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## THE TAKEOVER: HIP HOP'S EVOLUTION AND INFLUENCE IN THE LAW SCHOOL CLASSROOM

TODD J. CLARK<sup>1\*</sup>

When I was asked to write this article, I was reminded of a question asked at the beginning of the movie *Brown Sugar*—a movie which is often regarded as one of the most iconic films in urban, as well as hip hop, culture.<sup>2</sup> The question: “So, when did you fall in love with hip hop?” is answered by rappers Kool G. Rap, Russell Simmons, Black Thought, Pete Rock, De La Soul, Jermaine Dupri, Talib Kweli, Common, ?uestlove, Big Daddy Kane, and Method Man, to collectively explain when they discovered their love of hip hop.<sup>3</sup> In their responses, each artist highlights how their experiences hearing a lyric and/or observing the culture helped them cultivate a lifelong love for hip hop music and its culture. It is that same love for hip hop that inspires the words penned in this article. My love of hip hop has influenced and shaped the man that I have become, has been inspirational throughout my career, and will continue to inspire my service, teaching, and scholarship.

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1. \* Todd J. Clark is a Professor of Law at St. Thomas University School of Law in Miami, Florida. First, I would like to thank God for putting me in a position to write about and shed light on issues that I find compelling. I would also like to thank my mother, Dora L. Clark, my father, Sherwood Hill, and my aunt, Selena Comer, for all of their love and support. Additionally, I would like to thank my son, Jordan K. Clark, as well as my nephews and nieces, for serving as part of my motivation for writing. Hopefully, my writings and work as a professor will one day inspire them to achieve their greatest potential. I also hope that Jordan will one day come to appreciate the value of hard work and the importance of helping others. In addition, I would like to thank Professor andré douglas pond cummings, Professor David Green, Professor Grace Wigal, and Professor Mary Wright for all of the time they dedicated to helping me improve as both a scholar and a law professor. Anything that I have managed to do well as a member of the academy is largely a function of their dedication and vested interest in my success. I am also grateful to Professor andré douglas pond cummings for reading drafts of my article. Finally, I am extremely grateful for the assistance provided by my research assistant Michelle Schalliol.

2. See *BROWN SUGAR* (Fox Searchlight Pictures 2002). *Brown Sugar* is a story of the relationship between childhood best friends Sidney and Dre who began their friendship as kids because of their mutual love of hip hop. As they grow up and both have successful careers, Sidney as a writer for a music magazine and Dre working for a music label, they struggle with the changes in both their friendship and hip hop as an industry. Realizing the parallel between their relationship and the growth of the music, they ultimately find happiness by going back to the roots of what made them fall in love with hip hop and in the process find out they have in fact been in love with each other all along. *Id.*

3. *Id.* (“I basically fell in love with hip hop, you know what I’m saying, when cats first started going out to the parks, you know, with the two turntables, the mic.” “I think it was 1977.” “People are rocking in the parks.” “Set up some turntables in front of the building.” “And we was getting the power from the street lamps outside.” “Emceeing, DJ-ing, B-boying, break-dancing.” “Break-dancing or popping, beats or rhymes, you know. I was in love with it.” “It was creative; it was new; it was fresh.” “It was just like our way of expression.” “Hip hop spoke directly to me because, you know, it was speaking from the language that the people I was dealing with was speaking in.” “And I loved it as soon as I, soon as I got introduced to it.” “I just love what it sounded like, and I loved what he was saying.” “I felt like these dudes hit the truth. Forget everything else you heard on the radio and all that. This is it.” “It was freedom.”).

As a young black man growing up in the inner city of Columbus, Ohio, I often lived in what-in urban vernacular - is called "the 'hood." While I cannot say that I lived in the projects, my mother and I always lived within a stone's throw of the project property line. This reality created a unique dichotomy in my philosophical upbringing. My close proximity to the projects helped me experience many of the same perils that my peers who actually lived within its confines experienced. I witnessed first-hand, the evils and violence of the crack epidemic, as I lost three uncles to it. While I could relate to my peers' struggles in the projects, I lived in a house two blocks away and could escape its harsh realities. Although my peers welcomed me into their lives and respected me as one of their own, everyone-including myself -knew that I was different because of my living situation and my parents' strong influence.

My developmental years were spent in juxtaposed living environments. In many respects, while I never felt pressured to assimilate to either environment, I was an outsider to both environments. However, I possessed an inside understanding, appreciation, respect for, and ability to adapt to both living situations. This reality was solidified after I learned of the influence and power of hip hop. Hearing De La Soul's "Me Myself and I,"<sup>4</sup> A Tribe Called Quest's "Find A Way,"<sup>5</sup> and Pete Rock and CL Smooth's "Reminisce,"<sup>6</sup> reaffirmed that I did not have to make a choice. I was able to be myself, a hodgepodge of two completely different cultures. This music was not commercial, nor could it be categorized as "gangsta rap." Like me, it operated in a middle ground that was equally as relevant and as influential as hip hop music on the two aforementioned extremes.

Hip hop helped me find comfort in my own skin, and that experience instilled in me a deep love and appreciation for its message, tone, and influence. My love for hip hop helped me recognize that it could be key in unlocking opportunity and inspiring change. My love for hip hop transcends my initial appreciation for who I was as a young man; it influences a large part of my existence. Specifically, it played a role in helping me raise my son, Jordan. When Jordan was approximately four years old, I used Common Sense's "I Used to Love H.E.R." to help him appreciate the concept of metaphors and the flow of reading.<sup>7</sup>

Today, hip hop inspires my scholarship and the manner in which I teach. More importantly, it inspired the creation of the Hip Hop, Law and Social Justice course which I teach at North Carolina Central University

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4. DE LA SOUL, *Me Myself and I*, on 3 FEET HIGH AND RISING (Tommy Boy Records 1989).

5. A TRIBE CALLED QUEST, *Find a Way*, on THE LOVE MOVEMENT (Jive Records 1998).

6. PETE ROCK & CL SMOOTH, *They Reminisce Over You (T.R.O.Y.)*, on MECCA AND THE SOUL BROTHER (Elektra Records 1992).

7. See COMMON SENSE, *I Used to Love H.E.R.*, on RESURRECTION (Relativity Records 1994).

School of Law (“NCCU School of Law”), that served as the foundation for the creation of this article.

Throughout this article, I use the phrase hip hop to refer to both music and culture. In maintaining the spirit and essence of hip hop, this article will present organizationally as an album. As such, “Track 1” of this article discusses the Justice in the Practice of Law Certificate Program (“JIPL Program”) at NCCU School of Law and its relevance in establishing a space for the Hip Hop, Law and Social Justice course. “Track 2” provides background on how the course was created, how it is structured, its pedagogical perspective and its objectives. “Track 3” describes the content of the course and how it is used to facilitate an engaging experience about the law. Finally, “Track 4” highlights the final project in the course, its goals and the learning experience it facilitates for students.

Additionally, in keeping with the spirit of hip hop, one common practice among artists is to invite other artists to “jump on a track.” In the hip hop culture, this is an ultimate sign of mutual respect. From the perspective of the invitee, the invitation is recognition that the invitee is worthy of gracing the beat and has something to add that can only be generated by the invitee’s presence. From the perspective of the inviter, the invitee’s acceptance validates that the track is “hot” enough to warrant acceptance of the invitation. Further, at various points in this article, my former students will “hop on the track” through my references to the student reflection papers they drafted during the course. Unlike the traditional law review article, this piece is not about citing to self-proclaimed legal scholars from a particular field, it is about empowering the student perspective, because it is the students who will carry the torch of social justice. It is their stories and perspectives that give life to this article, the course, and the law school experience. Moreover, student commentaries represent new voices in the fight for equality. It is my hope that this work serves as a platform to ensure that their thoughts, messages, and understandings are properly appreciated.

#### TRACK 1: THE JUSTICE IN THE PRACTICE OF LAW PROGRAM

In the fall of 2011, I, along with five other members of the NCCU School of Law faculty and administration, under the direction of our former Associate Dean, Wendy Scott<sup>8</sup>, created the JIPL Program.<sup>9</sup> The program is an eight-credit certificate program that uses substantive law school courses as lenses to highlight issues of injustice and inequality.<sup>10</sup> Each course in the

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8. See Wendy B. Scott, *Elon Univ. Sch. L.*, <https://www.elon.edu/e/law/faculty/directory/profile.html?user=wscott9> (last visited Mar. 15, 2019) (stating Scott is a “... nationally recognized scholar of constitutional theory and school desegregation.”). *Id.*

9. See *Certificate for Justice in the Practice of Law*, N.C. CENT. U. SCH. L., <http://law.nccu.edu/academics/certificates/jipl/> (last visited Mar. 14, 2019).

10. *Id.*

program is offered as a one- or two-credit course during the summer or the spring and/or winter intersessions.<sup>11</sup> The JIPL Program has been a resounding success and has served as a mechanism for reinvigorating our students' reasons for coming to law school. The JIPL Program has allowed the law school to maintain its mission of facilitating a social justice centered program of legal education without compromising the need for students to gain in-depth exposure to bar topics and skill development. Like many law schools, NCCU School of Law has modified its curriculum to increase the number of required bar related courses.<sup>12</sup> While this is an extremely important objective, to some extent, the law school is forced to sacrifice the essence of its mission to

provide opportunities for African Americans to become lawyers. Embracing our heritage, our mission is to provide a high quality, personalized, practice-oriented and affordable legal education to historically underrepresented students from diverse backgrounds in order to help diversify the legal profession. We empower all of our graduates to become highly competent and socially responsible lawyers and leaders committed to public service and to meeting the needs of underserved communities.<sup>13</sup>

By increasing the number of required bar related courses, there are fewer opportunities for students to explore the areas of law that inspired their law school enrollment.<sup>14</sup> Instead of a life-changing experience discussing and engaging in social justice, students experience a classroom environment that more closely mirrors that of a bar review lecture. The law school experience is reduced to a substantive exercise in learning black letter law, rather than exploring how to create mechanisms to facilitate social change. To offset this problem, the NCCU School of Law faculty and administration welcomed and actively contributed to the JIPL Program. As highlighted above, a substantial number of the law school's doctrinal faculty teach in the

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11. *Id.* The JIPL Program offers the following courses focusing on social justice: Legal Problems of the Poor, Capital Punishment, DNA Exoneration, Educational Justice, Public Health Law and Vulnerable Populations, Restorative Justice, and Hip Hop, Law and Social Justice; and the following courses focusing on corporate justice: Corporate Justice, Corporate Social Responsibility and the Intersection of Tax Policy, Predatory Lending, Environmental Justice, and Intellectual Property and the Equitable Distributive Allocation of Resources. *Id.*

12. See 2018–2019 Student Handbook § 1.03 (2018), N.C. CENT. UNIV. SCH. OF LAW, , <http://law.nccu.edu/wordpress/wp-content/uploads/2018/07/2018-19-Student-Handbook-final-3.pdf> (listing courses required for graduation by year of entry and by day and evening programs).

13. *About NCCU School of Law*, N.C. CENT. U. SCH. L., <http://law.nccu.edu/about/> (last visited Mar. 15, 2019).

14. Kristin Booth Glen, *Thinking Out of the Bar Exam Box: A Proposal to "MacCrate" Entry to the Profession*, 23 PACE L. REV. 343, 359–60 (2003) (discussing students' choice of courses being dependent on bar tested courses).

program.<sup>15</sup> Moreover, because the courses are offered during the summer and/or intersessions, they do not conflict with required bar courses, which are generally offered and taken during the fall and spring semesters. Additionally, all of the courses are offered in the evening, via a synchronous distance education learning experience, which gives students the opportunity to intern while earning course credit. To date, the JIPL Program has been met with great enthusiasm among the students.

My experience in teaching Hip Hop, Law and Social Justice, one of the courses I created, has been transformative for me as a professor as well as for my students. The course is offered as a one-credit, one-week course.<sup>16</sup> To meet the American Bar Association's ("ABA") in-class requirements, the course generally meets for three hours and fifteen minutes, four times per week.<sup>17</sup> The students are graded based on their responses to five reflections and a class project. The project requires students to draft a memorandum to the associate dean of academic affairs for a hypothetical law school, and/or the law school's curriculum committee, explaining whether credit should be awarded for the Hip Hop, Law and Social Justice course.

During my time teaching the course, I have shared several inspirational moments with my students, and I have gained substantial insight into the ways in which students view the world. These lessons have inured to the benefit of other courses I teach. While there is not enough time or space in this article to discuss all of them, in the following sections, I will highlight many of these experiences while also advocating for the adoption of similar courses at other law schools across the country.

## TRACK 2: HIP HOP LAW & SOCIAL JUSTICE: ITS CREATION, CONTEXT AND ENLIGHTENMENT

In the fall of 2012, I decided to create and offer my Hip Hop, Law and Social Justice course after speaking with Professor andré cummings about a textbook he was writing with Professors Pamela Bridgewater<sup>18</sup> and Donald

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15. *Certificate for Justice in the Practice of Law*, N.C. CENT. U. SCH. L., <http://law.nccu.edu/academics/certificates/jipl/> (last visited Dec. 16, 2019).

16. *Certificate for Justice in the Practice of Law*, *supra* note 9 (describing the Hip Hop, Law and Social Justice course).

17. See Guidance Memorandum from Managing Director on Standard 310 2–4, Am. Bar Ass'n (May 2016), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/governancedocuments/2016\\_standard\\_310\\_guidance\\_memo.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2016_standard_310_guidance_memo.pdf) (explaining the in-class and out-of-class student work required to award academic credit).

18. Professor Pamela Bridgewater was a legal scholar and activist whose passion was defending rights and bringing awareness to overlapping issues in the areas of culture, race, and reproduction. See *Pamela D. Bridgewater Toure*, WASH. POST, (Jan. 16, 2015), <https://www.legacy.com/obituaries/WashingtonPost/obituary.aspx?pid=173869009> She was the author of "Ain't I a Slave: Slavery, Reproductive Abuse, and Reparations" and was in the process of writing *Breeding a Nation: Reproductive Slavery and the Pursuit of Freedom* at the time of her

Tibbs,<sup>19</sup> entitled *Hip Hop and the Law*.<sup>20</sup> The text was largely based on a class that Professors Cummings and Tibbs co-taught called “Hip Hop and the American Constitution,” offered at both the West Virginia University College of Law and the Thomas R. Kline School of Law at Drexel University.<sup>21</sup> I was inspired by their willingness to write such an unconventional text and their wisdom to recognize the need for it. My affinity for the idea was reaffirmed by the ABA when it published an article chronicling the innovative nature of the book and the course.<sup>22</sup> At that point, I asked Professor Cummings for the course syllabus and used it as a foundational document in submitting my course proposal to NCCU School of Law’s curriculum committee.

NCCU School of Law is part of a historically black university that recognizes the value of black culture, because of this, I knew that the course would be a perfect addition to the JIPL Program, as well as to the law school curriculum. However, support from faculty members was not unanimous. There were a few faculty members who did not believe that the course was sufficiently academic to warrant addition to the curriculum. Their reticence to adopt the course was primarily a function of their difficulty appreciating the connection between hip hop and the law—a concept that is intuitive to me, but is not necessarily a natural connection for every law professors.

Thus, in designing the class, the first step required establishing a foundation that clearly highlighted the connection between substantive legal concepts and hip hop. Much like hip hop music tells a story, my syllabus needed to do the same in order to convince the law faculty of the course’s importance. To accomplish this task, I divided the scope of course content

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death. See Pamela D. Bridgewater, *Ain’t I a Slave: Slavery, Reproductive Abuse, and Reparations*, 14 UCLA WOMEN’S L.J. 89 (2005); PAMELA D. BRIDGEWATER, BREEDING A NATION: REPRODUCTIVE SLAVERY AND THE PURSUIT OF FREEDOM (2014). Additionally, Professor Bridgewater explored the relationship between law, social justice, and hip hop culture, and was a co-editor of the anthology, *Hip Hop and the Law*. See HIP HOP AND THE LAW, (Pamela D. Bridgewater, andré douglas pond cummings & Donald F. Tibbs eds., 2015).

19. Donald Tibbs is a professor at the Thomas R. Kline School of Law at Drexel University, specializing in the areas of law where race, civil rights, and criminal procedure intersect. See Donald F. Tibbs, DREXEL U. THOMAS KLINE SCH. L., <https://drexel.edu/now/experts/Overview/tibbs-donald/> (last visited Mar. 15, 2019). He is the author of several articles on criminal justice and mass incarceration, including “The Jena Six and Black Punishment: Law and Raw Life in the Domain of Non-Existence” and “Who Killed Oscar Grant?: A Legal Eulogy of the Cultural Logic of Black Hyper-Policing in the Post-Civil Rights Era.” Professor Tibbs is also a co-author and co-editor of *Hip Hop and the Law*, an anthology of essays published in 2015 that complement a course and lecture series he developed in 2012. *Hip Hop and the Law*, *supra* note 18.

20. HIP HOP AND THE LAW, *supra* note 18.

21. L.J. Jackson, *Hip Hop at Law: Course Samples Hip Hop’s Bottom Up Critique of the Law*, (Sep. 1, 2012, 9:40 AM), [http://www.abajournal.com/magazine/article/hip-hop\\_at\\_law\\_course\\_samples\\_hip-hops\\_bottom-up\\_critique\\_of\\_the\\_law](http://www.abajournal.com/magazine/article/hip-hop_at_law_course_samples_hip-hops_bottom-up_critique_of_the_law).

22. L.J. Jackson, *Hip-Hop at Law: Course Samples Hip-Hop’s Bottom-Up Critique of the Law*, 98 A.B.A. J. 11 (2012).

into the following five topic areas and facilitated a discussion of each topic through assigned readings, music, videos, and movies: (1) What is Hip Hop Culture and Music?; (2) Capitalism and Str8 Gangsterism; (3) Gender Inequality and the Hip Hop Nation; (4) Hip Hop v. the Civil Rights Movement; and (5) Wealth Creation, Property Rights and the Bling Culture. In every class, students read assigned legal cases and law review articles. Establishing the foundation of the course was extremely important to ensure that any possible concern about its intellectual and/or academic content would withstand challenge.

In addition to teaching students various legal doctrines through hip hop's lens, the course builds several core competencies. First, the material is organized in a manner that promotes cultural enrichment. For students at a historically black college or university ("HBCU"), experiencing hip hop in a law school classroom validates the black experience as an intellectual exercise. Because hip hop culture is a subset of black culture, experiencing it in an intellectual capacity affirms that black culture is relevant in promoting the ideal of justice. Additionally, the course enables students to see how their own experiences can positively influence the creation and application of law.

Second, the course content seeks to help students appreciate the historical development of the black experience in America by connecting it to a modern context, hip hop. Through this connection, students can better understand the contributions of civil rights activists and critical race theorists.

Third, the content of the class helps students appreciate the historical underpinnings of hip hop. Again, hip hop began as a subset of black culture and is now a major influence in American culture.<sup>23</sup> Understanding hip hop is important because its development highlights a narrative of overcoming oppression, inequality, and injustice.<sup>24</sup> Armed with this knowledge, the hope is that students can use the lessons learned from the class to fight these evils.

Fourth, the course aspires to highlight the history of hip hop music itself. To understand the black experience from the late 1970s to the present, one must understand hip hop music, because the struggles, accomplishments, and objectives of black America are codified within it.<sup>25</sup> As such, whenever possible, the course exposes students to the music as a means of highlighting

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23. See Ogden Payne, *3 Areas of Society Hip Hop Culture will Dominate by 2020*, (May 24, 2018, 12:20 PM), <https://www.forbes.com/sites/ogdenpayne/2018/05/24/3-areas-of-society-hip-hop-culture-will-dominate-by-2020/#3f0143e0a149>; see also andré douglas pond cummings, *A Furious Kinship: Critical Race Theory and the Hip-Hop Nation*, 48 U. LOUISVILLE L. REV. 499 (2010).

24. See generally andré douglas pond cummings, *A Furious Kinship: Critical Race Theory and the Hip Hop Nation*, 48 U. LOUISVILLE L. REV. 499 (2010).

25. *Id.*



the relevant social climate. Finally, the course seeks to facilitate a greater understanding of traditional legal doctrines through the lens of hip hop music.

### TRACK 3: COURSE CONTENT AND PEDAGOGY

#### CLASS 1: WHAT IS HIP HOP CULTURE AND MUSIC?

Read: andré douglas pond cummings, “A Furious Kinship: Critical Race Theory and the Hip Hop Nation”<sup>26</sup>

Griggs v. Duke Power Company (1971)<sup>27</sup>

Jeffery Marsh, “Hip-Hop Intellectual”<sup>28</sup>

Listen: The Lox, “Money, Power & Respect”<sup>29</sup>

Jay-Z, “The Streets is Watching”<sup>30</sup>

Watch: *Scarface* (1983)<sup>31</sup> or read a movie summary.

The first section begins with a discussion on the Civil Rights Movement and a video that highlights the Birmingham Bombing, an attack on September 15, 1963 that killed four young girls at the Sixteenth Street Baptist Church.<sup>32</sup> For many of my students, this is their first exposure to the graphic nature of the event and its importance in forcing America to think more intentionally about the evils of segregation and racism. This video sets the stage for a discussion about the conditions for black people in America during the Civil Rights Era and reminds students of the importance of the Civil Rights Movement, its leaders, and how it deconstructed overt discrimination.<sup>33</sup>

In facilitating this discussion, we discuss how racism was defined during the Civil Rights Era. After sharing background information about

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26. *Id.*

27. Griggs v. Duke Power Co., 401 U.S. 424 (1971).

28. Jeffery Marsh, *Hip-Hop Intellectual*, 65 ROCHESTER REV. Winter 2002–03, <https://www.rochester.edu/pr/Review/V65N2/feature6.html>.

29. THE LOX, *Money, Power & Respect*, on MONEY, POWER & RESPECT (Bad Boy Records 1998).

30. JAY-Z, *The Streets is Watching*, on IN MY LIFETIME, VOL. 1 (Roc-A-Fella Records 1997).

31. SCARFACE (Universal Pictures 1983).

32. Attention 101, *Klan Bombing of Birmingham Church 1963*, YOUTUBE (Sept. 19, 2009), <http://www.youtube.com/watch?v=q-MuWDsv5pg>.

33. *Id.*

Eugene “Bull” Connor and his insidious comments and acts towards Civil Rights protestors, students quickly see that racism at the time was synonymous with brutalization.<sup>34</sup> Specifically, we discuss how that brand of racism became defined as “Bull Connor racism.”<sup>35</sup> Bull Connor racism was characterized by egregious and extreme conduct towards black people that included the use of police dogs and high-pressured water hoses.<sup>36</sup> Contrary to the “Bull Connor racism” in the South, racism in the north was still present, but it occurred in a covert fashion, rather than through explicit unjust laws and brutal conduct.<sup>37</sup>

While “Bull Connor racism” highlighted the need for change, it damaged the Civil Rights Movement because the general public’s identification of racism was limited to instances of brutality.<sup>38</sup> In fact, many scholars attribute some of Dr. Martin Luther King’s success in Birmingham, Alabama to Connor’s brutal responses, which were highly publicized, allowing Dr. King to draw attention to Connor’s evil.<sup>39</sup> As a result, Dr. King was able to successfully mobilize a response from both black and white people that racism could no longer be tolerated.<sup>40</sup> To highlight this reality, the classroom discussion contrasts Connor’s conduct with that of another Southern law enforcement officer, Laurie Pritchett.<sup>41</sup> While some scholars opine that Pritchett was equally as racist as Connor, Pritchett expressed

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34. Eugene “Bull” Connor, BIOGRAPHY, <https://www.biography.com/people/eugene-bull-connor-21402055> (last updated Nov. 2, 2017). Eugene “Bull” Connor was the Birmingham public safety commissioner during the Civil Rights Era. He was extremely hostile to the movement and was known for his brutal racist tactics. *Id.*

35. Sylvia R. Lazos Vargas, *Deconstructing Homo[geneous] Americanus: The White Ethnic Immigrant Narrative and Its Exclusionary Effect*, 72 TUL. L. REV. 1493, 1524 (1998).

36. Eugene “Bull” Connor, *supra* note 34.

37. Leonard S. Rubinowitz & Kathryn Shelton, *The Fair Housing Act After 40 Years: Continuing the Mission to Eliminate Housing Discrimination and Segregation: Non-Violent Direct Action and the Legislative Process: The Chicago Freedom Movement and the Federal Fair Housing Act*, 41 IND. L. REV. 663, 665 (2008).

38. *Id.* at 687.

39. *Id.*

40. Jay Smith, *Bull Connor, Martin Luther King, Jr., and the Labor Movement*, TRI-COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL (Aug. 1, 2017, 2:03 PM), <http://akronbuildingtrades.org/bull-connor-martin-luther-king-jr-and-the-labor-movement/>.

41. Laurie Pritchett was the police chief in Albany, Georgia during the Albany Movement. *Eyes on the Prize I Interviews: Interview with Laurie Pritchett*, WASH. U. DIGITAL GATEWAY TEXTS, <http://digital.wustl.edu/eop/eopweb/pri0015.0208.083chieflauriepritchett.html> (last visited Mar. 15, 2019). He studied the non-violent methods used by Dr. King and trained his police force to use similar methods, believing that if they responded violently it would only fuel the movement. *Id.* Ironically, Pritchett was not against ending segregation but believed the best way to fight for it was in the courts instead of through protests. *Id.* When interviewed, Pritchett said he and Dr. King had a great respect for each other and had even developed a friendship. *Id.* He further said he wanted Dr. King to succeed, just not in Albany where Pritchett had the responsibility to enforce the law. *Id.*

opposition to the Civil Rights Movement in less brutal ways.<sup>42</sup> Pritchett studied Dr. King's successes and strategically used nonviolent methods to combat Dr. King's protests, effectively thwarting Dr. King's efforts in Albany.<sup>43</sup> Pritchett used mass arrests, broken promises, and strategic jailing to frustrate Dr. King's activities in Albany.<sup>44</sup> For example, in anticipation of Dr. King's protests, Pritchett reached agreements with neighboring cities to jail protestors.<sup>45</sup> Once Dr. King began protesting, Pritchett "ordered his officers to enforce the law without using violence in public and to make arrests under laws protecting the public order, rather than under the more legally unstable segregation laws."<sup>46</sup> Because of the jailing agreements with the other counties, Pritchett had an endless supply of jail cells to effectively offset the number of protestors.<sup>47</sup> In addition, Pritchett and Albany's white government officials agreed to several compromises with Dr. King.<sup>48</sup> These agreements were supposed to remedy discrimination in the city; however, Pritchett and other government officials rarely complied with the terms of these compromises and failed to enforce others.<sup>49</sup>

Through this discussion, the students are able to appreciate the nuances of the Civil Rights Movement and, more importantly, where the movement left off and the need for the Critical Race Theory Perspective as a means of continuing the fight for equality. While the Civil Rights Movement was concerned with overt racism, the Critical Race Theory Perspective focuses on the realization that modern racism and discrimination is covert, and as a result, new methodologies and strategies are needed to combat it.<sup>50</sup> As an example of this notion, students read and discuss *Griggs v. Duke Power*.<sup>51</sup> Prior to *Griggs*, it was clear that Title VII of the Civil Rights Act of 1964 ("Title VII") covered overt discrimination, but not whether it also covered

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42. Joseph Mello, *Reluctant Radicals: How Moderates Shape Movements for Social Change*, 41 LAW & SOC. INQUIRY 720, 724 (2016).

43. Pritchett, Laurie, MARTIN LUTHER KING, JR. RES. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/pritchett-laurie> (last visited Mar. 15, 2019). ("In August 1962, King left Albany with no tangible civil rights gains achieved. While many in the press called the movement 'one of the most stunning defeats' in King's career, Pritchett was lauded for his use of nonviolence. . . . Pritchett's nonviolent approach left an indelible imprint on King, who later wrote of his indignation at Pritchett's use of 'the moral means of nonviolence to maintain the immoral ends of racial injustice.'").

44. *Id.* Over a thousand people were jailed during the movement, including Dr. King. *Eyes on the Prize I Interviews*, *supra* note 41. Pritchett believed if he arranged for Dr. King to be released, he would leave Albany, but Dr. King did not and was arrested again. *Id.*

45. Pritchett, Laurie, *supra* note 43.

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. John O. Calmore, *Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World*, 65 S. CAL. L. REV. 2129, 2160 (1992).

51. *Griggs*, 401 U.S. 424.

facially neutral discriminatory conduct.<sup>52</sup> In *Griggs*, the Supreme Court recognized that the true essence of Title VII could not be fulfilled unless it also covered conduct that is facially neutral but discriminatory in its impact.<sup>53</sup> The Court recognized that discrimination exists without proof of intent. More specifically, an employee can establish a prima facie case of discrimination by establishing that an employer's facially neutral policy falls more harshly on a member of a protected class.<sup>54</sup> The employer, however, is afforded an opportunity to rebut this presumption by establishing that the policy is business related and consistent with job necessity. If the employer meets this burden, the employee may overcome the employer's argument by proving that the employer could have accomplished the same goal in a less discriminatory manner.<sup>55</sup>

With this background, the class transitions into a discussion about the creation and evolution of hip hop music and culture. In making this transition, the discussion develops into how members of the hip hop generation are the children of the civil rights generation. Because of this reality, there is an inherent connection between the representatives of the civil rights and hip hop generations. Professor cummings' article, entitled "A Furious Kinship: Critical Race Theory and the Hip Hop Nation," provides a comprehensive historical account explaining the creation of hip hop and the impacts of the Civil Rights Movement and the Critical Race Theory Perspective.<sup>56</sup> His article connects famous hip hop icons to leading critical race theorists as a means of providing readers with a greater appreciation for the influence and thought-provoking ideologies of the selected theorists.<sup>57</sup>

While many students have heard of the term "Critical Race Theory," students often have difficulty explaining it or identifying scholars that represent the perspective. Professor cummings' article bridges this gap, and the students walk away with a sincere appreciation for the theorists and the foundational hip hop artists with whom they are connected.

Understanding the Critical Race Theory Perspective represents one of the first major lessons in the course. As a result of its connection to hip hop, students begin to understand the importance and philosophy of the Critical Race Theory Perspective. This is because they have an opportunity to understand how people with whom they can relate and with whom they identify, connect to leaders of the past. Professor cummings exemplifies this

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52. ROBERT BELTON, *THE CRUSADE FOR EQUALITY IN THE WORKPLACE 2* (Stephen L. Wasby ed. 2014).

53. *Id.*

54. *Griggs*, 401 U.S. 424.

55. *Griggs*, 401 U.S. at 431.

56. *See cummings, supra* note 24.

57. *See id.* at 524.

notion through what he terms a “parallel universe.”<sup>58</sup> He notes that hip hop and Critical Race Theory share a mirrored relationship that:

grounds itself in the foundations of race in this nation and the manner in which the law intersects with racism and racial discrimination. Hip-hop music and culture have deeply influenced those that now represent the second generation of Critical Race Theory [“CRT”]. This relationship has the potential to radically influence race scholarship and race lawyering in the United States . . . . The launching of CRT shares a parallel universe with hip hop’s inception, and the backlash against hip hop mirrors the initial academic rejection of CRT. Still, a more intriguing parallel exists between the voices of the individual founders of Critical Race Theory and hip hop’s early pioneers. In significant ways, the early themes delivered by CRT pioneers and the political critiques offered by hip-hop founders, while different in delivery and context, are powerfully similar in theme, tone, and effect. Millions of Americans, and eventually hundreds of millions of human beings worldwide, were inspired, moved, and changed by the similar messages dropped by CRT scholars and hip-hop poets.<sup>59</sup>

The following excerpt from a student’s reflection is illustrative of this point, and more importantly, demonstrates how the article explains the parallel universe.

The section on Public Enemy was particularly interesting. Overall, the sections regarding the political messaging in hip hop music were fascinating. I knew superficially that [Tupac] and Common eschewed politically charged lyrics, but I had no idea of the depth and history of messaging in rap and hip hop. Public Enemy’s critique and commentary on the military, slavery, the justice system, and flawed journalism [are] powerful and should be highlighted more in popular culture. The lyrics of “[By the Time I Get to Arizona]” are poignant, masterfully written, and speak directly to an example of how white power suppresses black culture . . . . Chuck D’s artistry is impressive to say the least. Calling hip hop the “Black CNN” is also a genius observation. Hip hop is much more than just [music] . . . . (I must express that I feel odd as a white woman opining that Chuck D is a genius. I have such little knowledge of his actual magnitude and body of work, so for me to say he is a genius feels trite and vapid, and assumes my opinion means anything of importance on this topic.)<sup>60</sup>

Through the materials contained in this section of the course, students are able to bridge the historical transition between three generations/movements:

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58. *Id.* at 524.

59. *Id.* at 517–24.

60. Emila Sutton, *Journal Entry for What is Hip Hop Culture and Music?* 2–3 (Jan. 3, 2017) (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

the Civil Rights Movement, the Critical Race Theory Perspective, and the Hip Hop Movement. Based on an increased understanding of the interconnectedness between these periods, students are armed with the necessary tools to use these lessons as a model for future change and community empowerment.

CLASS 2: CAPITALISM & STR8 GANGSTERISM: PRACTICAL APPLICATION  
OF THE LAW

Read: Donald Tibbs, “Who Killed Oscar Grant: A Legal-Eulogy of the Cultural Logic of Black Hyper-Policing in the Post-Civil Rights Era”<sup>61</sup>

Donald Tibbs & Tryon Woods, “The Jena Six and Black Punishment: Law and Raw Life in the Domain of Non-Existence”<sup>62</sup>

Terry v. Ohio (1968)<sup>63</sup>

CNN, “New York man dies after chokehold by police”<sup>64</sup>

Watch: WorldStarHipHop, “Fight Comp Of The Month Ep 52! (Feat. ‘The King Of Vine’ KingBach)”<sup>65</sup>

*Fruitvale Station*<sup>66</sup> or read movie summary.

Boogie Down Productions (KRS-One), “Love’s Gonna Get’cha (Material Love)”<sup>67</sup>

Rick Ross featuring Styles P., “B.M.F. (Blowin’ Money Fast)”<sup>68</sup>

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61. Donald F. Tibbs, *Who Killed Oscar Grant: A Legal-Eulogy of the Cultural Logic of Black Hyper-Policing in the Post-Civil Rights Era*, 1 J. Race, Gender & Poverty (2010), [https://works.bepress.com/donald\\_tibbs/6/](https://works.bepress.com/donald_tibbs/6/).

62. Donald F. Tibbs & Tryon Woods, *The Jena Six and Black Punishment: Law and Raw Life in the Domain of Non-Existence*, 7 SEATTLE J. FOR SOC. JUST. 235 (2008).

63. Terry v. Ohio, 392 U.S. 1 (1968).

64. Deborah Bloom & Jareen Imam, *New York Man Dies After Chokehold by Police*, CNN, <http://www.cnn.com/2014/07/20/justice/ny-chokehold-death/> (last updated Dec. 8, 2014).

65. @SteveAlien, *Fight Comp Of The Month Ep 52! (Feat. “The King Of Vine” KingBach)*, WORLDSTARHIPHOP (Jan. 3, 2015), <http://www.worldstarhiphop.com/videos/video.php?v=wshhTLg120AySm7ccVX9>.

66. FRUITVALE STATION (Significant Productions 2013).

67. BoogieDwnProd VEVO, *Boogie Down Productions Love’s Gonna Get’cha (Material Love)*, YOUTUBE (Jan. 25, 2018), <https://www.youtube.com/watch?v=4NACMjwR5DE>.

68. Rick Ross, *Rick Ross B.M.F. ft. Styles P (Official Video)*, YOUTUBE (July 19, 2010), <https://www.youtube.com/watch?v=n2MVzP4MaJ0>.

Essay: Do you think gangsta rap represents the black public sphere or are artists hyper-representing ghetto life for the sake of capitalism? Do you think that the government should be able to censor/ban music because of its violent, offensive or obscene nature? Does hip hop music influence how law enforcement views black men in America? If hip hop music is in fact cross cultural, why is it that “outsiders” only apply its messages to members of the black community? Do websites like WorldStarHipHop create an environment for incidents like Brown in Ferguson and Garner in NY? If so, why are so many people compelled to view these type of sites.

In this section of the course, we discuss whether hip hop influences the over-policing of black people in America. First, students read several articles that argue that there is a historical connection between the over-policing of black bodies and communities in America that dates back to slavery.<sup>69</sup> As examples of over-policing, we discuss the deaths of Michael Brown in Ferguson,<sup>70</sup> Eric Garner in New York,<sup>71</sup> and Oscar Grant in Oakland.<sup>72</sup> With

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69. See Tibbs, *supra* note 61; Tibbs & Woods, *supra* note 62.

70. Michael Brown was an unarmed, eighteen-year-old African American teen who was shot and killed by a police officer in Ferguson, Missouri on August 9, 2014. *Shooting of Michael Brown*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Shooting\\_of\\_Michael\\_Brown](https://en.wikipedia.org/wiki/Shooting_of_Michael_Brown) (last visited Mar. 16, 2019). Brown and a friend were walking down the street when the officer stopped to talk to them. *Id.* A struggle began in the officer's car, and the officer's gun fired twice inside the car, striking Brown once in the hand. *Id.* Brown fled and the officer pursued. *Id.* According to witnesses, Brown turned around and held up his hands in surrender; however, the officer stated that Brown stopped and then charged at him. *Id.* The officer then fired his gun twelve times, hitting Brown six times. *Id.* Brown died in the street and his body laid in the street for four hours after the shooting. *Id.* Brown was an amateur musician and was two days from starting training at a technical school. *Id.*

71. Eric Garner was an unarmed, forty-three-year-old, African American man who was killed in Staten Island, New York on July 17, 2014, after a police officer put him in a chokehold. *Death of Eric Garner*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Death\\_of\\_Eric\\_Garner](https://en.wikipedia.org/wiki/Death_of_Eric_Garner) (last visited June 1, 2019). Plainclothes d officers approached Garner to arrest him for selling untaxed cigarettes. *Id.* When the officers started to put his hands behind his back, Garner pulled his hands away, and one of the officers put his arm around Garner's neck and pulled him to the ground. *Id.* After removing his arm from his neck, the officer pushed the side of Garner's face to the ground and four other officers restrained him. *Id.* During the process, Garner said he could not breathe eleven different times. *Id.* Garner lost consciousness, and the officers turned him on his side but waited for the ambulance without attempting to resuscitate him. *Id.* Garner died at the hospital an hour later. *Id.* Garner was survived by his wife, six children, one only three months old, and three grandchildren. *Id.* The incident garnered national attention because it was captured on video, which contradicted the initial police report that did not include mention of the chokehold, which was a prohibited technique under NYPD rules. *Id.*

72. Oscar Grant was an unarmed, twenty-two year-old, African American man who was shot and killed by a police officer in Oakland, California on January 1, 2009, while he was lying on the ground of train station with his hands behind his back. *Shooting of Oscar Grant*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Shooting\\_of\\_Oscar\\_Grant](https://en.wikipedia.org/wiki/Shooting_of_Oscar_Grant) (last visited Mar. 16, 2019). Grant and some friends were traveling on a Bay Area Rapid Transit (“BART”) train on New Year's Eve and were stopped and questioned by police officers at the Fruitvale BART station after police received

this background knowledge, students are able to explore the central question in this section: “does hip hop influence the way that law enforcement officers respond to black people?” To set the stage, students watch hip hop video clips that appear to glorify guns, drugs and violence.

The students express varying opinions on whether hip hop does in fact contribute to the over-policing of black communities. This notion is reflected in the following excerpts, taken from a few student reflections, opining that hip hop music does not influence the manner in which law enforcement officers police black communities:

Police and whites . . . have been unlawfully killing blacks for [hundreds] of years in this country[;] it is the American way . . . . This narrative is only new to those who do not know the . . . history of the United States. Gangsta rap is not the problem[,] it is [merely] the messenger . . . .<sup>73</sup>

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Hip hop music does not influence how law enforcement views black men . . . . Law enforcement[’s perception originated] from a history of viewing black men and women as dangerous, lesser beings, and that history preexists hip hop music.<sup>74</sup>

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On this particular issue, the students tend to be equally split between both perspectives, as evidenced by the following excerpts concluding that hip hop does contribute to the over-policing of black communities:

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I don’t think I’m really in a position to speculate on how law enforcement view[s] black men, but I would assume that [hip hop influences their views] . . . . [I]f hip hop music is being offered . . . as . . . a representation and commentary on black culture . . . it would be difficult to argue that law enforcement shouldn’t be influenced by the representations made in hip hop music, but that [the same music should serve as a catalyst for social reform]. Why would “outsiders”

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a 911 report of fighting on the train. *Id.* During the course of the questioning, the officers started to arrest Grant, and when he was restrained on the ground, one of the officers unholstered his gun and shot Grant in the back. *Id.* Grant later died at the hospital. *Id.* He was survived by his daughter, who was then four-years-old. *Id.*

73. Deja Cagle, Journal Entry for Capitalism & Str8 Gangsterism1 –2 (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

74. Mariam Sabra, Journal Entry for Capitalism & Str8 Gangsterism 1–2 (2016) (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).



apply its messages to anyone other than the black community when the black community seems adamant that [hip hop] is the “black [CNN]”?<sup>75</sup>

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Hip hop absolutely influences law enforcement. I remember overhearing some officers reciting . . . rap lyrics they heard and telling each other about them as if they were educating one another on “black vernacular.” At the end of the day, officers are people, and just as easy as Joe Blow can be influenced by something he does not understand, Joe Blow the officer is subject to forming opinions about black men based [on] hip hop music.<sup>76</sup>

Interestingly, some students articulated a third perspective that attempted to strike a middle ground on this issue:

[Hip hop] music, . . . fight compilations, . . . [and] crime statistics are . . . ways to perpetuate the violent [black male] narrative that is constantly replayed on the local and national news . . . Donald Tibbs writes about the fungibility of the black body. [This idea] refer[s] to . . . the [reality] that black bodies don’t exist for their own purpose. [Instead, they] exist to serve some function for white people and when that function is no longer necessary, the black body is no longer needed . . . . [The] negative images that are portrayed about black people [provide a] perfect example[] of the fungibility of the black body[ and how America uses these portrayals to promote a negative image of black people] . . . . [This reality reaffirms the notion that black people are second class citizens which, in turn,] justifies . . . limiting [our] civil rights and [promotes] other injustices that are prevalent against people of color . . . around the world . . . .

So ultimately, whose fault is it? Do you blame the slave because he is not free? Can you free someone who doesn’t know or believe that they are enslaved? . . . [While black people did not create] this negative image . . . , we continue to allow money and [fame] to dictate our actions and to perpetuate [conduct] that [is] directly opposed to our [best] interests.<sup>77</sup>

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75. Phillip McCabe, Journal Entry for Capitalism & Str8 Gangsterism 2 (Jan. 3, 2018) (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

76. Johnathon Burns, Journal Entry for Capitalism & Str8 Gangsterism 2 (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

77. Dorian Burton, Journal Entry for Capitalism & Str8 Gangsterism 1–3 (Jan. 6, 2015) (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

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[L]aw enforcement officers[] use rap music to confirm their perception [that] African Americans are violent . . . . [H]yper policing contributes to perpetuating stereotypes. It's not that African Americans commit more crimes than their white counterparts[. Instead,] it is that [whites are] unpoliced. [As] Professor Tibbs explains[,] . . . there is a "policing identity," in which there exists a population of persons policed . . . for who they are [and not for what they do] . . . .<sup>78</sup>

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Digging deeper than my rather narrow initial impression of hip hop music, I am left with the question of whether it is hip hop influencing society with violence and obscenity, or whether the music is a reaction to American culture[?] After all, if music listeners didn't purchase the albums [or] download the songs, they would cease to be made. Professor [c]ummings writes, "in intellectually deconstructing hip hop (we) find a powerful genre that rather than creating the glorification of violence, hip hop simply reacts to the American cultural traditions . . . and refracts them through an urban lens." Perhaps this convergence of differing views presents the notion that hip hop can mean different things to different listeners. People view unfamiliar contexts from the lens of their experiences, preconceived notions, and background. Hip hop as a movement for change seeks to challenge listeners and provide insightful and direct social critique. For some, this message is hard to hear because it advances the notion that our society has fractions, inequalities, and injustice. This is an uncomfortable thought to many and dismissing hip hop neutralizes those uncomfortable notions. However, to the artists conveying these messages, the resistance to hearing the message signals a closed-mindedness[, as well as a] selfishness[,] in failing to be open to others' experiences.

Through this class, I am grateful for the opportunity and challenge [of] open[ing] my mind to a different point of view. Listening to hip hop from the vantage point of a genre full of political and social relevance is one way to open the mind [and] learn something new . . . . Hip hop tells important stories and gives a voice to institutional issues. It never

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78. Erin Darden, Journal Entry for Capitalism & St8 Gangsterism 1-3 (July 14, 2015) (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

hurts to walk a mile in someone else's shoes, and arguably, that is the only way to truly learn how to empathize, change, and grow.<sup>79</sup>

After discussing whether hip hop influences policing in America, we discuss Oscar Grant's story through Dr. Tibbs' article, "Who Killed Oscar Grant: A Legal-Eulogy of the Cultural Logic of Black Hyper-Policing in the Post-Civil Rights Era."<sup>80</sup> Dr. Tibbs' article provides a comprehensive background of what happened to Mr. Grant, and further establishes that Mr. Grant's death was the result of historical racism towards black people that dates back to slavery.<sup>81</sup> Dr. Tibbs places policing, and the shooting of Oscar Grant, in the historical sequence of the "peculiar institutions [that] have shouldered the task of historically defining, confining, and controlling African American[s'] legal identity," alongside slavery, Jim Crow, and the American prison system.<sup>82</sup> In the post-Civil Rights era, "the vestiges of policing Black bodies[,] alongside the rhetoric of law and order[,] have become linked by a triple relationship of race, policing, and the law, spawning a legal continuum that entraps a population of younger Black men rejected by the deregulated wage-labor market."<sup>83</sup> This relationship "not only perpetuates socioeconomic marginality, [but it also symbolically taints [the value of policing] the Black [sub-]proletariat, [while at the same time contributing to] the runaway growth of American incarceration."<sup>84</sup> Perhaps more importantly, post-Civil Rights policing plays a pivotal role in the remaking of "race," the redefinition of the "citizenry" vis-à-vis the U.S. Constitution, and the construction of hyper-policed Black people in the post-Civil Rights era.<sup>85</sup>

In conjunction with the article, we watch a video containing the actual footage from the shooting of Oscar Grant, and have a deep discussion about whether hip hop played a role in the officer's actions.<sup>86</sup> The discussion is very emotional, as the students are often disgusted, upset and frustrated at the events that transpired. We also discuss whether the officer that ultimately stopped the young men possessed a sufficient basis to form a reasonable suspicion that criminal activity was afoot, as required by *Terry v. Ohio*,<sup>87</sup> a case that is assigned for the students to read prior to class. As Tibbs

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79. Danielle Irwin, Journal Entry for Capitalism & Str8 Gangsterism 2–3 (July 14, 2015) (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

80. See Tibbs, *supra* note 61.

81. *Id.* at 6.

82. *Id.* at 12.

83. *Id.* at 12–13.

84. *Id.* at 13.

85. *Id.* at 14.

86. L.A. Times, *Court releases dramatic video of BART shooting*, YOUTUBE (June 24, 2010), [https://www.youtube.com/watch?v=Q2LDw5I\\_yMI](https://www.youtube.com/watch?v=Q2LDw5I_yMI).

87. *Terry*, 392 U.S. 1.

accurately notes in his article, it is unlikely that the officers lawfully stopped Mr. Grant because there was insufficient information to justify reasonable suspicion.<sup>88</sup>

In the Grant case, the officers did not have reasonable suspicion that Grant specifically was engaged in illegal activity because the information they relied upon was incomplete and uncorroborated, thereby making their physical assault upon him unconstitutional. Thus, upon arrival at the Fruitvale Station, even under a traditional *Terry* analysis, the BART officers at most were required to corroborate the anonymous tip that Grant and his friends might, were, or had, acted illegally; which in this case they did not.<sup>89</sup>

At this point, I facilitate a role play activity that connects the class discussion to the substantive material that students learn in their criminal procedure course. The role play activity places students in the same position as the BART officers who initially stopped Mr. Grant based on an anonymous tip that there was a fight on the train. In accepting the role, the students must be mindful of the legal standard set forth by *Terry* in determining whether reasonable suspicion existed to stop Mr. Grant and his friends. During the exercise, the students must figure out how to get the information they need to adequately determine whether Mr. Grant and his friends were involved in any criminal wrongdoing. I assume the role of Mr. Grant and his friends. Most students approach me in a very respectful tone and inquire as to whether I have any information about a reported altercation. In response, I loudly say, "Fuck you, bitch! I am not talking to a pig ass cop!" The students are always taken aback by my response because such a response is infrequently used in the context of a typical law school classroom. They are also surprised that I respond so aggressively given that they approached me in what they consider to be a reasonable manner. I respond in that manner because I want my students to have a comprehensive understanding of what may take place in a real-world interaction between an officer and a suspect who has a high level of distrust for law enforcement. More importantly, it is important for the students to understand that the topics learned in a criminal procedure textbook are difficult to apply in the real world, and their application requires a high level of social awareness, tact, and experience.

As the dialogue continues, my behavior, as the suspect, gets more belligerent and more disrespectful. Often, the student's aggressiveness escalates as well. At this point, I stop the exercise to debrief and to discuss what went wrong, and how the situation could have been better handled to reduce the tension and aggression. During the debriefing we continue to ponder the same question that we used to begin the class: "Does hip hop music influence the manner in which law enforcement engages with

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88. Tibbs, *supra* note 61, at 2–3.

89. *Id.* at 3 n.10 (internal citations omitted).

minorities?” We also explore how a city attorney might advise its law enforcement officers to better prepare them for what they may experience in the field. Student responses generally focus on increasing the level of diversity within the ranks of the law enforcement officers, and improving and increasing diversity related training. While both of these responses sound reasonable, they are merely surface level responses to a deeply rooted problem. The course objective is to push students to discuss how they will accomplish each one of the aforementioned objectives and, more importantly, how they will measure their success.

After completing this section of the course, students are equipped with a firsthand example of how hip hop directly influences the law and, more importantly, how it can lead to various applications of the law based on racial and cultural identities of the participants. Moreover, through the role play, students are challenged to think critically about possible solutions to remedy the disconnect between minorities and law enforcement. While it is often easy for students to recognize the evil of selective enforcement, they are challenged when tasked to identify remedies to stop it.

### CLASS 3: GENDER INEQUALITY AND THE HIP HOP NATION

Read: Terry M. Adams & Douglas B. Fuller, “The Words Have Changed But the Ideology Remains the Same: Misogynistic Lyrics in Rap Music”<sup>90</sup>

SPIN, “Is ‘Yeezus’ the Tipping Point for Rap Misogyny?”<sup>91</sup>

Todd J. Clark, “Ballin in the Boardroom: Changing the Social Context of Sexual Harassment”<sup>92</sup>

Static Zine, “Nicki Minaj: The Flyest Feminist”<sup>93</sup>

Watch: Nicki Minaj, “Anaconda”<sup>94</sup>

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90. Terry M. Adams & Douglas B. Fuller, *The Words Have Changed But the Ideology Remains the Same: Misogynistic Lyrics in Rap Music*, 36 J. OF BLACK STUDIES 938 (2006).

91. Brandon Soderberg, *Is ‘Yeezus’ the Tipping Point for Rap Misogyny?*, SPIN (June 28, 2013), <http://www.spin.com/articles/yeezus-kanye-west-sexism-misogyny-rick-ross/>.

92. Todd J. Clark, *Ballin in the Boardroom: Changing the Social Context of Sexual Harassment*, 28 J. CIV. RTS. & ECON. DEV. 125 (2015).

93. April Gregory, *Nicki Minaj: The Flyest Feminist*, STATIC ZINE (Oct. 31, 2011), <https://stnfrdstatic.wordpress.com/2011/10/31/nicki-minaj-the-flyest-feminist/>.

94. Nicki Minaj, *Nicki Minaj Anaconda*, YOUTUBE (Aug. 19, 2014), <https://www.youtube.com/watch?v=LDZX4ooRsWs>.

MC Lyte, "Poor Georgie"<sup>95</sup>

Jay-Z featuring U.G.K., "Big Pimpin'"<sup>96</sup>

Listen: Dr. Dre feat. Jewell, Tha Dogg Pound, & Snoop Doggy Dogg, "Bitches Ain't Shit"<sup>97</sup>

2Pac, "I Get Around"<sup>98</sup>

Lil' Kim, "Not Tonight"<sup>99</sup>

Essay: What do you think about the intersections between feminism, feminist culture and hip hop? Are women, particularly black women, marginalized by hip hop culture? Do the misogynistic messages in hip hop music have a realistic effect on the law? Do the misogynistic messages in hip hop music have a realistic effect on the advancement of minority women in America?

The next section of the class explores hip hop's impact on women. From a legal perspective, we place particular emphasis on whether hip hop negatively impacts sexual harassment of women in the workplace, as well as whether it perpetuates physical assaults and other sexually inappropriate behavior in other environments. As background for this discussion, students are provided with a historical perspective on the way in which women have transitioned within hip hop.

At hip hop's inception, women were portrayed much differently than they are today.<sup>100</sup> Female hip hop artists, including Queen Latifah<sup>101</sup>, MC

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95. UPROXX Video, *MC Lyte Poor Georgie*, YOUTUBE (Dec. 9, 2011), <https://www.youtube.com/watch?v=hSTzr2V4KMw>.

96. JAY-Z, *JAY-Z Big Pimpin' feat. UGK*, YOUTUBE (Nov. 9, 2010), [https://www.youtube.com/watch?v=Cgoqrge\\_0cM](https://www.youtube.com/watch?v=Cgoqrge_0cM).

97. DR. DRE, featuring Jewell et al., *Bitches Ain't Shit*, on *THE CHRONIC* (Death Row Records 1992).

98. 2PAC, *I Get Around*, on *STRICTLY 4 MY N.I.G.G.A.Z* (Interscope Records 1993).

99. LIL' KIM, *Not Tonight*, on *HARD CORE* (Atlantic Recordings Corp. 1996).

100. Karina Cabreja, *The Shifting World of Women in Hip Hop*, (Feb. 16, 2016), <http://www.ampersandla.com/the-shifting-world-of-women-in-hip-hop/>.

101. Queen Latifah, born Dana Elaine Owens, is a famed musician and actress known for her social politics. *Queen Latifah Biography*, BIOGRAPHY, <https://www.biography.com/musician/queen-latifah> (last updated May 14, 2019). Queen Latifah's musical success began with the release of her 1988 debut single, "Wrath of My Madness," and 1989 debut album, *All Hail the Queen*, which went on to sell one million copies. *Id.* In 1995, her feminist anthem, "U.N.I.T.Y.," earned Latifah her first Grammy award. *Id.* Latifah also organized and became CEO of her own recording and management company, Flavor Unit. *Id.* Her career later expanded into acting, leading

Lyte<sup>102</sup>, and Sister Souljah<sup>103</sup> stand in stark contrast to the women in hip hop today. These women were known for their songs that attempted to empower women and/or the black community.<sup>104</sup> For example, Queen Latifah's "U.N.I.T.Y." criticized misogyny in hip hop music, chronicled the evils of domestic violence against women, and criticized the use of the word "bitch."<sup>105</sup> MC Lyte's "Poor Georgie" provided a cautionary tale about drunk driving, the dangers of cancer, and the importance of living life to the fullest and appreciating loved ones.<sup>106</sup> Sister Souljah's "The Hate that Hate Produced" promoted black empowerment and inspired self-awareness.<sup>107</sup> None of these women used sex as a means of promoting their ideals or music.

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to starring roles in the television show, *Living Single*, and movies such as *Set It Off* and *Girls Trip*, as well as an Academy Award nomination for her role in *Chicago*. *Id.*

102. MC Lyte, born Lana Michelle Moorer, is a rapper, actress, and speaker best known as a pioneer for female emcees in hip hop. *MC Lyte*, WIKIPEDIA, [https://en.wikipedia.org/wiki/MC\\_Lyte](https://en.wikipedia.org/wiki/MC_Lyte) (last visited June 2, 2019). Lyte began rapping at the age of twelve and became the first solo female to release a full album in 1988, with *Lyte as a Rock*. *Id.* Lyte often tackled socially conscious subject matter, including her debut single, "I Cram to Understand U (Sam)," which addressed the crack epidemic and its impact on relationships, and her anti-violence song, "Cappucino." She earned her first gold album with 1993's *Ain't No Other* and became the first female solo rapper to be nominated for a Grammy with her single, "Ruffneck." *Id.* In 2006, Lyte's diary was donated to the Smithsonian Institution and was featured in the collection, "Hip-Hop Won't Stop: The Beat, the Rhymes, the Life," along with other historical objects relevant to birth and growth of hip hop. *Id.*

103. Sister Souljah, born Lisa Williamson, is a recording artist, actress, activist, film producer, and author. *Sister Souljah*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Sister\\_Souljah](https://en.wikipedia.org/wiki/Sister_Souljah) (last visited June 2, 2019). As a rapper, Sister Souljah was a member of the group Public Enemy, and she released the album *360 Degrees of Power* as a solo artist in 1992. *Id.* As an activist, she participated in concerts, rallies, and protests against racial discrimination, the lack of proper education for urban and underrepresented youths, and police brutality. *Id.* As an author, Souljah was a pioneer in popularizing the second wave of "street literature" with her novel, *The Coldest Winter Ever*. *Id.*

104. Cabreja, *supra* note 100.

105. QUEEN LATIFAH, *U.N.I.T.Y.*, on *BLACK REIGN* (Motown Records 1993).

106. MC LYTE, *Poor Georgie*, on *ACT LIKE YOU KNOW* (Atlantic Records 1991).

107. SISTA SOULJAH, *The Hate that Hate Produced*, on *360 DEGREES OF POWER* (Epic/SME Records 1992).

In comparison, today's top female Hip-Hop artists have drastically different personas. For instance, Lil' Kim,<sup>108</sup> Nicki Minaj,<sup>109</sup> and Cardi B<sup>110</sup> use sex as one of their primary means of connecting with their audiences.<sup>111</sup> While some view this as inherently degrading and offensive, there is another perspective—overt sexualization is empowering. Artists subscribing to this view use the same sexuality that men have historically exploited against women as a means of reversing the paradigm and empowering women. During classroom discussions, we pay careful attention to this dichotomy and explore how the portrayal of women in modern hip hop, by both men and women, influences the way in which women are treated inside and outside of the workplace:

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108. Lil' Kim, born Kimberly Denise Jones, is a rapper known for her "flesh-baring image and sexually explicit lyrics." *Lil' Kim Biography*, BIOGRAPHY, <https://www.biography.com/musician/lil-kim> (last updated May 14, 2019). Kim's career began as a member of the rap group Junior M.A.F.I.A. *Id.* She released her debut solo album, *Hard Core*, in 1996, which featured lyrics that were more raunchy and explicit than those of the established female rappers of the time. *Id.* The album was certified double platinum, and after her next two albums, *The Notorious K.I.M.* and *La Bella Mafia*, went platinum, Lil' Kim was, at the time, one of only two female rappers to have three platinum albums. *Id.* Kim's provocative outfits and sexy persona garnered comparison as the "black Madonna." *Id.*

109. Nicki Minaj, born Onika Tanya Maraj, is a rapper, songwriter, actress, and model. *Nicki Minaj*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Nicki\\_Minaj](https://en.wikipedia.org/wiki/Nicki_Minaj) (last visited June 2, 2019). She is known for her distinctive persona, featuring colorful costumes and wigs, and rapping style, utilizing a fast-paced deliver, alter egos, and accents. *Id.* After a brief stint in the music group, Full Force, Minaj began her solo career by releasing a series of mixtapes between 2007 and 2009. *Id.* In 2010, she released her debut album, *Pink Friday*, which was certified triple-platinum, reached number one on the U.S. Billboard music chart, and was nominated for a Best Rap Album Grammy Award. *Id.* Minaj has since released three more albums, earning her several other awards and nominations, and continues to be one of the most successful and influential rappers of her time. *Id.*

110. Cardi B, born Belcalis Marlenis Almánzar, is a rapper, songwriter, and television personality. *Cardi B*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Cardi\\_B](https://en.wikipedia.org/wiki/Cardi_B) (last visited June 2, 2019). She first became known for posting videos to social media platforms, Vine and Instagram, and as a regular cast member on the VH1 reality television series *Love and Hip Hop: New York*. *Id.* Cardi B began her music career with a featured appearance on the 2015 remix of singer Shaggy's single "Boom Boom." *Id.* She then released two mixtapes, *Gangsta Bitch Music, Vol 1* and *Vol. 2*, in 2016 and 2017, respectively. *Id.* With her debut single, "Bodak Yellow," in 2017, Cardi B became the first female rapper to top the Billboard U.S. Hot 100 chart since Lauryn Hill in 1998 and the first person of Dominican descent to reach number one in the chart's history. *Id.* In 2018, she followed that success with her debut album, *Invasion of Privacy*, which was certified triple-platinum and was awarded a Grammy for Best Rap Album. *Id.* Additionally, Cardi B has earned several other awards and nominations, and she holds two Guinness World Records for the most simultaneous entries on the Billboard U.S. Hot 100 chart by a female artist and for the most simultaneous entries on the U.S. Billboard U.S. Hot R&B/Hip-Hop Top 10 chart by a female artist. *Id.*

111. Lil' Kim, *How Many Licks* (Atlantic Records 2000); Nicki Minaj, *Anaconda* (Glenwood Recording Studios 2014); Cardi B, *Bodak Yellow* (Krematorium Studio 2017); see generally Jon Blistein, *Cardi B Slams Jermaine Dupri's Comments that all Female Rappers Rap about Stripping* (July 12, 2019 9:51AM), <https://www.rollingstone.com/music/music-news/cardi-b-jermaine-dupri-female-rappers-response-858199/>.



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[M]isogynistic messages in hip hop . . . have a realistic effect on the law. As Professor Clark points out in his article, stereotyping affects the way that black women conceptualize their own womanhood and sexuality[. As a result, black women are less likely to report a sexual assault than white women] . . . . In addition to affecting black women's views of themselves, hip hop also [negatively influences the way that black men perceive black women because of the overwhelmingly degrading tone of the music] . . . . [H]ip hop not only affects the failure of women to report assaults, but likely also pushes a message that such behavior is ok[ay] for men in the first place.<sup>112</sup>

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“Who said the ladies couldn’t make it, you must be blind, if you don’t believe, well here, listen to this rhyme . . .” Queen Latifah’s “Ladies First” was one of [the first hip hop songs that inspired] the path for feminism in hip-hop . . . . The intersection of feminism and hip-hop . . . has provided a platform [for women to] compete [“toe to toe”] with male emcees, [and] it has [empowered] women to be in control of their own sexuality. For decades, males ha[ve exhibited] power over [women regarding how they should dress, act and think]. [Through the] emerg[ence] of female emcees in the late [19]80’s, . . . women [began] taking control [of their own destinies] and [started] speaking out on issues that . . . affected them personally. [In light of the sexually charged nature of their music, modern female artists like Lil’ Kim and Nicki Minaj have continued this evolution in a different way. They have taken ownership of their sexuality and have refused to let a male dominated industry determine their place and value. Instead of measuring themselves by the male perspective, they embrace their sexuality and use it as a tool for empowerment rather than exploitation. Their efforts have provided women with the confidence to be comfortable in their own skin.]<sup>113</sup>

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[Professor Clark’s] “Ballin in the Boardroom: Changing the Social Context of Sexual Harassment” article . . . made me question the way I [view] women . . . . At first glance, I thought that [it] was a stretch to think that hip-hop music could [affect] the way I view and treat women[,] but on second thought, I am guilty of perpetuating the [same

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112. John Earnhardt, Journal Entry for Gender Inequality and the Hip Hop Nation 2 (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

113. Alicia John, Journal Entry for Gender Inequality and the Hip Hop Nation 2–3 (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

misogynistic] behavior and attitude that Tupac and Snoop talk about in their songs.

What really scares me about the whole experience is that a lot of my white friends don't have the same views. There's no doubt that they harbor some level of sexism, but . . . [t]hey don't objectify [white] women [to the same extent], or describe them as bitches and hoes [as frequently as black men describe black women] . . . .

[These realities impact the social context of the workplace and, as a result, influence the way society views unlawful as well as discriminatory conduct.]<sup>114</sup>

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[“]Ballin in the Boardroom: Changing the Social Context of Sexual Harassment[“] by [Professor] Clark focuses on . . . the idea that hip hop contributes to the mistreatment of women in the workplace and [that it may also lessen the likelihood that African American women report sexual harassment]. To some extent[,] I agree with that idea because [the misogynistic messages in hip hop have been embraced by its listeners] . . . [In fact, some female hip hop lyricists embrace derogatory names and define themselves in a context of disrespect. For example,] Lil Kim [has identified herself as] “the baddest bitch[,]” and Nicki [Minaj frequently refers to herself with numerous derivatives of the word “bitch,” as well as “Nicki] Lewinsky[,]” [as a means of suggesting that she can harness her sexual prowess for wealth and power. These derogatory terms were not assigned to Lil Kim and Nicki Minaj by male artists seeking to disrespect them. Instead, they personally created and embraced them. Unfortunately, they created [these] names and sadly other women gravitate[] to their music. Now[,] . . . young girl[s] who [are] immersed in hip hop culture [identify themselves in the same manner].<sup>115</sup>

Through in class discussions, students form an appreciation for the intersection between hip hop and the law, particularly in the context of workplace discrimination and sexual assault. More specifically, the students began to appreciate that hip hop music has the capacity to negatively impact the workplace in two material ways: First, male decision makers may be subconsciously influenced by hip hop music to think of women as sex objects and internalize the message that women are sexual objects. Second, women who are influenced by hip hop's misogynistic message may be more likely

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114. Aaron Fennel, Journal Entry for Gender Inequality and the Hip Hop Nation 1–2 (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

115. Laterria Whitener, Journal Entry for Gender Inequality and the Hip Hop Nation 1–3 (unpublished student reflection for Hip Hop, the Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

to internalize negative perspectives of themselves and may be less likely to report improper conduct and sexual harassment.<sup>116</sup> When both of these mindsets operate in the same workplace, the likelihood of redressing what might otherwise be considered harassment, in violation of Title VII, becomes more difficult to prove.<sup>117</sup>

#### CLASS 4: HIP HOP V. THE CIVIL RIGHTS MOVEMENT

Read: Salon, “Hip-hop nation” (An interview with Bakari Kitwana)<sup>118</sup>

Derrick P. Alridge, “From Civil Rights to Hip Hop: Toward A Nexus of Ideas”<sup>119</sup>

Brown v. Board of Education (1954).<sup>120</sup>

Watch: Bamboozled<sup>121</sup>

Essay: Is there a tension between representatives of these two generations? Has the hip hop community been as successful obtaining civil rights as the civil rights leaders of the 1960s? Who has been more successful and why? Who are some of the current hip hop artists that have influenced social progress and how have they accomplished it? Why do you think that there is not more political rap today? If you believe it is because socially conscious rap does not sell, explain what you think has changed since the emergence of groups like Public Enemy and Boogie Down Productions (KRS-One) were so very successful in the 1990s.

In this section, the course analyzes the possible tension between the Civil Rights generation and the hip hop generation. The Civil Rights generation made significant progress in moving the black community forward and remedying overt discrimination.<sup>122</sup> In light of that success, there was an expectation that the hip hop generation would continue that fight;

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116. Clark, *supra* note 92.

117. *Id.* at 126.

118. Suzy Hansen, *Hip-hop nation*, SALON (July 11, 2002, 1:58 AM), <https://www.salon.com/2002/07/10/kitwana/>.

119. Derrick P. Alridge, *From Civil Rights to Hip Hop: Toward A Nexus of Ideas*, 90 J. AFR. AM. HIST. 226 (2005).

120. Brown v. Bd. of Educ., 347 U.S. 483 (1954).

121. BAMBOOZLED (40 Acres and a Mule Filmworks 2000).

122. Hersch and Shinall, *Fifty Years Later: The Legacy of the Civil Rights Act of 1964*, [https://law.vanderbilt.edu/phd/faculty/joni-hersch/2015\\_Hersch\\_and\\_Shinall\\_Legacy\\_of\\_Civil\\_Rights\\_Act\\_Journal\\_of\\_Policy\\_Analysis\\_and\\_Management.pdf](https://law.vanderbilt.edu/phd/faculty/joni-hersch/2015_Hersch_and_Shinall_Legacy_of_Civil_Rights_Act_Journal_of_Policy_Analysis_and_Management.pdf) (2015).

however, there is discord as to whether that has happened.<sup>123</sup> From the perspective of the current leaders of the Civil Rights generation, the hip hop generation appears disorganized and lacks a clearly defined positive social agenda for the black community.<sup>124</sup> More accurately, leaders of the Civil Rights generation view hip hop as negative, sexist, disrespectful, and lazy.<sup>125</sup> The Civil Rights generation appears frustrated with the efforts of the hip hop generation, and as a result, there is some sense that the Civil Rights leaders are unwilling or fearful to hand over leadership of the black community to a generation that is often characterized as “lost.”<sup>126</sup> In the same regard, the hip hop generation often perceives the Civil Rights generation as disconnected and out of touch with the realities of modern discrimination. The hip hop generation argues that because discrimination during the Civil Rights era was overt, open, and obvious, in some regards, it was easier to combat. Further, the new generation argues that modern racism is covert and institutionalized and as a result, it is more difficult to identify and to mobilize efforts to fight against it.

There is also tension in that the integrationist path chosen by the Civil Rights leaders may not have been the course of action chosen by the leaders of hip hop.<sup>127</sup> As an introduction to this idea, it is important to have students read *Brown v. Board of Education*.<sup>128</sup> *Brown* symbolizes the strategy advanced by the Civil Rights leaders.<sup>129</sup> At its core, *Brown* represents the notion of integration.<sup>130</sup> We discuss the advantages and disadvantages of an integrationist approach and whether it was the right course of action. A primary advantage of *Brown*’s integrationist approach was that there was some belief among its creators that it would have been legally impracticable to accomplish *Plessy*’s separate but equal rule.<sup>131</sup> While a focus on separate but equal could have bolstered the prospect that black institutions would have received the same resources as their white counterparts, this approach

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123. Derrick P. Alridge, *From Civil Rights to Hip Hop: Toward a Nexus of Ideas*, THE JOURNAL OF AFRICAN AMERICAN HISTORY, Vol. 90, No. 3, The History of Hip Hop (Summer, 2005), pp. 226-252.

124. *Id.*

125. Lee Hubbard, *Hip Hop Nation Meets the Civil Rights Generation*, (May 29, 2002), [https://www.alternet.org/2002/05/hip\\_hop\\_nation\\_meets\\_the\\_civil\\_rights\\_generation/](https://www.alternet.org/2002/05/hip_hop_nation_meets_the_civil_rights_generation/).

126. See, e.g., Brent Staples, *How Hip-Hop Music Lost Its Way and Betrayed Its Fans*, N.Y. TIMES (May 12, 2005), <https://www.nytimes.com/2005/05/12/opinion/how-hiphop-music-lost-its-way-and-betrayed-its-fans.html>.

127. Donathan L. Brown et al., *Dream and Legacy: Dr. Martin Luther King in the Post-Civil Rights Era*, 129. (“Some segments of the hip hop intelligentsia stridently rejected, ironically, the civil rights agenda (of integration) because hip hop succeeded in garnering pop culture crossover over appeal across US and international populations”).

128. *Brown*, 347 U.S. 483.

129. *Id.*

130. *Id.*

131. See *Plessy v. Ferguson*, 163 U.S. 537, 550–51 (1896) (holding that racial segregation in public facilities was constitutional provided the facilities were of equal quality).

would have required piecemeal litigation that would have been cumbersome and expensive.<sup>132</sup> However, a reasonable argument exists that the integrationist approach subjugated black development to white advancement.<sup>133</sup> Instead of emphasizing black businesses and institutions, *Brown* placed the black community in the position of seeking acceptance in a white hierarchical structure. As a result, the black community, arguably, was placed in an inferior bargaining position and leveraged its destiny on the chance that the white power structure might deem it worthy of inclusion and equality.<sup>134</sup> Through this discussion, we evaluate the dominant messages amplified in hip hop and whether the message supports an acceptance or rejection of the *Brown* position of integration into a white power structure.

In many ways, hip hop culture is about rejecting the status quo. For example, Public Enemy's "Fight the Power" was about inspiring resistance to white power and oppression.<sup>135</sup> Inherent in their message was an overt denial of peaceful integration and a demand for black people to take what should have been given by any means necessary.<sup>136</sup> During an interview explaining the history behind the song, Chuck D remarked,

I wasn't the first person to write a song called Fight the Power. The Isley Brothers did that in 1975. They talked about how we needed an answer to government oppression. I just built on that. If the government dictates who you are, then you're part of the power structure that keeps you down. We were going to fight that and say: "Look at me as a human being." The government wanted rap to be infantile, to have us talk about cookies and girls and high school shit. I was like: "Nah, we're going to talk about you." . . .

Songs are like little earthquakes: after Fight the Power, the fucking world shook, and then it went back to the way it was. Law is the only thing that makes everything change. Revolution alters laws and, yes, a song can spark revolution. But songs now strike individuals one by one: some hear them now, some next week, some never. We're far removed from the days when everyone heard something at the same time.<sup>137</sup>

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132. See generally Brian D. Behnken, Gregory D. Smithers, Simon Wendt, *Black Intellectual Thoughts in Modern America: A Historical Perspective* (University Press of Mississippi 2017).

133. Sonya Ramsey, *The Troubled History of American Education after the Brown Decision*, (Feb. 9, 2017), <http://www.processhistory.org/american-education-after-brown/>.

134. *Id.*

135. See PUBLIC ENEMY, *Fight the Power*, on FEAR OF A BLACK PLANET (Def Jam Recordings & Columbia Records 1990).

136. See *id.*

137. Ben Beaumont-Thomas, *How we made Public Enemy's Fight the Power*, THE GUARDIAN (Mar. 7, 2016, 1:37 PM), <https://www.theguardian.com/culture/2016/mar/07/how-we-made-public-enemy-fight-the-power>.

The student reflections in this section focus on understanding the philosophies of both generations and on exploring the above noted tension and whether it exists:

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Overall, the [Civil Rights] generation believes their struggle was much greater than [that of the hip hop generation], and this creates a divide between the two . . . . [T]his is why much of the black race still look[s] toward[] individuals like Al Sharpton and Jesse Jackson [to lead]. They were alive during the era of Martin Luther [King] and Malcolm X, and this gives them a level of respect which seems unobtainable by anyone of the [hip hop] generation . . . .

[T]he hip hop community has [not] been as successful as the civil rights leaders of the 60's in obtaining civil rights. While there are a handful of musicians that speak about civil rights issues in their music, they are overshadowed by . . . . lyricism that speaks [about] money, drugs, sex, and cars. During the civil rights movement, . . . the energy of the black community focused on protesting inequality . . . . It is only because of these efforts that [today's] artists are able to speak so freely in their lyrics about things that lack a similar level of importance . . . .<sup>138</sup>

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Similar to the lessons the students learn after reading the material assigned for the first class, the lessons of “Hip Hop v. the Civil Rights Movement” enable students to conceptualize the basis for the frustration that prior generations of the black community have towards the current hip hop generation. As a byproduct of this understanding, a clear message resonates with the students that they have a responsibility and duty to ensure that hip hop culture continues to grow and expand in a positive direction to further enhance the social viability of the black community rather than disseminate material that impairs such progress.

#### CLASS 5: WEALTH CREATION, PROPERTY RIGHTS AND BLING

Read: Andre L. Smith, “Other People’s Property: Hip Hop’s Inherent Clashes with Property Law and its Ascendance as Global Counter Culture”<sup>139</sup>

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138. Dante Wright, Journal Entry for Hip Hop v. the Civil Rights Movement 1–2 (Jan. 4, 2018) (unpublished student reflection for Hip Hop, Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

139. Andre L. Smith, *Other People’s Property: Hip Hop’s Inherent Clashes with Property Law and its Ascendance as Global Counter Culture*, 7 VA. SPORTS & ENT. L.J. 59 (2008).

Todd J. Clark, “Hip-hop’s Critical Role in Awakening Urban America’s Corporate Consciousness and Activist Spirit”<sup>140</sup>

Listen: Naughty by Nature, “O.P.P.”<sup>141</sup>

B.G. feat. Hot Boys and Big Tymers, “Bling Bling”<sup>142</sup>

Essay: Does Naughty by Nature’s song “O.P.P.” play a significant role in how we think about law and property rights? What role does capitalism play in producing and maintaining systems of white privilege through claims of property ownership? Identify lyrics from several hip hop songs that speak to these themes.

In the final section of the course, we emphasize the role that hip hop has played in elevating financial prospects of the black community, as evidenced by the fact that hip hop has created numerous multimillionaires<sup>143</sup> and at least one billionaire.<sup>144</sup> While hip hop’s financial successes have bolstered the positive influence of the black community, we balance these successes against hip hop’s negative messaging that promotes violence, misogyny, and illegal activities. Within this discussion, we engage in a critical dialogue about property rights in America. Since America’s inception, property rights and property ownership have largely influenced wealth creation and preservation.<sup>145</sup> The laws that facilitate these fundamental concepts have traditionally been unkind to minorities.<sup>146</sup>

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140. Todd J. Clark, *Hip-Hop’s Critical Role in Awakening Urban America’s Corporate Consciousness and Activist Spirit*, in *HIP HOP AND THE LAW*, *supra* note 18, at 249.

141. NAUGHTY BY NATURE, *O.P.P.*, on NAUGHTY BY NATURE (Tommy Boy Entertainment 1991).

142. B.G., *Bling Bling*, on *CHOPPER CITY IN THE GHETTO* (Cash Money & Universal Records 1999).

143. *E.g.*, Diddy, Dr. Dre, Drake, Pharrell, Eminem, Kanye West, Wiz Khalifa, Nicki Minaj, Birdman, Maria McCutchen, *The 40 Richest Rappers in the World*, MONEY INC., <https://moneyinc.com/20-richest-rappers-world/> (last visited June 2, 2019).

144. *E.g.*, Jay-Z, Zack O’Malley Greenburg, *Artist, Icon, Billionaire: How Jay-Z Created His \$1 Billion Fortune*, FORBES (June 3, 2019, 5:56 AM), <https://www.forbes.com/sites/zackomalleygreenburg/2019/06/03/jay-z-billionaire-worth/#5b4f8a0f3a5f>.

145. Gerald P. O’Driscoll Jr. and Lee Hoskins, *Property Rights: The Key to Economic Development*, (Aug. 7, 2013), <https://www.libertarianism.org/publications/essays/property-rights-key-economic-development>.

146. American history is riddled with numerous examples of how American property rights have been unkind to blacks. *See, e.g.*, Thomas W. Mitchell et al., *Forced Sale Risk: Class, Race, and the “Double Discount”*, 37 FLA. ST. U.L. REV. 589, 589 (“[T]he sales price for property sold at a forced sale may be affected by a property owner’s race or ethnicity, resulting in a ‘double discount,’ i.e. a discount from market value for the forced sale and a further discount attributable to the race of the property owner.”); E. Scott Reckard, *NAACP Suits Claim Mortgage Bias*, L.A. TIMES (Mar. 14, 2009), <https://www.latimes.com/archives/la-xpm-2009-mar-14-fi-black->

Property rights in America have historically operated to empower white people and their communities and to subjugate black people as second-class citizens.<sup>147</sup> In recognition of this perspective, the class promotes discussion about hip hop's perspective on property rights in America. The reflections from this section pay critical attention to the way in which hip hop provides a narrative depiction of how property laws in America have operated as another mechanism to disenfranchise black people from both tangible and intangible property rights:

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From hip hop's early beginnings, it has vocalized its distrust of white business practices—a distrust that stems from the black experience during slavery. When hip hop first began, it was dismissed as a “fad” among minority youth that lacked intellectual, artistic or monetary value. However, when white corporate America learned that it was profitable, they infiltrated it for the purpose of exploiting it for their own personal gain. The biggest problem in hip[h]op is the very people who created the art form have little to no ownership of its infrastructure. This reality is consistent with the typical experience of African American inventors. Other musicians, along with myself, joke that the only thing invented by white America was the U.S. Patent Office! Professor Smith's discussion of the Biz Markie (*Grand Upright*) case resonated with me because it illustrates the power that whites have to influence and control hip hop. Biz Markie was sued for using a sample from one of Gilbert O'Sullivan's songs without first having it cleared. While I do not disagree with basis of the suit, I do have a problem with the inconsistencies of the courts in determining what us[e] is “fair.” When hip hop was merely perceived as black kids yapping over their parents' old records, it was harmless. However, when those same kids started to make money from it, the courts, then, decided to act.<sup>148</sup>

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housing14-story.html (discussing the NAACP's law suit against creditors who steered black borrowers into costly subprime mortgages when these borrowers qualified for loans with more favorable terms); Bill Dedman, *The Color of Money*, ATLANTA J. CONST. 1, May 1–4, 1988, [http://powerreporting.com/color/color\\_of\\_money.pdf](http://powerreporting.com/color/color_of_money.pdf) (profiling discriminatory home lending practices in Atlanta, Georgia).

147. Margalynne Armstrong, *African Americans and Property Ownership: Creating our own Meanings, Redefining our Relationships*, AFRICAN AMERICAN LAW & POLICY REPORT (1994), <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1111&context=bjalp>.

148. Ronald Haynes, Journal Entry for Wealth Creation, Property Rights and Bling (unpublished student reflection for Hip Hop, Law & Social Justice, North Carolina Central School of Law) (on file with the North Carolina Central Law Review).



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The hip hop generation is not [overly] concerned with [intellectual] property right[] . . . law[s] because the hip hop generation does not benefit [them]. There [are] numerous cases where [courts have allowed] white artists . . . to use certain portions of pre-existing sound recordings [without holding that such use amounted to] infringement. [W]hen white artists use portions of a copyrighted work, the [use is often determined to be] *de minimus* or . . . [“]transformative.[“] If a work is deemed transformative, there is no infringement because the work is seen as a new work. Conversely, when black artists take portions of a pre-existing work and use it to make another work, the new work is more often than not[, held to be] a derivative work and [an] infringement . . . . This occurs [to] black artists even when the [sample is] transformed [and] not recognizable to either the average listener or an expert. [The court’s holding in *Bridgport* substantially impacted the cost to produce hip hop music.] In *Bridgport*, the court found that any use of a copyrighted work, no matter how small, is infringement. This le[d] to the current situation, where if a sample is used, the artist has to pay for it. Hip hop was founded on the idea of sampling. The originators did not have instruments to make music and as a result, they used pre-existing musical compositions. From hip-hop’s genesis, the best producers and artists have used sampling to achieve their desired sound. Hiring a full band is cost prohibitive, and [few] hip hop artists [possess] classical [instrument] training . . . . [Hip hop music was created by] using what was available . . . . [Typically, a hip hop artist’s first introduction to intellectual property laws occurs when the artist is alleged to have engaged in infringement—an introduction] where black artists almost invariably lose . . . [As a result, hip hop artists are unlikely to respect a system that] seeks to punish black artists [for the purpose of enriching white America].<sup>149</sup>

At the conclusion of this section, students are always presently surprised by how much they have learned about the American property regime and how its story of oppression and exploitation can be adequately depicted through the hip hop lens.

#### TRACK 4: ASSIGNMENT AND EXCERPTS FROM STUDENT RESPONSES

The course culminates in an individual project that seeks to tie all of the information covered throughout the course into a project that helps students develop their advocacy and writing skills. The final project requires that each student draft a three to five-page response based on the following hypothetical:

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149. Dorian Burton, Journal Entry for Wealth Creation, Property Rights and Bling (unpublished student reflection for Hip Hop, Law & Social Justice, North Carolina Central School of Law) (on file with the North Carolina Central Law Review).

You are a faculty member at Midwestern Law School. A student at your school recently expressed interest in taking a course at the North Carolina Central University School of Law entitled, “Hip Hop, Law & Social Justice.” The student communicated his interest to your law school’s associate dean of academic affairs, as required by the law school’s handbook. The dean informed the student that your law school will not offer academic credit for completion of the course at NCCU School of Law based solely on the name of the course and the course description posted on NCCU School of Law’s website.<sup>150</sup> In the email detailing that conclusion, the dean provided that she “does not believe that the course contains sufficient law-related intellectual content to merit credit toward our law degree.” In response, the student attempted to offer her a copy of the syllabus as evidence of the course’s “law-related, intellectual content,” but was informed that sending the syllabus was “very unlikely” to change anything.

The hypothetical is based on a real communication between a student and the student’s associate dean for academic affairs at a law school in the Midwest. The student wanted to enroll in the class at NCCU School of Law, through a synchronous distance education learning experience, but was informed that his institution would not award academic credit for the course. As further background, I also provide the students with additional details about the hypothetical from my conversation with the student, wherein the student informed me that the associate dean’s decision was based solely off the online course description.

Based on this information, each student is required to draft a response to the associate dean of the law school, as well as its curriculum committee, that validates or invalidates the associate dean’s position that the course is not worthy of academic credit. In completing this assignment, students are encouraged to support their position with any relevant authority including the American Bar Association rules that govern the “Program of Legal Education” or other evidence and factual justifications that would be important to these audiences.<sup>151</sup>

The following excerpts were extracted from two students who provided particularly comprehensive responses in completing the assignment:

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150. See *Winter Intercession Course Descriptions*, N.C. CENT. U. SCH. L., <http://law.nccu.edu/academics/winter-intercession/> (last visited Mar. 17, 2019).

151. See A.B.A. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 15–25 (2018–19), [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2018-2019ABAStandardsforApprovalOfLawSchools/2018-2019-aba-standards-rules-approval-law-schools-final.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2018-2019ABAStandardsforApprovalOfLawSchools/2018-2019-aba-standards-rules-approval-law-schools-final.pdf) (last visited May 24, 2019) [hereinafter A.B.A. STANDARDS AND RULES].

Prior to taking this class, I, too, was skeptical about what I would possibly . . . learn[.]. What does hip hop have . . . to do with the law? How was the professor going to tie the two together?

According to [Standard 206 of] *ABA Standards and Rules of Procedure for Approval of Law Schools*, . . . law schools [must] demonstrate diversity and inclusion by providing full opportunities for the study of law by members of underrepresented groups such as racial and ethnic minorities.<sup>152</sup> Further[more], . . . enrollment of a diverse student body promotes cross-cultural understanding, helps break down racial, ethnic, and gender stereotypes, and allows for a better understanding of individuals who come from a different background.<sup>153</sup> While this is true and incredibly important, the mere enrollment of a diverse stud[ent] body will not provide for the understanding of one another, nor will it provide for the break-down of racial, ethnic, and gender stereotypes. However, offering Hip Hop, Law, and Social Justice will.

After looking at the course catalog for [your law school], I noticed that [you offer] a Sexuality and the Law course . . . . What strikes me the most is that it seems to be the only class [offered that primarily focuses on] marginalized group[s] . . . . [Allowing your students to register for Hip Hop, Law and Social Justice] is important, especially to [minority] students who [are a part of the hip hop generation]. However, [the course] is even more important to [nonminority students] because in taking this course, they [will gain an appreciation for the daily experience of a minority in America and will learn] how the law excludes [minorities from certain opportunities] and fails to protect them in ways that majority and non-marginalized groups of individuals are protected . . . .

[T]his is [exactly] what the Hip Hop, Law, and Social Justice class did for me. During the course of . . . one week, I learned about the history of not only Hip Hop, but [also. . . the African American community . . . . [I learned about hip hop's historical development and how it grew out of the] marginalization and racial oppression of African Americans dating back to slavery. Further, this course provided for extensive discussion [about important] social issues . . . , how Hip Hop plays a role in these issues, how Hip Hop . . . lyrics [address these issues], and how[,] tied together, [Hip Hop influences] the law and how the law [impacts hip hop]. In addition, [we read] several scholarly articles . . . that [motivated me to think more critically about the law and its application]. Most importantly, it was eye opening to [learn] who actually creates our laws today and how that alone affects this targeted group of individuals. As a result, it [is] important to

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152. *Id.* at 12.

153. *Id.* at 13.

[appreciate] the need for lawyers . . . who are willing to open their minds and work towards . . . change. [Merely admitting minorities into your law school] can provide for some diversity in terms of the school's statistics and percentages, but [true diversity will not occur unless those same students can see the value and importance of their own culture in the context of the law]. A class like Hip Hop, Law, and Social Justice, where their culture is explored[,] and [their] struggle[] . . . recognized[,] is necessary to begin the process of educating non-minorit[ies] . . . and . . . eliminating stereotypes.<sup>154</sup>

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First, I'd like to draw your attention to your institution['s] diversity statement, which [describes your institution's commitment to providing access to the legal community for traditionally underrepresented populations, to increase diversity within the profession, and to recruit faculty and students from diverse backgrounds]. As [yours is] an institution strongly committed to providing *access* for historically underrepresented groups[,] it is discouraging that students are[,] in turn[,] denied access to *learn* about the diverse communities [from] which [your] graduates come . . . and will ultimately serve. In denying students the opportunity to learn about hip hop, which in itself is a culture within a culture, the institution is failing to "counter the effects of social discrimination." A course like Hip Hop, Law & Social Justice would bring new light to an often-misunderstood social demographic. Furthermore, Chapter 3 of the American Bar Association's [*Standards and Rules of Procedure for Approval of Law Schools*] urges law schools to establish learning outcomes and other professional skills for students needed for "competent and ethical participation as members of the legal profession."<sup>155</sup> Included in its interpretation of "other professional skills" is "cultural competency and self-evaluation."<sup>156</sup> [Without offering or allowing your students to take courses like Hip Hop, Law and Social Justice], how can [your law] students evaluate themselves or their competency of a particular culture if they are [not] provided [a reasonable] opportunity to expose themselves to [different] culture[s]? . . . [C]onsidering that [your law school] has historically been a white dominated institution, . . . I am willing to venture that a large portion of your student body ha[s] only a rudimentary understanding or appreciation for the cultural and social importance hip hop offers. As Professor [a]ndré [c]ummings wrote in his article ["A Furious Kinship: Critical Race Theory and the Hip-

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154. Victoria Roukas, Letter to Associate Dean of Academic Affairs 1–4 (Jan. 14, 2018) (unpublished student assignment for Hip Hop, Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

155. A.B.A. STANDARDS AND RULES, *supra* note 151, at 15.

156. *Id.* at 16.

Hop Nation,["] "[h]ip hop serves as white America's introduction to the rest of minority society, exposing traditional America to life in the inner-city."<sup>157</sup> . . . [F]or the other . . . portion of students who may have grown up with hip hop, they, like myself, may have never considered how the music they identify [with] so deeply . . . developed from a resistance of the normative legal and political structure [and] has grown to become an important[,] yet under recognized[,] facet of the legal and professional world . . . .

In looking through [your law school's] course offerings, there are a number of [courses with which] the Hip Hop, Law and Social Justice course materials directly coincide or have complementary learning objectives. For example, within the first few moments of class, students are taught that the hip hop they know today began as[a] direct response to the civil rights generation's "rejection of the values and needs of urban young people."<sup>158</sup> Civil Rights is one of [your law school's] regularly offered courses. Would students not benefit from exploring the "bigger picture" of the Civil Rights era by . . . understand[ing] not only the legal achievements of that era but also by exploring how it shaped later generations—*their* generation? Topics covered in this Hip Hop course also intertwine with topics discussed in [your law school's] First Amendment, Copyright Law, and Entertainment Law courses, in that this course discusses the protection of artistic material released by hip hop artists.<sup>159</sup>

Overall, the work product received for this assignment has been phenomenal. The student responses reflect a sincere engagement and appreciation for the assignment. In addition, their ability to exercise the lawyering skills they have developed during their course of study at North Carolina Central University School of Law, and in the class, reflects a high level of competency and understanding. More importantly, the assignment helps students appreciate a core component of the course objectives—to inspire a spirit of activism. By penning a response to the proposed hypothetical, students are reminded that their research and writing skills are essential tools in the fight for justice and for promoting ideals that they value.

## OUTRO

Each year, I end the class by playing the video from Common Sense's "I Used to Love H.E.R."<sup>160</sup> After playing it, I often try to select a student

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157. *cummings*, *supra* note 24, at 519.

158. *Id.* at 510.

159. Abrogunrin Tiwalola, Letter to Associate Dean of Academic Affairs 1–4 (unpublished student assignment for Hip Hop, Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

160. See thinkcommon, *Common I Used to Love H.E.R.*, YOUTUBE (Jan. 29, 2018), <https://www.youtube.com/watch?v=TrUERC2Zk64>.

from the class, who I presume has the least exposure to hip hop, to explain the meaning behind the song. In the song, Common uses the metaphor of his love for a woman to explain his love of hip hop and chronicles how “she” transitions over time to exemplify hip hop’s evolution.<sup>161</sup> She begins as a soulful and down to earth girl who is innocent, supportive, pure and true to herself.<sup>162</sup> As she transitions into adulthood, she gains an appreciation for her African roots and the notion of black empowerment.<sup>163</sup> She uses her Afrocentricity to educate the people with whom she interacts, and because of her foundational understanding of her historical roots, she is self-aware and inspiring.<sup>164</sup> However, that is short lived and she moves out west, transitioning from her Afrocentric perspective and expanding her perspective by focusing on her freedom of choice and her ability to go against the grain.<sup>165</sup> Around the same time, she begins to learn the power of money and sells herself out for financial gain.<sup>166</sup> She also begins to lose her sense of self-respect.<sup>167</sup> Through this process, she allows others to define her with derogatory terms and she does so herself.<sup>168</sup> It is at this point that Common decides to take her back to what she once was in the hope that he might save her.<sup>169</sup> The plight of the woman he describes in the song provides a metaphorical and historical account of the way that hip hop music has evolved.<sup>170</sup> At the end of the song, he takes her back because Common is dedicated to saving the music that raised, educated, and inspired him.<sup>171</sup>

A common theme in hip hop music is the notion of the “remix.”<sup>172</sup> Although the concept of the remix is frequently discussed in the context of hip hop music,

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161. COMMON SENSE, *supra* note 7; see also *I Used to Love H.E.R. Lyrics*, GENIUS, <https://genius.com/Common-i-used-to-love-her-lyrics> (last visited June 3, 2019).

162. COMMON SENSE, *supra* note 7 (“I met this girl when I was ten years old/And what I loved most she had so much soul.”).

163. *Id.* (“Did a couple of videos and became Afrocentric/Out goes the weave, in goes the braids, beads, medallions.”).

164. *Id.* (“About my people she was teachin’ me/By not preachin’ to me but speakin’ to me.”).

165. *Id.* (“But then she broke to the West Coast, and that was cool . . . that was good for her, she was becoming well-rounded/I thought it was dope how she was on that freestyle shit.”).

166. *Id.* (“Now I see her in commercials, she’s universal/She used to only swing it with the inner-city circle/Now she be in the burbs, lookin’ rock and dressin’ hippie/And on some dumb shit when she comes to the city.”).

167. *Id.*

168. *Id.* (“So many niggas hit it/That she’s just not the same lettin’ all these groupies do her/I see niggas slammin’ her and takin’ her to the sewer.”).

169. *Id.* (“But I’m take her back, hopin’ that the shit stop/’Cause who I’m talkin’ about, y’all, is hip hop.”).

170. *Id.*

171. *Id.*

172. A “remix” is a derivative of an original work of music that changes either the beat, vocals or both of the original song. See generally *Remix*, WIKIPEDIA, <https://en.wikipedia.org/wiki/Remix> (last visited June 3, 2019).

the concept of the remix originated from Jamaican dance music in the [19]60s, found new meaning in the [19]70s with disco, and continued to find a place in modern music. Puffy's newfound ambition to adopt a form of remixing that utilized samples with a twist worked for Jodeci. The success inspired him to use Mary J. Blige's highly favored debut album as a vessel to further explore how far he could push his reinvention. There was no full-length R&B remix project predating *What's the 411?*[.] it was Puffy who brought it to life[.] and the commercial triumph proved the power of pairing old and new[.] hip-hop and R&B. Diddy's vision was on the crossover potential that remixing allowed: two chances to break records through two different mediums.<sup>173</sup>

In holding true to the essence of the remix, the final reflection assignment asks the students to think about how Common might remix "I Used to Love H.E.R." by adding another verse today. The student responses to this assignment have been amazingly insightful and creative. While I wish I had enough space to share all of them, here are a few that I found to be intriguing and that highlight the level of depth the course facilitates:

[“]I Used to Love H.E.R.[“] . . . I . . . heard the song when I was younger, but I never really paid attention to it until you played it, Professor Clark. It's one of those songs that could easily get lost [on] someone who [cannot truly appreciate] good music . . . . After hearing it at [twenty-five], I now know why it was one of hip-hop's [most influential] songs. "I Used to Love H.E.R." was written by hip-hop artist, Common, and it appears on his 1994 album, *Resurrection*. In this song, Common uses a woman as an extended metaphor to describe the direction that hip-hop took during the late 1980's and early 1990's. He speaks about the transition from socially conscious and Afrocentric rap to the popularity of the East Coast/West Coast rivalry. [His reference to "H.E.R." in the song's title is actually an] acronym [that] means "Hearing Every Rhyme." . . . [The premise of the song is] that Common misses "Hearing Every Rhyme" . . . . [Today's hip hop music has lost its ability to educate its listeners through positive messaging; it has become more about the "beat" than the lyrical content.] Common wants the rhymes back. He wants . . . hip hop [lyrics to have meaning].

Hip-hop has taken a dramatic turn from what it [was in the past]. For these reasons, . . . Common's next verse would . . . [serve as] a call to action for all . . . hip-hop artists. He would tell them how important it is to positively represent black culture. He would encourage them to become more involved in politics and social issues. He would remind

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173. Yoh Phillips, *Diddy Invented the Hip-Hop Remix But Now It's Dead*, DJ BOOTH, <https://djbooth.net/features/2017-05-12-hip-hop-diddy-the-evolution-of-the-remix> (last updated Feb. 12, 2018).

them about the intelligence of the black man and illustrate that they are capable of doing more than rapping[, killing and selling drugs].<sup>174</sup>

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Continuing Common's song of metaphorically describing hip hop as an African-American woman, . . . the future of hip hop will be: empowered . . . , brave . . . , intentional . . . , and compassionate . . . .

**Empowered:** . . . [T]he future of hip hop will be empowered. Growing as a movement and a genre, hip hop will be able to advance its messages . . . by standing proudly on the work of past generations . . . . [H]ip hop will be able to work collaboratively on issues of the time. Hip hop's empowerment will draw from a fundamental and core knowledge of where it has been in the past [in order to direct its future path] . . . . [It will] assert its seat at the table during discussions of equality, injustice, and modern issues.

**Brave:** . . . [T]he future of hip hop will be brave. Hip hop will be able to mobilize as a dynamic genre that galvanizes support across the political aisle, . . . gender[, and . . . race] in order to [promote equality] . . . . [It] will . . . spread the word on . . . important issues and will . . . mobilize and draw in support from other communities . . . . [Because of hip hop's power] and wide platform, [it] will bring people together[,] despite their differences[,] to work towards a common purpose and dream.

**Intentional:** . . . [T]he future of hip hop will be intentional. In order to successfully make a difference and a lasting change, the hip hop movement will [appreciate the importance of] intentionality in its work and image. Setting its goals and utilizing its lyrics with intention, hip hop will better be able to advocate [for] and empower others. [Through intentionality, hip hop will] successfully avoid the pit fall of alienating women through the use of misogynistic lyrics[. It will also appreciate the importance of] utilizing the support and collaboration from older generations [in order to build consensus]. There are many different directions and avenues that the genre and movement can address, and being intentional will help to keep hip hop unified and strong . . . .

**Compassionate:** In [ten] years, the future of hip hop will be compassionate. The movement will embrace the younger generation and seek to mentor them in order to bring them into the leadership folds of the movement. Additionally, hip hop . . . will work for change on a global level by addressing important issues, including poverty,

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174. Kendra Gray, Final Class Reflection 1–4 (unpublished student reflection for Hip Hop, Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).



unemployment, mass incarceration, and systemic racism, [as well as] many others . . . . Thinking globally and long-term, hip hop will be able to creatively gain support around the world through its overarching messages of equality and . . . justice.

[In c]ontinuing the common thread of storytelling, hip hop will give a voice to those who need it most and shed light on [critical] issues that need attention. Ten years from now, the hip hop movement will be: empowered from [the efforts of previous generations], it will be brave enough to address tough issues, it will be intentional with its voice and in training future . . . leaders, and it will be compassionate through its focus on large-scale issues [on] both [a] national[] and global[ level].<sup>175</sup>

The following student's reflection went against the beaten path. Instead of highlighting Common's next verse, she decided to write her own rap song about the current status of hip hop. The whole purpose of the course is to empower, and through the class experience this student felt sufficiently empowered to use her own lyrics to answer the question I posed to the class.

As part of the assignment for this class, we have been asked to explore our individual opinions concerning the future evolution of Hip Hop. [Instead of discussing Common's next verse, I decided to write my own!]

#### AGES AND STAGES

Born from the flame/Of civil rights and black culture  
Hip Hop rose into the heights/It was the sculpture  
For blacks to lift each voice/From the ash  
To themselves and to the world/"We're not your 'white trash'"  
Our men, they spoke of/Dreams and better life  
For our kids and our friends/For our hoods and things rife

[Chorus]

Ages and stages/When will things change  
Time rages through pages/Out of time and out of range  
If we can't focus so that/We can clearly see  
We are doomed to be trapped/And repeat our history

It was the baby on the bottle/Instinct for close to home  
But as the baby got older and brave/It started to roam

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175. Danielle Irwin, Final Class Reflection 1–4 (July 19, 2015) (unpublished student reflection for Hip Hop, Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

The baby's eyes grew wider/And saw too much  
 The baby's instincts grew weak/And it's grasp far out of touch  
 As the baby moved on/It got far away from home  
 And the baby was a target/To all, it was alone  
 Baby began to turn/It was no baby anymore  
 And the parents of the baby/Unaware of what was in store  
 Baby on the move/Over the world just like a stamp  
 What the baby didn't know/It was a genie in a lamp  
 Promises and dream of/Cars, houses, and riches  
 World class hoes, take your pick/And lots of bitches  
 All the women naked/All niggas with the drugs  
 Ain't no better life/Than the ones you live as thugs

[Chorus]

Ages and stages/When will things change  
 Time rages through pages/Out of time and out of range  
 If we can't focus so that/We can clearly see  
 We are doomed to be trapped/And repeat our history

This genie in the lamp/This here, little Aladdin,  
 Can give you everything/You ever dreamed of havin'  
 Everyone's rubbin' the lamp/Looking for a little cash  
 And pittin' brother against brother/And selling lots of clash  
 But no one in the game's/Truly a Real Titan  
 Just low class, high sell niggas/Just good for fightin'  
 Now the Baby's growing up/And hearing conversations  
 That are taking Baby back/To originations

[Chorus]

Ages and stages/When will things change  
 Time rages through pages/Out of time and out of range  
 If we can't focus so that/We can clearly see  
 We are doomed to be trapped/And repeat our history

Baby, Baby in the mirror/Now, what do you see?  
 A bearded old man . . . /No, how can that be!  
 I see the world in my face/Reflections in my eyes,  
 Going back to my roots/Cause I'm older and now I'm wise.  
 But who will have the heart to/Release me from this lamp?  
 Brothers are smotherin', and/Ever rubbin' me and I'm clamped.

The world is ever changing and/The world will let them know,  
That it's time to loose the noose/And let your own people go!  
Baby's not a baby/The Man is going back  
To show our people something better/And real in being black

[Echo]

Than that stank ol' gangsta rap

[Chorus]

Ages and stages/When will things change  
Time rages through pages/Out of time and out of range  
If we can't focus so that/We can clearly see  
We are doomed to be trapped/And repeat our history

The man knows he's not a genie/And he's ready to rise  
From the clutches of the lamp/And giving out the booby prize  
The man knows his power, but/The rubbers they just can't stop  
He is sitting in abeyance/Hoping the rubber pops  
And that the knowledge comes out/And emerges from its sin  
And Hip Hop can find its roots/And become reborn again  
It is the Phoenix and its fire/Burns with all the passion  
Of the minor, the oppressed, disheartened/Here in the masses  
From the baby, to the genie/To the Phoenix come to see  
Hip Hop can be the Man/It was always meant to be.

Professor Clark, I have not written a rap since the 90s, and this class was very socially, politically, and racially motivating. Don't stop what you're doing because it is very important for the ones who do not have the perspective to gain it. That is what law school is all about.<sup>176</sup>

This article is very special to me because it is a reminder of how many amazing students I have had the honor of educating. When I first got to NCCU School of Law, I learned very quickly what makes this place special—the students within it and the professors who eagerly serve as mere conduits to help students accomplish their greatest potential. One of my mentors, Professor Mary Wright, wrote a very compelling piece in our law review wherein she discussed the value of our mission and why it is important to promote and preserve it.<sup>177</sup> Her article is a reminder that my role

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176. Taniya Reaves, Final Class Reflection 1–5 (July 19, 2015) (unpublished student reflection for Hip Hop, Law & Social Justice, North Carolina Central University School of Law) (on file with the North Carolina Central Law Review).

177. Mary Wright, *Mission Accomplished? The Unfinished Relationship Between Black Law Schools and Their Historical Constituencies*, 39 N.C. CENT. L. REV. 1 (2016).

as a professor is to cultivate the greatness within each of my students and to further promote the mission of our institution. It is the students and alumni that fuel the legacy of our institution. Through classes like Hip Hop, Law and Social Justice, I am excited that I have a role in facilitating this mission. This course helps remind students about why they came to law school, and more importantly, how they can use the law to address practical legal issues that impact their communities.

