

Hip Hop and the Law

Hip Hop and the Law

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DREXEL UNIVERSITY



CAROLINA ACADEMIC PRESS

Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Hip hop and the law / edited by Pamela Bridgewater, andré douglas pond cummings,
Donald F. Tibbs.

pages cm

Includes bibliographical references and index.

ISBN 978-1-61163-594-2 (alk. paper)

1. Law--Social aspects--United States. 2. Hip hop--Influence. 3. Musicians--Legal status, laws, etc.--United States. 4. African Americans--Legal status, laws, etc. I. Bridgewater, Pamela D., editor. II. cummings, andré douglas pond, editor. III. Tibbs, Donald F., editor.

KF389.H57 2015
344.73'097--dc23

2015018516

CAROLINA ACADEMIC PRESS
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Dedication

Pamela Bridgewater Touré

July 22, 1969 – December 27, 2014

Pamela Bridgewater Touré was an activist lawyer, deeply involved in movements for reproductive rights, clinic defense, and the rights of people with AIDS. She was a scholar of women's reproductive freedom and black emancipation, and merged both histories in her work by focusing on the experiences of black women. She was a diva, a pro-sex feminist, and a sister whose wicked sense of humor was matched by her generosity of thought and care—a beautiful, buoyant soul.

As a professor at the American University Washington College of Law, Pam was among a group of pioneering lawyers and law professors interested in exploring the relationship between law, culture and hip hop. Beginning in 2009 she contributed to HipHopLaw.com and presented hip hop scholarship at the annual conference of the Society of American Law Teachers, the largest organization of progressive law teachers in the country. She organized and worked with law students from various student groups and her popular culture and the law seminar at AU to prepare one of the early symposia on the subject. In its first year the Roots and Reality symposium explored the connection between grassroots organizing and social justice lawyering. In its second year, it brought together lawyers, law students, activists, scholars and artists to examine the relationship between their work, hip hop culture and social justice theory.

Quite literally, this anthology represents Pam's final scholarly project while she was with us on this Earth. We were incredibly honored to work closely with Pam as our co-editor on this labor of love, *HIP HOP AND THE LAW*. During the last years of her life, Pam worked diligently on this anthology, editing, drafting, re-drafting, and negotiating with authors and with us, her co-editors. She loved this project and was determined that her legacy would include the first hip hop and the law book of its kind. Even when close to her last days, Pam continued to work with us to ensure this anthology would make it to print. We were continually inspired by her fortitude, positivity, and generosity. We believe that Pam's very best professional work is represented in the pages that follow.

This book is dedicated to our co-author, our sister, our pioneer in legal scholarship, our friend, our guiding light in social justice, and most of all our hero (or shero as she would call it) in the vast world of hip hop.

andré douglas pond cummings
Donald F. Tibbs
co-editors

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Acknowledgments

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Projects of this size and scope typically require a village to get to publication. That village for me begins with my co-editors Dr. Donald Tibbs and Pamela Bridgewater (RIP). Both possess(ed) incredible intellectual firepower and both are (were) visionary activists and radical lawyers. Without Tibbs' vision and Pam's positive leadership, this anthology would still be an idea, a great idea by my way of thinking, but still just an idea. That our sister Pam passed away just months before publication reminds us how fragile life can be and that each breath we draw is a precious one. In the words of Tupac Shakur, "U Can be Touched," and in appreciation of Tupac's double meaning, Pam was touched by God in being called home, and Pam touched all who knew her with a generous spirit and an intellectual honesty that will never be forgotten. I express deep respect and admiration to both Donald Tibbs and Pamela Bridgewater.

Next, this volume is filled with the creative and inspiring writing of over two dozen contributing authors. Our anthology is filled to overflowing with incisive, intellectually deep, and riveting chapters authored by our talented contributors who, like us, have seen and felt that intersection between hip hop and legal theory and have committed their thoughts to provocative writings. Each time I re-read one of our contributing authors' chapters, I find myself exclaiming, "That is my favorite chapter in the book," except that I have uttered that very phrase more than a dozen times. I hope that all readers will also be so challenged in discovering their favorite chapter. To our contributing authors, we express heartfelt gratitude.

Next, we have been honored to work with the Carolina Academic Press, particularly with Ryland Bowman, Grace Pledger, and Jessica Newman in taking this project from idea to fruition. Both Ryland and Jessica have been generous in their support and careful in their editorial suggestions, allowing us the freedom to make this project appear as we have always envisioned it.

As this concept has evolved for more than 15 years, I have received excellent research support and suggestions from a sea of research assistants, administrative assistants, and friends who have allowed me to look into the mirror and into their eyes to see what was real about this project and imagined. For that, I am grateful to my research assistants and administrative assistants at the West Virginia University College of Law, the University of Iowa College of Law, and the Indiana Tech Law School. The individuals that follow have expended their valuable time and energy on reviewing, editing, conceptualizing, and debating the themes of this book with me, and I am deeply grateful to each, namely Sarah Tofflemire, Brian Hooper, Lydia Lamont, Tina Cecil, Nick Sciuillo, Shaquana Cooper, Noah Moore, Travis Knobbe, Ruth de Wit, Robert Dixon, Justin McKinzie, Ebony Calloway, Kim Landis-Savieo, Sheila Hassani, Laura Fennelly, Michael Nissim-Sabat, Kimberly

Murphy, Brian Welch, Bethany Swaton, Brandon Shumaker, Alvin Hathaway, and Kim Matras. I am particularly indebted to Lydia Lamont who has tirelessly edited this manuscript in its final stages. Thank you, to all.

Further, to those students at Drexel Law and West Virginia Law who enrolled in a course in spring 2012 called “Hip Hop and the American Constitution,” we express appreciation and gratitude. Much of what we have compiled here is a direct reflection of the incredible conversations and deep theorizing that occurred between guest speakers, students and instructors in that course and we hope that each of you are as proud of being a part of this project as we are.

Additionally, my own hip hop education has been an amazing journey of first-hand experience and deep conversations with artists and activists alike, who have impacted my thinking and conscience, to whom I express gratitude and respect. To that end, I am grateful to Chuck D, Cornel West, Talib Kweli, John Carlos, Harry Allen, Tivoli Manumaleuna, Sean Harper, Jacob and John Tovio, Todd Clark, Alvin Salima (RIP), Ruthless Records, Shortfuse Recordz, Portside Records, McKay Entertainment, Natu Tauali’i, the Hit Squad, 684, C. Kalvin Davies, Voice of Power, and Alex Ma’alona.

To my family, who has walked with me through this sojourn, particularly, my own little crew, including my partner Lavinia Mann Cummings and our babies, Cole Kaianuanu, Malia Ao’ilagi, and Maxwell Keave, I am forever amazed that Father in Heaven granted me the grace of this blessing. To my parents and siblings, that have always believed, Robert, Lynne (RIP), Kent, Susan (RIP), Sharon, Kristin, Cameron, and Kara, I am grateful. To Lavinia’s parents and siblings, that show unconditional love and support, Ronald, Luseane, Geraldine (and Alema), Jared (and Meredith), Rocco (and Brittany), and Eileen, I am grateful.

To our lawyer-brother Kweku Touré, who walked this journey with us at the side of Pam Bridgewater, we are grateful and express deep respect for his strength and unflagging support.

Finally, to the architect of this volume and our first-of-its-kind law school course, “Hip Hop and the American Constitution,” I must again express gratitude to Donald Tibbs. This anthology was originally conceptualized at a moment in 2011 where we broke bread together at a small restaurant in Iowa City, Iowa following a Symposium at the University of Iowa College of Law. Tibbs envisioned a law school course to be offered at Drexel Law School with a follow-up anthology that would introduce law students to the overt critiques and hidden messages contained in hip hop music where artists criticize American law and policy and in some instances offer a better way forward. This anthology is the culmination of that vision and I am grateful to my man Tibbs for including me in the journey.

Donald F. Tibbs

This project has been a labor of love, and no completed book is solely the result of an individual effort. I offer my sincere thanks and deep gratitude to those who made this book possible. First, I would like to thank Janet Fleetwood, Mark Greenburg, and the committee of the Drexel University Faculty Development Grant who awarded my proposal to teach a course on Hip Hop and the American Constitution. This book is the final product of that award. I thank my Dean, Roger Dennis, for his continued professional and financial support of my scholarly endeavors; my Associate Dean, Dan Filler, for his

vision to allow me to teach the first ever course on Hip Hop at an American law school; and the rest of the faculty, staff, and students at the Thomas R. Kline School of Law. I am eternally thankful to my administrative assistant Donna Strunk and my research assistants who have helped me with completing various stages of this project. Eric Bergel helped me at the beginning, John Lopez assisted me in the middle, and Brittney Schoenbeck brought this book to conclusion. I would like to thank all of the students and scholars who participated in my course and those who couldn't but have nonetheless contributed to this book and made it possible. And I owe my deepest gratitude to my co-editors, andré douglas pond cummings and Pamela Bridgewater. We spent long hours together on this book, and I can attest that they are, not only the best colleagues, but also the best friends I could have in the academy. I also would like to thank the production staff and editors at Carolina Academic Press, most notably Ryland Bowman, Jessica Newman, and Grace Pledger. They worked tirelessly to embrace our vision and usher this book to production. In my personal life, I am thankful to my mother Barbara Tibbs, my brother Nathan Tibbs, Jr., and my faithful partner, best friend, and wife, Deborah Costela: she was patient when I needed it and supportive when I didn't deserve it. Without their continued love and support, my name would not appear on the title page of this book. Finally, I would like to thank Hip Hop: the culture, the music, the artists, and the fans. I have relied on Hip Hop to see me through good times and bad. The completion of this project is, undoubtedly, one of those good times.

Introduction

Historically, African Americans have never shared the same cultural destiny as any other segment of the American population; and this awareness is at the center of Black music and the Black radical tradition. The genesis of using music as a form of personal expression and liberation began inconspicuously during African slavery, as the songs and lyrics of captive Blacks became the focal point of their freedom. Slave songs, or Negro spirituals, as they eventually became retitled, were perceived as rhythmic modalities to keep pace with the pressure of plantation economic production. But, in reality they were more. Indeed, they were much more. Instead, slave songs contained hidden messages underlying soulful beats that contained a critical liberation message: that slavery was immoral and that American law needed to undergo radical revision to free blacks held in captive bondage.

Fast-forward through the eras of Jazz and the Blues to the 1979 birth of Hip Hop, a musical invention that blended slave narratives—the language of un-free people—with urban street anthems—the language of free people and produced a genre of music that has transcended every believable boundary in the post-Civil Rights era. What began in the South Bronx, New York, under the music of a little known group called the Sugarhill Gang, has emerged into a culture and lifestyle that spans the globe. On its face, Hip Hop has outsold almost every other music category; spawned into a multi-billion dollar enterprise; and currently serves as the thematic backdrop for marketing everything from fast food to automobiles. So vast is Hip Hop’s appeal that culturally-hip professionals, such as doctors, lawyers, and even the President of the United States, have attached their name in order to garner community endorsement: better known as *street credit*. Hip Hop artists have rapped their way to vast success producing innumerable riches for some, while unwrapping a style of music that blends creative storytelling with hidden messages and critiques of the American way of life. American law and legal culture are often the centerpiece of those critiques. Indeed, Hip Hop artists have often experienced the blunt trauma of the American legal system first hand and as young men of color in the United States, are keenly positioned to critique a system that disproportionately imprisons and discards African American and Latino youth. Critical Race Theory pioneers Derrick Bell and Mari Matsuda passionately advocated in their writing and teaching that “looking to the bottom” should become a crucial undertaking when making policies and drafting legislation, and Hip Hop truly represents the view from the “bottom of the well.” Listening closely and paying attention to Hip Hop’s critique is literally an exercise in “looking to the bottom” and encompasses a genuine hearing of the voices of the oppressed and often powerless. Yet Hip Hop has now emerged as a voice of power.

Hip Hop and the Law is a collection of scholarly writings that explain what we can learn about American law through Hip Hop music and culture. It seeks to invigorate an important discussion confronting the American legal order in the 21st century: that the law *as written* is very different from the law *as practiced*. HIP HOP AND THE LAW is a

compiled anthology that uncovers, from a legal perspective, how Hip Hop lyrics not only critique the continuing racial problems confronting American law and society, but also how potential solutions for eradicating the vestiges of racism and social injustices are deeply embedded hidden messages. Although there is a wealth of literature on Hip Hop music and culture generally, very few books discuss the legal message from, and the meaning and purpose of, hip hop music.