

Tulsa Law Review

Volume 59 | Number 2

Spring 2024

Music of the Law: A Wigmorean Playlist for a Modern Era

Joseph Hummel

Follow this and additional works at: <https://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

Recommended Citation

Joseph Hummel, *Music of the Law: A Wigmorean Playlist for a Modern Era*, 59 Tulsa L. Rev. 301 (2024).

Available at: <https://digitalcommons.law.utulsa.edu/tlr/vol59/iss2/7>

This Article is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact megan-donald@utulsa.edu.

MUSIC OF THE LAW: A WIGMORIAN PLAYLIST FOR A MODERN ERA

Joseph Hummel*

I. INTRODUCTION.....	302
II. THE EVOLUTION OF LAW AND LITERATURE AND MUSIC’S PLACE (OR LACK THEREOF) WITHIN IT.....	303
III. MUSIC AND ITS RELATION TO THE LAW.....	312
A. Music and the Law.....	312
B. “But after all, what is served by such a list?”	314
i. The Law Governing Music, and the Music Governing Law.....	314
ii. Justifications and “Professional Goals”: Lawyers Should Listen to Legal Songs for the Same Reasons They Should Read Legal Novels	315
a. Legal Songs Can Help Lawyers Better Understand the Public Perception of Lawyers and the Law	316
b. Listening to Legal Songs Can Help Lawyers Improve Linguistic and Interpretive Skills	317
c. Legal Songs as a Portal to Understanding the “Other”.....	319
d. The Potentially Humanizing Factor of Legal Songs.....	320
IV. COMPILING A LIST OF LEGAL SONGS.....	322
A. Selection Criteria	322
B. Categories and “Kinds” of Legal Songs.....	324
V. A WIGMORIAN PLAYLIST OF LEGAL SONGS	327
1. “I’m Not the Man” (1992) [B, E].....	327
2. “Police Story” (1981) [D, E].....	328
3. “The Mercy Seat” (1988) [E].....	328
4. “Ridin’” (2005) [C].....	329
5. “Smash Clause 28!” (1988) [D].....	329
6. “Complete Control” (1977) [D].....	330
7. “Let Him Dangle” (1989) [B, E].....	331
8. “Tell It to the Judge” (1996) [B].....	332
9. “La Femme Fétal” (1993) [D, E].....	332
10. “The Lonesome Death of Hattie Carroll” (1964) [B, E]	333
11. “Hurricane” (1975) [B, E].....	333
12. “Billy Austin” (1990) [A, B].....	334
13. “The Message” (1982) [E]	335
14. “Old Judge Thayer” (1960) [A, B].....	335
15. “Vanzetti’s Letter” (1960) [E].....	336
16. “Sue Me, Sue You Blues” (1973) [B]	336

* Joseph Hummel. Assistant Professor of Law, University of North Texas at Dallas College of Law, Dallas, Texas. B.A. 2005, Boston College; J.D. 2008, Southern Methodist University Dedman School of Law. For their time, encouragement, and thoughtful insights on this article, I am indebted to and would like to thank Professors Natalie Brandt, Laura Bates, Brian Owsley, and Wes Moore. I would also like to thank my friend and fellow music aficionado, Bradford Quinn, both for his comments and for introducing me to many of the artists on this playlist. I would also like to thank the editors and staff at the *Tulsa Law Review* for their hard work and diligent efforts in helping this article come together.

17. “The Garden of Allah” (1995) [B]	337
18. “Mystery of Iniquity” (2002) [A, B, E]	338
19. “Strange Fruit” (1939) [D, E]	338
20. “Ghetto Bird” (1993) [C]	339
21. “What Can I Do?” (1993) [D, E]	340
22. “99 Problems” (2003) [C]	341
23. “Legal Boys” (1982) [A, B]	342
24. “Sonny’s Lettah (Anti-Sus Poem)” (1979) [C, D]	342
25. “The Night the Lights Went Out In Georgia” (1972) [A, B]	343
26. “Soweto Blues” (1977) [D, E]	344
27. “Sorrow Will Come in the End” [B]	345
28. “Fuck Tha Police” (1988) [B, D]	346
29. “Black Boys on Mopeds” (1990) [E]	346
30. “The Trial” (1979) [A, B]	347
31. “Black Steel in the Hour of Chaos” (1989) [D]	348
32. “By the Time I Get to Arizona” (1992) [D]	348
33. Чайки (“ЧАЙКА”) (2016) [A]	349
34. “No Knock” (1972) [C]	350
35. “Mississippi Goddam” (1964) [E]	350
36. “Gee, Officer Krupke” (1957) [B]	351
37. “Nebraska” (1982) [B, E]	352
38. “Johnny 99” (1982) [B, E]	352
39. “Legalize It” (1976) [D]	353
40. “Will Your Lawyer Talk to God?” (1964) [A, B]	353

I. INTRODUCTION

In 1908, John Henry Wigmore, Dean of the Northwestern Law School, published “A List of Legal Novels” in the *Illinois Law Review*.¹ Wigmore described the novels on his list as those that no lawyer could “afford to ignore.”² For Wigmore, the novel held unique value for lawyers, separate and apart from any substantive knowledge of the law that legal novels and stories might also provide.³ Specifically, Wigmore saw literature as a vehicle for legal change.⁴ He also believed literature could, in a sense, help lawyers understand the human condition by giving them access and exposure to the otherwise inaccessible “catalogue of life’s characters.”⁵ Many credit Wigmore’s list with starting the modern “law and literature” movement.⁶ Almost seventy years later, Prof. Richard Weisberg modernized Wigmore’s list with new and additional works that portrayed lawyers, legal systems, and certain nonlegal works that implicated issues of justice and the law.⁷ Since then, “law and literature” has continued to evolve into a robust discipline, securing

1. See John H. Wigmore, *A List of Legal Novels*, 2 ILL. L. REV. 574, 574 (1908); *Alumni & Friends, Wigmore Club*, NW. PRITZKER SCH. OF L., <https://law.alumni.northwestern.edu/s/1479/04-law/law/index2.aspx?sid=1479&gid=4&pgid=473#:~:text=John%20Henry%20Wigmore%20served%20as,a%20western%2Dstyle%20law%20school> (last visited April. 3, 2024).

2. Wigmore, *supra* note 1, at 575.

3. *Id.* at 575–78.

4. *Id.* at 577.

5. *Id.* at 579.

6. See, e.g., NEW DIRECTIONS IN LAW AND LITERATURE (Elizabeth S. Anker & Bernadette Meyler eds., 2017).

7. See Richard H. Weisberg, *Wigmore’s “Legal Novels” Revisited: New Resources for the Expansive Lawyer*, 71 NW. U. L. REV. 17, 17–18 (1976).

an accepted place in academia and across law school curricula.⁸ Though law and literature has expanded beyond the study of strictly “legal novels” to now include drama, film, and television, analysis of legal music remains comparatively underdeveloped.

This article endeavors to create a “Wigmorean playlist” of legal songs. Using a set of overarching criteria for inclusion in the list—similar to those crafted by Wigmore and Weisberg—this article will catalogue and examine songs that centrally and meaningfully depict: (1) lawyers or other members of the legal profession; (2) trials or other legal proceedings; (3) issues of civil or criminal procedure; (4) laws and legal instruments; and (5) crimes or broader issues of law and justice that also implicate criteria (1), (2), (3), or (4). While a song can lack the depth or complexity of a novel, music—and especially popular music—reaches a wide audience and can inform and impact public perceptions of lawyers, the law, and the larger system of justice. Much like literature, music can also educate and raise awareness about issues such as equality before the law, accessibility to justice, and fairness in the criminal justice system.

This article contains five sections. Part II discusses the evolution of the law and literature movement and explores its expansion through the twentieth century to include non-literary mediums. Part III explores music’s connection to the law and argues that legal songs hold professional and personal value for lawyers and warrant from them engagement and analysis commensurate with the degree that lawyers might expend on legal novels, plays, and films. Part IV discusses the selection and classification criteria for the “playlist.” Part V contains the “Wigmorean playlist.”

This article aims to help practitioners, lawmakers, and everyday citizens use music and “legal songs” to better understand many of the legal issues these songs themselves raise—namely the role of the lawyer in society and a citizen’s relationship to the law and the legal system. This article also hopes to educate law and literature academics on how music can be incorporated into a law and literature curriculum, and into the larger law and literature canon.

II. THE EVOLUTION OF LAW AND LITERATURE AND MUSIC’S PLACE (OR LACK THEREOF) WITHIN IT

No one can be a truly competent lawyer unless he is a cultivated man. If I were you, I would forget about any technical preparation for the law. The best way to prepare for the law is to come to the study of the law as a well-read person. Thus alone can one acquire the capacity to use the English language on paper and in speech and with the habits of clear thinking which only a truly liberal education can give. No less important for a lawyer is the cultivation of the imaginative faculties by reading poetry, seeing great paintings, in the original or in easily available reproductions, *and listening to great music*. Stock your mind with the deposit of much good reading, and widen and deepen your feelings by experiencing vicariously as much as possible the wonderful mysteries of the universe, and forget about your future career.

- Justice Felix Frankfurter, *Advice to A Young Man Interested in Going into Law*⁹

8. See NEW DIRECTIONS IN LAW AND LITERATURE, *supra* note 6, at 1.

9. Felix Frankfurter, *Advice to A Young Man Interested in Going into Law*, in 2 THE WORLD OF LAW: THE LAW AS LITERATURE 725 (Ephraim London ed., 1960) (emphasis added) [hereinafter 2 THE WORLD OF LAW].

Over the last century, “law and literature” has undergone a remarkable evolution. In the eyes of many,¹⁰ the first attempt to draw an academic connection between law and literature formally occurred in 1908, when John Henry Wigmore, Dean of the Northwestern Law School and noted scholar on the law of evidence, published a list, or bibliography, of “legal novels” in the *Illinois Law Review*.¹¹ Initially consisting of approximately 375 titles,¹² and later reduced to approximately 100,¹³ Wigmore’s list contained works by Jane Austen, Honoré de Balzac, Wilkie Collins, Charles Reade, Charles Dickens, William Dean Howells, Victor Hugo, Leo Tolstoy, and Mark Twain.¹⁴ While this overt link between the literary and legal fields was novel in its day,¹⁵ Wigmore’s goal in compiling such a list was not simply novelty for its own sake.¹⁶ Wigmore asked: “[b]ut, after all, what is served by such a list?”¹⁷ He believed these “legal” novels were works “in which a lawyer, most of all, ought to be interested,” and that a lawyer “cannot afford to ignore.”¹⁸

For Wigmore, studying literature was a way for lawyers to connect with the larger culture in which they lived.¹⁹ Judicial opinions, treatises, and statutes could provide substantive knowledge of the law, but literature was unique in revealing how “certain episodes or types of characters in professional life . . . have been taken up into general thought and literature.”²⁰ A lawyer’s perception of culture, and the culture’s perception of lawyers, were important.²¹ For Wigmore, knowing those “features” was a “special professional duty.”²² Literature was a way to bridge—and understand—those perceptions.²³ Literature also offered a window into legal history and legal reform by providing lawyers a chance “to know the spirit of [past] times”²⁴—times before unjust or immoral laws were abolished, or before necessary reforms were enacted.²⁵

But if literature was a way for lawyers to connect with their larger culture, for Wigmore, the “higher standpoint” that literature offered was to help lawyers better

10. See NEW DIRECTIONS IN LAW AND LITERATURE, *supra* note 6, at 1.

11. See Wigmore, *supra* note 1. In his 1908 article, Wigmore identified “four kinds” of legal novels. *Id.* at 574. Those “four kinds” include: “(A) [n]ovels in which some trial scene is described—perhaps including a skillful cross-examination; (B) [n]ovels in which the typical traits of a lawyer or judge, or the ways of professional life, are portrayed; (C) [n]ovels in which the methods of law in the detection, pursuit and punishment of crime are delineated; and (D) [n]ovels in which some point of law, affecting the rights or the conduct of the personages, enters the plot.” *Id.* See also *infra* Part IV, Section B.

12. See *id.* at 587–93. Wigmore began the list in 1898 with “some fifty titles,” which he then “enlarged to about one hundred titles for publication” in 1900. *Id.* at 586. Wigmore later increased the list to 375 titles. See *id.* at 587.

13. See John H. Wigmore, *A List of One Hundred Legal Novels*, 17 ILL. L. REV. 26, 38–41 (1922). Wigmore revised the down list again in 1922, to approximately 100 titles, retaining authors and works of greater significance.

14. See Wigmore, *supra* note 1, at 587–92.

15. See NEW DIRECTIONS IN LAW AND LITERATURE, *supra* note 6, at 1.

16. See Wigmore, *supra* note 1, at 574–75.

17. *Id.* at 575.

18. *Id.* at 574–75.

19. *Id.* at 575–76.

20. *Id.*

21. Wigmore, *supra* note 1, at 579–80.

22. *Id.* at 575–76.

23. *Id.*

24. *Id.* at 577.

25. See *id.* at 577–78. Wigmore cites Charles Dickens and Charles Reade as authors whose works allow the lawyer, and by extension the legislature, “to realize the operation of the old rules now gone—to feel their meaning in human life and to appreciate the bitter conflicts and their lessons for to-day.” Wigmore, *supra* note 1, at 577. Wigmore writes: “[w]e must go to ‘Bleak House’ to learn the real meaning of chancery’s delays, to ‘Oliver Twist’ to see the actual system of police and petty justice in London . . . Was jail-reform more aided by Bentham’s essays or by Charles Reade’s ‘Never Too Late to Mend?’” *Id.*

understand people and the human condition.²⁶ And not just other lawyers or people in similar standing to lawyers.²⁷ Rather, Wigmore saw literature as a vehicle to channel lawyers' empathy and perspective toward human nature and the "other":

For the novel—the true work of fiction—is a catalogue of life's characters. And the lawyer must know human nature. He must deal understandingly with its types, its motives. These he cannot find—all of them—close around him; life is not long enough, the variety is not broad enough for him to learn them by personal experience before he needs to use them. For this learning, then, he must go to fiction, which is the gallery of life's portraits.

....

And so the lawyer, whose highest problems call for a perfect understanding of human character and a skillful use of this knowledge, must ever expect to seek in fiction as in an encyclopedia, that learning which he cannot hope to compass in his own limited experience of the humans whom chance enables him to observe at close range.²⁸

In other words, if life were short, if our social circles were small, if our reach and contact with people unlike us—be it in gender, class, race, faith, geography, or profession—were limited by factors beyond our control, then what but fiction can help us best understand that "museum of human characters, traits, and motives"²⁹ of people beyond the scope of our immediate observation?

Beyond the cultural and historical perspectives legal novels could offer lawyers, Wigmore also saw a personal or individual benefit in reading literature.³⁰ In one of his often-overlooked arguments for the benefit of reading "legal novels," Wigmore saw in the exercise an act of escapism.³¹ "It is certain that the lawyer must, like other men," he wrote, "for his pastime and mental ease, abandon himself now and then to the thrall of fiction."³² Literature, in other words, can still be fun—a necessary and welcome reprieve from the mundanity of legal professional life—and legal novels need not be an exception.³³

As much as Wigmore's list of legal novels was a catalyst for the law and literature movement, the list was also somewhat self-limiting. As its title suggests, the list contained

26. *Id.* at 579.

27. *Id.* at 581.

28. *See id.* at 579–80.

29. *See id.*

30. Wigmore, *supra* note 1, at 575.

31. *Id.*

32. *Id.* It bears noting here that, even though this article references it after discussing the cultural and historical reasons for reading literature, Wigmore identifies "pastime and mental ease" as the *first* of the "several reasons" he believes lawyers should read legal novels. *See id.*

33. *Id.* Though reading for reading's sake has been a healthy indulgence since spoken language became printed word, Wigmore's plea that lawyers "abandon [themselves] to the thrall of fiction" finds new meaning and relevance at a time when the mental health crisis has taken a particularly severe toll on the legal profession. Wigmore, *supra* note 1, at 575; Amanda Robert, *Mental Health Initiatives Aren't Curbing Lawyer Stress and Anxiety, New Study Shows*, ABA J. (May 19, 2023, 9:08 AM), <https://www.abajournal.com/news/article/mental-health-initiatives-arent-curbing-lawyer-stress-and-anxiety-new-study-shows>. More than a hundred years after he published his list of legal novels, the need for lawyers to find solace, comfort, escape, and joy in reading literature remains as true as ever.

only novels.³⁴ It omitted short stories and novels by foreign authors, unless they were translated into English.³⁵ While Wigmore claimed “the best literature—drama or poetry, philosophy or fiction—must always be an arsenal for the lawyer,” he notably excluded works of drama and poetry from his lists.³⁶ It would be decades before works other than novels were considered in the law and literature canon.³⁷

Three years after Wigmore published his revised list in 1922, jurist and then Associate Judge of the New York Court of Appeals, Benjamin N. Cardozo, published his essay, “Law and Literature.”³⁸ Like Wigmore, Cardozo saw great value in lawyers reading literature, but primarily as a way to help lawyers write with greater style and clarity.³⁹ Cardozo was not concerned with “lists” in the way that Wigmore was, and his essay was largely devoid of reference to specific fiction writers or even specific works of literature.⁴⁰ The essay, with its focus on the literary style of judicial opinions, was something of a foundational text for the study of what would come to be known as “law *as* literature”—the method of using literary methods of interpretation to interpret literary texts—as opposed to “law *in* literature.”⁴¹ Although Cardozo and Wigmore were preeminent jurists of their day and commanded both audiences and attention, the larger legal academic community still resisted efforts to view law and literature as a serious interdisciplinary field of study.⁴²

That resistance began to erode with the publication in 1960 of law professor and First Amendment attorney Ephraim London’s two-volume anthology of legal texts, *The World of Law*.⁴³ London’s *The World of Law* was a natural offshoot of both Wigmore’s lists of legal novels and Cardozo’s call for infusing judicial and legal writing with literary style and clarity. London’s criteria for inclusion in the anthology was simple: “[g]reat literature should ignite or inspire . . . [n]o other test or system was used in the selection of the material.”⁴⁴ Taking a more expansive view of selection criteria also meant the texts London included in *The World of Law* were not limited to nineteenth-century American and British authors, as they were in large part for Wigmore.⁴⁵ *Volume I: The Law In Literature*

34. See Wigmore, *supra* note 1, at 587–93.

35. *Id.* at 587 n.2.

36. See *id.* at 581, 587–93. Wigmore’s condensed 1922 list also does not contain short stories or any works of drama or poetry. See Wigmore, *supra* note 13, at 39–41.

37. See, e.g., NEW DIRECTIONS IN LAW AND LITERATURE, *supra* note 6, at 1.

38. J.M. Landis & Benjamin N. Cardozo, *Law and Literature*, 48 YALE L. J. 489 (1939).

39. See *id.* at 491 (“I suppose there can be little doubt that in matters of literary style the sovereign virtue for the judge is clearness.”).

40. See *id.* at 490–91, 506.

41. *Id.* at 491–93, 505; See Kathleen O’Ferrall Friedman, *History and Development of Law and Literature*, 41 MD. B.J. 46, 49–50 (2008).

42. See Friedman, *supra* note 42, at 48–49. Aside from a World War II-era article by Yale Professors Harold Lasswell and Myers Smith McDougal that advocated for lawyers to study literature as a necessary part of legal training, little happened in the years following World War II towards “incorporating Law and Literature courses into law school curricula.” *Id.* at 48.

43. 1 THE WORLD OF LAW: THE LAW IN LITERATURE (Ephraim London ed., 1960) [hereinafter 1 THE WORLD OF LAW]; 2 THE WORLD OF LAW, *supra* note 9; *The Trials of Lenny Bruce: An Account*, UMKC SCH. OF L., <https://www.famous-trials.com/lennybruce/556-home#:~:text=Bruce%20hired%20as%20his%20attorney,the%20United%20States%20Supreme%20Court> (last visited Apr. 3, 2024).

44. See 1 THE WORLD OF LAW, *supra* note 43, at xi.

45. See *id.* at vii–ix; 2 THE WORLD OF LAW, *supra* note 9, at vii–ix. For inclusion in his anthology, London took a slightly more expansive view of writers living and working outside of Western Europe than did Wigmore, including in *The World of Law* texts from Anton Chekhov, Shiga Naoya, Sholom Alecheim, and Gandhi. Anton Chekov, *In the Court*, in 1 THE WORLD OF LAW, *supra* note 43, at 170; Shiga Noya, *Han’s Crime*, in 1 THE WORLD OF LAW, *supra* note 43, at 227; Sholom Alecheim, *Dreyfus in Kasrilevka*, in 1 THE WORLD OF LAW, *supra* note 43, at 199; Gandhi, *A Plea For the Severest Penalty, Upon His Conviction for Sedition*, in 2 THE WORLD OF LAW, *supra* note 9, at 459. Temporally, London’s selections in both volumes spanned millennia, going back as far as Plato (“Apology, An Account of Socrates’ Defense Against the Charge of Impiety and Corrupting the Young”) and all the way to mid-20th century authors like Frank O’Connor (“Counsel for Oedipus”). See

expanded upon Wigmore's bibliography in two significant ways.⁴⁶ First, it included actual texts of fiction about the law, courts, lawyers, judges, and litigants, as opposed to just providing a list of selected works.⁴⁷ Second, Volume I looked beyond the novel as source material to include short stories,⁴⁸ excerpts from larger works,⁴⁹ and drama.⁵⁰ *Volume II: The Law as Literature* contained "Accounts of Notable and Notorious Cases,"⁵¹ essays,⁵² judicial opinions,⁵³ trial testimony,⁵⁴ and even poetry.⁵⁵ In the vein of Cardozo, many selections in Volume II showcased highly stylistic legal writing and rhetoric by lawyers and judges.⁵⁶ Notably, neither volume of *The World of Law* included music, and only one essay—Felix Frankfurter's *Advice to a Young Man Interested in Going Into Law*—makes fleeting reference to it.⁵⁷

Momentum was building.⁵⁸ 1973 saw the publication of James Boyd White's *The Legal Imagination*, a seminal text in the law and literature movement.⁵⁹ White, who taught both Law and English at the University of Michigan, designed *The Legal Imagination* as a textbook for "an advanced course in reading and writing, a study of what lawyers and judges do with words."⁶⁰ White's aim was simple: use and apply literature and theories of literary criticism to legal and non-legal texts, and in doing so, help lawyers, non-lawyers, and law students improve their reading and writing.⁶¹

In White's view, the fields of law and the humanities share the common thread of language as a means to convey and distill meaning from texts.⁶² Each chapter in *The Legal Imagination* addresses some facet of the relationship between law and language, such as "The Lawyer As Writer"⁶³ and "How the Law Talks about People."⁶⁴ White explores these ideas and connections by using traditional literary texts (often in excerpted form) from writers such as Mark Twain, Herman Melville, Leo Tolstoy, and Jane Austen, as well as

Plato, *Apology*, in 2 THE WORLD OF LAW, *supra* note 9, at 381; Frank O'Connor, *Counsel for Oedipus*, in 1 THE WORLD OF LAW, *supra* note 43, at 216.

46. Friedman, *supra* note 42, at 49.

47. See 1 THE WORLD OF LAW, *supra* note 43 at vii–ix.

48. See Shiga Noya, *Han's Crime*, in 1 THE WORLD OF LAW, *supra* note 43, at 227; William Faulkner, *Tomorrow*, in 1 THE WORLD OF LAW, *supra* note 43, at 419.

49. See, e.g., Charles Dickens, *The Trial of Bardell v. Pickwick from The Pickwick Papers*, in 1 THE WORLD OF LAW, *supra* note 43, at 16.

50. See, e.g., Terrence Rattigan, *The Winslow Boy*, in 1 THE WORLD OF LAW, *supra* note 43, at 47.

51. *Accounts of Notable and Notorious Cases*, in 2 THE WORLD OF LAW, *supra* note 9, at 3.

52. See, e.g., Albert Camus, *Reflections on the Guillotine*, in 2 THE WORLD OF LAW, *supra* note 9, at 512.

53. See, e.g., Oliver Wendell Holmes, Jr., Opinion in *Buck v. Bell*, in 2 THE WORLD OF LAW, *supra* note 9, at 728.

54. See, e.g., Oscar Wilde, *Testimony Given Against the Marquis of Quisenberry*, in 2 THE WORLD OF LAW, *supra* note 9, at 376.

55. See, e.g., W. H. Auden, *Law Like Love*, in 2 THE WORLD OF LAW, *supra* note 9, at 778. Although poetry seems a more natural and logical choice for inclusion in Volume I, London included it at the end of Volume II. *Id.*

56. See 2 THE WORLD OF LAW, *supra* note 9, at vii–ix.

57. See Felix Frankfurter, *Advice to a Young Man Interested in Going Into Law*, in 2 THE WORLD OF LAW, *supra* note 9, at 725.

58. Friedman, *supra* note 42, at 48.

59. JAMES BOYD WHITE, *THE LEGAL IMAGINATION: STUDIES IN THE NAMES OF LEGAL THOUGHT AND EXPRESSION* (1973).

60. *Id.* at xxxi; *Faculty and Scholarship*, James Boyd White, MICHIGAN LAW, <https://michigan.law.umich.edu/faculty-and-scholarship/our-faculty/james-boyd-white#:~:text=James%20Boyd%20White%20is%20the,at%20the%20University%20of%20Michigan> (last visited Apr. 3, 2024).

61. WHITE, *supra* note 59, at xx, xxiv, xxxi.

62. *Id.* at xix–xx.

63. See generally WHITE, *The Lawyer as a Writer*, in WHITE, *supra* note 59, at 3.

64. See generally WHITE, *How the Law Talks About People – "Who Is This Man?,"* in WHITE, *supra* note 59, at 243.

non-literary texts such as case law, trial testimony, news articles, the Model Penal Code, and historical correspondence.⁶⁵ These texts form the basis for reader-directed questions and “writing assignments” that conclude each chapter.⁶⁶ This variety of textual tools by which White explores the relationship between lawyers, language, and interpretation is both expansive and creative—where before had language in shareholder reports been used to question what it means to recognize the humanity of a person?⁶⁷ White devotes a portion of a chapter to comparing lawyers with poets, finding there are more similarities than differences between the two.⁶⁸ Yet despite the many parallels between poetry and music in terms of the function of language and interpretation, White did not include in *The Legal Imagination* any specific music or use any song as the subject of a writing assignment or as an example for discussion and analysis.⁶⁹

Following the publication of *The Legal Imagination*, Richard Weisberg, a professor emeritus at Cardozo School of Law who studied French and Comparative Literature before attending Columbia Law School, undertook to renew and revise Wigmore’s list.⁷⁰ For Weisberg, updating Wigmore’s list of “legal novels” was more than a novelty or some professional hobby.⁷¹ A “change in social climate” in the 1960s and 1970s brought on by ethical lapses and missteps at the highest levels of the legal profession (and government) had caused a fracture of the “legal academy” from its “humanistic roots.”⁷² Weisberg saw an updated Wigmoreian list of legal novels as a renewed opportunity for lawyers to engage (or reengage) with literary “works” as the “intimate humanistic friend” that might help restore the moral and ethical equilibrium of those faltering legal institutions and academies.⁷³ Moreover, many of the novels on Wigmore’s list, for all the classics and masterpieces it contained, were becoming outdated and arguably irrelevant for twentieth-century audiences.⁷⁴ Ever cognizant that the social, economic, and historical events of the years following publication of Wigmore’s list had shifted the values, interests, needs, hopes, and

65. Each chapter in THE LEGAL IMAGINATION ends with both “questions” and a “writing assignment” intended to encourage the reader to think critically about the work(s) cited and its interplay with language. WHITE, *supra* note 59, at xxiii, vii–xviii. For instance, in a section entitled, “A Comparative Analogy of Death,” in response to an excerpt from Joyce’s *A Portrait Of The Artist As A Young Man*, White asks the reader, “Do you agree that the death of the girl is not tragic?” and “The artist dismisses that death. How would a lawyer respond to it?” See WHITE, *supra* note 59, at 169. As a corollary to the question, White gives a “Writing Assignment” asking readers to “[g]ive an account of a death in some language other than legal language.” See *id.* at 182.

66. *Id.* at vii–xviii.

67. See *id.* at 117–19.

68. See generally *id.* at 761–806. Both poets and lawyers utilize inherited language systems, narrative construction, and imagination to persuade, interpret, and communicate. See generally *id.*

69. See generally *id.* Admittedly, White does include a section called “Can You Find the Music in the Law?” See *id.* at 688–89. The section, though, asks readers to consider whether and how the technique of learning and playing music applies to “activities as a lawyer or law student.” WHITE, *supra* note 59, at 688–89. Near the end of *The Legal Imagination*, White includes a “major writing assignment” that asks readers to reflect on the book’s lessons and goals as a whole. He asks readers to “write a paper in which you connect some aspects of your own life as a lawyer with some other side of your intellectual life.” *Id.* at 967. He proposes that students look to their “undergraduate major” and consider “what can be learned about the way lawyers think and express themselves by comparing their discipline with those of mathematics, or music, or sociology?” See *id.* (emphasis added). Still, neither this assignment, nor *The Legal Imagination*, as a whole, used any specific song or piece of music as the basis for analysis or reflection. See generally *id.*

70. See Weisberg, *supra* note 7, at 17 (“For many reasons, both Wigmore’s list and his accompanying explanation [of why that body of literature merited serious attention] now seem ripe for renewed attention as well as revision.”); Richard H. Weisberg, CARDOZO LAW, <https://cardozo.yu.edu/directory/richard-h-weisberg> (last visited Apr. 3, 2024).

71. See Weisberg, *supra* note 7, at 19.

72. See *id.* at 17–19. Weisberg points to the Watergate scandal and the involvement of key political figures like Richard Nixon and Spiro Agnew, both law school graduates, as ethical and legal “eventualit[ies]” that Wigmore, in his time “would probably not have been able to predict.” See *id.*

73. See *id.*

74. *Id.* at 23–24.

fears—legal and otherwise—of the populace, as well as those of the artists who created their works in response thereto, Weisberg saw an opportunity to bring Wigmore’s list of legal novels into the modern era.⁷⁵

For this new list, Weisberg moved beyond the scope of Wigmore’s list to encompass “literary interests,” or “works” from both before and after Wigmore’s time.⁷⁶ “Theatrical works,”⁷⁷ both old (Sophocles’ *Antigone*)⁷⁸ and new (Jean Paul Sartre’s *No Exit*)⁷⁹ as well as epics (*Njals Saga*),⁸⁰ found recognition for their legal (as opposed to just literary) value, as did the short story (Katherine Anne Porter’s “Noon Wine”),⁸¹ Shakespeare⁸² (e.g. *Hamlet*, *The Merchant of Venice*) now had his rightful place on the list, as did more contemporary twentieth-century authors who wrote after Wigmore published his list (e.g. Albert Camus, Anthony Burgess, Franz Kafka, Bernard Malamud, Joyce Carol Oates, Richard Wright, and Harper Lee).⁸³ Newly translated authors like Fyodor Dostoevsky and writers like Herman Melville, whose relevance to “law and literature” became apparent only after Wigmore’s day, now finally received recognition as authors producing works of deep legal meaning.⁸⁴ Tipping his hat to the trailblazers in the field, Weisberg also included an addendum of “Critical Works,” listing specific works with a relationship between law and literature.⁸⁵ Still, Weisberg’s “works” were strictly literary.⁸⁶ No films, poems (other than “epic” poems), or musical works made Weisberg’s list.⁸⁷

Weisberg’s publication of his revised list created a “canon” of law and literature works that engendered new academic and professional interest in the “law and literature” movement.⁸⁸ That interest became more evident as law school classrooms both in the United States and abroad started offering law and literature courses with more frequency.⁸⁹ In 1995, Professor Elizabeth Villiers Gemmette published *Law and Literature: Joining the Class Action*.⁹⁰ Professor Gemmette’s article detailed the results of two law and literature surveys, the first conducted in 1987 and the second in 1993.⁹¹ The surveys were intended

75. For Weisberg’s discussion of Wigmore’s impact on the law and literature movement, see Richard Weisberg, *Wigmore and the Law and Literature Movement*, 21 L. & LIT. 129, 129, 131–32 (2009).

76. See Weisberg, *supra* note 7, at 17–18.

77. See Weisberg, *supra* note 75, at 132.

78. See Weisberg, *supra* note 7, at 27 (Sophocles’ “Antigone”).

79. *Id.* (Jean Paul Sartre’s “No Exit”).

80. *Id.* at 27 (“Njals Saga”).

81. *Id.* at 19, 21–25, 27 (Katherine Anne Porter’s “Noon Wine”).

82. *Id.* at 27 (e.g. Shakespeare’s “Hamlet” and “The Merchant of Venice”).

83. See Weisberg, *supra* note 7, at 27 (e.g., Albert Camus, Anthony Burgess, Franz Kafka, Bernard Malamud, Joyce Carol Oates, Richard Wright, and Harper Lee).

84. Weisberg, *supra* note 7, at 17, 20, 22, 27; Wigmore, *supra* note 1, at 574; Jennifer Wilson, *The Cacophonous Miracle of “The Brothers Karamazov,”* THE NEW YORKER (July 24, 2023),

<https://www.newyorker.com/magazine/2023/07/31/the-cacophonous-miracle-of-the-brothers-karamazov>; see Rodger Citron, *Herman Melville’s Billy Budd: Why This Classic Law and Literature Novel Endures and Is Still Relevant Today*, 36 TOURO L. REV. 17, 17–18 (2020).

85. See Weisberg, *supra* note 7, at 27–28.

86. See *id.* at 25–28.

87. See *id.* This is not to say that Weisberg did not see *any* value in a non-literary medium like film. In his 2009 reflection on both Wigmore’s and his own 1976 lists, Weisberg notes he screens “at least five ‘law films’ per semester” in his law and literature courses. Weisberg, *supra* note 75, at 134–35, 143 n.27. Weisberg sees the narrative aspect of film functioning differently than that of literature, rendering the two “not exactly comparable.” *Id.* at 135.

88. Weisberg, *supra* note 75, at 132.

89. See Elizabeth Villiers Gemmette, *Law and Literature, Joining the Class Action*, 29 VAL. U. L. REV. 665, 665–66 (1995) [hereinafter *Joining the Class Action*].

90. *Id.* at 665.

91. *Joining the Class Action*, *supra* note 89, at 665–66. Professor Gemmette conducted her first law and literature academic survey and published the results in the Valparaiso University Law Review in 1989. See Elizabeth

to determine whether and to what extent law schools were offering some version of a law and literature course within their curriculum.⁹² For the 1987 survey, Professor Gemmette sent questionnaires to 175 American Bar Association accredited institutions.⁹³ Beyond assessing which schools were offering some iteration of a law and literature course, the questionnaires also solicited information about what works were being taught and what the larger course objectives were.⁹⁴ Of the 135 schools that responded, 38—or approximately 28% of respondents—noted they offered some version of a “law and literature” course.⁹⁵ Professor Gemmette updated the same survey in 1993.⁹⁶ The results of the 1993 survey were telling and comprehensive.⁹⁷ The updated survey, which she sent to all 199 North American law schools in the AALS Directory, showed a considerable uptick in the number and scope of law and literature courses being offered in U.S. and Canadian law schools.⁹⁸ Of the 199 schools surveyed, 84 schools—or approximately 43% of respondents—responded that they did offer some version of a law and literature course.⁹⁹

The 1993 survey results showed not only an increase in the number of law and literature course offerings, but also a more expansive and diverse selection of works being included within those individual courses.¹⁰⁰ Law and literature professors clearly now felt comfortable looking beyond literary fiction as the sole realm from which to choose works to include in their syllabi. Law and literature staples that found a place on both Wigmore’s and Weisberg’s lists were still assigned (e.g. Charles Dickens’ *Bleak House* and Mark Twain’s *Pudd’nhead Wilson* also both landed on Gemmette’s “most recommended” list), and fiction remained the most frequently included type of work.¹⁰¹ But progress had been made.¹⁰² Syllabi now included Shakespeare (*Measure for Measure*; *The Merchant of Venice*), Greek drama (Sophocles’ *Antigone*), twentieth-century drama (Arthur Miller’s *The Crucible*); short stories (Ryūnosuke Akutagawa’s *In a Grove*), poetry (various poems by Wallace Stevens), epic poetry (John Milton’s *Paradise Lost*), fairy tales (Charles Perrault’s “The Little Glass Slipper”), “fictional ethical problems” (Lon L. Fuller’s “The Case of the Speluncean Explorers”), ballads (Elizabeth Bishop’s “The Ballad of the Burglar of Babylon”), Chinese parables (Bertolt Brecht’s “The Caucasian Chalk Circle”), non-fiction novels (Truman Capote’s *In Cold Blood*), and autobiographical novels (Henry Miller’s *The Tropic of Cancer*).¹⁰³

Yet what is perhaps most interesting about the 1993 survey relative to assessing the evolution of accepted law and literature works is the noted deviation away from lists

Villiers Gemmette, *Law and Literature: An Unnecessarily Suspect Class in the Liberal Arts Component of the Law School Curriculum*, 23 VAL U. L. REV. 267, 267 (1989) [hereinafter *Liberal Arts*]. The survey questions solicited were substantially the same as those submitted with her 1995 survey. See *id.*

92. *Id.* at 665; *Liberal Arts*, *supra* note 91, at 267.

93. *Joining the Class Action*, *supra* note 89, at 665–66.

94. *Id.* at 665–67. The survey sought additional information, including what the course was titled, the enrollment, any recommendations for “primary texts,” and any secondary sources assigned. *Id.*

95. *Liberal Arts*, *supra* note 91, at 267–68.

96. *Joining the Class Action*, *supra* note 89, at 665–66.

97. *Id.* at 665–69.

98. *Id.* The 1993 survey also revealed the evolving scope of “law and literature” courses being offered. Questionnaires revealed that courses were no longer limited to strictly law and “literature.” *Id.* Instead, schools were offering courses titled: “*Feminist Theory: Law and Literature*,” “*Images of Nurses, Doctors, and Lawyers in Literature*,” “*Law, Literature, and Culture*,” “*Law and Humanities*,” and “*Women in Law and Literature*,” among other variations. See *id.* at 668–69.

99. *Id.* at 666. 111 schools responded that they did not offer any such course. See *Joining the Class Action*, *supra* note 89, at 666. Prof. Gemmette notes that one school reported that a law and literature course had been approved but not yet offered, and that three schools did not respond to the survey. *Id.*

100. *Id.* at 665–66, 668–69.

101. See *Joining the Class Action*, *supra* note 89, at 686–87; see Weisberg, *supra* note 7, at 27–28.

102. Compare *Joining the Class Action*, *supra* note 89, at 814 with Weisberg, *supra* note 7, at 27–28.

103. See generally *Joining the Class Action*, *supra* note 89, at 795–814 for a full list of all of the fiction and film works included in the individual survey responses.

containing exclusively literature to those incorporating other narrative mediums—namely film, and to a much lesser degree, opera.¹⁰⁴ Professor Gemmette’s later survey showed that films were being assigned alongside traditional literature, even if to a lesser degree.¹⁰⁵ Included were what might be classified as “traditional” legal or courtroom films—*The Verdict*, *Twelve Angry Men*, and even *My Cousin Vinny*¹⁰⁶—that might qualify under Wigmore’s criteria for “legal novels”¹⁰⁷ or Weisberg’s “‘four kinds’ of ‘literary interests.’”¹⁰⁸ Films such as *Blade Runner* and *Apocalypse Now*, which are more abstractly about systems of laws, legal rights, or justice, but which were not about, or did not specifically feature, lawyers or trials, were also included.¹⁰⁹ In all, 35 films appeared in the survey results,¹¹⁰ a commendable step forward from the strictly “legal novels” that first appeared on Wigmore’s list, and which largely populated Weisberg’s list.¹¹¹ The survey’s only foray into music was two references to opera: Sir William Schwenck Gilbert’s comic opera, *Trial By Jury*, and John Gay’s ballad opera, *The Beggar’s Opera*.¹¹² No survey respondent identified a song as a work included in any law and literature course.¹¹³

Later efforts at anthologizing shorter works about the law also largely, if not entirely, emphasized literature to the exclusion of music.¹¹⁴ In addition to surveying the academic law and literature landscape, Professor Gemmette also undertook to anthologize law-related works in various volumes collecting short stories,¹¹⁵ novellas,¹¹⁶ and dramas.¹¹⁷ Music did find a limited place in one pedagogical treatise on law and literature.¹¹⁸ Certain collections of essays also addressed music’s relationship to the law, but in those cases, the musical focus was exclusively on hip-hop and not on any other genre of music.¹¹⁹

Perhaps because of its growing popularity, or perhaps in spite of it, law and literature still found its detractors. In his influential treatise, *Law and Literature*, Judge Richard Posner advocated caution in bringing legal films and other works of legal popular culture into the realm of literary analysis.¹²⁰ In his view, our popular culture is saturated with law, unfortunately resulting in an overabundance of legal novels, films, and television series of

104. Compare *id.* at 814 with Weisberg, *supra* note 7, at 27–28.

105. See generally *Joining the Class Action*, *supra* note 89, at 795–814.

106. See *id.*

107. See *id.*; Wigmore *supra* note 1, at 574 (These would meet criteria (A) and (B), and arguably even (C) and (D)).

108. See Weisberg, *supra* note 7, at 18 (These would meet Weisberg’s criteria (A) and (B)).

109. See *Joining the Class Action*, *supra* note 89, at 814; Shulamit Almog, *When a Robot Can Love – Blade Runner as a Cautionary Tale on Law and Technology*, in HUM. L. AND COMP. L.: COMPAR. PERSP. (Mireille Hildebrandt & Jeanne Gaaker eds., 2013); Travis Bean, *Apocalypse Now (1979), The Definitive Explanation*, FILM COLOSSUS, <https://filmcolossus.com/apocalypse-now-1979-explained> (last visited Apr. 3, 2024).

110. *Joining the Class Action*, *supra* note 89, at 814.

111. Compare *id.* with Weisberg, *supra* note 7, at 27–28.

112. See *Joining the Class Action*, *supra* note 89, at 802.

113. See generally *id.* at 795–814; *Liberal Arts*, *supra* note 91.

114. See, e.g., LAW IN LITERATURE: LEGAL THEMES IN SHORT STORIES (Elizabeth Villers Gemmette ed., 1995); LAW IN LITERATURE: LEGAL THEMES IN NOVELLAS (Elizabeth Villers Gemmette ed., 1996); LAW IN LITERATURE: LEGAL THEMES IN DRAMA (Elizabeth Villers Gemmette ed., 1995).

115. See generally LAW IN LITERATURE: LEGAL THEMES IN SHORT STORIES (Elizabeth Villers Gemmette ed., 1995). Jay Wishingrad edited a similar collection of short stories about lawyers in the law. See generally LEGAL FICTIONS: SHORT STORIES ABOUT LAWYERS AND THE LAW (Jay Wishingrad ed., 1992).

116. See generally LAW IN LITERATURE: LEGAL THEMES IN NOVELLAS (Elizabeth Villers Gemmette ed., 1996).

117. See generally LAW IN LITERATURE: LEGAL THEMES IN DRAMA (Elizabeth Villers Gemmette ed., 1995).

118. See Richard Schur, “Fight the Power”: Hip-Hop in the Law and Literature Classroom in TEACHING LAW AND LITERATURE 415–22 (Austin Sarat et al. eds., 2011).

119. See generally FIGHT THE POWER: LAW AND POLICY THROUGH HIP HOP SONGS (Gregory S. Parks and Frank Rudy Cooper eds. 2022); HIP HOP AND THE LAW (Pamela Bridgewater et al. eds., 2015).

120. RICHARD POSNER, LAW AND LITERATURE 51–54 (3d ed. 2008).

dubious if not outright poor quality.¹²¹ Though he maintains his reservations about literature's ability to humanize lawyers or teach substantive law,¹²² Posner offers his own "non-exhaustive list" of works "that depict law and are suitable for courses in law and literature."¹²³ Given his reservations about law and literature generally, and specifically his concerns with prematurely anointing works of legal popular culture as worthy of deeper legal analysis, Posner populated his list exclusively with works of literature, poetry, and drama.¹²⁴

While Posner's views may reflect some academic reluctance to further or expand the study of law and literature, the years since Wigmore first published his list also evidence a burgeoning professional and academic interest in the discipline—suggesting Posner, here, might be in the minority.¹²⁵ In that vein, the past 100 years of law and literature present both an opportunity and desire to continue the expansion of law and literature into the twenty-first century, and specifically through inclusion of additional mediums—namely, and for our purposes, music.¹²⁶

III. MUSIC AND ITS RELATION TO THE LAW

A. *Music and the Law*

Tracing the evolution of law and literature from Wigmore to modern times is a telling exercise. For Wigmore, London, White, Weisberg, and Posner, music did not seem to factor into consideration for inclusion in the law and literature canon alongside works of "traditional" literature.¹²⁷ But Professor Gemmette's surveys showed that the law and literature acolytes of the twentieth century were, with respect to what they considered works worthy of critical legal analysis, amenable to looking beyond the likes of Dickens, de Balzac, and Hawthorne for canonical relevance and inspiration.¹²⁸ Now, more than one hundred years since Wigmore published his revised list, and almost fifty years since Weisberg published his list of legal "works," we revisit the realm of "Wigmorean lists" and give "legal songs" the attention they rightfully deserve—both for the edification of modern lawyers and for their rightful place in the law and literature canon.¹²⁹

This article aims to examine legal songs and music's relationship with the law in a manner previously unexplored. But that is not to say legal scholarship has wholly ignored music and its relationship to the law.¹³⁰ It has not.¹³¹ But as compared with the volume of academic scholarship on literature's connection with the law, the volume of academic

121. *See id.* at 51–52, 549 (noting that "works of popular culture are rarely a fruitful subject for law and literature scholarship; the treatment of law is unlikely to be insightful or the works themselves a rewarding read.").

122. *See id.* at 7 ("Another obstacle to the continued flourishing of the law and literature enterprise... is a misconception about how the study of law can improve the law—that it can do so not only by providing jurisprudential insights, rhetorical techniques, an understanding of legal regulation of literature, and insights into social practices that law encounters, but also by humanizing lawyers. It cannot do that . . ."); *see also* Richard A. Posner, *Law and Literature: A Relation Reargued*, 72 VA. L. REV. 1351, 1356 (1986) ("If I want to know about the system of chancery in nineteenth-century England I do not go to *Bleak House*. If I want to learn about fee entails I do not go to *Felix Holt*.").

123. *See* POSNER, *supra* note 120, at 547–48.

124. *See id.*

125. *See id.* at 51–52, 549; Weisberg, *supra* note 75, at 132–33.

126. Weisberg, *supra* note 75, at 132–33.

127. *See generally* Wigmore, *supra* note 1; WHITE, *supra* note 59; Weisberg, *supra* note 75; Posner, *supra* note 122.

128. *See generally* *Joining the Class Action*, *supra* note 89, at 685.

129. *See generally* Wigmore, *supra* note 1; Weisberg, *supra* note 75.

130. *See generally* *supra* notes 115–119.

131. *See id.*

scholarship on music and the law pales in comparison.¹³² Still, symposia have mined the works of Bruce Springsteen,¹³³ Bob Dylan,¹³⁴ and Billy Joel,¹³⁵ finding in their music connection to and commentary on the law and our justice system.¹³⁶ Scholarship has analyzed law in opera.¹³⁷ It has explored the image of law and lawyers in pop music from artists such as Joni Mitchell, Elvis Presley, and Carly Simon.¹³⁸ Music has been examined as a method of crime prevention,¹³⁹ a vehicle for discussing and understanding critical race theory,¹⁴⁰ and a means to inform a more just theory of punishment in the legal system.¹⁴¹ Considerable scholarship has been devoted to hip-hop music's relationship to—and critique of—American law and the criminal justice system.¹⁴² The rise in popularity of hip-hop has even evolved into legal pedagogy.¹⁴³ It need not end there.

132. *See id.*

133. The articles compiled for the symposium, *The Lawyer as Poet Advocate: Bruce Springsteen and the American Lawyer*, offer colorful analysis of the issues of law and crime in Springsteen's body of work through 2005. *See generally*, Randy Lee, *An Introduction*, 14 WIDENER L.J. 719 (2005). *See also* Abbe Smith, *The Dignity and Humanity of Bruce Springsteen's Criminals*, 14 WIDENER L. J. 787, 807–834 (2005) (analyzing elements of criminality in Bruce Springsteen's albums *Nebraska* and *The Ghost of Tom Joad* and the title track to the *Dead Man Walking* soundtrack); Randy Lee, *Bruce Springsteen's Hope and the Lawyer As Poet Advocate*, 14 WIDENER L.J. 867, 868 (2005) (discussing Bruce Springsteen as a "lawyer's poet").

134. In 2011, Fordham Law School hosted a Symposium on Bob Dylan and the Law to discuss the "jurisprudence of Bob Dylan" and the artist's place in, and relationship to, American law and culture. *See* Samuel J. Levine, *Foreword*, 38 FORDHAM URB. L.J. 1267, 1270, 1277 (2012). That symposium generated diverse scholarship on Dylan, his music, and its relationship to the law. *See e.g.* Michael L. Perlin, *Tangled Up in Law: The Jurisprudence of Bob Dylan*, 38 FORDHAM URB. L.J. 1395, 1399, 1404, 1410, 1425–26 (2012) (analyzing select songs from Bob Dylan and discussing their commentary on civil rights, the criminal justice system, the fallacies of the civil justice system, and "the role of lawyers and the legal process.").

135. Inspired by the Springsteen and Dylan symposia, in 2015 the Touro Law Center hosted "Billy Joel & The Law." *See Billy Joel & The Law*, TOURO L. CTR., <https://www.tourolaw.edu/abouttoulaw/1467> (last visited Apr. 3, 2024). Through a series of articles, the symposium explored the ways in which Joel's music commented on the intersection of American law, culture, and society. *See generally* Samuel J. Levine, *Symposium: Bob Dylan and the Law*, 38 TOURO L. REV. 1267 (2012).

136. *See supra* notes 133–135.

137. *See generally* Stefan Machura, Olga Litvinova & John Cunningham, *Analysing Law in Opera*, 17 L. & HUMANS. 90 (2023).

138. *See* Anthony Chase, *Toward A Legal Theory of Popular Culture*, 1986 WIS. L. REV. 527, 559–63 (1986) (examining the portrayal of "legal and lawyer-connected subject matter" in rock-and-roll music, specifically Elvis Presley, Jan and Dean, and The Clash); Jennifer Jaff, *Law and Lawyer in Pop Music: A Reason for Self-Reflection*, 40 U. MIAMI L. REV. 659, 661–65 (1986) (discussing images of lawyers and judges in select music of Joni Mitchell, Don McLean, Bruce Springsteen, Carly Simon, and Human League).

139. *See* Bennett Capers, *Crime Music*, 7 OHIO ST. J. CRIM. L. 749, 767 (2010) (arguing that music "may be able to ease tension and reduce the motivation to engage in crime").

140. *See* 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, 2130–33 (1992) (discussing the connection between critical race theory and jazz).

141. *See generally* Paul Butler, *Much Respect: Toward a Hip-Hop Theory of Punishment*, 56 STAN. L. REV. 983 (2004).

142. Scholarship on hip-hop's relationship to the law is expansive. This article is not intended to be about hip hop exclusively and a comprehensive recitation of the books, law review articles, and symposiums on the subject is beyond this article's scope. Included here is some of the more well-known scholarship on hip-hop's relationship to the law. *See generally* Butler, *supra* note 141; *see also* FIGHT THE POWER: LAW AND POLICY THROUGH HIP-HOP SONGS, *supra* note 119; HIP HOP AND THE LAW, *supra* note 119; Donald F. Tibbs, *From Black Power to Hip Hop: Discussing Race, Policing, and the Fourth Amendment Through the "War On" Paradigm*, 15 J. GENDER RACE & JUST. 47 (2012); andré douglas pond cummings, *A Furious Kinship: Critical Race Theory and the Hip-Hop Nation*, 48 U. LOUISVILLE L. REV. 499 (2010); Imani Perry, *Prophets of the Hood: Politics and Poetics in Hip Hop* (2004).

143. *See* andré douglas pond cummings, *Teaching Social Justice Through "Hip Hop and the Law,"* 42 N.C. CENT. L. REV. 47, 54, 56, n.45 (2019) (noting that as of 2019, Professor cummings's course, "Hip hop and the American Constitution"—the "first ever law school course of its kind"—has been offered as a course in at least five law schools).

B. “But after all, what is served by such a list?”

This article builds off and adds to this existing scholarship on music and its relationship to the law and legal practice. It does not attempt to supplant legal novels’ place within the larger law and literature movement. Nor does it challenge the relevancy or utility of the work of Wigmore, Weisberg, and so many other law and literature scholars who have brought the movement to its point of contemporary resonance and popularity.¹⁴⁴ Instead, this article and the “playlist” in Part V aim to offer a new avenue by which to view the law and literature canon—specifically by expanding it to incorporate legal songs. This article will also (hopefully) contribute to Wigmore’s legacy by applying his love of literature to legal songs without restriction to a single musical genre and in a manner that also reflects the state of the American and foreign legal systems in contemporary times.¹⁴⁵

As it may have been for those first reading Wigmore’s list, an obvious question in response to such an endeavor might be, “[b]ut, after all, what is served by such a list?”¹⁴⁶ I posit that listening to legal songs—this “Wigmorian playlist,” if you will—has as much utility, relevance, and value for today’s lawyers as reading legal novels (or works) did for the lawyers in the days of Wigmore and his successors. The reasons are myriad. First, law and music are intimately intertwined.¹⁴⁷ Understanding that connection can help broaden the lawyer’s scope of knowledge. Second, the justifications and “professional goals”¹⁴⁸ for lawyers reading literature that Wigmore and his professional progeny offered apply equally to listening to legal songs.¹⁴⁹

i. The Law Governing Music, and the Music Governing Law

Music and the law have a reciprocal relationship. As music speaks of the law, the law speaks of music.¹⁵⁰ For one, the law regulates music.¹⁵¹ Intellectual property law dictates how artists can sell, use, distribute, and license their music.¹⁵² Musical content is also subject to the law, as “music is a form of expression that is protected by the first amendment.”¹⁵³ Within limits, the First Amendment’s Free Speech clause gives musicians freedom to write and perform music that some might consider to be obscene¹⁵⁴ or inciteful¹⁵⁵

144. Weisberg, *supra* note 75, at 132–33.

145. *Id.* at 129.

146. *See* Wigmore, *supra* note 1, at 575.

147. *See, e.g.* David Munkittrick, *Music As Speech: A First Amendment Category Unto Itself*, 62 FED. COMM. L.J. 665, 668 (2010) (“[A]ssessing music under the First Amendment by providing a framework for explaining music’s protection as speech.”); Nick J. Sciallo, *Conversations with the Law: Irony, Hyperbole, and Identity Politics or Sake Pase? Wyclef Jean, Shottas, and Haitian Jack: A Hip-Hop Creole Fusion of Rhetorical Resistance to the Law*, 34 OKLA. CITY U. L. REV. 455, 456 (2009) (discussing music as “an intersection between law, popular culture, and identity politics.”).

148. *See* Weisberg, *supra* note 75, at 140.

149. *See infra* Part III, Sections B.i, B.ii.

150. *See generally* J. Michael Keyes, *Musical Musings: The Case for Rethinking Music Copyright Protection*, 10 MICH. TELECOMM. & TECH. L. REV. 407, 410–19 (2004) (providing a select history of the American music industry and related copyright law).

151. *See id.*

152. *See id.*

153. *See Cinevision Corp. v. City of Burbank*, 745 F.2d 560, 567 (9th Cir. 1984).

154. *See Luke Records, Inc. v. Navarro*, 960 F.2d 134, 137, 138–39 (11th Cir. 1992) (reversing district court declaratory judgment that 2 Live Crew album, “As Nasty As They Wanna Be” was “obscene” under Florida law; the band produced expert testimony showing that the album had “serious artistic value,” as evidenced by, among other things, the album’s oral traditions that were rooted in “segments of Afro-American culture”).

155. *See Waller v. Osbourne*, 763 F. Supp. 1144, 1151–52 (M.D. Ga. 1991), *aff’d* 958 F.2d 1084 (11th Cir. 1992) (holding that the Ozzy Osbourne song, “Suicide Solution,” was no more than “an abstract discussion of the moral

speech, or even adopt a band name that could be racist or offensive.¹⁵⁶ The artistic and creative freedom that the First Amendment bestows is by no means unfettered or without peril to musicians working in certain genres, particularly hip-hop.¹⁵⁷ With startling frequency,¹⁵⁸ prosecutors have introduced rap lyrics as evidence in criminal trials,¹⁵⁹ prompting some politicians to advance legislation that would ban the practice as discriminatory and unconstitutional.¹⁶⁰

Music has also become, quite literally, a part of the law.¹⁶¹ To varying degrees of success, judges (or perhaps more accurately, law clerks) have used popular music lyrics in judicial opinions to illustrate a point of law, make an opinion more relatable to the general public, or gain attention and publicity.¹⁶² The benefits of “dropping pop” are debatable,¹⁶³ but for better or worse the practice seems here to stay.¹⁶⁴

ii. Justifications and “Professional Goals”: Lawyers Should Listen to Legal Songs for the Same Reasons They Should Read Legal Novels

Wigmore and his acolytes—Weisberg included—knew the value that reading legal novels could bring to lawyers and the legal profession.¹⁶⁵ Among other things, Wigmore saw the act as a way for the lawyer to “know human nature.”¹⁶⁶ Weisberg believed reading Wigmore’s legal novels (and those works on his list) “carefully and feelingly” could lead to “a better legal system.”¹⁶⁷ From their writings, and taken together, one can derive common justifications and “professional goals” in reading legal novels—(1)

propriety or even moral necessity for a resort to suicide,” and did not qualify as speech inciting “imminent lawless activity” and was instead speech protected by the First Amendment).

156. See *Matal v. Tam*, 582 U.S. 218, 223, 228–29 (2017) (holding that the Lanham Act’s disparagement clause was “facially unconstitutional under the First Amendment’s Free Speech clause” and could not be used to deny federal trademark registration for the band name, “The Slants,” despite the term being derogatory or offensive to a “substantial composite of persons.”).

157. See Paul Meara, *Lyrics on Trial: A History of Rap Bars Used in Court and How Precedent May Effect Young Thug’s Fate*, BET (Nov. 21, 2023), <https://www.bet.com/article/w9idul/rap-lyrics-court-history-young-thug-trial>. Since 2020, prosecutors in more than 500 cases have introduced artists’ lyrics against them at trial. See Matthew Ismail Ruiz, *RAP Act, a Bill to Ban Use of Lyrics as Court Evidence, Reintroduced to Congress*, PITCHFORK (Apr. 27, 2023), <https://pitchfork.com/news/rap-act-a-bill-to-ban-use-of-lyrics-as-court-evidence-reintroduced-to-congress/>.

158. See Meara, *supra* note 157; Ruiz, *supra* note 157.

159. See *United States v. Herron*, 762 Fed. Appx. 25, 30 (2d Cir. 2019) (holding that admission of criminal defendant’s rap music and related promotional videos did not violate the defendant’s First Amendment right to free speech because the music was offered as evidence of the defendant’s participation in crimes, familiarity with firearms and drugs, and cooperating witnesses); *United States v. Pierce*, 785 F.3d 832, 841 (2d Cir. 2015) (“Rap lyrics . . . are properly admitted . . . where they are relevant and their probative value is not sufficiently outweighed by the danger of unfair prejudice.”).

160. See Ruiz, *supra* note 157.

161. See Alex B. Long, *[Insert Song Lyrics Here]: The Uses and Misuses of Popular Music Lyrics in Legal Writing*, 64 WASH. & LEE L. REV. 531, 532 (2007) (surveying judicial opinions for references to popular music and discussing the propriety and effectiveness of same).

162. See MARK KLINGENSMITH, LYRICS IN THE LAW: MUSIC’S INFLUENCE ON AMERICA’S COURTS (2021); see also Long, *supra* note 161, at 532–37.

163. See Michael Conklin, “Be A Lot Cooler If You Didn’t”: Why Judges Should Refrain From Pop Culture References in Judicial Opinions, 46 J. LEGAL PROF. 141, 143 (2021) (advocating for judges to take a cautious approach, if not refrain entirely, from including pop culture references in their opinions); but see Victoria S. Salzmann, *Honey, You’re No June Cleaver: The Power of ‘Dropping Pop’ to Persuade*, 62 ME. L. REV. 241, 242 (2010) (discussing the potential effectiveness of using pop culture references in judicial opinions).

164. See Salzmann, *supra* note 163.

165. See Wigmore, *supra* note 1, at 576–80; see Weisberg, *supra* note 75, at 140.

166. See Wigmore, *supra* note 1 at 579.

167. See Weisberg, *supra* note 75, at 140.

understanding how literary depictions of lawyers and the legal system impact the public's perception of lawyers; (2) improving professional reading, writing, and interpretive skills; (3) developing a means and willingness to understand and empathize with those the law might consider an "other"; and (4) the potentially humanizing factor of reading literature. While Wigmore, and later Weisberg, were speaking strictly of *literature's* value to the lawyer and the legal system, those rationale apply equally to listening to legal songs.¹⁶⁸

a. *Legal Songs Can Help Lawyers Better Understand the Public Perception of Lawyers and the Law*

Artists and musicians embody and reflect the conscience and voice the aspirations, concerns, and narratives of the society in which they live and work. At their best, they hold up a mirror to history, culture, and politics—both past and present—asking that the audience take stock of what they see. They ask the public to see the world as it actually is, or even as they believe it is or ought to be. Through their creative expression, musicians can educate and contribute to cultural identity by reflecting the values and experiences of a particular time and place. They both reflect and challenge cultural norms and ideologies. Music teaches us by offering examples and showing vignettes of experiences we as the audience may not have had, or that we may not be likely to have. If artists, including musicians, see lawyers and the legal system as part of the world about which they offer commentary and critique, then lawyers should know and understand how they are being portrayed or depicted.

Wigmore knew this was important.¹⁶⁹ He believed lawyers had a duty to know how their profession and its "features" had "been taken up in general thought and literature."¹⁷⁰ Historically speaking, that "general thought"—the public's perception of lawyers and the legal system—has been less than flattering.¹⁷¹ While the reasons for this are many,¹⁷² popular culture, including film, television, and music, plays a key role in how the public learns about lawyers and the law, and in turn, what it thinks of both.¹⁷³ Scholars have dedicated considerable effort to literary and cinematic depictions of lawyers, and to a lesser degree, music.¹⁷⁴ Even though film and literature can offer narratives of law that are more fully developed than those communicated through a song, what music has to say about lawyers, the law, and the legal process remains pertinent to understanding how a significant segment of artists and the popular culture view lawyers and their profession. Consider just a few examples. What does it mean for Jackson Browne to sing of the "strangled cries" and "mating calls" of "lawyers in love" in a song that lyrically references the confluence of the Cold War and 1980s yuppie American consumerism?¹⁷⁵ Someone

168. *Id.*; see Wigmore, *supra* note 1, at 576–80.

169. See Wigmore, *supra* note 1, at 576–80.

170. See *id.* at 575–76.

171. See Leonard E. Gross, *The Public Hates Lawyers: Why Should We Care?*, 29 SETON HALL L. REV. 1405, 1407–1419 (1999) (tracing the public perception of lawyers in America from the seventeenth to the twentieth century and finding a predominately negative, if not hostile, view among the general population of lawyers as untrustworthy, out of touch, and self-interested).

172. See Michael Asimow, *Bad Lawyers in the Movies*, 24 NOVA L. REV. 533, 546 (2000) (discussing how, among other things, changes in the legal profession such as the increase in the number of lawyers and lawsuits, as well as societal changes such as rising rates of divorce, crime, and bankruptcy, which would increase the public's exposure to and experience with a very difficult and trying aspect of the legal system, have all contributed to the American public's declining respect for lawyers).

173. See *id.* at 549–53; see also William G. Hyland, Jr., *Creative Malpractice: The Cinematic Lawyer*, 9 TEX. REV. ENT. & SPORTS J. 231, 235–37 (2008) (discussing how "the primary way people learn about lawyers is through watching narrative films.").

174. See *supra* notes 171–173; see generally *supra* notes 115–119.

175. JACKSON BROWNE, *Lawyers in Love*, on LAWYERS IN LOVE (Asylum Recs. 1983).

hearing Kitty Wells's ballad of infidelity and divorce, *Will Your Lawyer Talk to God?*, might rightly question the proper limits of a lawyer's representation of his or her client.¹⁷⁶ And how can one listen to George Harrison sing of the legal machinations of Paul McCartney's efforts to dissolve the Beatles' business partnership and not think that lawyers are the only beneficiaries of such legal infighting?¹⁷⁷

When so much of the public's knowledge and perception of lawyers and the legal profession comes from popular culture, and specifically with music being a mass-consumed medium,¹⁷⁸ it is important for lawyers to understand what musicians are saying about the law, lawyers, and the legal process. Are lawyers and judges seen or depicted as ethical? Is the criminal justice system fair and unbiased? Is our experience with and in the legal system a positive one? Legal songs, like legal novels, films, and television shows, offer a window into how the general public might answer these questions.

b. Listening to Legal Songs Can Help Lawyers Improve Linguistic and Interpretive Skills

Music, like literature, can help the lawyer improve her professional linguistic and interpretive skills. Much of that process of improvement begins with an understanding of how language functions within both the literary and legal disciplines. Wigmore, White, and Weisberg each saw literature as a means of helping lawyers better understand and construct narrative through language.¹⁷⁹ Language creates reality and tells a story. How the audience interprets that language depends on both subjective and objective factors. What has the author (or client), or storyteller, expressly said, and how have they said it? Conversely, but of equal importance, what have they not said? What personal experiences, lenses, and perceptions do the author and the audience bring to bear on a text and its meaning? Weisberg wrote that there "is no literary text, any more than there is a legal text, that can be understood solely from the 'plain meaning' of the story's mere words and phrases."¹⁸⁰ Literature—and I argue music, as well—defies "plain meaning" and demands from the reader objective and subjective interpretation as a necessary component of both deriving meaning and constructing narrative.

The process of engaging with music is no different. The listener must understand what lyrics the musician uses and why. In crafting a musical narrative through lyrics built on imagery and metaphor, the songwriter undertakes a similar exercise of linguistic discretion as does the novelist and lawyer—deciding what is said, what is left unsaid, and how to say it. The songwriter uses language that the listener interprets and from which she, the listener, derives meaning—both unique and personal but also collective—through emotional response and sensory experience. The listener must also understand how musical notes complement or add to the lyrics and provide a deeper meaning of and experience

176. KITTY WELLS, *Will Your Lawyer Talk to God?*, on *ESPECIALLY FOR YOU* (Decca Recs. 1964).

177. GEORGE HARRISON, *Sue Me, Sue You Blues*, on *LIVING IN THE MATERIAL WORLD* (Apple Recs. 1973).

178. A 2018 study found that on average, Americans spend 151 minutes, or almost three hours, per day listening to music. See Daniel Sanchez, *Americans Listen to 151 Minutes of Music Each Day*, *DIGITAL MUSIC NEWS* (Sept. 17, 2018), <https://www.digitalmusicnews.com/2018/09/17/latest-music-biz-audiencenet-music-listening-time/>. A 2018 survey from The NPD Group found that Americans spend 19% of all entertainment hours listening to music, which was second only to watching television and movies. See Anne Stych, *Americans' Favorite Forms of Art Are Digital*, *BIZWOMEN* (Mar. 28, 2019, 7:53 AM), <https://www.bizjournals.com/bizwomen/news/latest-news/2019/03/americans-favorite-forms-of-entertainment.html?page=all#:~:text=More%20than%20one%2Dfourth%20%2D%2027,were%20spent%20playing%20video%20games>.

179. See Wigmore, *supra* note 1, at 576–580; Weisberg, *supra* note 75, at 140.

180. See Weisberg, *supra* note 75, at 136.

with the song. Much like reading a novel or watching a film, the process of listening to and interpreting music requires active listening, engagement, and discernment.

In terms of the interpretative process of listening to and engaging with music as a means of improving professional skills, a parallel can be drawn to poetry.¹⁸¹ In *The Legal Imagination*, White finds a corollary between lawyers and poets.¹⁸² He sees lawyers engaging in an “enterprise of the imagination” by using the nuances and subtleties of language to translate imagination into reality similar to how poets use language to construct art that is specific to their purpose.¹⁸³ Lawyers and poets select and arrange language as a tool to evoke emotions, create images, and convey for their audience meaning beyond the literal. White also saw a commonality between poetry and law through the experience of finding message beyond meaning, and meaning beyond message.¹⁸⁴ White believed the “meaning” and value of a poem, like that of a statute or judicial opinion, “is not its paraphrase, but the experience of reading it – not just reading it once, but reading it to learn it, to master it, reading with imaginative engagement and readiness to learn.”¹⁸⁵ This process of reading poetry (and law) through an interpretative and imaginative lens requires a critical engagement with an author’s language and narrative, without which no deeper meaning or experience could be found.¹⁸⁶

Music offers another vehicle by which lawyers can engage in analytical and creative interpretation.¹⁸⁷ After all, what is music but poetry, brought further to life by musical notes, rhythms, and tones?¹⁸⁸ The best songs, like the best poetry, defy simple meaning and demand a deeper engagement to arrive at a meaning “beyond the message,” to borrow a phrase from White.¹⁸⁹ Gil Scott-Heron’s 1971 song, *The Revolution Will Not Be Televised*, offers a bridge between poetry and music and invites the listener to interpret the lyrics as meaning something beyond the string of 1960s and 1970s pop culture references that so often entice casual listeners:¹⁹⁰

You will not be able to stay home, brother
 You will not be able to plug in, turn on and cop out
 You will not be able to lose yourself on skag and
 Skip out for beer during commercials
 Because the revolution will not be televised

The revolution will not be televised
 The revolution will not be brought to you by Xerox
 In four parts without commercial interruptions
 The revolution will not show you pictures of Nixon
 Blowing a bugle and leading a charge by John Mitchell
 General Abrams and Spiro Agnew
 To eat hog maws confiscated from a Harlem sanctuary

181. See WHITE *supra* note 59, at 758.

182. See *id.*

183. See *id.*

184. See *id.* at 764.

185. See *id.*

186. See *id.*

187. *Infra* notes 211–214.

188. The link between music and poetry dates back thousands of years. See *Poetry and Music*, POETRY FOUNDATION, <https://www.poetryfoundation.org/collections/148663/poetry-and-music> (last visited Mar. 29, 2024). The poems of antiquity were often set to music, as were the lyric poems of ancient Greece and the Shijing, the oldest anthology of Chinese poetry that was organized as a collection of songs. *Id.*

189. See WHITE, *supra* note 59, at 764–65.

190. GIL SCOTT-HERON, *The Revolution Will Not Be Televised*, on *PIECES OF A MAN* (Flying Dutchman 1971).

The revolution will not be televised¹⁹¹

Scott Heron employs poetic devices of repetition, allusion, imagery, and contrast to draw the listener into the social, political, and cultural undercurrents of the song.¹⁹² The frequent repetition of verses beginning, “The revolution will...” and “There will be...” has an almost hypnotic, lulling effect.¹⁹³ Allusions to historical figures like Richard Nixon and Spiro Agnew are juxtaposed to verses about cultural and commercial phenomena like Bullwinkle, toothpaste advertising, and Steve McQueen.¹⁹⁴ One might question the meaning of these specific references, and of all the figures and events Scott-Heron could include, why include these in a song purportedly about revolution, and why include them in the order that Scott-Heron does?

Much like a poem, a song asks the listener to analyze language, interpret narrative and form, and draw conclusions about the work’s ultimate purpose and meaning.¹⁹⁵ Songs, like literature and poetry, can advance the lawyer’s professional skills by broadening their creative and critical thinking.¹⁹⁶ Music, with its lyrical and poetic language, can inspire new approaches to legal arguments and analysis, and encourage innovative problem-solving.¹⁹⁷ Music can also help lawyers convey complex ideas in a compelling and concise manner.¹⁹⁸ By examining legal songs and assessing how songwriters use lyrical and poetic techniques like repetition, symbolism, metaphor, and imagery, lawyers can enhance their own ability to craft persuasive narratives, both in written and oral advocacy.¹⁹⁹

For those who might still doubt music’s poetic or literary qualities—or lawyers’ ability to benefit from them—consider that in 2016 the Swedish Academy awarded Bob Dylan the Nobel Prize in Literature for “having created *new poetic expressions* within the great American song tradition.”²⁰⁰

c. Legal Songs as a Portal to Understanding the “Other”

For Wigmore and Weisberg, literature offered lawyers a way of understanding the “other”—those citizens of the world “so different from ourselves or from those with whom we deal as colleagues.”²⁰¹ Wigmore called the novel and the fictional characters who inhabited it the “catalogue of life’s characters.”²⁰² Those characters were the people whom the lawyer might not have chance or occasion to encounter in real life, but whose experiences, joys, fears, pains, ethics, values, and tribulations offered a window into the unexplored or unknown avenues of human nature.²⁰³ Music, with its narratives based in both fiction and reality, provides another and perhaps even more accessible “catalogue” from which the lawyer can mine an understanding of human nature.²⁰⁴ Like the characters

191. *See id.*

192. *See id.*

193. *See id.*

194. *See id.*

195. *See supra* note 188 and accompanying text.

196. *Infra* notes 211–214; *see* WHITE *supra* note 59, at 764; Wigmore, *supra* note 1.

197. *Infra* notes 211–214 *see* WHITE *supra* note 59, at 764; Wigmore, *supra* note 1.

198. *Infra* notes 211–214; *see* WHITE *supra* note 59, at 764; Wigmore, *supra* note 1.

199. *See e.g.*, SCOTT-HERON, *supra* note 190.

200. *The Nobel Prize in Literature 2016*, THE NOBEL PRIZE, <https://www.nobelprize.org/prizes/literature/2016/summary/> (last visited Apr. 4, 2024) (emphasis added).

201. *See* Weisberg, *supra* note 75, at 137; *see also* Wigmore, *supra* note 1, at 579.

202. *See* Wigmore, *supra* note 1, at 579.

203. *See id.*

204. *See id.*

populating legal novels, the characters featured in legal songs can offer the lawyer insight into how their clients, and others similarly situated, understand, interpret, and experience the world.²⁰⁵

Legal songs, consumed at a level commensurate to, if not greater than, legal novels, offer the lawyer insight beyond his or her own limited experience and status.²⁰⁶ Many, if not most, lawyers occupy a privileged position in the world; their education affords them access and insights into a legal system that for many seems labyrinthian, foreign, or even wholly inaccessible.²⁰⁷ Their alma maters and jobs grant them access to legal resources and networks available only to members of the bar. Included within the profession, prestige, social status, and income are potential rewards for the driven and diligent.²⁰⁸ But this status can come with blinders—an attorney’s clients may be of a different “type” or “catalogue,” and yet we must understand and empathize with their stories and narratives to afford them the best possible representation.²⁰⁹ Even within our own circles, where hyper-specialization silos so many lawyers to a limited or even single area of practice, tools that help us see beyond our immediate realms “must always be an arsenal for the lawyer.”²¹⁰ Without exposure to tools such as these, civil litigators might not fully grasp or appreciate the fear and potential violence attendant to a routine traffic stop.²¹¹ Estate planning attorneys might not know the experience of being a juvenile for whom the justice system struggles to find an appropriate means of rehabilitation.²¹² Criminal attorneys might entirely avoid custody disputes over their own or others’ children,²¹³ and countless attorneys of all practices might work their entire careers without direct exposure to the criminal justice system, much less find themselves facing sentencing before a judge.²¹⁴ However, legal songs provide attorneys with vicarious access to these sorts of experiences. Legal songs, like legal novels, “must always be an arsenal for the lawyer.”²¹⁵

d. The Potentially Humanizing Factor of Legal Songs

Related to the idea of public perception discussed above, Weisberg and others saw the need for lawyers to connect with their “humanistic roots.”²¹⁶ If the Watergate era and the ethical lapses of “value-free” law school graduates like Richard Nixon and Spiro Agnew were proof for Weisberg that legal institutions “ha[d] all but broken off from their humanistic roots,”²¹⁷ then the bar in post-2020 America is in equal need, if not more so, of a moral recalibration. Just as Wigmore could not “foresee Watergate’s Mitchell, Ehrlichman, and Dean,”²¹⁸ Weisberg could not foresee the post-2020 election conduct of Rudy

205. *See id.*; *infra* notes, 211–214.

206. *See* Wigmore, *supra* note 1, at 579.

207. Ralph A. Chatoor, *Book review: Leadership for Lawyers*, AM. BAR ASS’N, https://www.americanbar.org/groups/bar-leadership/publications/bar_leader/2011_12/fall/leadership/ (last visited Apr. 4, 2024).

208. *See id.*

209. *See* Wigmore, *supra* note 1, at 579.

210. *See id.* at 581.

211. *See generally* CHAMILLIONAIRE, *Ridin’*, on *THE SOUND OF REVENGE* (Chamillitary 2005).

212. *See generally* STEPHEN SONDHEIM AND LEONARD BERNSTEIN, *Gee, Officer Krupke*, on *WEST SIDE STORY* (1957).

213. *See generally* CARLY SIMON, *Comin’ to Get You*, on *SPY* (Elektra 1979).

214. *See generally* COMMON, *Testify*, on *BE* (GOOD 2005); BRUCE SPRINGSTEEN, *Johnny 99*, on *NEBRASKA* (Columbia 1982).

215. *See* Wigmore, *supra* note 1, at 581.

216. *See* Weisberg, *supra* note 7, at 18; *see generally* Wigmore, *supra* note 1.

217. *See* Weisberg, *supra* note 7, at 18.

218. *See id.*

Giuliani,²¹⁹ John Eastman,²²⁰ Jeffrey Clark,²²¹ Kenneth Chesbro,²²² Sidney Powell,²²³ L. Lin Wood,²²⁴ Jenna Ellis,²²⁵ or even Yale Law School graduate, Stewart Rhodes.²²⁶ The American public's trust in the Supreme Court sits near a fifty-year low.²²⁷ As the rule of law remains under attack by members of the bar who swore oaths to uphold the Constitution, the need for lawyers to (re)embrace their "humanistic roots" is as real and legitimate a concern as ever.²²⁸ Legal songs, like Wigmore's and Weisberg's legal novels and works, offer an unobstructed view into the artist's and the public's perception of lawyers and the legal profession.²²⁹ They offer a means for the lawyer to connect his or her "humanistic roots" with the worlds that musicians create, inhabit, and reflect through song.

But can legal songs actually "humanize" lawyers? Few, if any, law and literature academics and scholars believe that the act of reading novels would, by itself, make lawyers "better people."²³⁰ Wigmore never went so far, and Weisberg seemed somewhat skeptical of literary culture's ability to "soften or humanize lawyers, given how much evil legal

219. Kyle Cheney and Josh Gerstein, *D.C. Bar Panel Finds Giuliani Violated Attorney Rules in Bid to Overturn 2020 Election*, POLITICO (Dec. 15, 2022, 12:11 PM), <https://www.politico.com/news/2022/12/15/d-c-bar-giuliani-attorney-overturn-2020-election-00074117>.

220. Kyle Cheney, *He Devised a Fringe Legal Theory to Try to Keep Trump in Power: Now He's on the Verge of Being Disbarred*, POLITICO (June 11, 2023), <https://www.politico.com/news/2023/06/11/john-eastman-disbarment-trial-trump-00101407>.

221. Kyle Cheney, *Judge Clears Way for Disciplinary Proceedings Against Trump ally Jeffrey Clark*, POLITICO (June 8, 2023, 7:00 AM), <https://www.politico.com/news/2023/06/08/federal-judge-trump-ally-jeffrey-clark-00101183>.

222. Kate Brumback, *Lawyer Kenneth Chesbro Pleads Guilty Over Efforts to Overturn Trump's 2020 Loss in Georgia*, ASSOC. PRESS (Oct. 20, 2023, 3:02 PM), <https://apnews.com/article/chesbro-jury-selection-georgia-election-indictment-2e558eefdf9c1eaa7ec8c31bf76044>.

223. Olivia Rubin and Lucien Bruggeman, *Former Trump Lawyer Sidney Powell Pleads Guilty in Georgia Election Interference Case*, ABC NEWS (Oct. 22, 2023, 12:02 PM), <https://abcnews.go.com/Politics/former-trump-lawyer-sidney-powell-takes-plea-deal/story?id=104136350>.

224. Anjali Huynh, *L. Lin Wood, Lawyer Who Tried to Overturn Trump's 2020 Loss, Gives Up License*, N. Y. TIMES (July 6, 2023), <https://www.nytimes.com/2023/07/06/us/politics/lin-wood-trump-attorney.html>.

225. Marshall Cohen, *Former Trump Campaign Lawyer Jenna Ellis Pleads Guilty in Georgia Case*, CNN (Oct. 24, 2023, 10:53 AM), <https://www.cnn.com/2023/10/24/politics/jenna-ellis-fulton-county/index.html>.

226. Carrie Johnson, *Stewart Rhodes, Oath Keepers Founder, Sentenced to 18 Years for Seditious Conspiracy*, NPR (May 25, 2023, 6:47 PM), <https://www.npr.org/2023/05/25/1178116193/stewart-rhodes-oath-keepers-verdict>.

227. In a 2022 Gallup poll, only 47% of surveyed Americans responded they had either a "great deal" or "fair amount" of trust in the judicial branch of the government, the lowest number since Gallup started taking the poll five decades ago. 58% of poll respondents disapproved of the way the Supreme Court was handling its job. See Chris Cillizza, *Trust In Supreme Court is at a Record Low*, CNN (Sept. 29, 2022, 10:28 AM), <https://www.cnn.com/2022/09/29/politics/supreme-court-trust-gallup-poll/index.html>. A 2022 poll by the Associated Press-NORC Center for Public Affairs Research revealed that those reporting a "great deal" of confidence in the Supreme Court sat at just 26% in 2021 before dropping to 18% in 2022. Only 36% of respondents had "hardly any" confidence in the Supreme Court. See *Public Confidence in the Supreme Court is at its Lowest Since 1973*, ASSOC. PRESS (May 13, 2023), <https://apnorc.org/projects/public-confidence-in-the-u-s-supreme-court-is-at-its-lowest-since-1973/>. It is worth noting that these poll numbers predated revelations that Justice Clarence Thomas accepted undisclosed gifts and luxury travel from billionaire and Republican donor, Harlan Crow. See Joshua Kaplan, Justin Elliott, and Alex Mierjeski, *Clarence Thomas and the Billionaire*, PROPUBLICA (Apr. 6, 2023, 5:00 AM), <https://www.propublica.org/article/clarence-thomas-scotus-undisclosed-luxury-travel-gifts-crow>. A 2023 Gallup poll showed similar results—49% responded having trust in the U.S. Supreme Court, and only 41% of respondents approved of the Court's job performance. See Megan Brenan, *Views of Supreme Court Remain Near Record Lows*, GALLUP (Sept. 29, 2023), <https://news.gallup.com/poll/511820/views-supreme-court-remain-near-record-lows.aspx>.

228. See Weisberg, *supra* note 7, at 18.

229. See generally, Weisberg, *supra* note 7; Wigmore, *supra* note 1.

230. See Weisberg, *supra* note 52, at 132–33; but see also Robin West, *NARRATIVE, AUTHORITY, AND LAW* 263 (1993) ("Literature helps us understand others. Literature helps us sympathize with their pain, it helps us share their sorrow, and it helps us celebrate their joy. It makes us more moral. It makes us better people.").

professions had wrought in countries steeped in that very [literary] culture.”²³¹ Posner outright dismissed any idea that literature could humanize lawyers.²³² But that is not to say that Wigmore, White, Weisberg or many others in the field did not see a personal, non-professional benefit to lawyers reading legal novels.²³³

Literature and music have empathetic qualities. Literature and music can help us hear voices that otherwise elude us—voices of the maligned, the pained, the dispossessed, the outcast, the “other.”²³⁴ Authors and musicians who write and create based on experience—real or imagined—can force us to self-reflect and ask questions about ourselves, our roles, our decisions, our ethics, and our values.²³⁵ In a profession whose demands can so easily erode the idealism that first propelled lawyers into the field,²³⁶ finding meaning, hope, inspiration, or a deeper connection with others’ humanity remains an endeavor of significance and necessity.

Wigmore’s claim about the benefits of literature to the lawyer’s “pastime and mental ease”²³⁷ also finds grounding in legal songs. Even if indulging the harmonies of Bob Dylan, Marvin Gaye, or Woody Guthrie might not advance some technical proficiency in the law, if it has even the added effect of leading us to a better personal and professional place, even if temporarily, why not at least give legal songs the opportunity to do so?²³⁸ If nothing else, legal songs can offer the lawyer a respite—an invitation and opportunity to nurture her or his “mental ease,” as Wigmore aptly and prophetically phrased it,²³⁹ and surrender to the captivating “thrall” of music.²⁴⁰

IV. COMPILING A LIST OF LEGAL SONGS

A. Selection Criteria

Indulging the notion that legal songs have a place in the law and literature canon and can benefit lawyers, it is necessary to set criteria for selecting which songs to include on the “playlist.” This exercise necessarily requires some degree of subjectivity, discretion,

231. See Weisburg, *supra* note 52, at 142 n.16 (citing Richard Weisberg, “*Family Feud: A Response to Robert Weisberg on Law and Literature*,” 1 YALE J. OF L. & HUMS. 69 (1988)).

232. See generally POSNER, *supra* note 120, at 459–81.

233. See generally, Weisberg, *supra* note 7; WHITE, *supra* note 59; Wigmore, *supra* note 1.

234. See *supra* Part III(B)(ii)(c).

235. *Id.*

236. According to a 2018 Gallup poll of 4,105 adults who received a postgraduate degree between 2000 and 2015, only 23% of lawyer respondents felt law school was worth the cost. See Zac Auter, *Few MBA, Law Grads Say Their Degree Prepared Them Well*, GALLUP (Feb. 16, 2018), https://news.gallup.com/poll/227039/few-mba-law-grads-say-degree-prepared.aspx?g_source=link_NEWSV9&g_medium=NEWSFEED&g_campaign=item&g_content=Few%20MBA,%20Law%20Grads%20Say%20Their%20Degree%20Prepared%20Them%20Well.

237. See Wigmore, *supra* note 1, at 575.

238. See *supra* Part III(B)(ii)(c).

239. See Wigmore, *supra* note 1, at 575.

240. In reflecting on Wigmore’s astute observations from over a century ago, one cannot help but recognize the prescience of his insights. In the wake of the COVID–19 pandemic, the legal profession stands as no exception to the pervasive mental health crisis that has enveloped so many professions and indeed our own society. See generally Karen Sloan, *Stress and Overwork Linked to Lawyers’ Suicidal Thoughts, Study Says*, REUTERS (Feb. 14, 2023, 8:50 AM), <https://www.reuters.com/legal/litigation/stress-overwork-linked-lawyers-suicidal-thoughts-study-says-2023-02-13/>. A 2023 study revealed that a staggering two-thirds of lawyers acknowledge the detrimental impact their chosen career has had on their well-being, with nearly half contemplating an exit from the profession due to the overwhelming stress or burnout they experience. See *id.* Significant percentages of respondents also reported contemplating suicide and bodily harm. See *id.* In light of these distressing statistics, the case for indulging in leisure activities like reading (and listening to music), purely for the sake of personal enjoyment and “mental ease,” emerges as an imperative more compelling than ever before. See Wigmore, *supra* note 1, at 575.

and perhaps frustration.²⁴¹ One might even add difficulty.²⁴² “Where shall the line be drawn?”²⁴³ Were these criteria broader, or the categories below more or less inclusive, the list would look different. This note offers some overarching selection criteria that, while arguably imperfect and not strictly scientific, provides context and rationale for inclusion of the songs on the playlist.

First, the legal elements referenced or incorporated into the song must be a significant component of the work. Requiring a degree of “significance” may create a definitional problem, but hopefully one without much exclusionary effect. Songs are inherently shorter than novels, but even in just a few lines and verses they can still provide commentary, prompt discussion, and stir debate about legal issues—similar to the way literature can. And just as many, if not most, legal novels are not exclusively about law, lawyers, or legal procedure, an entire song need not be about the law or a lawyer for it to warrant inclusion on the list. The inclusion of a legal element in a song should still be intentional, significant, and add to the overall narrative, meaning, or message of the song.

Some songs on the list are exclusively legal in nature, meaning that a lawyer, trial, legal procedure, or other legal issue is *the* focus of the song. For instance, the entirety of Pink Floyd’s “The Trial” focuses, not surprisingly, on a trial.²⁴⁴ But just as novels reference lawyers, trials, or the law and are not “about” the law in any meaningful sense, plenty of songs that reference the law do not merit inclusion.²⁴⁵ When in *Thug Angels* Wyclef Jean sings, “Or I could slow down like the man in the Bronco and get Johnnie Cochran to be my lawyer,” he references a preeminent lawyer while alluding to one of the most publicized trials of the twentieth century.²⁴⁶ The song, though, is not otherwise about the law, Johnnie Cochran, or the O.J. Simpson trial.²⁴⁷ It is an entertaining song, but not one suitable for our list.

Important also to the list is the inclusion of songs from a variety of musical genres and artists of diverse backgrounds. No one artist or genre has a monopoly on musical commentary or narrative about the law.²⁴⁸ Women, people of color, and international musicians offer unique insights and commentary about the law based on their specific experiences—both positive and negative—in and of the law. As persons often situated outside or on the periphery of the law and its systems, those “others” are very much the voices of which lawyers and lawmakers should be aware.²⁴⁹ It is difficult to know or experience how the law fails, displaces, or marginalizes without listening to those whom the law has failed,

241. See generally Julia Keller, *The Problem With Annual ‘Best of’ Lists*, L.A. TIMES (Dec. 24, 2009, 12:00 AM), <https://www.latimes.com/archives/la-xpm-2009-dec-24-la-et-lists24-2009dec24-story.html> (“What annoys and disappoints me, though, is the chilly retrospective nature of such lists. They drain all of the blood from the critic’s job. They require a cold, methodical calculation of passions long past. They’re about yesterday’s yearning. Compiling them is a bit like trying to remember why you used to be in love with so-and-so.”).

242. “The making of a great compilation tape, like breaking up, is hard to do and takes ages longer than it might seem. You gotta kick off with a killer, to grab attention. Then you got to take it up a notch, but you don’t wanna blow you wad, so then you got to cool it off a notch. There are a lot of rules.” See HIGH FIDELITY (Touchstone Pictures 2000).

243. See Wigmore, *supra* note 1, at 574.

244. See PINK FLOYD, *The Trial*, on THE WALL (Columbia Records 1979).

245. See, e.g., WYCLEF JEAN, *Thug Angels*, on THE ECLEPTIC – 2 SIDES II A BOOK (2000).

246. See *id.*

247. See Douglas O. Linder, *The O.J. Simpson Trial 1995: A Trial Account*, FAMOUS TRIALS, <http://law2.umkc.edu/faculty/projects/frtrial/simpson/simpson.htm> (last visited Apr. 15, 2024).

248. See *supra* notes 211–214.

249. In reflecting back on his update of Wigmore’s legal novels, Weisberg articulated four “professional goals” of reading legal novels, one of which was “an openness to the perspective of individuals whose way of seeing the world places them ‘outside’ the scheme of conventional legal understanding.” See Weisberg, *supra* note 75, at 140.

displaced, or marginalized. Bruce Springsteen has much to say about the nature and causes of criminality and the fallacies of the justice system.²⁵⁰ But so too do the likes of Pussy Riot, LKJ, Nina Simone, and N.W.A, whose fearless anthems amplify the voices of communities that for too long the law has silenced or overlooked.²⁵¹ Moreover, what artists and listeners see as “legally” important evolves over time as new social, political, and economic issues emerge that warrant musical and artistic commentary and response. To account for the diversity of musical voices and experiences with the law, we must expand our repertoire and look beyond the white male rockstars of the 1960s and 1970s for insight and inspiration.

It also warrants clarifying what the “playlist” does not include. In addition to excising songs that only tangentially reference the law, songs that are the subject of legal disputes over copyright, trademark, or other intellectual property claims also are not included.²⁵² Such songs themselves are not “about” the law. While the law has something to say about copyright infringement in music, it does not serve our purposes here.

B. Categories and “Kinds” of Legal Songs

The songs on this list also fit within one or more broad categories. Wigmore and Weisberg both established four categories of legal works for their lists.²⁵³ Using Wigmore’s and Weisberg’s “four kinds of literary interests” as a baseline, the songs on our playlist can be classified into one or more of the following five categories:

- (A) songs in which lawyers or other members of the legal profession are portrayed;
- (B) songs in which trials or other legal proceedings are depicted, even if a full legal trial or procedure is not portrayed;
- (C) songs in which, outside of a courtroom setting, issues of civil or criminal procedure factor into the musical narrative;
- (D) songs in which laws or legal instruments are a narrative or organizational focus; and
- (E) songs in which crimes or broader issues of law and justice that also implicate criteria (A), (B), (C), or (D) are a central issue or theme.²⁵⁴

250. See BRUCE SPRINGSTEEN, *Nebraska*, on NEBRASKA (Columbia 1982).

251. See Ryan Reed, *Watch Pussy Riot’s Disturbing Protest Video ‘Chaika’*, ROLLING STONE (Feb. 3, 2016), <https://www.rollingstone.com/politics/politics-news/watch-pussy-riots-disturbing-protest-video-chaika-229985/>; LINTON KWESI JOHNSON, *Sonny’s Lettah (Anti-Sus Poem)*, on FORCES OF VICTORY (Island Recs. 1979); NINA SIMONE, *Mississippi Goddam*, on NINA SIMONE IN CONCERT (Philips 1964); N.W.A., *Fuck Tha Police*, on STRAIGHT OUTTA COMPTON (Ruthless 1988).

252. See e.g. FALL OUT BOY, *Our Lawyer Made Us Change the Name of This Song So We Wouldn’t Get Sued*, on FROM UNDER THE CORK TREE (BMG Direct Marketing, Inc. 2005).

253. Wigmore set four criteria for inclusion in his list of legal novels: “(A) [n]ovels in which some trial scene is described—perhaps including a skillful cross-examination; (B) [n]ovels in which the typical traits of a lawyer or judge, or the ways of professional life, are portrayed; (C) [n]ovels in which the methods of law in the detection, pursuit and punishment of crime are delineated; and (D) [n]ovels in which some point of law, affecting the rights or the conduct of the personages, enters the plot.” See Wigmore, *supra* note 1 at 574; Weisberg “pre-serve[d] the spirit of Wigmore’s ‘four kinds’ of literary interests” but revised them slightly: “(A) [w]orks in which a full legal procedure is depicted, sometimes exclusively a ‘trial scene,’ but just as frequently the preliminary investigations leading to the trial; (B) [w]orks in which, even in the absence of a formal legal process, a lawyer is a central figure in the plot or story, frequently but not always acting as the actual protagonist; (C) [w]orks in which a specific body of laws, often a single statute or system of procedures, becomes an organizing structural principle; and (D) works in which, in an otherwise essentially nonlegal framework, the relationship of law, justice, and the individual becomes a central thematic issue.” See Weisberg, *supra* note 7, at 18 (italics in original).

254. Wigmore, *supra* note 1 at 574; Weisberg, *supra* note 7, at 18.

These categories also function in a manner of selection criteria and offer another avenue for culling our playlist from an otherwise immense group of songs that only tangentially relate to or are about the law. Not unlike the selection criteria noted above, the categories possess a degree of subjectivity. In which category, or categories, does a song exactly fit? Realistically songs may be about multiple legal elements, and so it seems fair to notate the songs as touching on more than one category, if applicable.

Category A. Songs about or featuring lawyers or other members of the legal profession (e.g. judges) make up a considerable segment of “legal songs.” Wigmore and Weisberg both included a “character” category for their lists and for good reason—lawyers have been and remain a fixture of popular fiction for which the public’s appetite has not subsided.²⁵⁵ Whether a lawyer (*CHAIKA*) or judge (*Old Judge Thayer*) is the focus of the song or a character complementing a song’s protagonist or main narrative (*Billy Austin, The Night The Lights Went Out in Georgia*), these songs have much to offer about how society views members of the bar and the judiciary.²⁵⁶

Category B. Related to Category A, the depictions of trials and legal proceedings in legal songs showcase how artists and musicians view and interpret the inner workings of the legal process. Given the concise nature of musical verses and the limited space and time a song can occupy a topic as complex as a legal trial, the songs in this category do not necessarily address a “full trial” or proceeding. Novels and plays can expound on the subtleties and details of trials and legal processes in a way that songs inherently cannot. That is not to say songs about legal proceedings have no value or utility for our list. Some leeway and discretion must be afforded these works for categorization here, as they can still offer insights and commentary on topics such as sentencing (*Johnny 99*), judicial fairness (*The Lonesome Death of Hattie Carroll*), or even the nightmarish experience of being a defendant (*The Trial*).²⁵⁷

Category C. A counterpart to Category B, this grouping of songs looks at issues of civil and criminal procedure outside of a trial or other courtroom proceeding. Examples here include the legality of traffic stops and no-knock warrants—events that can precede a more formal legal process as might be depicted in a Category B song. Jay Z’s *99 Problems* and Chamillionaire’s *Ridin’* make for compelling case studies.²⁵⁸ The impact of these songs also merits examination. What happens when a popular song offers an interpretation of what the law does or does not permit? And what impact does that have on the listening public if the artist’s statement on, or interpretation of, the law is wrong?

Category D. Some songs can also be about specific laws, a body of laws, or legal instruments. In some instances the *absence* of specific laws drives the narrative. The right to an abortion in Dignable Planets’ *La Femme Fétal* provides an example of the former.²⁵⁹ As to the latter, Public Enemy’s *By The Time I Get To Arizona* offers an artistic response to the absence of a particular law—here, the refusal of the State of Arizona to recognize Martin Luther King, Jr. Day as an official state holiday.²⁶⁰

255. *Id.*

256. WOODY GUTHRIE, *Old Judge Thayer*, on BALLADS OF SACCO AND VANZETTI (Folkways Recs. 1960);

REBA MCENTIRE, *The Night the Lights Went Out in Georgia*, on FOR MY BROKEN HEART (MCA Recs. 1992).

257. BRUCE SPRINGSTEEN, *Johnny 99*, *supra* note 214; BOB DYLAN, *The Lonesome Death of Hattie Carroll*, on THE TIMES THEY ARE A-CHANGIN’ (Colum. Recs. 1964); PINK FLOYD, *The Trial*, *supra* note 244.

258. JAY Z, *99 Problems*, on THE BLACK ALBUM (Roc-A-Fella Recs. & Def Jam Recordings 2003); CHAMILLIONAIRE, *Ridin’*, *supra* note 211.

259. DIGABLE PLANETS, *La Femme Fétal*, on REACHIN’ (A NEW REFUTATION OF TIME AND SPACE) (Capitol Recs. 1993).

260. PUBLIC ENEMY, *By the Time I get to Arizona*, on APOCALYPSE 91...THE ENEMY STRIKES BLACK (Def Jam Recordings and Colum. Recs. 1991).

Category E. This final category acts as something of a broad categorical framework. Category E brings in works that are still “legal songs” relevant to this endeavor but ones that do not also fit neatly within one of the above four criteria. Both Wigmore and Weisberg offered a similar category in their lists.²⁶¹ Weisberg specifically includes on his list works that might be otherwise “nonlegal” or “less patently” legal but which still “powerfully evoke the deepest problems raised by the relationship of the law to the individual or society which it seeks to serve.”²⁶² That definition serves as a useful corollary for this category. Songs about crime or social justice that address or respond to larger issues of the relationship between the law, the individual, and society can qualify here. For example, Grandmaster Flash & The Furious Five’s *The Message* is not about the law in any direct or express way.²⁶³ Still, the stories that the group tells in the song are undoubtedly stories that speak to an America impacted by federal laws and legislation that led to crime, poverty, and disenfranchisement in urban America in the late 1970s and early 1980s.²⁶⁴ One can hardly listen to Melle Mel’s lament of inner-city life and not see parallels to the blight caused by Reagan’s “War on Crime.”²⁶⁵

A few final thoughts. These criteria are not intended to be perfect and the selections are not guaranteed to satisfy every reader’s palate. As Steven Morrissey sang, “Hang the DJ, hang the DJ, hang the DJ.”²⁶⁶ The goal is to educate, stimulate, curate, and entertain—in that order. Wigmore and Weisberg both ended up with lists of 100 works. This playlist contains forty songs—a “Top 40” list, in a manner of speaking. Not surprisingly, other “legal songs” exist and might qualify for inclusion. The songs included here are ones that meet the above criteria and have value relative to this endeavor. Adding many more songs beyond this figure would risk diluting the value, importance, and prominence of the selected songs. To account for other legal songs that might qualify for and warrant inclusion, a non-curated list of additional legal songs can be found in the addendum, “B-Sides and Other Rarities.”

All of the included works have something important to say about lawyers, the law, and/or the legal system. That being said, some of the works are of admittedly questionable artistic value. Weisberg knew that some of the works on his list might not pass the test of time, just as many of those on Wigmore’s list had faded into obscurity decades after publication.²⁶⁷ Because popular music remains subject to the fleeting whims and tastes of mass audiences, obscurity may well be the fate for certain of the songs on this list. Only time will tell.

Lastly, in keeping with the format of Wigmore’s and Weisberg’s lists, but in perhaps breaking sacrosanct playlist-making rules,²⁶⁸ this playlist contains multiple works by

261. Wigmore’s Category D included the amorphous grouping of “novels in which some point of law, affecting the rights or conduct of the personages, enters into the plot.” See Wigmore, *supra* note 1 at 574. Among other works on Wigmore’s 1908 list exclusively notated as Category D were Hardy’s *Tess of the D’Urbervilles* and Dickens’ *Nicholas Nickleby*. See *id.* at 589–90; Weisberg “restated” Wigmore’s Category D to include “works in which, in an otherwise essentially nonlegal framework, the relationship of law, justice, and the individual becomes a central thematic issue.” (*emphasis in original*). See Weisberg, *supra* note 7, at 18.

262. See Weisberg, *supra* note 7, at 22. Weisberg includes, among others, Anthony Burgess’s *A Clockwork Orange*, E.L. Doctorow’s *The Book of Daniel*, and Franz Kafka’s “In the Penal Colony” as solely Category D works. See *id.* at 27.

263. GRANDMASTER FLASH & THE FURIOUS FIVE, *The Message*, on THE MESSAGE (Sugar Hill Recs. 1982).

264. *Id.*

265. *Id.*

266. THE SMITHS, *Panic*, on THE WORLD WON’T LISTEN (Rough Trade Recs. 1987).

267. See Weisberg, *supra* note 7, at 23–24.

268. “And then there are the rules. It’s gotta be entertaining. You gotta tell a story. You can’t be too obvious, but you can’t be too obscure either. You can’t double up on songs by the same artists unless, of course, that’s your theme. Anyway, a good compilation, like so many things in life, is . . . it’s hard to do.” *High Fidelity: Track 2* (Hulu broadcast Feb. 14, 2020).

the same artist. Multiple entries from artists have been kept to a minimum to allow for a diversity of voices, genres, and perspectives. Songs are also listed alphabetically by artist, so sit back, hit shuffle, and enjoy.

And now, in a final homage to Wigmore, “at last for our list!”²⁶⁹

V. A WIGMORIAN PLAYLIST OF LEGAL SONGS

10,000 Maniacs

1. “I’m Not the Man”²⁷⁰ (1992) [B, E]

10,000 Maniacs’ *I’m Not the Man* tells of the perversions of justice that lead an innocent man to death row. The song begins with an unnamed man, who struggles with his mental health (“His eyes have gone away, escaping over time / He rules a crowded nation inside his mind”), as he replays in his head the events before his imprisonment.²⁷¹ We never learn the nature of the crime, only that he didn’t do it—“But I’m not the man. He goes free...”²⁷² The man reveals he had an alibi, no witnesses testified against him, and his confession was coerced (“His own confession was a prosecutor’s prize / Made up of fear, of rage and of outright lies”).²⁷³ The public has also turned against him, willfully blind to the gross miscarriages of justice that sealed his fate. Cries of “hang him slow” highlight the public’s thirst for vengeance.²⁷⁴ Up to this point the song has portrayed a wrongfully accused man—a story no doubt heartbreaking. But it is when the man tells the listener, “Call out the KKK, they’re wild after me,” that the narrative shifts to an even more tragic plane.²⁷⁵ The man’s reference to the involvement of the KKK suggests that he may be Black. More than that, it suggests the real criminal—who “goes free”—is white.²⁷⁶ The song ends with the man questioning whether society can ever cure the ills and evils that have befallen him in the legal process (“Who’ll read my final rite / And hear my last appeal / Who’s struck this devil’s deal?”).²⁷⁷ In a country where innocent people have been sent to death row, and where vast racial disparities in death penalty cases obscure justice, if not preclude it entirely, *I’m Not the Man* stands as a reminder of the need to ask difficult questions not just about the death penalty, but about fairness, race, and equality in the criminal justice system.²⁷⁸

269. See Wigmore, *supra* note 1, at 586.

270. 10,000 MANIACS, *I’m Not the Man*, on OUR TIME IN EDEN (Elektra Recs. 1992).

271. *Id.*

272. *Id.*

273. *Id.*

274. *Id.*

275. *Id.*

276. *Id.*

277. *Id.*

278. A 2020 study published in the Harvard Civil Rights-Civil Liberties Review found that “the overall execution rate is substantially greater for defendants convicted of killing a white victim than for those convicted of killing a Black victim.” Specifically, 2.26% of the defendants convicted of killing a white victim ultimately faced execution, as compared to .13% of defendants convicted of killing a Black victim. Looking at the numbers, the “overall execution rate is a staggering seventeen times greater for defendants convicted of killing a white victim.” See Scott Phillips, Justin Marceau, *Whom the State Kills*, 55 HARV. C.R.-C.L. L. REV. 585, 603 (2020).

Black Flag2. “Police Story”²⁷⁹ (1981) [D, E]

Through the relentless uproar of Black Flag’s *Police Story*, a question emerges: how does one respond to abusive law and authority knowing that resistance will ultimately be futile? According to the hard-core punk band, Black Flag, the answer, unequivocally, is unyielding, furious rebellion and resistance.²⁸⁰ In the span of just over a minute and a half, the band channels the seething frustrations of a society dealing with an abusive authority, specifically the police, an entity seemingly destined to prevail and crush dissent. Though the song is short, its lyrics are raw, angry, and direct. The world about which Black Flag sings is one of crushing authority meted out mercilessly against American youth culture. “Pigs” run the city, suggesting the police (and perhaps not politicians) hold ultimate power and authority.²⁸¹ The police “take the rights away / from all the kids,” and non-violent resistance is answered with excessive, brute force (“Walking down the street / I flip them off / They hit me across the head with a billy club”).²⁸² The conflict becomes a vicious cycle of hatred—“they hate us, we hate them”—but in the eyes of the band, defeat for “us”—for those out of power—is all but certain.²⁸³ The chorus resonates with repeated notions of the futility of resisting oppression: “Understand we’re fighting a war we cannot win” and “we can’t win, no way.”²⁸⁴ Despite the crushing weight of futility, the band implores that the fight must continue and retribution must be had (“No fuckin’ way / Motherfuckers gonna pay”).²⁸⁵ The justice system may operate to quash dissent and resistance (“I go to court for my crime / Stand in line, pay my bail / I may serve time”) but for the band, it is of no concern. Court appearances, fines, and imprisonment (“I tell them to go get fucked / They put me away”) may be very real consequences of fighting abusive authority and an unjust system.²⁸⁶ In the eyes of Black Flag, they are nevertheless a most necessary toll. The song poses important questions about the proper response to systems, laws, and authorities that may be unjust and oppressive.

Nick Cave & The Bad Seeds3. “The Mercy Seat”²⁸⁷ (1988) [E]

The Mercy Seat, from Nick Cave and the Bad Seeds, delves into the realms of law, justice, and redemption from the perspective of a man sitting on Death Row. Intensely spiritual and poetic, the song begins with the protagonist pleading that he is “nearly wholly innocent” and “not afraid to die.” Knowing his physical death is certain, the protagonist questions whether his fate in the next life is also inevitable. He will meet “the mercy seat,” an allegory for the electric chair, but also one for the throne of God in heaven where he will be judged. From his cell he looks at his life trying to make sense of whether he is a good man (“Like my good hand I tattooed ‘E.V.I.L.’ across its brother’s fist”) or an evil one (“My kill hand is called E.V.I.L. / Wears a wedding band that’s G.O.O.D.”). Images of Old Testament justice (“Of an eye for an eye / And a tooth for a tooth”) compete in the

279. BLACK FLAG, *Police Story*, on DAMAGED (SST Recs. 1981).

280. *Id.*

281. *Id.*

282. *Id.*

283. *Id.*

284. *Id.*

285. *Id.*

286. *Id.*

287. NICK CAVE & THE BAD SEEDS, *The Mercy Seat*, on TENDER PREY (Mute Recs. 1988).

protagonist's mind with visions of Christ and redemption ("The face of Jesus in my soup"), setting up a conflict for the protagonist that the song refuses to freely resolve. The song's final verse teases an ambiguity and challenges the listener's understanding of the protagonist: "And anyway I told the truth / And I'm afraid I told a lie." As to whether the lie relates to his plea of innocence or his claim that he is not afraid to die, the listener can only speculate. Judged guilty once on earth, all that remains is for him to be judged for the last time in the beyond. In vacillating between pleas of his innocence and statements suggesting both a legal and inner guilt, the story challenges the listener to question the efficacy of capital punishment in light of its irrevocability.

Chamillionaire

4. "Ridin'"²⁸⁸ (2005) [C]

A catchy song with more to say than it might suggest to the casual listener, Chamillionaire's "Ridin'" examines a pretextual traffic stop from the point of view of a narrator that might in fact be engaged in illegal behavior. The song chronicles a driver who, by his own admission, has been "drinkin' and smokin'," is carrying a gun, has multiple warrants, and is speeding and swerving in a car with tinted windows.²⁸⁹ The song examines the stop from the driver's perspective, but the narrator / driver does not provide enough information to allow the listener to fully assess whether the stop is valid or merely pretextual and motivated by racial profiling. The facts the driver provides, individually or collectively, may or may not provide grounds for a valid stop and search of the vehicle. The listener can't know for sure. The driver's optimistic assumption that no grounds exist for the stop ("When they realize I ain't even ridin' dirty / Bet you'll be leavin' with an even madder mood") provides an interesting corollary to the driver in Jay-Z's "99 Problems."²⁹⁰

Chumbawamba

5. "Smash Clause 28!"²⁹¹ (1988) [D]

Though many may know Chumbawamba only from their 1997 pop-ish, pub hall dance anthem, *Tubthumping*, the English band was unabashedly political in its prior and later works. Throughout the 1980s, Margaret Thatcher's Conservative government provided an array of issues at which the anarcho-punk band took sharp aim. Thatcher's legislative efforts to curb the alleged threat of homosexuality in Britain became the subject of Chumbawamba's *Smash Clause 28!* Clause 28 was part of the Local Authorities Act of 1988.²⁹² The law prohibited local authorities from: (1) "intentionally promot[ing] homosexuality or publish[ing] material with the intention of promoting homosexuality;" and (2) "promot[ing] the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship."²⁹³ The song begins by asking Oscar Wilde where he's been and what he's seen. In "London town" he finds "the corridors of power, with closets

288. CHAMILLIONAIRE, *Ridin'*, *supra* note 211.

289. *Id.*

290. For an interesting legal analysis of the traffic stops in both Chamillionaire's *Ridin'* and Jay-Z's *99 Problems*, see Henry L. Chambers, Jr., *Hip-Hop and Traffic Stops*, in *FIGHT THE POWER: LAW AND POLICY THROUGH HIP-HOP SONGS*, *supra* note 119, at 38, 40–54.

291. CHUMBAWAMBA, *Smash Clause 28!*, on SMASH CLAUSE 28! FIGHT THE ALTON BILL! (Agit Prop 1988).

292. Local Government Act 1988, c. 9 (UK), <https://www.legislation.gov.uk/ukpga/1988/9/section/28/enacted>.

293. *Id.*

wall to wall” and sees “the truth, the truth behind the Emperor’s new Clause!”²⁹⁴ For the band, the new Clause 28 was fascist in motive and intent, and deliberately targeted toward a vulnerable minority. To highlight the oppression inherent in the law, Chumbawamba includes lyrical references to book burning and McCarthyism. Verses are intercut with spoken references to Martin Niemöller’s poem, “First They Came...” (“First they came for the Jews, and I did not speak out because I was not a Jew.”), and the lyrics further call out the overt hypocrisy of a government purportedly acting under the auspices of morality and religious superiority.²⁹⁵ The chorus repeats “glory, glory, hallelujah, His truth is marching on,” juxtaposed with warped versions of Beatitudes (“Blessed are the gutter-press, the AIDS-joke comedians / Praise to the guilt-mongers, the fear-builders, the sin-fetishists”) in a manner that highlights a “Third Reich morality” underlying the homophobic law that saw “one in ten driven underground.”²⁹⁶ Officers with “a court order in the pocket of [their] uniform[s],” preachers, and judges, “hammer in hand,” all posed a threat to justice. The band pleads that not until “we’ve shredded Clause 29” can our souls be saved.²⁹⁷

The Clash

6. “Complete Control”²⁹⁸ (1977) [D]

A single off their 1977 debut album, *Complete Control* from the English punk rock group, The Clash, takes aim at the legal restrictions music industry contracts and record labels impose on artistic freedom. The song also serves as a larger comment about resistance to authority. As the band name suggests, The Clash saw themselves as crusaders against authority, oppressive or otherwise. In *Complete Control*, the band rallies against the decision of their record label (CBS Records) to release The Clash’s song, *Remote Control*, against the band’s wishes. “They said, ‘Release *Remote Control*’ / But we didn’t want it on the label.”²⁹⁹ The lyrics also allude to the label’s contractual authority to dictate the band’s behavior and social interactions, especially with their fans (“On the last tour my mates they couldn’t get in / I’d open up the back door but they’d get run out again / And at every hotel we was a’met by the law”).³⁰⁰ The song voices the frustrations of the budding band as they attempt to be true to their music, ideals, and message while simultaneously navigating the “complete control, even over this song,” of the legal restrictions their label’s contract holds over them.³⁰¹ “They said we’d be artistically free / When we signed that bit of paper / They meant, ‘Let’s make lots of money / And worry about it later.’”³⁰² Ever the counter-authoritarians, The Clash closes the song with a battle cry of resistance and a call to be true to one’s personal and artistic messages: “I kick it, I fight it, I gotta get up at it, C-O-N control! / I gotta kick it.”³⁰³

294. CHUMBAWAMBA, *Smash Clause 28!*, *supra* note 291.

295. *Id.*

296. *Id.*

297. The reference to Clause “29” was not accidental. At the time the band recorded the song, the bill was styled as “Clause 29,” but was changed to Clause 28 after recording wrapped. See *Smash Clause 28!*, ANTIWAR SONGS, <https://www.antiwarsongs.org/canzone.php?lang=en&id=44758>.

298. THE CLASH, *Complete Control*, on THE CLASH (CBS 1977).

299. *Id.*

300. *Id.*

301. *Id.*

302. *Id.*

303. THE CLASH, *Complete Control*, *supra* note 298.

Costello, Elvis7. “Let Him Dangle”³⁰⁴ (1989) [B, E]

In *Let Him Dangle*, Elvis Costello explores the limits of justice and the limitations of capital punishment through an examination of the real-life trial and execution of 19-year-old Derek William Bentley.³⁰⁵ In 1952, Bentley and his 16-year-old companion, Christopher Craig, attempted to rob a warehouse in Surrey, England.³⁰⁶ Bentley was 19, but he was “educationally subnormal” and had a mental age of 11.³⁰⁷ When the police arrived and attempted to stop the robbery, Bentley allegedly cried out to Craig, “Let him have it, Chris.”³⁰⁸ Craig opened fire, killing a police officer.³⁰⁹ Both Bentley and Craig were arrested, charged with, and convicted of the officer’s murder.³¹⁰ Craig was relieved of a death sentence due to his age.³¹¹ But Bentley, in a controversial decision and against some protest,³¹² was sentenced to death and hanged in 1953.³¹³ Costello uses the events of the case to shed light on the irrationalities of the justice system and the fallacies underlying capital punishment. In the opening verses, Costello casts doubt on whether evidence supported Bentley’s murder conviction (“They still don’t know today just what he meant by this” / “Bentley had surrendered, he was under arrest”). But for Costello, the evidentiary issues that helped seal Bentley’s fate seem secondary to the issue that a larger policy rationale underlying Bentley’s capital sentence will go unfulfilled. Despite repeated cries in the chorus of “let him dangle,” suggesting the public wants Bentley dead, the victim’s wife does not (“Well what’s that to the woman that Sidney Miles wed / Though guilty was the verdict and Craig had shot him dead / The gallows were for Bentley and still she never said / Let him dangle”). This “bloodthirsty chorus come[s] round from time to time,” but executing the murderer won’t bring back the deceased (“But it won’t make you even / It won’t bring him back”). Costello sees the death penalty not as an effective criminal deterrent, but as a tool that ebbs and flows to meet the needs of an angry and vengeful populace (“From a welfare state to society murder / ‘Bring back the noose’ is always heard”). Costello sings the refrain “let him dangle” twenty-six times during the song, but in the outro, the line changes to the more direct and fiery “string him up.” The lyrical shift leaves little room for doubt as to Costello’s views on the public’s desire for punishment.

304. ELVIS COSTELLO, *Let Him Dangle*, on SPIKE (Warner Bros. 1989).

305. See Duncan Campbell, *Dear Lee Anderson: Derek Bentley Was Innocent and Hanged. We Scrapped the Death Penalty for a Reason*, THE GUARDIAN (Feb. 9, 2023, 1:18 PM), <https://www.theguardian.com/commentisfree/2023/feb/09/lee-anderson-derek-bentley-innocent-hanged-death-penalty>.

306. See *id.*

307. See *id.*

308. See *id.*

309. See *id.*

310. See *id.*

311. *Id.*

312. See *Efforts to Save Bentley Fail*, THE GUARDIAN (Jan. 28, 1953, 5: 21 PM), <https://www.theguardian.com/theguardian/1953/jan/28/fromthearchive>; see Campbell, *supra* note 305.

313. See *Efforts to Save Bentley Fail*, *supra* note 312; see Campbell, *supra* note 305.

Crucial Conflict8. “Tell It to the Judge”³¹⁴ (1996) [B]

Crucial Conflict’s *Tell It to the Judge* is a courtroom testimony narrative that takes aim at a criminal justice system seemingly oblivious to the causes and motivations of criminal behavior. In the song, the judge calls each of the group’s four members—Kilo, Cold Hard, Never, and Wildstyle—and asks if they think they are guilty of numerous crimes, including kidnapping, aggravated assault, “dope slanging,” and “gang banging.” Each of the four offers his defense, and each defense explores a different motivation or justification for criminality. Kilo’s life was “full of broken dreams” and he sold drugs he got from the government in order to survive (“My connection was the government / They gave me the job”). His “lawyer’s got a grudge” and his case “is a nowhere.” Cold Hard tried but could not escape the criminal life in which he grew up. Never got “caught up in the lifestyle of a thug” and could not show remorse or “love” for a man he robbed. Wildstyle, who “never had no pot to piss in / nobody to help [him] out,” expresses remorse for his life of crime. Although each member’s defense and story is different, the judge remains unmoved. Over laughter, he sentences the group to life in prison without parole. As the chorus reminds us, the group is living and grew up in “a bogus generation.” The song asks the listener to think about the causes and motivations of crime, the prevalence of crime, drugs, and poverty in American cities, and how (or if) the criminal justice system can better look at a defendant’s life circumstances during the sentencing process.

Digable Planets9. “La Femme Fétal”³¹⁵ (1993) [D, E]

In 1993, just one year after the Supreme Court reaffirmed—against dissent—the constitutional right to abortion in *Planned Parenthood v. Casey*, and two years after the Anita Hill hearings brought discussion of women’s rights and sexual harassment to Capitol Hill, the jazz rap trio Digable Planets released their first album, *Reachin’ (A New Refutation of Time and Space)*. Though the album’s jazzy, rhythmic song, *Rebirth of Slick (Cool Like That)*, garnered the group the most attention, the album also featured songs that were unabashedly progressive. *La Femme Fétal* tells the story of a woman named Nikki, who finds herself in the difficult position of having to decide whether to abort an unexpected pregnancy. The lyrics capture various forces and issues at play in Nikki and her boyfriend’s decision: the couple’s “youth and economic state” that seem to force their hand (“about this we don’t feel great, but baby, that’s how it is”); the harassment outside clinics from “fascists” who “don’t want a woman to control her body or have the right to choose”; and the disparate impact that laws limiting reproductive rights have on marginalized communities (“It has always been around, and it will always have a niche / But they’ll make it a privilege, not a right / Accessible only to the rich.”). The song is notable because it is one of the earliest rap songs to address and advocate for the defense of reproductive rights.³¹⁶ The song is also notable because it specifically calls out Supreme Court Justices Clarence Thomas and David Souter as impediments to progress and the right of women to decide issues of reproductive freedom of their own “volition” (“But if Souter and Thomas have

314. CRUCIAL CONFLICT, *Tell It to the Judge*, on THE FINAL TIC (Pallas Recs. 1996).

315. DIGABLE PLANETS, *La Femme Fétal*, on REACHIN’ (A NEW REFUTATION OF TIME AND SPACE) (Pendulum Recs. 1993).

316. Sheldon Pearce, (Review of) *Reachin’ (A New Refutation of Time and Space)*, PITCHFORK (Feb. 23, 2018), <https://pitchfork.com/reviews/albums/digable-planets-reachin-a-new-refutation-of-time-and-space/>.

their way / You'll be standing in line unable to get Welfare and they'll be out hunting and fishing." Near the end of the song rapper Butterfly (Ishmael Butler) sings, "What type of shit is that? Orwellian, in fact / If *Roe v. Wade* were overturned, would not the desire remain intact?" In a post-*Dobbs* America, *La Femme Fétal* remains as relevant and necessary as it was in 1993, if not more so.

Dylan, Bob

10. "The Lonesome Death of Hattie Carroll"³¹⁷ (1964) [B, E]

In the Sixties, Bob Dylan's folk songs spoke to the social, racial, political, and economic inequalities he saw as pervasive in America. He often addressed those issues in more abstract, or even poetic, form³¹⁸ At times, Dylan referred to current events and real people. In *The Lonesome Death of Hattie Carroll*, Dylan sings of the 1963 murder of Hattie Carroll by William Zantzinger. Without provocation, Zantzinger, a wealthy, politically connected white twenty-four-year-old owner of a tobacco farm, struck Carroll, a fifty-one-year-old Black maid and mother of ten (Dylan's song does not mention she was Black).³¹⁹ To highlight Zantzinger's connections and privilege, Dylan remarks that "in a matter of minutes on bail [Zantzinger] was out walking." The last verse of the song recounts Zantzinger's trial, where the judge tries "[t]o show that all's equal and that the courts are on the level / And that the strings in the books ain't pulled and persuaded / And that even the nobles get properly handled." The judges returned a verdict of manslaughter, and gave Zantzinger a six-month sentence,³²⁰ which they allowed him to serve in a largely white county jail.³²¹ Though Dylan may have taken liberties with some of the story's facts³²²—or, from a certain viewpoint, distorted them³²³—both the song and Carroll's story highlight how the justice system can operate differently for different people and segments of society.

11. "Hurricane"³²⁴ (1975) [B, E]

Another of Dylan's songs inspired by and reflecting actual events, *Hurricane* tells the story of boxer Rubin "Hurricane" Carter, a Black man from New Jersey. In 1966 Carter

317. BOB DYLAN, *The Lonesome Death of Hattie Carroll*, on *THE TIMES THEY ARE A-CHANGIN'* (Columbia Recs. 1964).

318. See generally, BOB DYLAN, *The Times They Are A-Changin'*, on *THE TIMES THEY ARE A-CHANGIN'* (Columbia Recs. 1964).

319. See Ian Frazier, *Life After a Lonesome Death*, *THE GUARDIAN* (Feb. 24, 2005, 7:02 PM), <https://www.theguardian.com/music/2005/feb/25/bobdylan>.

320. See *id.*; See Marc Steiner, *The Lonesome Death of Hattie Carroll Took Place 60 Years Ago Today*, *THE NATION* (Feb. 9, 2023), <https://www.thenation.com/article/activism/lonesome-death-hattie-carroll-took-anniversary/>.

321. *Id.*

322. Among other things, Dylan's song omits some "complicated" facts of Carroll's death, including the fact Carroll had health issues that, at least in the eyes of the judges, obfuscated the exact cause of Carroll's death, precluding a murder (as opposed to manslaughter) conviction. Nevertheless, race and social status certainly played a role in the trial and sentencing. See Frazier, *supra* note 319.

323. In his book *BOB DYLAN: BEHIND THE SHADES REVISITED*, Clinton Heylin wrote that the song "verges on the libelous" due to its "tenuous grasp on the facts of the case." See Douglas Martin, *W.D. Zantzinger, Subject of Dylan Song, Dies at 69*, *N.Y. TIMES* (Jan. 9, 2009), <https://www.nytimes.com/2009/01/10/us/10zantzinger.html>. Specifically, the song may have overplayed Zantzinger's political connections as well as downplayed facts that could have mitigated charges against Zantzinger from murder to manslaughter. See *id.* Perhaps not surprisingly, Zantzinger later in his life expressed an interest in suing Dylan. See *id.*

324. BOB DYLAN, *Hurricane*, on *DESIRE* (Colum. Recs. 1976).

was wrongfully prosecuted and imprisoned for the murder of three people in Paterson.³²⁵ Dylan's song tells the story of the murders and the biased and prejudicial events that led to Carter's arrest and prosecution ("When a cop pulled him over to the side of the road / Just like the time before and the time before that / In Paterson that's just the way things go / If you're black / You might as well not show up on the street"). Dylan sings that "[a]ll of Rubin's cards were marked in advance," and he describes the trial as "a pig circus" where Rubin "never had a chance." Despite a lack of evidence connecting him to the crime, and with the help of perjured testimony, the all-white jury found Carter guilty.³²⁶ "[I]n a land where justice is a game,"³²⁷ Carter spent nearly twenty years in jail before a federal judge granted habeas corpus in 1985.³²⁸

Earle, Steve

12. "Billy Austin"³²⁹ (1990) [A, B]

A song that lyrically could easily compliment Bruce Springsteen's Nebraska or The Ghost of Tom Joad albums, Steve Earle's *Billy Austin* tells another story of a criminal confronting his actions amidst an indifferent and callous justice system.³³⁰ The titular Billy Austin recounts his story from prison, where he awaits execution for a murder he committed during a robbery.³³¹ Though Billy does not express remorse for his crime ("I knew I should be feeling something, but I never shed one tear"), the listener is hard-pressed not to feel sympathy.³³² Not only is the music drawn out and mournful, but the story Earle tells is also one of Billy's isolation in a cold world.³³³ The world does not want to understand Billy or his crime,³³⁴ ("I didn't even make the papers, 'cause I only killed one man") and his court-appointed lawyer remains detached and uninvested ("The court-appointed lawyer couldn't look me in the eye / He just stood up, closed his briefcase when they sentenced me to die").³³⁵ Through Billy, Earle poses questions about the use of the death penalty as a fair and effective means of punishing criminals and delivering "justice." ("There's twenty-seven men here, mostly black and brown and poor / Most of them are guilty, but who are you to say for sure?").³³⁶ He also challenges the assumption that the state, or any one of us, could so easily be complicit in condoning the use of the death penalty ("Could you take that long walk with me / Knowing hell is waiting there? / Could you pull that switch yourself, sir / With a sure and steady hand? / Could you still tell yourself, sir / That you're better than I am?").³³⁷

325. See Rubin "Hurricane" Carter, NAT'L PARK SERV., <https://www.nps.gov/pagr/learn/historyculture/hurricane-carter.htm>.

326. See Megan Barrett Cousino, *Rubin Carter*, THE NATIONAL REGISTRY OF EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetailpre1989.aspx?caseid=408> (last visited Apr. 4, 2024).

327. BOB DYLAN, *Hurricane*, *supra* note 324.

328. *Carter v. Rafferty*, 621 F. Supp. 533, 534 (D.N.J. 1985), *aff'd in part, appeal dismissed in part*, 826 F.2d 1299 (3d Cir. 1987).

329. STEVE EARLE, *Billy Austin*, on THE HARD WAY (MCA 1990).

330. *Id.*

331. *Id.*

332. *Id.*

333. *Id.*

334. EARLE, *supra* note 329.

335. *Id.*

336. *Id.*

337. *Id.*

Grand Master Flash & The Furious Five13. “The Message”³³⁸ (1982) [E]

Arguably one of the greatest hip-hop songs of all time, *The Message*, from Grandmaster Flash & The Furious Five, was one of the first hip-hop songs to address the political and socioeconomic conditions that were adversely impacting Black communities across America.³³⁹ The song features vignettes of crime (“Broken glass everywhere”),³⁴⁰ poverty (“Got a bum education, double-digit inflation”),³⁴¹ imprisonment (“Turned stick-up kid, but look what you done did / Got sent up for an eight-year bid”),³⁴² and police misconduct (“Excuse me officer, officer, what’s the problem? / *Ain’t no—you the problem, you the problem* / Yo, yo, you ain’t gotta push me, man / *Get in the car, get in the car*”) in urban America.³⁴³ The song does not feature a trial, a lawyer, or a specific law, but the stories are imagined (or not so imagined) takes on inner-city life in the aftermath of Reagan’s “War on Drugs” and federal policies and legislation of the 1980s that cut funding for social programs, education, job training, public housing, and public health—all of which had a detrimental and disproportionate effect on the poor and people of color.³⁴⁴

Guthrie, Woody14. “Old Judge Thayer”³⁴⁵ (1960) [A, B]

The seventh ballad in Guthrie’s musical series about the murder trial and 1927 execution of Nicola Sacco and Bartolomeo Vanzetti, *Old Judge Thayer* recounts the events of the trial using satirical imagery and metaphor to highlight the farcical, circus-like nature of the trial.³⁴⁶ Sacco and Vanzetti, Italian immigrants and political anarchists living in Boston, were tried for the murder of two men killed during a robbery near Boston.³⁴⁷ The defendants’ Italian and immigrant status engendered a prejudice among the public and judiciary that ultimately weighed in on a guilty verdict and death sentence.³⁴⁸ Guthrie highlights the prejudice and oppression in the first verse by singing, “Old Judge Thayer, take your shackle off me.”³⁴⁹ Rather than identify the participants in the trial by name, Guthrie instead uses animals—kangaroo, elephant, crocodile, baboons, camel, duck, and giraffe, among others.³⁵⁰ Not surprisingly, the lawyers are foxes: “all were sly / with foxy nose and

338. GRAND MASTER FLASH & THE FURIOUS FIVE, *The Message*, on THE MESSAGE (Sugar Hill 1982).

339. Zac Geddes, *Grandmaster Flash’s “The Message” Still Provides Accurate Social Commentary 38 Years Later*, NYS MUSIC (June 20, 2020), <https://nysmusic.com/2020/06/20/grandmaster-flash-the-message-still-provides-accurate-social-commentary-38-years-later/>.

340. GRAND MASTER FLASH & THE FURIOUS FIVE, *The Message*, *supra* note 338 (“Broken glass everywhere”).

341. *Id.*

342. *Id.*

343. *Id.*

344. See generally Robert Pear, *Benefits for Poor People Face Deepest Cuts*, N. Y. TIMES (Feb. 14, 1982), <https://www.nytimes.com/1982/02/14/us/benefits-for-poor-people-face-deepest-cuts.html>.

345. WOODY GUTHRIE, *Old Judge Thayer*, *supra* note 256.

346. *Id.*

347. Felix Frankfurter, *The Case of Sacco and Vanzetti*, THE ATLANTIC (Mar. 1927), <https://www.theatlantic.com/magazine/archive/1927/03/the-case-of-sacco-and-vanzetti/306625/>.

348. *Id.*

349. WOODY GUTHRIE, *Old Judge Thayer*, *supra* note 256.

350. *Id.*

foxy eye.”³⁵¹ The participants seem unfamiliar with the trial but have clear preconceptions about the defendants and the facts of the case.³⁵² Sacco and Vanzetti are variously described as “a couple of Reds,” the men that “shot the clerks at Slater Mill,” and draft dodgers (“Did these two fellows dodge the draft / By running down below the Mexico line / To keep from fighting on the rich man’s side?”).³⁵³ The other animals of the jury discuss potentially exculpatory evidence, but the “Lucey Goose” knows that “old Judge Thayer has sworn to friends / These men will get the chair or the noose.”³⁵⁴ The song ends with the animals collectively lamenting the unfair verdict that condemned innocent and honest men to death.³⁵⁵ Guthrie’s use of animals to convey the narrative and dialogue succeeds as a means of critiquing the justice system as one that can be farcical and cruel, prejudiced and unfair.

15. “Vanzetti’s Letter”³⁵⁶ (1960) [E]

Another of Guthrie’s ballads from his collection of songs about the lives, trial, and execution of Sacco and Vanzetti, *Vanzetti’s Letter* is a poignant plea for clemency, understanding, and empathy in the justice system and a subtle critique of the death penalty.³⁵⁷ Written from jail where they await a sentence, Sacco and Vanzetti pen a letter to the Governor of Massachusetts asking not for a pardon, but for a review of “the facts of [their] case.”³⁵⁸ Asking for a pardon would “admit their guilt,” and innocent workers “have no guilt to admit.”³⁵⁹ Guthrie weaves into the letter stories of the men’s humble lives, their views on the goodness of humanity, their version of the facts of their case, and the prejudices that unfairly weighed in on the trial and verdict (“Judge Thayer’s mind’s made up, sir, when we walked into the court” / “Oh could our jury see clearly, when the lawyers, and judges, and cops / Called us low type Italians, said we were just regular wops”).³⁶⁰ What is unique about the song is how well Guthrie captures the humanity of Sacco and Vanzetti.³⁶¹ Guthrie’s fictional letter uses reason and legal argument to make its case for clemency.³⁶² It avoids the anger and scorn that might otherwise find a voice in someone awaiting execution for a crime they did not commit. Instead, Guthrie ends the song alluding to a cause close to both him and the defendants—the struggle for freedom and workers’ rights: “We’ll walk down this corridor to death, sir, like workers have worked it before / But we’ll work in our working class struggle if we live a thousand years more.”³⁶³

Harrison, George

16. “Sue Me, Sue You Blues”³⁶⁴ (1973) [B]

When Paul McCartney filed suit in 1970 against the Beatles’ multimedia company and his former bandmates to dissolve the band’s partnership and settle questions over

351. *Id.*

352. *Id.*

353. *Id.*

354. *Id.*

355. *Id.*

356. WOODY GUTHRIE, *Vanzetti’s Letter*, on BALLADS OF SACCO & VANZETTI (Folkway Recs. 1960).

357. *See id.*

358. *Id.*

359. *Id.*

360. *Id.*

361. *Id.*

362. GUTHRIE, *supra*, note 356.

363. *Id.*

364. *See* GEORGE HARRISON, *Sue Me, Sue You Blues*, *supra* note 177.

division of assets, he set off a chain reaction of lawsuits by and among the band's three other members.³⁶⁵ Channeling into song his frustrations with the suits and countersuits between the previously filial group, Beatles guitarist George Harrison wrote *Sue Me, Sue You Blues*.³⁶⁶ The song incorporates legal terminology and speaks of affidavits, escrows, court receivers, and contracts that played into the various lawsuits.³⁶⁷ Harrison, though, seems less concerned with the mechanics of the suits as he is with the irritations and collateral damage the suits have caused.³⁶⁸ Signing, "Now all that's left is for you to find yourself a new band," Harrison does not leave McCartney unscathed. He does reserve particular angst for the lawyers, who seem to be the only beneficiaries of the infighting: "But in the end we just pay those lawyers their bills" and "Bring your lawyer and I'll bring mine / Get together and we could have a bad time."³⁶⁹ The sentiment that lawyers are often the only ones to win in litigation remains a common qualm today.

Henley, Don

17. "The Garden of Allah"³⁷⁰ (1995) [B]

If the devil were to leave hell and visit Los Angeles in the early 1990s, what might he see and what might he think? In the imagination of Eagles front man Don Henley, the devil might find a place very similar to the one he just left.³⁷¹ Henley uses the devil's perspective in "The Garden of Allah" to voice concerns and contempt for a society obsessed with "crimes of passion."³⁷² Though not mentioned by name, Henley was likely referring to media-saturated L.A. murder trials such as those of Erik and Lyle Menéndez and O.J. Simpson.³⁷³ In one lengthy verse, the devil narrates that he made an appearance at court as "an expert witness."³⁷⁴ The devil intones: "I'm a gun for hire, I'm a saint, I'm a liar / Because there are no facts, there is no truth, just data to be manipulated / I can get you any result you like...what's it worth to ya?"³⁷⁵ In a "Gomorra-By-The-Sea" populated with "predators" and "a whole new breed of men without souls,"³⁷⁶ casting the devil as a legal expert is both thought-provoking and gleefully tongue-in-cheek.

365. Anthony Lewis, *Lawsuit Spells Breakup for Beatles*, N.Y. TIMES (Jan. 1, 1971), <https://www.ny-times.com/1971/01/01/archives/lawsuit-spells-breakup-for-beatles.html>.

366. See HARRISON, *Sue Me, Sue You Blues*, *supra* note 177.

367. *See id.*

368. *See id.*

369. *Id.*

370. DON HENLEY, *The Garden of Allah*, on ACTUAL MILES: DON HENLEY'S GREATEST HITS (Geffen Recs. 1995).

371. *Id.*

372. *Id.*

373. See generally Natalie Finn, *How the Menendez Brothers Murder Trial Put Court TV on the Entertainment Map*, E! ONLINE (July 12, 2020, 6:00 AM), <https://www.eonline.com/news/1169503/how-the-menendez-brothers-murder-trial-put-court-tv-on-the-entertainment-map> (explaining the impact of the Menéndez brothers and O.J. Simpson trials as a source of cable network entertainment).

374. DON HENLEY, *The Garden of Allah*, *supra* note 370.

375. *Id.*

376. *Id.*

Hill, Lauryn18. “Mystery of Iniquity”³⁷⁷ (2002) [A, B, E]

Lauryn Hill’s poetic song *Mystery of Iniquity* explores endemic “iniquity” and “inequity” in the American legal system.³⁷⁸ Over a chorus of “it all falls down,” Hill looks at the corruption and deception that has poisoned the court system and the judicial process.³⁷⁹ But the song is not about or referring to any specific case or crime. Hill wrote the song in 2001 and recorded it in 2002, and there are subtle allusions to the post-9/11 world³⁸⁰ (“When the Son of Perdition is Commander in Chief / The standard of Thief; brethren, can we candidly speak?”). The larger concern is the corruption of justice in the abstract. For Hill, no participants are immune or innocent: “crooked lawyers” and “high profile gladiators” are “mafia with diplomas trying to earn a piece of the American corona” and “master manipulator[s]” that operate in a “courtroom full of lies” and “bloodthirsty arenas”;³⁸¹ judges are biased (“Enter the Dragon, black-robe crooked-balance”);³⁸² witnesses bear false testimony (“Enter the false witness slandering the accused / Planting the seed openly showing he being used”);³⁸³ and experts make it a “priority to deceive the majority.”³⁸⁴ Further playing a role in the corruption of these court actors is the money that buys “justice” (“Souls bought and sold and paroled for thirty talents”) for the wealthy (“The more money you pay, the further away solution”).³⁸⁵ Therefore, Hill asks: “Do we expect the system made for the elect to possibly judge correct?”³⁸⁶ The song is more a forceful indictment than angry diatribe, but the message is clear. Hill infuses the lyrics with biblical references and imagery, such as “Babylon’s benefactors,”³⁸⁷ leading the listener to question whether secular modes of law and justice do, or ever can, align with higher orders and laws by which we are called to live.

Holiday, Billie19. “Strange Fruit”³⁸⁸ (1939) [D, E]

Arguably one of the most powerful songs of all time about racism in the United States, and to some the song that marked the beginning of the civil rights movement,³⁸⁹ Billie Holiday’s *Strange Fruit* also stands as a critique against the law’s longstanding inability to address the horrors of lynching.³⁹⁰ The song began as a poem titled “Bitter Fruit” that was later set to music.³⁹¹ The author, Abel Meeropol, a white Jewish schoolteacher with communist sympathies, wrote the poem-turned-song in 1937 after seeing a 1930

377. LAURYN HILL, *Mystery of Iniquity*, on MTV UNPLUGGED NO. 2.0 (Colum. Recs. 2002).

378. *Id.*

379. *Id.*

380. *See id.*

381. *Id.*

382. HILL, *supra* note 377.

383. *Id.*

384. *Id.*

385. *Id.*

386. *Id.*

387. *Id.*

388. BILLIE HOLIDAY, *Strange Fruit* (Commodore Recs. 1939).

389. Bryan Pietsch, *Behind ‘Strange Fruit,’ Billie Holiday’s Anti-Lynching Anthem*, N. Y. TIMES (Apr. 25, 2021), <https://www.nytimes.com/2021/04/25/arts/music/strange-fruit-united-states-v-billie-holiday.html>.

390. HOLIDAY, *supra* note 277.

391. Karen Juanita Carillo, *How Billie Holiday’s ‘Strange Fruit’ Confronted an Ugly Era of Lynchings*, HISTORY.COM (May 10, 2023), <https://www.history.com/news/billie-holiday-strange-fruit-lynchings>.

photograph of the lynching of Thomas Shipp and Abram Smith, two Black teenagers from Indiana.³⁹² Despite efforts in the 1930s by organizations such as the NAACP to outlaw lynching as a federal crime, legislative efforts were defeated, leaving limited recourse against the heinous practice.³⁹³ The song gained widespread attention after Holiday performed the song at an integrated nightclub in 1939.³⁹⁴ The shock of the crowd first hearing it, and crowds soon after, was palpable.³⁹⁵ Meeropol uses metaphor to depict lynched bodies as fruit hanging from southern poplar trees (“Black body swinging in the southern breeze / Strange fruit hanging from the poplar trees”).³⁹⁶ The song also employs an A-A / B-B rhyme scheme that cuts down idyllic images of the American South (“Pastoral scene of the gallant South” and “Scent of magnolia, sweet and fresh”) with images of the horrific realities of lynching (“The bulging eyes and twisted mouth” and “And the sudden smell of burning flesh!”).³⁹⁷ In three short verses, the song captures the haunting dread and violence that befell Black communities in the South during the Reconstruction era and beyond.³⁹⁸ The song does not expressly advocate for the prohibition of lynching, but the lyrics—and the underlying message—unquestionably lead the listener to such a conclusion. The song garnered Holiday fame but also drew the attention of federal authorities who saw the song as evidence of a communist infiltration of the entertainment industry.³⁹⁹ Despite a (slowly) growing public resentment toward lynching that built over the twentieth century, the practice was not outlawed at the federal level until 2022.⁴⁰⁰ The song remains a poetic reminder not only of the horrors of lynching but also of the failure of law to remedy known injustices.

Ice Cube

20. “Ghetto Bird”⁴⁰¹ (1993) [C]

Ice Cube’s *Ghetto Bird* critiques the surveillance state and the Los Angeles Police Department’s use of helicopters to surveil and harass Black residents.⁴⁰² The song opens with Ice Cube questioning why police helicopters always fly through Black neighborhoods “like everybody from the hood is up to no good.”⁴⁰³ The surveillance is not routine but invasive,⁴⁰⁴ (“At night I see your light through my bedroom window”), incessant (“I hit the gas and I mashed past Inglewood / I think I drove through every single hood”),⁴⁰⁵ and seemingly racially motivated (“Metal flake green on D’s I look suspicious”).⁴⁰⁶ Ice Cube’s

392. *Id.*; Liz Fields, *The Story Behind Billie Holiday’s ‘Strange Fruit,’* PBS (Apr. 12, 2021), <https://www.pbs.org/wnet/americanmasters/the-story-behind-billie-holidays-strange-fruit/17738/>.

393. Carillo, *supra* note 391.

394. *See id.*

395. *See id.* (discussing the effect on the listener).

396. BILLIE HOLIDAY, *Strange Fruit*, *supra* note 388.

397. *Id.*

398. In a 2020 report, the Equal Justice Initiative found that between 1865 and 1950, roughly the period from Reconstruction through after the end of World War II, nearly 6,500 “racial terror lynchings” occurred in the United States. *See* EQUAL JUSTICE INITIATIVE, RECONSTRUCTION IN AMERICA: RACIAL VIOLENCE AFTER THE CIVIL WAR, 1865–1876 7 (2020).

399. *See* Fields, *supra* note 392.

400. *See* 18 U.S.C. § 249(a)(5).

401. ICE CUBE, *Ghetto Bird*, on LETHAL INJECTION (Priority Recs. & Lench Mob Recs. 1993).

402. *Id.*

403. *Id.*

404. *Id.*

405. *Id.*

406. *Id.*

fears of the police targeting rappers were both well-founded and prescient. As early as the late 1980s, police departments in major cities such as New York City and Los Angeles established “hip-hop task forces” to surveil hip-hop artists alleged to be involved in criminal activity.⁴⁰⁷ At various times, artists such as 2 Live Crew, N.W.A., Public Enemy, and Wu Tang Clan all were the subject of targeted police surveillance, often without justification or criminal activity ever being discovered.⁴⁰⁸ The song remains a fascinating and entertaining commentary on the uses (and abuses) of the Fourth Amendment.

21. “What Can I Do?”⁴⁰⁹ (1993) [D, E]

Ice Cube’s *What Can I Do?* uses the story of the rise and fall of a drug dealer to critique a society whose laws and structures operate to keep criminals continually within the criminal justice system. The song also highlights the inequity of drug laws and the resulting disparate treatment of people of color under the law. The song’s narrator begins describing how he makes and sells crack (“Got the baking soda, let the water boil over, workers all loyal”) because he sees it as the only means to social and economic advancement (“Dropped out the twelfth / ‘Cause my wealth is shorter than a midget on his knees / now I slang keys”).⁴¹⁰ When the police tap his phone, he is caught, indicted, and serves time.⁴¹¹ In prison, he “never picked up a book.”⁴¹² Upon his release, he finds his lack of education (“No skills to pay the bills / Talkin’ about education to battle inflation / No college degree, just a dumb ass G”) and criminal background (“Have you ever been convicted of a felony? Yes”) afford him only a minimum-wage fast-food job that will not meet his growing family’s needs.⁴¹³ This life struggle is a considerably less glamorous option for someone who previously drove a Mercedes and was a “mack.”⁴¹⁴ Lashing out at the inequality in the system, the narrator uses the final verse to comment on how the law is unequally applied against Blacks and people of color: “[t]he white man has broke every law known to man to establish AmeriKKKa” / “He’ll put you in the federal penitentiary for breaking these same laws.”⁴¹⁵ The narrator, who sold crack, sees the “white man” as “guilty of,” among other things, “drug using, drug selling.”⁴¹⁶ Ice Cube refers here to the disparity that previously existed in federal minimum sentencing guidelines for the distribution of crack cocaine as compared to the sentencing for the distribution of powder cocaine, a different form of the same drug.⁴¹⁷ For the narrator, the country’s stifling laws and inequitable

407. See Calvin Stovall, *And You Don’t Stop: A History of Police Patrolling Hip-Hop*, BET (July 23, 2019, 10:30 AM), <https://www.bet.com/article/dkhafg/and-you-don-t-stop-a-history-of-police-patrolling-hip-hop>.

408. *Id.*

409. ICE CUBE, *What Can I Do?*, on LETHAL INJECTION (Priority Recs. & Lench Mob Recs. 1993).

410. *Id.*

411. *Id.*

412. *Id.*

413. *Id.* (“No skills to pay the bills / Talkin’ ‘bout education to battle inflation / No college degree, just a dumb ass G . . . I got a baby on the way, damn it’s a mess / Have you ever been convicted of a felony? Yes . . . Welcome to McDonalds may I please help you?”).

414. ICE CUBE, *What Can I Do?*, *supra* note 409. An alternate version of the song offers an even more despondent fate for the narrator. See ICE CUBE FEATURING MACK 10, *What Can I Do? (Remix)*, on BOOTLEGS AND B-SIDES (Priority Recs. 1994). In *What Can I Do (Remix)*, Ice Cube envisions his narrator falling back into a life of crime, seeing it as a more viable alternative to the minimum-wage job, even if it might be legitimate one.⁴¹⁴ *Id.* (“Can I roll with you? What can I do? / Now I’m on the run, with a gun / And this fool I don’t know, pedal to the flo’ / Swervin’, servin’ all the pigs / Just because they trying to split my wig”). The narrator’s return to crime leads to “one more felony, strike number three,” and likely seals his fate. See *id.*

415. ICE CUBE, *What Can I Do?*, *supra* note 409.

416. *Id.*

417. Prior to the 2010 Fair Sentencing Act and policy changes instituted through President Biden’s Department of Justice, federal law set by the 1986 Anti-Drug Abuse Act mandated a five-year minimum sentence for distribution of 500 grams of powder cocaine and the same five-year minimum sentence for distribution 28 grams of crack cocaine. The policy created by the Anti-Drug Abuse Act resulted in a disproportionate incarceration rate

economic structures lead him to a sense of helplessness. All he can do is get angry and ask, “what can I do?”⁴¹⁸ The song is a powerful commentary on the interplay between law, crime, education, and personal responsibility in American society.

Jay-Z

22. “99 Problems”⁴¹⁹ (2003) [C]

Similar to Chamillionaire’s *Ridin’*, Jay-Z’s *99 Problems* depicts a potentially pretextual traffic stop.⁴²⁰ The narrator is pulled over by the police because, in the narrator’s words, “I’m young, I’m Black, and my hat’s real low.”⁴²¹ The officer offers an explanation for the stop—(though one the narrator seems to suggest is pretextual), the driver was “doing fifty-five in a fifty-four”—but the narrator also admits he is engaged in illegal activity, likely running drugs (“my trunk is raw”).⁴²² During the stop, the narrator invokes his Fourth Amendment rights, refusing to exit the car and withholding consent for a search (“I ain’t stepping out of shit, all my paper’s legit . . . And I know my rights, so you gon’ need a warrant for that.”).⁴²³ He contends that while he “ain’t passed the bar,” the officer can’t, or won’t, “illegally search [his] shit.”⁴²⁴ The scene ends without resolution, with the officer admonishing the driver and telling him a K-9 unit is on its way.⁴²⁵ Both the driver’s refusal to exit the vehicle and the officer’s continued detention of the driver after ending the administrative steps of the stop before the K-9 arrives are likely misapplications and misstatements of the law.⁴²⁶ The lyrics, though, suggest the driver is not concerned with the pretextuality of the stop or even with being pulled over. He’s “got a few dollars” and “can fight the case.”⁴²⁷ This often-overlooked line highlights a sad truth that those with money and access to legal services will fare better before an arguably prejudiced criminal justice system. Beyond the song’s messaging about criminal law, it is also worth looking at *99 Problems* through the lens of Wigmore’s concern with culture’s perception of lawyers and the law.⁴²⁸ If *99 Problems* does misstate the law with respect to certain aspects of the Fourth Amendment, what does it mean that a generation of listeners may carry with them into the world incorrect assumptions about the law and their civil liberties because culture (music) got the law wrong?

for Black people as compared to whites. See Sophia Cai, *Garland Orders End to Cocaine Sentencing Disparities*, AXIOS (Dec. 16, 2022), <https://www.axios.com/2022/12/16/doj-garland-end-sentencing-disparities-crack-powder-cocaine>.

418. ICE CUBE, *What Can I Do?*, *supra* note 409.

419. JAY-Z, *99 Problems*, on *THE BLACK ALBUM* (Roc-A-Fella Recs. 2003).

420. *Id.*

421. *Id.*

422. *Id.*

423. *Id.*

424. *Id.*

425. *Id.* (“Well, we’ll see how smart you are when my K9 come!”).

426. See Chambers *supra* note 290, at 43–44. See also *California v. Acevedo*, 500 U.S. 565, 580 (1991) (holding that “police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained.”).

427. JAY-Z, *99 Problems*, *supra* note 419.

428. See Wigmore, *supra* note 1, at 575.

John, Elton23. “Legal Boys”⁴²⁹ (1982) [A, B]

Much like George Harrison’s *Sue Me, Sue You Blues*, Elton John’s *Legal Boys* explores the ire and frustration that everyday people experience when having to deal with lawyers. In the song, the narrator speaks to a former spouse or partner after their accountants and lawyers have separated both them and their assets.⁴³⁰ The narrator seems remorseful and hopeful for an amicable future but knows the gatekeeper lawyers won’t let that happen (“There’s a lot I’d like to tell you / But I can’t get past the guards / I do not speak their language / And they hold all the cards”).⁴³¹ The narrator sees the lawyers as callous and indifferent, motivated only by the fees they will receive (“The legal boys have won again / And you and I have lost / They can’t tell how it happened / But they’ll let us know the cost”).⁴³² The song is a cautionary tale not just for family law attorneys, but for all lawyers who deal with clients in emotionally charged cases.

Johnson, Linton Kwesi (“LKJ”)24. “Sonny’s Lettah (Anti-Sus Poem)”⁴³³ (1979) [C, D]

Linton Kwesi Johnson’s (aka “LKJ”) *Sonny’s Letter (Anti-Sus Poem)* tells a fictionalized, but all too real and common, account of how British authorities abused stop, search, and vagrancy laws against Blacks, immigrants, and even punk musicians⁴³⁴ in 1970s and 1980s England. Johnson, a Jamaican-born poet living in Britain, wrote the song in response to the increased use of “SUS” laws (as in “suspected person”) in the aftermath of race riots in places such as Notting Hill, London, and later in Brixton, Birmingham, Leeds, and Manchester.⁴³⁵ Britain’s SUS laws originated from the Vagrancy Act of 1824, which broadly allowed police to arrest and imprison “every suspected person or reputed thief” who “frequent[ed],” among other places, “any street” or “any place of public resort.”⁴³⁶ Using these SUS laws as context, Johnson authored a musical-poem styled as a letter from Sonny to his mother telling of the arrest of his brother, Jim.⁴³⁷ The song explores how Sonny and his brother, without provocation, were stopped by police (“Fi go home fi dem evenin’ shower / Mi an Jim stand up waitin’ pon a bus / Not causin’ no fuss / When all of the sudden a police van pull up”).⁴³⁸ As the police arrest Jim, they seem to enjoy it,⁴³⁹ unconcerned that (“Jim start to wriggle / De police start to giggle”), or not care that, at least according to Sonny, Jim has not committed any crime (“For him nah do nutt’n / And

429. ELTON JOHN, *Legal Boys*, on JUMP UP! (Geffen Recs. 1982).

430. *Id.* (“Your accountant called this morning / There was springtime in his heart / He couldn’t wait to tell me / How he’d pulled our lives apart / And the letter from your lawyer / Lies unopened on the tray”).

431. *Id.*

432. *Id.*

433. LINTON KWESI JOHNSON, *Sonny’s Lettah (Anti-Sus Poem)*, *supra* note 251.

434. Near in time to when Johnson released *Sonny’s Letter (Anti-Sus Poem)*, two members of the Belfast punk band, Rudi, were arrested in London under English SUS laws. The two were charged with vagrancy and “given suspended sentences on the condition that they return to Northern Ireland.” See HUGH HODGES, *THE FASCIST GROVE THING: A HISTORY OF THATCHER’S BRITAIN IN 21 MIXTAPES* 180 (2023).

435. *See id.* at 176–177.

436. *See* Vagrancy Act of 1824, c. 83 (UK), <https://www.legislation.gov.uk/ukpga/Geo4/5/83/section/4>.

437. LINTON KWESI JOHNSON, *Sonny’s Lettah (Anti-Sus Poem)*, *supra* note 251.

438. *Id.* (“Fi go home fi dem evenin’ shower / Mi an Jim stan’ up waitin’ pon a bus / Not causin’ no fuss / When all of the sudden a police van pull up”).

439. *Id.* (“Jim start to wriggle / De police start to giggle”).

‘im nah t’ief, not even a but’n”).⁴⁴⁰ When the police attack Jim, Sonny intercedes but inadvertently kills an officer.⁴⁴¹ The police “charge Jim fi sus” and Sonny “fi murdah.”⁴⁴² The song is a lament for populations abused and victimized by laws that are indiscriminately applied against those the state deems problematic, unwanted, or simply “different.”⁴⁴³

Lawrence, Vicki

25. “The Night the Lights Went Out In Georgia”⁴⁴⁴ (1972) [A, B]

A murder ballad set in a Georgia town, Vicki Lawrence’s *The Night the Lights Went Out in Georgia* tells the story of Brother and his murder charge for the death of his friend, Andy.⁴⁴⁵ The song’s narrator tells how Andy confesses to Brother that Brother’s wife has been unfaithful, both with a local boy and with him, Andy.⁴⁴⁶ Enraged, Brother finds a gun and leaves for Andy’s house, intending to kill Andy for his infidelity.⁴⁴⁷ When Brother arrives he finds Andy is already dead, but the police arrest Brother for the murder.⁴⁴⁸ The chorus states that Brother is “an innocent man” and warns the audience not to “trust your soul to no backwards southern lawyer / Cause the judge in the town’s got blood-stains on his hands.”⁴⁴⁹ Seemingly more concerned with getting home to supper than seeing justice done, the judge finds Brother “guilty in a make-believe trial.”⁴⁵⁰ It is here the narrator reveals she is Brother’s sister and actually killed both Andy and Brother’s adulterous wife.⁴⁵¹ Considering Brother’s conviction in light of the facts the narrator reveals, the song reads as a condemnation of an incompetent and biased justice system.

440. *Id.* (“For him nah do nutt’n / And ‘im nah t’ief, not even a but’n”).

441. *Id.* (“Mama, I jus couldn’t stan up deh, nah do nuttin’ / So mi jook one in him eye and him started fi cry / Me thump him pon him mout and him started fi shout / Me kick him pon him shin so him started fi spin / Me hit him pon him chin an him droip pon a bin / an crash, an dead”).

442. LINTON KWESI JOHNSON, *Sonny’s Lettah (Anti-Sus Poem)*, *supra* note 251.

443. In April 1981, nearly two years after Johnson released *Forces of Victory*, the London Metropolitan Police initiated “Operation Swamp 81,” which was intended to cut back on street crime in Brixton, in the Lambeth borough of south London. 25% of the residents of Brixton were from an ethnic minority. Working under the authority of SUS laws, the police stopped more than 1,000 people over just five days. Not surprisingly, the swiftness and brutality that accompanied the stops lead to clashes with the police. Riots ensued in Brixton and later in Handsworth, Chapeltown, and Moss Side. See Cindi John, *The Legacy of the Brixton Riots*, BBC NEWS (Apr. 5, 2006), <http://news.bbc.co.uk/1/hi/uk/4854556.stm>; see also HODGES, *supra* note 436, at 177.

444. VICKI LAWRENCE, *The Night the Lights Went Out in Georgia*, on THE NIGHT THE LIGHTS WENT OUT IN GEORGIA (Bell Recs. 1972).

445. *Id.*

446. *Id.* (“But your young bride ain’t home tonight / Since you been gone, she’s been seeing that Amos boy, Seth . . . Boy, don’t lose your head / Cause to tell you the truth, I’ve been with her myself”).

447. *Id.* (“So he went home and finally found / The only thing Papa had left him and that was a gun / Then he went off to Andy’s house”).

448. *Id.* (“He looked through the screen at the back porch door / And he saw Andy lying on the floor / In a puddle of blood and he started to shake . . . a big-bellied sheriff grabbed his gun / And said ‘Why’d you do it?’”).

449. VICKI LAWRENCE, *The Night the Lights Went Out in Georgia*, *supra* note 446.

450. *Id.*

451. *Id.* (“The tracks he saw while on his way / Andy’s house and back that night were mine / And his cheating wife had never left town / And that’s one body that’ll never be found / See, little sister don’t miss when she aims her gun.”).

*Makeba, Miriam*26. "Soweto Blues" (1977)⁴⁵² [D, E]

One in a long list of powerful anti-apartheid songs, Miriam Makeba's *Soweto Blues*⁴⁵³ explores the violent consequences of the South African apartheid government's efforts to employ legal means to control the majority black population through the use of language. Makeba's song describes the events surrounding the 1976 Soweto uprising that followed the apartheid government's Afrikaans Medium Decree which required the Afrikaans language associated with the racist apartheid regime be taught alongside English in schools.⁴⁵⁴ The song's opening line identifies the legal action that created the conflict: "The children got a letter from the master / It said, no more Xhosa, Sotho, no more Zulu."⁴⁵⁵ When thousands of students and teachers peacefully protested the government's decision, police responded with violence that left hundreds dead.⁴⁵⁶ The subsequent lyrics describe the protests and violence, but what stands out about the lyrics are the sarcastic and ironic tone they take.⁴⁵⁷ "Refusing to comply they sent an answer / That's when the policeman came to the rescue / Children were flying, bullets dying." For protests that left hundreds dead at the hands of the police,⁴⁵⁸ one hardly thinks of the police as coming "to the rescue." Nor does one usually think of "children flying" and "bullets dying," but rather the other way around. The chorus then repeats, "Just a little atrocity / Deep in the city."⁴⁵⁹ The inversion of words and description of the protests and ensuing deaths as "a little atrocity" ironically downplay the damage resulting from the police's violent response and the government's legislative efforts to impose a colonial language on native South Africans. As a further act of protest, Makeba sings the following lyrics in the Zulu language: "Benikuphi ma madoda (where were the men) / Abantwana beshaywa (when the children were throwing stones) / Ngezimbokodo Mabedubula abantwana (when the children were being shot) / Benikhupi na (where were you?)"⁴⁶⁰ The song further criticizes the apartheid government for making accusations of conspiracy against, and imposing curfews on, the native

452. MIRIAM MAKEBA, *Soweto Blues*, on YOU TOLD YOUR MAMA NOT TO WORRY (Casablanca 1977).

453. The song was performed by Makeba but written by South African jazz trumpeter and anti-apartheid activist Hugh Masekela. Masekela spent 30 years in exile but remained politically and musically active for the remainder of his life. Other Masekela songs, such as *Mandela (Bring Him Back Home)*, could rightfully find a place on this list. See generally Robin Denselow, *Hugh Masekela Obituary*, THE GUARDIAN (Jan. 23, 2018), <https://www.theguardian.com/music/2018/jan/23/hugh-masekela-obituary>.

454. The decree provided that all black schools were to teach lessons split between Afrikaans and English. Afrikaans "was dedicated as the sole language for certain subjects, including mathematics and social studies." This was both controversial and punitive in that most black South Africans did not speak Afrikaans, which put them at a disadvantage as compared to white South Africans who did speak both English and Afrikaans. Subjects like mathematics were also seen as more difficult to learn in Afrikaans. Requiring instruction in Afrikaans was also seen as insensitive and an attempt by the minority white apartheid government to erase cultural and linguistic identities of black South Africans. Many also viewed the decree as an imposition of the colonial oppressors' language upon the black population. See Conor Gaffey, *South Africa: What You Need to Know About the Soweto Uprising 40 Years Later*, NEWSWEEK (June 16, 2016, 11:15 AM), <https://www.newsweek.com/soweto-uprising-hector-pieterse-memorial-471090>.

455. MIRIAM MAKEBA, *Soweto Blues*, *supra* note 452.

456. Official figures put the number of dead at 23 but estimates range as high as 200. *The June 16 Soweto Youth Uprising*, S. AFR. HIST. ONLINE, <https://www.sahistory.org.za/article/june-16-soweto-youth-uprising> (last visited Apr. 4, 2024). Other reports estimated that as many as 700 were killed during or as a result of the protests. See *The Soweto Uprising, 1976*, DIVESTMENT FOR HUMAN.: THE ANTI-APARTHEID MOVEMENT AT THE UNIV. OF MICH., <https://michiganintheworld.history.lsa.umich.edu/antiapartheid/exhibits/show/exhibit/origins/soweto-uprising> (last visited Apr. 4, 2024).

457. MIRIAM MAKEBA, *Soweto Blues*, *supra* note 454 ("Refusing to comply they sent an answer / That's when the policeman came to the rescue / Children were flying, bullets dying").

458. *The Soweto Uprising, 1976*, *supra* note 456.

459. MIRIAM MAKEBA, *Soweto Blues*, *supra* note 452.

460. *Id.*

population (“Looking at the door was a man without pity / Accusing everyone of conspiracy / Tightening the curfew, charging people with walking”).⁴⁶¹ At the end Makeba ends with a plea (sung in Zulu) for help. Overall, the song is a reminder of how law can act as a tool of oppression and how language can be an instrument of both control and liberation.

Morrissey

27. “Sorrow Will Come in the End”⁴⁶² [B]

Sorrow Will Come in the End, the penultimate track of Morrissey’s sixth studio album, *Maladjusted*, is the singer’s vitriolic response to his legal battles with The Smiths’ former drummer, Mike Joyce. In 1996, Joyce sued Morrissey and The Smiths’ guitarist, Johnny Marr, seeking an equal share of the band’s performance and recording royalties.⁴⁶³ A protracted lawsuit ensued that irreparably shattered the relationship of the band’s original members.⁴⁶⁴ The English High Court ruled against Morrissey, and he lost again on appeal.⁴⁶⁵ The song expresses Morrissey’s biting anger and disillusionment with what he saw as a court and legal system biased and turned against him personally.⁴⁶⁶ Never one to mince his angst, Morrissey lashes out: “A court of justice / With no use for truth / Lawyer, liar / Lawyer, liar.”⁴⁶⁷ Using carnivalesque music as background and the sound of cracking whips to imitate gavels, Morrissey directs his ire at the case’s unfair outcome (“Legalized theft”), the judge (“a J.P. senile and vile”), the lawyers (“Q.C.’s obsessed with sleaze”), and even Joyce himself (“I praise the day that brings you pain”).⁴⁶⁸ As the song’s title suggests, Morrissey’s threats are hardly veiled. Few artists have expressed their anger and frustration with the civil justice system as did Morrissey here.⁴⁶⁹

461. *Id.* (“Knocking at the door was a man without pity / Accusing everyone of conspiracy / Tightening the curfew, charging people with walking”).

462. MORRISSEY, *Sorrow Will Come in the End*, on *MALADJUSTED* (Mercury Recs. 1997).

463. See MORRISSEY, *AUTOBIOGRAPHY* 300–02 (2013).

464. See *id.* at 339 (“[T]he Smiths are dead[] . . .”).

465. See *id.* at 321–23, 326, 338.

466. MORRISSEY, *Sorrow Will Come in the End*, *supra* note 462.

467. *Id.*

468. *Id.*

469. Morrissey did not abandon his anger with *Sorrow Will Come in the End*. In his 2013 *AUTOBIOGRAPHY*, Morrissey allocates considerable energy—and pages (about 40)—to describing his version of the royalty dispute and the trial proceedings. MORRISSEY, *supra* note 465, at 299–338. Among other notable observations and recollections, Morrissey recalls how the judge, John Weeks, described him as “devious, truculent and unreliable.” *Id.* at 317–18. Weeks is hardly immune from Morrissey’s aim—the “pride of the pipsqueakery,” Morrissey says of him. See *id.* at 326. In one of his kinder descriptions of Weeks, Morrissey writes: “It seemed to me a less qualified judge could scarcely have existed.” See *id.* at 303. The case behind him and the white gloves firmly off, Morrissey uses his autobiography to freely speak his mind of Joyce, whom he labels a “blubbing mass of blubbing mess” and “Joyce Iscariot.” See *id.* at 305, 322. He is no less reserved about his disdain for the English legal process:

The muddy black pools of legal precision are insufferably overdone, and even at these opening stages I feel as though the outcome has been strategized in backrooms of closed curtains where my epoch has been cut short. The protagonists of punishment determine that the only function of the unfolding court drama is to force each peg into an unsuitable hole, and make the cold-blooded destruction of one unfortunate party seem fair – and how dare you feel contemptuous of this court, and how dare you raise your voice to the level of the cross-examining barrister, and why exactly would you feel moral indignation towards a regime that cannot succeed in balance, but only in the punishment of one party against another (never both, and never neither). My heart shrivels up at the black despair of it all.

N.W.A28. “Fuck Tha Police”⁴⁷⁰ (1988) [B, D]

N.W.A’s *Fuck tha Police* is an incendiary protest song directed at police brutality, racial profiling, and the limits of violence as a response to injustice.⁴⁷¹ Notably, the song is set up as a trial, with N.W.A members Ice Cube, MC Ren, and Eazy-E acting as “prosecuting attorneys” and Dr. Dre as “presiding” judge in the “case of N.W.A versus the police department.” By inverting the roles of otherwise-would-be defendants and victims of an unjust legal system into those of “prosecuting attorneys,” the group is able to lyrically voice rage and cries for justice—and violence—against a police department they see as guilty of racial profiling and brutality against Blackness.⁴⁷² The song uses two non-musical, narrative scenes—a racially motivated traffic stop and a home arrest—to highlight the violence and persecution the group members themselves, and other people of color, have long endured at the hands of police.⁴⁷³ The song ends with the white policeman being found “guilty of being a redneck, whitebread, chicken shit motherfucker.”⁴⁷⁴ As he is being led out of court, the white policeman yells and ironically pleads, “I want justice!”⁴⁷⁵ Interestingly he is not sentenced, prompting the listener to ask what punishment might fit the crime.⁴⁷⁶ The song also forces the listener to justify the group’s violent rhetoric.⁴⁷⁷ Perhaps not surprisingly, the song and its refrain became an anthem for protest marches in the aftermath of the George Floyd killing in 2020.⁴⁷⁸ Between May 27 and June 1, 2020, the song saw a 272% increase in on-demand streams.⁴⁷⁹ As a testament to the song’s enduring popularity and relevance, in 2021, Rolling Stone ranked the song at number 190 on its list of the “500 Greatest Songs of All Time.”⁴⁸⁰

O’Connor, Sinéad29. “Black Boys on Mopeds”⁴⁸¹ (1990) [E]

A layered and haunting dirge, Sinéad O’Connor’s *Black Boys on Mopeds* explores racism and police brutality, but also asks difficult questions about the limits of culpability under the law.⁴⁸² O’Connor dedicated the song and its album, *I Do Not Want What I Haven’t Got*, to the family of Colin Roach.⁴⁸³ Roach, a Black British man, died in police

See id. at 304–05.

470. N.W.A., *Fuck Tha Police*, on STRAIGHT OUTTA COMPTON (Ruthless 1988).

471. *See id.*

472. *Id.*

473. *See id.*

474. *Id.*

475. *Id.*

476. *Id.*

477. *See id.*

478. Charlotte Krol, *Streams of N.W.A.’s ‘Fuck Tha Police’ Grow By 272 Per Cent Amid George Floyd Protests*, NME (June 3, 2020), <https://www.nme.com/news/music/streams-of-n-w-as-fuck-tha-police-grow-by-272-percent-amid-george-floyd-protests-2681270>.

479. *See id.*

480. *500 Greatest Songs of All Time*, ROLLING STONE, (Feb. 16, 2024), <https://www.rollingstone.com/music/music-lists/best-songs-of-all-time-1224767/n-w-a-fuck-tha-police-5-1225148/>.

481. SINÉAD O’CONNOR, *Black Boys on Mopeds*, on I DO NOT WANT WHAT I HAVEN’T GOT (Ensign Recs. 1990).

482. *See id.*

483. John Nichols, *Sinéad O’Connor Always Knew That Black Lives Mattered*, THE NATION (July 28, 2023), <https://www.thenation.com/article/activism/sinead-oconnor-black-boys-on-mopeds-tribute/>.

custody in 1983 at the age of 21 from an allegedly self-inflicted gunshot.⁴⁸⁴ The circumstances of Roach's death were suspicious and official reports were contradictory.⁴⁸⁵ No public inquiries or charges followed.⁴⁸⁶ Highlighting how little had changed in Britain for people like Roach, O'Connor used the tragic death six years later of Nicholas Bramble to create *Black Boys on Mopeds*.⁴⁸⁷ Bramble, a Black teenager, died while fleeing police who mistakenly (or because he was Black) thought he had stolen a moped (he had not).⁴⁸⁸ For O'Connor, both incidents were emblematic of systemic problems with racially motivated policing in the UK in the 1980s.⁴⁸⁹ The song's first verse criticizes Margaret Thatcher for her hypocritical concern for the deaths at Tiananmen Square while at the same time ignoring if not altogether allowing, incidents like those that killed Roach and Bramble to continue ("Margaret Thatcher on TV / Shocked by the deaths that took place in Beijing / It seems strange that she should be offended / The same orders were given by her."⁴⁹⁰ But O'Connor's reference to Thatcher serves as more than just some larger political statement. O'Connor looks at Thatcher and her government and sees them as directly responsible for Bramble's death.⁴⁹¹ The argument raises challenging and important questions about how far culpability extends under the law. But for Thatcher's policies, would Roach and Bramble have lived? The not-so-veiled levy of blame on the government is just one component of a song that is also very intimate and yet still universal in its messaging of justice.⁴⁹² The world for people like Roach and Bramble—"others" by virtue of their Blackness and youth—was anything but idyllic ("England's not the mythical land of Madame George and roses").⁴⁹³ For O'Connor, whose lyrics draw on biblical texts, things will not likely get better anytime soon⁴⁹⁴ ("Remember what I told you / If they hated me they will hate you" and "These are dangerous days / To say what you feel is to dig your own grave / Remember what I told you / If you were of the world they would love you"). The song garnered renewed interest in the aftermath of the killings of Breonna Taylor and George Floyd, and artists such as Phoebe Bridgers and Sharon Van Etten have incorporated the song into their live performance setlists.⁴⁹⁵

Pink Floyd

30. "The Trial"⁴⁹⁶ (1979) [A, B]

Included as the penultimate track and climax of Pink Floyd's magnum opus, *The Wall*, *The Trial* is a complex mediation on justice, pain, autonomy, and sanity.⁴⁹⁷ At this stage in the album's narrative, the protagonist, Pink, has put himself on trial (in his own mind) to determine whether he is responsible for his mental state after breaking with his

484. *See id.*

485. *See id.*

486. *See* HODGES, *supra* note 434, at 185.

487. *See* Nichols, *supra* note 483.

488. *Id.*

489. *Id.*

490. SINÉAD O'CONNOR, *Black Boys on Mopeds*, *supra* note 483; Nichols, *supra* note 485.

491. *See* HODGES, *supra* note 434, at 185.

492. *See generally* SINÉAD O'CONNOR, *Black Boys on Mopeds*, *supra* note 481.

493. *Id.*

494. *See id.*

495. *See* Nichols, *supra* note 483.

496. PINK FLOYD, *The Trial*, *supra* note 244.

497. *See generally id.*

self-imposed rules on isolation from the world.⁴⁹⁸ The Prosecutor, who represents “the Crown,” charges Pink with “showing feelings, showing feelings of an almost human nature.”⁴⁹⁹ Pink’s schoolmaster, wife, and mother reappear from earlier songs and give testimony.⁵⁰⁰ The testimony of Pink’s schoolmaster (who seeks to physically hurt him) and mother (who seeks to free him) lead him to doubt his sanity (“Crazy, toys in the attic, I am crazy / Truly gone fishing / They must have taken my marbles away”).⁵⁰¹ The judge, a bombastic and grotesque worm, finds Pink guilty, with “no need for the jury to retire.”⁵⁰² Pink is then sentenced “to be exposed before [his] peers.”⁵⁰³ The song, much like the album itself, is bizarre, layered, and complicated. The song ties into the album’s larger commentary on—and prompts questions about—autonomy and justice in the face of oppressive forces of government.⁵⁰⁴

Public Enemy

31. “Black Steel in the Hour of Chaos”⁵⁰⁵ (1989) [D]

“A ballad behind bars, or as you could say, real rock from the rock.” The opening line of Public Enemy’s *Black Steel in the Hour of Chaos*, sets the stage for the group’s look at social injustice resulting from mass incarceration.⁵⁰⁶ The song tells of a Black man in prison who receives a letter from the government notifying him he has been conscripted into military service.⁵⁰⁷ Believing it unjust to have to serve a country that treated him and others like him without respect or equality (“Picture me givin’ a damn, I said never / Here is a land that never gave a damn / About a brother like me and myself because they never did”), he becomes a conscientious objector, rebels, and tries to lead an escape from prison—but the act is other than nonviolent.⁵⁰⁸ While conscription propels the narrative, Public Enemy uses the prison setting to comment on the slavery-like conditions of U.S. prisons, which hold Black Americans at disproportionately high rates as compared to white Americans.⁵⁰⁹ The song asks challenging questions about the nature of the criminal justice system and the proper response to laws that may seem unfair, inequitable, or unjust.

32. “By the Time I Get to Arizona”⁵¹⁰ (1992) [D]

In *By the Time I Get to Arizona*, Public Enemy raps about Arizona’s refusal in 1990 to pass legislation creating a state holiday in honor of Martin Luther King Jr.⁵¹¹

498. *Id.*

499. *Id.*

500. *Id.*

501. PINK FLOYD, *The Trial*, *supra* note 244.

502. *Id.*

503. *See id.*

504. *See generally id.*

505. PUBLIC ENEMY, *Black Steel in the Hour of Chaos*, on IT TAKES A NATION OF MILLIONS TO HOLD US BACK (Def Jam Recordings 1989).

506. *Id.*

507. *Id.*

508. *See id.*

509. *Id.*; *See* Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, THE SENT’G PROJECT (Oct. 13, 2021), <https://www.sentencingproject.org/reports/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons-the-sentencing-project/> (finding that “Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans”).

510. PUBLIC ENEMY, *By The Time I Get To Arizona*, on APOCALYPSE 91... THE ENEMY STRIKES BLACK (Def Jam Recordings 1992).

511. *Id.*

Rather than protesting the existence of an unjust law, Public Enemy uses the song to protest the *lack or absence* of what the group considers a just and moral law—a holiday requiring public observance of “the day deservin’ fittin’ for a king.”⁵¹² Both thematically and lyrically the song finds grounding in the Civil Rights Movement of the 1960s.⁵¹³ Sounds of screams disrupt the lyrics and call to mind cries of abused civil rights protestors challenging politicians and others who want to “keep it yesteryear.”⁵¹⁴ The music video incorporates images of water hoses and dogs turned against non-violent protestors juxtaposed with images of armed militants plotting an attack against then Arizona governor, Evan Mechum.⁵¹⁵ Though popular, the song and its music video were criticized for their violent tone, imagery, and lyrics (“what he need is a nosebleed” / “I’m on the one mission to get a politician to honor or he’s a gonner”).⁵¹⁶ The song raises important questions concerning the propriety of violent speech. It also poses questions about the proper means, legally and otherwise, to redress the inadequacies of the law and the democratic process to right the wrongs of racial and social injustices.

Pussy Riot

33. Чайки (“ЧАЙКА”)⁵¹⁷ (2016) [A]

In 2016, the Russian feminist punk rock protest group, Pussy Riot, released *ЧАЙКА*, a searing condemnation of Yuri Chaika, then the Prosecutor-General of the Russian Federation.⁵¹⁸ Since the band’s formation in 2011, the all-female group has performed songs, led protests, and created art in opposition to Russian politics, corruption, and politicians that have oppressed and persecuted women, minorities, the LGBTQIA community, and opponents of Vladimir Putin’s government.⁵¹⁹ *ЧАЙКА* is one of the band’s main songs that voice protest at endemic corruption in the Russian government and judiciary.⁵²⁰ Pussy Riot frontwoman Nadya Tolokonnikova described the song as “a message from a top Putinist official to his sons and followers.”⁵²¹ The song is a “tutorial on how to pinch out money, raid enterprises, send competitors to prison, or physically eliminate them [a]nd also what to do in order to not only escape imprisonment for yourself, but to prosper.”⁵²²

512. *Id.*

513. *See generally id.*

514. *Id.*

515. Channel Zero, *By The Time I Get To Arizona*, YOUTUBE (August 27, 2010),

https://www.youtube.com/watch?v=zrFOb_f7ubw.

516. Public Enemy, *By The Time I Get To Arizona*, on *Apocalypse 91... The Enemy Strikes Black* (Def Jam Recs. 1992); Alexander Frutcher, “*By The Time I Get To Arizona*,” *How Public Enemy Pissed Off the C.I.A.*, ROCK THE BELLS. (Feb. 25, 2021, 2:08 PM), <https://rockthebells.com>

</articles/public-enemy-by-the-time-i-get-to-arizona/>.

517. Pussy Riot, *ЧАЙКА*, YOUTUBE (Feb. 3, 2016), <https://www.youtube.com/watch?v=VakUHHUSdf8>.

518. *See* Andrew E. Kramer, *Pussy Riot Video Mocks Russian Prosecutor Accused of Corruption*, N. Y. TIMES (Feb. 3, 2016), <https://www.nytimes.com/2016/02/04/world/europe/russia-pussy-riot-yuri-chaika.html>.

519. *See* Scott Simon, *Russian Protest Art Group Pussy Riot Wins Woody Guthrie Prize*, NPR (May 6, 2023), <https://www.npr.org/2023/05/06/1174468786/russian-protest-art-group-pussy-riot-wins-woody-guthrie-prize>.

520. *See* Kramer, *supra* note 518. In addition to the band’s larger comment against corruption in the Russian judiciary. In 2012, Chaika imprisoned three of the members of Pussy Riot, including Tolokonnikova, for their participation in a protest concert in the Cathedral of Christ the Savior in Moscow. Tolokonnikova and another member of the band served a year and nine months in prison. The third was released on parole. Their personal experiences may have influenced their music, message, and artistry.

521. Dory Carr-Harris, *Watch the Premiere of Pussy Riot’s New Video ‘ЧАЙКА,’* VICE (Feb. 3, 2016), <https://www.vice.com/en/article/nn9pjq/watch-the-premiere-of-pussy-riots-new-music-video-chaika>.

522. *Id.*

The lyrics underscore how legal authority concentrated in the hands of the corrupt, the politically connected, and the abusive can only spread more corruption and abuse: “No problem, brother, we’ll get those criminal charges off your butt / Anyone who talks too much will be buried alive / Anyone who fucks around will enjoy time in jail / I don’t think Navalny or Pavlensky will bother you any more, Vladimir.”⁵²³

Scott-Heron, Gil

34. “No Knock”⁵²⁴ (1972) [C]

Gil Scott-Heron wrote and sang his “poem,” *No Knock*, for John Mitchell, Nixon’s Attorney General and one of Scott-Heron’s “unfavorite people.”⁵²⁵ *No Knock* explores the legal, political, and racial implications of the government’s “no knock” raids policy, which allows law enforcement to forcibly enter premises without prior warning.⁵²⁶ The lyrics allude to the hypocrisy of the policy, which Mitchell and the government sold as being for the protection of Black Americans (“the people you’ve always hated”), but which in fact disproportionately endangered them.⁵²⁷ Referring to Fred Hampton and Michael Harris, two Black men who were killed in no-knock raids, Scott-Heron asks, “For my protection? / Who’s gonna protect me from you?”⁵²⁸ The song has found renewed resonance in the aftermath of the killings of Breonna Taylor⁵²⁹ and Amir Locke⁵³⁰ and calls for an outright ban on the practice continue to gain traction.⁵³¹

Simone, Nina

35. “Mississippi Goddam”⁵³² (1964) [E]

Though not explicitly about lawyers or the law, Nina Simone’s *Mississippi Goddam* nevertheless speaks to how the law struggled to remedy generations of racism and prejudice that Black Americans encountered before, during, and even after the Civil Rights era.⁵³³ Simone’s song, which she styles “a showtune, but the show hasn’t been written for it, yet,” lashes out at Mississippi, Tennessee, and Alabama, southern states that had seen racially motivated murders and bombings near in time to 1964, when Simone wrote and first performed the song.⁵³⁴ The music is jazzy and lively, but the lyrics are anything but. Simone sings of the increasing anger and fear (“I think everyday is gonna be my last”) felt around desegregation, violence at peaceful protests (“hound dogs on my trail”), and even schoolchildren jailed for protesting segregation.⁵³⁵ But the song is more than an airing of

523. Pussy Riot, *CHAIKA*, *supra* note 517.

524. GIL SCOTT-HERON, *No Knock*, on *FREE WILL* (Flying Dutchman Recs. 1972).

525. *Id.*

526. *See id.*

527. *See id.*

528. *Id.*

529. *See* Bobby Carter et al., *We Insist: A Century of Black Music Against State Violence*, NPR (June 26, 2020), <https://www.npr.org/2020/06/26/883334741/we-insist-a-century-of-black-music-against-state-violence>.

530. *See generally* Daniel King, *50 Years After Recording “No Knock,” Gil Scott-Heron’s Protest Song Contains a Prescription*, MOTHER JONES (Feb. 10, 2022), <https://www.motherjones.com/recharge/2022/02/no-knock-police-killings-amir-locke-song-gil-scott-heron/>.

531. *See* Alisha Ebrahimji & Chris Boyette, *A Year After Amir Locke Was Killed During Service of a No-Knock Warrant, His Parents Are Suing Minneapolis*, CNN (Feb. 3, 2023, 1:46 PM), <https://www.cnn.com/2023/02/03/us/amir-locke-lawyers-civil-litigation-suit/index.html>.

532. NINA SIMONE, *Mississippi Goddam*, *supra* note 251.

533. *See generally id.*

534. *See id.*

535. *See id.*

grievances—it is a call to immediate action and demand for change in light of the glacial pace of necessary social, political, and legal reform. The first refrain juxtaposes words describing actions typically performed by slaves (“washing the windows” / “picking the cotton”) and stereotypical, racist descriptors of Blacks (“You’re just plain rotten” / “You’re too damn lazy”) with the repeated phrase, “Too slow.”⁵³⁶ For Simone, the Civil Rights work to be done and progress to be made is too important for everyday citizens and those in power to rest solely on prayer and good intentions as means to advancing equality, “Why don’t you see it? Why don’t you feel it? I don’t know, I don’t know.”⁵³⁷ Though nearly sixty years old, the song still finds resonance in an America where the law is slow to change, and slower still to result in tangible change and meaningful progress.

Sondheim, Stephen (lyrics) and Bernstein, Leonard (music)

36. “Gee, Officer Krupke”⁵³⁸ (1957) [B]

Long before N.W.A lyrically lambasted the L.A.P.D. with chants of “fuck the police,”⁵³⁹ another group of frustrated and marginalized youth were volleying pejoratives at law enforcement in New York City. *Gee, Officer Krupke*, from Stephen Sondheim and Leonard Bernstein’s musical, *West Side Story*, satirically explores the justifications—and possible remedies—for juvenile delinquency and gang membership.⁵⁴⁰ In the song, Action, a member of the street gang, The Jets, addresses neighborhood policeman, Officer Krupke (who is offstage).⁵⁴¹ In musical form, Action tries to justify the reasons for his delinquent behavior.⁵⁴² What begins as Action’s plea to the officer evolves into his defense before a judge (Jets member Diesel playing the role) in a mock courtroom hearing set to music.⁵⁴³ Action explains he and the other Jets members had difficult upbringings, (“Our mothers all are junkies / Our fathers all are drunks”), and though they lacked normal parental love, they’re just “misunderstood.”⁵⁴⁴ When Action’s explanation falls on deaf ears, the judge sends him to a “headshrinker.”⁵⁴⁵ The “headshrinker” says Action needs “a useful career” and has a “social disease,” and sends him to a social worker.⁵⁴⁶ Baby John, assuming the role of the social worker, says Action needs “a year in the pen” because “[d]eep down inside him, he’s no good!”⁵⁴⁷ The song is fanciful and upbeat but still echoes modern concerns that society’s institutions are failing troubled and at-risk youth. Although it is the boys themselves that put on this mock trial and theater, they seem very aware that the institutions that would or should otherwise help them—e.g., law enforcement, the justice system, social services, and gainful employment—are not viable, attainable, or realistic options for people in their position.⁵⁴⁸ It is little surprise that at the end of the song the

536. *Id.*

537. NINA SIMONE, *Mississippi Goddam*, *supra* note 251.

538. STEPHEN SONDHEIM AND LEONARD BERNSTEIN, *Gee, Officer Krupke*, *supra* note 212.

539. N.W.A., *Fuck Tha Police*, *supra* note 472.

540. *See generally* STEPHEN SONDHEIM & LEONARD BERNSTEIN, *Gee, Officer Krupke*, *supra* note 212.

541. *See id.* Slight variations in the lyrics exist between the 1957 Broadway version and the 1961 film version of the song. The versions also change which characters sing in the song. The excerpt refers to the Broadway version, but no quoted lines are different in the 1961 film version. *See generally* *Gee, Officer Krupke*, WEST SIDE STORY, <https://www.westsidestory.com/gee-officer-krupke> (last visited Apr. 5, 2024).

542. STEPHEN SONDHEIM & LEONARD BERNSTEIN, *Gee, Officer Krupke*, *supra* note 212.

543. *See id.*

544. *See id.*

545. *Id.*

546. *Id.*

547. *Id.*

548. *See generally id.*

boys level a not-so-subtle diatribe against their municipal agitator—“Gee, Officer Krupke, Krup you!”⁵⁴⁹

Springsteen, Bruce

37. “Nebraska”⁵⁵⁰ (1982) [B, E]

Ever a musical poet laureate of the common man, Bruce Springsteen used his sixth studio album, *Nebraska*, to explore portraits of men and women on the fringe of society and the law.⁵⁵¹ Criminals and mass murderers populate the bleak, minimalist landscape of *Nebraska*’s ten tracks.⁵⁵² The title track, based on the Charles Starkweather – Caril Fugate murder spree in the Dakota Badlands in 1957–1958,⁵⁵³ follows a murderer as he makes his way across Nebraska to Wyoming, where he “killed everything in [his] path.”⁵⁵⁴ Captured but unrepentant for his crimes (“I can’t say that I’m sorry for the things I’ve done / At least for a little while, sir, me and her had some fun”), the man is convicted and sentenced to death.⁵⁵⁵ With allusions to the works of Flannery O’Connor and Terrence Malick, Springsteen asks the listener to ponder the nature of criminality and evil, and the appropriate state response to wanton acts of violence.⁵⁵⁶

38. “Johnny 99”⁵⁵⁷ (1982) [B, E]

If *Nebraska* offered a portrait of unexplainable evil and violence, Springsteen’s *Johnny 99* gives us a more sympathetic criminal who forces us to look deep at the causes and circumstances which might compel one into a life of crime.⁵⁵⁸ The song tells of Ralph, who lost his job at an auto plant and “went out lookin’ for a job, but couldn’t find none.”⁵⁵⁹ After a night of heavy drinking, Ralph finds a gun and shoots a night clerk, earning himself the name, “Johnny 99.”⁵⁶⁰ At trial for his crimes, the judge—“Mean John Brown”—sentences him to 99 years.⁵⁶¹ A fight breaks out in court and Johnny’s mother pleads for her son’s release.⁵⁶² Unlike the killer in *Nebraska* and many other criminals on the album, Johnny’s problems do not seem to be entirely of his own making.⁵⁶³ “I got debts no honest man could pay,” Johnny tells the judge, and “[t]he bank was holding my mortgage and

549. *Id.*

550. See BRUCE SPRINGSTEEN, *Nebraska*, *supra* note 250.

551. BRUCE SPRINGSTEEN, *NEBRASKA* (Colum. Recs. 1982).

552. *Id.*

553. See Louis Casiano, *Nebraska Woman Convicted for Role in Killings Documented in Springsteen Song Seeks Pardon*, N. Y. POST (Jan. 30, 2020, 6:38 PM), <https://nypost.com/2020/01/30/nebraska-woman-convicted-for-role-in-killings-documented-in-springsteen-song-seeks-pardon/>.

554. BRUCE SPRINGSTEEN, *Nebraska*, *supra* note 250.

555. *See id.*

556. *See id.* The song’s final line, “Well, sir, I guess there’s just a meanness in this world,” echoes a similar line in Flannery O’Connor’s short story, “A Good Man is Hard to Find”; *See Smith, supra* note 133, at 808 (stating Springsteen also found inspiration for the song in Terrence Malick’s film, *Badlands*, which told the story of Starkweather’s killing spree).

557. *See* BRUCE SPRINGSTEEN, *Johnny 99*, *supra* note 214.

558. *Id.*

559. *See id.*

560. *See id.*

561. *See id.*

562. *See id.*

563. *See generally* BRUCE SPRINGSTEEN, *Nebraska*, *supra* note 250; BRUCE SPRINGSTEEN, *Johnny 99*, *supra* note 214.

takin' my house away."⁵⁶⁴ The conflation of economic circumstances, familial presence, and a semblance of genuine remorse and culpability ("I ain't sayin' that makes me an innocent man") on the defendant's behalf raises important questions about the workings of the criminal justice system, especially fairness, remorse, and contextuality in sentencing.⁵⁶⁵

Tosh, Peter

39. "Legalize It"⁵⁶⁶ (1976) [D]

Arguably "one of the most iconic statements about pot prohibition policies of all time,"⁵⁶⁷ the phrase "legalize it" formed the basis for Wailers singer-songwriter Peter Tosh's opening track from his 1976 debut studio album, *Legalize It*.⁵⁶⁸ Tosh wrote the song in response to his repeated victimization by Jamaican authorities for his recreational use of marijuana, an illegal substance in Jamaica.⁵⁶⁹ The song is also a political statement advocating for a change in the law. And Tosh's argument in favor of legalizing cannabis? Not only are there health benefits ("It's good for the flu / Good for asthma / Good for tuberculosis / Even umara composit"), but also everyone uses it.⁵⁷⁰ Though as Tosh notes, it's not just the "singers" and "players of instruments too" who use it, but "doctors smoke it, nurses smoke it / judges smoke it, even the lawyer too" (emphasis added).⁵⁷¹ With attitudes towards marijuana liberalizing and an increasing number of states opting for legalization,⁵⁷² Tosh's dream may be inching ever closer to reality.

Wells, Kitty

40. "Will Your Lawyer Talk to God?"⁵⁷³ (1964) [A, B]

Will Your Lawyer Talk to God?, from Kitty Wells, is a ballad of heartache and betrayal that speaks of the secular and divine realms where judgment occurs.⁵⁷⁴ An exploration of the struggle between natural law and positive law, the song explores the aftermath of what could be a divorce. The lawyers have finalized proceedings, but now the narrator's partner must answer to God for the heartbreak he or she has caused.⁵⁷⁵ The narrator distinguishes between the secular laws that may have technically absolved the partner and the higher, spiritual or divine laws that still demand accountability ("Man made laws to set you free on Earth, but is God satisfied?").⁵⁷⁶ As the chorus and the song's title suggest,

564. BRUCE SPRINGSTEEN, *Johnny 99*, *supra* note 214.

565. *See id.*

566. PETER TOSH, *Legalize It*, on LEGALIZE IT (Virgin Recs. 1976).

567. *See* Claudia Gardner, *MSNBC's Ari Melber Says Biden Approaching 'Peter Tosh Phase' With New Marijuana Policy*, DANCEHALLMAG (Oct. 13, 2022, 11:55 AM), <https://www.dancehallmag.com/2022/10/13/news/msnbc-ari-melber-says-biden-approaching-peter-tosh-phase-with-new-marijuana-policy.html>.

568. PETER TOSH, *Legalize It*, *supra* note 566.

569. *See* Gardner, *supra* note 567.

570. PETER TOSH, *Legalize It*, *supra* note 566.

571. *See id.*

572. *See* Tanya Kaushal, *Weed Legalization: Here's Where States Stand in 2023*, YAHOO! FIN. (Apr. 20, 2023), <https://finance.yahoo.com/news/weed-legalization-heres-where-states-stand-in-2023-180627357.html>.

573. KITTY WELLS, *Will Your Lawyer Talk to God?*, *supra* note 176.

574. *See id.*

575. *See id.*

576. *See id.*

lawyers can't explain or argue everything away, and clients will still be held accountable for their actions in one world or another.

Appendix A

B-Sides and Other Rarities

A Tribe Called Quest

"We the People...."⁵⁷⁷ (2016) [E]

Boy George

"No Clause 28 (Hi-Energy Mix)"⁵⁷⁸ (1989) [D]

Brand Nubian

"Probable Cause"⁵⁷⁹ (1998) [C]

Browne, Jackson

"Lawyers in Love"⁵⁸⁰ (1983) [A, E]

Cash, Johnny

"Cocaine Blues"⁵⁸¹ (1968) [B]

Chapman, Tracy

"Talkin' Bout a Revolution"⁵⁸² (1988) [E]

The Clash

"Know Your Rights"⁵⁸³ (1982) [D]

Cline, Patsy

"A Church, a Courtroom, and then Goodbye"⁵⁸⁴ (1964) [B]

Common

577. A TRIBE CALLED QUEST, *We the People....*, on WE GOT IT FROM HERE... THANK YOU 4 YOUR SERVICE (Epic Recs. 2016).

578. BOY GEORGE, *No Clause 28 (Hi-Energy Mix)*, on BOYFRIEND (Virgin Recs. 1989).

579. BRAND NUBIAN, *Probable Cause*, on FOUNDATION (Arista Recs. 1998).

580. JACKSON BROWNE, *Lawyers in Love*, *supra* note 175.

581. JOHNNY CASH, *Cocaine Blues*, on AT FOLSOM PRISON (Colum. Recs. 1968).

582. TRACY CHAPMAN, *Talkin' Bout a Revolution*, on TRACY CHAPMAN (Elektra Recs. 1988).

583. THE CLASH, *Know Your Rights*, on COMBAT ROCK (Epic Recs. 1982).

584. PATSY CLINE, *A Church, a Courtroom and then Goodbye*, on TODAY, TOMORROW, AND FOREVER (Hilltop Recs. 1964).

“Testify”⁵⁸⁵ (2005) [B]

Costello, Elvis

“Brown to Blue”⁵⁸⁶ (1981) [B]

Craft, Marlon

“State of the Union”⁵⁸⁷ (2021) [E]

Dead Kennedys

“Stars and Stripes of Corruption”⁵⁸⁸ (1985) [E]

Dylan, Bob

“Seven Curses”⁵⁸⁹ (1991) [A]

“The Ballad of Donald White”⁵⁹⁰ (1972) [E]

Frishberg, Dave

“I’m Just a Bill”⁵⁹¹ (lyrics) (1976) [C]

“My Attorney Bernie”⁵⁹² (1983) [A]

Macklemore & Ryan Lewis, featuring Mary Lambert

“Same Love”⁵⁹³ (2012) [D, E]

Gaye, Marvin

“Inner City Blues (Make Me Holler)”⁵⁹⁴ (1971) [E]

Guthrie, Woody

585. COMMON, *Testify*, *supra* note 214.

586. ELVIS COSTELLO, *Brown to Blue*, on *ALMOST BLUE* (F-Beat Recs. 1981).

587. MARLON CRAFT, *State of the Union*, on *HOMECOURT ADVANTAGE*, VOL. 1 (Marlon Craft 2021).

588. DEAD KENNEDYS, *Stars and Stripes of Corruption*, on *FRANKENCHRIST* (Alt. Tentacles Recs. 1985).

589. BOB DYLAN, *Seven Curses*, on *THE BOOTLEG SERIES VOLUMES 1-3 (RARE AND UNRELEASED) 1961–1991* (Colum. Recs. 1991).

590. BOB DYLAN, *Ballad of Donald White*, on *BROADSIDE BALLADS*, VOL. 6: *BROADSIDE REUNION* (Folkways Recs. 2009).

591. DAVE FRISHBERG (lyrics) and JACK SHELDON (vocals), *I’m Just a Bill*, *Schoolhouse Rock!: Season 3 Episode 5* (ABC television broadcast Mar. 27, 1976).

592. DAVE FRISHBERG, *My Attorney Bernie*, on *THE DAVE FRISHBERG SONGBOOK VOL. 2* (Omni Sound Jazz 1983).

593. MACKLEMORE & RYAN LEWIS, featuring MARY LAMBERT, *Same Love*, on *THE HEIST* (Macklemore LLC 2012).

594. MARVIN GAYE, *Inner City Blues (Make Me Holler)*, on *WHAT’S GOING ON* (Tamla Recs. 1971).

“Deportee (Plane Wreck at Los Gatos)”⁵⁹⁵ (1948) [D]

“Philadelphia Lawyer”⁵⁹⁶ (1949) [A]

Hill, Joe

“There is Power in a Union”⁵⁹⁷ (1913) [D, E]

Ice Cube

“Who Got the Camera?”⁵⁹⁸ (1992) [C]

Juicy J

“Killa Klan”⁵⁹⁹ (2002) [B]

Killer Mike

“Don’t Die”⁶⁰⁰ (2012) [C, E]

KRS-One

“Sound of da Police”⁶⁰¹ (1993) [C]

Fela Kuti and Africa 70

“Alagbon Close”⁶⁰² (2007) [A, E]

LL Cool J

“Illegal Search”⁶⁰³ (1990) [C]

Lord Commander

“No Crime, No Law”⁶⁰⁴ [C, E]

The Members

“Offshore Banking Business”⁶⁰⁵ (1979) [D]

595. WOODY GUTHRIE, *Deportee (Plane Wreck at Los Gatos)* (1948).

596. WOODY GUTHRIE, *Philadelphia Lawyer* (1949).

597. JOE HILL, *There is Power in a Union* (1913).

598. ICE CUBE, *Who Got the Camera?*, on *THE PREDATOR* (Priority Recs. 1992).

599. JUICY J, *Killa Klan*, on *CHRONICLES OF THE JUICE MAN* (Hypnotize Minds 2002).

600. KILLER MIKE, *Don’t Die*, on *R.A.P. MUSIC* (Williams St. Recs. 2012).

601. KRS-ONE, *Sound of da Police*, on *RETURN OF THE BOOM BAP* (Jive Recs. 1993).

602. FELA KUTI AND AFRICA 70, *Alagbon Close*, on *ALAGBON CLOSE / WHY BLACK MEN DEY SUFFER* (Wrasse Recs. 2007).

603. LL COOL J, *Illegal Search*, on *MAMA SAID KNOCK YOU OUT* (Def Jam Recordings 1990).

604. LORD COMMANDER, *No Crime, No Law*, on *CALYPSO ATROCITIES* (Cook Recs. 1959).

605. THE MEMBERS, *Offshore Banking Business*, on *OFFSHORE BANKING BUSINESS* (Virgin Recs. 1979).

Metallica

“...And Justice for All”⁶⁰⁶ (1988) [E]

Michaels, Bret

“A Letter From Death Row”⁶⁰⁷ [C]

Michelle Shocked

“Graffiti Limbo”⁶⁰⁸ (1998) [B]

Ochs, Phil

“Iron Lady”⁶⁰⁹ (1965) [C, E]

The Pop Group

“Justice”⁶¹⁰ (1980) [E]

Public Enemy

“Fight the Power”⁶¹¹ (1990) [E]

Run the Jewels

“Early”⁶¹² (2014) [C]

“Walking in the Snow”⁶¹³ (2020) [C, E]

The Ruts

“S.U.S.”⁶¹⁴ (1979) [D]

2Pac

“16 on Death Row”⁶¹⁵ (1997) [D, E]

Shmurda, Bobby

606. METALLICA, *...And Justice for All*, on ...AND JUSTICE FOR ALL (Elektra Recs. 1988).

607. BRET MICHAELS, *A Letter From Death Row*, on A LETTER FROM DEATH ROW (Ugl Records 1998).

608. MICHELLE SHOCKED, *Graffiti Limbo*, on SHORT SHARP SHOCKED (Mercury Recs. 1998).

609. PHIL OCHS, *Iron Lady*, on I AIN'T MARCHING ANYMORE (Elektra Recs. 1965).

610. THE POP GROUP, *Justice*, on FOR HOW MUCH LONGER DO WE TOLERATE MASS MURDER? (Rough Trade Recordings and Y Recs. 1980).

611. PUBLIC ENEMY, *Fight the Power*, on FEAR OF A BLACK PLANET (Def Jam Recordings 1990).

612. RUN THE JEWELS, *Early*, on RUN THE JEWELS 2 (Mass Appeal Recs. 2014).

613. RUN THE JEWELS, *Walking in the Snow*, on RTJ4 (Jewel Runners 2020).

614. THE RUTS, *S.U.S.*, on THE CRACK (Virgin Recs. 1979).

615. 2PAC, *16 on Death Row*, on R U STILL DOWN? (REMEMBER ME) (Jive Recs. 1997).

“Wipe the Case Away”⁶¹⁶ (2014) [B]

Simon, Carly

“Comin’ to Get You”⁶¹⁷ (1979) [C]

Simon, Paul

“Adios Hermanos”⁶¹⁸ (1997) [B, E]

“Pigs, Sheep and Wolves”⁶¹⁹ (2000) [A, B]

Smiley Culture

“Police Officer”⁶²⁰ (1984) [C]

The Specials

“Stupid Marriage”⁶²¹ (1979) [B]

Springsteen, Bruce

“Straight Time”⁶²² (1995) [E]

“Sinaloa Cowboys”⁶²³ (1995) [D]

“Dead Man Walking”⁶²⁴ (1996) [D, E]

Swift, Taylor

“You Need to Calm Down”⁶²⁵ (2019) [E]

System of a Down

“Prison Song”⁶²⁶ (2001) [D]

Toddy Tee

“Batterram”⁶²⁷ (1999) [C]

616. BOBBY SHMURDA, *Wipe the Case Away*, on SHMURDA SHE WROTE (Epic Recs. 2014).

617. CARLY SIMON, *Comin’ to Get You*, *supra* note 213.

618. PAUL SIMON, *Adios Hermanos*, on SONGS FROM THE CAPEMAN (Warner Bros. 1997).

619. PAUL SIMON, *Pigs, Sheep and Wolves*, on YOU’RE THE ONE (Warner Bros. 2000).

620. SMILEY CULTURE, *Police Officer*, on POLICE OFFICER (Fashion Recs. 1984).

621. THE SPECIALS, *Stupid Marriage*, on THE SPECIALS (Chrysalis Recs. 1979).

622. BRUCE SPRINGSTEEN, *Straight Time*, on THE GHOST OF TOM JOAD (Colum. Recs. 1995).

623. BRUCE SPRINGSTEEN, *Sinaloa Cowboys*, on THE GHOST OF TOM JOAD (Colum. Recs. 1995).

624. BRUCE SPRINGSTEEN, *Dead Man Walking*, on DEAD MAN WALKING (Colum. Recs. 1996).

625. TAYLOR SWIFT, *You Need to Calm Down*, on LOVER (Republic Recs. 2019).

626. SYSTEM OF A DOWN, *Prison Song*, on TOXICITY (Am. Recordings 2001).

627. TODDY TEE, *Batterram*, on THE ULTIMATE COLLECTION, VOL. I (Gruv City 1999).

“Weird Al” Yankovic

“Alimony”⁶²⁸ (1988) [C]

Zevon, Warren

“Lawyers, Guns, and Money”⁶²⁹ (1977) [A]

“Mr. Bad Example”⁶³⁰ (1991) [A]

628. “WEIRD AL” YANKOVIC, *Alimony*, on EVEN WORSE (Rock ’n Roll Recs. 1988).

629. WARREN ZEVON, *Lawyers, Guns and Money*, on EXCITABLE BOY (Asylum Recs. 1977).

630. WARREN ZEVON, *Mr. Bad Example*, on MR. BAD EXAMPLE (Giant Recs. 1991).
