

# ASBURY PARK PROMISED LAND

THE LIFE AND MUSIC OF

# BRUCE SPRINGSTEEN

SING FOR YOUR RIGHTS

## OVERVIEW

Songs, song lyrics, and musical performances are forms of speech protected by the First Amendment. The Constitution protects authors' and inventors' exclusive property rights for limited times over their creative works. Further, the Fifth Amendment protects property owners by ensuring: "No person shall be ... deprived of life, liberty, or property without due process of law." All of these constitutional protections have helped music flourish in the United States and have allowed musicians to give voices to their ideas and to generations. In this lesson, students will understand the ways the Constitution protects the rights of citizens who express themselves through music.

## RELATED ACTIVITIES

- **Music and Historical Narrative**  
*Explore how music has shaped Americans' understanding of their history.*
- **Born in the U.S.A.: Music as Political Protest**  
*Analyze Springsteen's use of irony and metaphor in this song that is more complex than it might first appear.*
- **Debate It!**  
*Role play two First Amendment scenarios and decide where you stand!*

## TEACHER NOTES

### LEARNING GOALS

Students will understand:

- The First Amendment protects individual expression in music as a form of free speech.
- Several property protections in the Constitution, including Article I, Section 8, and the Fifth Amendment, protect the rights of musicians to their intellectual property.
- The principles of freedom of speech and private property are central to the rights of citizens to express their views through music.

### PRE-READING ACTIVITIES

- Read the First and Fifth Amendments and underline all the protections that apply to songwriters and musicians. Use the Interactive Constitution to help guided reading, which can be found at [http://ratify.constitutioncenter.org/constitution/index\\_no\\_flash.php](http://ratify.constitutioncenter.org/constitution/index_no_flash.php)
- What are some songs you know that have political messages?
- In addition to song lyrics, what are other ways musicians can express their ideas? Brainstorm with a partner or two and come up with a list.

### EXTENSIONS

- A. In 1984, Ronald Reagan referred to Bruce Springsteen's "Born in the U.S.A." at a reelection campaign event. Reagan had neither ask for nor received permission from Springsteen to reference his song. When Springsteen learned that he was being associated with a presidential candidate without his permission, he commented to *Rolling Stone* magazine, "You see in the election ads on TV, you know, 'It's morning in America.' Well, it's not morning in Pittsburgh."

How does this series of events illustrate the principles of freedom of speech as well as private property?

Is it important that the author's original message stays intact when someone else uses his or her work to express an opinion?

How does this series of events illustrate the complex nature of property rights?

- What if he put pictures of Springsteen's album cover on bumper stickers?
  - What if Reagan had played the song at a campaign event?
  - What if he played Springsteen's music at an event in which he profited by selling tickets?
- B. Learn more about the case of *Grand Upright Music, Ltd v. Warner Bros. Records Inc* (1991), which required that musicians who wished to sample others' original sound recordings in their music must first get permission.

## FREEDOM OF EXPRESSION IN MUSIC

*He could hear the crowd's roar intensify as he grabbed his guitar and strutted on stage. He was nervous. Not because of the sea of people before him, all dressed in red, white, and blue. They didn't make him nervous – they energized him. He was nervous because the song he was about to sing was a new one. No one had heard it before, though it had been in his heart for years. He was about to give voice to something he'd had inside him for a long, long time ....*

The First Amendment to the United States Constitution requires that “Congress shall make no law ... abridging the freedom of speech.” The Founders listed this right in the Bill of Rights because they believed free speech to be among the rights that all people are born with, and because it was of central importance to free government. Songs, song lyrics, and musical performances are forms of speech protected by the First Amendment.

The founding documents also protect music as a form of property. Article I, Section 8 of the United States Constitution protects

authors' and inventors' exclusive property rights over their creative works. In addition, the Fifth Amendment protects property owners by ensuring that “No person shall be ... deprived of life, liberty, or property without due process of law.” Both of these constitutional protections—the right to express oneself and the right to own property—have helped music flourish in the United States and have allowed musicians to give voice to their ideas and to generations.

### MUSIC AS SPEECH

Artists, including musicians, exercise freedom of speech regularly as they write and perform songs about anything from their own childhood experiences to important political and historical events. While not all listeners may agree with the message of the music, the First Amendment guarantees that musicians will be free from government interference with their expression of their views—even controversial ones. In fact, protecting citizens' right to speak freely and criticize government was one of the key reasons the First Amendment was added to the Constitution.

Bruce Springsteen, through songs and concerts, has used his music to express political views. Many musicians, including Springsteen, use their music to spread their political ideas and beliefs. They recognize that powerful words put to music have the potential to galvanize a generation. Songs like Bruce Springsteen's “Born in the U.S.A.” expressed frustration during and after the Vietnam War. In 2012, Springsteen released a single entitled “We Take Care of Our Own” about the response of government and communities to Hurricane Katrina. In addition



to writing songs about political matters, Springsteen has engaged in the political process by playing concerts in support of presidential candidates including George McGovern, John Kerry, and Barack Obama. Musicians can use their voices to influence the public about issues and ideas under the protection of free speech.

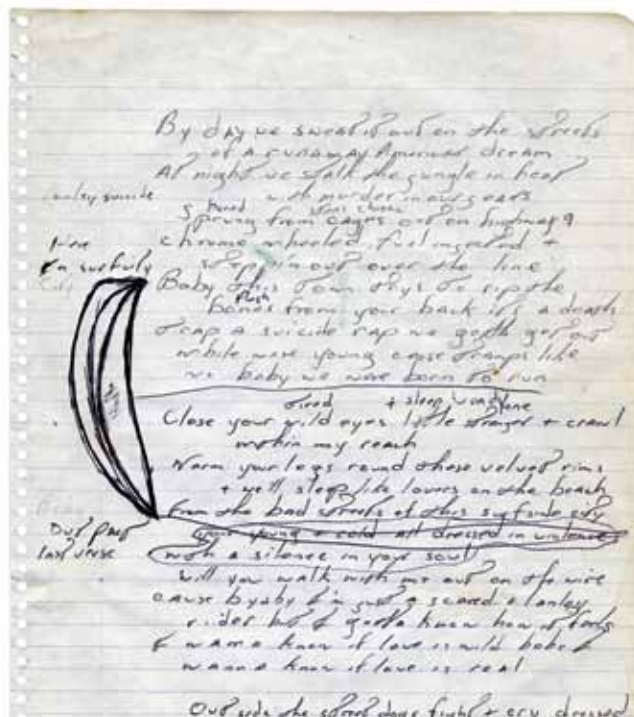
## MUSIC AS PROPERTY

Musicians' property rights are protected by Article I of the United States Constitution as well as several amendments in the Bill of Rights. Property protections appear in half of the ten amendments in the Bill of Rights because the Founders believed that the protection of private property was of central importance. The Third, Fourth, Fifth, Seventh, and Eighth Amendments all deal with some aspect of property protections. When people think about property they usually think of tangible things like land, houses, and cars. But property also includes intellectual property, such as inventions and creative works. Article I, Section 8 of the Constitution states that Congress has the power to secure "for limited times to authors and inventors the exclusive right to their respective writings and discoveries." This clause means that Congress can assign temporary copyright protections to the creators of songs, books, articles, and other creative materials.

The Internet has challenged property rights protections. Songwriters, musicians, record companies, production companies, and the like own the rights to their music, but with

the arrival of music sharing websites, the property rights clauses in the Bill of Rights and Constitution came to the forefront in a new way. Many musicians and record companies believe that downloading music for free was infringing upon their copyrighted property. Sites like Napster, which allowed people to share music files with each other, were shut down for illegally giving out copyrighted material.

Musicians are free to express their views in their songs and actions. Springsteen said as much when he remarked, "I think that it is what film and art and music do; they can work as a map of sorts of your feelings." Musicians can use their voices to defend their positions on political and societal issues and influence others. Their property is protected under copyright laws. Freedom of Speech and property rights of musicians and other artists are protected by the United States Constitution and the Bill of Rights. Yet, the practice of illegally downloading music still continues today and has serious implications for the music industry.



One of Springsteen's numerous  
hand-written lyric manuscripts



## COMPREHENSION QUESTIONS

1. How does the Constitution protect the free speech rights of musicians?

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2. How does the Constitution protect musicians' rights to their intellectual property?

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3. How have Bruce Springsteen and other popular musicians used freedom of speech and expression in their music?

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4. What arguments do musicians, production companies, and record companies make against music sharing websites?

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## CRITICAL THINKING QUESTIONS

1. What do you think Springsteen meant when he said, "I like songs to be read both personally and politically"?
2. What risks do musicians take when they use music to express political views?
3. What other forms of art depend on freedom of expression and property rights?
4. What political or cultural impact does music have on you?
5. Copyright law in the United States includes provisions for "Fair Use" of others' materials. Generally, copying a song in whole or in part is considered a violation of the author's copyright. How should courts interpret copyright law when analyzing copyright violation claims in cases where one artists samples, or includes, parts of other sound recordings in their songs?