



PP19

COPS AND ROBBERS

HISTORY REPEATS ITSELF

AS ALTERNATIVE TENTACLES FINDS ITSELF IN COURT AGAIN



MAKING PUNK A THREAT AGAIN

THESE ARE THE DEPOLITICIZED NINETIES, or so we are told. We are now living in a post-ideological world where the Left has receded into the trash masher of history, and the free market has triumphed over liberalism. All counter-cultures have been emptied of their ability to foster resistance, and those political conflicts we still bear witness to are subsumed by the media within the framework of what academics are fond of calling 'culture wars,' supposedly unimportant battles over largely symbolic issues, waged between religions and minorities over their representation in the classroom, the media and the legal system.



Underneath this smokescreen however, the establishment still finds itself battling its opponents in its perpetual contestation with everyone for power. The authorities continue to fight the same battles against sexual and ethnic minorities and cultural radicals for ill-defined reasons that have to do with obscenity, decency and the maintenance of public order. The real meaning of such wars appears to be submerged because the conservative ideology which disguises them wants the meaning of such conflicts to remain hidden in order to prevent us from taking sides. Such is the case with the current legal standoff between Alternative Tentacles Records and the Philadelphia Fraternal Order of Police, the union which represents the infamous, user friendly labor force otherwise known as the Philadelphia Police Department over the back cover of a five year old Crucifucks compilation featuring a picture of a dead cop.

BY JOEL SCHALIT



On the surface, the dispute between Alternative Tentacles and the Fraternal Order of Police appears to be just another installment in the endless series of clashes between record companies and the establishment such as the recent conflict between Time Warner, C. Dolores Tucker and William Bennett over Interscope Records' promotion of gangsta rap reminds us. But this time there's a lot more to it than meets the eye. This is the first serious legal dispute between a record company and political authority since punk allegedly went mainstream in the early nineties, first with Nirvana and then with rise of Rancid, Green Day and then the Offspring. After all the ridiculous debates over genre purification between *Maximum Rock and Roll* and its opponents over grunge these last few years, this is a hell of a lot more significant. Here's why:

What distinguished the so-called grunge movement, and its pop punk predecessors was the fact that it was apolitical. The way it was handled by the media was as though it were fashion trend, rather than a ill-defined political movement. If the new generation of grungeoisie had any politics, it was restricted to debates over the fairness of ticket pricing, and if not that, well then there wasn't much to its politics except a

SYSTEM, SYSTEM

IT'S A VERY RARE EXPERIENCE for any political rock band to have the unfortunate experience of having their criticisms of society legitimated by an establishment that sees a band as a threat, and then decides to go after it. After all, many groups have a lot of important political messages that they place in their songs and their lyrics, but very little of it actually gets heard. If a band ever gets any explicit acknowledgement for being political, it usually comes at a heavy price, when the authorities decide that they have been slighted and decide to press charges.

Otherwise, rock politics usually remain submerged in a record until some over-educated rock critic decides to decipher the hidden meaning of a band's lyrics, unless a Christian watch dog group decides to decode the messages first in order to honor their need to construct popular scapegoats like Marilyn Manson, Judas Priest and Ozzy Osbourne.

Unfortunately in each and every instance popular morality identifies a political enemy amongst the rock and roll electorate, there is usually very little political content to an artist's work which could be deemed revolutionary, let alone political. If a band seems political, it's only

THE BASIS FOR THE CHARGES AGAINST THE

new generation of self-involved, drug addicted artists who on occasion killed themselves, but for the most part remained interesting because of what the media made out of their depressing personal lives. With the rise of the Crucifucks' saga to media prominence, we are once again reminded that real politics is inseparable from rock and roll, because of the nature of their conflict with the police, and its historical significance in light of punk's supposed depoliticization.

At its best, we can look at this case as providing us with a model for how it seems the establishment creates threats to its own legitimacy out of nowhere. And we can observe how the punk counter-culture can get implicated in a much wider political drama that has everything to do with race, and nothing to do with rock and roll. Most importantly, we can also get a sense about what it is that punk's detractors find threatening about it in order for us to think about the content of punk politics, how it is we come to select certain targets, and why we ought to consider expanding our horizons rather than simply follow the time honored tradition of hating authority in the manner in which we've grown accustomed.

because the establishment politicizes their work because they find it advocates some kind of illegitimate transgression of undefinable norms of conduct which we need to keep teenagers in line.

The unfortunate consequence of most witch hunts amongst rock and rollers is that when the establishment scapegoats bands, they create an impression that certain forms of rebellion are more threatening to the status quo than they really are. This serves the interests of everyone involved. The bands end up making more money on record sales than they would have made otherwise because they all of the sudden assume the role of absent, leftist politicians missing from America's overwhelmingly right wing political landscape. And the authorities get to define what constitutes real rebellion for what most Americans perceive the left to be these days: rock and roll bands.

Subsequently, Americans come to view entertainment as a form of radical politics from which they can derive important information to construct supposedly alternative forms of anticapitalist politics. And the right gets to define the parameters of political dissent for them by constructing taboos and

norms of artistic conduct which we confuse with radical politics, like *Maximum Rock and Roll* does. This creates a vicious cycle which is an ideal authoritarian scenario in which politics operates beneath the surface of all debates about culture, art and freedom of expression, when nothing is really going on, except perhaps the redefinition of the appeal of worn out commodities and the communities which form to consume them, like the cult surrounding *MRR*.

However, every once in a while the establishment decides to go after a representative of the counter culture whose work has some kind of legitimate political content which extends beyond the realm of cultural vanguardism. When the authorities select such targets, they usually do so without recognizing the implications of their actions. They assume, however unconsciously, that they are fulfilling the usual narrative of identifying cultural radicals for the purpose of upholding traditional conceptions of political dissent which serve the establishment's own interests. What is so interesting about such events is how much they tend to illuminate the hypocrisy in the judicial system and its law enforcement auxiliaries, as much as they tend to elevate real cultural radicals to the place in American political history which their work ultimately deserves.

CRUCIFUCKS, AND THE CONTINUED BLAME

FIRST AS TRAGEDY, NOW AS FARCE

IN RECENT HISTORICAL MEMORY THERE have been several such moments.

Beginning with the seminal *Frankenchrist* case, cultural and judicial conservatives have shown a remarkably stupid tendency to select certain counter-cultural icons as targets who's work was so explicitly politicized already that they resisted the kind of neutralization which cultural scapegoating almost always aspires to achieve. Unlike current controversies surrounding Marilyn Manson's rejection of Christian family values, the case involving the Dead Kennedys' second to last record was an obvious attempt to curtail the First Amendment rights of the most politically radical punk group in America at the time. The excuse given for prosecuting the band centered around a San Fernando Valley woman's 1986 letter to the State Attorney of California, complaining about the sexually explicit content of a poster enclosed in the DK's *Frankenchrist* record which her eleven year old daughter received as a birthday present. The letter was then forwarded to the LA District Attorney's office, and the band, its label Alternative Tentacles and its distributors and pressing plant were charged with distributing pornography to minors.

The poster in question, "'Penis Landscape," by the infamous Swiss science fiction artist HR Geiger, depicts a series of infected buttocks covered in a shit brown slime similar to the dhiarretic venom spewed forth by the phallic creature in the HR Geiger-designed set of the 1979 film *Aliens*. The derrieres in question are linked horizontally in rows by stiff penises stuck in moist vaginas. This heart-warming foreground is predicated by a blue border with white stars and the album title *Frankenchrist*, in red and white stripes written across the top of the apocalyptic depiction of the violent sexual energy subsumed within American nationalism. Unable to summarize or explain why this imagery was so threatening to adolescent morality, the best the prosecuting attorneys could do in justifying suing the DKs and their associates was to argue that "Penis Landscape" corrupted children's morals instead of being a representation of American culture as embodying a macho, warlike sexuality which rapes its citizenry.

Of course this was the underlying reason why the LA DA's office decided to go after the DKs. But it's very rare that guardians of morality of any official culture can ever articulate why it is that they find certain forms of art threatening. Besides, it wouldn't serve their purposes.

Explaining why the authorities think a particular cultural artifact is subversive would be to popularize its message instead of keeping it hidden the way banal and incorrect charges like "peddling pornography" does. Nevertheless, a work of art retains its meaning even if people who feel the need to ban it can't put into words why they regard something as harmless as album art potentially disruptive, and that is why they always try to suppress it. The fact that the DKs were also the most strident critics of eighties conservatism in the culture industry at the time also had something to do with the willingness of the California political establishment to take on such a tenuous case. They couldn't have had a more offensive and overtly political title, and their album covers, featuring burning cop cars and crucifixes made out of dollar bills weren't exactly subtle either.

Governor Deukmejian and his allies in the White House wanted to send a warning to the punk community that they were willing to go after opponents whom they believed were organizing nascent resistance movements in all spheres of American life. The tenacity with which state and federal law enforcement agencies in places like California harassed organizations like CISPES (Committee in Solidarity with the People of El Salvador,) and opponents of US involvement in the Nicaraguan civil war

forms the backdrop of the kind of effort in silencing rebels like the Dead Kennedys. The *Frankenchrist* case simply represented the cultural part of the Republican establishment's attempt to silence all forms of protest, political or otherwise.

After a prolonged trial which broke up the band and nearly destroyed its label, the DKs beat the charges and Alternative Tentacles went back to business as usual. But not without setting a precedent in the history of rock and roll's relationship to the American political establishment. The only permanent political fallout from the event for Jello and his label was to become permanently blacklisted by every conservative cultural watchdog group from then on, particularly those cultural organizations such as the American Family Association and its peers, which distributed pamphlets to local law enforcement agencies with lists of controversial artists and labels for cops to keep an eye out for. At its best, these lists made for fine entertainment. At its worst, they served as great entertainment guides to Christian artists whom many an Evangelical cultural activist wanted cops to be listening to anyway. After all, Amy Grant certainly sounds better pouring out of a squad car than "Bleed For Me."

scapegoat within the establishment's own color line would be an ideal opportunity for finally going after a threat that really mattered, namely white revolutionaries. In the spring of 1996, the Philadelphia Fraternal Order of Police found its straw man, Alternative Tentacles. Once again the label found itself in the midst of a controversy that echoed its past legal entanglements. This time, however, instead of being charged with distributing pornography, the Philadelphia Police Department union is suing the label for an image of a dead cop on the back cover of a 1992 Crucifucks compilation album *Our Will Be Done*, instead of a sexually explicit poster you had to pull the record out to find hidden inside.

As several wire reports and short newsbytes in *Addicted to Noise* and the *SF Weekly* state, the Fraternal Order of Police in Philadelphia are suing The Crucifucks, Eric R. Boucher (nee Jello Biafra) and Alternative Tentacles for illegally appropriating and altering a poster used for a 1985 police strike for higher wages. FOP President Richard Costello told the Associated Press that the Crucifucks "bastardized" the poster, featuring an officer lying sprawled next to a police cruiser in a pool of fake blood, in order to "glorify violence," instead of show how

ACCORDED TO THE BAND AND ITS LABEL

How Soon is Now?

NEVERTHELESS, MEMORIES OF THE threat eighties punk once posed to the establishment could still be heard in the occasional attacks launched on punk and grunge artists like Nirvana and Hole by hysterical talk show hosts eager to find new targets amongst mellow, depoliticized flannel clad rockers. Every once in a while, paranoid radio evangelists like Bob Larson would do a feature on his syndicated show attacking Alternative Tentacles for promoting queer bands like Tribe 8, Lookout for promoting Pansy Division, and Candy Ass for putting out Team Dresch. However, no substantive legal challenges were levelled at artists and labels in this milieu during the late eighties and early nineties. Conservative culture critics and law enforcement agencies went back to picking on black artists, such as Public Enemy for promoting anti-Semitism in the service of black nationalism, the 2 Live Crew for promoting misogyny and violence against women, and NWA, Ice T and Death Row Records for promoting violence against cops.

Sexual rebellion and the promotion of alternative lifestyles was simply not enough. There had to be some kind of threat to social stability, and promotion of disrespect for political authority that we could target a white owned record label for encouraging. The racism inherent in this need for a

horrible it is like the cop poster allegedly tried to do. According to Costello, the poster was originally plastered around Philadelphia as part of a call by the FOP for higher wages, with the caption, "You wouldn't sacrifice your life for a million bucks. A Philadelphia police officer does it for a lot less. They need your support." The Crucifucks deleted this caption and replaced the Philly PD logo with a Lansing Police Department emblem on the police car door. The FOP sued the supposedly guilty parties, along with Borders Books, where the record was first found, ostensibly by accident, for 2.2 million dollars in damages.

That was a year ago. Last summer at a hearing in Philadelphia, Borders was excused by a Philadelphia judge of accountability with the Crucifucks and AT in the FOP lawsuit. But the Crucifucks and AT weren't, and though the case has yet to go to trial, it is unclear whether the defendants will end up being tried for a variety of obscure technical reasons ranging from the inability of their legal team to attend last summer's hearing, to the fact that the first subpoena served to AT was sent to the label's long expired first address on Shipley street in San Francisco. According to an article on the suit published in the *SF Bay Guardian* last winter, former AT Vice President Greg Werckman stated that the package in which the court order was delivered didn't even have

any kind of legal references on it either, so it was impossible for the label to know where it came from and why it was significant. That is, until they opened it. A year after the cops first pressed charges, a Philadelphia judge has instated a default judgment of 2.2 million dollars against the defendants. An appeal is currently in the offing, and it is assumed by those familiar with the case that the judgement will eventually be dismissed.

FEEL THE DARKNESS

THE GROWING MEDIA SPECTACLE surrounding the event has continued to obfuscate the meaning of the conflict, creating a guilty verdict which favors the FOP even before the case has actually gone to trial. Most articles on the suit tend to favor the FOP's rationale for pursuing the case, focusing on the Crucifucks' "laid back attitude towards the judicial process," according to the *Philadelphia Inquirer*, as well as the lyrics of songs from the band's first record, such as "Pigs in A Blanket," and "Cops for Fertilizer," which one article reprinted in its entirety. Articles on the legal battle continue to refuse to report the full name of the band in question, because as several newspapers state, it's either "an obscene variation of the word crucifix," or simply "an unprintable name." In

Crucifucks and AT are complicit in the murder of police officers because they condone the criticism of police brutality is a very effective weapon to discredit the band and its label with. However, when we try to put such charges in historical context, it begins to make a lot more sense why the police union would try to scapegoat the Crucifucks—who in at least one instance were identified by the FOP as a rap group—and Alternative Tentacles for creating a climate of intolerance towards police officers. To begin with, AT remains a pariah amongst conservative culture critics who think rock and roll is a subversive, revolutionary art form because it still publishes left wing music by abrasive, political punk bands. Judging from the popularity and influence of Evangelical blacklists which are distributed to police departments, AT was a logical candidate for persecution. Very few labels of its size and longevity can continue to claim a similar notoriety, especially given AT's political history and its consistency in contrast to less political labels like Matador, Homestead, Sub Pop and SST.

Despite the setbacks that the label has suffered over the years, it has managed to continue to put out records by controversial artists, while its owner Jello Biafra has been allowed to assume some kind of authority as

CERTAINLY SEEMS LIKE A DESPERATE MOVE ON THE

very few cases is anyone interviewed except the plaintiffs, the Fraternal Order of Police. This is where the ideological continuity between the Frankenchrist case and the Crucifucks' conflict with the FOP is found.

Most, if not all the articles choose to focus on the rationale for prosecuting the defendants cited by FOP union boss Costello and Police sergeant John Whalen, who posed as the dead policeman in the original strike poster. In each and every instance in which the duo is cited, as former AT VP Greg Werckman stated, it's "the cheesiest kind of moralist crap." Instead of taking the time to look at the Crucifucks' critique of police brutality, the police and their friends in the media focus on how the Crucifucks undermine the authority of law enforcement agencies. For example, in one article Costello and Whalen argue that the lawsuit against AT wasn't as much about illegally appropriating an image they had copywritten as much as it was an attempt to counter a recent wave of violence against cops in Philadelphia, instigated, Costello states, by negative stereotypes of policeman in the media. In most instances, wire reports and newspaper articles tend to favor Costello's indignant position, citing recent casualty statistics for Philadelphia cops, including the names of officers shot in the line of duty.

If that doesn't make you want to sympathize with the police, nothing else will. Judging from the media reports on the suit, arguing that the

an elder leftist statesperson, akin to a punk Noam Chomsky. However, AT is still a middle class company with a largely white, educated urban audience who never set foot in the 'hood unless they have to get to a show. The notion that gangstas and cop killers in the Philly area actively go out and buy Crucifucks and Alternative Tentacles records is tantamount to saying that AT is a white Death Row, Jello is a punk Suge Knight, and the Crucifucks are a midwestern version of NWA with a popular audience among the Afro-American underclass in the inner city.

It simply doesn't make any sense. It'd be almost as ridiculous as assuming that in America, punk is a working class phenomena that articulates the same class resentments which British punk gave expression to in the late seventies. The color line and the class background of most punk rockers is in reality a totally different story. That is why the paranoid, conspiracy theories of the Fraternal Order of Police are not only absurd, they're totally ridiculous. Judging from how routine and familiar their charges against AT are, it is safe to assume that we are now being fed another line of traditional right wing disinformation which obscures the real issues underlying the scapegoating of the Crucifucks and Alternative Tentacles, just like most rationales which are given for prosecuting a zillion other bands and labels. Only this time, it's a little different. It's what the case means to the Philadelphia Police Department's public image that's at stake here.

HOME OF THE BODYBAG

THE PHILADELPHIA POLICE DEPARTMENT has been called one of the most corrupt, brutal and conflict-ridden police departments in America. Time and again it has been accused of an inordinately high degree of racism. Ever since the early seventies, with the demise of the Black Panther Party and the rise of the MOVE Commune, a lot of media attention has been placed on the police department's troubled relationship with the city's African American community. On numerous occasions, police officers have been cited with planting evidence and prosecuting African Americans and other minorities for crimes they did not commit. In several instances in the late seventies and early eighties, the police department laid siege to the MOVE commune much as was done at Waco, alleging all kinds of falsified improprieties culminating in the bombing of the MOVE commune in 1986 which left only one survivor, Ramona Africa. She was immediately tried and imprisoned, and finally released from jail in 1992.

Numerous lawsuits have been successfully filed against the Philadelphia Police Department over the last ten years, resulting in the overturning of hundreds of convictions due to the discovery of falsified evidence and

on the left have granted him the status of a political prisoner, because, it is believed Jamal was falsely prosecuted for a crime he didn't commit due to his own political history. As a former minister of information in the Black Panther Party, and later as an investigative journalist, Jamal spent a long time documenting police abuses in the inner city. His work in the late seventies and early eighties helped create the public image that the Philadelphia Police Department was a corrupt organization which enforced racist policies on behalf of the political dynasties which, as some reporters argue, run Philadelphia after building their careers in the police department.

In a recent interview, Native American scholar and American Indian Movement activist Ward Churchill was asked to comment on the Jamal case, and why he thought it was significant. Churchill talked about the Philadelphia Police Department's interest in Jamal as stemming from its historically close cooperation with the FBI, and its Counter Intelligence Program (COINTELPRO), and how he felt the evidence used in Jamal's prosecution reflected this relationship. He argued that Jamal's political history as a revolutionary was what caused him to get framed, since a great deal of the evidence against him was so inconsistent. Many other

PART OF A POLICE DEPARTMENT THAT IS WILLING

trumped up charges. Police officers are rarely punished, and if they are, according to many reports, they rejoin the force after taking time off. Several years ago, the *Philadelphia Inquirer* published a series of articles detailing corruption in the department, in particular its civil rights abuses, as well as infighting amongst local police officers which resulted in a spate of homicides within the ranks. Like the rank and file in the police department, the Philadelphia DA has a reputation for being one of the most punitive of district attorneys offices in the nation, sending a very high proportion of convicted felons to death row, among them Mumia Abu Jamal. It appears that the whole of the justice system in the city suffers from the same malaise, regardless of who is responsible. Perhaps some of this has to do with pay. One survey noted that Philly cops are amongst the poorest paid officers in the nation, ranking only second to San Antonio. It is unclear whether the Philly DA and the Philly police suffer from a similar economically induced pathology, but the vengeance with which they seek retribution certainly suggests they share a similar homicidal mentality.

Mumia Abu Jamal's case sheds the most light on the workings of the Philadelphia Police Department. Convicted of killing a police officer, Jamal has been sitting on death row filing appeal after appeal since 1982. Many

scholars and activists agree with Churchill, and it's not surprising. The American legal system has many racial biases. Nevertheless, the overwhelming consensus is that law enforcement in Philadelphia, and the police department's policies towards minority communities are paradigmatic of the kind of corruption which pervades the American legal system because it's so extreme.

HISTORY LESSON, PART II

WHILE IT WOULD BE LUDICROUS to compare the plight of the Crucifucks and Alternative Tentacles to that of Mumia Abu Jamal and the thousands of African Americans who have been framed, convicted and murdered by Philadelphia police officers, the basis for the charges against the Crucifucks, and the continued blame accorded to the band and its label certainly seems like a desperate move on the part of a police department that is willing to try anything to make itself look better. What is certain is that the Crucifucks and AT have been charged with a conspiracy which could only be hatched in a political environment like the one that reigns in Philadelphia. Hence how surreal a drama it appears the label has been drawn into.

Given Alternative Tentacles' own political history, it makes sense why the Philadelphia Police Department would pick on the label, though we

might conclude that this very well could have been a mistake since there are many more labels and bands which take a far more anti-police stand than the Crucifucks and Alternative Tentacles do. Regardless, as in the case of the Dead Kennedys, the Crucifucks have a lot of subversive cache which unfortunately is legitimated by the trials they are now being put through. What better a tribulation for a band whose name equates Christianity with getting fucked.

What is significant about the charges levelled against Alternative Tentacles is how it has again politicized punk in the same way the establishment always seems to politicize it. In light of the *Frankenchrist* case, and similar precedents such as Jim and Debbie Goad's prosecution in the *Answer Me* trial last year in Washington state, punk's only claim to fame is that it promotes the violation of certain norms and standards of conduct such as violence against women and police officers. It never gets beyond that, even when it's being ironic. This is not something which we are always supposed to blame artists, writers and record companies for. At least explicitly, because quite often we find that the political causes which make bands popular end up obscuring the

symbols and Communist iconography. It didn't get much deeper than that. Whether or not there was any substance to the use of such graven images varies depending on which band or artist you look at. Some members of my generation claim that because of the taboos placed on such icons in Anglo American culture, after the sixties it was the only way they could have ever been introduced to leftist politics. Others have argued that because these symbols were used in the absence of genuine, leftist political movements, they lacked any kind of political currency at all. At their worst they were empty signs which symbolized the poverty of cultural radicalism and the degree to which cultural experimentation been dissociated with political dissent.

Perhaps that is why the Philadelphia police department chose to persecute a band like the Crucifucks. Like MDC, their icon of transgression is a dead cop. The political discourse of law enforcement in this country is so impoverished that it cannot distinguish between the hatred of political authority and the revolutionary potency of a white punk band from the Midwest. Regardless of what the outcome of events like the Crucifucks' legal dilemma turns out to be, the most likely prognosis is

TO TRY ANYTHING TO MAKE ITSELF LOOK BETTER.

Punk 101: Primer

real political content of their work, like the furor over Public Enemy's alleged anti-Semitism suggested. The controversy surrounding Professor Griff's comments about Jews at Columbia University a few years ago pretty much destroyed PE's chances for communicating anything important, except of course, their stylistic innovations in sampling which have been well documented recently by the Chemical Brothers. Public Enemy had a lot more to teach us than simply reiterating Louis Farrakhan's paranoid rantings about a Jewish conspiracy against African Americans and in their absence we have seen an increasingly limited political discourse from rap. Now, if hip hop ain't gangsta, it's all about Moslem fundamentalism, and if it's not about ethnic separatism and gang banging so called bitches then it's irrelevant.

The same goes for how many of us were initially taught to interpret punk. Starting in the late seventies, the media concentrated on its shock value, on the sado-masochism of cheek piercing, spitting, and hair dying—of punk's transgressive deconstruction of fashion. When the shift started to focus to politics because of the explicitly political posturing of groups like the Sex Pistols and The Clash, the tendency was to look at punk's employment of fascist emblems like Swastikas, Anarchy

that depending on it's media exposure, the legal battle will result in an increase in the use of anti-police iconography by punk bands, who are already well known for their distaste of law enforcement officials. Unfortunately, the problem with police brutality is much bigger than a Stacey Koon or a Mark Fuhrman, even though they deserve to be vilified in the same manner that we are summoned to condemn anyone who personifies and acts out the violence inherent in the status quo. Nevertheless we ought to remember that in the end, it's not the police who are the problem. To quote Crass, it's the system, and how it defines the parameters of dissent for all of us. ©

