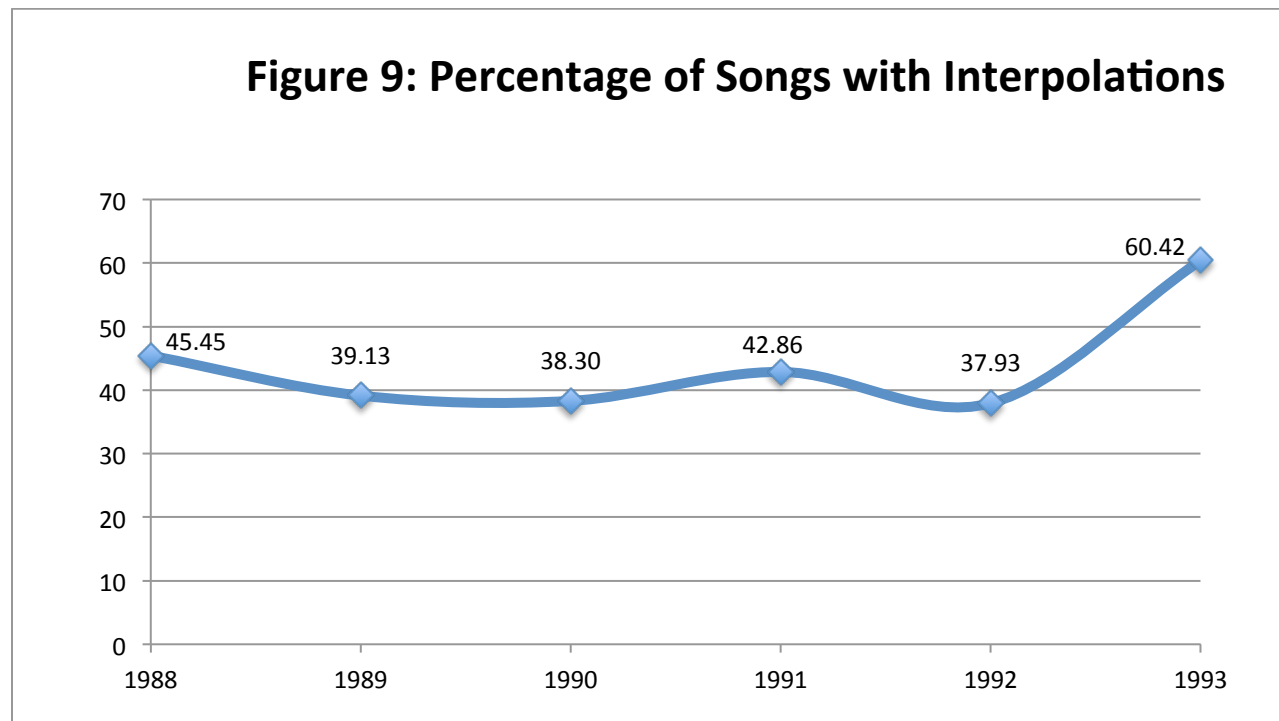
samples per song. The statistical outliers of the late 1980s—with ten, fifteen, or twenty samples per song—are gone: here, there is only one song with seven samples, with most having one to three.⁵⁷ The histograms for the years 1988 to 1993 illustrate the generic changes to hip-hop sampling practice that many have heard, but have not yet had the means to discuss: what is gone are the songs with dense sample collage aesthetic, but the songs with a couple of samples remain. In this sense, the studies that lament the impact of sampling lawsuits on golden-age artists are correct: Public Enemy and De La Soul were indeed more affected by these changes than others. In the quote that opened this chapter, Chuck D was acutely aware that Public Enemy was affected more than other groups, a claim that my corpus study substantiates. What roughly stays the same, however, is the number of songs that include only a couple of samples, suggesting that artists working in pop-rap and related subgenres were not affected by copyright lawsuits in the same way as sample-heavy artists such as Public Enemy.⁵⁸ If I had not included artists from diverse subgenres and with varied chart success, this trend likely would not have been visible in my results. To summarize, the possible effect of sampling lawsuits on the number of samples per song is not evenly distributed across subgenres: there are no songs in my corpus with more than fifteen samples released after *Grand Upright*, but a large number of recordings with a couple of samples per song stays constant throughout my period of study.

Some artists responded to the imperative to use fewer samples by using interpolations; re-performed sections of older songs, either of single or multiple voices or instruments, became an attractive choice for producers for two main reasons. First of all, it is easier to secure the rights to work (the song in the abstract, as it would be notated as a musical score) than the rights to the

⁵⁷ With seven samples is Total Devastation's self-produced song, "Many Clouds of Smoke."

⁵⁸ However, Vanilla Ice had his own copyright challenges regarding his use of Queen and David Bowie's "Under Pressure." I discuss this lawsuit in Chapter 2, 80-85.

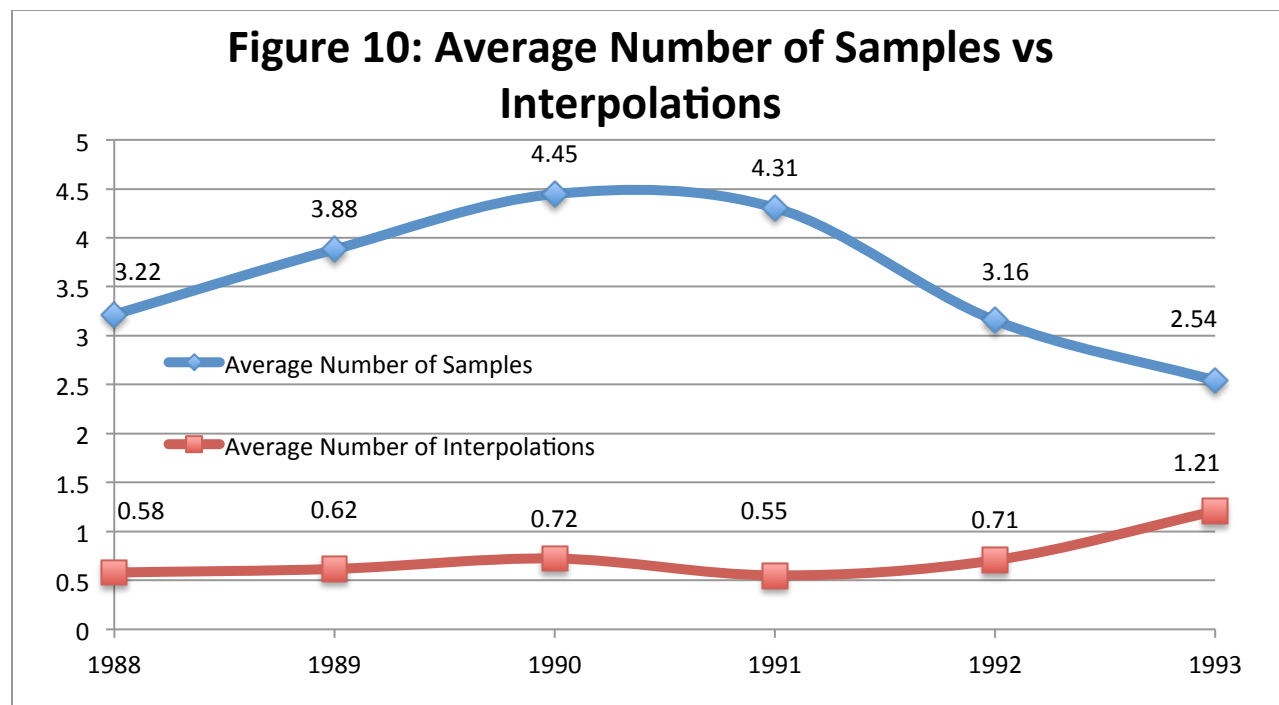
recording, from a copyright perspective. Additionally, music copyright case law in the United States has established that musical recordings are to be treated more like physical property than most intellectual property, giving litigious content owners a platform to pursue legal action for the use of any uncleared sample.⁵⁹



As Figure 9 demonstrates, the number of interpolations increases, hovering around 40% until 1992, and rising to 60% in 1993. *Grand Upright* was settled in December of 1991, so it seems unlikely that its aesthetic effects would be felt right away. It is clear however that by 1993, interpolations have become more common in hip-hop. I do not mean to suggest that the rise in interpolations is the direct result of a legal decision. Rather, I believe it is more accurate to interpret the rise in interpolations as but one response to a changing music industry in which access to sampling could no longer be taken as a given. Producers like Dr. Dre began to prefer

⁵⁹ Claire McLeish, “‘The Future is Medieval’: Orality and Musical Borrowing in the Middle Ages and Online Remix Culture,” (MA Thesis, University of Western Ontario, 2013), 24-26, and 47-48.

interpolations as more than simply workable alternatives to sampling: “In rerecording all the material live, in addition to avoiding high copyright costs, Dr. Dre [also] has greater control over all of the individual tracks.”⁶⁰ As artists experimented more with interpolations, often used in the same song as samples, they seemed to be taken with the creative possibilities that re-performing older songs offered, and later in the 1990s, the interpolation became aestheticized in its own right.⁶¹



According to Figure 10, as the average number of samples per song decreases from 1991 to 1993, the number of interpolations rises. This suggests to me that when one mode of intertextual reference becomes less feasible, or unavailable, hip-hop artists turned to another: interpolation by no means takes the place of sampling in the non-rap musical structure of hip-hop, but instead, augments the existing tradition of sampling. The rise in interpolations also

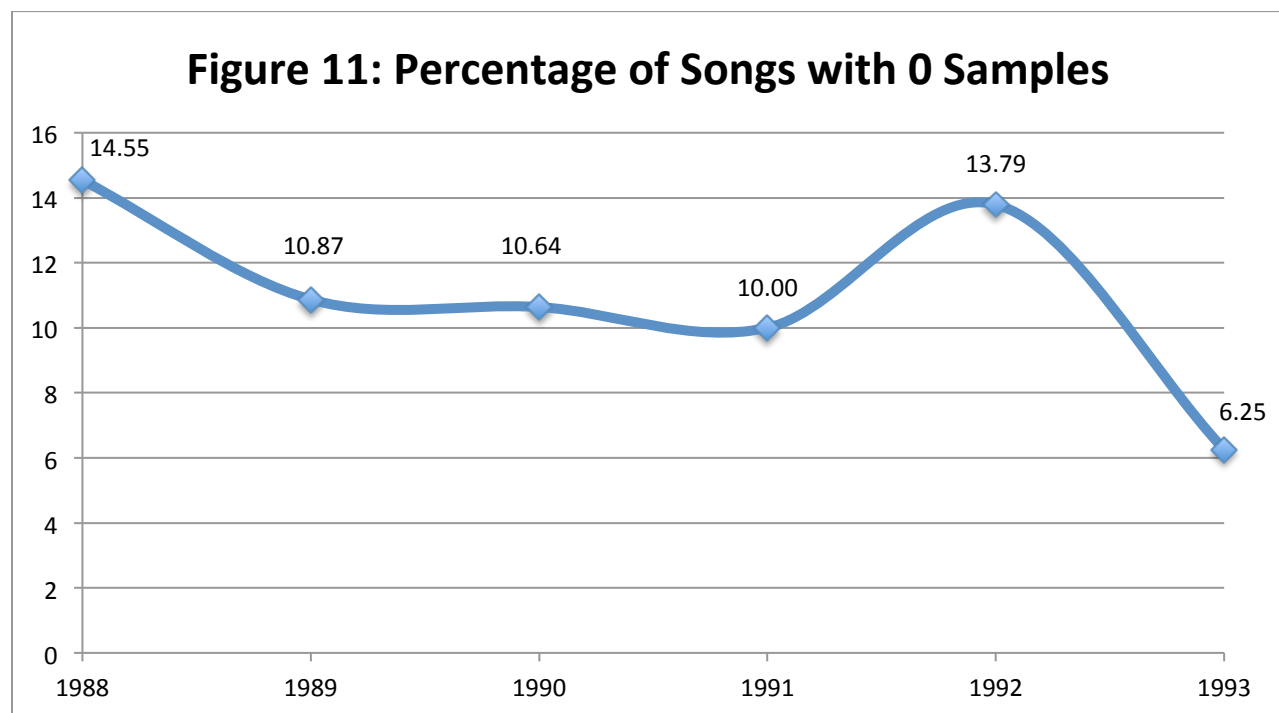
⁶⁰ Williams, *Rhyming and Stealing*, 83.

⁶¹ Here, I am thinking of the many interpolations in the songs of the Notorious B.I.G. and 2Pac. A smooth interpolation, often with slightly altered lyrics and a new generic context, became a hallmark for mid-1990s gangsta rap. The vocal hook of Biggie’s “Juicy” (adapting Mtume’s “Juicy Fruit”) is a fine example of this tendency.

suggests that some form of intertextual reference, whether samples or interpolations, is a central component of creative expression in hip-hop music: as Justin Williams puts it, “the fundamental element of hip-hop culture and aesthetics is the overt use of preexisting material to new ends.”⁶²

Hip-hop interpolations create different sonic effects, and create musical meaning in different ways from sampling (a topic to which I will return in Chapter 5), but they are still part of the same “fundamental element” that Williams describes.

As interpolations supplanted samples, I expected to find more songs with no samples at all, but this was not the case (Figure 11).

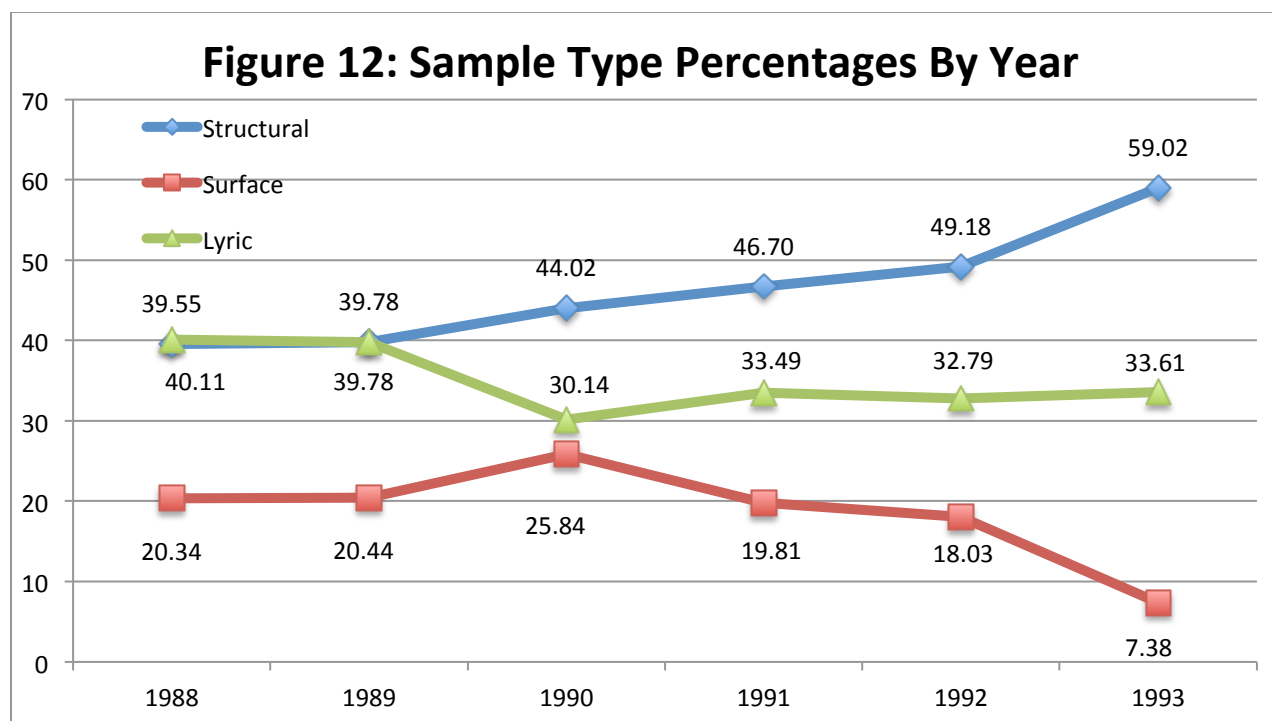


There were more songs without any samples in 1988 than in 1993, adding nuance to discussions of songs in the golden age; indeed, from 1989 to 1991, this percentage stays constant at about ten (Figure 10). If I had made a hypothesis regarding the percentage of songs with zero samples after reading the secondary literature on *Grand Upright* surveyed in Chapter I, I would

⁶² Williams, *Rhymin' and Stealin'*, 1.

have made a graph that mounts abruptly in 1992 and 1993 (if not as early as 1993). However, the percentage in fact decreases from 1992 to 1993, indicating there were more songs overall that had at least one sample. In this way, Figure 11 contradicts much of the existing literature about the effects of *Grand Upright* and the decline of sampling in the early 1990s. Although there were, on average, fewer samples per song, there were also more songs with some samples, indicating that copyright lawsuits did not singlehanded kill hip-hop sampling. That is to say, while sampling indeed changed, it was by no means eliminated. Artists responded by using sample sub-types differently, and by including interpolations instead.

I observe a stark change in producers' preference for sample types and sub-types over the years of my corpus study: Figure 12 indicates the distribution of sample types from 1988 to 1993.

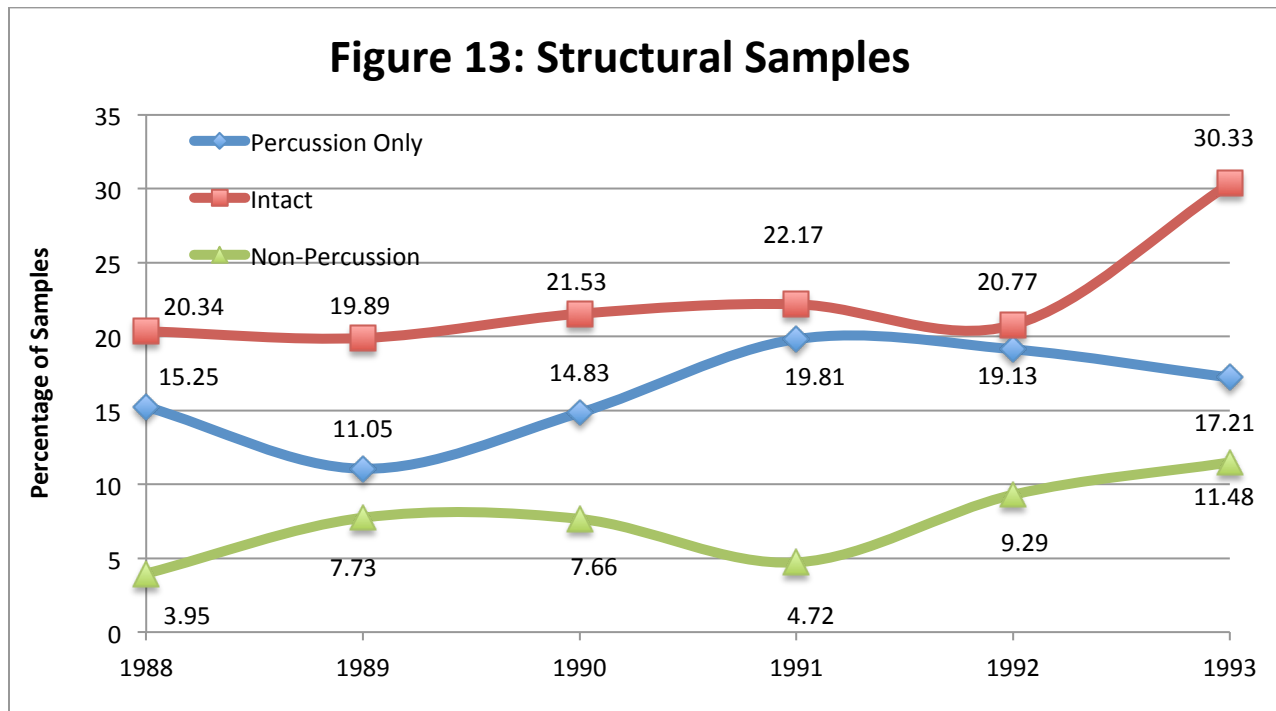


In 1988 and 1989, Structural and Lyric samples each make up about 40 percent, while Surface samples make up the balance. To a fan of golden age hip-hop, this breakdown makes sense: both

types of Lyric samples are very common, and Structural samples make up the groove. Surface samples are not a part of the groove's musical foundation, but they do add rhythmic and textural interest when interacting with the other sample types, so it is unsurprising that there would be fewer comparatively. Beginning in 1989, the Structural sample overtakes the others, eventually peaking at 59 percent in 1993, while the other two types decrease. Lyric samples stabilize at around 30 percent, while Surface samples sink to a mere 7.38 percent. I must emphasize that the changing percentages of the sample types from 1991 to 1993 in Figure 12 is taking place in the context of a decreasing average number of samples. To put it another way: as the overall number of samples declines, it becomes clear that the Structural sample is the most important type for producers, or at least the type that they continue to use as access to samples becomes more difficult and expensive. I contend that the aesthetic differences listeners perceive in hip-hop music before and after *Grand Upright* are at least as much due to the changes to sample-type distribution as they are related to the decreasing overall number of samples.

Having considered the changes to sample types, I will now compare how producers' preferences for sample subtypes shifted, from Structural samples, to Surface and Lyric samples. From 1988 to 1993, the Intact sub-type remains the preferred Structural sample subtype. I was surprised that Percussion-Only samples were not the best represented sub-type, because so much discourse has been devoted to the important breaks of hip-hop sampling, such as the "Funky Drummer" and "Amen, Brother" breaks. Non-Percussion samples remain the least common, although the percentage begins to rise in 1992, when it became more common for producers to sample synthesizer and bass lines in gangsta rap and G-funk.⁶³

⁶³ Examples include the many uses of the Ohio Players' "Funky Worm" synthesizer, sampled in songs such as Kris Kross's "Jump," Ice Cube's "Wicked," DJ Jazzy Jeff and the Fresh Prince's "Boom! Shake the Room" and many others.



The most notable development illustrated in Figure 13 is the spike in Intact samples in 1993, which is part of a larger set of tendencies pertaining to all sample subtypes. I contend that this rise in Intact Structural samples is a response to the industry demands, the legal climate following *Grand Upright*, and the restricted access to samples. Although artists were still using samples in 1992 and 1993, they began to use them in a different, more conservative way: producers were seeking more “bang for their buck,” so to speak, when it came to sample licensing. If the record label were to pay for the rights to a sample (and the number of samples per song was indeed decreasing), then the few samples that producers did use became even more important. Intact samples (and especially long, intact samples) are often more recognizable than single instrument samples (such as Percussion-Only and Non-Percussion), and even more so than Surface samples, which I explain below. After working extensively with these songs and their samples, I observed that the Intact Structural samples in songs released from 1991 onwards fulfill important structural functions in their new songs. Dr. Dre’s “Let Me Ride” from *The*

Chronic (released 1992, peaked at # 34 on the B100 in 1993), is one such song. Dre samples Parliament's "Mothership Connection (Star Child)," including foregrounded synthesizer, as well as the rest of the band.⁶⁴ "Let Me Ride" also borrows its hook from "Mothership Connection": an interpolation of the chorus, "Swing low, sweet chariot stop and / Let me ride" makes its first appearance at 1:14, suggesting that the use of Parliament's iconic 1975 song is salient and intended to be recognized. To reiterate: Intact Structural samples became more attractive to producers when their access to samples had been compromised; although there were fewer samples (on average) from 1991 to 1993, the samples that producers did choose to include were no less important than those used in the previous years.

Surface samples nearly disappeared in the later years of my corpus study, which is one of the main differences between songs released before and after the *Grand Upright* decision. Although Surface samples were consistently the least-commonly used type in my corpus, their importance in creating the dense sample-collage aesthetic associated with the golden age cannot be understated. As suggested by Figure 12, the percentage of Surface samples peaked in 1990, and then sank to a low of 7.38 percent overall.

⁶⁴ The sample in "Let Me Ride" starts at 0:12 in the music video version (0:14 on the album), while the passage in the Parliament original starts at 5:35.

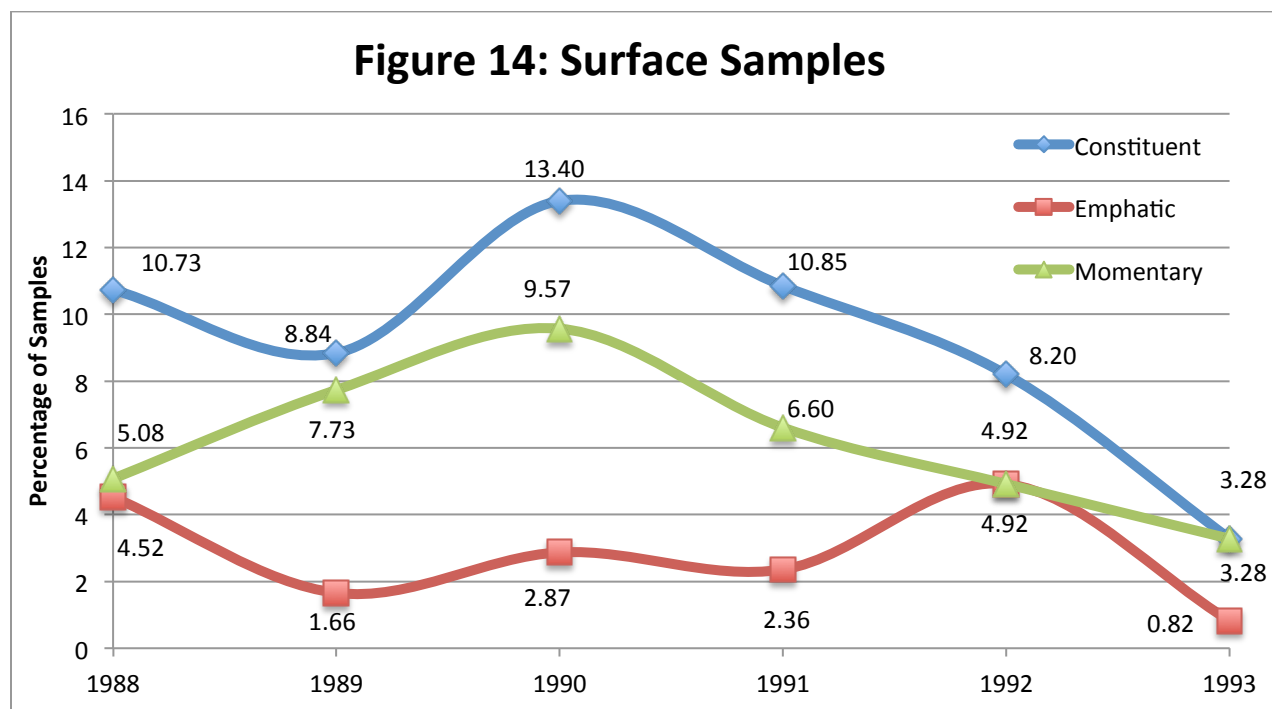
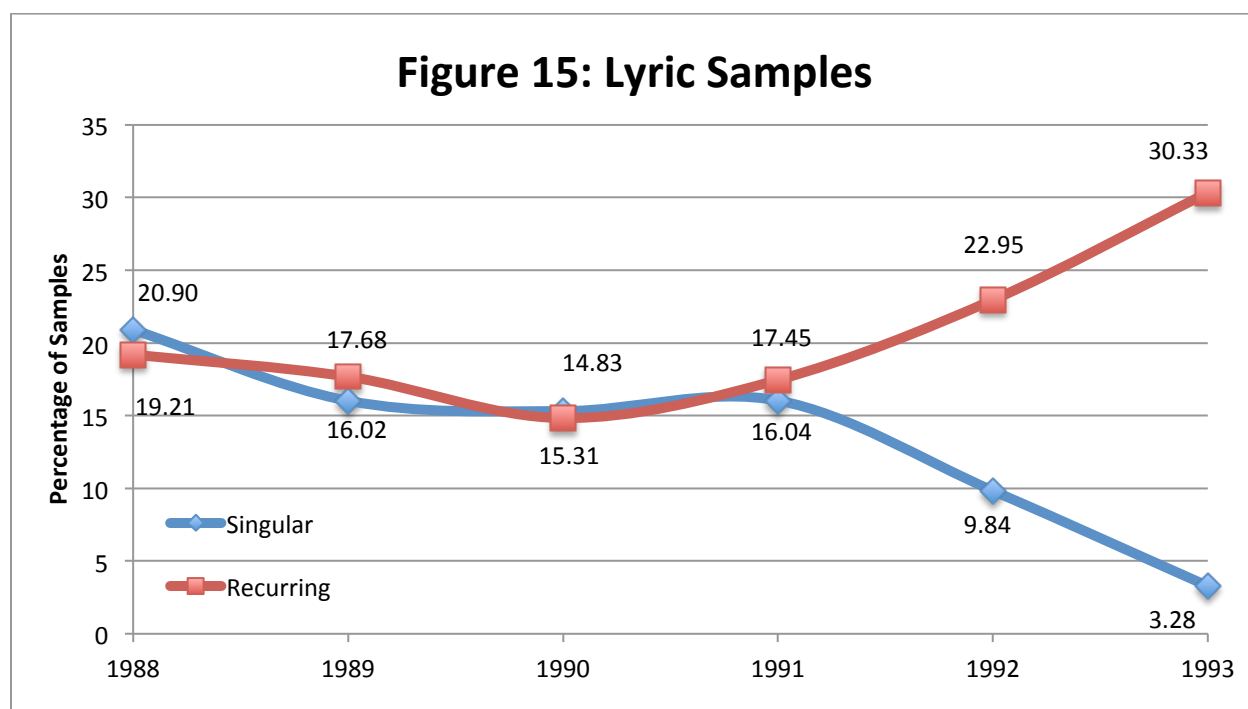


Figure 14 indicates how these subtypes were distributed: the Constituent type, which punctuates the groove at regular intervals, was the most used subtype. Emphatic and Momentary Surface samples may have been used less frequently, but as I describe above in the example of “100 Miles and Runnin’,” producers can use them to create original and startling effects. The near-disappearance of the Surface sample type is one of the most important differences between music before and after *Grand Upright*, or, more generally, before and after the generic transformation that is frequently discussed and theorized in hip-hop from the late 1980s and early 1990s. More than any other type, it is the Surface samples of various subtypes that create the dense, polyrhythmic, intricate, and polyphonic textures associated with canonic artists like Public Enemy and De La Soul. The layering tendency of hip-hop music is best observed in the Surface sample type: when artists stop using it, the resulting musical textures become less heterogeneous, and less dialogic. When producers felt pressure to reduce the number of samples in their songs, it was the Surface samples that were cut. Like Sewell, I do not interpret this as a fundamentally

good or bad development.⁶⁵ However, I do believe that the near-elimination of the Surface sample type forced artists to re-think the intertextual purposes and potential of sampling.



Recurring and Singular Lyric samples follow similar trajectories to Intact Structural and Surface samples, respectively. As Figure 14 shows, Recurring Lyric samples become more popular after 1991. This is another instance of a frugal, if not conservative, approach to sampling, in which producers again seem to be seeking quality over quantity. Recurring samples are only cleared once, and used throughout the song, at times even as a new hook (as mentioned above). Singular Lyric samples, like Surface samples, often function as interjections, interruptions, or ruptures, as Tricia Rose has so perceptively put it.⁶⁶ The result is, if not a homogenous, perhaps a more appropriately monolithic approach to sampling: as in “Let Me Ride,” the connections to pre-existing songs are fewer, but they are just as purposeful, and in some cases, more obvious and meaningful.

⁶⁵ Sewell, “How Copyright Affected the Musical Style,” 295.

⁶⁶ Rose, *Black Noise*, 38-39.

Public Enemy

Because I included songs by the same artists across multiple years, I am able to trace the changes to sampling practice in the work of individual artists, comparing examples of their pre- and post-*Grand Upright* work in order to elucidate my previous arguments about the changing role of sampling. Rather than focusing on albums, I use individual songs to explore not only how the number of samples per song changes, but also how the samples' functions and the overall characteristics of the songs change over the years. Focusing on songs also allows me to go into more musical detail than a survey of albums across multiple years. Because the changes to their musical style receive so much attention, I discuss two songs by Public Enemy, focusing on how the production of their songs responded to the imperative that songs have fewer samples. I present case studies that demonstrate how different subgenres respond to the need for fewer samples: DJ Jazzy Jeff & the Fresh Prince work in the pop-rap subgenre, and Dr. Dre produces gangsta rap and G-funk. Artists respond to lawsuits by using fewer samples and more interpolations: the creativity that was required to continue to make hip-hop beats with fewer samples led to new, smoother musical sounds, which soon became an aesthetic ideal in its own right. Some artists adapted more easily than others, leaving those who attempted to hold on tightly to their earlier styles at a disadvantage.

Public Enemy's "Night of the Living Baseheads" (1988) features the most samples of any song in my corpus study. Tricia Rose calls the song:

a narrative bricolage that offers critical commentary on police, drug dealers, drug addicts, and black middle class, the federal government, media discourse, and music censorship groups. A visual, symbolic, and conceptual tour de force, "Baseheads" is one of rap music's most extravagant displays of the tension between postmodern ruptures and the continuities of oppression.⁶⁷

⁶⁷ Rose, *Black Noise*, 115. See her complete analysis of the music video, 115-123.

The song contains at least twenty-three samples and exhibits Public Enemy's sample-heavy style in the golden age. Like many Public Enemy songs, "Baseheads" begins with a Singular Lyric sample from a political speech. In this case, it is Nation of Islam leader and Black Panther Khalid Abdul Muhammad.⁶⁸

Have you forgotten that once we were brought here, we were robbed of our name, robbed of our language? ... We lost our religion, our culture, our god ... and many of us, by the way we act, we even lost our minds.

The song's groove explodes while Chuck D spits "Here it is, BAM!/ And you say 'Goddamn, this is the dope jam'" (0:13-0:14). James Brown's "The Grunt" (1970) constitutes the foundation for the song's groove: an Intact, Structural sample incorporating saxophone, guitar, and percussion. Overall, the musical textures, lyric delivery, and references of "Baseheads" imply a purposeful difficulty, a sort of hip-hop modernism, which is surely one of the qualities that attracts so many scholars to Public Enemy's music. "Baseheads" has a heterogeneous surface; though its groove is based on looped samples, it is punctuated with ruptures, interruptions, and segues. "Baseheads" includes four Momentary Surface samples, which effectively pause the established groove. At 1:49, Temptations frontman Dennis Edwards calls out "Hold it, hold it! Listen," and the bluesy piano introduction of "I Can't Get Next to You" (1969) plays. The Bomb Squad production team introduces a playful moment of self-reflexivity: on the original Temptations song, Edwards tries to encourage an audience to stop their applause and pay attention to the beginning of the song, and here, the producers draw attention to the patchwork musical structure of "Baseheads" by using Edwards' appeal to stop and listen. Not all listeners

⁶⁸ Tricia Rose identifies the speaker as Malcolm X, but subsequent research has suggested it is indeed Muhammad. See Christopher R. Weingarten, *Public Enemy's "It Takes a Nation of Millions to Hold Us Back,"* 107-108.

would have recognized the reference, but its sudden juxtaposition with the established groove highlights “I Can’t Get Next to You” as musical material that comes from somewhere else.⁶⁹

“Baseheads” features an overwhelming number of voices: I identified sixteen Single and two Recurring Lyric samples, as well as newly-performed vocals from both Chuck D and Public Enemy’s “Minister of Information” Professor Griff. In addition to its many samples, “Night of the Living Baseheads” also has many lyric references; the title refers to classic zombie film *Night of the Living Dead* (1968), and the word “base” refers to crack cocaine, thus “baseheads” are “crack-heads.” Throughout the song, Chuck D plays with the word “base”: at 0:47, he spits “Please don’t confuse this with the sound, I’m talkin’ bout base,” the last word itself a sample of Chuck D saying “Bass! How low can you go?” at 0:14 in “Bring the Noise” (Public Enemy, 1987).⁷⁰ At 2:14, the Bomb Squad inserts what Amanda Sewell would call a lyric substitution: DMC (of Run-D.M.C.) interrupts Chuck D’s sentence in another instance of wordplay: “Yo listen/I see it on their faces/*first come, first serve basis*.”⁷¹ In this case, as in several others, the voices of “Baseheads” engage in dialogue: not only do the instrumental samples function dialogically, but sampled and newly-performed vocals also speak and answer each other.

“Night of the Living Baseheads” includes samples drawn from diverse genres and artists, ranging from David Bowie to Aretha Franklin, no-wave group ESG, and funk artists the Bar-Kays and Rufus Thomas.⁷² While the groove provides the instrumental foundation of the song, it

⁶⁹ See Williams, *Rhyming and Stealing*, 9. Here Williams discusses how producers use record hiss, pops, and other techniques to foreground what musical material is sampled. G-funk, however, tends to hide the borrowed-ness of its samples, by using clean recordings.

⁷⁰ In this single sample, “bass” becomes “base,” and “how low can you go?” is recontextualized: instead of referring to pitch or register, here it poses a question about moral fortitude and implies that selling crack cocaine is just about as low as you can go.

⁷¹ “Basis” could also be heard as “bases,” another instance of word play.

⁷² See Appendix 1 for corpus study totals, including sampled artists.

is frequently interrupted; each verse is followed by scratching, and a Momentary sample (like the Temptations one described above).

“Night of the Living Baseheads” reflexively highlights its own intertextual, patchwork structure. Chuck D’s rap is filled with references, wordplay, and a momentary exchange with DMC; the beat marries repetition with rupture; and the record scratching that follows each verse brings attention to the music’s connection to hip-hop turntablism. Musical meaning in “Night of the Living Baseheads” comes through intertext, play, and Signifyin(g): the song is always gesturing beyond itself, backwards and outwards. Though many Public Enemy and Bomb-Squad-produced songs have some of these features, “Baseheads” still sounds frenetic, evoking the frantic, titular Basehead on crack. Although my discussion of “Night of the Living Baseheads” is brief, it demonstrates the importance of sampling to Public Enemy’s aesthetic, at least in 1988.

As Amanda Sewell and others have observed, Public Enemy’s style changed after the *Grand Upright* decision, and their music incidentally became less popular around this time. Their songs did use fewer samples, but I argue that this is not the only reason for the changes to their sound. *Muse Sick-N-Hour Mess Age* was released in 1994—the first Public Enemy album released after *Grand Upright*. Their previous album, *Apocalypse 91...The Enemy Strikes Black* also expresses the changing production and sampling techniques I will describe below, but I find the differences between Public Enemy’s early, canonical work, and the sound of *Muse Sick* much more striking. Sewell argues that Public Enemy’s music began to sound dated to hip-hop listeners, specifically because they “*were* able to maintain a sense of their earlier musical styles even when their primary creative tools—that is, samples—were severely restricted ... If

anything, Public Enemy's music sounded the same to critics and other listeners, not different."⁷³

To my ears, however, Public Enemy seems to be trying to keep up with the latest in hip-hop: "I Stand Accused," from *Muse Sick-N-Hour Mess Age* synthesizes the group's older sampling aesthetic with Chuck D's best impression of West Coast gangsta rap.

In contrast to "Night of the Living Baseheads," "I Stand Accused" contains just four identifiable samples. The two Public Enemy songs I chose to discuss span the extremes of the group's sampling practice, illustrating how outliers with many samples, like "Baseheads" in 1988, and "Fight the Power" in 1989, are squeezed out by more conservative approaches to sampling, even in Public Enemy's own catalogue. The most striking difference between "I Stand Accused" and Public Enemy's earlier songs is the complete absence of Surface samples. Chuck D raps over a smooth synth pad, which is punctuated by a Recurring Lyric sample from Ohio Players' song, "Funky Worm," which had become a favourite sample source for gangsta rap producers. Emulation of the distinctive "Funky Worm" nasal synthesizer timbre became a generic marker of gangsta rap in the early 1990s: by sampling this song—even though it is the vocals and not the synthesizer—Public Enemy rhetorically align themselves with gangsta rap. Other elements of the song suggest participation in the gangsta rap subgenre, such as the slower tempo (88 beats per minute), Chuck D's lazy delivery, the sung hook, and an overarching preference for smooth timbres. "I Stand Accused" includes two Single Lyric samples, which are redolent of Public Enemy's earlier style. However, these Lyric samples—drawn from the dialogue from the 1989 film *Harlem Nights* and civil rights docuseries *Eyes on the Prize* (1987-

⁷³ Sewell, "How Copyright Affected the Musical Style," 296. Emphasis added.

1990)—do not create the same patchwork, dialogic texture as the samples in “Night of the Living Baseheads.”⁷⁴

Bomb Squad producer Hank Shocklee told Kembrew McLeod how sampling lawsuits affected Public Enemy’s music:

We were forced to start using different organic instruments, but you can’t really get the right kind of compression that way. A guitar sampled off a record is going to hit differently than a guitar sampled in the studio. The guitar that’s sampled off a record is going to have all the compression that they put on the recording, the equalization. It’s going to hit the tape harder. It’s going to slap at you. Something that’s organic is almost going to have a powder effect. It hits more like a pillow than a piece of wood. So those things change your mood, the feeling you can get off of a record. If you notice that by the early 1990s, the sound has gotten a lot softer.⁷⁵

“I Stand Accused” is definitely softer than Public Enemy’s earlier work, but not simply because there were more newly performed instrumentals and fewer samples. The group seemed to respond to the vogue for gangsta rap and the more relaxed aesthetic associated with the West Coast. In the same interview, Chuck D references Dr. Dre as an artist who chose interpolations as a work-around for sampling, because it is easier to secure the rights to the musical work than the recording. Ultimately, Public Enemy’s style changed, and part of the reason they abandoned the sample-based collage aesthetic of their canonic albums was the risk of sampling lawsuits. But the *Grand Upright* decision was not handed down in a cultural vacuum: gangsta rap was becoming an important cultural force that helped to propel hip-hop music even further into the mainstream, and so it is unsurprising that a group like Public Enemy would experiment with synthesizing their established style with one that was newer and had broad commercial appeal.

⁷⁴ These Lyric samples are from the “Stuttering Champ” scene, and *Eyes on the Prize* episode 2, “Fighting Back: 1957-1962). For the latter, see “Eyes on the Prize – (Part 2) Fighting Back 1957-1962” YouTube video, 57:39, posted by INDIVIDUAL THOUGHT, April 14, 2016, at 50:15.

⁷⁵ Kembrew McLeod, “How Copyright Law Changed Hip Hop,” *Alternet*, May 31, 2004.

Public Enemy were but one group active in the hip-hop field, and even though they may have been more affected by sampling lawsuits than others, they are an exception, rather than the rule.

DJ Jazzy Jeff & the Fresh Prince

To account for the impact of sampling lawsuits like *Grand Upright* on hip-hop music more generally, I have chosen to discuss the evolving musical style of DJ Jazzy Jeff & the Fresh Prince. The pop-rap duo had a string of hits in late 1980s and early 1990s, but their first top 20 hit on the B100 was “Parents Just Don’t Understand,” which also won the first Grammy Award for Best Rap Performance (in 1989). The “Parents Just Don’t Understand” music video catapulted the young Will Smith (the Fresh Prince) to fame, in part inspiring the television show *The Fresh Prince of Bel-Air* (1990-1996).⁷⁶ Although released in 1988, the peak of sampling’s golden age, “Parents Just Don’t Understand” contains just two samples. As I outline above, hit songs like this one are not typically included in the discourse on music copyright and sampling in the golden age, likely because they confound the easy narrative that the number of samples per song decreased, and decreased drastically. But, as I outline above, it is important to include songs from all parts of the field of cultural production, and pop-rap was an important, and extremely visible part of this field.

“Parents Just Don’t Understand” features two samples: an Intact Structural sample of Peter Frampton’s “Won’t You Be My Friend?” (1977), and a Constituent Surface sample of a brass hit from John Davis and the Monster Orchestra’s “I Can’t Stop,” (1976). Jazzy Jeff “fattens up” the Frampton sample by doubling the bass line and adding a drum machine; although the

⁷⁶ The opening credits of *The Fresh Prince of Bel-Air* include visual references to the “Parents Just Don’t Understand” video, particularly the graffiti painted bedroom, and the appearance of the mother figure.

sample is not up front in the mix, it still provides the song's musical foundation. Any additional newly performed elements—like the bass and drum machine—function solely to emphasize features already present in the sample. By fleshing out the drums and bass, Jazzy Jeff intensifies the polyrhythms of the Frampton sample, making the resulting groove in “Parents Just Don’t Understand” funkier. My corpus study indicated that Surface samples were the type that declined most from 1988 to 1993, and though “Parents Just Don’t Understand” only has one, it is a salient feature. The sound of this jabbing brass sample, so emblematic of the golden age, marks the hypermeter and adds another layer onto the polyrhythm already established by the Frampton sample. In some cases DJ Jazzy Jeff uses it to emphasize the Fresh Prince’s rhymes: after he expresses disdain for the uncool clothing his mom chooses for him, the Surface sample hits “I said, ‘Mom, this shirt is plaid with a butterfly collar!’” (0:52-0:54).

Although their sound changed less drastically than Public Enemy’s, there are significant differences between DJ Jazzy Jeff & the Fresh Prince’s sound before and after *Grand Upright*. Their 1993 song, “I’m Looking for the One” was not as much of a hit as “Parents Just Don’t Understand,” but, like Public Enemy’s “I Stand Accused,” it exemplifies some of the new aesthetic choices artists were making by 1993. The song includes just one sample, a Percussion-Only Structural sample of a popular breakbeat, James Brown’s “Funky President (People It’s Bad)” (1974). Although producers Markell and Teddy Riley use a historically significant James Brown sample, musical meaning in “I’m Looking for the One” does not rely on sampling in a significant way. Instead, the production style uses musical features that evoke a relaxed, lazy, and luxurious setting; “I’m Looking for the One” has many layers of newly-performed instruments, including percussion, electric guitar, highly-processed bass, backup vocals, and a sung hook. Notably, the hook (sung by Teddy Riley) is processed through a vocoder or talk-box

that gives a similar effect to contemporary autotune (0:02-0:20). Williams identifies this vocal effect as an important generic marker of G-funk, because it draws on the earlier P-funk style for which the subgenre is named.⁷⁷ All elements of the song and its accompanying music video evoke leisure and wealth: the teenage woes of the young Fresh Prince are replaced with cruising in a classic car and chilling on a yacht to the sounds of expensive-sounding, professional production.

Released in 1993, the song is in dialogue with the cultural phenomenon of gangsta rap; the Fresh Prince even takes a shot at N.W.A. in the third verse:

Nine Trey, everybody wanna be a gangsta
Buck-buck-buck-buck, but no more, thanks to me
You got something you can flip on the other tip
As you get lost in the smooth rhymes I rip
(2:18-2:29)

“Nine Trey” simply announces the year as 1993, but the Fresh Prince’s delivery plays with the sounds of “Trey” and “Dre,” calling out Dr. Dre and linking him to gangsta rap, and G-funk more specifically. After delivering the line “everybody wanna be a gangsta,” the Fresh Prince points to a smaller, decidedly less luxurious dinghy filled with N.W.A. look-alikes dressed in the group’s trademark black and white with ballcaps and chains (2:43-2:48).⁷⁸ This moment indicates the fraught influence of gangsta rap on pop-rap and the mainstream: while Jazzy Jeff & the Fresh Prince were clearly inspired by contemporary gangsta rap (especially in the music

⁷⁷ Williams, *Rhyming and Stealin'*, 82. G-Funk is a stylistic blend of gangsta rap and 1970s funk, often marked by the use of synthesizers and a relaxed approach to groove. P-Funk, on the other hand, refers to the work of Parliament-Funkadelic, two overlapping groups consisting of shared members, and both fronted by George Clinton. G-Funk is a subgenre, while P-Funk is an idiolect.

⁷⁸ “DJ Jazzy Jeff & The Fresh Prince- I’m Looking for The One (To Be With Me) (Album Version),” YouTube video, 4:20, posted by DJJazzyJeffVEVO, October 25, 2009.

video), they also want to distance themselves from the subgenre.⁷⁹ The Fresh Prince simulates gunfire with his vocal delivery of “Buck-buck-buck-buck,” and then takes a step back, saying “no more,” preferring music making and “smooth rhymes” to violence.⁸⁰ What these few lyrics do is link the stylistic features of “I’m Looking for the One” to broader, in this case, visual signifiers of the subgenre of gangsta rap, evoking what would have been understood as a more “dangerous” genre, but also incorporating some of its elements with the hopes of bolstering DJ Jazzy Jeff & the Fresh Prince’s own commercial appeal.

Dr. Dre

In order to explore how gangsta rap evolved at this time period, I will discuss the subgenre’s stylistic evolution in more detail. Rather than tracing the work of a single performing artist as I have done above, I will discuss three songs produced by Dr. Dre, who helped to bring gangsta rap into the mainstream of both hip-hop culture and popular music generally—perhaps more than any other figure. “100 Miles and Runnin’” (1990) contains a total of seventeen identifiable samples, consisting of five Structural, nine Surface, and three Lyric samples. To a casual listener, the texture Dr. Dre creates on this track is very similar to the dense collages associated with the Bomb Squad; as I have discussed in the two previous case studies, songs released before 1991 tend to have a foundational groove that is punctuated with or ruptured by Surface and Lyric samples. “100 Miles and Runnin’,” and much other gangsta rap, however, makes more use of the extreme high and low registers than other contemporary rap subgenres. Justin Williams ties

⁷⁹ “I’m Looking for the One” also includes elements of the new jack swing subgenre, and the vocals provided by new jack swing innovator Teddy Riley further solidify the song’s participation in the subgenre. However, for the sake following the trajectory of pop rap, it is nonetheless a useful example.

⁸⁰ In a quick cut at 2:42, the Fresh Prince references drive-by shootings, by extending his finger-guns out of the side of the car, right before the passage discussed above.

extreme bass frequencies in gangsta rap to the listening space of the automobile: Dr. Dre frequently discussed how he produced with the customized car stereo in mind.⁸¹ Bomb-Squad-produced tracks like “Baseheads” sound claustrophobic in their density, whereas contemporary gangsta rap like “100 Miles and Runnin’” sounds more spacious, despite its many samples.⁸² The bass booms in this song, and the upper register is occupied by a processed, shredded guitar sample from Funkadelic’s “Get Off Your Ass and Jam” (1975).⁸³ Like “Baseheads,” “100 Miles” presents a proliferation of voices: MC Ren, Dr. Dre, and Eazy-E rap, a woman’s voice narrates an interlude between verses, and there are three Lyric samples. In “100 Miles” Dre establishes grooves based on sampled loops only to rupture and fragment them with an episode composed of Lyric and Surface samples. The subject matter of the lyrics and the extreme low bass frequencies place this song as gangsta rap (as does N.W.A.’s association with the subgenre), although it does include features of the golden-age sample collage aesthetic used by East Coast groups like Public Enemy.

As G-funk emerged, Dr. Dre began to use more synthesizers and live instruments. Like “100 Miles and Runnin’,” Above the Law’s “Murder Rap” was also released in 1990, but it represents a different phase in Dr. Dre’s production style.⁸⁴ The song has a total of ten samples: two Structural, three Surface, and five Lyric. In “Murder Rap,” Dr. Dre foregrounds a Constituent synthesizer sample from Quincy Jones’s “Ironside Theme” (1971), which simply slides up and down an octave, evoking a siren. What is striking about the “Murder Rap” synth

⁸¹ Williams, *Rhyming and Stealin’*, 76-81.

⁸² Michael Eric Dyson connects the musical spaciousness of West Coast gangsta rap to the spaciousness of the American west. See Michael Eric Dyson, “Black Youth, Pop Culture, and the Politics of Nostalgia” in *The Michael Eric Dyson Reader* (New York: Basic Civitas Books, 2004), 421, and Williams, 87.

⁸³ The Funkadelic sample is audible in the right channel beginning at 0:50, and throughout the song. This sample was a later at the center of the *Bridgeport v. Dimension* case as described in Chapter 1 and revisited in the Conclusion.

⁸⁴ Quality recordings of “Murder Rap” are not available on the iTunes store or Spotify, so I used the YouTube version, “Above the Law – Murder Rap,” YouTube video, 4:56, posted by 187Project, December 4, 2007.

sample is not its melody, but its timbre. Both “Ironside” and “Murder Rap” use synthesizer sounds that blend saw-tooth and square wave oscillators, slightly detuned, with a glide between each note—a sound hip-hop fans and producers now refer to as the “G-funk whistle.” This synthesizer timbre is also very similar to the Ohio Players’ “Funky Worm” sample popular with gangsta rap producers of the 1990s, making it an early example of this timbre in Dr. Dre’s work. In “Murder Rap,” Dr. Dre combines the bass frequencies of his N.W.A. production aesthetic with a memorable synthesizer timbre, which is something he explored further in the following years.

Dr. Dre solidified the G-funk production aesthetic (including the whistle synthesizer) on his first own solo album, *The Chronic* (1992), and Snoop Doggy Dogg’s debut, *Doggystyle* (1993). The latter album’s lead single, “Who Am I? (What’s My Name?)” peaked at #8 on the B100 and BRB, reaching #1 on the BRS. Snoop Dogg’s “What’s My Name?” has only two samples: an Emphatic sample of The Counts’ “Pack of Lies” (1971), and a Recurring Lyric sample from Parliament’s “P-Funk (Wants to Get Funked Up)” (1975), which consists solely of George Clinton saying “the bomb!” in a low register (as at 0:09). While The Counts’ sample is slightly atypical of this period, the Recurring Lyric sample is characteristic. Rather than licensing several Single Lyric samples, here Dre simply re-uses the evocative Clinton sample over and over. The average number of samples in my study for 1993 was 2.5, making “What’s My Name?” characteristic with regards to its number of samples. What the song lacks in samples, it makes up for in interpolations: with a total of seven, “What’s My Name?” has no shortage of intertextual references.⁸⁵ One interpolation is particularly significant: the melody and rhythm of

⁸⁵ Granted, four of these interpolations are of previous songs that featured Snoop Dogg, including his contributions to *The Chronic*. Rhetorically this makes sense: Snoop is gesturing to his previous successes and using them as a platform for launching his solo career.

the hook of “What’s My Name?” are borrowed directly from George Clinton’s “Atomic Dog” (1982), but instead of “Atomic Dog,” a mixed chorus sings “Snoop Doggy Dogg.”⁸⁶ Snoop and Dr. Dre also borrow the iconic “bow wow wow yippee yo yippee yay” refrain from “Atomic Dog,” in “What’s My Name?” and numerous other songs.⁸⁷ As in “I’m Looking for the One,” the first part of the vocal hook is processed through a talk-box effect, announcing the song’s participation in G-funk (0:05-0:15, and throughout).

Though they are numerous, Williams points out that the borrowed elements in “What’s My Name?” are not “textually signaled”:

Its sources of material are not obvious in themselves, and to a young listener unknowledgeable of 1970s soul and funk, it can sound strikingly “original” (as it did to me when I heard it at age eleven).⁸⁸

Instead, Dr. Dre took earlier recordings as inspiration for new songs: interpolations are woven into nearly all of his work, yet recording each part anew allowed Dre to have more control over each sonic element, as well as avoiding expensive licensing fees for samples.⁸⁹ Though interpolations may have been used initially as a substitute for sampling, they soon became a rich intertextual device in their own right, re-working and re-imagining the music of the past. Dr. Dre’s techniques were hugely popular, and affected both hip-hop and other mainstream music: taking Jazzy Jeff & the Fresh Prince’s “I’m Looking for the One” and Public Enemy’s “I Stand Accused” as examples, it is clear that artists working in various hip-hop subgenres felt the need to respond to G-funk, whether by imitating, refusing it, or both.

⁸⁶ See Williams, *Rhyming and Stealing*, 99, for a comparison transcription. Compare 1:44 of “What’s My Name?” and 0:47 of “Atomic Dog.”

⁸⁷ Snoop Dogg adopted this refrain and made it his own, using it in “Fuck wit Dre Day” (1992), “Woof!” (1998), “Doggz Gonna Get Ya” (1998) and others. For a comprehensive list of “Atomic Dog” samples and interpolations, see <https://www.whosampled.com/George-Clinton/Atomic-Dog/sampled/?cp=4>.

⁸⁸ Williams, *Rhyming and Stealing* 9.

⁸⁹ Williams, 83.

If what scholars of music copyright appreciate about sampling is the rich, intertextual connections it brings to interpreting new music, then they should not lament the decline of sampling as the disappearance of intertextuality in hip-hop music. Like other African-American musical genres, hip-hop always includes references to its past, and to the genres that were foundational to its emergence. The impulse towards intertextual reference remained integral to post-*Grand Upright* hip-hop music, but it shifted from the concrete reference of sampling previous recordings, to the holistic, and less overt incorporation of earlier music into new songs.

Conclusion: A Complicated Legacy

Although hip-hop music changed broadly and deeply between 1988 and 1993, sampling lawsuits like *Grand Upright* by no means killed the genre, as many had feared it would. This study confirms that, while the average number of samples per song did decrease, this trend, and its possible negative side effects were not felt evenly across hip-hop subgenres. Artists like Public Enemy, working in the sample-collage aesthetic, were more affected than pop-rap artists like DJ Jazzy Jeff & the Fresh Prince, who used roughly the same number of samples before and after the *Grand Upright* lawsuit. When artists did choose to sample in 1992 and 1993, they were much more frugal in their approach: instead of creating a collage of second-long samples, producers highlighted one or two Intact or Recurring Lyric samples as the basis of a new song. Gangsta rap producer Dr. Dre responded to the risk of sampling lawsuits by turning to interpolations, and in doing so, steered hip-hop production aesthetics away from the heterogeneous onslaught cultivated by the Bomb Squad, toward the synthesizer-heavy smooth-yet-funky grooves of G-funk.

In this way, Chuck D and Hank Shocklee were right about the effects of sampling lawsuits like Grand Upright: Public Enemy was affected more than other groups. However, in this regard, they were exceptions, not the rule that scholarship focused on their music makes them out to be. Although the sample-collage aesthetic associated with Public Enemy in the golden age is absent from the charts after 1991, this does not mean that sampling itself had been eliminated. Contrary to Sewell's suggestion, Public Enemy's style did change as a result, but rather than attempting to capture their earlier style while using fewer samples, they emulated other popular styles and the trend towards G-Funk, consequently losing the hard-hitting style that fans had loved. Perhaps their decline in popularity was related to the unruly tastes of hip-hop consumers, but I would argue that Public Enemy's musical response to the possibility of a lawsuit did indeed play a role in shifting the music they were able to make. However, sampling continued to be important across subgenres, with pop-rap continuing to use one or two samples as if no change had occurred.

Perhaps these findings do not reveal the smoking gun many fans of hip-hop desired, but they tell a different and more nuanced story about creativity and resilience. Interpolation supplements sampling as a viable form of intertextual reference, indicating that hip-hop continued to make use of musical materials of the past despite the imperatives of sampling lawsuits. This tendency is not only unique to hip-hop culture, but part of a broader tradition of Black vernacular music: it is no coincidence that hip-hop draws on these vernacular genres for its musical foundation. Having considered how the number and types of samples shifted, I now turn to which artists and genres were sampled, and why.

Chapter 4: “What Goes Around Comes Around”: The Sampling Field of Reference¹

In 1988, James Brown released “I’m Real,” a clever anti-hip-hop song that asserts that he himself was the original rapper, “the man who started it all.” The song begins with Brown’s unmistakable raspy voice, announcing his musical supremacy:

All you copycats out there
Get offa my chip
‘Cuz I’m James Brown, with the full, *Full Force*²
Ain’t taking no lip
(0:00-0:09)

When the groove enters, hip-hop is directly implicated: Brown is backed by new jack swing group Full Force, and the introduction features record scratches of Brown’s voice. The chorus begins “I’m real, I’m the real super bad,” referencing Brown’s 1970 hit, “Superbad.” Brown even tackles sampling head on:

All you people think you got pull
But I take my voice off your record
That I’m paying for
(1:46-1:53)

In the chorus, he emphasizes that “there ain’t nobody out there good enough to take the things I have.” Taken together, these lyrics position Brown as untouchable, above the hip-hop game, which is ironic: he was sampled pervasively during the golden age. Given the lyrics of “I’m Real,” it is surprising to learn that only two years earlier, Brown had expressed a different perspective on hip-hop:

I feel solidarity with the breakers and rappers and the whole hip hop thing—as long as it’s clean. Their stuff is an extension of things I was doing for a long time: rapping over a funky beat about pride and respect and education and drugs and all kinds of issues.³

¹ Biz Markie, “What Goes Around Comes Around,” *I Need A Haircut*, 1991.

² Italicized lyrics are performed by Full Force.

Here, Brown sees kinship between his own music and hip-hop in their shared politics.⁴ When placed in dialogue, “I’m Real” and this excerpt from *The Godfather of Soul* suggest that James Brown had an ambivalent view of hip-hop, one of the many musical genres grounded in his innovations. Perhaps he changed his tune because of hip-hop’s increasing popularity in the intervening years; one can only imagine how frustrating yet flattering it must have been to witness the flowering of a new genre that drew so heavily from one’s own music while the popularity of his music declined.

James Brown’s changing opinions on sampling capture the concerns of many artists who found their earlier songs being sampled. James Brown was not alone: artists like Rick James, the Turtles, and Van Halen also discussed their frustrations concerning sampling in the media. On the one hand, sampling has the power to re-ignite interest in older songs, especially ones that faded from popular memory; on the other hand, a well-chosen sample that uses a defining passage of an earlier song may eclipse the original entirely.⁵ Sampled artists like James Brown may have felt a lack of creative control, whether or not their songs were licensed, and they may have felt their music was being exploited. Given Brown’s comments on hip-hop in *The Godfather of Soul* and sampling in “I’m Real,” it is clear that sampled artists were interested in how their work was being used and adapted. This chapter considers a set of interlocking questions: which artists and genres do hip-hop producers sample most frequently? What makes these genres and artists attractive and meaningful as sources for samples? What are the effects of calling upon music of the past in the context of a new hip-hop song? Drawing on the same set of

³ James Brown with Bruce Tucker, *The Godfather of Soul* (New York: Macmillan, 1986), in *The Pop, Rock, and Soul Reader* 3rd ed. David Brackett (New York: Oxford University Press, 2014), 188.

⁴ Notably, Brown also collaborated with one of hip-hop’s originators (and founder of the Zulu Nation), Afrika Bambaataa, on the song “Unity” in 1984. Many thanks to Murray Forman to alerting me to this earlier collaboration.

⁵ See the previous discussion on MC Hammer and Rick James in Chapter 2, 83-88.

songs discussed in Chapter 3, I offer some explanations as to why funk and hip-hop consistently make up the bulk of samples' source materials, with special attention to the musical features that make sampling from these genres so appealing. This discussion explores the intersection of identity politics and musical aesthetics, contending that the inclusion of musical signifiers of Black identity was paramount to golden-age hip-hop sampling.

What Can Samples Do?

When a sample is used in a newly-created song, it is not appended as a neutral piece of sonic scenery. Each sample comes with its own fertile set of cultural, historical, and social connotations that can be perceived by listeners who recognize the reference. Samples do not merely evoke individual songs, but also genre formations, time periods, and groups of people. Perhaps the most important tendency in golden-age sampling is the preference for genres of popular music that are typically coded as Black. Hip-hop producers consistently center the contributions of Black artists and the stylistic features of Black genres. In his account of how genres of popular music shift and congeal over time, David Brackett highlights citationality as a key strategy to understanding how genres become legible. When a genre has solidified to the point that it can be referenced outside of its original context, such a discursive citation “cannot help but invoke the conventions of a genre in which [it] participate[s].”⁶ The new song is thus flooded with the associations of the sampled genre: its historical context, its ties to visual culture, its politics, and most importantly, its people. Hip-hop's preference for sampling genres that are coded as African American is no coincidence—it is exactly these sorts of references that are the most meaningful and relevant. Although categories of people and categories of music can share many shifting relationships, such references often invoke homology, or the one-to-one

⁶ David Brackett, *Categorizing Sound* (Oakland: University of California Press, 2016), 12.

correspondence between groups of people and types of music. In this case, the preference for primarily Black genres functions homologically: hip-hop producers mobilize these associations to suggest African Americans through music as a matter of racial pride.

When used citationally, sampling enables producers to create a lineage connecting themselves to the music of the past; in comparison to interpolations, which are re-performed and re-recorded references to earlier songs, samples carry a special kind of weight by using the recorded sounds themselves in a concrete, nearly tactile way. Cultural memory is of the utmost importance in Black music, and sampling is one of the clearest examples of how memory can be mobilized. Guthrie Ramsey writes:

History and memory have played powerful roles in the generation of meaning in race music's constellation of styles. This has continued in Hip-Hop Era musical practice; in fact, this predilection to use the past to comment on the present appears to be one of the defining features of late-twentieth-century African American music.⁷

Regarding Public Enemy's reliance on samples from Black genres, he elaborates "if you silence this music, you have effectively silenced the past, present, and future of the community."⁸ Music of the past is brought into dialogue with music of the present, but not all music in the past is treated equally; not only did hip-hop producers prefer music in primarily Black genres, they also took special interest in the music of their parents' generation, music of the 1960s and 1970s.⁹ When used in this way, samples create a lineage parallel to the generations in a family, mirroring genetic and social inheritances through musical ones.

In addition to creating a lineage through music, artists used sampling as a way to elevate and legitimize hip-hop. While rhetorically similar to creating a lineage, this strategy depends

⁷ Guthrie Ramsey, *Race Music: Black Cultures from Bebop to Hip-Hop* (Berkeley: University of California Press, 2003), 215.

⁸ Ramsey, 180.

⁹ Using something Joseph Schloss calls "Mom-and-Pop crates." Joseph Schloss, *Making Beats* (Middletown, CT: Wesleyan University Press, 2013), 82.

upon the *sampled* material having higher cultural capital than the sampling genre of hip-hop. Justin Williams identifies this tendency in jazz rap, which draws upon jazz to “creat[e], ideologically speaking, a unique type of high art within the rap music world.”¹⁰ Thus it is no coincidence that jazz and funk were two of the most frequently sampled genres in the golden age (I return to the distribution of samples by genre later in this chapter), because each lends its own type of prestige to a newly created song. A particularly clear example of the legitimizing function of sampling can be found in Gang Starr’s contribution to the soundtrack of Spike Lee’s 1990 film, *Mo’ Better Blues*. Their song “Jazz Thing” is not only a celebration of jazz, but it also makes the claim that hip-hop is the heir to jazz’s legacy. “Jazz Thing” begins with a sampled collage of jazz records and voices compiled by Branford Marsalis (who composed the *Mo’ Better Blues* soundtrack) and scratched and remixed by DJ Premier (Figure 1). As the introduction to a song that traces the history of jazz from African drumming to 1990s hip-hop, how better could DJ Premier and Branford Marsalis have chosen to begin this track? The first thirty seconds of “Jazz Thing” are jam-packed with references from jazz history, focusing on canonical artists such as Duke Ellington, Louis Armstrong, and Thelonius Monk. Perhaps the most interesting sample in this introduction, however, is not a jazz sample per se. DJ Premier chooses to include a sample of an earlier Gang Starr song—“Jazz Music,” from 1989—which also discusses the history of jazz, name-dropping Jelly Roll Morton, Miles Davis, and Count Basie, among others. In a moment of meta-sampling, “Jazz Music” *itself* contains a sample of Ramsey Lewis’s piano on “Les Fleur” (1968). Not only does DJ Premier place the works of canonical jazz artists within the context of a hip-hop song, he also includes a Gang Starr sample alongside them. Hip-hop is

¹⁰ Justin Williams, *Rhymin’ and Stealin’* (Ann Arbor: University of Michigan Press, 2013), 48.

both beside and concurrent with jazz; Gang Starr's Guru raps "the music called jazz" on top of the Ramsey Lewis sample, so that Gang Starr is musically surrounded by the older genre.

Figure 1: "Jazz Thing" (film version), Gang Starr

Time	Sampled Material	Artist	Recording
0:00-0:05	Spoken, "And I would like to play a little tune that I just composed, not so long ago,"	Thelonius Monk	"Panonica" (Live, 1967)
0:05-0:06	Record Scratch	DJ Premier	***
0:06	Big Band Lick	***	***
0:06-0:08	"Ms. Billie Holiday!"	***	Live Recording, mid 1950s
0:09-0:10	Big Band ensemble horn hit	Duke Ellington	"Upper Manhattan Medical Group" (1959)
0:10-0:11	Snare drum roll	***	***
0:12-0:15	Piano	Thelonius Monk	"Light Blue" (1958)
0:15-0:16	Big Band ensemble horn hit	Duke Ellington	"Upper Manhattan Medical Group" (1959)
0:16	"Bird?"	***	***
0:17	Record Scratch	DJ Premier	***
0:18-0:20	Alto saxophone run	Charlie Parker Quintet	"Don't Blame Me" (1947)
0:19-0:24	Dixieland trumpet riff	Louis Armstrong	"Mahogany Stomp" (1933)
0:24-0:25	Rapped vocal, "The music called jazz"	Gang Starr	"Jazz Music" (1989) * contains a sample
0:25-0:26	Big Band ensemble horn hit	Duke Ellington	"Upper Manhattan Medical Group" (1959)
0:28-0:31	"The great Charlie Parker, the one and only, the man of jazz!"	Symphony Sid, introducing the Charlie Parker All Stars	Live at the Royal Roost, September 4, 1948
3:16-3:41	Scratching on "I love jazz music"	Charles Mingus	"Colloquial Dreams," (1962)

In the song's final verse, Guru solidifies this claim lyrically:

Now there's young cats blowin'
 And more and more people, yes, they will be knowin'
 Jazz ain't the past, this music's gonna last
 And as the facts unfold, remember who foretold
 The 90s will be the decade of a jazz thing.
 (4:06-4:18)

Guru implies that the 90s will be a decade of jazz because artists like Gang Starr are continuing the jazz legacy. The use of jazz samples as a legitimization tactic is a special kind of lineage creation in hip-hop. Using samples in order to legitimize and elevate hip-hop also brings the connotations of the jazz song into its new context—in this way, the legitimizing strategy is also citational. To suggest that hip-hop is on the same footing as jazz suggests that the legitimacy and prestige of jazz can be summoned up musically, that they are legible (or, audible) when cited in samples.

Not all sample sources bear the same prestige as jazz, but they may still represent the same legitimizing strategy. Pop rap artists also used historically significant samples with the hopes of bolstering their own perceived authenticity and prestige, but in these cases, they drew upon artists from the sampling canon and hip-hop from different subgenres. In his 1992 hit, “You Gotta Believe, Marky Mark and the Funky Bunch sample both funk and hip-hop (Figure 2).

Figure 2: “You Gotta Believe,” Marky Mark and the Funky Bunch

Time	Sampled Material	Artist	Recording
0:01-0:02	“Hit me!”	The Real Roxanne	“Bang Zoom (Let’s Go-Go)” (1986)
0:02 and throughout	West-Coast hip-hop groove	Digital Underground	“The Humpty Dance” (1989)
0:16-0:18	“Nineteen- ninety mother****ing” ¹¹	N.W.A.	“Always Into Somethin” (1991)
0:18	“Two”	James Brown	“Hot Pants Pt. 1” (1971)
0:25-0:27, throughout	“You gotta believe”	Lovebug Starski	“You’ve Gotta Believe” (1983)

Just as Gang Starr used samples rhetorically to place themselves alongside jazz masters, Marky Mark uses samples to bolster his authenticity and legitimacy. Here, however, most of the

¹¹ This expletive is censored on the recording.

sampled sources that lend prestige are from earlier hip-hop artists, like Lovebug Starski, a rapper and DJ from the first generation of hip-hop in the early seventies, and the Real Roxanne, who had been active since the “Roxanne Wars” of the mid eighties. “You Gotta Believe” also invokes the work of Marky Mark’s close contemporaries, N.W.A. and Digital Underground, whose presence suggests the hardness and perceived authenticity of West Coast gangsta rap.¹² The use of James Brown’s voice, however brief, does serve to bring “You Gotta Believe” into line with broader sampling preferences. James Brown was one of the most (and according to my findings, *the* most) sampled artist in golden-age hip-hop—using a James Brown sample in a pop rap song like this reads as an appeal to the legitimacy that such samples lend to other songs (as when Public Enemy or N.W.A. sample James Brown). Producers often use samples to lend authenticity, but the frame of reference is not consistent across subgenres: jazz rap, with its eclectic Afro-centric aesthetic, appealed to jazz, while pop rap drew upon the work of hip-hop artists who were perceived to be more authentic. Such a citational use of genre highlights the relational quality of hip-hop subgenres, which take stances for and against each other in the struggle for legitimacy.

Having a musical foundation in funk, hip-hop beats themselves were popular sample sources for hip-hop producers. These qualities alone make them well suited to extraction as samples, but such intra-generic sampling serves additional purposes. Sampling hip-hop recordings also served to legitimize the genre and historicize the present moment, as well as fostering camaraderie and friendly competition between artists. Referencing hip-hop’s early days via sampling helped golden-age artists to connect themselves with the genre’s originators, laying

¹² N.W.A. are best understood as gangsta rap, while Digital Underground is more eclectic in their style. However, the group is still associated with the sub-genre of gangsta rap because of the trajectory of its former member, 2Pac, who by 1992 had already enjoyed a minor hit with “Brenda’s Got a Baby.”

a claim to comparable importance; commonly sampled old-school artists include Kurtis Blow, Afrika Bambaataa, Slick Rick, Grandmaster Flash & the Furious Five, and Spoonie Gee & the Treacherous Three. Laying claim to the voices and beats of these earlier icons was a powerful way to assert one's status among their ranks, as well as demonstrating how much hip-hop had evolved since these old-school recordings were released. Golden age and "new school" artists also sampled themselves and each other. Hip-hop artists purposefully sampled their contemporaries: one can trace an exchange between Public Enemy and Run-D.M.C. (who shared a mutual admiration), between Run-D.M.C. and their protégés, the Beastie Boys, and between Public Enemy and the Beastie Boys, who in Sewell's study, sampled Public Enemy as frequently as they sampled themselves.¹³ Public Enemy and the Beastie Boys sampled each other and Run-D.M.C., while the last group only sampled Public Enemy, suggesting that in some cases this exchange indeed went both ways.¹⁴

In all of these cases, sampling has the effect of evoking the sampled song's historical connotations, and could be interpreted as participating in Henry Louis Gates Jr.'s Signifyin(g). Signifyin(g) is literary analytical framework in which intertextuality functions as a central feature of African-American creativity. Running counter to the argument that sampling is simply unoriginal, Signifyin(g) proposes that using of pre-existing musical materials is at least part of the point. Gates cites Zora Neale Hurston, and although she was discussing literature, the passage is equally applicable to sampling: "Mimicry... is an art in itself. If it is not, then all art

¹³ Amanda Sewell, "A Typology of Sampling in Hip-Hop" (PhD. diss., Indiana University, 2013), 172. See Appendix 2 for sampling totals by artist.

¹⁴ An even more overt example that could be referred to as dialogue is occurs between Tim Dog's "Fuck Compton" (1991), and the explicit response from Compton's Most Wanted ("Who's Fucking Who?" 1992). Tim Dog's diss track calls out many prominent West Coast rappers, asserting the East Coast's dominance. Lyrically he calls out Dr. Dre, Eazy-E and Ice Cube, and musically references the West Coast via an interpolation of Michel'le's "No More Lies" (1989). Michel'le was dating Dr. Dre at the time, and the interpolation was directed as an insult to him. Compton's Most Wanted responded by cutting together vocal samples from Tim Dog's "Fuck Compton" to say "Fuck Tim Dog" and "South Bronx, Bullshit City."

must fall by the same blow that strikes it down ... [Black artists] mimic ‘for the love of it,’ rather than because they lack originality. Imitation is the Afro-American’s central art form.”¹⁵ In the introduction to the 25th Anniversary edition of *The Signifying Monkey*, Gates explores the applications of his model of literary criticism to hip-hop, which was still finding its way into the mainstream at the time of the first edition’s publication in 1988. Gates was struck with how sampling took the symbolic recollections of works of the past and made them concrete: sampling “[made] it possible, compositionally and technologically, not only to honor canonical songs by repeating key segments of them, but *to become part of them as they become signal parts of the new composition.*”¹⁶ In an elegant summary of James A. Snead’s “Repetition as a Figure in Black Culture” (discussed in depth later in this chapter), Gates writes “when you repeat a prior work of art, you bring it and all its connotations back, so that there are always two dimensions, past and present, repetition and revision, working at the same time.”¹⁷ By interpreting sampling as a specifically citational form of Signifyin(g), it becomes clear how hip-hop in the golden age at once operates in its own historical context, but is also perpetually flooded with references to the past.

Samples offered a shared musical vocabulary through which producers from different subgenres were able to speak the same language. And, by consistently drawing on the same field of reference, sampling had the power to unite hip-hop music producers around a shared set of musical references into an interpretive community. Unlike conventional interpretive communities, which are united by the consumption of a given medium, sampling interpretive

¹⁵ Zora Neale Hurston, “Imitation,” in *The Sanctified Church* ed. Toni Cade Bambara (Berkeley: Turtle Island, 1981), 41-78, quoted in Henry Louis Gates, Jr., *The Signifying Monkey* (New York: Oxford University Press, 1988), 118.

¹⁶ Henry Louis Gates, Jr., *The Signifying Monkey*, 25th Anniversary Edition (New York: Oxford University Press, 2014), xxxi. Emphasis in the original.

¹⁷ Gates, *Signifying Monkey*, 25th Anniversary Edition, xxi.

communities consist of musicians who are both consumers (listeners) and creators. By using an increasingly consistent group of samples, producers and DJs were able to mark themselves as members of the same community with shared musical touchstones and priorities; it is this shared musical frame of reference that helped form the bedrock for hip-hop as a genre. Brackett applies Rick Altman's "constellated communities" to musical genres: "textual resemblances in the realm of syntax and semantics are insufficient to establish a genre; rather, audience members must have the sense that others are interpreting texts similarly to themselves."¹⁸ A shared approach to sampling could be worn as a badge of belonging, a way to "make people aware that they belonged to a group that they never knew existed."¹⁹ An iterable or citational approach to genre like the one Brackett proposes reveals genre formations to be the result of "collective creativity"—hip-hop is an extreme and particularly revealing example.²⁰ Although the genre may have its star innovators, perhaps more than any genre, stylistic changes in hip-hop are the products of collaboration.²¹

The Sampling Canon by Genre and Artist

In order to ascertain which genres and artists were sampled most often, I included this information along with sample type while conducting my large-scale study of golden-age songs. Unfortunately there was no perfect system to deal with genre in a sufficiently nuanced way, because it was only feasible to give each song only one genre label. Some samples participated in multiple genre formations, or occupied the peripheries: many samples demonstrated the

¹⁸ Brackett, *Categorizing Sound*, 22.

¹⁹ Brackett, 22.

²⁰ Brackett, 14.

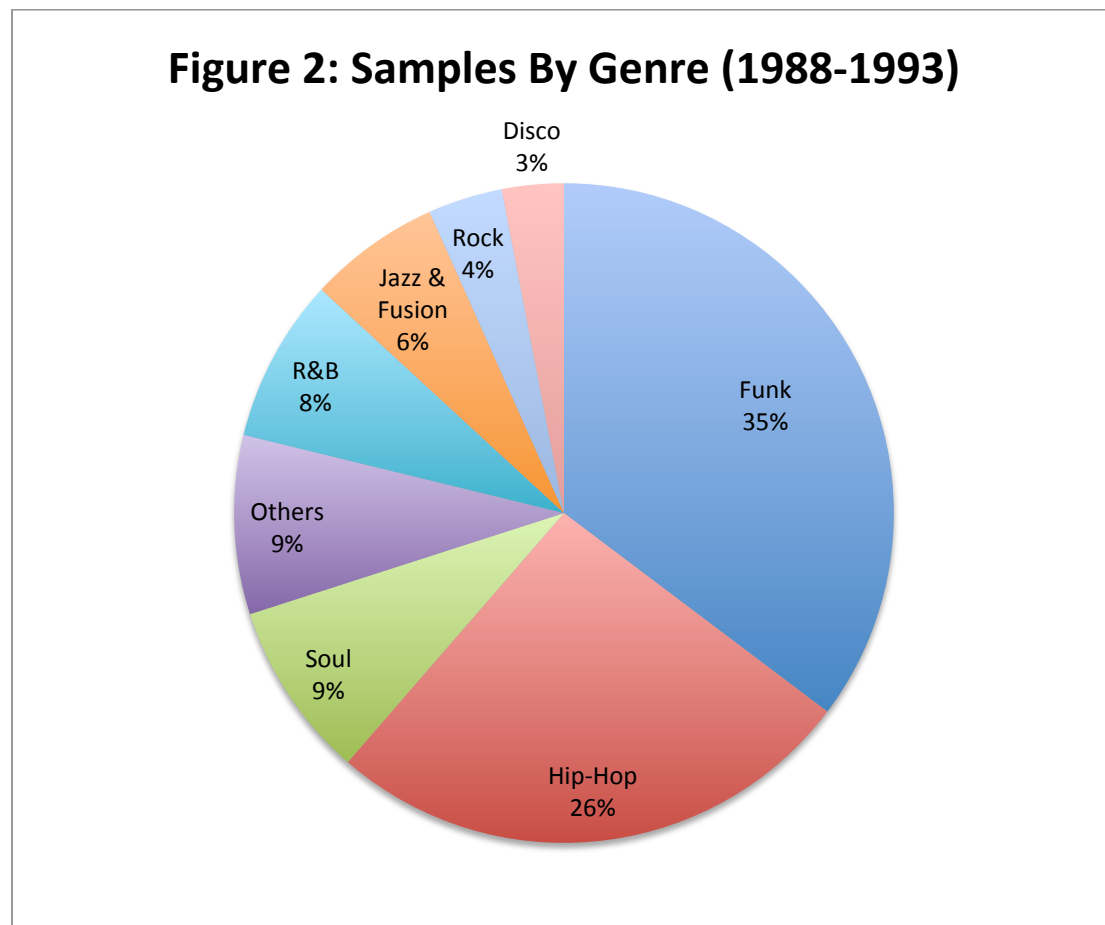
²¹ See Williams, *Rhymin' and Stealin'*, 15.

slippage between genres, especially combinations of funk, soul, R&B, and to a lesser extent, disco. In cases of such ambiguity, I considered which category the music was most often assigned on popularity charts in its day. I was also confronted with the challenge of accounting for the transformations of genre formations over time: the label of “pop” applied to Frankie Valli in the early 1960s is not the same as the “pop” applied to Bette Midler in the late 1970s, just as early funk of the mid-1960s is strikingly different from funk in the 1980s. Still, I aimed to account for these differences by applying a generic label that best accounted for what I heard in the example. I chose to group jazz and jazz fusion together despite the latter’s relationship to both funk and rock, because I found it more helpful to assess the influence of jazz this way (and fusion’s relatives funk and rock were already represented as independent categories). While imperfect, this system was adequate to assess hip-hop sampling’s vocabulary with more precision than in previous studies.

Figure 2 shows the percentage distribution of samples by genre from 1988 to 1993; funk, hip-hop, soul, and R&B make up the majority of samples, confirming the assertions of scholars such as Amanda Sewell, Joanna Demers, Justin Williams, Joseph Schloss, and Tricia Rose.²² The category of “Others” includes samples participating in musical or cultural genres that were not represented with enough examples to merit their own categories, comprising comedy, electronic, film & television, Latin, literary, political, pop, reggae, and spoken word. As Figure 2 demonstrates, funk easily dominates the sampling field of reference (making up 35% of all samples) while hip-hop was the second-most sampled genre (at 26%). Soul, R&B, and jazz

²² Sewell, “A Typology of Sampling,” Figure 4.10 on 174; Joanna Demers, “Sampling the 1970s in Hip-Hop,” *Popular Music* 22 (January 2003): 50-53; Williams, *Rhymin’ and Stealin’* Chapters 1 and 2, regarding hip-hop and jazz, respectively; Tricia Rose, *Black Noise* (Middletown, CT: Wesleyan University Press, 1994), 51-53; Schloss, *Making Beats*, 37-38.

(including jazz fusion) comprised 9%, 8%, and 6% respectively, with a modest number of samples from rock, disco, and others.



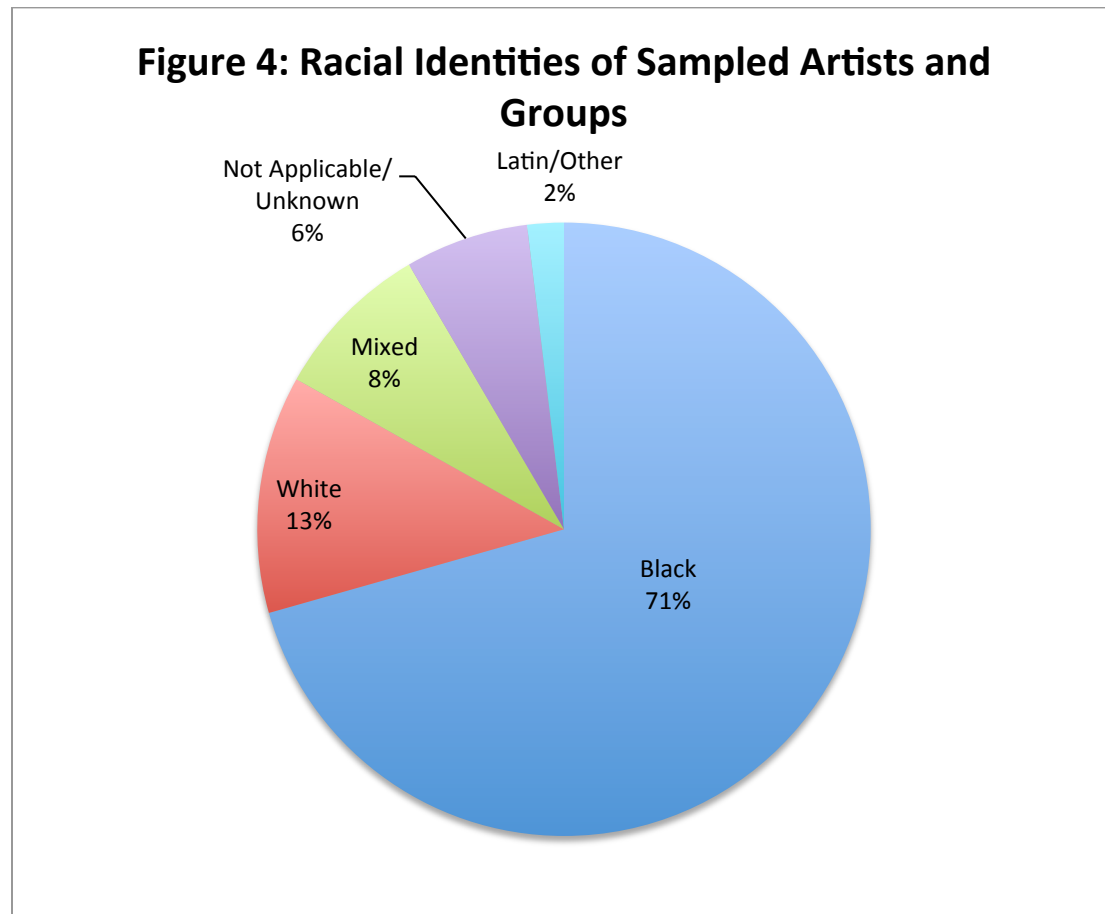
The sampling field of reference shown in Figure 2 emphasizes the centrality of traditionally African-American vernacular genres, confirming that funk, hip-hop, soul, and R&B constitute the basis of golden-age hip-hop sampling. Naturally, each artist or group has its own sampling vocabulary, eccentricities, and preferences that are worthy of individual studies, but the data represented in Figure 2 captures the sampling canon for the hip-hop genres as a whole from 1988 to 1993.²³

²³ For example, Amanda Sewell explores Public Enemy and the Beastie Boys' individual sampling tendencies, noting that the latter sample more rock records than most artists, likely due to their origins as a hardcore band that later transitioned to rap. See "Typology of Sampling," 175.

Figure 3 indicates that the most sampled artists in this study also work predominantly in the genres of funk and hip-hop, with funk comprising seven, and hip-hop eight artists respectively, while jazz fusion, soul, R&B, and pop round out the remainder of the list. In some cases, multiple songs by a single artist or group contributed to their position at the top of the list (such as James Brown, Parliament, and Sly & the Family Stone), while others occupy these positions due to one pervasive sample (the Honey Drippers' "Impeach the President" [1973], or Doug E. Fresh and Slick Rick's "La Di Da Di" [1985]). Exactly how some of these individual samples achieved popularity could prove to be fruitful terrain for future work. Regardless of how they landed at the top of the list, each of these twenty artists or groups contributed important musical material to golden-age hip-hop.

Figure 3: Top 20 Most Sampled Artists

<u>Position</u>	<u>Number of Samples</u>	<u>Artist</u>	<u>Genre</u>
1	108	James Brown	Funk
2	37	Public Enemy	Hip-Hop
3	23	Sly & The Family Stone	Funk
4	14	Parliament	Funk
5	14	Run-D.M.C.	Hip-Hop
6	13	Beastie Boys	Hip-Hop
7	13	Kool & The Gang	Funk
8	12	Big Daddy Kane	Hip-Hop
9	12	Bob James	Jazz Fusion
10	12	LL Cool J	Hip-Hop
11	11	Boogie Down Productions	Hip-Hop
12	10	Afrika Bambaataa	Hip-Hop
13	10	Doug E. Fresh & Slick Rick	Hip-Hop
14	9	Funk Inc.	Funk
15	9	Funkadelic	Funk
16	9	Honey Drippers	Soul
17	9	Kurtis Blow	Hip-Hop
18	9	Rufus Thomas	Soul
19	9	Zapp	Funk
20	8	Michael Jackson	R&B / Pop



Taken all together, African-American artists or groups make up the majority of the top 20 list (85%) and 71% overall (Figure 4).²⁴ Perhaps a crude metric, it seemed important to assess the relative importance of identity to sampled categories, and not simply take genre as a homologous stand-in for race. In compiling these statistics, I based my categorizations on the lineup of the band at the time of the sampled song; “Black” artists include African-American, Jamaican, African, and other Afro-diasporic artists; while “Mixed” refers to both biracial individuals (like Jimi Hendrix and Bob Marley) and racially-mixed bands (like Tower of Power). Some of the most obscure groups with only one sample were difficult to locate and categorize, so these

²⁴ With two White artists (the Beastie Boys and Bob James), and one mixed group (Sly and the Family Stone).

samples bear the label “Unknown/Not Applicable,” along with samples of television and film music or other music that resists categorization on the basis of an artist’s racial identity.

Comparing Figure 4 to Figure 3, the 71% that represents samples from Black artists or groups almost matches the percentages of funk, hip-hop, soul, and R&B combined (79%). However, it is important to note that race and genre do not map onto each other according to strict homologies. Still, Figures 3 and 4 emphasize the importance of Black artists and primarily Black genres to golden-age hip-hop sampling.

As the single most sampled artist, making up about one third of funk samples James Brown deserves special mention in this section. Given my findings, no other artist was sampled so frequently, or had such an important effect on hip-hop music: samples attributed to James Brown alone (that is, not including the samples of groups consisting of James Brown’s band members, such as Fred Wesley and the J.B.’s, Bobby Byrd, and Lyn Collins), made up 9.96% of all samples—more than soul or R&B. Indeed, Parliament and Funkadelic—both of which include former members of James Brown’s band—also rank high on the list, indicating that Brown’s influence extends beyond even the impressive total of 108 samples. His status as the most sampled artist will come as no surprise to hip-hop listeners, as his music, and especially his breakbeats, are widely acknowledged to constitute the instrumental foundation of hip-hop music. What may come as a surprise, however, is the sheer number of James Brown samples in comparison to other artists: Brown leads with a total of 108 samples, while the next most-sampled artist, Public Enemy, has far fewer, at 37 samples. As James Brown asserted in “I’m Real,” in some regards he truly was “the man who started it all.”

Public Enemy’s status as the second most sampled group or artist may come as a surprise, but the reason for their high number of samples goes hand in hand with their status as a statistical

outlier in Chapter 3. Although other artists frequently sampled Public Enemy, many samples of their music by from Public Enemy themselves, which I attribute not only to their overall tendency to use a higher number of samples than their contemporaries, but also to their particular interest in asserting their own historical significance. Amanda Sewell identifies a few reasons for Public Enemy's conspicuous self-sampling tendency, such as "demonstrating pride in their recorded catalogue, aurally placing themselves among hip-hop's greats, representing particular sonic memories, and linking past and present tracks and albums."²⁵ In this way, Public Enemy positions themselves alongside other sampled artists (like James Brown), to suggest that their status, importance, and contributions are comparable, as did Gang Starr with the samples of canonical jazz artists in "Jazz Thing." Additionally, Public Enemy's recordings were a popular choice for Lyric samples, especially single words from Chuck D ("Bass!") or short sayings from Flavor Flav ("Yeah, boyeee"), which persisted after sampling lawsuits like *Grand Upright* exerted pressure on sampling practices.²⁶ Taken together, Public Enemy's self-sampling and the popularity of their Lyric samples establish the group as a central figure in the golden-age sampling canon.

Not all golden-age samples were drawn from historically Black genres. Indeed, some samples from White artists or bands working in rock and pop were surprisingly common. Examples include Billy Squier's "The Big Beat" (1980) the Monkees' "Mary Mary" (1967), the Steve Miller Band's "Take the Money and Run" (1976), and the Rolling Stones' "Honky Tonk Women" (1969). In David Toop's *The Rap Attack*, Afrika Bambaataa recalled the effectiveness of using unfamiliar breakbeats in a live context:

²⁵ Sewell, "A Typology of Sampling," 171

²⁶ See also Sewell, "A Typology of Sampling," 126.

I'd throw on "Sgt. Pepper's Lonely Hearts Club Band": —just that drum part. One, two, three, BAM—and they'd be screaming and partying. I'd throw on the Monkees, "Mary Mary"—just the beat part where they'd go "Mary, Mary, where are you going?"—and they'd start going crazy. I'd say, "You just danced to the Monkees." They'd say, "You liar. I didn't dance to no Monkees." I'd like to catch people who categorise records.²⁷

Bambaataa captures the trickery and ingenuity that goes into selecting unconventional samples, and how the power of homological assumptions about musical genres could put listeners on the defensive about what music they could appreciate. Joseph Schloss offers an explanation for these apparent outliers in his landmark study, *Making Beats: The Art of Sample-Based Hip-Hop*, writing "rock breaks were chosen because, in spite of their origins in the putatively white rock world, they conformed to the *black* aesthetic of hip-hop."²⁸ Another possible explanation for the popularity of these "outlier" samples by White groups is their inclusion in an obscure compilation series of independently released breakbeats, called the *Ultimate Breaks and Beats* (UBB). The twenty-five-volume UBB collection was released between 1986 and 1991 by Lou Flores and Lenny Roberts on the independent label Street Beat Records.²⁹ UBB included many of the "outlier" samples in the corpus, and a cursory glance at the UBB track listing reveals many commonly used golden-age samples.³⁰ Schloss notes that while using compilations is usually looked down upon by hip-hop DJs, the UBB records were notable exceptions.³¹ In my opinion, these songs were not sampled because they somehow "conformed to the *black* aesthetic of hip-hop" so much as they entered high rotation because of their inclusion on the highly regarded UBB compilation. Since many of these samples came from rock songs, it is also important to

²⁷ David Toop, *The Rap Attack* (Boston: South End Press, 1984), 66, quoted in Schloss, *Making Beats*, 32.

²⁸ Joseph Schloss, *Making Beats*, 64. Emphasis in the original.

²⁹ See Schloss, *Making Beats*, 37-38; John Leland and Steve Stein, "What It Is," *Village Voice* January 19, 1988, and Robbie Ettelson, "Ultimate Breaks & Beats: An Oral History," *Cuepoint*, March 13, 2015.

³⁰ It is unclear, however, whether the UBB samples became popular *because* of their inclusion in these compilations, or if they were included *because* they were already commonly used, presenting a sort of chicken-and-egg question for historical musicology. A consideration of the influence of the UBB samples would surely be a fascinating avenue for future study.

³¹ Schloss, *Making Beats*, 38.

note that African Americans were important innovators in rock throughout its history, and rock isn't the exclusive domain of White artists that it is often made out to be. Finally, the use of these samples is a testament to the eclecticism of golden-age sampling: despite clear preferences for funk and hip-hop, inclusion of samples from groups like The Monkees highlights DJs' and producers' openness to a variety of sounds and refutation of strict homologies.

Which Musical Features Do (Most) Samples Share?

The funk and hip-hop samples that constitute the musical foundation for the golden age share several overlapping musical features that, taken together, possess an uncanny ability to “sound race,” to take Loren Kajikawa’s term. Not only do these samples evoke historical periods, artists, and genres, but in many cases, they also encode different perspectives on Black identity in sound. In *Sounding Race in Rap Songs*, Kajikawa explores this tendency; his golden-age case study on Public Enemy asserts their “particular approach to sample-based production sought to remix aspects of the black musical past,” specifically aiming to *sound* Black identity in their beats.³² Public Enemy’s approach was but one possible method of sounding Blackness in rap. Even in the golden age, there were different orientations to the musical representation of race in N.W.A., De La Soul, A Tribe Called Quest, and DJ Jazzy Jeff & the Fresh Prince.³³ Encoding Blackness in samples functions in a double-voiced way: it both marks hip-hop as a racial other in the mainstream, and speaks within Black listening communities as a musical *lingua franca*. This section considers the musical vocabulary of golden-age samples, and how these musical features have been interpreted as characterizing much Black popular music.

³² Loren Kajikawa, *Sounding Race in Rap Songs* (Oakland, University of California Press, 2015), 79-80.

³³ See David Brackett, *Interpreting Popular Music* (Cambridge and New York: Cambridge University Press, 1995), 113 regarding aesthetic difference in descriptions of Black music making.

Golden-age hip-hop beats often rely on repetition and loops, or what James A. Snead calls “the cut.” In “Repetition as a Figure of Black Culture,” Snead argues that the musical cycle—repetition with difference—is a key feature of African-American music, and specifically as a strategy to mark difference from the teleology of much European-derived musical forms.³⁴

“The ‘cut,’” he writes,

overtly insists on the repetitive nature of the music, by abruptly skipping it back to another beginning which we have already heard. Moreover, the greater the insistence on the pure beauty and value of repetition, the greater the awareness must also be that repetition takes place not on a level of musical development or progression, but on the purest tonal and timbric level.³⁵

Snead goes on to name James Brown as the practitioner of the cut *par excellence*. David Brackett expands upon Snead, suggesting “one can find ‘the cut’ inscribed within *all* black vernacular forms, from the ring to rap,” making the funk breakbeat’s role as the backbone of hip-hop grooves a natural extension of the cut.³⁶ Tricia Rose found Snead’s discussion of James Brown and the cut “prophetic”:

Published in 1981, a number of years before hip hop producers had communally declared James Brown’s discography as the foundation of the break beat, Snead could not have known that Brown’s exclamations, “hit me!” “take it to the bridge!” rapid horn and drum accents and bass lines would soon become the most widely used breaks in rap music.³⁷

Artists’ decisions to sample predominantly from funk, hip-hop, soul, and R&B make sense when read in the long tradition of the “cut”—not only were these samples historically meaningful, but

³⁴ James A. Snead, “Repetition as a Figure of Black Culture,” in *Black Literature and Literary Theory* ed. Henry Louis Gates Jr., (New York: Methuen, 1984), 62.

³⁵ Snead, 69. In a similar vein, see also Ingrid Monson, “Riffs, Repetition, and Theories of Globalization,” *Ethnomusicology* 43 (Winter 1999): 31-65. Describing Count Basie’s “Sent for You Yesterday,” she writes, “Call and response (at varying rates of periodicity), continuous riffs, groove defining rhythmic patterns, and dense layering and overlap of rhythmic (and simultaneously harmonic and melodic) figures all contribute to a musical texture in which repetition is both fundamental and a source of variety,” 36.

³⁶ Brackett, *Interpreting Popular Music*, 118.

³⁷ Rose, *Black Noise*, 70. Snead’s concept of “the cut” was first explored in “On Repetition in Black Culture,” *Black American Literature Forum* 15 (Winter 1981): 146-154, but was expanded in his contribution to *Black Literature and Literary Theory* (1984).

they also possessed the relevant formal qualities to create a hip-hop beat. Indeed, the cut or loop as the central musical structure of a hip-hop beat can be traced back directly to the source materials and turntable techniques of old-school hip-hop DJs—alternating between the break beats on different records, many of which were funk. Notably, the rock samples mentioned above also make use of the cut, which is perhaps what Schloss was referring to when he wrote that they “conformed to the *black* aesthetic of hip-hop.”³⁸

Not only is repetition important, but a specific kind of repetition makes soul and funk songs so appealing to sample. As Richard Middleton writes, “*All* music contains repetition – but in differing amounts and of an enormous variety of types.”³⁹ Middleton sets out two kinds of repetition in popular music, discursive—which relies on the repetition of large-scale features from phrases to sections— and musematic, repetitions of smaller musical units like riffs.⁴⁰ Musematic repetition is more likely to be sustained and vary little in terms of harmony: even if a harmonic progression (like the 12-bar blues) occurs in the context of musematic repetition, the repetition of riffs internal to this structure take precedence.⁴¹ Musematic repetition and the cut go hand in hand, because a song built on the repetition of short phrases inevitably relies on some sort of cyclical structure. Additionally, musical interest and listening pleasure in songs that feature musematic repetition must therefore derive from something other than teleological structure or a sense of harmonic complexity. Evoking Snead, Middleton writes, “Musematically recursive frameworks are often combined with a ‘surface’ characterized by complex, minutely

³⁸ Schloss, *Making Beats*, 64. Emphasis in the original.

³⁹ Richard Middleton, “‘Lost in Music?’ Pleasure, Value, and Ideology in Popular Music,” in *Studying Popular Music* (Philadelphia: Open University Press, 1990), 268.

⁴⁰ Middleton, 269.

⁴¹ Middleton, 270.

inflective (that is analogue-tending), perhaps improvised variation.”⁴² These small variations create interest on the musical surface, so that each repetition brings new, often improvised inflections of the basic pattern. In songs that employ discursive repetition, on the other hand, the surface may be “crude and impoverished.”⁴³

Following this line of reasoning, another feature that attracted hip-hop producers to funk—including the music of James Brown—is its inclusion of a high density of musical events, resulting in composite textures. Olly Wilson identifies an “intensification of the stratification of the musical lines by means of emphasizing the independence of timbre” as a central feature linking African-American music making with its West African stylistic ancestors, marking this musical feature as a quality particular to Afro-diasporic music.⁴⁴ Songs that possesses a high density of musical events make use of polyrhythm and microtiming, and in the context of funk, work together to establish an in-the-pocket groove. In a discussion of James Brown’s “Say it Loud—I’m Black and I’m Proud” (1968) Guthrie Ramsey explains the “in-the-pocket groove” as funk’s distinct interlocking musical structure:

The small horn section almost competes with the bass line with melodic patterns that move between percussive unison lines and chordal passages. The guitarist adds yet another competing pattern to the groove that (like the horns) alternates between single lines and chordal punches but fills in a different part of the rhythmic time line. All parts of this instrumental tableau fit together like the pieces of a puzzle, and each supplies sonic variety within the mix.⁴⁵

Hip-hop producers were drawn to source materials that exhibited this high density of musical events: not only do these musical excerpts often intensify the feeling of the cut (because the cut

⁴² Middleton, 269.

⁴³ Middleton, “Lost in Music,” 269.

⁴⁴ Olly Wilson, “The Significance of the Relationship Between Afro-American Music and West African Music” *The Black Perspective in Music* 2 no. 1 (Spring 1974): 15.

⁴⁵ Guthrie P. Ramsey Jr., “Who Hears Here? Black Music, Critical Bias, and the Musicological Skin Trade” *The Musical Quarterly* 85 (Spring 2001): 11.

back to the beginning seems more intense the more musical lines that are interrupted), but they also come with a pre-packaged layered structure on which they could build. For example, Queen Latifah's "Dance for Me" (1989) contains only four samples, but because three include multiple elements (intact from the original recordings), the resulting structure is extremely dense. A vocal sample from Sly & the Family Stone's "Dance to the Music" (1967) also includes tambourine; the breakbeat from Alvin Cash's "Keep on Dancing" (1968) includes drum and bass; and a Surface, Constituent sample from Kool & the Gang's "Rated X" (1972) highlights saxophone, but also includes an audio sliver of the rest of the ensemble.⁴⁶ In sum, the same looping and layering tendencies embodied in golden-age sample-based beats are often present in the sources that producers chose to sample.

Funk and hip-hop share not only a high density of musical events, but also a high level of rhythmic complexity; although these features are related, they warrant separate discussion. A high density of musical events may be consonant with the meter, which alone does not produce rhythmic complexity. Many frequently used samples, however, feature both a high density of musical events as well as syncopation at multiple rhythmic levels. Unlike most other popular music genres, funk, hip-hop, and, to a certain extent, jazz share a high level of syncopation at both the 8th-note and 16th-note level (in a typical 4/4 measure). Syncopations are often juxtaposed against 16th-note patterns set out by the hi-hat, intensifying their rhythmic dissonance. For example, Yo-Yo's "Stompin' to the 90s" (1991) features a groove based on sampled drums and a persistent 16th-note hi-hat ostinato. Producer Ice Cube includes two Structural samples, one Percussion-Only (Dynamic Corvettes, "Funky Music is the Thing," 1975) and one Intact (Rufus Thomas, "Itch and Scratch [Part 1], 1972). Both samples include a high degree of rhythmic

⁴⁶ For more info, see <https://www.whosampled.com/Queen-Latifah/Dance-for-Me/>.

complexity: the Rufus Thomas sample foregrounds a syncopated bass line, while the Dynamic Corvettes sample captures an in-the-pocket groove composed of a breakbeat plus syncopated cowbell, clave, and shaker. When the 16th-note hi-hat is layered on top of these samples, the resulting instrumental track is rhythmically complex, in large part owing to these funk and soul samples. Thus golden-age hip-hop songs (via the songs they sample) share a high degree of rhythmic complexity, which results in a high density of musical events, all while operating within the cyclical structure of the cut.

Another significant impetus for sampling is purely aesthetic: golden-age hip-hop producers were interested in using music from the past because of the sonic qualities of recordings from different eras. However, a specific preference for recordings of African-American music of the 1960s to the 1970s makes this shared feature of samples difficult to disentangle from the others discussed in this section. In an interview with Kembrew McLeod, Hank Shocklee explained, “The guitar that’s sampled off a record is going to have all the compression that they put on the recording, the equalization. It’s going to hit the tape harder.”⁴⁷ Shocklee draws attention to how the material conditions of recording can be manifest in musical sounds: timbres or recording aesthetics are associated with particular periods, technologies, studios, microphones, producers, session musicians—sampling enabled the use of these almost magical historical combination of elements. Therefore, sampling can reference more than a single work or artist: a sample could evoke Stax in the mid-1960s; Motown’s Studio A in the early 1970s, the individual styles of players such as Clyde Stubblefield, Larry Graham, or Bernie Worrell, or the compression used on a recording from a particular session.

⁴⁷ Kembrew McLeod with Chuck D and Hank Shocklee, “How Copyright Law Changed Hip Hop: An interview with Public Enemy’s Chuck D and Hank Shocklee about hip-hop, sampling, and how copyright law altered the way hip-hop artists made their music,” *Alternet* (website), accessed February 29, 2020 at https://www.alternet.org/2004/06/how_copyright_law_changed_hip_hop/.

Sampling meaningful music of the past (especially funk, soul, and hip-hop records) constitutes another kind of repetition in the tradition of the cut. Brackett writes that hip-hop's adaptation of the cut from funk parallels the musical cycle of the cut: "the ostinatos formed from the samples" map onto "the intertextual repetition of previously recorded and circulated material."⁴⁸ Not only do these samples cycle back formally to the beginning of the cut, but they also represent a return to meaningful music of the past in a sort of historical loop. As Snead points out, while Hegel called African people—and in this case his comments apply to Afro-diasporic people—"historyless" in a traditional European sense, they choose to inscribe the cycles of life, with both its continuity and change, into culture.⁴⁹ In this way, hip-hop artists who did not see themselves represented in history, found a way to write themselves into it, by using both great Black artists of the past—like James Brown. They also found and revived artists who slipped through the cracks of musical history, through the storied DJ practice of "crate digging." Thus the musical cycle of the cut is manifest as generational echoes and cultural cycles of reference.

The "Changing Same"? Sampling Practices from 1988 to 1993

Sampling served –and continues to serve—many purposes in hip-hop, from creating rhetorical connections to artists of the past, to referencing past musical aesthetics, and creating communities of knowing listeners. However, its field of reference (in terms of artists and genres) did not stay constant throughout the period of my study. While Chapter 3 demonstrated that the average number of samples per song decreased from 1990 to 1993, the sampling field of

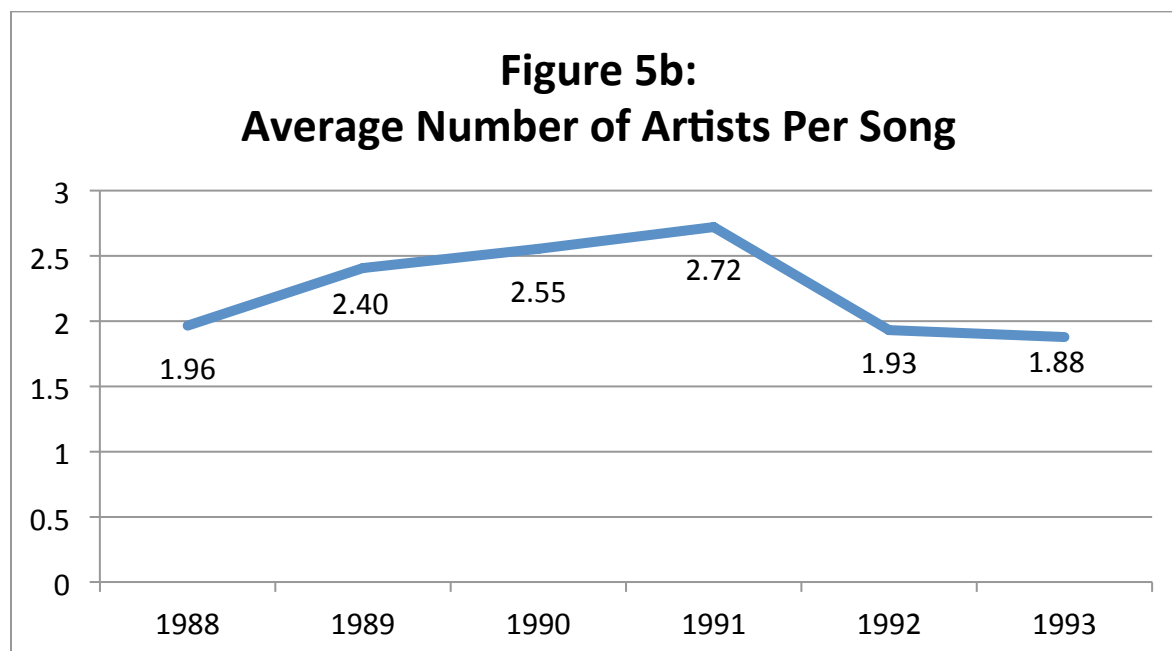
⁴⁸ Brackett, *Interpreting Popular Music*, 118.

⁴⁹ Snead, "Repetition," 63.

reference also changed in response to the imperative to use fewer samples. While funk and hip-hop remained the most heavily sampled genres, both the overall and average number of artists decreased. In Figure 5a, each artist is only represented once per year: for example, James Brown was sampled 23 times in 1989, but he was only one of a total of 108 artists sampled across a total of 55 songs. This suggests that not only does the number of samples per song decrease, there is also a reduction in the diversity of sampled artists. Figure 5b demonstrates that the most artists per song were sampled in 1991—the year of *Grand Upright*—and that subsequent years see a drop in the number of artists sampled per song.

Figure 5a: Number of Artists Sampled Per Year

<u>Year</u>	<u>Number of Artists Sampled</u>
1988	108 (55 songs)
1989	113 (47 songs)
1990	120 (47 songs)
1991	136 (50 songs)
1992	114 (59 songs)
1993	92 (49 songs)



The trends demonstrated in Figures 5a and 5b not only speak to a homogenization of hip-hop sampling's field of reference, but also to the solidification of a sampling canon. One factor in the creation of a sampling canon was the popularity of the *Ultimate Breaks and Beats* collection.⁵⁰ Although it is beyond the scope of this project to compare each one of the over one thousand samples of my corpus study with the nearly two hundred UBB samples, the UBB samples make up a significant number of the most popular samples.

Fewer artists being sampled has the sonic effect of limiting the variety of sampled sounds, as well as impacting the kinds of statements that artists can make through these samples. From 1988 to 1991, the number of one-off samples—single samples by artists who were not otherwise regularly featured—was significantly higher than in 1992 and 1993, suggesting that diversity and eclecticism were negatively impacted. The trend towards sampling fewer artists was a practical one: sampling lawsuits settled out of court revealed which artists would tolerate their music being sampled and which would not, limiting the realm of possibility for the

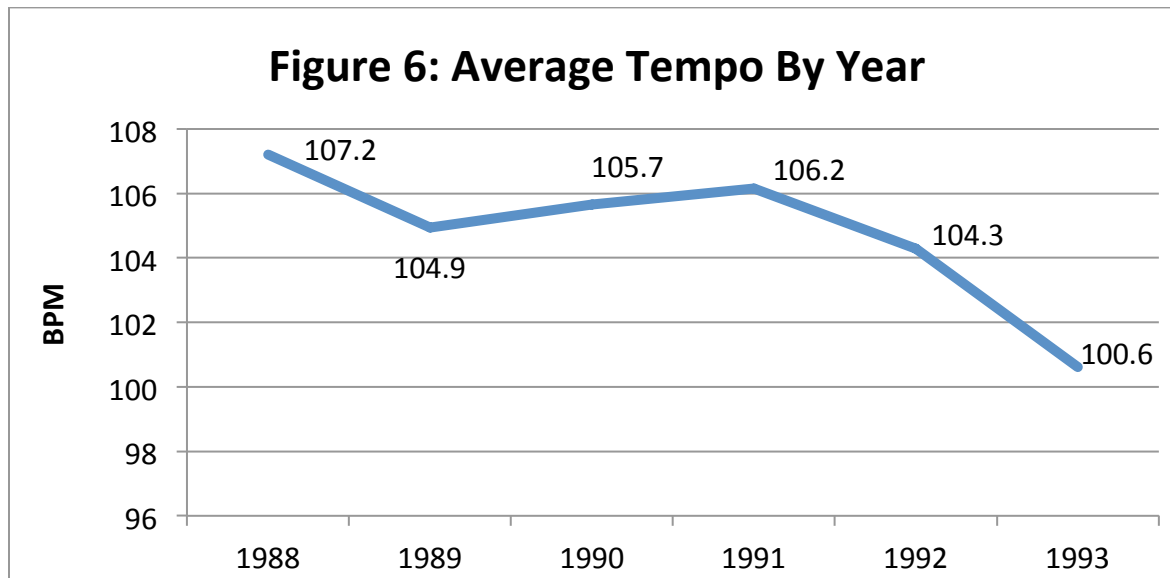
⁵⁰ Schloss, *Making Beats*, 37-38.

purposes of managing the risk of a lawsuit. For example, George Clinton did not initiate any such disputes, and I contend that it is at least partially for this reason that his P-Funk collective continued to be sampled frequently into the early 1990s.⁵¹ At the same time that artists were feeling the imperative to sample less (and to use the samples that their labels cleared to greatest effect), the sampling canon solidified around this combination of changing tastes and financial imperatives.

In addition to a narrowing of the field of reference in terms of artists and genres, songs from 1991 to 1993 more frequently included slower and smoother samples, which were highlighted in the new subgenre of G-Funk. Although there was no easy way to trace this tendency numerically, I noticed that smooth soul, like that of Isaac Hayes and Marvin Gaye, was sampled more in these years. In a discussion of the continued influence of P-Funk on Dr. Dre, Kajikawa observes, “what changed by 1993 was not necessarily the artists he chose to sample, but rather the kinds of breaks that he chose and the way that he manipulated them to curate an overall vibe that differed from his previous work.”⁵² In other words, there is no radical departure from the sampling canon in terms of the most popular artists, but the same materials were used to create different effects. Songs were also slower into the early 1990s, with the average dropping from 107.2 to 100.6 beats per minute (See Figure 6).

⁵¹ At least until Bridgeport Music started suing any artist sampling their catalogue (which includes Parliament, Funkadelic, and the Ohio Players), in slew of over 400 “sample troll” cases after the year 2000, which included *Bridgeport v. Dimension*.

⁵² Kajikawa, *Sounding Race*, 114.



It was beyond the scope of this project to collect the original tempo for each of the samples included in this study; however, I suspect that the trend towards slower song tempos is at least in part due to the preference for slower samples. The shift towards slower and smoother sounds is perhaps one of the most important sonic changes that set late 1980s and 1990s hip-hop apart. The rise of West Coast hip-hop played a role in this shift, but it was not the only factor. Michael Eric Dyson poetically summarizes the differences between east and West Coast hip-hop, and I would argue, captures the difference in feel between 1980s and 1990s rap that is so difficult to articulate:

Left in the shadow of East Coast rap for years, West Coast rap reinvigorated the hip-hop game by reinventing the premise of rap: to groove the gluteus maximus. As Ralph Ellison said, geography is fate. West Coast hip-hop tailored *its fat bass beats and silky melodies* for jeeps that cruise the generous spaces of the West. The music appeals as well to fans in the open spaces of the Midwest and the South. *The tightly drawn grooves and cerebral lyrics* of the East Coast have almost become site-specific. East Coast rappers cling to beliefs in their artistic superiority and adhere to the principles of authentic hip-hop. Such beliefs give rise to poetically intense rappers like Nas or the esoteric basement hip-hoppers Wu Tang Clan. For the most part, East Coast rap lags far behind the West Coast in record sales and in popularity.⁵³

⁵³ Michael Eric Dyson, "We Never Were What We Used to Be: Black Youth Pop Culture and the Politics of Nostalgia," in *The Michael Eric Dyson Reader* (New York: Basic Civitas Books, 2004), 421. Emphasis added.

Using fewer samples and sampling fewer artists creates an effect of spaciousness: comparing Dr. Dre's production for N.W.A. on *Straight Outta Compton* (1988) to his work on *The Chronic* (1992) or Snoop Doggy Dogg's *Doggystyle* (1993), one is struck with their radically different approaches to space.⁵⁴ As West Coast hip-hop worked its way further into the mainstream, so too did the subgenre's images and associations. West Coast producers not only approached spatialization in production differently, but this sense of space could also reflect the different listening contexts on the West Coast (the low-rider sound system instead of the boom box or headphones of the East Coast). Music videos also feature images of wide open California skies and cruising in cars, and the lyrics of these songs also suggest mobility, openness, and ease. Just as samples are flooded with the associations of their original contexts and people, West Coast hip-hop accrued its own imagery that permeated the music. Still, I contend that samples play a role in the creation of musical space, and suggestion of geographic place: the number, kind, and diversity of samples all contribute to these subtle aesthetic differences.

As fewer artists were sampled from 1988 to 1993, these samples were drawn from fewer genres. Although funk and hip-hop remained the most popular, it was the genres that were already less popular (like the category of "Other") that were sampled even less frequently into the early 1990s. Musical genres such as electronic, Latin, pop, reggae, and samples of comedy, film & television, literature, political speeches, and spoken word poetry saw a marked decrease, from 14% in 1988 to 6% in 1993 (See Figure 7).⁵⁵ Rock also dwindled in popularity, constituting 7% of samples in 1988, and only 2% in 1993. These small changes also speak to the solidification of a sampling canon: non-musical sounds, such as clips from political speeches,

⁵⁴ See Chapter 3, 142-146 for my discussion of Dr. Dre's stylistic evolution as a producer.

⁵⁵ See Appendix 2 for sampled artist totals.

sound-effects and dialogue from film and television were important components of the sample-collage aesthetic used by many artists in the late 1980s, but had likely begun to sound dated by the early 1990s. All of these noisy, eclectic sounds were pared away, until the musical skeleton of funk breakbeats remained. Such a reduction in the use of non-musical samples shifts hip-hop's frame of reference away from a tapestry of popular culture to a canon of select albeit meaningful earlier music.

Figure 7a: Sampled Genres 1988

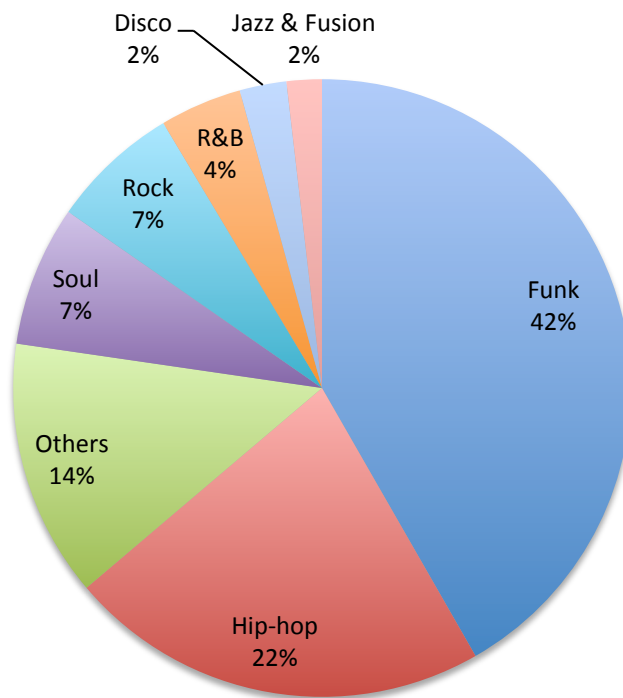
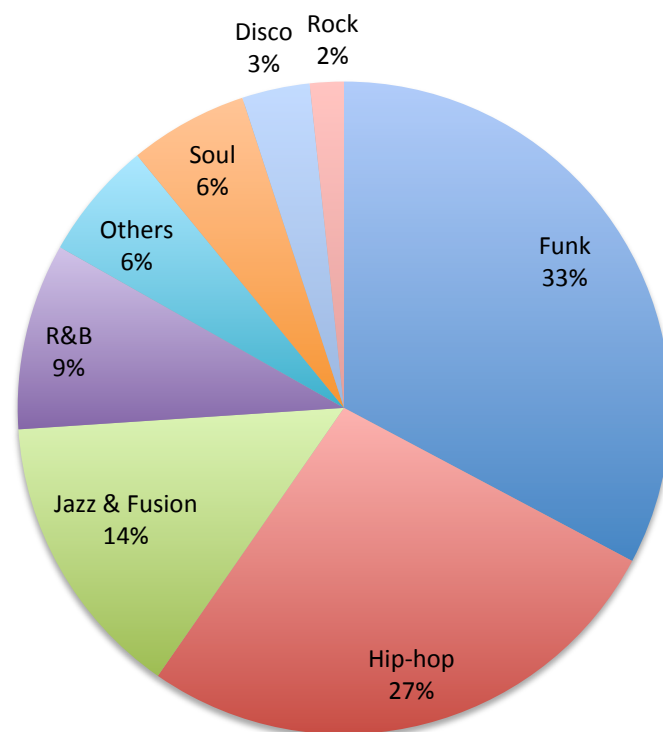
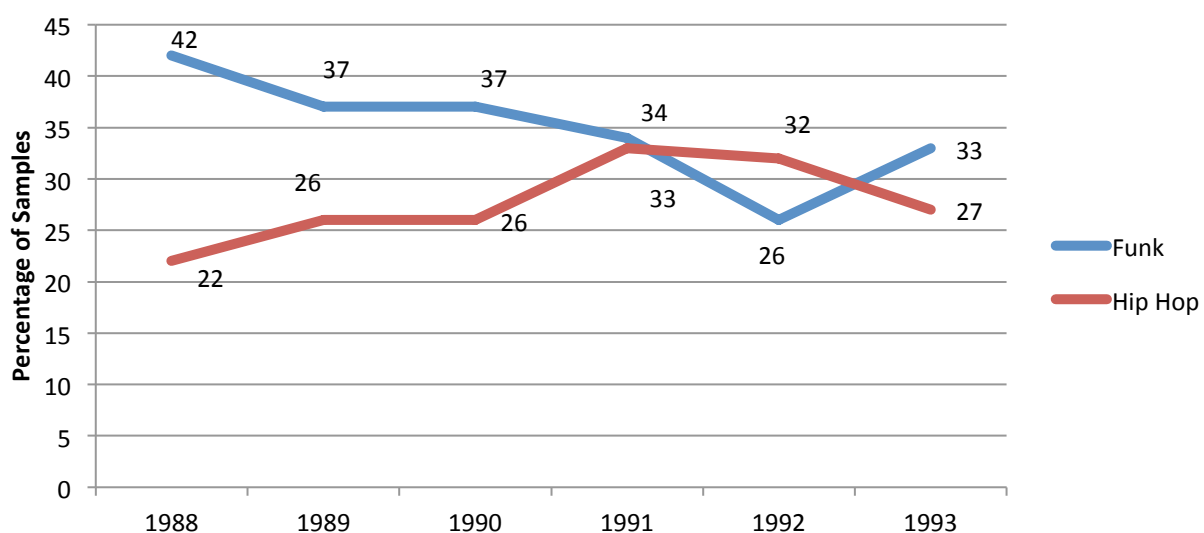


Figure 7b: Sampled Genres 1993**Figure 8: Funk and Hip-hop Samples**

While funk and hip-hop remained the two most sampled genres, their respective percentages changed; Figure 7 illustrates the shift in the distribution between these genres. Taken together, hip-hop and funk comprised around 60% of all samples in each year, but while funk decreased in popularity, hip-hop increased, so that for a moment in 1992, hip-hop was sampled slightly more often than funk. The risk of sampling lawsuits likely played a role in this shift. Samples of obscure funk breakbeats became less common into the 1990s, although major artists like James Brown, Parliament-Funkadelic, and Sly & the Family Stone remained popular options. The slight decrease in the number of funk samples is another facet of the emergence of a sampling canon: only certain samples survived the test of time. Hip-hop's growing popularity as a sampled genre coincided with its increasing penchant for self-reference and a nascent obsession with its own history. Songs like Common's "I Used to Love H.E.R." (1993), and the Notorious B.I.G.'s "Juicy" (1994) spoke to this issue: the former with a pointed critique for selling out and losing touch with its roots, and the latter with nostalgia for the early days and pride that "hip-hop would take it this far."⁵⁶ As the years passed, there were more hip-hop recordings that could be sampled, and an increasing awareness of the genre's history made hip-hop samples more common.

The shifting popularity of funk and hip-hop samples is part of a larger trend following *Grand Upright*: hip-hop producers gradually pared away any samples they perceived to be non-essential, leaving them with a limited number of historically meaningful options that formed the canon for the years to come. In terms of the sample subtypes discussed in Chapter 3, a parallel tendency was the prioritization of Structural (especially Intact) and Recurring Lyric samples at the expense of Singular Lyric and Surface samples of all kinds. This way, artists could get more

⁵⁶ For more on "hip-hop nostalgia," see Murray Forman, "The Golden (Age) Cudgel: Hip-Hop Nostalgia and Generational Dissonance," (Conference Paper, Hip-hop in the Golden Age, Bloomington, IN, February 16, 2019).

mileage out of the samples that they paid for; although an early 1990s song may include fewer samples, any samples that *are* used in a given song likely play a more important role. The establishment of a sampling canon is inextricably linked with the external imperative of sampling lawsuits—when hip-hop producers were feeling the pressure to reduce the number of samples they included in their songs, naturally they focused on the ones that were most important. Any funds devoted to clearing these samples had to be allocated thoughtfully and sparingly, and so the most important samples—because of its historical resonances, sonic qualities, or suitability to a given song—were prioritized above anything that could be viewed as extraneous or superficial.

Conclusion

In North-American popular music, hip-hop is the only major genre that consistently uses past musical recordings as key components in new songs. As this chapter has demonstrated, hip-hop producers do not sample randomly, instead selecting songs because of their historical, rhetorical, or aesthetic significance. Following Gates's theory of Signifyin(g), the practice of building on the past is nothing new in African-American popular culture, but hip-hop makes the technique more concrete than ever before, taking voices from the past and allowing them to speak again in new musical contexts across the years. Funk and hip-hop's predominance as the most sampled genres should not come as a surprise, and neither should James Brown's supremacy as the most sampled artist; the man who famously declared "Say it Loud –I'm Black and I'm Proud" was adopted by hip-hop artists as a stylistic and ideological ancestor; Brown's use of the markedly African-American form of the cut translated easily into their new cyclic music. A decrease in the diversity of samples (by artist and genre) had the effect of smoothing out the resulting textures

and timbres, constituting merely one difference between the dense collages of the late 1980s and the smooth grooves of the early 1990s. External factors like sampling lawsuits pressured hip-hop artists to change their sampling practices—but rather than ceasing altogether, these artists instead focused on which samples were most important, solidifying the emerging sampling canon.

The external pressures that such lawsuits exert forced artists to prioritize samples, and evaluate which subtypes had the most impact given their cost. Whether or not the loss of the eccentric, diverse sampling of the late 1980s should be lamented is another question; preference for the collages of the 1980s or the laid-back grooves of the early 1990s is a matter of personal taste. However, the kinds of statements artists seemed able to make through sampling changed at this time, and so sampling was less frequently used for explicit political purposes. Rather than including the voices of political icons like Malcolm X, Martin Luther King Jr., or Jesse Jackson, artists settled for referencing musicians who evoke political ideals, like James Brown or Marvin Gaye. In this specific manner, the effect of *Grand Upright* was negative: although artists continued to use samples, the homogenization of the samples that remained reflects a restriction of artistic freedom. The ability of artists to incorporate many different cultural elements to make a political statement (as was often the case with Public Enemy and N.W.A.) was compromised. Rather than considering these changes as a decline in quality, I would instead characterize them as a decrease in diversity—the changing availability of non-canonical samples had a homogenizing effect on the sampling field of reference, and spurred the larger aesthetic shift towards smoother, slower, and more homogenous (and in terms of musical textures, homophonous) sounds. Following *Grand Upright*, sampling remained a crucial political and creative resource for hip-hop artists, but given the disciplinary power of the law, the role it was allowed to play was minimized.

Chapter 5: “Biting Rhymes” to “Deep Cover” Songs

The Spectrum of Similarity from Interpolations to Covers¹

Copyright lawsuits like *Grand Upright v. Warner* have had a long-lasting impact on sampling practices, and while they did not completely bring an end to sampling, there were instrumental in bringing about stylistic changes in hip-hop at the beginning of the 1990s. Not only did hip-hop producers use fewer samples, they also had to prioritize the samples they did choose to include; as a result, the sampling field of reference narrowed and solidified into a sampling canon. As many fans and scholars have speculated, artists also turned to real instruments when they were forced to use fewer samples—but this only tells part of the story. Before the invention of digital samplers, composers and artists working in all media turned to the works of the past, and continue to do so.

So far this dissertation has focused on sampling, but hip-hop is a deeply intertextual genre, and it draws upon music of the past in several ways in addition to sampling. To harken back to hip-hop’s early days, the Sugarhill Gang’s “Rapper’s Delight” (1979) famously took inspiration from Chic’s “Good Times” (1979), but they also drew on lyrics of the MCs active in the live performance context of 1970s hip-hop. Specifically, Big Bank Hank uses rhymes originally written and performed by Grandmaster Caz (a.k.a. Casanova Fly) of the Cold Crush Brothers, even going so far as to use a rhyme where he spells out “Casanova”: “I’m the C-A-S-AN, the O-V-A and the rest is F-L-Y” (1:17-1:22). “Biting” other rappers’ rhymes, as the practice is called in the hip-hop world, does not encode the same respect as sampling: rather, it is understood as unoriginal and even immoral, especially when the rapper who is doing the “biting”

¹ My title references Slick Rick’s “La Di Da Di” (1985) and Dr. Dre and Snoop Dogg’s “Deep Cover” (1992).

tries to pass the rhymes off as his own. Slick Rick expresses this sentiment in the introduction to “La Di Da Di” (1985): “I’ve got a funny feeling, um / You’re all sick of all these crab rappers / Biting their rhymes because um they’re back-stabbers” (0:26-31). While some formulaic phrases migrated from song to song (like “hip-hop, you don’t stop!” and “on and on until the break of dawn”), others like the signature spelling of Casanova Fly were obviously composed by specific MCs.² Given the politics of rappers “biting” each other’s rhymes or flow, it is unsurprising that cover songs are relatively uncommon in hip-hop—taking and using another rapper’s lyric material is risky and complicated. Despite this, the golden age saw a proliferation of pseudo-covers of non-rap songs from previous decades, as well as re-performed references.

This chapter explores some of the approaches to musical borrowing in hip-hop beyond sampling, solidifying terminology to address the degrees and types of similarity between songs, and the changing orientations between hip-hop songs and the earlier ones from which they borrow. I clarify the distinction between samples and interpolations, and focus on the latter, because while the term “interpolation” is widely used among hip-hop fans, scholars do not frequently use it. Samples aside, hip-hop songs can embrace a broad spectrum of relations of similarity to the earlier songs they reference: for example, a single interpolation presents a low level of overall similarity to the base song, while a cover constitutes a high degree of similarity at the level of the song. I propose a new type of cover song unique to hip-hop, a pseudo-cover that takes an earlier song as its base via interpolation, but replaces the original sung verses with rapped ones. Case studies are drawn from The Real Roxanne, Rob Base & E-Z Rock, the Fat Boys, 2 Live Crew, and Snoop Dogg, drawn from my corpus spanning the years 1988 to 1993.

² See Henry Louis Gates, Jr., *The Signifying Monkey* (New York: Oxford University Press, 1988), 61, on formulaicism and intertextuality: “It is as if a received structure of crucial elements provides a base for poesis, and the narrator’s technique, his or her craft, is to be gauged by the creative (re)placement of these expected or anticipated formulaic phrases and formulaic events, rendered anew in unexpected ways.”

Interpolation by no means replaces sampling, but rather it afforded artists another way to reference songs of the past without the risks of sampling lawsuits, offering another intertextual strategy.

Hip-hop Intertextuality: Sampling versus Interpolation

An intellectual tradition extending from Mikhail Bakhtin to Julia Kristeva and Gérard Genette addresses the relationships between texts using the all-encompassing term intertextuality.³

Coined by Kristeva following her translations of Bakhtin, intertextuality addresses the ways that works can be connected, from sharing a genre, to family resemblance, to direct quotation: “any text is constructed as a mosaic of quotations; any text is the absorption and transformation of another.”⁴ Specifically, Kristeva’s initial use of the term referred to the operation of textual systems, and “the transposition of one or more *systems* of signs into another.”⁵ My use of the term “intertextuality” departs from Kristeva’s usage because the purposeful nature of sampling must allow for an author; although my project is not broadly concerned with authorial intent, the kind of references embodied in sampling and interpolation demand some consideration of the author.⁶ Taking a cue from philosopher Stanley Cavell, I am more interested in “what is there”

³ Mikhail Bakhtin, *The Dialogic Imagination* trans. Caryl Emerson and Michael Holquist (Austin TX: University of Texas Press, 1981); Julia Kristeva, *Desire in Language: A Semiotic Approach to Literature and Art* (New York: Columbia University Press, 1980); and Gérard Genette, *Palimpsests: Literature in the Second Degree* trans. Channa Newman and Claude Doubinsky (Lincoln NE: University of Nebraska Press, 1991). For more on intertextuality in popular music, see *The Pop Palimpsest* eds. Lori Burns and Serge Lacasse (Ann Arbor: University of Michigan Press, 2018). On intertextuality in hip-hop, see Sara Warburton Nicholson, “Mainstream Hip Hop: Sampling and Quotation in the Music of Jay-Z and Kanye West,” in “Beyond Quotation: Intertextuality and Popular Music Since 1990” (PhD. diss., University of Rochester, 2006), 102-157.

⁴ Kristeva, *Desire in Language*, 6.

⁵ Kristeva, 15. Emphasis in the original.

⁶ That is not to say that post-structuralists are entirely unconcerned with authorship. Michel Foucault, who is often identified with this intellectual movement, took a special interest in the issue. See Michel Foucault, “What is An Author,” in Michel Foucault: Language, Counter-Memory, Practice: Selected Essays and Interviews, ed. Donald F. Bouchard, trans. Donald F. Bouchard and Sherry Simon (Ithaca: Cornell University Press, 1977), 113-138.

than “what is intended.”⁷ In this regard, authors are important to the extent that they are responsible for everything in their works, whether or not each individual element was “separately intended.”⁸ Therefore, for the purposes of this chapter, I limit my engagement with intertextuality to purposeful references, because for reasons that will soon be obvious, reader-constructed interpolations and covers simply aren’t possible. In her critique of J. Peter Burkholder’s preference for the term “borrowing,” Sarah Warburton Nicholson emphasizes that, “intertextuality actively resists the notion of an original, autonomous text as it is marked by a proliferation of texts.”⁹ Intertextual reference in hip-hop combines this tendency to destabilize original, autonomous texts with the strategies of Signifyin(g), which build upon utterances of the past, but with varying degrees of specificity and importance given to the earlier texts that are re-worked and proliferated.

Henry Louis Gates, Jr.’s discussion of intertextuality in the context of Signifyin(g) is pertinent. Rather than an abstract term that encompasses a variety of connections between works, Gates uses intertextuality to refer to “a process of repetition and revision.”¹⁰ A given artist’s creativity is assessed not by their ability to create wholly new scenarios or ideas, but in their ability to combine formulaic elements in a new and surprising way.¹¹ The parallel to sampling in Gates’s writing on intertextuality is striking: the musical materials themselves may be re-used, but in their combination, familiar elements are “rendered anew in unexpected ways.”¹² In the tradition of “the cut” as elaborated by James A. Snead, intertextuality here constitutes repetition

⁷ Stanley Cavell, “A Matter of Meaning It,” in *Must We Mean What We Say?* (Cambridge: Cambridge University Press, 1976), 230. He goes on, “in looking for the artist’s intention the point surely would not be to get him to stop doing what he is doing, or do something else; his intention is history, forever fixed—whatever it was, it has had this result—and the work it has created has consequences only in terms of that work itself,” 232.

⁸ Cavell, “A Matter of Meaning It,” 236.

⁹ Nicholson, 25.

¹⁰ Gates, *The Signifying Monkey*, 60.

¹¹ Gates, 60.

¹² Gates, 61.

with a signal difference.¹³ Thus I use the term “intertextuality” in a hybrid fashion, incorporating from Kristeva its ability to establish a variety of connections between texts, and from Gates its function as a strategy for repetition and revision under the larger umbrella of the term Signifyin(g).

Much of the foundational writing on intertextuality concerns literature rather than music, therefore applying this scholarship to music requires some important changes. Adapting reader to listener, Serge Lacasse and Mark Katz explore connections between recorded popular songs. Drawing on Genette, Lacasse proposes two kinds of references in popular music, allosonic and autosonic. Allosonic quotation is common across many genres of popular music, and involves quoting the musical work. Lacasse gives the example of a momentary quotation inserted in a jazz solo, “what is shared between the original text and the intertext consists of an abstract structure.”¹⁴ In contrast, autosonic quotation is concrete, and linked with recording technology:

Its nature can be illustrated by a practice commonly used nowadays: sampling. When we import a sample taken directly from a recording into another (for example, a drum loop), what is common to both is of a physical nature.¹⁵

Lacasse equates the distinction between allosonic and autosonic quotation with differences of *spelling* and differences in *sounding*. Allosonic quotation may be notated in a score, and makes use of the same melody, rhythm, or motif, but it is performed anew; autosonic quotation, on the other hand, uses the recording itself, quoting not just a passage of the work, but a particular recording of a performance of that work. In a similar vein, Mark Katz asserts that sampling is different from other intertextual references because rather than simply referencing earlier music,

¹³ James A. Snead, “Repetition as a Figure of Black Culture,” in *Black Literature and Literary Theory* ed. Henry Louis Gates Jr., (New York: Methuen, 1984).

¹⁴ Serge Lacasse, “Intertextuality and Hypertextuality in Recorded Popular Music,” in *The Musical Work: Reality or Invention?* ed. Michael Talbot (Liverpool: Liverpool University Press, 2000), 38.

¹⁵ Lacasse, 38-39.

“a sampled passage of music *is* that music.”¹⁶ Like Lacasse, Katz sets out two different types of quotation: quotation of works (cf. allosonic), and performative quotation (c.f. autosonic), which in popular music is captured through a recording. In sum, “traditional musical quotations typically cite works, samples cite performances.”¹⁷

In hip-hop listening communities, these references to works and performances would be labeled as interpolations and samples respectively. Although I have already engaged with these terms, it is worth revisiting them here. To borrow Katz’s elegant definition, “digital sampling [is] a form of musical borrowing in which a portion of one recording is incorporated into another.”¹⁸ In hip-hop, the sampled material is often looped, altered, cut, stretched, or otherwise distorted before it is incorporated into the new song. Interpolation is somewhat more difficult to define because the term has not been widely adopted by academics, instead used in legal decisions and circulating in hip-hop listening communities.¹⁹ Interpolation is commonly understood to refer to a newly-performed reference to an earlier song, but a more precise definition would be useful. An interpolation is a special kind of work-quotation often found in hip-hop; it is a re-performed section of an existing song that is often used *as if it were* a sample. This definition reflects the relationship between sampling and interpolations, because while they are part of the same intertextual tradition in hip-hop, their effects can vary greatly. To clarify, interpolations may be used the same way that samples are used (as single exclamations, as new hooks, as textural or melodic elements), but interpolation is ontologically distinct from sampling. While interpolation makes partial use of the musical work, samples make use of the recording, and depending on

¹⁶ Mark Katz, *Capturing Sound: How Technology Has Changed Music* (Berkeley: University of California Press, 2010), 149. Emphasis added.

¹⁷ Katz, 150.

¹⁸ Katz, 147.

¹⁹ The case *Bridgeport v. Warner* (2007) considered interpolation: Snoop Dogg’s “Change Gone Come” (1999) interpolated the P-Funk All Stars’ “Pumpin’ It Up” (1983). See *Bridgeport Music, Inc. v. WB Music Corp.* 508 F.3d. 394 LEXIS 26875, Sixth Circuit, November 21, 2007.

substantiality, they may also use a pre-existing work. That is to say, if samples are autsonic, performative quotations, then interpolations are allosonic, quoting works in the context of new songs. Golden-age hip-hop songs engage in allosonic quotation in a variety of ways, ranging from single, isolated interpolations to full-on (albeit rare) traditional covers, which, although distinct from interpolations, follow in the same vein as re-performances of earlier music. To invoke Justin Williams, “the fundamental element of hip-hop culture and aesthetics is the overt use of preexisting material to new ends,” and sampling, interpolation, and covers all express this fundamental element in some way.²⁰

Figure 1: The Spectrum of Similarity

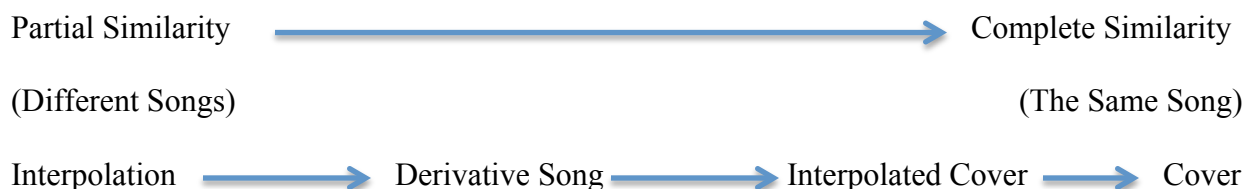


Figure 1 illustrates the range in similarity from interpolations to covers; these categories were created from my large-scale survey of golden-age hip-hop and built from the bottom up; that is to say, they are descriptive, rather than prescriptive. Although I include discrete categories in Figure 1, in practice they have fuzzy boundaries. Some songs may lie at the margins, so I attempt to capture this continuity using a single arrow at the top of the figure. Having already defined and explored interpolation, this category requires the least elaboration. In Chapter 3, I argue that interpolations became more popular in the early 1990s because they were a feasible alternative to sampling; although interpolations did not create the same sonic effects as samples—they lacked the noise and the grain, to take Barthes’s term—they did offer a technique

²⁰ Justin Williams, *Rhyming and Stealing* (Ann Arbor: University of Michigan Press, 2013), 1.

to reference an earlier song without the potential legal risks of sampling. The effect of the increasing prevalence of interpolations over samples is but one factor in the shifting preference for smoother sounds in hip-hop that accompanied (and perhaps, spurred) the mainstream commercial success of West Coast hip-hop, and especially G-Funk. In this West-Coast idiom, vocal interpolations are particularly popular. This next section moves from left to right on the spectrum of similarity; I provide examples of each category from partial similarity (a single interpolation) to complete similarity (a cover song). Having already discussed interpolations in some detail, two short examples will suffice. Warren G and Nate Dogg interpolate the refrain from Parliament's "Mothership Connection (Star Child)" (1975) in their song, "Regulate" (1994). As Nate Dogg tries to pick up a young woman, she asks "would you let me ride?" (2:37-2:41). Although the interpolated material only lasts a few seconds, it conjures up many associations: not only does it evoke the original song by Parliament, it also recalls Nate Dogg and Warren G's Death Row Records label mate Dr. Dre's "Let Me Ride" (which also interpolates "Mothership Connection"), released a couple of years earlier in 1992. The lyrics of Parliament's original song, "Mothership Connection," itself made reference to the spiritual "Swing Low, Sweet Chariot," making this one-time interpolation in "Regulate" multifaceted. Interpolations can also be quotations of instrumental music: Antoinette's "Who's the Boss?" (1989) uses an interpolation of Lalo Schifrin's theme song for *Mission Impossible* (1966) to evoke the MC's daring deeds and dangerous lifestyle.²¹

²¹ The music video for "Who's the Boss?" includes other references to spy television and film, such as Antoinette receiving a message that will self-destruct (while the *Mission Impossible* theme plays). See "Antoinette – Who's The Boss," YouTube video, 4:01, posted by shockg021, posted January 28, 2008.

A “Grey Area”: The Derivative Song

As they became more popular, interpolations began to occupy important structural sections in the new songs in which they were used; Amanda Sewell calls this the “scratch hook,” referencing the recording technique of using a “scratch” as a placeholder until the final musical material has been composed and recorded.²² The rise of the interpolation-as-hook is demonstrative of another important development within hip-hop in the early 1990s, which is the shift away from forms that privilege rapped verses (like single-verse, verse-hook, or strophic) and towards conventional song structures that rely on sung choruses or hooks.²³ Using interpolated material as a hook places the resulting song in a sort of gray area with regards to the degree and type of similarity, something I characterize in Figure 1 as the “Derivative Song.” Here, I do not use the term “derivative” to level any judgment regarding the quality or originality of the resulting song; rather, I use it to highlight that the subsequent song was derived from an earlier one. Such Derivative Songs use refrains, riffs, or other elements from pre-existing songs as prominent features, typically using the interpolated material as a hook (which differentiates them from single interpolations, like the one in “Regulate”). For example, Rob Base and DJ E-Z Rock’s “It Takes Two” (1988) features an interpolation from Lyn Collins’ “Think (About It)” (1972) as its hook. In “Think (About It)” Collins sings, “It takes two to make a thing go right / It takes two to

²² Amanda Sewell, “A Typology of Sampling in Hip-Hop” (PhD. diss., Indiana University, 2013), 72. Sewell here refers to the use of Recurring Lyric samples rather than interpolations, but the comparison holds.

²³ In hip-hop, the term “hook” is often used instead of “chorus” to refer to the most memorable, repeated melodic material. See Benjamin Duinker, “Diversification and Post-Regionalism in North American Hip-Hop Flow,” (PhD dis., McGill University, 2020), 12. Single-verse form consists of one long verse, and is typical to old- and new-school hip-hop (such as Slick Rick, “La Di Da Di,” 1985). Verse-hook is a parallel to verse chorus form, but adopts the term “hook” in line with hip-hop’s terminology conventions. Rapped verses alternate with a hook with repeated text that may be sung or rapped (such as Biz Markie, “Just A Friend,” 1989). Strophic form consists of multiple verses with no hook-like material: strophic form is especially common in posse cuts (Wu-Tang Clan, “Wu-Tang: 7th Chamber,” 1993). For more on hip-hop song form, see James Bungert, “Verses Versus Choruses in N.W.A.’s “Fuck Tha Police”: An Alternative Formal Paradigm for Golden Age Hip-hop,” (Conference Paper, Hip-hop in the Golden Age, Bloomington IN, February 16, 2019).

make it out of sight” (1:25-1:32) over a drum break. It is not a chorus, hook, or refrain, but simply a momentary passage in the middle of the song. However, Rob Base and DJ E-Z Rock transform this episode and make it the hook and central melodic content of their song. “It Takes Two” also features a sample from earlier in the same song (1:21-1:23), consisting of a drum break punctuated by James Brown hollering “yeah,” and Collins responding “woo!”²⁴ Clearly “It Takes Two” is inspired by “Think (About It),” yet the songs are still distinct from each other. The hook of “It Takes Two” does not function as a hook or chorus in its source song, nor do the two songs share a central conceit, suggesting that while they are clearly related, “It Takes Two” does not pass the threshold of similarity to be considered a cover of “Think (About It).” Through the interpolated hook and the Structural sample, “It Takes Two” responds to “Think (About It),” but it departs in musically significant ways. Other examples of the Derivative Song include “Who Am I (What’s My Name?)” by Snoop Doggy Dogg (1993), which is derived from George Clinton’s “Atomic Dog” (1982), or the Notorious B.I.G.’s “Juicy” (1994), which draws on Mtume’s “Juicy Fruit” (1983). Derivative Songs fall between single interpolations and covers: the connection between the two songs is more significant than an isolated reference, but not quite a full-length, faithful rendition of its source material.

The Interpolated Cover

Following the spectrum of similarity of Figure 1 from left to right, the next two categories are types of covers. In a significant piece of early scholarship on cover songs, Deena Weinstein argues that covers “take a particular recorded performance as one’s reference for iteration, rather

²⁴ This breakbeat was a popular choice for producers in the golden age, appearing seven times in my corpus study.

than an abstracted ‘song’ per se.”²⁵ Otherwise, a new performance of an earlier song is simply a version, as it would be in art music or jazz.²⁶ To elaborate, Cristyn Magnus, P.D. Magnus, and Christy Mag Uidhir write, “a version of a song is a cover when it is recorded or performed by an artist or a group who did not write and compose the song themselves and where there is a prior recording which is accepted as canonical or paradigmatic.”²⁷ Their definition is helpful, in that it offers nuance to the concept of the “original” song, as captured in a particular recording. For example, the music video for Salt-N-Pepa’s “Twist and Shout” (1988) strongly suggests the Beatles’ version of the song (1963).²⁸ Following Magnus et al., the Beatles’ recording of “Twist and Shout” would be taken as the canonical version, even though the Beatles’ rendition is not historically the first: their recording of “Twist and Shout” was based upon the version by the Isley Brothers (1962), which in turn was a cover of the original by The Top Notes (1961).²⁹ In this dizzying chain of covers, each rendition takes a different record as paradigmatic, which allows us to say that Salt-N-Pepa’s version is indeed a cover of the Beatles’ “Twist and Shout” (and not The Top Notes’) because of its purposeful references to their version.

Before discussing conventional covers, I will propose a new type of cover unique to hip-hop. While surveying the songs discussed in Chapter 3, I noticed a marked trend of pseudo-covers, especially in 1988, and was surprised to learn that other scholars had not yet discussed this phenomenon. Based on interpolations, but verging on covers, I suggest the term Interpolated

²⁵ Deena Weinstein, “The History of Rock’s Pasts through Rock Covers,” in *A Popular Music Reader*, ed. Richard King (Boston: Pearson, 2013), 70.

²⁶ Weinstein, 71. Michael Coyle argues that songs were associated with specific singers and recordings only since the mid-twentieth century, naming Billie Holliday’s “Strange Fruit” as a particularly striking example. Michael Coyle, “Hijacked Hits and Antic Authenticity: Cover Songs, Race, and Postwar Marketing,” in *Rock Over the Edge* eds. Roger Beebe, Denise Fulbrook, and Ben Saunders (Durham, NC: Duke University Press, 2002), 137.

²⁷ Cristyn Magnus, P.D. Magnus, and Christy Mag Uidhir, “Judging Covers,” *The Journal of Aesthetics and Art Criticism* 71 (2013): 362.

²⁸ “Salt-N-Pepa – Twist & Shout” YouTube video, 4:55, posted by Salt-N-Pepa, posted November 23, 2009.

²⁹ Bob Leszczak, *Who Did it First?: Great Rhythm and Blues Cover Songs and Their Original Artists* (London: Scarecrow Press, 2013), 228.

Cover to describe these songs.³⁰ With the Derivative Song, the Interpolated Cover occupies the middle of the spectrum of similarity illustrated in Figure 1. They are rap songs that are covers, at least in a sense: using an interpolation of the chorus or refrain from an earlier song as a hook, the Interpolated Cover updates and responds to the interpolated song in a new hip-hop context. The Interpolated Cover departs from the Derivative Song in that the former uses chorus material in an equivalent role in the resulting hip-hop song, while the latter simply uses some element of the earlier song, but not necessarily a hook or chorus. Some Interpolated Covers signify on the earlier songs or parody them, but in all cases, the central conceit of the original and the cover are the same or very closely related. Magnus et al. propose a “genre-shifted” cover, such as the Bangles’ “Hazy Shade of Winter” (1987, after Simon & Garfunkel, 1968), but the Interpolated Cover goes beyond mere generic transformation.³¹ By replacing the verses of the canonical version with rapped verses that include more text, the Interpolated Cover acts as a gloss upon the original song, not simply a new performance of it. In terms of musical form, the Interpolated Cover alternates between interpolated, sung sections and added rap verses which consider the same topics as the original (canonical) song. Interpolated Covers also display a tendency to highlight hip-hop-specific musical effects, sounds, and textures like beatboxing and scratching; in this vein, they often include both a sample and an interpolation of the original song, although sampling is not a requirement for a song to be categorized as an Interpolated Cover.

In adding additional text to an earlier song, the Interpolated Cover follows the older practice of troping. Extending back at least to the Middle Ages, troping entails the addition of new music, words (called *prosulae*), or both to an existing song (initially to a sacred chant).³²

³⁰ For a partial list of Interpolated Covers and their sub-types, see Appendix 3.

³¹ Magnus et al., “Judging Covers,” 364.

³² For more on medieval troping, see Richard Hoppin, *Medieval Music* (New York: Norton, 1978), 144-154.

Troping was not unique to the western art music tradition, also constituting an important part of African-American vernacular music. Samuel Floyd writes that troping is an important component of musical Signifyin(g), “through the repetition and revision of texts, through the interplay of black language and black music [is] a long chain of Signifyin(g) tropes.”³³ In Interpolated Covers, troping is not simply an intertextual impulse, but more specifically a Signifyin(g) one, marking creativity through iteration and commentary on earlier works. In this way Interpolated Covers are not traditional covers, because the new rapped texts often include commentary on the original song, and in some cases Interpolated Covers are even *about* their source materials. Although the Interpolated Cover as I describe it may be particular to golden-age hip-hop, it is an extension of much older forms of musical borrowing.

In finding Interpolated Covers, I noted that they usually share a title with their respective paradigmatic song, or at least one that is very similar; compare The Real Roxanne’s “Respect” (1988) with Aretha Franklin’s “Respect” (1967) or the Fat Boys “The Twist (Yo, Twist!)” (1988) with Chubby Checker’s “The Twist” (1960). Giving songs similar titles is an easy way for hip-hop artists to indicate which earlier songs inspired their own. Artists were likely inspired to make Interpolated Covers by the success of Run-D.M.C.’s “Walk This Way” (1986), a genre-bent cover that featured the original group Aerosmith. Most Interpolated Covers adapt songs from the 1960s and early 1970s—offering an interesting parallel to the period of the majority of sampled songs discussed in Chapter 4. This may be another instance of a generational echo, with artists choosing to re-work songs from their parents’ youth. All of these songs were old enough that an adaptation in the form of an Interpolated Cover served more to reignite interest in the earlier song than merely coasting on the song’s initial success; indeed, Weinstein writes that

³³ Samuel A. Floyd, *The Power of Black Music: Interpreting Its History from Africa to the United States* (New York: Oxford University Press, 1995), 225.

cover songs since the 1970s took more interest in songs that were removed in time by a decade or more.³⁴ Interpolated Covers engage in a delicate balancing act: they must make their connection to a paradigmatic song legible, but also add a new perspective that comes with genre bending and added rapped verses. To explore the Interpolated Cover in more detail, I propose three subtypes, Homage, Send-up, and Parody; each type of Interpolated Cover shares the features outlined in this paragraph while offering its own discursive orientation towards the material.

These sub-categories of Interpolated Covers are inspired by the types set out in Kurt Mosser's "Cover Songs: Ambiguity, Multivalence, Polysemy."³⁵ Mosser outlines two species of covers, reduplication covers, which seek to be "indistinguishable" from the original recordings, and interpretative covers, which as the name suggests, interpret the source song in some way. As songs that re-work their canonical models in major ways, all Interpolated Covers would fall under this second category. Within interpretive covers, he proposes the categories of Homage, Send-up, and Parody; although I have chosen to follow Mosser's terminology, the types of Interpolated Covers I propose are specific to hip-hop and thus cannot be reduced to Mosser's categories in a homological manner. However, in the case of Interpolated Covers, I prefer to frame these "types" as orientations towards their source material, rather than discrete categories, each possessing distinct features. According to the listener's assessment of the Interpolated Cover's orientation towards its source material, it may in practice lie in the cracks between two types. In order to explore the differences between these types of Interpolated Covers, I will provide a conventional case study for each type (or orientation), beginning with homage.

³⁴ Weinstein, "The History of Rock's Pasts," 76-77.

³⁵ Kurt Mosser, "Cover Songs: Ambiguity, Multivalence, Polysemy," *Popular Music Online* (2008), n.p.

Homage Interpolated Cover: “Respect” (1988)

On the surface, the Homage-type may simply seem to be a genre-shifted cover, but because it adds entirely new verses, it belongs to the larger category of Interpolated Cover. For example, the Real Roxanne’s “Respect” (1988) is an Interpolated Cover of Aretha Franklin’s iconic song of the same name from 1967. Roxanne takes Franklin’s version as paradigmatic, even though it was not the original version of the song: Otis Redding wrote and recorded the song in 1965, but as Mosser suggests, this is an instance where a cover version “replaced” the historical original.³⁶ As an homage, The Real Roxanne updates and re-articulates Franklin’s original message, without altering its central conceit. Rather than simply seeking respect for Black women, the Real Roxanne makes a specific case for the proficiency of female rappers (who are suggested to be women of colour), demanding respect for them using references to Aretha Franklin’s “Respect” to convey her message. The Homage-type could also have been labeled the “Emphatic” type, because in many cases the Interpolated Cover serves to emphasize the lyric content of the paradigmatic song.

Musically, the Real Roxanne’s “Respect” draws on Aretha Franklin’s version in several ways. The introduction begins with the interpolation that will serve as the primary link between the songs: a female chorus sings the hook, “just a little bit, just a little bit,” evoking the backup singers in Franklin’s “Respect.” At 0:08, an interpolation of the guitar riff from Franklin’s canonical version enters, confirming that The Real Roxanne is in fact referencing Franklin’s “Respect.” Roxanne’s first verse outlines the song’s central conceit: she demands respect for female rappers, and cautions listeners not to underestimate her:

I’m the fox they call Rox and I’m comin’ correct
And what I want is a little respect

³⁶ Mosser, “Cover Songs,” n.p.

Now if I don't get it, I'ma have to take it
And prove to y'all that I can make it
All the way, and not slightly
For those of you who took me lightly
I'ma have to put you all in check
And maybe then you'll show me a little respect
(0:15-0:33)

The Real Roxanne responds to apparent criticism and a lack of respect: the lyrics of this song evoke the Roxanne Wars, a series of diss tracks following the release of UTFO's "Roxanne, Roxanne" (1984) about a young woman who rejected the overtures of the group's rappers and was not swayed by their supposedly impressive rap skills and fashionable attire. The Real Roxanne, along with Roxanne Shanté, recorded "answer" records from the perspective of the woman named "Roxanne" referenced in the original song, explaining her perspective and putting UTFO down. "Respect" (1988) enters into the fray by recalling the Roxanne Wars, and lending the dignity and weight of Aretha Franklin's song to the Real Roxanne's claims. Following this first verse, the "just a little bit" hook resumes, along with record scratching, and a Lyric sample of Rodney Dangerfield drawn from a comedy special. The form of Roxanne's "Respect" clearly draws on Aretha Franklin's "Respect," especially in the former's inclusion of a solo in the bridge section, and an extended outro that draws on the chorus.

The sections outlined in Figure 2 cannot be said to be unique to either version of "Respect," instead displaying formal features common to much popular music. However, they are worth considering in the context of the question of whether or not the Real Roxanne's "Respect" should be considered a cover of Aretha Franklin's "Respect" in some way. The 1988 "Respect" often augments the sections of the 1967 "Respect" by doubling them or extending them by a larger factor (see Verse 4), but the overall layout of the songs is the same. The Real Roxanne's rendition departs in a few important ways: her lyrics discuss sexual empowerment

and BDSM (“He wants to be my slave / I put him on a short leash so he can behave”); her physical appearance (“And when I put on my jeans, they fit / Cause I’m not lackin’, in the back”); and make explicit references to how supporting her as an artist is an element of showing “Respect” (“And if my tape ain’t in the box, then press eject/ Just one of the ways you can show me a little respect!”). This final difference constitutes a moment of reflexivity: Roxanne comments upon her music as music, by extension marking the interpolations of Aretha Franklin as other music that supports her message. Notably, Roxanne’s “Respect” forgoes Franklin’s iconic spelling out “R-E-S-P-E-C-T” (in the stop-time section in Figure 2), teasing and playing with the listener’s expectations. Despite these departures, The Real Roxanne’s “Respect” remains legible as a sort-of cover based on a reference that would otherwise be considered an interpolation. Roxanne relies on the song’s original sentiments and adapts them to the new context of hip-hop, which is a key feature of the Homage type. Using Aretha Franklin’s metaphorical voice (through interpolation rather than sampling) to amplify her own voice and message, Roxanne also pays homage by signaling Franklin as a musical and political predecessor. In this way, the Homage type of the Interpolated Cover serves to amplify the central conceit of the original song, using it as a foundational element in a new hip-hop composition.

Figure 2: Formal Comparison between “Respect” (1967) and “Respect” (1988)

<u>Aretha Franklin, “Respect” (1967)</u>	<u>The Real Roxanne, “Respect” (1988)</u>
Introduction: 4 bars (0:00-0:09)	Introduction: 8 bars (0:00-0:15)
Verse 1: 4 bars (0:09-0:17)	Verse 1: 8 bars (0:16-0:33)
Refrain: 6 bars (0:17-0:29)	Hook: 8 bars (0:33-0:50)
Verse 2: 4 bars (0:30-0:38)	Verse 2: 16 bars (0:50-1:24)
Refrain 6 bars (0:39-0:49)	Hook: 8 bars (1:25-1:41)
Verse 3: 6 bars (0:50-1:03)	Verse 3: 8 bars (1:42-1:59)
Partial Refrain: 4 bars (1:04-1:10)	Hook: 8 bars (2:00-2:15)
Bridge (Saxophone Solo): 8 bars (1:11-1:27)	Bridge (Bass Solo): 4 bars (2:16-2:24)
Verse 4: 6 bars (1:28-1:37)	Verse 4: 20 bars (2:25-3:08)
Refrain: 6 bars (1:38-49)	Hook: 8 bars (3:09-3:24)
Stop-Time: 4 bars (1:48-1:57)	***
Outro / Vamp (on Chorus) (1:58-2:27)	Outro (on Bridge and Chorus) (3:25-4:06)

Send-Up Interpolated Cover: “The Twist (Yo, Twist!)” (1988)

In between the Homage and the Parody lies the Send-up. Like the Homage, the Send-up relies on the paradigmatic song’s original conceit, but it explores it in the new musical context of hip-hop. Unlike the Homage, however, is the Send-up’s tendency not just to incorporate elements of the base song, but to be “about” it in some way. As Mosser writes, the send-up may pay homage to the earlier song, but by its very nature the send-up may draw attention to the problematic concept

of authorial intent.³⁷ In this way, the listener's recognition of the earlier song functions differently, because more attention is drawn to the original song in a self-reflexive manner. The Fat Boys' "The Twist (Yo! Twist!)" (1988) is a prime example of the Send-up. As in the case of "Respect," Chubby Checker's version was not the absolute first: the song was originally recorded by Hank Ballard in 1959, with Checker's cover becoming a major hit and thus becoming the canonical version.

In the rapped verses of "The Twist (Yo! Twist!)" the Fat Boys mention the original song, dance, and even its performer:

We, we, we broke into the booth and the record stacks
Came up with "The Twist" and we were scratchin' the track
People started jammin' hard to the funky sound
Did The Twist down and up, then up and down
Then I heard somebody yell, "Yo Chubby's here!"
The people took a little pause just to stop and stare
He said: "I'll show you people how to Twist with style
Cause I've been doin' The Twist for a long long while"
(1:10-1:35)

When the Fat Boys shout out Chubby Checker and suggest that he's recording the song with them, it becomes clear that Checker's vocals are not a sample from "The Twist," but actually re-performed—that is, interpolated—by Chubby Checker himself. Indeed, this later performance is marked by minor differences in delivery, microtiming and intonation; if those clues weren't enough to indicate that this was a new performance, Checker reflexively alters the second line of the chorus "Chubby Checker and the Fat Boys, we're doin' The Twist" (0:58-1:02 and 2:54-2:58).

³⁷ Mosser, "Cover Songs," n.p.

Figure 3: Formal Comparison Between “The Twist” (1960) and “The Twist (Yo, Twist!)” (1988)

Chubby Checker, “The Twist” (1960)	The Fat Boys “The Twist (Yo, Twist!)” (1988)
Introduction: 4 bars (0:00-0:05)	Introduction: 4 bars (0:00-0:08)
Chorus: 12 bars (0:06-0:23)	Chorus: 12 bars (0:09-0:27)
Chorus: 12 bars (0:23-0:40)	***
Verse 1: 12 bars (0:41-0:59)	Verse 1: 16 bars (0:28-0:51)
Chorus: 12 bars (1:00-1:19)	Chorus: 12 bars (0:52-1:09)
Bridge: 12 bars (1:20-1:37) (Saxophone Solo)	Verse 2: 16 bars (1:10-1:35)
Verse 2: 12 bars (1:38-1:53)	Chorus: 12 bars (1:36-1:52)
Chorus: 12 bars (1:54-2:13)	Bridge: 12 bars (1:53-2:18) (Scratching and Beatboxing)
Chorus: 12 bars (2:14-2:33)	Chorus: 12 bars (2:19-2:36)
***	Verse 3: 8 bars (half-verse) (2:37-2:49)
***	Chorus: 12 bars (2:50-3:06)
***	Chorus: 12 bars (3:06-3:27) (naming locations: “On the west coast! And on the east coast!”)
***	Chorus: 12 bars (3:28-3:45) (giving directions: “Twist to the left, Twist to the right”)
***	Chorus: 12 bars (3:46-4:08)

These two renditions of “The Twist” share enough musical material for the Fat Boys’ version to be considered a sort-of cover of Checker’s. The songs share the memorable chorus-

cum-hook material inviting listeners to “do The Twist,” following a 12-bar blues progression.

Although the Fat Boys’ song is longer, the overall formal schemas are similar. Indeed, one of the most salient features of both “The Twist” and “The Twist (Yo, Twist!)” is the predominance of chorus material (shown in yellow in Figure 3). With 1:33 of 2:33 of Checker’s song, and 2:24 of 4:08 of the Fat Boys’, the chorus material of each song lasts about 60% of the total elapsed time.³⁸ The versions also share performances from Chubby Checker—the new performance in “The Twist (Yo, Twist!)” functioning neatly as an interpolation. Each artist’s name shares a connotation with “chubbiness” or “fatness”—perhaps the humour in this connection was a motivating factor in the Fat Boys’ decision to cover this song in the first place. Both versions have an abrupt, cold ending (as opposed to a fade-out): Checker’s “Twist” ends on beat two after two full-ensemble punches, while The Fat Boys’ finishes with a synthesizer tresillo riff ending on beat one, followed by a two beatboxed percussive sounds and Checker singing “oh yeah!”

Although Checker’s original and the Fat Boys’ send-up differ in several ways, these differences are not sufficient to preclude “The Twist (Yo, Twist!)” from the status of a cover of its 1960 predecessor. Notably, the Fat Boys version is longer, largely thanks to longer verses and the addition of a third, half-verse (Figure 3). “The Twist (Yo, Twist!)” also adds three additional choruses, but, as mentioned above, these additions balance out the longer verses and have the effect of retaining the original song’s balance of chorus to non-chorus material in terms of duration. As in many Interpolated Covers, the newly added hip-hop elements are highlighted: in this song, rather than a saxophone during the bridge, the Fat Boys include scratching and beatboxing. The final significant difference is what makes “The Twist (Yo, Twist!)” a Send-up; although Checker’s base recording of “The Twist” included references to the dance, it was not

³⁸ 60% of Checker, and 58% the Fat Boys, calculated by timing all chorus sections.

self-reflexive in the same way as the Fat Boys'. By including lyrics like the ones quoted above, the Fat Boys refer to "The Twist" as a pre-existing social phenomenon. Prince Markie Dee and Kool Rock rifle through old record stacks to reinvigorate a fading crowd, drawing on "The Twist" as a recognizable song of decades gone by: not only do they reference the song by name, but we also hear it, as performed by Chubby Checker. This referential orientation differs from The Real Roxanne's in "Respect" in that she does not reference Aretha Franklin by name, mention the release of the song in the past, or otherwise draw attention to her source material as a song that is now operating within her new song. In these ways, the Send-up may share some features with the Homage—inviting Chubby Checker to reprise his vocal performance of "The Twist" could be read as a sign of respect—but it presents a distinctly different orientation towards its source materials through its self-reflection.

Parody Interpolated Cover: "Do Wah Diddy" (1988)

Parody is the final type of Interpolated Cover, and it is in the Parody that the relationship between the paradigmatic song's conceit and its pseudo-cover is the most complicated. The songs' forms may be nearly identical, but the cover song's orientation towards its source material is radically different. Not only do they parody their earlier models, they parody the earlier songs' central conceits, making fun of their original messages and contexts. In a discussion about the parody songs of The Rutles and Spinal Tap, John Covach suggests Schopenhauer's "amused response" as a way to understand humour in musical parodies:

Arthur Schopenhauer explains the amused response as a recognition of incongruity between a representation and a concept: we encounter a situation where a particular

representation is “thought through” a concept which is in every other respect incongruous with it.³⁹

These parodies “exaggerate ... a feature already present [in the original]—and also [raise] an incongruity—by virtue of the exaggeration.”⁴⁰ Here I depart from Mosser, who argues that the parody cover “simply uses the base song as a reference.”⁴¹ Rather, the Interpolated Cover as parody requires a close relationship with the base song, and may exhibit the same degree of formal similarity to the other types. What changes with the parody is the *orientation* towards the central conceit of the base song, which shifts towards incongruity and exaggeration.

Of the parody-type Interpolated Covers, 2 Live Crew’s “Do Wah Diddy” (1988) best exhibits this treatment of source songs. 2 Live Crew’s rendition follows Manfred Mann’s original song very closely until parodic exaggeration leads it to break off (See Figure 4). “Do Wah Diddy Diddy” (1964) tells the story of an encounter between two young people that leads to romance:

There she was just a-walkin’ down the street
 Singin’ “*Do wah diddy diddy dum diddy do*”
 Snappin’ her fingers and shufflin’ her feet,
 Singin’ “*Do wah diddy diddy dum diddy do*”
 She looked good (*looked good*), she looked fine (*looked fine*)
 She looked good, she looked fine and I nearly lost my mind

A male lead vocalist narrates this story, and he is answered by chorus vocals (indicated in italics) in call-and-response. The second and fourth lines of this first verse contain the song’s refrain—Do wah diddy diddy dum diddy do— from which the title is drawn. The call-and-response delivery of the verse, and the refrain-as-response are defining features of Manfred Mann’s “Do

³⁹ John Covach, “The Rutles and the Use of Specific Musical Models in Musical Satire,” *Indiana Theory Review* 11 (1991): 122.

⁴⁰ Covach, 122.

⁴¹ Mosser, “Cover Songs,” n.p.

Wah Diddy Diddy,” and it is exactly this format that that 2 Live Crew homes in on as a primary source of humour in their parody.

Rather than an innocent tale of love, 2 Live Crew’s “Do Wah Diddy” (1988) presents a procession of characters who the listener is meant to understand as neighborhood degenerates, from loose women to a male sex worker. A comparison with the first verse of 2 Live Crew’s version is illuminating:

I met this bitch standing on the block
Singing “*Do wah diddy diddy dum diddy do*”
She’ll suck on my dick if I buy her a rock
“*Doo wah diddy diddy dum diddy do*”
Got the pussy (*got the pussy*)
She got jacked (*she got jacked*)
Punched her face (*punched her face*)
And I took my money back
(0:25-0:47)

The concept and syntax are the same, but in the 2 Live Crew song, the implied sexual desire of Manfred Mann is exaggerated to a parodic degree; a seemingly innocent encounter on the street that leads to a romance is transformed into a sleazy exchange of a sexual favour for drugs that ends in violence. Manfred Mann’s “Do Wah Diddy Diddy” seems creepy and voyeuristic in retrospect, because the motivation for the male narrator’s admiration for the woman is reframed as raw sexual desire. In this way, 2 Live Crew exaggerates a latent quality in the original song, creating the incongruous, exaggerated effect that Covach describes. What initially seems like incongruity (a chaste 1960s love ditty compared to a raunchy hip-hop sexcapade) actually highlights the sexual underpinnings of the original. The juxtaposition of the 1960s-pop refrain with 2 Live Crew’s profane lyrics also contributes to the humour, as does the Crew’s out-of-tune delivery.

Figure 4: Formal Comparison of “Do Wah Diddy Diddy” (1964) and “Do Wah Diddy” (1988)

Manfred Mann, “Do Wah Diddy Diddy” (1964)	2 Live Crew, “Do Wah Diddy” (1988)
Introduction: 2 bars (0:00-0:03) (organ)	Introduction: 12 bars (0:00-0:24) 4 bars (vocal hook, organ, samples) 8 bars (adds bass and drum machine)
Verse 1: 12 bars (0:04-0:25) “There she was, just a-walkin’ down the street, singin’ ...”	Verse 1: 12 bars (0:25-0:47) “I met this bitch standing on the block, singin’ ...”
Verse 2: 12 bars (0:26-0:49) “Before I knew it, she was walkin’ next to me, singin’ ...”	Verse 2: 12 bars (0:47-1:10) “I was walking down the street when I met this lula singin’ ...”
Bridge: 8 bars (0:50-1:03) “Woah-oh! I knew we was falling in love”	Interlude: 4 bars (organ) (1:11-1:17)
Verse 3: 12 bars (1:04-1:26) “Now we’re together nearly every single day, singin’ ...”	Verse 3: 12 bars (1:18-1:41) “I met this bitch at a quarter-past twelve, singin’ ...”
Bridge: 8 bars (1:27-1:41) “Woah-oh! I knew we was falling in love”	***
Verse 4: 12 bars (1:42-2:05) “Now we’re together nearly every single day, singin’ ...”	Verse 4: 12 bars (1:42-2:04) “I saw this bitch walking down the block, singin’ ...”
Interlude: 2 bars (2:06-2:09)	Interlude: 4 bars (organ) (2:05-2:11)
Refrain: 6 bars (2:10-2:23) “Do wah diddy diddy dum diddy do”	Verse 5: 12 bars (2:12-2:34) “I met this girl, and she tried to act shitty, singin’ ...”
***	Verse 6: 12 bars (2:35-2:58) “I saw this f** trickin’ at the bus stop, singin’ ...”
***	Interlude: 8 bars (organ) (2:59-3:13)
***	Outro: 8 bars (bass only) (3:14-4:01) 8 bars (bass and organ) 8 bars (add refrain)

Not only is 2 Live Crew engaging in parody in their song “Do Wah Diddy,” but they participate in a form of parody specific to African-American discourse. Henry Louis Gates, Jr. famously defended 2 Live Crew as an expert witness in their 1990 obscenity trial, and wrote about the group’s use of “heavy-handed parody” in the *New York Times*: “2 Live Crew must be interpreted within the context of black culture generally and of signifying specifically.”⁴² Their lyrics evoke stereotypes about the hypersexualization of Black bodies, and rather than rejecting these stereotypes outright, Gates argues that 2 Live Crew “explode[s] them with exaggeration.”⁴³ The depictions of sexual organs and acts in “Do Wah Diddy” are extreme, laden with hyperbole that Gates describes as an important rhetorical device of Signifyin(g) in his book *The Signifying Monkey*.⁴⁴ 2 Live Crew also add additional verses, exaggerating not just the sexual undertones of the Manfred Mann original’s lyrics, but also lengthening the form to add more verses and with them, more shady encounters. Nothing is immune from 2 Live Crew’s parodic rendering, from the Black power movement to White conventions of sexual propriety.⁴⁵ Indeed, “Do Wah Diddy” in particular takes aim at some musical conventions as well.

Unlike other Interpolated Covers, “Do Wah Diddy” (1988) not only adds additional verses, but also explores the line between singing and rapping, rather than simply replacing the former with the latter. The verse of “Do Wah Diddy Diddy” (1964) cycles through just three notes, B, C # and A. Although not melodic in the same way as singing, rap does include pitched delivery of text. “Do Wah Diddy” treads this line, partially rapped, and partially sung, although not in a systematic way. In some verses, the lead vocal is rapped and the response/refrain is sung, but Verse 3 (performed by Fresh Kid Ice, 1:18-1:41) is sung more than rapped. 2 Live Crew

⁴² Henry Louis Gates, Jr., “2 Live Crew, Decoded,” *New York Times*, June 19, 1990.

⁴³ Gates, “2 Live Crew, Decoded,” *New York Times*.

⁴⁴ Gates, *The Signifying Monkey*, 52.

⁴⁵ Gates, “2 Live Crew, Decoded,” *New York Times*.

signify on the sung original in a way that could be interpreted as corrupting or debasing it, but I argue it is more accurately understood as the irreverent play so often found in parody. To put it another way, “Do Wah Diddy” does not only parody the base song by Manfred Mann, but it also parodies *singing*, here focusing on the melodious and meticulously in-tune delivery of British Invasion groups, which here evoke a musical proficiency that is coded as White.

2 Live Crew’s “Do Wah Diddy” departs from its base song in some other significant ways. As shown in Figure 4, “Do Wah Diddy” (1988) adds three new verses and omits the bridge section from Manfred Mann’s original. The first alteration has the effect of transforming the song into a parade of unsavory characters rather than the story of just two. Each verse also begins a new encounter, making 2 Live Crew’s cover seem like a collection of beginnings rather than a coherent narrative like the one presented in the Manfred Mann original. A musical parallel could be drawn between this structure of perpetual beginning and the looped sample of the organ from the original “Do Wah Diddy Diddy” (at 1:11-1:17) in which the organ riff from the first measure of the Manfred Mann is repeated twice before it completes the entire two-measure pattern. Perhaps most notably, 2 Live Crew omits the bridge section from “Do Wah Diddy Diddy” (1964). It is in this section that the narrator reveals the emotional weight of his story: “Whoa-oh, I knew we was falling in love / Yes I did, and so I told her all the things I’d been dreamin’ of” (0:50-1:04). By omitting this section, “Do Wah Diddy” (1988) resists any kind of emotional sincerity by fully rejecting the White, bourgeois romantic fantasy presented in the Manfred Mann original’s lyrics, placing the 2 Live Crew rendition it squarely in the realm of the parodic. Omitting the bridge also contributes to the sense that the song is perpetually beginning again: even the interlude sections indicated in Figure 4 are based on the verse material—they sample the organ introduction, which in turn is an instrumental rendering of the “do wah diddy

diddy” refrain sung by the backup vocalists. Formally, 2 Live Crew’s song becomes a series of verses built on the same musical material with no contrast; by adding additional verses, 2 Live Crew exaggerate the latent features of Manfred Mann’s original for comedic effect.

Biz Markie’s “Alone Again” as Interpolated Cover

After this in-depth consideration of the golden-age practice of the Interpolated Cover, it seems notable that a song such as this ended up at the heart of the first sampling case settled in court. Biz Markie’s “Alone Again” not only participates in the traditions of sampling and Signifyin(g), but it’s also an example of the golden-age practice of the Interpolated Cover. “Alone Again” (1991) takes Gilbert O’Sullivan’s “Alone Again (Naturally)” (1972) as its base song, replacing its three sung verses with rap verses, and retaining the original refrain as a sung hook. Like many of the Interpolated Covers discussed in this chapter, “Alone Again” (1991) makes use of its base song through both a sample (of the four-bar piano chord progression) and an interpolation (Biz Markie’s vocal performance of the hook). Humour in Markie’s Interpolated Cover works in a similar way to that in 2 Live Crew’s “Do Wah Diddy.” Both Markie and the rappers of 2 Live Crew make a point of singing the hook out of tune as a way of signifying on the base songs’ original performances. Both “Alone Again (Naturally)” (1972) and “Do Wah Diddy Diddy” (1964) feature polished performances by Irish and English singers (respectively); like 2 Live Crew, Markie parodies the very *singing* of the Gilbert O’Sullivan original. This is not the only instance of out-of-tune singing as a source of humour in Biz Markie’s work: indeed, his hit song “Just A Friend” relies on the same sonic gag, which is itself an Interpolated Cover of Freddie Scott’s “(You) Got What I Need” (1968). In short, “Alone Again” draws upon its source song not only through digital sampling, but also through interpolation.

Because of its parodic approach to singing and the orientation of its references to its base song, “Alone Again” lies between the Send-up and the Parody. Although Biz Markie does not parody the central conceit of O’Sullivan’s song, he does rely on knowledge of the original song’s lyrics and context to create new meaning. Put another way, “Alone Again” exhibits the referential tendency of the Send-up: one could say that “Alone Again” is at some level *about* the 1970s ballad it references. The humour in “Alone Again” comes from a different perspective than that of 2 Live Crew’s “Do Wah Diddy,” because it does not so much make fun of the original artist and context so much as it uses the suggestions of affluence and privilege in the Gilbert O’Sullivan to emphasize the lack thereof in Biz Markie’s situation. In the three verses of “Alone Again (Naturally),” Gilbert O’Sullivan tells the story of being stood up at the altar, contemplating suicide, and suffering the deaths of both parents, “alone” all the while. The challenges narrated in “Alone Again” (1991) are minor in comparison, but the social context of poverty, suggestions of racism, and harsh urban setting contrast with the evocations of a melancholy pastoral backdrop in O’Sullivan’s original. Markie’s “Alone Again” has parodic features, specifically in how it draws attention to the disconnect between Markie’s conditions (the reality of Black urban life), and the self-indulgent melancholy of O’Sullivan’s “Alone Again (Naturally).” As Covach argues, incongruity is a key feature of parody, and the social context described in Markie’s parody is rightly incongruous with the one of O’Sullivan’s original song.⁴⁶ Just as 2 Live Crew’s “Do Wah Diddy” had no place for the innocent romance of Manfred Mann’s original lyric, Biz Markie cannot wallow in self-pity like O’Sullivan’s “Alone Again (Naturally)” speaker, and must simply push through the hardships he encounters. In the first verse, Markie raps:

⁴⁶ Covach, “The Rutles,” 122.

Usually I wouldn't ask for a lift
 But it was cold as hell, and my legs was stiff
 He [Biz's friend Cliff] said, "Hey Biz, what you want, a ride?"
 I said, "Hell yeah," he said, "I can't cause my girl's inside"
 So he jetted off, leavin' two tracks
 Not at one time did homeboy look back
 It took me an hour, to get where I was goin'
 And to top it all off, it had to start snowin'
 My sneakers was old, and my coat was thin
 But my determination kept me goin' within
 I had nobody to help me as you can see...

I'm alone again, naturally
 Alone again, naturally
 (0:10-0:52)

Unlike O'Sullivan's narrator, who contemplates jumping off of a tower to end his life, Markie's song focuses on resilience in the face of adversity. In the other verses of "Alone Again," Biz Markie discusses the challenges of always playing second fiddle to fellow rapper Roxanne Shanté (both were members of the Queensbridge hip-hop collective the Juice Crew), and he ends with an assertion that despite all of these challenges, he has thrived in the music industry. While "Alone Again" pokes fun at its base song, it still relies on it as a source for commentary, rather than simply turning it on its head as is the case with 2 Live Crew's take on Manfred Mann. At a deeper interpretive level, Markie is reiterating the original sentiment of "Alone Again (Naturally)"—that life is difficult, and even more so when one is alone. Many of Biz Markie's other songs lament his lackluster love life, such as "Just a Friend" (1989) and "What Comes Around Goes Around" (1991). For these reasons, "Alone Again" lies between the Send-up and the Parody—it uses both sampled and interpolated elements of its base song, and signifies on the central conceit of "Alone Again (Naturally)."

The Conventional Cover: “Lodi Dodi” (1993)

Interpolated Covers made up a relatively small portion of all of the rap songs released in the golden age, but conventional covers (and especially covers of rap songs) were even more rare. Hip-hop authenticity relies heavily on “keeping it real,” or Allan Moore’s “first person authenticity”—the listener’s authentication of the music based on the artist’s biography.⁴⁷ The geographical specificity of much hip-hop also makes covering rap songs more complicated: references to the local and what Murray Forman calls the “extreme local” (for example, references to specific neighborhoods, streets, or businesses) intersect with lived experience, making it difficult for anyone other than the original artist to perform a song.⁴⁸ The specificity of so many rap songs to their original performers makes producing cover songs not only complicated, but also less appealing for artists. Why rehash a song from the past, written and performed by someone else, when you could create something that is (at least lyrically) original, and more consistent with one’s artist persona? Rap covers of rap songs are few and far between: before the 1990s, I only identified one, Run-D.M.C.’s 1983 cover of Kurtis Blow’s “Hard Times” (1980). These songs were separated by only a few years, and Run-D.M.C.’s transformation of Kurtis Blow’s original places it in a sort of grey area between a conventional cover and the Interpolated Cover that I describe above. In this next section, I use Snoop Dogg’s 1993 cover of Slick Rick and Doug E. Fresh’s 1985 song “La Di Da Di” to elucidate three points: this cover stands as an example of the cover type located at the far right of the spectrum of similarity in Figure 1; I pay special interest to how Snoop Dogg’s song is an atypical cover; and I explore how the song participates in wider textual practices. Beyond simply being a cover,

⁴⁷ Allan Moore, “Authenticity as Authentication,” *Popular Music* 21 (2002): 213.

⁴⁸ Murray Forman, *The ‘Hood Comes First: Race, Space, and Place in Rap and Hip-Hop* (Middletown, CT: Wesleyan University Press, 2002), xvii.

Snoop Dogg's "Lodi Dodi" connects to songs in the past and some in the future, offering a valuable case study of how intertextuality functions in hip-hop aside from digital sampling.

In a 2008 episode of VH1's *Storytellers*, Snoop Dogg reflected upon how his cover of "La Di Da Di" came about:

On my first record *Doggystyle*, I was actually the first rapper to actually re-make another rapper's song. And it created a lot of flack from where I come from, because the people from where I come from thought I shoulda redid an Eazy-E song or Ice-T song or something that was more west coast, but I chose to do a song from Slick Rick and Doug E. Fresh ... And the record, it just meant so much to me because when I was a kid, seeing them flowing, and go back and forth and Doug E. controlled the beat and Slick Rick with so much flavor, it was like, it was inspiring as a kid to see that and to hear that ... So it made me want to re-do that because I'm a fan and any time I'm a fan of something I don't mind telling people that I love you and I appreciate you and I want to do your music over, and that's all that was. It was me showing love.⁴⁹

Snoop warmly expresses his admiration for Slick Rick and Doug E. Fresh, and moments later Doug E. Fresh joins Snoop Dogg on stage for a rendition that combined elements of the original with Slick Rick and the 1993 *Doggystyle* version. Notably, Snoop Dogg later recorded a cover of Biz Markie's hit single "Vapors" (1988), and several other covers in the late 1990s and early 2000s.⁵⁰ Unlike many contemporary rap songs, "La Di Da Di" (1985) lent itself easily to re-performance because of a combination of musical and textual elements.⁵¹ First, "La Di Da Di" is extremely narrative but not explicitly personal: Rick wakes up on a normal day, gets ready, and has a strange encounter on the street with a girl named Sally, and later her mother. Snoop Dogg easily adapted Slick Rick's original lyrics to his own context, and the required changes were minimal: for example, Snoop Dogg substitutes "Doggy doggy doggy" for "Ricky Ricky Ricky";

⁴⁹ Snoop Dogg, *VH1 Storytellers* aired March 31 2008. Accessed at "Ladi Dadi SnoopDogg & Doug E. Fresh Live" YouTube video, 6:36, posted by Gabriel rodrigues, posted March 2, 2011.

⁵⁰ Such as "Gangsta Gangsta" (N.W.A., 1988/1998), "Freaky Tales" (Too Short, 1987/1997), "Undacova Funk (Give Up the Funk)" (Parliament, 1976/2002), and "Get the Funk Out My Face," with Quincy Jones (The Brothers Johnson, 1976/2010).

⁵¹ The full version of "La Di Da Di" is not widely available on streaming platforms due to copyright issues, but is available at "Slick Rick & Doug E. Fresh – La Di Da Di (Full Version)" YouTube video, 4:56, posted by allthewoointheworld, posted May 4 2009. All time-stamps in this chapter are drawn from this version.

“I forgot my indo” (a strain of marijuana) for “I forgot my Kangol” (a brand of hat popular with 1980s rappers); and “we can break it down the Long Beach way” (referencing Snoop Dogg’s hometown) for “we can go cruising in my Ojay” (a luxury car rental service in the Bronx).⁵² A larger change concerns the episode with Sally and her mother: rather than fighting over Snoop for his affections (as in the Slick Rick version), they compete with each other for Snoop’s high-quality weed. Changes such as these, however, do not alter the central conceit of the song, but rather serve to update it to a 1990s West-Coast hip-hop context from its original 1980s East-Coast one. “La Di Da Di” was also a suitable choice because while it was beloved by hip-hop fans (and frequently sampled by hip-hop producers), it was not widely known by mainstream listeners, giving Snoop the opportunity to pay homage to Slick Rick and Doug E. Fresh while bringing the song to a wider audience. When it was released as a single in 1985, “La Di Da Di” appeared on the *Billboard* Hot 100 at number 63, and while “Lodi Dodi” was not released as a single, *Doggystyle* topped the *Billboard* 200 albums chart, suggesting that it reached a broad mainstream audience. Many of these listeners would have encountered the song first through Snoop Dogg’s rendition, thus bypassing the strong associations with the original version’s artist biographies and its geographic context.

According to Mosser’s schema, “Lodi Dodi” would constitute a “Major Interpretation”: it departs from the original in instrumentation, tempo, and lyrics (to some extent). Slick Rick and Doug E. Fresh’s song consists only of rapping and beatboxing; it has a comparatively sparse texture, although Doug E. Fresh’s beatboxing lends a wide variety of sounds that range from singing to pure mouth percussion. “Lodi Dodi,” on the other hand, features a lush G-funk sound, with multiple synthesizers, a heavily processed bass, percussion (including vibraslap and

⁵² For a full comparison of the lyrics of “La Di Da Di” and “Lodi Dodi,” please see Appendix 4.

cabasa), programmed drums, and mixed chorus of backup singers. Adapting the old-school song to a 1990s G-funk context, Snoop Dogg slows the song down from 100 to 78 beats per minute. In addition to the changes described above, Snoop Dogg also drops the long semi-metered introduction in the base song. Instead, “Lodi Dodi” begins with a skit with party sounds and some crude conversation, with the song proper starting only at 0:36. At this point, Snoop explicitly references his source material: “Yeah, gotta say what's up to my nigga Slick Rick / For those who don't like it, eat a dick.” After this declaration, Snoop begins to follow Slick Rick’s rap quite closely. As mentioned above, Snoop modifies some other lyrics, like making the incident with Sally’s mother relate to weed rather than romance: “If I can’t have you, she can’t either” becomes “If I can’t smoke none she can’t either.” In these changes, Snoop Dogg adds another layer on top of the Slick Rick base song through allusions to the West Coast’s drug culture, but this alteration does not change the song’s central conceit.

Apart from these changes to the lyrics, instrumentation, and tempo, “Lodi Dodi” follows the model of its base song in a number of significant ways. “La Di Da Di” is most importantly a narrative song, and by keeping the long, single-verse form, Snoop Dogg retains the song’s most salient formal feature. “Lodi Dodi” (1993) keeps the major six episodes of “La Di Da Di” (1985) intact: a boast-like section indicating the rapper’s ability to create a “cozy” environment for the listener; the rapper’s morning routine; an encounter with “Sally,” who is described as Rick’s “old girl” but a “stoner” to Snoop; Sally’s mother enters and punches Sally, then demanding the rapper’s affection or dope; a “punchline” section in which the rapper delivers the comedic line “with your wrinkled pussy I can’t be your lover”; and finally, a short outro. Not only does “Lodi Dodi” resemble its base song as a conventional cover by retaining the original lyrics, Snoop Dogg also references Slick Rick’s flow—that is to say, his trademark microtiming and intonation

of certain lyrics. For example, Snoop Dogg specifically emulates Slick Rick's delivery on phrases such as "This type of shit happens every day," (1:16-1:20, Slick Rick 1:33 to 1:36) and "Clean, dry, was my body and hair" (2:03-2:06, Slick Rick 2:15-2:18), including the slight remnants of an English accent that define Slick Rick's sound.⁵³ In the first lyric, Snoop draws out the word "every" to a clear three syllables, and in the second, he copies Rick's pronunciation by adding a diphthong to the middle of the word "hair": rather than the standard, single-syllable pronunciation, it becomes two syllables, "hay-yuh." In "Lodi Dodi," Snoop Dogg evokes Slick Rick and Doug E. Fresh's base song all the way from the large-scale level of form to moments of microtiming.

Like many of the songs discussed in this dissertation, "La Di Da Di" (1985) encountered copyright troubles. When Rick meets Sally he asks why she is sad, and her response (sung by Rick) is an interpolation of the song "Sukiyaki" by A Taste of Honey (1981):

"It's all because of you I'm feeling sad and blue
 You went away and now my life is filled with rainy days
 And I love you so, how much you'll never know
 'Cause you took your love away from me."
 (2:46-3:06)

This interpolated passage is included on the original cassette release, though it has been removed from the CD version and subsequent digital releases. But "Lodi Dodi" is atypical, because the chain of intertextual references doesn't end there: "Sukiyaki" itself was an English-language cover of a 1961 Japanese popular song, "Ue o Muite Arukō," written by composer Hachidai Nakamura and lyricist Ei Rokusuke, and performed by Kyu Sakamoto.⁵⁴ Snoop Dogg's "Lodi Dodi" takes the original release of "La Di Da Di" as its paradigmatic version, and he includes the

⁵³ Slick Rick was born in London England and moved to the Bronx at 11 years old. See David Gonzalez, "At 50, a Hip-Hop Pioneer Still Has Stories to Tell," *The New York Times*, February 8, 2015.

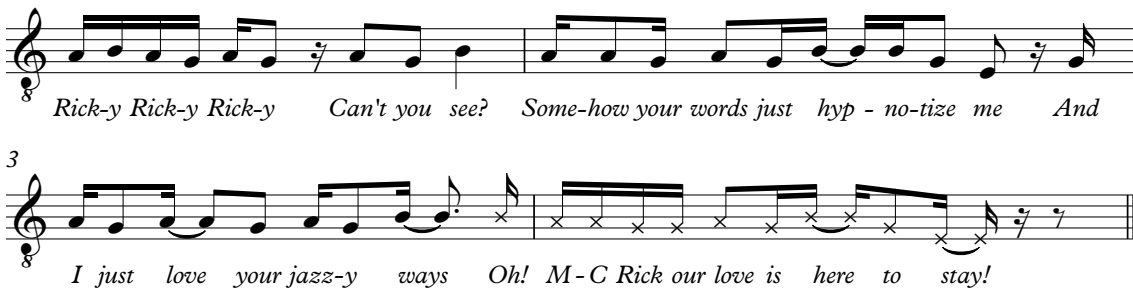
⁵⁴ See Helen Brown, "Sukiyaki: The Life of A Song," *Financial Times*, March 4, 2017, 6.

excised interpolation, which in his version is sung by Nancy Fletcher. Even though “Lodi Dodi” only contains one sample (which plays in the background during the opening skit and not during the song proper), it still draws extensively on the music of the past: at one level, as a cover of “La Di Da Di,” and at a deeper one, using a second-hand interpolation of a cover of a Japanese song from the 1960s.

The thread of intertextuality that runs through to “La Di Da Di” and “Lodi Dodi” continues on into another subsequent song. During the encounter with Sally’s mother, she implores:

Ricky, Ricky, Ricky, can’t you see?
 Somehow your words just hypnotize me
 And I just love your jazzy ways
 Oh, MC Rick, my love is here to stay!
 (4:00-4:10)⁵⁵

Figure 5: Transcription of “La Di Da Di” vocals, (4:00-4:10)



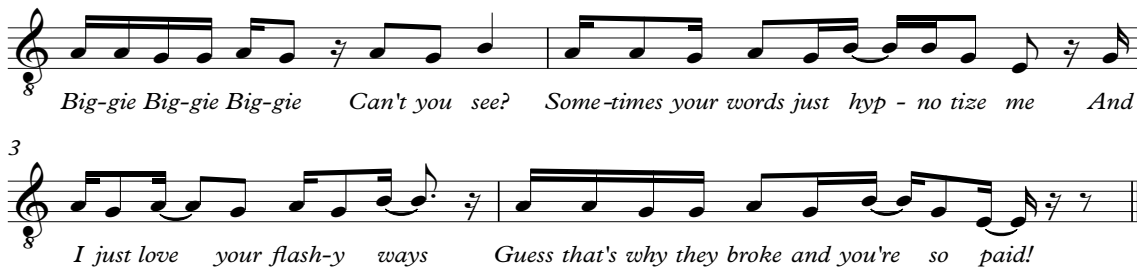
Snoop Dogg’s version changes “Ricky” to “Doggy,” “MC Rick” to “Doggy Dogg,” and double-tracks the vocals (4:05-4:17). The swung rhythm and pentatonic melody make this section one of the most memorable parts of these songs, so much so that this portion was adapted

⁵⁵ In lines two and four, Slick Rick also seems to reference Cole Porter’s “You Do Something To Me” (1929, “you have the power to hypnotize me”), and George and Ira Gershwin’s “Love is Here to Stay” (1938, “our love is here to stay.”)

as the hook of yet another song. Released in 1997, the Notorious B.I.G.'s "Hypnotize" adapts this section once again—"Ricky" becomes "Doggy," which in turn, becomes "Biggie" (see Figure 6). Pamela Long performs the hook of "Hypnotize," which adapts Slick Rick's original lyrics further:

Biggie, Biggie, Biggie, can't you see?
 Sometimes your words just hypnotize me
 And I just love your flashy ways
 Guess that's why they broke and you're so paid
 (0:51-1:00 and throughout)

Figure 6: Transcription of The Notorious B.I.G.'s "Hypnotize" (0:51-1:00)*



*Transposed from E ♭ minor

Released just before the Notorious B.I.G. was shot and killed on March 9, 1997, "Hypnotize" enjoyed posthumous critical acclaim and commercial success. The song became a fixture of hip-hop in its own right, surpassing the commercial success of "La Di Da Di" and "Lodi Dodi" by climbing to #1 on the *Billboard* Hot 100 chart, as well as being sampled, covered, and interpolated by subsequent artists. "Hypnotize" contains one sample ("Rise" by Herb Alpert, released in 1979), but it is the hook interpolated from "La Di Da Di" that is the most significant intertextual element.

Conclusion

As the web of intertextual references that runs through from “Ue o Muite Arukō” to “La Di Da Di,” “Lodi Dodi” and “Hypnotize” demonstrates, hip-hop released following the *Grand Upright* decision continued to draw upon music of the past. As I argue in Chapter 3, even though the overall number of samples decreases following the 1991 case, sampling continued to be an important expressive and structural device for hip-hop producers. But the importance of earlier music doesn’t end with sampling: interpolations, Derivative Songs, and covers all included re-performed elements of pre-existing songs. Rappers made references to their predecessors through flow alone, as Snoop Dogg does in “Lodi Dodi,” and earlier performers were invited to lend their voices to send-ups of their work, as in the Fat Boys’ “The Twist (Yo, Twist!).”

The growing preference for interpolations over samples was part of a larger aesthetic shift within hip-hop music. As G-funk became a larger force in hip-hop—and mainstream popular music—more and more producers turned to live instrumentation rather than samples. Writing in 1992, Sheila Rule remarked on this trend, speculating that it may have sprung from a “desire to keep rap fresh” as much as it was a response to the legal imperatives to use fewer samples.⁵⁶ One of her interviewees said, “I hope that what we’re seeing is the normal hybridization of different art forms and that in most cases it is happening because it is the natural artistic thing to do rather than for legal reasons.”⁵⁷ I noticed a marked decline in references to rap as non-music into the early 1990s: this could be because the moral panic surrounding rap had shifted towards West-Coast gangsta rap specifically (rather than discussing all rap music). The argument that rap was not music was becoming increasingly difficult to justify as more and more

⁵⁶ Sheila Rule, “Record Companies Are Challenging ‘Sampling’ in Rap,” *The New York Times*, April 21, 1992.

⁵⁷ Ken Anderson of Loeb & Loeb (entertainment law firm), Rule, “Record Companies Are Challenging ‘Sampling,’” *New York Times*.

artists employed full bands. As Amanda Sewell writes, it is more productive to pay attention to how hip-hop musicians continued to make in a context that prohibits sampling, than it is to lament the shift away from the sample-based textures of previous years.⁵⁸ An increasing use of interpolations, as performed by live ensembles, is was one important strategy, showing how artists continued to find ways to incorporate music of the past.

The non-sampled intertextual strategies discussed in this chapter reveal a spirit of resistance and resilience in hip-hop, demonstrating that artists were resourceful in finding other ways to draw on the music of the past when sampling became more expensive and legally precarious. Existing scholarship on the legacy of sampling cases such as *Grand Upright* seldom emphasize hip-hop artists' resilience—but that sampling and intertextual references remained central to hip-hop despite the threat of expensive copyright lawsuits suggests that we should pay more attention to how artists resisted and responded to these imperatives. Like Biz Markie trudging through the snow even though his “sneakers [were] old, and [his] coat was thin,” artists were determined to find alternative ways to include music of the past. Intertextuality in hip-hop is not limited to sampling, and the histories of sampling and these other strategies of reference and quotation are thoroughly intertwined.

⁵⁸ Amanda Sewell, “How Copyright Affected the Musical Style and Critical Reception of Sample-Based Hip-Hop,” *Journal of Popular Music Studies*, 26 no. 2-3 (June-September 2014): 317.

Conclusion:

“93 ‘Til Infinity”: The Long Shadow of Sampling Lawsuits¹

While the legal significance of *Grand Upright* is often exaggerated, the case did have lasting effects on the music business. The 1991 decision established that samples must be cleared, and subsequent cases, such as *Bridgeport Music v. Dimension Films* have confirmed that clearances are necessary. The need for sample clearances demanded by *Grand Upright* not only created an apparent historical rupture, but also created a barrier that has real effects on accessing music from hip-hop’s golden age. This brief conclusion presents several vignettes that demonstrate how *Grand Upright* and the other sampling lawsuits that followed continue to be felt, affecting music industry practices, creative processes, and the rhetorical meanings of samples.

In the field of legal studies, the legacy of *Grand Upright* is felt most directly in its citation in *Bridgeport Music v. Dimension Films* (2005), discussed in Chapter 1. This sixth-circuit federal case concerned a sample of Funkadelic’s “Get Off Your Ass and Jam” (1975) in N.W.A.’s “100 Miles and Runnin’” (1990).² The case hinged on a two-second sample of a guitar riff that was pitched down and buried at the back of the mix: the sample was disguised in a manner that makes it more a textural and timbral element than an explicit reference that the listener was intended to hear and recognize (making it different from *Grand Upright*). With a decision by Judge Ralph B. Guy, *Bridgeport* confirmed the earlier opinion of *Grand Upright*: in the spirit of Judge Duffy, Guy wrote “Get a license or do not sample. We do not see this as

¹ My title references “93 ‘Til Infinity” by Souls of Mischief (1993).

² *Bridgeport Music, Inc. v. Dimension Films*, 410 F. 3d 792; LEXIS 10140. Sixth Circuit, June 3, 2005.

stifling creativity in any significant way.”³ He goes on to clarify that this use of a pre-existing recording, even if it is intended as a textural element—constitutes infringement, because “for the sound recording copyright holder, it is not the ‘song’ but the sounds that are fixed in the medium of his choice. When those sounds are sampled they are taken directly from that fixed medium. It is a physical taking rather than an intellectual one.”⁴ In these two passages, Guy confirms that recordings should be treated like physical property and not just intellectual property, all the while demonstrating a lack of familiarity with the referential creativity embodied in hip-hop sampling. The *Bridgeport* decision mentions *Grand Upright* and suggests that the case’s application of a bright-line rule may be helpful; Guy is careful not to cite *Grand Upright* as precedent, however, claiming that it had “no binding precedential value” having been decided at a district court, and because of Duffy’s failure to differentiate between implications for the musical work and those for the recording.⁵ In this way he creates distance from the decision but also relies upon the nature of its recommendations.

Even if *Grand Upright* was not cited as formal precedent for *Bridgeport*, its effects were felt. Guy was being strategic in creating distance from the case because at the time, it was considered a poor piece of jurisprudence, something legal scholar Charles Cronin called a “dreadful opinion.”⁶ *Bridgeport* was decided during a flurry of sampling and plagiarism lawsuits, many of which were related to changes to the music industry’s shift to digital formats and the rising popularity of file-sharing services (as mentioned in Chapter 1). What is relevant here, is that in the highest profile case of its kind, the reasoning put forward in *Grand Upright* was

³Bridgeport Music, Inc. v. Dimension Films.

⁴ Bridgeport Music, Inc. v. Dimension Films.

⁵ Bridgeport Music, Inc. v. Dimension Films, at note 16.

⁶ Cronin, Comment on *Grand Upright v. Warner*, Music Copyright Infringement Resource, accessed January 16, 2020, <https://blogs.law.gwu.edu/mcir/case/bridgeport-music-v-dimension-films-et-al/>.

echoed, despite Duffy's imprecision concerning the different rights in works and recordings. The logic of a bright-line rule like *Bridgeport's* "get a license or do not sample" was established in *Grand Upright*, even if it was not stated explicitly. Both cases dismiss the Fair Use and *de minimis* exceptions (the former tacitly, the latter explicitly), closing the legal status of sampling to any sort of interpretation, or what Guy calls "mental, musicological, and technical gymnastics."⁷ Taken together, these cases contributed to the current sample-licensing climate, which has become an important segment of the contemporary music industry.

Beyond hip-hop culture, the effects of sampling lawsuits are felt in online remix culture, particularly in the mashup. Mashups themselves are an extension of practices that were developed in hip-hop's golden age: rather than creating a new beat out of samples as the musical foundation for a newly-created rap, mashups piece together passages of two or more popular songs to make a new, song-length recording made entirely of pre-recorded music. Drawing on the same DJ techniques that gave birth to hip-hop, mashups also take music of the past as a central creative component. From a copyright perspective, mashups, and remix culture more broadly seemed destined to meet with legal resistance. Unlike hip-hop sampling, however, mashups operate outside of the traditional purview of the music industry: mashups were first created on the fly by DJs in clubs and now circulate in online forums such as YouTube.⁸ They are not subject to licensing, although they may be subject to cease-and-desist warnings and content removal based on the Digital Millennium Copyright Act. The result is a tug-of-war between content owners and users: as digital rights management techniques get more sophisticated, able to track down and trace infringing material, mashup artists migrate, taking

⁷ *Bridgeport Music, Inc. v. Dimension Films*.

⁸ For more on mashup transmission, see Claire McLeish, "'The Future is Medieval': Orality and Musical Borrowing in the Middle Ages and Online Remix Culture," (MA Thesis, University of Western Ontario, 2013).

their content to other platforms, or fans and other users re-post the offending material. Like much underground hip-hop that still uses uncleared samples, remix culture also relies upon its underground status as a safeguard against punitive legal action. In their strict approach to musical recordings as a physical manifestation of intellectual property, sampling lawsuits affected not only hip-hop culture, but also the dissemination of other remixed music.

“Luxury Rap”: Samples as Conspicuous Consumption

Because cases like *Grand Upright* and *Bridgeport* established the necessity of sample licenses, an industry sprang up around the need to negotiate clearance details, such as how authorship and royalties would be allocated and calculating how much sample clearances would cost.⁹ Tempting as it may be to dream of inventing a formula that will solve how much a sample should cost based on criteria like its duration, importance in the new song, and the profiles of both the original artist and the sampling artist, in reality these decisions happen on a case-by-case basis. It is expensive both to employ legal teams to negotiate sample fees, and to pay for the samples themselves. As a result, samples remain out of reach for some artists, who must resign themselves to remaining underground or risking lawsuits for uncleared samples, while a select few high-profile artists can afford any sample they desire, making access to sampling a class-based, capitalist issue. Mainstream artists like Jay-Z and Kanye West are able to afford samples: their stature as stars with major label support allows them wholesale access to samples, while artists working on independent labels or releasing music individually do not have this access. Because there is no perfect system to calculate the monetary value of a sample, it seems that

⁹ For a detailed explanation of this process, see Kembrew McLeod and Peter DiCola, “The Sample Clearance System: How it Works (and How It Breaks Down),” *Creative License: The Law and Culture of Digital Sampling* (Durham, NC: Duke University Press, 2011), 148-186.

music labels and publishers may take issues like celebrity and wealth into consideration when charging for samples. Taken together, these factors create the conditions for samples to become another place for conspicuous consumption in hip-hop: along with flashy jewelry, designer clothes, and luxury cars, samples can be used to flaunt wealth.

Jay-Z and Kanye West's song "Otis," from their 2011 album *Watch the Throne* is a prime example of sampling as conspicuous consumption. Produced by West, "Otis" begins with an uninterrupted 31-second sample of Otis Redding's "Try a Little Tenderness" (1966). The song begins *in medias res*: the sampled section falls from 1:55 to 2:23 of Redding's original recording, in a section where the arrangement is building momentum and building to the song's climax. Spike Jonze's music video for "Otis" begins with a shot of Jay-Z and Kanye West approaching a Maybach luxury car holding a blowtorch and a circular saw (See Figure 1). Masked figures begin to disassemble and alter the vehicle using these tools (Figure 2). When the sparks begin to fly at 0:31—and the vehicle is cut using the saw West was carrying—the sample skips for the first time, jumping to the passage in "Try a Little Tenderness" from 2:41 to 2:44, when Redding sings "squeeze her, don't tease her, never leave her" (0:32 to 0:42 in the music video). West creates a glitch effect by looping the word "squeeze" three times before Redding finishes the lyric; the visuals echo the cutting and manipulating of the luxury item of the Maybach.

Figure 1: “Otis” music video (0:08), directed by Spike Jonze, Roc-A-Fella Records, © 2011



Figure 2: “Otis” music video (0:32), directed by Spike Jonze, Roc-A-Fella Records, © 2011



After this portion, the song settles into the loop that will constitute the song's groove, a 3-second sample drawn from 3:03 to 3:06 of "Try a Little Tenderness," in which Redding sings "got to, got to nah nah nah," a section that falls right before the R&B breakdown of the song's climax. Having established the connection between the luxury vehicle and the sample, Jonze proceeds to depict Jay-Z and Kanye West cruising in the car with four female models in the backseat for much of the remainder of the song (Figure 3).

Figure 3: "Otis" music video (1:10), directed by Spike Jonze, Roc-A-Fella Records, © 2011



In their verses, Jay-Z and Kanye West boast of their wealth: in his second verse, Jay-Z raps "Photo shoot fresh, looking like wealth / I'm 'bout to call the paparazzi on myself" (1:22-1:27), and in his second verse, West responds in a similar vein "Luxury rap, the Hermès of verses / Sophisticated ignorance, write my curses in cursive" (1:47-1:52). The pair name-drops other luxury brands like Hublot, Rolex, and Mercedes-Benz (the company that manufactures the Maybach). The lyrics and video work together to draw attention to the rappers' wealth, and in the

context of a song with such a long, prominent sample, they also imply that the sample was expensive. Jay-Z and Kanye West list Otis Redding as a featured artist on the track, treating him more as a collaborator than an artist of the past whose voice graces their recording. As Sasha Frere-Jones writes in *The New Yorker*, it is the only song on the album produced by West alone with no collaborators, suggesting even more strongly that he conceived of the song as a collaborative effort by Jay-Z, Otis Redding, and himself.¹⁰ With only these three artists involved (and not the host of other songwriters, featured artists, and guest producers who appear on other songs), Jay-Z and Kanye West credit Otis Redding as if he were a collaborator, rather than merely a sampled voice. The cost of the sample has not been disclosed, but it is widely assumed to have been astronomically expensive. Taken together, the sample can be interpreted both as an instance of conspicuous consumption, and a prime example of the legitimizing function of sampling that reaches back to the golden age.

De La Soul and the #Phantom2MillionDollarDebt

Copyright lawsuits have not only put a price on samples, but have also restricted access to pre-existing music with uncleared samples. In their book *Creative License*, Kembrew McLeod and Peter DiCola title a section “Albums You Can’t (Or Don’t) Make Anymore,” highlighting the disconnect between music released before *Grand Upright* solidified the need for clearances, and music released afterwards.¹¹ While they focus on how Public Enemy’s *Fear of a Black Planet* (1990) and the Beastie Boys’ *Paul’s Boutique* (1989) could not have been produced in a 21st-century music industry context, these albums continue to be available for purchase and

¹⁰ Sasha Frere-Jones, “Disassembled ‘Throne,’” *The New Yorker*, August 12, 2011.

¹¹ McLeod and DiCola, *Creative License*, 201-212.

streaming. Other albums that were created during the golden age, however, have become functionally inaccessible due to copyright issues: De La Soul's catalog with Tommy Boy Records has never been available for digital purchase or streaming.¹² In 2019, De La Soul documented a series of failed negotiations with Tommy Boy on their Instagram account, indicating that Tommy Boy wanted to collect 90% of the royalties from De La Soul streams and purchases.¹³ The record company's rationale for the unequal division of royalties was the repayment of a two-million dollar debt by De La Soul—something that the group has since dubbed a "phantom," fabricated amount, using the hashtag #Phantom2MillionDollarDebt to spread the story. In a Sirius radio interview on "Sway in the Morning," De La Soul's Maceo suggested that the problems with the back catalog pertained to uncleared samples:

For some years, the catalog had been held up in limbo, because it wasn't prepared for the digital medium that exists. Also, around the time of the release of *Bionix* [2001], Tommy Boy had lost their catalog to Warner Brothers, so it had been in the Warner Brothers system for some time ... And during that time, Warner Brothers didn't quite feel the music was worth putting up on a digital medium because of the issues that existed behind the project, all the albums with samples not being cleared ... And here it is, we're in a digital era [and] we're completely missing a significant part of this digital era because of all the infractions that exist in the back catalog.¹⁴

Maceo went on to explain that Tommy Boy founder Tom Silverman was the one in charge of clearing any samples in the first place, so that ultimately their catalog was being held hostage because Silverman could not have foreseen that the industry would evolve to require licenses for every sample; in the time of *3 Feet High and Rising* (1989), "clearing samples ... was probably done on a handshake" from Silverman. Tommy Boy countered in a statement to *Variety* that

¹² Consisting of six albums spanning 1989 to 2001. Their work from 2004 to present is available for streaming.

¹³ Also reported by Rob Arcand, "De La Soul Cut Ties With Tommy Boy Amid Streaming Catalog Dispute," *Spin*, August 11, 2019, and Jem Aswad, "De La Soul Claim They'll Get Just 10% of Streaming Revenue From Classic Albums," *Variety*, February 27, 2019.

¹⁴ "De La Soul Is Getting ROBBED by Tommy Boy Records Still on Their 30th Anniversary," YouTube video, 46:10, posted by SWAY'S UNIVERSE, February 26, 2019 (see segment beginning at 8:16).

sampling was “not a central issue of the disagreement,” without making any reference to how the two-million dollar debt was accrued.¹⁵ On August 8, 2019, De La Soul posted to their Instagram account an image reading “There is Life after Tommy Boy...” with a caption explaining that the group had been unable to reach a deal with Tommy Boy, meaning that they would only receive the preliminary offer of 10% of the royalties, split at least three ways. At the time of writing, De La Soul’s catalog during the Tommy Boy years remains unavailable for streaming or purchase.

P-Funk Features

Because sample clearances have become prohibitively expensive, and because the licensing process can be difficult, some artists have turned to collaboration instead of (or in addition to) sampling. This trend follows in the same vein as the increasing popularity of interpolations discussed in Chapter 5, but rather than interpolating an earlier song, hip-hop artists are inviting their predecessors to contribute to a new song. The featured artists are firmly rooted in the sampling canon outlined in Chapter 4, but for a variety of reasons, it seems that it was more feasible to have them lend their voices to completely new songs rather than to draw upon older ones. Kendrick Lamar’s *To Pimp A Butterfly* (2015) contains several examples of this technique: the first song, “Wesley’s Theory,” begins with a sample of Boris Gardiner’s “Every N***** is a Star” (1973), and features a spoken word interjection from Dr. Dre (3:01-3:17) and sung vocals from George Clinton (2:10-2:26 and 4:09-4:41). Both artists would be well within the contemporary sampling canon, but Lamar and producer Flying Lotus chose to feature newly-recorded contributions from Clinton and Dr. Dre instead. “How Much A Dollar Cost,” the

¹⁵ Jem Aswad, “De La Soul’s Digital Album Releases Postponed by Tommy Boy Music,” *Variety*, February 28, 2019.

album's eleventh song, includes newly-performed vocals from Ronald Isley (from the Isley Brothers), who also appears in the music video for *Butterfly*'s lead single "i." Other examples of guest appearances from artists whose work would be considered part of the sampling canon include Bootsy Collins's appearance on Kali Uchis and Tyler the Creator's song "After the Storm" (2018), and the many contributions from Parliament-Funkadelic members to Childish Gambino's *Awaken My Love!* (2016). The frequency of appearances by artists linked to the P-Funk collective can be explained both by their status as one of the most sampled groups, and by the added complications to sampling their catalogue since it was acquired by Bridgeport Music Inc., and subsequently involved in the *Bridgeport* case. It is easier for artists like George Clinton and Bootsy Collins to contribute new musical labour than for the younger artists to use the iconic work from their back catalogue because of the precedent set by cases like *Bridgeport v.*

Dimension and the clearance procedures put in place in response to *Grand Upright*.

Appearances by artists from the sampling canon serve to connect hip-hop to these older genres. Just as sampling was used to create a lineage to older Black genres, the musical contributions of artists like Bootsy Collins and Ronald Isley highlight how hip-hop continues to build on funk and soul even apart from sampling. While hip-hop artists paid homage through sampling, funk, soul, and R&B elders legitimize the newer music by contributing to it, as if offering their blessings. The inclusion of featured artists is also a testament to how communal creativity is central to hip-hop, just as it was in many cases in the earlier genres from which it takes inspiration. The popularity of "features" from sampling-canon artists is also a testament to the shared musical vocabulary that connects multiple Black vernacular genres. In this way, "features" connect multiple historical periods: the era in which the featured artist is best known for (most often the 1970s); the year when the new hip-hop song was released; and earlier periods

that drew heavily upon these artists through samples, such as the golden age into the mid 1990s. Understanding “features” from soul and funk artists in this context makes them legible in the Signifyin(g) tradition of sampling, even though sampling itself does not occur.

Kingsway Music Library

Another contemporary strategy for circumventing the need for sample clearances was created by beatmakers and producers like Frank Dukes. Dukes created a “sample” database called Kingsway, which functions as a library of pre-cleared samples available for purchase, grouped and released as separate volumes. The Kingsway website boasts:

Now with over 40 volumes of music available and hundreds of sample placements, the Kingsway Music Library has grown into a one stop shop for high quality, immaculately recorded compositions and musical pieces to be used in sample based productions or on their own for sync with film and television.¹⁶

There is something different about the “samples” offered by Kingsway, however: they are “samples” of nothing. That is to say, they are snippets of music that were created to be used like samples, but they are not drawn from any pre-existing song. Instead, they are specifically engineered to sound like meaningful, historical samples drawn from the canon explored in Chapter 4, perhaps even to fool unsuspecting listeners. Like Jean Baudrillard’s simulacra, they are copies of non-existent originals, short song-like passages that come from no larger work. In *Simulacra and Simulation*, Baudrillard identifies the simulacrum as “models of a real without origin or reality”: not only are these “samples” not real (because a sample by definition is derived from another song or other sonic source), but they also “threaten ... the difference

¹⁶ Kingsway Music Library, “About Us” (website), accessed January 16, 2020, <https://www.kingswaymusiclibrary.com/pages/about-us>.

between the ‘true’ and the ‘false,’ the ‘real’ and the ‘imaginary.’”¹⁷ Even a “real” sample—one drawn from a recording—reveals how the idea of the “real” itself is fake, since most recordings of popular music encode performances that never really occurred. A “real” sample’s ability to create meaning as a musical vestige of an earlier time is surely altered in a musical context in which real and simulated samples intermingle.

Songwriters and producers can purchase a volume from the Kingsway library to use in a song with licensing functionally guaranteed. *Billboard* described the rationale for the Kingsway in the following terms:

Dukes started Kingsway Music Library, a collection of evocative samples for other producers and artists to use, as a repository for his leftover musical ideas as well as an alternative to the long, frustrating and expensive process that is sample clearing. (Kingsway guarantees clearance following good-faith negotiation.)¹⁸

This way, a producer or artist can replicate elements of the experience of sampling, but without the headache of having to clear an original song’s work or recording rights. Volumes typically cost \$29.99-\$39.99 CAN for compositions only, and \$49.99-\$79.99 CAN for compositions and stems.¹⁹ Dukes is now considered something of a maverick in the music industry, with his “samples” appearing on songs by many of the biggest names in current hip-hop, such as Drake, Kanye West, Kendrick Lamar, J. Cole, and Travis Scott. The Kingsway website frames Dukes’ library not as a savvy business venture, but as an investment in the music industry, an effort to “usher in a more fair and collaborative musical ecosystem.”²⁰ Although Dukes’ Kingsway seems

¹⁷ Jean Baudrillard, *Simulacra and Simulation* trans. Sheila Faria Glaser (Ann Arbor: University of Michigan Press, 2010), 1, 3.

¹⁸ Nolan Feeney, “How Pop Hitmaker Frank Dukes Is Rewriting the Rules of Collaboration,” *Billboard*, June 13, 2019.

¹⁹ The composition is the overall assembled song as a single track, while the stems are the individual component tracks (separated by individual performing instrument). Kingsway charges more for the stems because it gives the subsequent producer the ability to excerpt and manipulate elements of the “sample” in much more detail.

²⁰ Kingsway Music Library, “About Us” (website), accessed January 16, 2020, <https://www.kingswaymusiclibrary.com/pages/about-us>.

to be the most popular “sample” library, there is also a collaborative, community-driven website called Freesound that serves a similar function, but all of the Freesound “samples” are created by community members and are subject to Creative Commons licenses. Sample packs also abound on the community-driven music website SoundCloud, but these two latter websites cater more towards amateur musicians or those otherwise content with lo-fi audio samples.²¹ It is tempting to write off pseudo-sample libraries as inauthentic and pre-fabricated, the implication being that the older practice is somehow purer and more authentic. Indeed, “sample” libraries aim to capture the grain, the Benjaminian aura of “real” samples, even though these samples themselves are mediated, as manipulated copies of recordings of actual musical performances.²² Any instinct to exclude or denigrate music based on a lack of authenticity should be met with suspicion: although Dukes enjoys commercial success with his Kingsway library, he has also made something that has been taken up by creators as useful and inspiring.

Reform, Resistance, and Final Thoughts

The main objective of this dissertation has been to ascertain what effects, if any, the *Grand Upright* decision had on hip-hop and popular music more broadly: in this regard, its aim has been descriptive rather than prescriptive. However, by illuminating the events surrounding the case and the musical changes that occurred at the same time, it is tempting to make recommendations to reform and reinterpret American copyright law to prevent any other cases

²¹ Freesound, (website), accessed January 20, 2020, <https://freesound.org/>.

²² Walter Benjamin, “The Work of Art in the Age of Mechanical Reproduction,” *Illuminations*, ed. Hannah Arendt, trans. Harry Zohn (New York: Schocken Books, 1969), 217–52. Benjamin’s thoughts on reproduction do not map neatly onto music, because recorded music is inherently alienated from its initial conditions of production. See also Andrew Goodwin, “Sample and Hold: Pop Music in the Digital Age of Reproduction,” in *On Record: Rock, Pop, and the Written Word* eds. Simon Frith and Andrew Goodwin (London: Routledge, 1990), 258–273 and Mark Katz, *Capturing Sound: How Technology Has Changed Music* (Berkeley: University of California Press, 2010), 17–18.

from adversely affecting musical creativity. In recent years disputes have pertained more to music plagiarism in general, and more specifically whether not a “feel” or groove can be attributed to (or copyrighted by) a single artist.²³ Several issues suggest themselves to be at the heart of such reforms: the differences between musical traditions based on notation and vernacular traditions; the changing threshold of originality from genre to genre; and the special nature of citation common to much African-American culture. It is beyond the scope of this project to make concrete and explicit recommendations, but I hope it is clear that historical work such as this has much to offer to policy-makers and the field of legal studies. If nothing else, I have offered descriptions of how legal decisions can affect creativity, and the limits of their purview; having a better idea of where we have come from (in terms of music copyright), future work might better envision where we should be headed.

In writing a dissertation on *Grand Upright*, I had hoped to answer some of the questions long posed by scholars of intellectual property and hip-hop about the case’s impact. Although I offer responses to some, more importantly, I complicate previous accounts of case, considering both the impact of *Grand Upright* as a legal decision and as a moment of controversy in hip-hop more generally. I situate the case within broader discourses on crime and creativity, using it as a point of entry into hip-hop at a time of unprecedented commercial success and stylistic change. In my corpus-assisted study, I found that while the average number of samples per song decreased following *Grand Upright*, this trend was not felt evenly across subgenres or sample types. I explored the most frequently sampled artists and genres, remarking on shared musical features and the changes to sampling’s field of reference. I hope my findings will be useful to

²³ Such as the case surrounding Robin Thicke and Pharrell Williams’ “Blurred Lines,” or the dispute concerning Katy Perry’s “Dark Horse. See *Williams v. Gaye*, Ninth Circuit, 895 F.3d 1106; LEXIS 18954, July 11, 2018, and *Marcus Gray v. Kathryn Hudson*, LEXIS 113807 Central District of California, CV-05642, July 5, 2019.

future work in hip-hop studies, offering a new perspective on the golden age through the lenses of intellectual property, musical analysis, and a close engagement with primary sources. I also expand the discussion on intertextuality in hip-hop to be more inclusive of topics beyond sampling, such as interpolations and cover songs. Finally, I have conducted a genre study that may be of interest to popular music studies more broadly: I explored how hip-hop circulated and was understood both by the artists who made it, the fans who loved it, and members of the public who feared it.

In the wake of the *Grand Upright* decision, Biz Markie's "Alone Again" remains unavailable for purchase. Although the title of his following album, *All Samples Cleared!* (1993) responds to *Grand Upright* playfully, Markie and his label took the decision seriously: the entire album features only four samples (all cleared), a meagre number in comparison to his previous album's twelve. In this dissertation, I have explored the myriad effects of sampling lawsuits, all the while contextualizing them in broader debates about the legality and morality of hip-hop as it garnered increasing mainstream attention. The model of musical creativity set out by American copyright (informed by the tradition of western art music), does not successfully accommodate the African-American vernacular tradition, which values commentary and play with texts of the past. Copyright law is ill equipped to promote and compensate hip-hop sampling's intertextual creativity, and nearly turned a historically important expressive device into a luxury. However, artists resisted the imperative to abandon using music of the past, turning instead to interpolations and collaborations with the artists they admire, so that engagement with the music of the past remains a central creative element in hip-hop music.

Throughout this project, I have aimed to keep resilience and resistance in the foreground, by paying special attention to how hip-hop artists responded to legal imperatives, and how they

continued to make music despite the threat of copyright lawsuits. As Paul Gilroy writes in *The Black Atlantic*, music has always been central to Afro-diasporic resistance: Black “musical culture supplies a great deal of the courage required to go on living in the present.”²⁴ Even a passing glance at contemporary popular music will suggest that the *Grand Upright* decision did not “kill hip-hop music and culture.”²⁵ To the contrary, hip-hop seems to have supplanted rock as the foundation of much popular music; the *Grand Upright* decision itself occurred in the time just preceding hip-hop’s great leap into the mainstream. With hip-hop holding such an important place in contemporary popular music, the narrative of hip-hop artists as victims of oppressive copyright regimes becomes more difficult to substantiate. In a haunting passage of *Black Skin, White Masks*, Frantz Fanon comments upon the victim-like status of Black colonial subjects: “The crippled veteran of the Pacific war says to my brother, ‘Resign yourself to your color the way I got used to my stump; we’re both victims.’”²⁶ After meditating on the encounter, Fanon rejects this characterization: “with all my strength I refuse to accept that amputation. I feel in myself a soul as immense as the world, truly a soul as deep as the deepest of rivers, my chest has the power to expand without limit.”²⁷ In my research on digital sampling and music copyright in golden-age hip-hop, I have been continuously struck not by how artists are victims of legal institutions, but how they continually adapt and resist. Not only did hip-hop survive its trial in 1991, as we know from a 21st-century perspective, it went on to thrive and become firmly enmeshed in the fabric of mainstream popular music.

²⁴ Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (London and New York: Verso, 1993), 36.

²⁵ Dan Charnas, interviewed in Chuck Philips, “Songwriter Wins Large Settlement in Rap Suit,” *Los Angeles Times*, January 1, 1992.

²⁶ Frantz Fanon, *Black Skin, White Masks*, translated by Richard Philcox (New York: Grove, 2008), 107.

²⁷ Fanon, 108.

Appendices

Appendix 1: Corpus Study Data (Legend)

Structural Samples

PO: Percussion Only

IN: Intact

NP: Non Percussion

Lyric Samples

SI: Single

RE: Recurring

Surface Samples

CO: Constituent

EM: Emphatic

MO: Momentary

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
A Nightmare on My Street	DJ Jazzy Jeff & the Fresh Prince	1		1		1				0			0	Soundtrack, <i>Nightmare on Elm Street</i>		
Ain't No Half Steppin'	Big Daddy Kane	7		1	1	2	1			1		4	4	The Emotions; Heatwave; ESG; Monk Higgins & the Specialites; Billy Squier; <i>The Wiz</i> ; Big Daddy Kane;	1	(Unknown Restaurant Commercial)
Brand New Funk	DJ Jazzy Jeff & the Fresh Prince	7	1	1		2	2			2		3	3	Pleasure; Donald Byrd; James Brown x2; Kurtis Blow; Spoonie G; LL Cool J	1	"Brand New Funk" My Thang, James Brown
Bring The Noise	Public Enemy	9	1	2		3	1		1	2	2	2	4	Marva Whitney; Malcolm X; James Brown x3; Funkadelic; Grand Wizard Theodore; Jesse Jackson; Comodores		
Cars with The Boom	L'Trimm	1				0	1			1			0	Funk Inc.		
Chick On the Side	Salt-N-Pepa	0				0				0			0		1	"How Long (Betcha Got A Chick On the Side)," Pointer Sisters
Colors	Ice-T	2	1			1	1			1			0	Brothers Johnson; Beside		
Coolin' in Cali	The 7A3	7	1	1		2	1		1	2	2	1	3	Sly & the Family Stone x3; Mountain; Kurtis Blow x2; Kool & the Gang; Freda Payne		
Cut that Zero	Doug E. Fresh & the Get Fresh Crew	3				0	1	1		2	1		1	LeVert; Marvin Gaye, Grandmaster Flash & the Furious Five		
Do Wah Diddy	2 Live Crew	1		1		1				0			0	Manfred Mann	1	Manfred Mann, "Do Wah Diddy"
Don't Believe the Hype	Public Enemy	4	1	1		2	1			1	1		1	Melvin Bliss; James Brown x2; Whodini; Juice; Rufus Thomas	1	Cereal Ad, "Trix Are For Kids"
Everybody Say Yeah	Le Juan Love	3		1	1	2				0		1	1	Deep Purple; Stevie Wonder; (Unknown Film Soundtrack)		
Females (Get On Up)	The Cookie Crew	2		1		1	1			1			0	Lyn Collins		
Follow the Leader	Eric B & Rakim	4	1	2		3				0		1	1	Bob James; Baby Huey; Coke Escovedo; Eric B. & Rakim		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Get Down	Derek B	7	1	2		3		2		2	1	1	2	Beastie Boys; James Brown x2; Vaughan Mason & Crew; The Jackson 5; Brentford All Stars; Uncle Louie; Run-D.M.C.	1	"I Want You Back," Jackson 5
Get on the Dance Floor	Rob Base and DJ E-Z Rock	4	2	1	1	4				0			0	The Jacksons; Black Riot; Doug E. Fresh; Simon Harris		
Get Up Everybody (Get Up)	Salt-N-Pepa	3		1		1		1		1		1	1	Parliament x2; E-Mu Systems		
Gittin Funky	Kid N' Play	5	1	3		4				0		1	1	The Blackbyrds x2; Bar-Kays; James Brown; Bobby Byrd		
Girls Ain't Nothing But Trouble	DJ Jazzy Jeff & the Fresh Prince	2	1	1		2				0			0	<i>I Dream of Jeannie</i> Theme; T-Ski Valley		
Going Back to Cali	LL Cool J	1		1		1				0			0	Afrika Bambaataa		
Good Groove	Derek B	5				0				0	3	2	5	James Brown x 2; Cold Crush Brothers; Jazzy Jay; Richard Pryor; Beastie Boys;	2	Jackson 5, "ABC"; James Brown, "More Peas"
How Ya Like Me Now	Kool Moe Dee	1			1	1				0			0	James Brown x 3		
I Got Da Feelin'	Sweet Tee	2	1			1	1			1			0	James Brown, Bobby Byrd, Lyn Collins	1	Bobby Byrd, "I Know You Got Soul"
I'm Not Going Out Like That	Run-D.M.C.	6		1		1				0	3	2	5	Public Enemy x2; Heavy D & the Boyz; Run-D.M.C.; Martin Luther King Jr. "Mountaintop" Speech		
I'm Your Pusher	Ice-T	0				0				0			0		1	Curtis Mayfield, "Pusherman"
It Takes Two	Rob Base & DJ E-Z Rock	2		1		1		1		1			0	Lyn Collins; Galactic Force Band		
Keep Risin' To the Top	Doug E. Fresh & the Get Fresh Crew	2			1	1				0		1	1	Keni Burke; Heatwave		
Left Me Lonely	MC Shan feat. TJ Swan	0				0				0			0			
Let's Go!	Kool Moe Dee	3				0		1		1	2		2	Michael Jackson; LL Cool J x 2	1	Linda Collins, "Think (About It)"
Louie Louie	Fat Boys	0				0				0			0		1	Kingsmen, "Louie Louie"

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Love Rap Ballad	True Love	0				0				0			0			Love Story Main 1 Theme
Mary Mary	Run-D.M.C.	2	1			1				0		1	1	The Monkees; John Davis and the Monster Orchestra		
Move Somethin'	2 Live Crew	6		1	1	2				0	1	3	4	Quadrant Six; LaWanda Page; Skillet & Leroy x 2; Visage; Rudy Ray Moore;		
Night of the Living Baseheads	Public Enemy	23		1		1			4	4	16	2	18	Dennis Coffey & the Detroit Guitar Band; The JBs; David Bowie; ESG; The Temptations; Aretha Franklin; Kurtis Blow; The Boogie Boys; Jesse Jackson; Masterdon Committee; Bar-Kays; Run-D.M.C. x2; Public Enemy x2; Fearless Four; E.U.; Rufus Thomas; Beside; Beastie Boys, Dr. Khalid Abdul Muhammad		
On the Smooth Tip	Sweet Tee	2	1	1		2				0			0	Parliament; Trouble Funk		
Wild Thing	Tone Loc	1		1		1				0			0	Van Halen		The Troggs, "Wild Thing"; "She's Gotta 2 Have It" x2
Wild Wild West	Kool Moe Dee	1		1		1				0			0	Jonzun Crew		The Good, The Bad, And the Ugly 1 Soundtrack
You Gots to Chill	E.P.M.D.	6	1	1		2		1		1		3	3	Zapp, Kool & the Gang; Juice; John Davis and the Monster Orchestra; Eric B & Rakim; E.P.M.D.		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Beebers	Sir Mix-A-Lot	1			1	1				0			0	Prince		
Big Ole Butt	LL Cool J	3		2	1	3				0			0	Dennis Coffey; Zapp; James Brown	1	E.U. "Da Butt"
Black Steel In the Hour of Chaos	Public Enemy	5		1		1				0	3	1	4	Isaac Hayes; Stevie Wonder; The Escorts; Public Enemy		
Bust A Move	Young M.C.	4	1	1		2	1		1	2			0	Ballin' Jack; Dennis Coffey; Bette Midler; Royal Cash		
Buffalo Stance	Neneh Cherry	3				0	1		1	2	1		1	Jamie J. Morgan with Cameron McVey; Miami; Malcolm McLaren; The Rock Steady Crew	4	"Looking Good Diving" and "Looking Good Diving with the Wild Bunch" Jamie J. Morgan with Cameron McVey (feat. Neneh Cherry)
Can We Talk About It?	Nu Girls	0				0				0			0			
Cha Cha Cha	MC Lyte	5	1		1	2	2			2	1		1	The Fearless Four; Four Tops; Cerrone; Funkadelic; M.C. Lyte		
Cutie Pie	L'Trimm	0				0				0			0			
Dance For Me	Queen Latifah	4		1	1	2	1			1		1	1	Sly & the Family Stone; Kool & the Gang; Alvin Cash		
Def=Doug E. Fresh	Doug E. Fresh & the Get Fresh Crew	2		1		1				0		1	1	The Meters; Doug E. Fresh & Slick Rick		
Fight the Power	Public Enemy	17	1		1	2	1	2	1	4	5	6	11	James Brown x3; Syl Johnson; Sly & the Family Stone; The JB's; Bob Marley; The Dramatics; Afrika Bambaataa; Guy, Trouble Funk x2; West Street Mob; Rick James; Kurtis Blow; Chubb Rock; Spoonie G & the Treacherous Three; Public Enemy	3	Isley Brothers, "Fight the Power"; Jesse Jackson at Wattstax; Bobby Byrd, "I Know You Got Soul"
Find an Ugly Woman	Cash Money & Marvellous	3		2		2				0		1	1	Pointer Sisters		Jimmy Soul, "Find an Ugly Woman"
Funky Cold Medina	Tone Loc	5	2	1	1	4	1			1			0	Kiss; Foreigner; Funkadelic; Rolling Stones; The Gap Band	2	Rolling Stones, "(I Can't Get No) Satisfaction"; Slick Rick "La Di Da Di"

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Gangsta, Gangsta	N.W.A.	20	1	1		2			5	5	11	2	13	Steve Arrington; William DeVaughan; Kool & the Gang; Ohio Players; Jimmy Castor Bunch; Honey Drippers; Beastie Boys; The Headhunters; Steve Miller Band; Lady Reed; Slick Rick; Boogie Down Productions; Eazy-E; Big Daddy Kane; N.W.A.		
Greatest Man Alive	Three Times Dope	5	2			2	1			1		2	2	Muddy Waters; KC & the Sunshine Band; <i>Saturday Night Live</i> Cast; 3-D		
Hawaiian Sophie	Jaz	0				0				0			0			
I Think I Can Beat Mike Tyson	DJ Jazzy Jeff & the Fresh Prince	2				0	1			1	1		1	Slick Rick; Funkadelic		
I'm Your Wild Thing	Mamado & She	2				0				0		2	2	Run-D.M.C.; LL Cool J	1	Tone Loc "Wild Thing"
Iron Man	Sir Mix-A-Lot	0				0				0			0		1	Black Sabbath "Iron Man"
It's My Turn	Stezo	3	2		1	3				0			0	George Clinton; Skull Snaps; ESG		
Let's Work	Ice Cream Tee	4		1		1	1			1		2	2	Martin Circus; Johnny Pate; Rick James; Afrika Bambaataa & Soul Sonic Force		
Life Is... Too Short	Too \$hort	0				0				0			0		1	Average White Band "School Boy Crush"
Me Myself and I	De La Soul	5		1	1	2			1	1		2	2	Funkadelic; Ohio Players; Edwin Birdsong; Loose Ends; Doug E. Fresh	1	<i>Snow White</i> , "(Mirror) Mirror on the Wall"
Me So Horny	2 Live Crew	4				0				0	1	3	4	Mass Production; <i>Full Metal Jacket</i> , <i>Which Way is Up?</i>		
New Jack Swing	Wreckx-N- Effect	6		2		2				0		4	4	James Brown x 2; The Village Callers; Maceo & the Macks; Jungle Brothers; Sunny & the Sunliners	1	Parliament, "Give Up the Funk"
Pause	Run-D.M.C.	3		1		1		1	1	2			0	T La Rock & Jazzy Jay; Bob James; <i>Juice</i>		

Appendix 1b: 1989 (continued)

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
We Got Our Own Thang	Heavy D & the Boyz	5	1	1		2				0		3	3	James Brown x4: Heavy D & the Boyz	2	CJ & Co. "We Got Our Own Thing"; Masters of Ceremony "Sexy"
We Want Eazy	Eazy-E	6		1		1		1	1	2	1	2	3	Detroit Emeralds; Dezo Daz; N.W.A.; Beastie Boys; Eazy-E; Public Enemy	2	Bootsy Collins, "Ahh...The Name Is Bootsy, Baby!"; <i>Johnny Carson Show</i> Intro
Who's The Boss?	Antoinette	3	1	1		2	1			1			0	James Brown; The JB's	1	<i>Mission Impossible</i> Theme
Yeah, Yeah, Yeah	Oaktown's 3-5-7	1			1	1				0			0	James Brown		
You Must Learn	Boogie Down Productions	1		1		1				0			0	Captain Sky		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
100 Miles & Runnin'	N.W.A.	17	1	1	3	5	1		8	9	3		3	Herbie Hancock; Funkadelic; Michael Jackson; Martha & the Vandellas; The Watts Prophets; Isaac Hayes; James Brown; Sir Joe Quarterman & Free Soul; Wilson Pickett; Last Poets; ESG; Brothers Johnson; Beastie Boys; The D.O.C.; Rufus Thomas	1	The D.O.C., "Lend Me an Ear"
911 Is a Joke	Public Enemy	11			5	2	7	4		4			0	Michael Jackson; Sound Experience; Mico Wave; Bad Bascomb; Eddie Murphy; Lyn Collins; Parliament; Incorporated Thang Band; Big Daddy Kane		
Amerikkka's Most Wanted	Ice Cube	15	2	1	1	4	2	1		3	6	2	8	Sly & the Family Stone; Kool & the Gang; Bar-Kays; The Turtles; James Brown; Richard Pryor; The Last Poets; N.W.A; <i>America's Most Wanted</i> theme; Cerrone, Boogie Down Productions; Bob James; Big Daddy Kane; Run-D.M.C.		
B Girls	Young & Restless	0				0				0			0		1	"Going To Kentucky" (Traditional)
Back to Basix	Kid N' Play	10	1			1	1		1	2	3	4	7	Trouble Funk; Spoonie Gee; James Brown; The Soul Searchers; Doug E. Fresh & Slick Rick; T La Rock & Jazzy J; Cerrone; Jazzy J & Russell Simmons; Public Enemy		
Banned in the USA	Luke feat. 2 Live Crew	0				0				0			0		6	Bruce Springsteen, "Born in the USA"; "Yankee Doodle"; "My Country 'Tis of Thee"; "God Save the the Queen"; <i>The Gettysburg Address</i>
BBD I Thought It Was Me	Bell Biv DeVoe	1		1		1				0			0	Sir George Quarterman & Free Soul		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Black and Proud	Intelligent Hoodlum	4		2		2	1			1		1	1	ESG; James Brown; Wilson Pickett; Big Daddy Kane	1	Malcolm X, "No Sell Out"
Bonita Applebum	A Tribe Called Quest	5	1	1		2	1	1	1	3			0	RAMP; Rotary Collection; Little Feat; Cannonball Adderley Quintet; Eugene McDaniels		
Buck Whylin'	Terminator X	6		2	1	3	1		1	2		1	1	Black Flag; James Brown; Boogie Down Productions; En Vogue; The Masterdon Committee; The Gap Band		
Buddy	De La Soul	4		3		3				0		1	1	The Commodores; Bo Diddley; Bob James	3	The Invitations, "Written on the Wall"; The Real Roxanne feat. Howie Tee, "Bang Zoom (Let's Go Go)"; Five Stairsteps "Ooh Child"
Call Me D-Nice	D-Nice	1		1		1				0			0	The Turtles	1	Paul Nero, "(This Is) Detroit Soul"
Cappucino	MC Lyte	1			1	1				0			0	The Blackbyrds		
Doowutchyalike	Digital Underground	10		2		2	1		2	3	4	1	5	Parliament; KC & the Sunshine Band; Prince; Vaughan, Mason & Crew; Doug E. Fresh; George Clinton; Chic; UTFO; Whistle; Big Daddy Kane	5	Parliament "Agony of Defect"; Parliament "All of your Goodies are Gone"; Bob James, "Westchester Lady"; Al B Sure, "Rescue Me"; Eric B & Rakim "I Know You Got Soul"
Expression	Salt-N-Pepa	2		1		1				0		1	1	Bob James: Public Enemy		
Funhouse	Kid N' Play	4	1			1	2			2		1	1	James Brown; Dyke & the Blazers; The Magic Disco Machine		
God Made Me Funke	Kool Moe Dee	10	1	1	1	3	1			1	1	5	6	Prince; KC & the Sunshine Band; James Brown; The Mohawks; Jimmy Bo Horne; The D.O.C.; Parliament; Big Daddy Kane feat. Biz Markie		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
I Come Off	Young MC	4	3			3				0	1		1	Bob James; Kurtis Blow; Doug E. Fresh, Slick Rick, & the Get Fresh Crew		
I Left My Wallet In El Segundo	A Tribe Called Quest	3		1		1	1	1		2			0	The Chambers Brothers; The Young Rascals		
I'm The Magnificent	Special Ed	2		1		1				0		1	1	Desmond Dekker; Dave & Ansell Collins; Lyn Collins		
Ice Ice Baby	Vanilla Ice	1		1		1				0			0	Queen & David Bowie	1	Alpha Phi Alpha chant, "Ice, ice baby"
Independent	Salt-N-Pepa	2	1			1			1	1			0	Honey Drippers; Salt-N-Pepa	1	Gwen McCrae, "Funky Sensation"
Knockin' Boots	Candyman	1		1		1				0			0	Rose Royce, "Ooh Boy"; Doug E. Fresh and Slick Rick, "La Di Da Di"; M&Ms commercial, 1954; Brick, "We Don't Wanna Sit Down, We Just Wanna Git Down"	4	
La Raza	Kid Frost	1	1			1				0			0	Graham Central Station	1	Bass, El Chicano, "Viva Tirado"
Ladies First	Queen Latifah feat. Monie Love	2	1			1	1			1			0	7th Wonder; King Erisson		
Let the Rhythm Hit 'Em	Eric B & Rakim	6	1	2	1	4	1		1	2			0	Commodores; Bob James; Pleasure; Rufus Thomas; Beside		
Love's Gonna Get'cha	Boogie Down Productions	4		2		2				0	1	1	2	Jocelyn Brown; Pat Metheny Group; Cerrone, Martin Luther King Jr.	1	PSA: "This is Your Brain on Drugs"
Mentiroso	Mellow Man Ace	2		2		2				0			0	Santana x2		
Monie in the Middle	Monie Love	3	2	1		3				0			0	Bad Bascomb; Coke Escovedo; Willie Colòn		
Murder Rap	Above the Law	10	1		1	2	3			3	3	2	5	Quincy Jones; Eddie Bo; Babe Ruth; James Brown; Stanley Turrentine & Milt Jackson; Public Enemy x3; N.W.A.; James Brown		
Ownlee Eue	Kwame & A New Beginning	3	1	1		2	1			1			0	Bob James; Syl Johnson; Bobby Byrd		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
The Humpty Dance	Digital Underground	3	2			2				0		1	1	Parliament x2; Sly & the Family Stone; Digital Underground	2	The Vibrettes, "The Humpty Dump"; Digital Underground "Doowutchya-like"
The Mission	Special Ed	4	1	1	1	3				0		1	1	Fred Wesley & The JB's x2; Billy Squier; Salt-N-Pepa	1	James Bond Theme
The Originators	The Jaz	3	1		1	2	1			1			0	James Brown; The Last Word; Fred Wesley & the Horny Horns		
The Power	Snap	3	1	1		2				0		1	1	Mantronix; Jocelyn Brown; Chill Rob G	1	Chaka Khan, "Some Love"
Tic-Tac-Toe	Kyper	7		1	2	3	3			3	1		1	Yes; ESG; Kraftwerk x2; M.C. Shy D; Afrika Bambaataa; Air Force 1		
Turtle Power	Partners in Kryme	0				0				0			0		1	Teenage Mutant Ninja Turtles Theme
U Can't Touch This	MC Hammer	1		1		1				0			0	Rick James		
We're All In the Same Gang	West Coast Rap All Stars	11	3	2	1	6		2	3	5			0	Syl Johnson; James Brown x3; Pleasure; Dexter Wansel; Scorpio; Funk Inc.; Cash Money & Marvelous; the Chi-Lites; Digital Underground		
Weak At the Knees	Three Times Dope	3	1	1		2				0		1	1	Steve Arrington; Pleasure		
Welcome To the Terrordome	Public Enemy	18	3	1		4	2	1	2	5	7	2	9	James Brown x6; The Temptations x2; Geoffrey Summer; T.S. Monk; Mikey Dread; Dyke & the Blazers; Instant Funk; Gwen Guthrie; Kool & the Gang; Kurtis Blow; Funk Inc.; Public Enemy	1	Scarface, Bath tub scene
Wiggle It	2 In A Room	0				0				0			0			

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
6 Minutes of Pleasure	LL Cool J	3		2		2				0		1	1	James Brown; Isaac Hayes; Doug E. Fresh feat. Slick Rick & the Get Fresh Crew		
Around the Way Girl	LL Cool J	2	1			1				0		1	1	Honey Drippers; Mary Jane Girls	1	Keni Burke, "Risin to the Top"
A Roller Skating Jam Named Saturdays	De La Soul	8	1	3		4	1		2	3	1		1	Chicago; Instant Funk; Young-Holt Unlimited; Mighty Ryeders; Tower of Power; Frankie Valli; The Fearless Four; Chic		
Ain't No Future in Yo Fronting	MC Breed & DFC	3		1		1	1			1		1	1	Ohio Players; Zapp; Public Enemy		
Can I Kick it?	A Tribe Called Quest	4	1	2		3	1			1			0	Lou Reed; Lonnie Smith; Dr. Buzzard's Original Savannah Band		
Can't Do Nuttin' For Ya Man	Public Enemy	8	2			2	1		1	2	1	3	4	Michael Jackson; Jackson Sisters; Fred Wesley & the JB's; Bobby Byrd; Dynamic Corvettes; Public Enemy x3		
Can't Truss It	Public Enemy	13	3	1	2	6	1	1	1	3	3	1	4	Afra Haza; Lafayette Afro Rock Band; Slave; Sly & the Family Stone; Richard Pryor; Run- D.M.C.; James Brown; Malcolm X; T La Rock & Jazzy J; Manu Dibango, Alex Haley; The Classical Two; Eric B & Rakim		
Check The Rhime	A Tribe Called Quest	7	3	1	1	5	1		1	2			0	Minnie Riperton; Average White Band; Grover Washington Jr.; Dalton & Dubarri; Biz Markie; Lafayette Afro Rock Band; Brother Jack MacDuff		
Come Do Me	The Genius (GZA)	2	1			1				0		1	1	James Brown x2; Funkadelic		
Daddy's Little Girl	Nikki D	6	1	1		2	1			1	3		3	Suzanne Vega; Joe Tex; Malcolm McLaren; Whodini; LL Cool J		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Deep Deep Trouble	The Simpsons (DJ Jazzy Jeff)	5	1			1	1			1	1	2	3	James Brown; Doug E. Fresh & Slick Rick; DJ Jazzy Jeff The Fresh Prince; <i>The Simpsons</i> (S1E2), The Two		
Do You Want Me	Salt-N-Pepa	0				0				0			0			James Brown, "Say It Loud"; Cherelle, "I Didn't Mean to Turn You On"
Fly Girl	Queen Latifah	1		1		1				0			0	Clarence Wheeler & the Enforcers		
Gold Digger	E.P.M.D.	7		3		3	1			1	3		3	Funkadelic; Denroy Morgan; James Brown x3; The Boogie Boys; Lyn Collins		
Good Vibrations	Marky Mark & the Funky Bunch	2	1			1				0	1		1	Double Dee & Steinski; Bobby Byrd	1	Loleatta Holloway "Love Sensation"
Growin' Up in the Hood	Compton's Most Wanted	10	2	1		3			3	3		4	4	Joe Simon; Funk Inc.; Curtis Mayfield; Mountain; T La Rock & Jazzy Jay; N.W.A.; Boogie Down Productions; Ice Cube; Compton's Most Wanted; The D.O.C.		
Here Comes the Hammer	MC Hammer	1		1		1				0			0	James Brown		
Honey Don't Play Dat	Terminator X	11	2			2	3		2	5	3	1	4	Public Enemy x2; James Brown x2; Bell Biv DeVoe; Run-D.M.C.; Kurtis Blow; Grandmaster Flash & the Furious 5; Beastie Boys; Fat Boys	2	The Temptations "I Can't Get Close To You"; <i>In Living Color</i> "Homie Don't Play That"
I Shoudn't Have Done It	Slick Rick	7		2		2	1	1		2	1	2	3	Fred Wesley & the JB's; Lyn Collins; James Brown x2; Spoonie Gee & the Treacherous Three; Slick Rick; Doug E. Fresh & Slick Rick	1	Slick Rick & Doug E Fresh "La Di Da Di"
I'll Do 4 U	Father MC	1		1		1				0			0	Cheryl Lynn		
Iesha	Another Bad Creation	5		1	1	2				0	1	2	3	New Edition; Kurtis Blow; ESG; E.P.M.D.; Public Enemy	1	"The Streets of Cairo"
It's A Shame (My Sister)	Monie Love	2	1	1		2				0			0	Graham Central Station; The Spinners		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Let's Talk About Sex	Salt-N-Pepa	2	1			1	1			1			0	Funk Inc.; The Staple Singers		
Looking At the Front Door	Main Source	6	1	2		3	1			1		2	2	Donald Byrd; The Third Guitar; Detroit Emeralds; The Pazant Brothers & the Beaufort Express; Dyke & the Blazers; Ken Lazarus		
Mama Said Knock You Out	LL Cool J	8	1	2		3	2			2		3	3	Sly & the Family Stone; James Brown; Chicago Gangsters; Digital Underground; Eddie Bo; Big Daddy Kane; LL Cool J; Divine Sounds; Spoonie Gee		"City of Crime" <i>DRAGNET</i> , Tom Hanks and Dan Akroyd; Kool Moe Dee "How Ya Like Me Know"
Mind Playing Tricks On Me	The Geto Boys	2	1	1		2				0			0	Isaac Hayes; Graham Central Station		Geto Boys, "Mind of A Lunatic"
New Jack Hustler	Ice-T	5	1	2	2	5				0			0	Bobbi Humphrey; James Brown; Sly & the Family Stone; Stanley Turrentine & Milt Jackson; ESG		
Now that We Found Love	Heavy D & the Boyz	0				0				0			0			The O'Jays, "Now That We Found Love"
O.G. Original Gangster	Ice-T	6	2	1	1	4			1	1	1		1	Melvin Bliss; Thin Lizzy; James Brown; Dexter Wansel; Ice-T; Curtis Mayfield		
O.P.P.	Naughty By Nature	2	1	1		2				0			0	Jackson 5; Melvin Bliss		The Jackson 5 "ABC"; Slick Rick & Doug E. Fresh "La Di Da Di"
Play That Funky Music	Vanilla Ice	5		1		1		1		1	1	2	3	Wild Cherry; LL Cool J x2; Trouble Funk; Biz Markie feat. TJ Swan		Mary Poppins, "Supercalifragilisticexpialidocious"
Playground	Another Bad Creation	9	3	1	1	5	2			2	1	1	2	The Mohawks; The JB's; Funk Inc.; Sly & the Family Stone; Honey Drippers; Cold Crush Brothers; James Brown; Kurtis Blow; Zapp		Fucik, "Entrance of the Gladiators"; Another Bad Creation, "Iesha"; Public Enemy, "Bring the Noise"
Pop That Coochie	2 Live Crew	1				0		1		1			0	Skillet & Leroy with LaWanda (comedy sketch)		
Rico Suave	Gerardo	4	1	2		3	1			1			0	Daiquiri; James Brown x3		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Ring Ring Ring (Ha Ha Hey)	De La Soul	7	2	2	1	5	1			1	1		1	The Whatnauts; Lou Johnson x2; Honey Drippers; Fat Larry's Band; The Headhunters feat. Pointer Sisters; Chubb Rock	1	Curiosity Killed the Cat "Name and Number"
Set Adrift on Memory Bliss	P.M. Dawn	3	1	1		2			1	1			0	Spandau Ballet; The Soul Searchers; Bob James	1	A Tribe Called Quest "Bonita Applebum"
Stompin' to the 90s	Yo-Yo	14	1	1		2	1		2	3	5	4	9	Rufus Thomas; Public Enemy x3; Whodini; The Jimmy Castor Bunch; Run-D.M.C.; Boogie Down Productions; Gaz; The D.O.C.; Soul II Soul; Dynamic Corvettes; Tom Jones		
Summertime	DJ Jazzy Jeff & the Fresh Prince	2		1		1		1		1			0	Kool & the Gang; James Brown	1	Goonies "Map and Willie" theme
The Ghetto	Too Short	0				0				0	1		0	The Last Poets	1	Donny Hathaway, "The Ghetto"
The Symphony Pt. II	Marley Marl	4		1		1				0	2	1	3	The Meter; Kool G Rap; The Staple Singers; Maceo and All the Kings' Men	1	Tony! Toni! Tone! "Feels Good"
This Beat is Hot	BG the Prince of Rap	2				0				0		2	2	C+C Music Factory; Public Enemy		
Treat 'Em Right	Chubb Rock	2		2		2				0			0	First Choice; Dee Felice Trio		
Turn it Up	Oaktown's 3-5-7	3	1			1	1			1		1	1	Lyn Collins; Afrika Bambaataa & Soul Sonic Force; Grand Wizard Theodore & the Fantastic Five		
What Comes Around Goes Around	Biz Markie	1		1		1				0			0	The Emotions	1	Biz Markie "Just A Friend"
What It's All About	Run-D.M.C.	8	2	1		3				0	4	1	5	Public Enemy x3; Run-D.M.C.; The Stone Roses, Johnny Mathis; Incredible Bongo Band; John Davis & the Monster Orchestra		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
2 Legit 2 Quit	MC Hammer	0				0				0			0			
321 Pump	Redhead Kingpin & The F.B.I.	0				0				0			0			
360 Degrees	Grand Puba	0				0				0			0			
A Minute to Pray and a Second to Die	Scarface	0				0				0			0			
Addams Groove	MC Hammer	0				0				0			0			Addams Family Theme, MC Hammer 2 "2 Legit 2 Quit"
Ain't 2 Proud 2 Beg	TLC	7	1	3		4	1		2	3			0	Average White Band; Silver Connection; Bob James, Wilson Pickett; Kool & The Gang, Sly & the Family Stone; James Brown		
Appetite for Destruction	N.W.A.	6	1			1		1	2	3	2		2	Lyn Collins; Afrique; Richard Pryor; Parliament; Kool & the Gang; Wilson Pickett		
Baby Got Back	Sir Mix-A-Lot	4		1		1				0	1	2	3	Channel One; <i>Full Metal Jacket</i> dialogue; Sir Mix- A-Lot x2		
Back To The Hotel	N2Deep	1			1	1				0			0	Lafayette Afro Rock Band	1	The Gap Band "Early in the Morning"
Boom I Got Your Boyfriend	MC Luscious	1				0				0		1	1	Michael Jackson		
All for One	Brand Nubian	5	1	1		2			1	1	1	1	2	James Brown x3; Guy x2		
Brenda's Got a Baby	2Pac	0				0				0			0			
Crossover	E.P.M.D.	3		1		1				0	1	1	2	Roger; Idris Muhammad; Public Enemy	1	The Beach Boys, "Help Me Rhonda"
Deep Cover	Dr. Dre feat. Snoop Doggy Dogg	2	1			1				0	1		1	Sly & the Family Stone; The Undisputed Truth		
Doo Doo Brown	2 Hyped Brothers & A Dog	6	1			1	2			2	1	2	3	Afrika Bambaataa & Soul Sonic Force; Lyn Collins; Michael Jackson; Commodores; Herman Kelly & Life; 2 Live Crew	2	Public Enemy, "Bring the Noise"; Force MDs, "Itchin for a Scratch"
Everything's Gonna Be Alright	Naughty By Nature	3	1	1		2				0	1		1	Boney M.; Lafayette Afro Rock Band; The Staple Singers	1	The Beatles, "Piggies"
Flex	Mad Cobra	0				0				0			0			
Gangsta	Bell Biv Devoe	3	1		1	2				0		1	1	Chicago Gangsters; Fred Wesley & the JB's; The Stone Roses	1	Rufus & Chaka Khan, "You Got the Love"

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
I Missed the Bus	Kriss Kross	3	2	1		3				0			0	Sammy Davis Jr.; James Brown; Run-D.M.C.		
I Want to Be Free	Too \$hort	4	1	2		3				0		1	1	Afrique; Ohio Players; Millie Jackson & Isaac Hayes; Marvin Gaye		
If You Want It	2nd II None	2		1		1	1			1			0	Isaac Hayes; Brass Construction		
It's Not Your Money	Oaktown's 3-5-7	1		1		1				0			0	Digital Underground		
Juice (Know The Ledge)	Eric B & Rakim	5		2	1	3	1		1	2			0	Nat Adderly; Syl Johnson; Pleasure x2; Billy Cobham		
Jump	Kris Kross	8	2	4	1	7			1	1			0	Ohio Players; The Jackson 5; Cypress Hill; Honey Drippers; Schooly D; James Brown x2; Doug E. Fresh;	1	Naughty By Nature "O.P.P."
Jump Around	House of Pain	4		1		1	1	1		2		1	1	Bob & Earl; Jr Walker & The All Stars; Chubby Checker; <i>Sounds of Basic Training</i> Album (Josten's Military Publications)		
Jus Lyke Compton	DJ Quik	2				0				0		2	2	Richard Pryor; Eddie Bo		
Latifah's Had It Up 2 Here	Queen Latifah	4	1			1				0		3	3	James Brown x2; Rufus Thomas; Queen Latifah x2		
Live and Learn	Joe Public	4	1		1	2				0		2	2	Sly & the Family Stone; The JB's; Jesse Jackson; James Brown	3	Steely Dan, "Peg,"; Parliament, "All Your Goodies Are Gone"; "Mary Mary Quite Contrary" (traditional)
Mistadobalina	Del Tha Funkee Homosapien	3	1	1		2				0		1	1	The Monkees; James Brown; Upp	1	Parliament "Gloryhallastoopid"
Mr. Loverman	Shabba Ranks	0				0				0			0			
Nighttrain	Public Enemy	2		1		1				0		1	1	James Brown; Blood Sweat & Tears		
Not Gonna Be Able To Do It	Double O Posse	2			2	2				0			0	Ballin' Jack; Buster Williams		
Oochie Coochie	MC Brains	5	1	1	1	3	1	1		2			0	ESG; James Brown x2; Boogie Down Productions; Chill Rob G		
Pops Was A Rolla	South Central Cartel	1	1			1				0			0	Big Daddy Kane	1	The Temptations, "Papa Was A Rolling Stone"

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
People Everyday	Arrested Development	2	1	1		2				0			0	Bob James; Fred Wesley & the Horny Horns	2	Sly & the Family Stone "Everyday People"; Boogie Down Productions "Remix for P is Free"
Pick It Up	Home Team	2		1		1				0		1	1	Kid Frost, Black Sheep		
Poor Georgie	MC Lyte	3		1		1				0		2	2	Toto feat. Cheryl Lynn; Michael Jackson; The Supremes; Jimmy Spicer; Eric B & Rakim	1	The S.O.S. Band, "Just Be Good To Me"
Return of the Funky Man	Lord Finesse	3	1		1	2				0		1	1	The Mohawks; Gang Starr; Lee Dorsey		
Rump Shaker	Wreckx-N- Effect	4	1		2	3				0		1	1	Lafayette Afro Rock Band; Manzel; James Brown x2	1	DeBarge "I Like It"
Scenario	A Tribe Called Quest	2	1	1		2				0			0	Jimi Hendrix; Brother Jack McDuff		
Shut 'Em Down	Public Enemy	4	1		1	2	1			1		1	1	The 5th Dimension; Earth Wind & Fire; Aretha Franklin; Public Enemy	1	LL Cool J, "Eat 'Em Up L Chill"
So Wat'cha Want	Beastie Boys	4		1		1			2	2	1		1	Southside Movement; Big Daddy Kane feat. Biz Markie; Dick Hyman; Beastie Boys feat. Biz Markie		
Steady Mobbin'	Ice Cube	5		1		1	2	1		3		1	1	Average White Band; Marvin Gaye; Parlet; Parliament; <i>Watermelon Man</i>	2	Parliament "Dr. Funkenstein"; Ice Cube, "No Vaseline"
Take it EZ	Common Sense	8	2	2	1	5				0	3		3	Rasa; Sonny Stitt; Funk Inc.; Richard Pryor; Brand Nubian; Eric B & Rakim; Heavy D & the Boyz; Beastie Boys	3	Ray Parker Jr. <i>Ghostbusters</i> Theme; Little Richard "Tutti Frutti"; Dr. Pepper ad, 1978
Tennessee	Arrested Development	2	1			1				0		1	1	Prince; The Brand New Heavies	1	Kurtis Blow, "Tough"
The Choice Is Yours	Black Sheep	3	1		1	2				0		1	1	Sweet Linda Divine; McCoy Tyner; The New Birth	1	Roger Miller "Engine Engine #9"
The Doo Bop Song	Miles Davis	3		1		1			1	1		1	1	Gang Starr; Kool & the Gang; Slick Rick & Doug E. Fresh	1	<i>Andy Griffith Show</i> Theme
The Hate that Hate Produced	Sister Souljah	2	1			1				0		1	1	James Brown x2		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
The Jam	Shabba Ranks feat. KRS-One	3	1	1		2	1			1			0	Kool & the Gang, Boogie Down Productions; James Brown		
The Phuncky Feel One	Cypress Hill	11	2	1	1	4	2	1		3	2	2	4	The Meters; Fred Wesley & the JB's; James Brown x3; The JB's; Kool & the Gang; The Isely Brothers; Rufus Thomas x2; Bar- Kays; Funky 4+1; White Heat		
The Things That U Do	DJ Jazzy Jeff & the Fresh Prince	1				0				0		1	1	Jesse Jackson		
They Reminisce Over You	Pete Rock & CL Smooth	3	1	1		2		1		1			0	Tom Scott & the California Dreamers; James Brown; The Beginning of the End		
They Want EFX	Das EFX	4		1		1	1			1		2	2	James Brown; Malcolm McLaren; E.P.M.D.; Boogie Down Productions	10	"BINGO"; "Dry Bones"; "Darktown Cakewalk"; <i>Looney Tunes</i> "Baby Bunny Buggy"; "The Little Drummer Boy"; The Coasters, "Charlie Brown"; Connect Four Ad; Parks Sausages Ad; Stovetop Stuffing Ad; "1, 2, Buckle My Shoe" rhyme
Warm it Up	Kriss Kross	6		2	1	3				0		3	3	Digital Underground; Big Daddy Kane; Public Enemy x 2; LL Cool J x2; Boogie Down Productions; A Tribe Called Quest	1	Big Daddy Kane "Warm it Up"
What About Your Friends	TLC	2	1	1		2				0			0	James Brown; Sly & the Family Stone		
Wicked	Ice Cube	6	1		1	2	1			1		3	3	Ohio Players; Sly & the Family Stone; Public Enemy x2; En Vogue; Das EFX; Disney <i>Haunted House</i> album (Laura Olsher)	1	<i>Scarface</i> Dialogue: "A Pig that Don't Fly Straight"
You Gotta Believe	Marky Mark & the Funky Bunch	6	1			1			1	1	3	1	4	Lovebug Starski; Art of Noise; James Brown; Digital Underground; N.W.A.; The Real Roxanne feat. Howie Tee		

Appendix 1f: 1993

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
69	Father MC	3		2	1	3				0			0	Kool & the Gang; Creative Source; KC & the Sunshine Band		
(I Know I Got) Skillz	Shaquille O'Neal	2		1		1				0		1	1	Main Source; Commodores	3	E.P.M.D., "It's My Thing"; "This Old Man" (traditional); Public Enemy "Don't Believe the Hype"
93 'Til Infinity	Souls of Mischief	2	1	1		2				0			0	Billy Cobham; Graham Central Station		
Addams Family (Whoomp)	Tag Team	0				0				0			0		1	<i>The Addams Family</i> (theme)
Award Tour	A Tribe Called Quest	4	1	2	1	4				0			0	Milt Jackson; Weldon Irvine; Charles Earland; Sons of Champlin	3	Malcolm McLaren "Hobo Scratch"; Jade, "Don't Walk Away"; De La Soul "Buddy"
Boom Shak-A- Tack	Born Jamericans	1			1	1				0			0	Sound Dimension	1	Lou Donaldson "Pot Belly"
Boom! Shake the Room	DJ Jazzy Jeff & the Fresh Prince	3			2	2	1			1			0	Ohio Players; The Temptations; Brass Construction		
Breakadawn	De La Soul	5	1	1	1	3				0		2	2	Michael Jackson; Bar- Kays; Smokey Robinson; Pointer Sisters; Blue Mitchell	2	The Sugarhill Gang "Rapper's Delight"; Biz Markie, "Make the Music With Your Mouth, Biz"
Brooklyn Bounce	Daddy-O	2		1		1				0		1	1	Zapp; Cutmaster DC		
Cantaloop	US3	5		1	1	2			1	1	1	1	2	Herbie Hancock; Lou Donaldson; Art Blakey's Quintet; Ester Williams; Donald Byrd		
Check Yo Self	Ice Cube	3		2		2				0		1	1	Grandmaster Flash & the Furious Five; The Sweet Inspirations; Dialogue from <i>Juice</i> ; Beastie Boys	1	Dr. Dre, "Deeez Nuts"
Come Clean	Jeru The Damaja	3	1	1		2				0		1	1	Shelley Manne; Funk Inc.; Onyx		
County Line	Coolio	5	1	2		3				0		2	2	Mandrill; Zapp; Roy Ayers Ubiquity; Grandmaster Flash & the Furious Five; Slick Rick	2	Bar-Kays, "Hit & Run"; Richard Pryor, "Wino & Junkie"
Dazzy Duks	Duice	3		2		2			1	1			0	Afrika Bambaataa x2; Public Enemy		

Appendix 1f: 1993 (continued)

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Dre Day	Dr. Dre	1				0				0		1	1	MC Breed		2 Funkadelic, "(Not Just) Knee Deep"; George Clinton, "Atomic Dog"
Dunkie Butt	12 Gauge	1				0				0		1	1	James Brown		
Freakit	Das EFX	4	1		1	2	1			1		1	1	Ballin' Jack; ESG; Mountain; MC Shan		
Getto Jam	Domino	1	1			1				0			0	Sly & the Family Stone	1	George Benson "This Masquerade"
Gotta Get Mine	MC Breed	4	1	1	1	3				0	1		1	Black Heat; Maceo & Macks; James Brown; Gary Numan	1	Bobby Caldwell, "What You Won't Do For Love"
Heat it Up	Rakim	0				0				0			0			
Here Come the Lords	Lords of the Underground	3	1			1				0		2	2	The New Apocalypse; Marley Marl feat. MC Shan; Jungle Brothers feat. Q-Tip	1	Guy, "Teddy's Jam"
How Many Emcees	Black Moon	3		1		1	1			1		1	1	Grover Washington Jr.; Joe Farrell; Boogie Down Productions		
Hump Wit It	95 South	2			1	1				0		1	1	Luke; Sly & the Family Stone		
I Get Around	2Pac	3	1	1		2				0		1	1	Zapp; Gang Starr; Honey Drippers	4	Prince & the Revolution, "The Ladder"; Trix ad, Michelob ad, Grandmaster Flash & the Furious Five, "New York, New York"
I-ght (Alright)	Doug E. Fresh	4	1		1	2				0		2	2	ESG; Bernie Mac Comedy Jam; Disco Four; Pumpkin;	2	George Clinton, "Atomic Dog"; Trouble Funk, "Pump Me Up"
I'm A Player	Too \$hort	1		1		1				0			0	Bootsy's Rubber Band		
I'm Looking For the One	DJ Jazzy Jeff & the Fresh Prince	1	1			1				0			0	James Brown	2	The S.O.S. Band, "Tell Me If You Still Care"; Naughty By Nature, "Hip Hop Hooray"
I'm Real	Kris Kross	4		2		2				0	1	1	2	Dr. Dre & Snoop Dogg; Sister Nancy; Parliament, Rick James		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Indo Smoke	Mista Grimm	0				0				0			0			Blowfly, "Blowfly's Rap"
Keep Ya Head Up	2Pac	2		1		1			1	1			0	Zapp x2		Five Stairsteps, "Ooh Child"
Let Me Ride	Dr. Dre	5	2	1	1	4				0		1	1	James Brown; Parliament x2; Bill Withers; King Tee		Parliament "Star Child"
Many Clouds of Smoke	Total Devastation	7		2		2	1			1		4	4	Billy Brooks; Doug E. Fresh & Slick Rick; Brothers Johnson; Gang Starr feat. Nice & Smooth; LL Cool J; Beastie Boys; The D.O.C.		The Toyces, "Smoke Two Joints"; The Floaters, "Float On"
Method Man	Wu-Tang Clan	2	1		1	2				0			0	Melvin Bliss; Kool & The Gang	10	<i>Mary Poppins</i> ; Hall & Oates, "Method of Modern Love"; Bootsy Collins, "Disciples of Funk"; Captain Sky "Super Sperm"; "Pat-a-Cake Pat-a-Cake" (trad); <i>Fat Albert</i> Theme; Merrie Melodies, "I Taut I Taw A Puddy Tat"; Tootsie Pop Ad, <i>In Living Color</i> (Calhoun Tubbs); <i>Green Eggs & Ham</i>
Now I Feel Ya	Scarface	2	1	1		2				0			0	Bill Withers; Bootsy Collins		Earth Wind & Fire, "Devotion"
Real Muthaphuckkin Gs	Eazy-E	2				0				0		2	2	Eazy-E; The D.O.C.		
Really Doe	Ice Cube	4	1	1		2				0		2	2	Rose Royce feat. Pointer Sisters; Sly & the Family Stone; Loleatta Holloway; Slick Rick		
Ruffneck	MC Lyte	1		1		1				0			0	James Brown		Pete Rock & CL Smooth, "If it Ain't Rough It Ain't Right"
Same Ol' Shit	MC Ren	3				0			1	1		2	2	Marvin Gaye; James Brown; Slick Rick		
Shoop	Salt-N-Pepa	2	1	1		2				0			0	The Sweet Inspirations; Tom Scott & the LA Express		

Song Title	Artist	Total Number of Samples	PO	IN	NP	Total Structural	CO	EM	MO	Total Surface	SI	RE	Total Lyric	Sampled Artists	Interpolations	Interpolation Source
Stand By Your Man	LL Cool J	2	1			1				0		1	1	Lonnie Smith; Slick Rick & Doug E. Fresh	2	Mel'isa Morgan, "Fool's Paradise"; Archie Bell & the Drells, "Don't Let Love Get You Down"
Stay Real	Erick Sermon	5	1	1	1	3				0		2	2	Sly & the Family Stone; Zapp; Z-3 MCs; Public Enemy; Run-D.M.C.	1	School Daze, "Wake Up" scene
U.N.I.T.Y.	Queen Latifah	1		1		1				0			0	The Crusaders	1	Desmond Dekker, "Unity"
Watch the Sound	Fat Joe	2		1		1				0		1	1	Tenor Saw; Eddie Bo & Inez Cheatham	1	Brand Nubian, "Punks Jump Up to the Beat to Get Down"
Who Am I? (What's My Name?)	Snoop Doggy Dogg	2				0		1		1		1	1	The Counts; Parliament	7	George Clinton, "Atomic Dog"; Parliament, "Give Up the Funk"; Funkadelic, "(Not Just) Knee Deep"; Dr. Dre feat. Snoop Dogg, "One Eight Seven"; Dr. Dre feat. Snoop Dogg, "Rat-Tat-Tat-Tat"; Snoop Dogg feat. Nate Dogg, Korrupt, & Daz Dillinger, "Dope Slang Symphony"; Dr. Dre feat Snoop Dogg, "Deeez Nuts"
Whoomp There It Is	Tag Team	1		1		1				0			0	Kano (Band)	1	95 South "Whoot There It Is"
Whoot There It IS	95 South	3		2		2				0	1		1	Afrika Bambaataa; Willesden Dodgers; Run-D.M.C.	1	Sexy C feat. Lady D and the Puppies, "Go On Girl"
Written On Ya Kitten	Naughty By Nature	1		1		1				0			0	Galt MacDermot		

Appendix 1g: Corpus Study Totals

Year	Average	Average Omitting 0	Percentage with 0 Samples	Total Songs	Total Number of Samples
1988	3.22	3.76	14.55	55.00	177.00
1989	3.93	4.08	10.87	47.00	181.00
1990	4.45	4.98	10.64	47.00	209.00
1991	4.31	4.69	10.00	50.00	212.00
1992	3.16	3.61	13.79	59.00	183.00
1993	2.54	2.71	6.25	49.00	122.00
TOTAL=				307.00	1084.00

<u>Structural</u>			
	Percussion Only	Intact	Non-Percussion
1988	15.25	20.34	3.95
1989	11.05	19.89	7.73
1990	14.83	21.53	7.66
1991	19.81	22.17	4.72
1992	19.13	20.77	9.29
1993	17.21	30.33	11.48

Average Number of Interpolations Per Song	
1988	0.58
1989	0.62
1990	0.72
1991	0.55
1992	0.71
1993	1.21

Percentage of Songs with Interpolations	
1988.00	45.45
1989.00	39.13
1990.00	38.30
1991.00	42.86
1992.00	37.93
1993.00	60.42

<u>Surface</u>			
	Constituent	Emphatic	Momentary
1988	10.73	4.52	5.08
1989	8.84	1.66	7.73
1990	13.40	2.87	9.57
1991	10.85	2.36	6.60
1992	8.20	4.92	4.92
1993	3.28	0.82	3.28

<u>Lyric</u>		
	Singular	Recurring
1988	20.90	19.21
1989	16.02	17.68
1990	15.31	14.83
1991	16.04	17.45
1992	9.84	22.95
1993	3.28	30.33

Appendix 2: Sampled Artists

Number of Samples ¹	Sampled Artist/ Work	Genre
108	James Brown	Funk
37	Public Enemy	Hip-hop
23	Sly & the Family Stone	Funk
14	Parliament	Funk
14	Run-D.M.C.	Hip-hop
13	Beastie Boys	Hip-hop
13	Kool & the Gang	Funk
12	Big Daddy Kane	Hip-hop
12	Bob James	Jazz Fusion
12	LL Cool J	Hip-hop
11	Boogie Down Productions	Hip-hop
10	Afrika Bambaataa	Hip-hop
10	Doug E. Fresh & Slick Rick	Hip-hop
9	Funk Inc.	Funk
9	Funkadelic	Funk
9	Honey Drippers	Soul
9	Kurtis Blow	Hip-hop
9	Rufus Thomas	Soul
9	Zapp	Funk
8	Michael Jackson	R&B
8	ESG	Funk
7	Fred Wesley & the JB's	Funk
7	Isaac Hayes	R&B
7	Ohio Players	Funk
7	Slick Rick	Hip-hop

¹ This table is organized by descending number of samples, and by artist alphabetically by first name.

Number of Samples	Sampled Artist/ Work	Genre
7	The Mohawks	Funk
7	Lyn Collins	Soul
6	Melvin Bliss	Soul
6	Pleasure	Funk
6	The D.O.C.	Hip-hop
6	The JB's	Funk
6	Beside	Hip-hop
5	E.P.M.D.	Hip-hop
5	Eric B & Rakim	Hip-hop
5	Lafayette Afro Rock Band	Funk
5	Marvin Gaye	Soul
5	N.W.A.	Hip-hop
5	Prince	R&B
5	Richard Pryor	Comedy
5	Trouble Funk	Funk
4	Billy Squier	Rock
4	Donald Byrd	Jazz
4	Dyke & the Blazers	Funk
4	<i>Full Metal Jacket</i>	Film / Tele- vision
4	Gang Starr	Hip-hop
4	Graham Central Station	Funk
4	Grandmaster Flash & the Furious Five	Hip-hop
4	Guy	R&B
4	Jackson 5	R&B
4	Jesse Jackson	Political
4	KC & the Sunshine Band	Disco
4	Lady Reed	Film / Tele- vision
4	Malcolm X	Political
4	Syl Johnson	Soul
3	Average White Band	Funk
3	Ballin' Jack	Rock
3	Bobby Byrd	Soul

Number of Samples	Sampled Artist/ Work	Genre
3	Brothers Johnson	Funk
3	Chic	Disco
3	Coke Escovedo	Latin
3	Eazy-E	Hip-hop
3	Eddie Bo	R&B
3	En Vogue	R&B
3	Heavy D & the Boyz	Hip-hop
3	John Davis & the Monster Orchestra	Disco
3	Juice	Funk
3	Last Poets	Spoken Word
3	Lonnie Smith	Jazz
3	Malcolm McLaren	Hip-hop
3	Pointer Sisters	R&B
3	Queen Latifah	Hip-hop
3	Roy Ayers Ubiquity	Jazz Fusion
3	Skillset & Leroy	Comedy
3	Spoonie G & the Treacherous Three	Hip-hop
3	Steve Arrington	Funk
2	Brother Jack MacDuff	Jazz
2	Chicago Gangsters	Funk
2	Chill Rob G	Hip-hop
2	Chubb Rock	Hip-hop
2	Cold Crush Brothers	Hip-hop
2	Curtis Mayfield	Soul
2	Dennis Coffey	Soul
2	Detroit Emeralds	Soul
2	Dexter Wansel	Soul
2	Dezo Daz	Hip-hop
2	Dr. Buzzard's Original Savannah Band	Disco

Appendix 2: Sampled Artists (continued)

Number of Samples	Sampled Artist/ Work	Genre
2	Dynamic Corvettes	Funk
2	Earth Wind & Fire	Funk
2	Fred Wesley & the Horny Horns	Soul
2	Funky 4+1	Hip-hop
2	Galactic Force Band	Disco
2	George Clinton	Funk
2	Grand Wizard Theodore & the Fantastic Five	Hip-hop
2	Grover Washington Jr.	Jazz
2	Hashim	Hip-hop
2	Heatwave	Funk
2	Herbie Hancock	Jazz Fusion
2	Incredible Bongo Band	Funk
2	Instant Funk	Funk
2	Jocelyn Brown	R&B
2	Kraftwerk	Electronic
2	Lee Dorsey	R&B
2	Lou Donaldson	Jazz
2	Martin Luther King Jr	Political
2	Mary Jane Girls	R&B
2	Mountain	Rock
2	Salt-N-Pepa	Hip-hop
2	Santana	Latin
2	Sir Mix-A-Lot	Hip-hop
2	Soul II Soul	Soul
2	Southside Movement	Soul
2	Spoonie G	Hip-hop
2	Stanley Turrentine & Milt Jackson	Jazz
2	Stevie Wonder	Funk
2	Sweet Linda Divine	R&B
2	The Blackbyrds	Funk
2	The Boogie Boys	Hip-hop

Number of Samples	Sampled Artist/ Work	Genre
2	The Emotions	R&B
2	The Fearless Four	Hip-hop
2	The Gap Band	Funk
2	The Stone Roses	Rock
2	The Sweet Inspirations	R&B
2	Vaughan, Mason & Crew	Funk
2	Wilson Pickett	Soul
2	Masterdon Committee	Hip-hop
2	Sir Joe Quarterman & Free Soul	Funk
1	2 Live Crew	Hip-hop
1	20th Century Steel Band	Funk
1	3-D	Hip-hop
1	7th Wonder	Funk
1	A Tribe Called Quest	Hip-hop
1	Ofra Haza	Pop
1	Afrique	Funk
1	Air Force 1	Electronic
1	Alex Haley	Literary
1	Alvin Cash	R&B
1	America's Most Wanted Theme	Film / Television
1	Art Blakey's Quintet	Jazz
1	Art of Noise	Electronic
1	B-Boys	Hip-hop
1	Babe Ruth	Rock
1	Bad	Funk
1	Bascomb	Soul
1	Banbarra	Soul
1	Bell Biv DeVoe	Hip-hop
1	Bernie Mac Comedy Jam	Comedy
1	Bette Midler	Pop
1	Billy Brooks	Jazz
1	Biz Markie	Hip-hop
1	Black Flag	Rock
1	Black Heat	Funk
1	Black Riot	Electronic
1	Blood Sweat & Tears	Rock

Number of Samples	Sampled Artist/ Work	Genre
1	Blue Mitchell	Jazz
1	Bo Diddley	R&B
1	Bob & Earl, Jr. Walker & the All Stars	R&B
1	Bob Marley	Reggae
1	Bobbi Humphrey	Jazz
1	Boney M	Disco
1	Bootsy's Rubber Band	Funk
1	Brand Nubian	Hip-hop
1	Brentford All Stars	Funk
1	Brother Soul	Funk
1	BT Express	Funk
1	Buster Williams	Jazz
1	C+C Music Factory	Electronic
1	Cannonball Adderly Quintet	Jazz
1	Captain Sky	Funk
1	Cash Money & Marvelous	Hip-hop
1	Channel One	Reggae
1	Charles Earland	Jazz
1	Cheryl Lynn	Disco
1	Chicago	Rock
1	Chubby Checker	R&B
1	Chuck Brown & the Soul Searchers	Funk
1	Clarence Wheeler & the Enforcers	Funk
1	Coal Kitchen	Jazz Fusion
1	Compton's Most Wanted	Hip-hop
1	Creative Source	R&B
1	Cutmaster DC	Hip-hop
1	Cypress Hill	Hip-hop
1	Daiquiri	Latin
1	Dalton & Dubbarri	Rock
1	Das EFX	Hip-hop
1	Dave & Ansell Collins	Reggae
1	David Bowie	Rock

Appendix 2: Sampled Artists (continued)

Number of Samples	Sampled Artist/ Work	Genre
1	Dee Felice Trio	Soul
1	Deep Purple	Rock
1	Dennis Coffey & the Detroit Guitar Band	Soul
1	Dennis Edwards	Soul
1	Denroy Morgan	Reggae
1	Desmond Dekker	Reggae
1	<i>Juice</i>	Film / Tele- vision
1	Dick Hyman	Jazz
1	Disco Four	Disco
1	Disney Haunted House Album (Laura Olsher)	Film / Tele- vision
1	Divine Sounds	Hip-hop
1	DJ Jazzy Jeff & the Fresh Prince	Hip-hop
1	Double Dee & Steinski	Hip-hop
1	Doug E. .Fresh	Hip-hop
1	Dr. Dre & Snoop Dogg	Hip-hop
1	E-Mu Systems	Synth
1	E.U.	Funk
1	Eddie Murphy	Comedy
1	Eddie Bo & Inez Cheatham	Funk
1	Edwin Birdsong	Funk
1	Eric Burdon and War	Funk
1	Eric Clapton	Rock
1	Esther Williams	Funk
1	Eugene McDaniels	Jazz
1	Fairlight Orch5	Synth
1	Fat Boys	Hip-hop
1	Fat Larry's Band	Funk
1	Fearless Four	Hip-hop
1	First Choice	Soul
1	Foreigner	Rock

Number of Samples	Sampled Artist/ Work	Genre
1	Four Tops	R&B
1	Frankie Valli	Pop
1	Freda Payne	R&B
1	Galt MacDermot	Funk
1	Gary Numan	Electro- nic
1	Gaz	Funk
1	Geoffrey Sumner	Film / Tele- vision
1	George Clinton	Funk
1	Gil Scott-Heron	Spoken Word
1	Grand Wizard Theodore	Hip-hop
1	Gwen Guthrie	R&B
1	Herman Kelly & Life	Latin
1	<i>I Dream of Jeannie</i> Theme	Film / Telev- ision
1	Ice Cube	Hip-hop
1	Ice-T	Hip-hop
1	Idris Muhammad	Jazz
1	Incorporated Thang Band	Funk
1	Jackson Sisters	R&B
1	Jamie J. Morgan with Cameron McVey	Pop
1	Jazzy J & Russell Simmons	Hip-hop
1	Jazzy Jay	Hip-hop
1	Jimi Hendrix	Rock
1	Jimmy Bo Horne	Disco
1	Jimmy Castor Bunch	Funk
1	Jimmy Spicer	Hip-hop
1	Joe Farrell	Jazz
1	Joe Simon	R&B
1	Joe Tex	R&B
1	Johnny Mathis	Pop
1	Johnny Pate	Jazz
1	Jonzun Crew	Hip-hop
1	Jungle Brothers feat. Q Tip	Hip-hop
1	Kano	Disco
1	Ken Lazarus	Reggae
1	Keni Burke	R&B
1	Kid Frost	Hip-hop

Number of Samples	Sampled Artist/ Work	Genre
1	King Errisson	Reggae
1	King Tee	Hip-hop
1	Kiss	Rock
1	Kool G Rap	Hip-hop
1	LaWanda Page	Comedy
1	LeVert	R&B
1	Little Feat	Rock
1	Loleatta Holloway	Disco
1	Lou Reed	Rock
1	Lovebug Starski	Hip-hop
1	Luke	Hip-hop
1	Maceo & All the King's Men	Funk
1	Maceo & Macks	Funk
1	Main Source	Hip-hop
1	Mandrill	Funk
1	Manfred Mann	Pop
1	Mantronix	Hip-hop
1	Manu Dibango	Afro- beat
1	Manzel	Funk
1	Marley Marl feat. MC Shan	Hip-hop
1	Martha and the Vandellas	R&B
1	Martin Circus	Rock
1	Marva Whitney	Funk
1	Mass Extension	Funk
1	Mass Production	Funk
1	MC Breed	Hip-hop
1	MC Lyte	Hip-hop
1	MC Shan	Hip-hop
1	MC Shy D	Hip-hop
1	McCoy Tyner	Jazz
1	Miami	Funk
1	Mico Wave	R&B
1	Mighty Ryeders	Soul
1	Mikey Dread	Reggae
1	Millie Jackson & Isaac Hayes	Soul
1	Milt Jackson	Jazz

Appendix 2: Sampled Artists (continued)

Number of Samples	Sampled Artist/ Work	Genre
1	Minnie Riperton	Soul
1	Monk Higgins & the Specialties	Jazz
1	Mtume	Funk
1	Muddy Waters	Blues
1	Nat Adderly	Jazz
1	New Edition	R&B
1	Newcleus	Hip-hop
1	<i>Nightmare on Elm Street</i> (Soundtrack)	Film / Tele- vision
1	Onyx	Hip-hop
1	Parlet	Funk
1	Pat Metheny Group	Jazz Fusion
1	Peter Frampton	Rock
1	Pumpkin	Hip-hop
1	Quadrant Six	Electro- nic
1	Queen & David Bowie	Rock
1	Quincy Jones	R&B
1	RAMP	Soul
1	Rasa	Funk
1	Ray Goodman & Brown	R&B
1	Rodney Dangerfield	Comedy
1	Roger	R&B
1	Rolling Stones	Rock
1	Rose Royce feat. Pointer Sisters	R&B
1	Rotary Collection	Soul
1	Royal Cash	Funk
1	Rudy Ray Moore	Comedy
1	Sammy Davis Jr.	Pop
1	Schooly D	Hip-hop
1	Scorpio	Disco
1	Shelley Manne	Jazz
1	Silver Convention	Disco
1	Simon Harris	Electro- nic
1	Sister Nancy	Reggae
1	Skull Snaps	Funk

Number of Samples	Sampled Artist/ Work	Genre
1	Slug-Go	R&B
1	Smokey Robinson	R&B
1	<i>Saturday Night Live</i>	Film / Tele- vision
1	Sonny Stitt	Jazz
1	Sons of Champlin	Rock
1	Soul Children feat. Jesse Jackson	Soul
1	Sound Dimension	Reggae
1	Sound Experience	Funk
1	<i>Sounds of Basic Training</i> Album	Milia- tary
1	Spandau Ballet	Rock
1	Steady B feat. KRS-One	Hip-hop
1	Steve Miller Band	Rock
1	Suzanne Vega	Folk
1	T-Ski Valley	Electro- nic
1	T.S. Monk	Jazz
1	Tenor Saw	Reggae
1	The 5th Dimension	R&B
1	<i>The A-Team</i> (TV Intro)	Film / Tele- vision
1	The Beginning of the End	Funk
1	The Black Sheep	Hip-hop
1	The Brand New Heavies	Hip-hop
1	The Chambers Brothers	Soul
1	The Chi-Lites	R&B
1	The Classical Two	Hip-hop
1	The Counts	R&B
1	The Crusaders	Jazz Fusion
1	The Dramatics	Soul
1	The Escorts	R&B
1	The Isely Brothers	Soul
1	The Jacksons	R&B

Number of Samples	Sampled Artist/ Work	Genre
1	The Jimmy Castor Bunch	Funk
1	The Kinks	Rock
1	The Last Word	Rock
1	The Magic Disco Machine	Disco
1	The New Apocalypse	Soul
1	The New Birth	Funk
1	The Pazant Brothers & the Beaufort Express	Soul
1	The Real Roxanne	Hip-hop
1	The Rock Steady Crew	Hip-hop
1	<i>The Simpsons</i> (E1E2)	Film / Tele- vision
1	The Spinners	R&B
1	The Supremes	R&B
1	The Third Guitar	Funk
1	The Time	Soul
1	The Two	Hip-hop
1	The Undisputed Truth	R&B
1	The Watts Prophets	Hip-hop
1	The Whatnauts	Soul
1	The Young Rascals	Rock
1	Thin Lizzy	Rock
1	Tom Jones	Pop
1	Tom Scott & the California Dreamers	Jazz
1	Tom Scott & the LA Express	Jazz
1	Toto feat. Cheryl Lynn	Rock
1	Tower of Power	Funk
1	Uncle Louie	Funk
1	Upp	Jazz Fusion
1	UTFO	Hip-hop
1	Van Halen	Rock
1	Visage	Pop
1	War	Funk

Appendix 2: Sampled Artists (continued)

Number of Samples	Sampled Artist/ Work	Genre
1	<i>Watermelon Man</i>	Film / Tele- vision
1	Weldon Irvine	Jazz
1	West Street Mob	Electro- nic
1	<i>Which Way is Up?</i>	Film / Tele- vision
1	Whistle	Hip-hop
1	White Heat	Rock
1	Wild Cherry	Funk
1	Willesden Dodgers	Electro- nic
1	William DeVaughan	Soul
1	Willie Colòn	Latin
1	Yes	Rock
1	Young-Holt Unlimited	Jazz
1	Z-3 MCs	Hip-hop

Title	Artist	Year	Interpolated Song	Interpolated Artists	Original Year	Interpolation and/or Sample	Subtype	Other Notes
"Tramp"	Salt-N-Pepa	1986	"Tramp"	Otis Redding and Carla Thomas	1967	Interpolation only	Homage	
"Back in the USSR"	B-Mania	1987	"Back in the USSR"	The Beatles	1968	Interpolation only	Homage	
"Do Wah Diddy"*	2 Live Crew	1987	"Do Wah Diddy Diddy"	Manfred Mann	1964	Sample and Interpolation.	Parody	
"Louie Louie"	Fat Boys	1988	"Louie Louie"	The Kingsmen	1963	Interpolation only	Send-up	Kingsmen version a cover of Richard Berry original
"Twist and Shout"	Salt-N-Pepa	1988	"Twist and Shout"	The Beatles	1963	Interpolation only	Send-up	Cover of Beatles, but pre-dated by Iseley Brothers and Top Notes
"Mary, Mary"	Run-D.M.C.	1988	"Mary, Mary"	The Monkees	1966	Sample and Interpolation	Homage	Cover of Butterfield Blues Band "Mary Mary"
"Respect"*	The Real Roxanne	1988	"Respect"	Aretha Franklin	1967	Interpolation only	Homage	"Respect" itself a cover of Otis Redding's original, 1965
"The Twist (Yo Twist!)"*	Fat Boys	1988	"The Twist"	Chubby Checker	1960	Interpolation only	Send-up	"Chubby Checker and the Fat Boys" --but Chubby Version was also a cover (orig. Hank Ballard)
"Find an Ugly Woman"	Cash Money and Marvelous	1988	"If You Wanna Be Happy"	Jimmy Soul	1963	Interpolation only	Homage	
"Iron Man"	Sir Mix-A-Lot	1988	"Iron Man"	Black Sabbath	1970	Interpolation only	Homage	Use of guitar hook, not lyric hook/chorus
"Just a Friend"	Biz Markie	1989	"(You) Got What I Need"	Freddie Scott	1968	Interpolation only	Send-up	
"Banned in the U.S.A."	2 Live Crew	1990	"Born in the U.S.A."	Bruce Springsteen	1984	Interpolation only	Send-up	Also interpolation of "Yankee Doodle," and "My Country 'Tis of Thee"
"Have You Seen Her"	MC Hammer	1990	"Have You Seen Her"	The Chi-Lites	1971	Interpolation only	Homage	
"It's A Shame (My Sister)"	Monie Love	1990	"It's A Shame"	The Spinners	1970	Sample and Interpolation	Homage	Gender-swapped interpolated chorus to change message
"Play that Funky Music"	Vanilla Ice	1991	"Play that Funky Music"	Wild Cherry	1976	Sample and Interpolation	Send-up	
"Wildside"	Marky Mark & the Funky Bunch	1991	"Walk on the Wild Side"	Lou Reed	1972	Sample and Interpolation	Homage	
"Now That We Found Love"	Heavy D & The Boyz	1991	"Now That We Found Love"	The O'Jays	1973	Interpolation only	Homage	References Third World version, but original by O'Jays
"Dopefiend's Diner"	2Pac	1991 (RELEASED 2007)	"Tom's Diner"	Suzanne Vega	1984	Interpolation only	Parody	
"Alone Again"*	Biz Markie	1991	"Alone Again (Naturally)"	Gilbert O'Sullivan	1971	Sample and Interpolation	Send-up	
"Pops Was A Rolla"	South Central Cartel	1992	"Poppa Was a Rolling Stone"	The Temptations	1972	Interpolation only	Homage	Cover of original by Undisputed Truth, also 1972
"People Everyday"	Arrested Development	1992	"Everyday People"	Sly & the Family Stone	1968	Interpolation only	Send-up	
"Gangsta's Paradise"	Coolio	1995	"Pastime Paradise"	Stevie Wonder	1976	Interpolation only	Send-up	Lyric changes to hook

*Rows in teal indicate case studies in Chapter 5.

Appendix 4: Slick Rick and Snoop Dogg Lyric Comparison

Slick Rick and Doug E. Fresh
“La Di Da Di”¹[INTRODUCTION]²

OK, party people in the house
 You're about to witness something you've never
 witnessed before
 Yes it's the original human beat box, Doug E. Fresh
 And his partner, the grand wizard, MC Ricky D
 D and that's me in the place to be
 And we gonna show you how we do it for '85,
 kick it live, alright
 Because, um, I've got a funny feeling, um
 You're all sick of all these crab rappers
 Biting their rhymes because um they're back-stabbers
 But, uh, when it comes to me and my friend Doug
 Fresh here
 There is no competition 'cause we are the best, yeah
 Finesse impress which we prove
 And y'all will realize that we are the move
 So listen close so you all don't miss
 As *we go* a little something like this
 Hit it (Ah yeah)

Uh, uh, you know what?
 La-di-da-di
 La-di-da-di
 La-di
 La-di
 You know what, yo peep this

[BOAST] (1:00)

La-di-da-di, we like to party
 We don't cause trouble, we don't bother nobody,
 We're **just some men that's on the mic**
 And when we rock up on the mic we rock the mic
 (Right)
 For **all of y'all** keeping y'all in health
 Just to see you smile and enjoy yourself
 'Cause it's cool when you 'cause a cozy condition
That we create, 'cause that's our mission
 So listen to what we say
 Because this *type of shit, it happens every day*

[WAKING UP & BATHING] (1:36)

I woke up around 10 o'clock in the morning
 I gave myself a stretch up, a morning yawning
 Went to the bathroom to wash up

¹ The Show (Maxi Single B-Side) Reality/Fantasy
 Records, © 1985

² *Italics* indicate small changes, **bold** indicates
 substantive lyric changes.

Snoop Doggy Dogg
“Lodi Dodi” (1993)³

[INTRODUCTION]

Yeah, gotta say what's up to my nigga Slick Rick
 For those who don't like it, eat a dick
 But for those who with me, sing that shit

As *it go* a little something like this

[BOAST] (0:51)

Lodi Dodi, we likes to party
 We don't cause trouble, we don't bother nobody
 We're **just some niggas who're on the mic**
 And when we rock up on the mic, we rock the mic
 (Right)
 For **all my doggs** keepin' y'all in health
 Just to see you smile and enjoy yourself
 Cause it's cool when you cause the cozy conditioning
Which we create, cause that's our mission
 So listen close, to what we say
 Because this *types of shit happens every day*

[WAKING UP & BATHING] (1:21)

I woke up around 10 o'clock in the morning
 I gave myself a stretch, up, a morning yawning
 Went to the bathroom to wash up

³ *Doggystyle* Death Row Records © 1993

Appendix 4: Slick Rick and Snoop Dogg Lyric Comparison
(continued)

Slick Rick, “La Di Da Di” (1985)

Had some soap on my face and my hand upon a cup

I said, "Um, mirror mirror on the wall
Who is the **top choice** of them all?"

There was a *rumble jumble*, five minutes it lasted
The mirror said, “You are, you conceited bastard!”
But that’s true, that's why we never have no beef
So then **I washed off the soap and brushed the gold teeth**

Used Oil Of Olay ‘cause my skin gets pale
And then I got the files for my fingernails
Due to the night and on my behalf
I put *the* bubbles in the tub so I could have a bubble bath

Clean, dry was my body and hair
I threw on my brand new **Gucci underwear**
For all the **girls** I might take home
I got the Johnson's Baby Powder and the **Polo cologne**
Fresh dressed like a million bucks
Threw on the Bally shoes and the fly green socks

Stepped out my house stopped short, oh no
I went back in, “**I forgot my Kangol!**”

[SALLY] (2:35)

And then I dilly (dally), I ran though a (alley)
I bumped into **my old girl** (Sally) from the (valley)

This is a girl *plays* hard-to-get so I said
“What's wrong?” ‘cause she looked upset, she said
“It's all because of you I'm feeling sad and blue
You went away and now my life is filled with rainy days

And I love you so, how much you'll never know
‘Cause you took **your love** away from me.”
Now what was I to do?
She’s crying over me and she was feeling blue
I said, “Um, don’t cry, dry your eye
Here comes your mother with those two little guys”

[MOTHER] (3:18)

Her mean mother stepped up, said to me “Hi!”
Looked Sally in the face and *decked* her in the eye
Punched her in the belly and stepped on her feet
Slammed the child on the hard concrete
The bitch was strong, the kids was gone

Snoop Dogg, “Lodi Dodi” (1993)

I threw some soap on my face and put my hands up
on a cup

I said, "Um, mirror mirror on the wall
Who is the **top choice** of them all?"

There was a *ruffle duffle*, five minutes it lasted
The mirror said, “You are, you conceited bastard!”
Well that's true! That’s why we never have no beef
So **I slipped on my khakis and my gold leaf**

Used Oil of Olay cause my skin gets pale
And then I got the file, for my fingernails
I'm true to the style on my behalf
I put *some* bubbles in the tub so I can take a bubble bath

Clean, dry, was my body and hair
I threw on my brand new **doggy underwear**
For all the **bitches** I might take home
I got the Johnson's Baby Powder and **Cool Water cologne**
Now I'm fresh, dressed, like a million bucks
Threw on my white socks, with my all-blue Chucks

Stepped out the house, stopped short, oh no
I went back in, “**I forgot my Indo!**”

[SALLY] (2:26)

Then I dilly (dally) I ran through an (alley)
I bumped into **this smoker** named (Sally) from the (valley)

This was a girl *playing* hard-to-get so I said
“What's wrong?” ‘cause she looked upset, she said
“It’s all because of you, I’m feeling sad and blue
You went away, now my life is filled with rainy days

I love you so, how much you’ll never know
‘Cause you took **your dope** away from me.”
Damn, now what was I to do?
She’s crying over me and she was feelin’ blue
I said, “Um, don’t cry, dry your eye
And here comes your mother with those two little guys”

[MOTHER] (3:16)

Her mean mother steps then says to me "Hi!"
Decked Sally in the face and *punched* her in the eye
Punched her in the belly and stepped on her feet
Slammed the child on the hard concrete
The bitch was strong, the kids was gone

Appendix 4: Slick Rick and Snoop Dogg Lyric Comparison
(continued)

Slick Rick, “La Di Da Di” (1985)

Something was wrong I said, “What *is* goin on?”
I tried to break it up, I said “Stop it, leave her”
She said **“If I can’t have you, she can’t either”**
She grabbed me closely by my socks
So I broke the hell out **like I had the chicken pox,**

But *she* gave chase, *she* caught up quick
She gave chase, she caught up quick
She put a finger in the face of MC Rick

She said, “Why don’t you give me a play
So we can go cruising in my Ojay?
And if you give me that okay
I’ll give you all my love today
Ricky, Ricky, Ricky, can’t you see?
Somehow your words just hypnotize me
And I just love your jazzy ways
Oh, MC Rick, *my love* is here to stay!”

[PUNCHLINE] (4:10)

And on and on and on she kept *on*
The bitch been around before my mother’s born!
I said, “Cheer up,” **I gave her a kiss**
I said, “You can’t have me, I’m too young for you
miss!”
She says, “No, you’re not!” then she starts crying
I says, “I’m nineteen,” she said, “Stop lying!”
I says, “I am, go ask my mother,
And with your wrinkled pussy, I can’t be your lover!”

[OUTRO] (4:36)

To the tick tock ya don’t stop
To the tick tick *ya* don’t quit
Hit it!

**Don’t never forget, Doug E. Fresh and the Get
Fresh Crew**

Snoop Doggy Dogg, “Lodi Dodi” (1993)

She grabbed me closely by my socks
I tried to break it up, I said, Stop it, just leave her”
She said **“If I can’t smoke none, she can’t either!”**
She grabbed me closely by my socks
So I broke the hell out, **and I grabbed my sack of
rocks**
But um, *they* gave chase, *they* caught up quick
**They started crying on my shoes and grabbin’ my
dick**

And saying, “Why don’t you give me a play
So we can break it down the Long Beach way?
And if you give me that okay
I’ll give you all my love today
Doggy, Doggy, Doggy, can’t you see?
Somehow your words just hypnotize me
And I just love your jazzy ways
Doggy Dogg, *your love* is here to stay”

[PUNCHLINE] (4:18)

And on and on and on she kept *going*
The bitch been around before my mother’s born!
I said “Cheer up!” and **I gave her a hit**
I said, “You can’t have me, I’m too young for you
bitch!”
She said, “No you’re not!” then she starts cryin’
I says I’m nineteen,” she says, “Stop lyin!”
I says, “I am, go ask my mother
And with your wrinkled pussy, I can’t be your lover!”

[Outro] (4:46)

Yeah, uh, tick-tock ya don’t stop
And to the, uh, tick-tock *n’ya* don’t quit

Yeah, n’ya tick-tock ya don’t stop
And to the, uh, tick-tock *n’ya* don’t quit

Biatch!

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