

“Shut Up and Sing”:
The Dixie Chicks and the State of Free Speech in the United States
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“...if any opinion is compelled to silence, that opinion may,
for aught we can certainly know, be true.”
John Stewart Mill, *On Liberty*, pg. 64

“I disapprove of what you say,
but I will defend to death your right to say it.”
Evelyn Beatrice Hall paraphrase of Voltaire

In a 2003 article on the Country Music Television website, editorial director Chet Flippo concluded his commentary with a message to lead singer of the Dixie Chicks, “Memo to Natalie Maines: You’re an Artist? And you have a message? Hey, put it in a song. We’ll listen to that. But, otherwise—shut up and sing.” The phrase “shut up and sing” would reverberate across the nation following Maines’ controversial statement at a concert in London. “Just so you know,” Maines shared with the crowd, “we’re on the good side with y’all. We do not want this war, this violence, and we’re ashamed the President of the United States is from Texas” (*DemocracyNow!*) The band who sold more records than any other female band in the United States within weeks would see their records burned, their music banished from country radio, their concerts canceled in the United States, and their lead singer receive a death threat.

Maines’ remark at Shephards Bush marks a break in the public identity of the band. Prior to public criticism about Maines’ comment, the Dixie Chicks were American sweethearts. They were the girls next door, the best country genre and female group, winning two Diamond Awards, given for selling more than 10 million in record sales. Their 2000 Fly Tour and 2003 Top of the World Tour grossed almost \$100 million in ticket sales. 41 of their songs had achieved gold, platinum, and multi-platinum certification. Seven of their singles peaked at first place position on the billboards. Two of their albums debuted at #1 Billboard Top 200 albums, the only female group ever to have done so. Following the incident, the Chicks were removed from the country music community. Their music was boycotted on the radio and their CDs were destroyed by former fans. During the United States segment of their tour, the state of North Carolina tried to stop the group from entering into the state and Maines received a death threat warning that she would “be shot dead” during the Dallas, Texas concert.

The banishment of the Dixie Chicks from the country music radio and from the country music industry for three years signifies the weakness of the First Amendment within certain communities within the United States. Individuals and groups within the nation perceive Maines’ comment to be untrue, misguided, inappropriate, or merely a sentiment with which they disagree. Yet instead of allowing the “marketplace of ideas” to drive out unseemly ideas, the community organized around the country music industry and expelled the Dixie Chicks from their community. Maines’ speech was not accepted; it was not tolerated; it was not corrected. The outcasts were removed from their community. The state of free speech cannot be strong in a society in which speech that is not approved of is ostracized. During congressional hearings on the removal of the Chicks from country music radio, Barbara Boxer appropriately compared the Chicks controversy to the McCarthy-era blacklisting of members of the entertainment community.

Public response to the Dixie Chicks following Maines' remark reveals a disregard for our nation's most fundamental right to express ourselves without restraint. The Dixie Chicks controversy demonstrates biases against recording artists expressing political opinions verbally, and reinforces legal tests crafted by the Supreme Court to regulate expression.

Year after year, following constitutional mandate, the president of the United States stands before a joint session of Congress and declares the state of the union to be "strong." He might admit to certain "challenges" that face the nation that include education, the economy, health care, and foreign policy. The strength of the union and its need for improvement are not surprising; in *Deeds Done in Words* Campbell and Jamieson tell us that one of the generic requirements of presidential ceremonial speech is to provide Congress with policy initiatives to guide their legislative session. What is surprising is the lack of attention to fundamental freedoms that the United States holds dear. The qualities that constitute a "strong" democratic government include the freedom of expression.

Absent from a consideration of the health of the union is the state of free speech in the United States. The First Amendment states that "Congress shall make no law . . . abridging the freedom of speech." Although originally understood as restraining the national Congress, the courts have incorporated the Amendments to the states through the Fourteenth Amendment. Consistent with the ideals of the social contract theory which lead to the creation of our liberal democracy, the people of the United States believe that 1) we give up certain rights in order to peacefully exist and that 2) we are governed by the laws that the people themselves create. The power of the Free Speech Clause, however, transcends the constitutional protection of speech and expression against regulation by the legislature. The people themselves must abide by the laws which they create. Consequently, just as the government should not abridge free speech, neither should be people. In their textbook on the First Amendment, communication scholar Craig R. Smith and legal specialist David M. Hunsaker write, "Of all the forms of speech that the founders sought to protect, most scholars believe that political communication received the highest priority" (67). Free speech, the ability to speak without being censored, is the most vital right in our liberal democracy.

In a series of lectures at Berkeley in 1986, Michel Foucault expounded upon the classical concept of *parrhesia*, which can be translated as "free speech." Transcribed into the text, *Fearless Speech*, Foucault notes that *parrhesia* was understood as a verbal activity in which a speaker speaks truth about a situation or a person at personal risk to self. According to Foucault, "*parrhesia* is a verbal activity in which a speaker expresses his personal relationship to truth, and risks his life because he recognizes truth-telling as duty to improve or help other people (as well as himself)" (19). His analysis of classical texts leads Foucault to determine that *parrhesia* is essential to democracy, but who can use it, when, and in what situations varies. Free speech, moreover, is not an unfettered good. It is possible, following the Platonic criticism of rhetoric, that speech can be a form of mindless chatter. Whether the remark by Maines is considered truth spoken at the risk of herself, or mindless chatter, depends upon the auditor.

The Constitution is clear regarding the importance of speech within our constitutional democracy. Yet regardless of the First Amendment's proscription against regulating expression, Congress has made laws restricting speech. Congress is not alone; the Supreme Court has placed time, place, and manner restrictions on speech for close to a century. In *Brandenburg v. Ohio* (1969) Court determined that the government cannot limit expression unless the expression will incite immediate violence. The law recognizes that not all speech is equal. The freedom to speak has never been uncensored, regardless of our First Amendment proscription against regulations. As previously mentioned, the courts have instilled time, manner, and place restrictions on speech. Although my purpose here is not to critique

the restrictions placed upon free speech by the courts, because I concur that certain rights have to be limited in order for society to be governed peacefully, and I am content to allow political speech to be given primacy and forego speech that might incite imminent violence. Nevertheless, my problem is twofold: 1) society's allowance of capitalism to construct acceptable boundaries for our civil liberties (having a "chilling" effect on speech) and 2) the banishment of the Dixie Chicks from the country music industry community.

Free Speech Limitations in the United States

The courts do not allow for unrestrained expression, instilling time, place, and manner restrictions on speech. The courts find that any restriction on expression must be content neutral, serve a significant governmental interest, and be narrowly tailored to achieve that interest (*United States v. O'Brien* (1968)). Overall, the Court concludes that while speech cannot be regulated, the speech act can. Expression cannot be regulated regardless of whether it is offensive or unpopular. The most important form of content neutrality protects political speech, from advocating civil rights to campaigning for a candidate (*Grayned v. City of Rockford* (1972); *Greer v. Spock* (1976)). Many cases involve religious proclamations or symbols in public areas, such as *Niemotko v. Maryland* (1951) (reading and discussing the Bible) and *Capitol Square Review and Advisory Board v. Pinette* (1995) (placing a cross on state capitol grounds). Other cases involve labor unions, such as *Thornhill v. Alabama* (1940) (picketing) and *Madison, Joint School District v. Wisconsin Employment Relations Commission* (1976) (non-union member speaking during collective bargaining).

Time restrictions can be narrowly constructed or more broadly constructed. Time may refer to the time of day, such as during school hours or high traffic hours, or larger socio-political constructions of time, such as during a "time of war." The courts find that speech can be limited if a significant governmental interest exists, and one of those interests is an orderly society. In *Cox v. Louisiana* (1965), the Court asserts, "The constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy. The control of travel on the streets is a clear example of governmental responsibility to insure this necessary order" (555). It follows that no one could "insist upon a street meeting in the middle of Times Square at the rush hour as a form of freedom of speech or assembly" (555). Since speech can be communicated at another time, speech does not have to be delivered at a time that would disrupt the social order.

During times of war or civic unrest, the freedom of speech is restricted. Fear appeals encourage citizens to be willing to abdicate their rights in favor of security. In the shadow of World War I and the "Red Scare," Justice Oliver Wendell Holmes created the "clear and present danger" test, determining that "The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree." Later Courts backed away from the "clear and present danger" test. *Whitney v. California* (1927) diminishes the power of the "clear and present danger" test by utilizing the "bad tendency" test. The "bad tendency" test holds that the government can limit speech when such speech might lead to illegal activities. In *Whitney* (1927) the Court finds that "a State in the exercise of its police power may punish those who abuse this freedom by utterances inimical to the public welfare, tending to incite to crime, disturb the public peace, or endanger the foundations of organized government and threaten its overthrow by unlawful means" (371). Both *Schenck* (1919) and *Whitney* (1927) were overturned by *Brandenburg v. Ohio* (1969), which establishes the "imminent lawless action" test. According to

Brandenburg (1969), speech can only be proscribed if it leads to “imminent lawless action,” not for merely encouraging such lawless action.

Regarding place, the Court identifies different types of “public forums” which afford different levels of protection, recognizing the need for individuals and groups to be able to assemble in public areas in order to engage in political protest or disseminate information. In *Hague v. Committee for Industrial Organization* (1939), Justice Roberts declares that “Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions” (515). In his opinion Roberts acknowledges that the right to assemble in public areas was not absolute but should not be “abridged or denied” without good reason. In the same year the Court denied litter as a justification to suppress expression and affirmed streets in *Schneider v. New Jersey* (1939) as “natural and proper places for the dissemination of information and opinion” (163). The First Amendment protections of Free Speech and Free Assembly are fundamental rights in a democratic government and restrictions on such rights should be limited.

Although the Court consistently upholds the idea it is a fundamental right for citizens to gather in a public space, recently the Court differentiated types of gathering spaces. In *Perry Educational Association v. Perry Local Educator’s Association* (1983), the Court determines that three types of public forums exist: traditional, designated/limited, and nonpublic. For each type the Court applies a different level of judicial scrutiny. Traditional forums, which include public streets, parks, town halls, and sidewalks, are protected by the highest level of judicial review: strict scrutiny. In other words, in a traditional forum the government must prove a compelling interest in order to restrict speech. The Court repeatedly protects citizens’ ability to speak in public streets and parks, finding it acceptable to use such public forums for union meetings, Bible talks and preaching, to profess ideas not popular with public sentiment, picketing, and political speech and the distribution of literature.¹ Designated/limited public forums, space which normally is not public but has been set aside for a specific and limited governmental purpose, generally are afforded less protection. Areas deemed a “designated” public forum can be protected by strict scrutiny, while government only needs to demonstrate a rational relationship to restrict speech in a “limited” public forum. In nonpublic forums, areas that generally are not open to the public, the government needs only to show that its law is reasonably related to securing the end it seeks.

Manner restrictions on speech involve how the expression is communicated. Most famously, although incorrectly remembered and later rejected by the Court, in *Schneck v. United States* (1919), the Court declared a person cannot shout “fire” in a crowded theater. Other questions about the manner of expression have involved whether a person or organization can picket, march, handout literature (leafleting or handbilling), use amplification devices, or engage in symbolic communication. The Court first protected picketing in *Thornhill v. Alabama* (1940), a labor dispute case. If the picketing is peaceful, it cannot be prohibited unless violent action has occurred surrounding the situation in which the picketing is a response. *American Federation of Labor v. Swing* (1941) protects the right to peacefully picket and *Milk Wagon Drivers Union v. Meadowmoor Dairies* (1941) enables the courts to proscribe picketing when violence has occurred or may still be occurring. The Court recognizes marches and parades as forms of expression protected by the First Amendment, but does not afford demonstrations the same level of protection as “pure speech.”² Since *Lovell v. City of Griffin* (1938), the Court maintains that leafletting is an integral part of the First

Amendment speech protection. In his majority opinion, Chief Justice John Hughes proclaimed pamphlets and leaflets to be “historic weapons in the defense of liberty” (452). The legality of amplification devices depends upon time, place, and manner, and restrictions of their own. Although the Court acknowledges the importance of amplification devices to communicate ideas in modern society, amplification cannot disturb the peace or schools (*SALA v. New York* (1948) and *Grayned v. City of Rockford* (1972)). Regarding symbolic communication, the Court overwhelmingly supports symbolic expression so long as the expression does not violate a law that furthers a significant governmental interest.³

Following the limitations on speech set forth by the courts, the lay public frequently employs time, place, and manner restriction claims when critiquing the comment made by Maines. In conversations with critics, the most frequent claim is that Maines should not have uttered the criticism outside the United States. Critics also assert that the statement should not have been made at a concert, that prior to entering into a war citizens should not be critical of our national leader, that the statement does not reflect the viewpoints of the denizens of the state, and that the band should not be upset if people refuse to buy their albums or play their music on the radio.

To believe that free speech by a United States citizen should be limited to the geographic boundaries of the nation-state is a place restriction argument. Critics do not mean for their claim to be a literal infringement of citizen’s rights, for I doubt that they would believe that our civil liberties are bound to our soil; we would not protest abuses of Americans in foreign lands if this were the case. The argument is one of appropriateness. Maines’ statement was not appropriate for someone to claim in front of an audience of foreigners on foreign soil. A concert in England is not the place in which to voice political criticism of the President of the United States. Such an argument makes one consider whether Maines could have made the same remark at a concert in the United States. Based upon other criticisms I believe the negative response by fans and the country music industry would have been likely.

The belief that the remark should not have been made at a concert reflects both a time and place restriction argument. A concert is a celebration of the music of the artists, not the time or place in which to voice a political (or emotive) position. The concept of a captive audience best illuminates this claim by critics. The courts acknowledge that, throughout their lives, people will be audience to offensive messages. These messages occur unexpectedly in places in which the person is expected to be. At a concert, a person is expecting to hear the music of the artist, not the artist’s political views (unless that artist is a known advocate, such as U2’s Bono or Bruce Springsteen; or a political band, such as Rage Against the Machine; or a rally to aid a particular cause, such as a benefit concert). If an artist talks between sets his or her audience will not leave their seats in order to avoid the message. Although the courts claim that speech made in public cannot be regulated (*Cohen v. California* (1971); *Texas v. Johnson* (1989)), the public, in believing that a concert is not a venue for political messages, persists in thinking that they do not have to be held captive by an artist.

The assertion that citizens should not criticize our national leader in a time of national crisis is a time restriction argument. Although many critics today would express the opinion that all citizens should respect the Office of the Presidency and not challenge the president’s policy agenda, resistance to criticize our national leader is heightened during times of national crisis, one of which would be the threat of war. From this claim, we can infer that other points in time would provide more appropriate opportunities to criticize our national leaders, but the poor state of free speech in the United States does not support this inference.

Country Music Television's website editor Chet Flippo's written statement, "Memo to Natalie Maines: You're an Artist? And you have a message? Hey, put it in a song. We'll listen to that. But, otherwise—shut up and sing." is a manner restriction argument. His statement makes the claim that the means by which Maines addressed her grievance was inappropriate. Maines should have sung her criticism; she should not have stated it. Celebrities have a platform from which to communicate messages to which other people do not have similar access. Many actors and musicians support causes, but none have experienced the marketplace fallout that the Dixie Chicks experienced. In reflecting on why the public responded so vehemently to the statement, in *Dixie Chicks: Shut Up and Sing* Marty Maguire supposes that "it had to be somebody or some group that appeared the all American girls . . . it had to be the unlikely voice from what looked like the conservative heart of America saying it."

Although the public uses time, place, and manner restrictions in their arguments against the Dixie Chicks, such restricts are allowable under the law only if they are content-neutral. Yet the content of Maines' statement is the issue in this controversy. The public instinctively uses time, place, and manner restrictions based upon a sense of appropriateness. Yet as Justice Douglas declares in his majority opinion in *Terminiello v. Chicago* (1949) that

Accordingly a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging. It may strike at prejudices and preconceptions and have profound unsettling effects as it presses for acceptance of an idea. That is why freedom of speech, though not absolute . . . is nevertheless protected against censorship or punishment . . . There is no room under our Constitution for a more restrictive view. For the alternative would lead to standardization of ideas either by legislatures, courts, or dominant political or community groups. (4-5)

The Dixie Chicks statement does not violate any time, place, and manner restrictions on speech. Neither Maines' speech nor her music should have been censored or punished. The country music industry's banning the Dixie Chicks from the airways and encouragement of the burning of their albums is a cause for concern regarding the state of free expression in the United States.

The criticism that the band should not be upset if people refuse to buy their album, play their music, or attend their concerts collapses the marketplace of idea metaphor with the actual marketplace. Justice Holmes, in his *Abrams v. United States* (1919) dissent opines that "the best test of truth is the power of the thought to get itself accepted in the competition of the market" (630). Understood as the "marketplace of ideas," this is understood to mean that ideology should stand against other ideologies, allowing both equal access to the public sphere so that the public can determine the ideology they support. Critics do not acknowledge that the marketplace of ideas, based upon a capitalist metaphor, should not be translated into the actual marketplace. Free speech should not be regulated by marketplace in the capitalist system. This concept translates into persons voting with their pocketbooks.

Free speech is perceived as the most important fundamental right within the United States governmental system; free speech is protected with the highest levels of protection in the legal system. Early political philosophers such as John Stewart Mill and John Locke, and founding fathers such as Thomas Jefferson, Benjamin Franklin, and Patrick Henry were concerned with the tyranny of the government and the protection of liberty. Consequently, the founding fathers created a government with a system of checks and balances. Therefore, if the government creates a law that infringes upon the right to free speech or expression, the government must prove a compelling interest, that the law is narrowly tailored, and that it has crafted the law in the least restrictive manner.

Citizens are not bound to any level of scrutiny to protect the rights of other citizens. Citizens may use their pocketbooks to refuse to buy albums or concert tickets. Citizens also can use their free speech rights to call into radio stations protesting the music, to blog about the issue on websites, to picket concerts, and to burn compact disks. Citizens can pressure radio stations and the music industry, through the power of the pocketbook, to ban music from entering the airwaves.

A latent proscription on rights is more insidious than tyrannical rule by the government. Our founders feared the tyranny of the majority, expressed through the tyranny of the government. They did not foresee the tyranny of the majority, expressed through the power of the marketplace. I do not contest that citizens have the right to protest speech that they do not approve of. I am concerned, however, with the use of the pocketbook as an attempt to regulate speech and the country music industry's excommunication of the Dixie Chicks from their community. If the majority of the population enacts a policy it supports, the Supreme Court exists as an institutional check to protect minority rights. No such check exists in the marketplace.

A problem exists when the marketplace of ideas gets replaced by the marketplace. When the Dixie Chicks were removed from the country community, they were not allowed to compete and have their ideas given value. No idea challenged their viewpoint for public sentiment; the band was silenced. The marketplace acts as a filter for the content of the message. If the content is not approved, the message is disposed of; the message is removed from the marketplace. Following the incident, the Dixie Chicks were removed from the country music industry market.

I live in Lubbock, Texas, the hometown of Natalie Maines. The Bay Area Center for Voting Research recently published findings, which claim that Lubbock is the second most conservative city in the United States. The Chicks are not played on the radio here. The student body at my university is conservative. Most people, if fans of the Chicks before, are not now. When I talk with people about the controversy, they repeat the mantra that the material fallout, with a loss in concert ticket and album sales, is the risk you take in order to practice your free speech right. My attempts to convince my students that the potential annihilation of the Chicks' career, and their forced alteration to a new audience market, makes their speech anything but "free" persuades few. The market metaphor is so pervasive that it is the dominant operating system for my students. Democracy is not a public sphere in which ideas are accepted that are different. Capitalism is the operating definition of democracy.

Responding to the Controversy

The Dixie Chicks had multiple responses to public criticism from Maines' March 10, 2003 comment. Immediately following the criticism, the group continued with their concert tour and Maines issued a public apology for the remark; they accepted multiple interviews, they posed for the cover of *Entertainment Weekly*; they participated in the Vote for Change tour, hosting a "Chicks Rock, Chicks Vote!" campaign; they participated in the making of a documentary about the incident; and they produced their fourth album.

On March 14th Maines apologized, stating that "whoever holds that office should be treated with the utmost respect" (Dixie Chicks Singer). Three years later she retracted her apology, remarking that she did not feel sorry about her statement nor did she think that President Bush "is owed any respect whatsoever" (Dixie Chicks' Maines). In addition to the normal concert and album promotional interviews, the Dixie Chicks were interviewed by Diane Sawyer and Bill Maher. During the 2004 presidential election, the Dixie Chicks joined the Vote for Change Tour, performing in Pennsylvania, Ohio, Michigan, Iowa, Missouri, and Florida with James Taylor (Gardner). The band gave \$100,000

to the Rock the Vote campaign to construct a website in an effort to encourage young women to register to vote (Devenish). The band also allowed the production team of Barbara Kopple and Cecilia Peck to use documentary footage about the band prior to and following the incident, and conduct personal interviews with the band members, to produce the documentary film *Shut Up & Sing*.

The two most important responses by the Dixie Chicks to the controversy are their appearing naked on the cover of *Entertainment Weekly* and the production of their *Taking the Long Way* album. The *Entertainment Weekly* cover enabled the Dixie Chicks to disassociate themselves from their earlier identity, reflecting the contradictory labels placed upon them by their supporters and their critics. Through the *Taking the Long Way* album, the band expresses their emotions about the incident, their family members, their personal experiences, and their former fans.

The Entertainment Weekly Cover

The Chicks appeared on the May 2, 2003 issue of *Entertainment Weekly* magazine. Ranked by the American Society of Magazine Editors as the 27th greatest magazine cover since 1965 (Nude Lennon), the cover shows the three artists naked, with words inked on their arms, legs, torsos, chests, and backs. Natalie Maines is inked with “fearless,” “big mouth,” “hippies,” “free speech,” “shut up!,” and “peace”; Emily Robison with “patriot,” “Dixie sluts,” “boycott,” and “liberal”; Marty Maguire with “traitors,” “brave,” “hero,” “opinionated,” “proud Americans,” and “Saddam’s angels.” Different fonts appear to be used, but most are in all caps. As to why the Chicks disrobed for the photo shoot, the *New York Post* reports Maguire as saying that “It’s not about the nakedness. It’s about clothes getting in the way of labels” (Chicks Defiant).

The *Entertainment Weekly* cover marks an important stage in the metamorphosis of the Chicks’ identity. The Chicks present themselves without the accoutrements of their image. As three women posed nude, no symbols exist as to their identification. The women are not holding instruments or microphones, they do not wear clothing indicative of the earlier Dixie Chicks (a “cowgirl” look) or of the later Dixie Chicks (a rockabilly look), nor is their hair coiffed. Their identity is stripped. Their hands hide their femininity, their hair is pulled back or left hanging, and their skin is marked by their advocates and their critics. All that exists are the labels written upon them. The stripping of their earlier identity, and the presentation of their current, contested, identity, creates a space for the Dixie Chicks to create a new identity.

In an era which accepts nudity as a demonstration of symbolic speech, the Dixie Chicks communicate that the remarks expressed by the public have marked them. Their bodies are a site of inscription, a text written upon by the public. Maguire is incorrect to think that nakedness is not an important quality of the *Entertainment Weekly* image; the nakedness removes the earlier identity, leaving a blank slate to be written upon. Yet she is correct to conclude that clothing would intrude about the statement she and her band members are making. The only thing a person sees when observing the *Entertainment Weekly* cover are the accusations and accolades that have been forced upon the women. Observers see their blank bodies and the labels as their body texts.

Although Maines vocalized the original comment about Bush, Maines’ band mates take the comments upon their own bodies; they are consubstantial with Maines. In the interview with *Entertainment Weekly*, Robison remarked that “Natalie’s comment came from a place of frustration that we all shared,” and Maguire confirmed that “anyone of us could have said it” (Dixie Chicks). The Chicks demonstrate that any remark directed at one of them is directed at all of them. They all bear the charges of “traitor” and “liberal”; they all are “patriots” with the liberty to engage in “free

speech.” They are not hidden from each other. The picture displays the women’s faces turned toward the camera, but their bodies oriented toward one another. Maines stands in the back, protected by Robison and Maguire. Symbolically, if anyone were to try to reach Maines, he or she would have to cross through Robison and Maguire in order to do so.

The messages inscribed upon the women’s bodies record the disparate viewpoints held by the public regarding Maines’ comment. These epitaphs, as many have called them (source needed), are contrasting descriptions of the women. Some are pejorative, such as the claims that they are “traitors,” “Dixie sluts,” and “liberal.” Others are affirming, such as “patriot,” “hero,” and “brave.” Some persons believe the band to be “proud Americans” while others criticize them for being “Saddam’s angels.” The remarks penned upon their bodies do not reflect an external expression of internal meaning, but multiple identities forced upon them by the public. Unseen in the cover are the women’s feet, which bear tattoos of chicken feet walking across the top of their feet. Although the women have stopped receiving the tattoos, these self-selected inkings identify the women with their early professional milestones, such as number one songs or albums. The women are their music.

The public inscriptions of identity, on the other hand, serve to strip the women of their country industry identity. They were not self-selected, nor are they are not permanent. But they nevertheless have the effect of altering the Dixie Chick’s identity. The band’s posing nude on the cover of *Entertainment Weekly* marks a break with band’s past identity. They are no longer the girls next door, nor the sweethearts of the American country music identity. At this point in time, their future identity is not constructed; their current identity is contested and in flux.

Some critics have challenged the Chicks’ disrobing as using their sexuality in order to have their platform heard (Peters). This criticism of the Dixie Chicks’ choice to appear nude on the *Entertainment Weekly* cover is a valid criticism and an appropriate reading of the event. Yet this criticism focuses on the external communication of the event, neglecting the internal crisis of identity that the event marks. The Dixie Chicks used multiple events to explain Maines’ comment, appearing on multiple television and radio programs, yet the country music industry refused to understand what Maines meant and expelled the Chicks from their community. In this image the women are silent, as they have been encouraged to be by others, exposed to the world without clothing to protect them.

Taking the Long Way

Taking the Long Way was released May 23, 2006 more than three years after the incident at Shephards Bush. The album was not nominated for a single Country Music Award, but swept the Grammy Awards, winning every award for which it was nominated: Album of the Year, Best Country Album, Song of the Year, Record of the Year, and Best Country Performance by a Duo or Group with Vocal. Although some sources have criticized the album, most commentators have been positive. *Rolling Stone* reports that the album “embraces the depth and fury of classic rock while remaining true to the trio’s Texas roots” (226) and *All Music Guide* declares that with this album the band is “bravely asserting their identity through this varied, successful crossover move” (Erlewine). As of September 26, 2007 the online site, *Megacritic.com* reports that critics gave the album 72 out of 100 points, and that users of the site rated it 8.1 out of 10 points, based on 123 users.

The album contains fourteen tracks and at present five singles have been released from the album: “I Hope,” “Not Ready to Make Nice,” “Everybody Knows,” “The Long Way Around,” and “Voice Inside My Head.” The

album articulates the experiences of the Dixie Chicks following “the incident.” All of the songs are autobiographical; the songs express the women’s emotions and do not call for any form of political action.

The songs on *Taking the Long Way* put into melody the difficulties following the country music industry’s rejection of the band. Some songs capture the experience from a broad perspective and other songs are directed at particular audiences, such as the women’s husbands, children, and former fans. The album’s first track, “The Long Way Around” highlights the band’s inability to follow the lifestyle that their contemporaries from childhood. The song indirectly mentions the commercial fallout from Maines’ comment, and remark upon how the statement made at Shephards Bush was not premeditated, but helped the women understand their political positions. The second track, “Easy Silence” follows the autobiographical nature of the first track, but is an ode to the women’s husbands thanking the men for helping them through the difficult times. This track contains the most political messages of the entire album which are: “Monkeys on the barricades; Are warning us to back away; They form commissions trying to find; The next one they can crucify” and “ Children lose their youth too soon; Watching war made us immune.” The political ideas expressed are disjointed and have little impact on the overall message of the song. The most popular song on the album, “Not Ready to Make Nice” summarizes the band’s incredulity that the public responded in such a hostile manner in response to Maines’ comment, and the band’s refusal to placate those persons upset by the remark. Again, no political message is conveyed; the song merely relates the women’s emotions during their difficult time. “Bitter End” is a farewell to the band’s former fans.

Just as the *Entertainment Weekly* cover served the important function in stripping the Dixie Chicks of their former identity, *Taking the Long Way* serves the important function of allowing the band to express their emotions about the time period following the incident. The women use the feminist style in order to communicate with their audience. The feminist style, Karlyn Kohrs Campbell explains in *Man Cannot Speak for Her*, was adopted by many women in order to respond strategically to the demands of the public speaking. The feminist style has a personal tone developed through the use of personal examples and personal disclosure; employs anecdotes, narratives, and examples to support claims; works inductively from case scenarios; and invites a connection between the speaker and her audience. Although one cannot develop music lyrics in the same fashion that one would a speech, the Dixie Chicks employ the personal narratives and examples in order to express their emotive message to their audience. By sharing their feelings and vulnerabilities through the use of personal examples, the Dixie Chicks ask their auditors to understand the impact that the incident had on their personal lives and their professional careers.

Unlike earlier Dixie Chicks albums, which are broad appeals to the common condition, this album works largely through the framework of the incident and its impact on the band. Personal examples abound on the album. In “Long Way Around,” Maines notes, “It’s been two long years now since the top of the world came crashing down and I’m getting’ it back on the road now.” The remark at Shephards Bush was made during the band’s “Top of the World” tour, two years prior to the writing of this song. In “Not Ready to Make Nice,” Maines asks “how in the world can the words that I said send somebody so over the edge that they’d write me a letter sayin’ that I better shut up and sing or my life will be over,” alluding to a death threat she received. Referencing her hometown of Lubbock, Texas, she ruminates, “I hear they hate me now, just like they hated you. Maybe when I’m dead and gone, I’m gonna get a statue too.” Her remark refers to Lubbock not supporting an earlier hometown hero, Buddy Holly, until after his tragic death in an airplane crash. Not all personal experiences relate to the incident, however. In “So Hard,” the band

reflects on infertility and their struggles to have children: “It felt like a given Something a woman’s born to do. A natural ambition, to see a reflection of me and you. And I’d feel so guilty, if that was a gift I couldn’t give. And could you be happy, if life wasn’t how we pictured it?” The personal examples are used so that the women can disclose their personal feelings and vulnerabilities. In “Not Ready to Make Nice,” Maines discloses that she’s “still mad as hell.” In “Easy Silence” she thanks her husband for the sanctuary he provides for her. In “Everybody Knows” she confesses that she does not want anyone to see her cry. In “Lullaby” she shares how much she loves her child. In “Voice Inside My Head” she questions whether the decisions she has made in the past have been the correct ones.

The *Taking the Long Way* album is an expression of the feminine style. It is emotional, expressing the sentiments—including pain, anger, confusion, and hope—of the women. It verbalizes the Chick’s personal experiences. It is collaborative, as each member participated in the writing of the lyrics, the creation and the mixing of the music, and the production of the album. It is invitational and intimate, asking its auditors to experience the music and the emotions with the artists. It is therapeutic, as the music allowed the band to express their hurt in order to be able to receive healing. “To write these songs allowed me to find peace with everything and to move on,” Maines shared in commentary on the writing of the lyrics (Maines). The artists’ vocalization of their hurt and anger empowers them in the public sphere.

Much research on feminist communication has focused on the effort of women to gain access to traditional arenas of political power. Stripped of their power following the incident, the Dixie Chicks do not seek access to traditional arenas of power nor the country music industry that rejected them, but access into a new community: the rock community. They desire a community that will understand them and allow them to express their opinions and to make mistakes. Although through their participation in the Vote for Change campaign advocates political action, their music on the *Taking the Long Way* album does not.

Regardless of the lack of political message in the album, the Dixie Chicks have developed a political persona. The album does not assert policy positions or solicit action, which would be characteristic of masculine forms of communication. Their music does not protest President Bush, the government, or any governmental actions.

Other artists, such as Neil Young, Pink, Bright Eyes, and Pearl Jam directly criticize the President in their music. Neil Young’s album “Living with War” criticizes the President, the war, and Bush’s policy positions. His track, “Let’s Impeach the President,” calls for the country to impeach President Bush for lying about the war, for spying on citizens, and for using religion in his effort to get elected. Pink’s “Dear Mr. President” and Bright Eyes’ “When the President Talks to God” question Bush about his policy positions. Pearl Jam’s “Worldwide Suicide” criticizes the President for “writing checks that others pay.” Ian Brown claims that “These are illegal attacks, so bring the soldiers back” in his song, “Illegal Attacks.” Some of these artists combined with others to produce two albums entitled “Rock Against Bush,” Volumes 1 and 2, which contain fifty-four different arts and songs of protest.

Although the music on the album does not communicate a political message a significant portion of the population understands it to do so. On the *Metacritic.com* website users can post comments. Although many people post remarks in support of the Chicks and the new album, many post comments about the political nature of the band or the current album. Some posts expressed a strongly hostile message. “Jack” writes, “Yet another politically charged album that appeals to the Air America crowd and is despised by the Sean Hannity crowd. If I want politics, I will listen to any of those talk radio programs. If I want music, give me music, not a temper tantrum from some partisan POV.”

“The Critic” agrees, claiming that “Once again these Bush bangers have put out another piece of liberal garbage that should be banned from everybody’s ears but communists. Dixie Chicks GO TO HELL!!!” Even supporters assert the political nature of the album. “Cary S” asserts that “This album has the guts to tackle personal issues (Voice inside my head) and of course political issues.” “jennifer s” opined that “these girls finally said what no one else [sic] had the guts to.”

At a time when the President’s approval rating was high, the Dixie Chicks spoke out against the war and the President. This one remark, stated by a band that one would assume to be conservative based upon the genre of their professional career, catapulted the Chicks into a controversy over the freedom of speech. Does a citizen have the right to express her opinion at a concert outside of the United States? An offhanded remark by Natalie Maines led to political action by the public, the boycotting of the Chicks’ music. A chain of events was set into motion as news of the remarks worked its way into the American press. Fans of country music protested radio stations playing the Chicks, leading to a boycott of the Chicks by the country music industry. The band would not be played on the airwaves nor celebrated at their music awards. Although they little advocate a policy agenda or protest the President or the war, their identity as the sweethearts of the country music industry was altered, replaced by a new identity drive largely by events enacted in response to public criticism. The Chicks accepted the political labels placed upon them, and crafted a new identity consistent with that of the identity with which they had been charged. The Chicks responded with their *Entertainment Weekly* cover, their support of the Vote for Change campaign, national interviews, allowing the filming of the documentary *Shut Up & Sing*, and their latest album, *Taking the Long Way*.

Campbell’s realization that “the personal is political” and Jamieson’s contention that speaking is equated to acting explain how the public can perceive this emotive album as political (*Form and Genre*). The personal, on this album, is public; no distinction exists between the personal lives of these three women and their public, professional careers. The sentiment was an expression of her personal feelings and the feelings of her band mates. “We’re ashamed the President of the United States is from Texas,” she declared. “We do not want this war, this violence.” Her statement of her internal feelings was received as an external condemnation and a policy position. Uttered at a concert, the public statement of her personal sentiment was received as a political act—a protest of the war and the Bush presidency. By speaking, Maines had acted; by espousing her personal sentiment, Maines had become a political activist.

Conclusion

Although appropriate criticisms of Jurgen Habermas’s conception of the ideal public sphere exist, including Nancy Frazier’s contention that multiple spheres exist, we can nevertheless accept a conception of a public sphere, regardless of what that sphere looks like. The public sphere is a place in which a person can gain access in order to express himself or herself. When country music radio banished the Dixie Chicks, the group was driven from the public sphere in which they existed and forced to adopt a new sphere. The blackballing of the band enabled them to reframe themselves from a female country band into political artists. They joined artists such as Bruce Springsteen, Dave Matthews, and James Taylor in a “Vote for Change” tour against President Bush and in support of John Kerry. They also funded a website through the Rock the Vote campaign entitled “Chicks Rock, Chicks Vote.” They consider themselves members of the rock genre now, reflected in their latest concert in which they partnered with The Eagles in Los Angeles.

Although the Dixie Chicks have been able to continue moving forward as artists, albeit in a slightly different direction musically and with a different base of support, the refusal of the country music industry and its supporters to allow for a diversity of perspectives does not reflect well upon our First Amendment rights. The banning of the music from radio, the burning of the CDs, and the refusal to support the band in future concert ticket sales indicates a lack of appreciation for our fundamental rights.

My criticism of the country music industry does not reflect the entirety of the United States. The People for the American Way honored the Dixie Chicks with their 2003 "The Spirit of Liberty Award." Fellow country music sweetheart Faith Hill told *People Magazine*, "She's an American. She has the right to say whatever she wants." Maines and the Chicks received support from left-leaning media outlets, including *Salon*, *Slate*, *Billboard*, and *Rolling Stone* magazines, as well as *The Chicago Tribune*, *The Advocate*, *San Francisco Chronicle*, and *Los Angeles Times*.

The conflict had multiple benefits: it activated political organization and protests by minority voices and it enabled a rights talk. In December of 2003 several country music executives founded the Front Row Democrats to advance the ideals of the Democratic Party in the South and to endorse Democratic candidates. The nonprofit organization also sought to give Democrats within the country music industry a platform from which to communicate their message and to protect the free speech rights of those persons within their community. Tim DuBois, one of the founders of the Front Row Democrats, cites the Dixie Chicks controversy as a galvanizing force in encouraging Nashville executives to act. DuBois recounts, "The fact that there were very few people in our community who had any kind of forum at all who could stand up and come to the defense of the Dixie Chicks was, I thought, appalling" (Biography). Front Row Democrats now has more than 1,500 members and claims to have been the only organization to run television advertisements supporting John Kerry in the 2004 election. The group also participated in grassroots campaigning, including registering voters and block walks.

In an era in which the Patriot Act has weakened the civil liberties of United States citizens and more citizens are concerned with turning the legal drinking age than the legal voting age, the Dixie Chicks controversy brought the issue of free speech to the forefront of political debate and discussion. Questions that have been debated on talk shows, in interviews, and on Internet blogs include: What constitutes free speech? What is the cost of free speech? Do artists have the ability to express their opinions at concerts? Should citizens criticize their national leaders when on foreign soil? How elastic is the freedom of speech? Can free speech be regulated by the marketplace? And in this paper in particular: How does the public criticism of free speech mirror judicial parameters of speech? What are the dangers of a community that excommunicates its members because it does not approve of their speech? What can be done to foster the endorsement of a variety of perspectives by the citizens of the United States?

Following the Shephards Bush incident, the Dixie Chicks have done everything but shut up and sing. They have spoken out through interviews, through symbolic communication marked upon their naked bodies, through political activism by participating in Vote for Change initiative and by joining the Front Row Democrats, and through their latest album. Using the feminist style of communication they have expressed their hurt at the public response to Maines' statement and their expulsion from the country music industry. They have taught us an important lesson about free speech in the United States: speech is anything but free, but free speech is worth the price you pay. The incident forced the Dixie Chicks to alter their identity, and to take their music and their political activism further. The identity shifted from the sweethearts of American country into a politically engaged female band.

Although they have yet to use their music to critique political policy and presidential agendas, the platform is set for them to become a political force. Presently their message is not overtly political. Their new album does not focus on the political machine or notions of social justice; it is a therapeutic purging of their personal experiences following the incident. In the process of altering their identities, they first had to strip themselves of their past, next accept the contradictory messages that others have forced upon them, and then express their hurt and outrage. Their identity reconstructed, the rhetorical potential for the Dixie Chicks to articulate a political message exists. They have the potential to become a blue grass version of Rage Against the Machine. The Dixie Chicks are not the Bob Dylan or the Neil Young of the new millennium, but now they could be. Public perception believes them to be a political band, with a political message. I encourage them to use their musical platform to try and enact change for their local, national, and global communities. Don't make nice; make a difference.

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¹ *Hague v. CIO* (1939) (labor union meetings), *Niemotko v. Maryland* (1951) (reading and discussing the Bible), *Kunz v. New York* (1951) (preaching), *Cox v. Louisiana* (1965) (placards on courthouse grounds unconstitutional), *Coates v. City of Cincinnati* (1971) (annoying speech), *Thornhill v. Alabama* (1940) (picketing), and *Greer v. Spock* (1976) (political speech and distributing literature).

² *Cox v. New Hampshire* (1941), *Shuttlesworth v. City of Birmingham* (1969), *Gregory v. Chicago* (1969), and *Bachellar v. Maryland* (1970) protect parades and marches. *Cox v. Louisiana* (1965) differentiates between pure speech and speech combined with action, preferring pure speech.

³ *Stromberg v. California*, 283 U.S. 359 (1931) upheld a young communist's ability to fly a communist flag; *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) upheld students' ability to wear armbands in protest of the Vietnam War; *Cohen v. California*, 403 U.S. 15 (1971) upheld the ability to wear a jacket with the words "Fuck the draft" on it; and *Texas v. Johnson*, 491 U.S. 397 (1989) overturned prohibitions against flag desecration. In each of these cases the Court found no significant reason to prohibit the activity in question. The Court did, however, find a significant governmental interest to proscribe the desecration of draft cards in *United States v. O'Brien*, 391 U.S. 367 (1968).