

[Intro Music]

Daniel Jackson: In the decades since rap first bubbled up from the streets of the Bronx in the 1970s to become one of the nation's most popular music styles, the genre has seen plenty of controversy and the stakes of that controversy could not be higher than in the courtroom. I'm Dan Jackson, a co-host of Sidebar, a podcast by Courthouse News. In courtrooms across the country, attorneys prosecuting rappers have often used the artist's own words against them. It's the right to free speech versus a pursuit of justice and the stakes are often someone's freedom. At first glance it might make sense. Rap often deals with themes of violence and aggression, and a prosecutor could point to the spitfire rhymes of the accused and say, look, a confession of sorts is sitting right there, right on top of that music sample. But on the other hand, there's the First Amendment. And rap is not the only genre with stories of violence. Just think of all the folk and country ballads that croon about what happens when the sheriff's posse drives up the hollow, looking for moonshiners. Reporter Kirk McDaniel dug into what happens when hip-hop enters the courtroom and what some states are doing to reign in overly aggressive prosecutors.

Kirk McDaniel: Earlier this year, two rappers, Jeffrey Lamar Williams, also known as Young Thug and Sergio Kitchens, also known as Gunna, were arrested on charges of violating Georgia's Racketeering Influence Corrupt Organizations Act also known as the RICO Act. According to Fulton County District Attorney Fanni Willis, the rap artists engaged in criminal activity ranging from drug-related crime to murder as members of the gang Young Slime Life. The news of the two high-profile rappers was sure to catch public attention. However, a key reason the two were arrested has garnered most of the attention and has reignited a decades-long debate. While prosecutors claim Young Thug and Gunna directly engaged with a criminal organization, they cite some of the artists' very own rap lyrics as evidence to support their claims.

Fanni Willis: I believe in the First Amendment, it's at one of our most precious rights. However, the First Amendment does not protect people from prosecutors using it as evidence if it is such. In this case, we put it as overt and predicate acts within the RICO count because we believe that's exactly what it is.

KM: Needless to say, not everyone is on board with Fanni Willis' perspective.

Roqy Tyraid: That is something that has really been detrimental to a lot of artists regardless of their stature.

KM: That's Roqy Tyraid, a rapper out of Phoenix, Arizona, you'll hear a little bit more from later. The practice of using rap lyrics as evidence is no new concept. In 1993, Snoop Dogg was being tried for murder. A prosecutor cited a few of the artist's own lyrics to prove his guilt. In that case, Snoop Dogg was later acquitted, but most recently in 2019, an artist who goes by 6ix9ine was being prosecuted for racketeering and firearms crimes. Before the artist pled guilty and struck a deal with prosecutors to testify against his fellow gang members, his own lyrics were admitted as evidence to prove his gang ties and propensity for violence. These same tactics have been used against huge names in the rap game, as well as underground artists looking for their big break. What puzzled me most about this issue is how forms of artistic expression could be used in such a way and while prosecutors weren't out to censor the artists, it felt as if lyrics as evidence resided in a gray area, hence the controversy. To better understand the First Amendment and legal background behind this issue, I turn to some experts.

Clay Calvert: I'm Clay Calvert, I am professor of law and Brechner eminent scholar in the College of Journalism and Communications at the University of Florida. I'm director of the Marion B. Brechner First Amendment Project. The First Amendment Project advocates on behalf of free speech rights, free press rights, freedom of thought, freedom of assembly and freedom of petition.

KM: Before getting into rap lyrics, Professor Calvert gave me a quick refresher on what the First Amendment protects and does not protect.

CC: The First Amendment protects us from government censorship. That's an important thing to keep in mind. The First Amendment doesn't protect us from censorship by private entities and private individuals. So, whenever the government tries to censor or regulate speech, that might raise a First Amendment question. The United States Supreme Court has told us that, although the terms of the First Amendment literally say Congress shall make no law abridging freedom of speech, the Supreme Court has told us that there are some carveouts or what we might call categorical carveouts from the scope of that protection in terms of free speech rights.

KM: So, what exactly are those carveouts?

CC: The ones that most people think of right away would be obscenity, child pornography, fighting words, incitement to violence, true threats of violence, speech that is integral to criminal conduct, fraud, and obviously certain types of defamation.

KM: As an expert on speech rights, I asked Professor Calvert on his thoughts of the use of rap lyrics as evidence.

CC: The fact that any form of artistic expression that is protected by the First Amendment could be twisted and turned and used against an artist is highly problematic, especially in a criminal setting. You know, we think about what is art and it's so subjective, but the First Amendment doesn't just protect highbrow art. It protects all forms of art. It just says Congress shall make no law abridging the freedom of speech. It doesn't say good speech or bad speech or highbrow speech or lowbrow speech.

KM: So, what is there truly to gain out of using someone's artistic work against them in a trial? Well, according to Professor Calvert, it may very well be getting the conviction prosecutors are hoping for.

CC: I think prosecutors will try to exploit whatever advantage they can and if they can get lyrics admitted as evidence and while many prosecutors would not do so, there probably are a few out there who indeed will try to prey on the prejudices of jurors and exploit that, their prejudices against rap music.

KM: Calvert is not alone in his thinking.

Margaret Russell: If there are no checks and balances or guidelines, I would see the introduction of rap lyrics to prove a criminal charge to be very suspect because you know, evidence has to be introduced to prove something. And a judge weighs the prejudicial value versus the so-called probative value. What light can it shed on an issue in the case? My name is Professor Margaret M. Russell, and I'm from the Santa Clara University School of Law, where one of my fields has been constitutional law and particularly the First Amendment.

KM: The prejudicial evidence Professor Russell mentioned refers to evidence that would unfairly influence a jury by calling upon their biases and clouding their ability to rule impartially on a case. It was

something that Walter Olson, a senior fellow at the libertarian think tank the Cato Institute told me he also worried about in cases that use artistic expression as evidence.

Walter Olson: Rap lyrics can be highly prejudicial. And that's one of the interesting exceptions to the idea that speech gets admitted as evidence. Sometimes speech can get a jury upset, get a jury suspicious of someone, can in short prejudice them against the defendant. And the rule then is generally that the court weighs the pluses and minuses. It weighs how important is this evidence. How could it have been, could the same point have been made in some other way, using less prejudicial evidence? On the concept of prejudicial evidence, one of the areas they look at most jealously is propensity evidence. If what that is to say, evidence that tends to suggest the person might have committed the same kind of bad act or the same kind of crime that they're being charged with, but different ones, and the courts have, I think quite rightly recognized that prior bad act evidence, to use the lawyer's term, is super dangerous and should often be excluded, unless it is directly relevant to showing that they did this crime, because it is so powerful in predisposing a jury into thinking, oh, well, you know, they did that before, police must have gotten the right character.

KM: While it was important to Olson that judges be critical of such evidence before admitting it, he does believe that there are some instances in which prosecutors should be allowed to use lyrics as evidence. An example of such would be if a rapper details a specific crime, therefore treating it as proof that the artist was at the scene of the crime when it happened. But it's important to keep in mind that a crime, any crime, may produce a lot of different types of evidence that should be prioritized over song lyrics.

WO: In a lot of the cases that I've read from this area, prosecutors are trying to use the rap lyrics to prove something, but they also have other evidence to prove, often they've got plenty of evidence of the crime and they're trying to throw a thought on top. Well, you know, that suggests that they probably didn't need it. That suggests that the prejudice might be unnecessary.

KM: The controversy over rap lyrics being used as evidence has motivated lawmakers in New York, California and the U.S. Congress to introduce legislation aimed at protecting the rights of artists' freedom of expression while not tying the hands of prosecutors who were going after criminals. All three forms of legislation would change the rules on admissibility of artistic creations as evidence. Prosecutors would have to prove that the lyrics are based on or linked to credible facts about the alleged crime. The bill in New York has been passed by the state Senate and awaits approval from the state Assembly. Big-name artists, such as Jay-Z, Killer Mike and Meek Mill, have all come out in support of the bill. The California Legislature passed their bill back in August, it now awaits Governor Gavin Newsom's signature. And at the federal level, the Restoring Artistic Protections Act or RAP Act was introduced earlier this year in the House of Representatives.

MR: What those pieces of legislation seek to do is not ban the use of expression or rap lyrics, but really put up guardrails so that if a prosecutor wants to introduce that, it would be argued to a judge first out of the presence of the jury and the prosecution would have to establish in one of the pieces of legislation, they would have to establish by a higher, clear and convincing evidence standard that the lyrics are relevant to something that they have the burden of proving in the case. That they're relevant, that the prejudice and the bias that might be created by introducing them does not overwhelm what the useful value is.

KM: But legislation was not the only solution to this controversy that experts shared with me.

MR: Judges can use, always use, more training about diversity and unconscious bias and really understanding at a deeper level what the consequences are of admitting artistic expression as evidence of anything.

WO: Judges go to seminars on all sorts of different things. Judges, you know, there are seminars on air pollution and the law so that judges can understand all the scientific terminology that gets thrown at them if they get an air pollution case, and it could be that it's worth bar associations or someone else giving a rap music 101 introduction. I'm not being humorous, they, you know, depending on the volume of cases that reach the court, simply understanding the facts and if the prosecution is going to get to, you know, move to introduce this stuff, then the judges are going to have to resolve conflicts.

KM: What about the jury? Could it be that they too might need to receive a rap music education when deciding a case that contains a rapper's artistic works as evidence?

CC: Scholars who specialize in musicology and in particular rap music and hip-hop are very useful to juries in trying to educate them about the narrative conventions of rap music. The hyperbole, the boasting, the toasting, the personas, the drama that is created as music artists try to create characters basically for themselves. In other words, I think experts in rap music play a very important part here in trying to educate jurors who might not understand the musical and narrative conventions of rap music, to make sure that they understand that the vast majority of what they are hearing in rap music is not to be taken literally.

[Music Break]

DJ: As the experts point out, using an artist's rap lyrics in a trial can sometimes put a thumb on the scale of justice and distract jurors from the facts of the case before them. But why does rap seem to do that? Up next, Kirk speaks with an expert who has explored that question and what unconscious bias plays in the answer.

KM: In 1996, Professor Carrie B. Fried conducted a first-of-its-kind study looking into how people perceived rap music, and if negative racial stereotypes contributed to the public's objection to it. Fried tested to see how people reacted to two separate lyrics. The first lyric was taken from a song, "Bad Man's Blunder" by The Kingston Trio, a three-man folk group from the 1950s and 60s.

"Bad Man's Blunder": Well, early one evening, I was rolling around. I was feeling kind of mean, I shot the deputy down.

KM: The second was "Cop Killer" by rapper Ice-T. After removing all identifying information about the songs, Fried presented the lyrics as either country, rap or folk music test subjects, then answered sets of questions about how they felt about the songs. Fried found that when asked to only judge the lyrics, the type of music plays a significant role in how people perceive it. Putting it plainly, a folk song about gunning down a deputy was seen as harmless, but if it was presented as a rap song, then it was considered dangerous and defensive. Additionally, lyrics that were associated with rap music and written by Black artists were seen as more unfavorable when compared to folk or country music that was written by white artists. Fried went on to further research this topic in a 1999 study, which largely affirmed her earlier study, finding music associated with rap and Black artists was seen as more dangerous than non-rap music and music from white artists. Fast forward some years later, and another

professor began looking into how rap music is perceived by society and how those perceptions impact the consumers and creators of such music.

Charis Kubrin: I have a lot of different research interests, but I do a lot of research that examines kind of the role of music, identity and culture in the lives of youth and disadvantaged communities, so, looking at how music, sort of the social significance and meaning of music in the lives of young people. My name is Charis Kubrin and I'm a professor of criminology law and society at the University of California Irvine. And at the time I was also a big fan of hip-hop, listening to a lot of rap music in the 90s, this goes back a while now. And I started to see parallels between kind of what I was reading in my sociology graduate courses and what rappers were saying in their lyrics at the time, whether it was about sort of the communities or the problematic presence of police in those communities or the war on drugs, the war on crime, that sort of thing. Once I got my Ph.D. and started as an assistant professor of sociology, I returned back to these issues and did the first of many studies, which involved the content analysis of over a decade's worth of rap music lyrics, looking for a variety of themes in the lyrics.

KM: Kubrin's research was also in many ways a first of its kind, but it also led her to unlikely places, including a courtroom.

CK: My early work kind of looked at themes in the lyrics, and I wrote several papers on misogyny and nihilism and respect and violence in the lyrics through these content analyses, moved on to other research topics and then about five, 10 years later, got contacted to serve as an expert witness in a case where an author's, a rapper's lyrics were being used against him and he was being charged with communicating a terrorist threat given the nature of the lyrics. So, that's sort of how I went from kinda researching lyrics to, oh my goodness, what is this request? And what is this case where rap lyrics are central pieces of evidence in a criminal case? And that really, that was about 2011. That began what continues today, which is my interest in and research and participation in testifying in cases where lyrics are being used, unfortunately, against aspiring rappers.

KM: Kubrin, familiar with the earlier Fried studies, would use the conclusions from it as she would testify in court cases.

CK: I came across that study years ago and found it absolutely fascinating. And when I would testify, I would cite the findings of that study, which was that the same exact same lyrics when considered as rap were viewed as much more threatening and dangerous than when they were viewed as country music. And so simply the mere label of rap created this stereotype and perception of dangerousness and threatening that could have implications in criminal cases. And I would testify on the Fried study and often prosecutors would say, well, that study was published in 1999 and it's old, the findings are outdated, we are in a post-racial society and I would get challenged. And that's why some colleagues and students of mine at UCI and I decided to replicate that Fried study, both replicating as well as building on the study's finding. We asked people to read these threatening lyrics from that same song. And then we asked them to rate the song on its level of offensiveness and level of breadth and other things, but we also asked them whether they thought the lyrics were autobiographical. So, we asked them to what extent do you agree that the lyrics were written to brag about the songwriter's experience, or the lyrics were based on the songwriter's real-life experience? And we did that because that was one of the things prosecutors were doing.

KM: In 2016, Kubrin and her team of researchers released their findings 20 years after Fried conducted her initial study. Any guesses as to what they found?

CK: And in our replication and extension, we found both support for Fried's earlier study, 20 years later, same findings, 20 years later, but we also found that people were much more likely to think the rap lyrics were autobiographical in nature compared to when they were viewed as country music lyrics.

Adam Dunbar: And the people that learn those lyrics and that the songwriter was a rapper perceived that rap or perceived that songwriter as having worse character and having a greater criminal propensity.

KM: That is Adam Dunbar, he's a professor at the University of Nevada at Reno and researches on the intersection of race and the criminal justice system. He was also on the research team who replicated Fried's study in 2016 with Kubrin. While these studies tell us what people are thinking and reveal the possible implications of biases for criminal trials, I was still curious to learn why people's perceptions of rap music are the way they are.

AD: So, in addition to the work that I've done, other people have looked at, I got news articles, you know, periodicals, and how rap music is talked about, and rap music is often framed as this kind of danger to society. So, even though you have genres like heavy metal and country also invoking themes of violence, of drug use, domestic violence in particular for certain genres, where they don't get that same attention, in the media, right? Whereas rap music is gonna be portrayed or depicted as this danger to society.

KM: I asked Dunbar what sort of conclusions could be drawn from this research on how rap lyrics as evidence might impact a criminal trial.

AD: Yeah, I think using rap lyrics as evidence in criminal trials can be hugely problematic because I think jurors and to a certain extent right, other courtroom actors with judges and prosecutors, that they're relying on stereotypes about the genre to make assumptions about that evidence, and even about the defendant. So, if somebody has their lyrics introduced, their rap lyrics introduced that a juror who doesn't know the art form, doesn't really know the genre conventions of rap music. It's what they're gonna end up relying on are these stereotypes or that rap music that are associated with violence that are associated with potentially with racial biases. And then that's gonna inform how we interpret the evidence, right? That, well, you know, based on what I've learned on the news, all these rappers are violent people. And so, these lyrics are probably a confession. It makes sense that they're more threatening and that this person's actually bragging about their criminal activity, because from what I've learned in the news, or from, you know, stories here and there, that this is what rappers do, right. They're always bragging about their violent acts.

CK: When I get contacted about these cases, usually by defense attorneys, they themselves are not necessarily familiar with rap music and the genre conventions associated with rap. So, they don't really know how to make sense of the lyrics or the videos and I'm often there to help contextualize that for them. But then when I testify and I walk in the courtroom and I'm looking around at the judge and the attorneys and the jury, right? I mean, there's absolutely a disconnect. I mean, if you think about who comprises our juries across the United States, I don't think it's a stretch to say that these are largely middle-class, older, white jurors who often are retired, for example, and have the time and the ability to

sit on as a juror in these cases. And so, when you think about who's most likely to be familiar with rap music in its conventions, it's certainly not that group of folks. You know, it's because of findings like this. I and another professor at University of California Irvine, Professor Jack Lerner in the law school there, decided to come together and create a manual for defense attorneys, that it's really a legal guide for defense attorneys that are dealing with rap on trial cases. We spent three years working on creating this legal guide that basically helps those in the system dealing with rap on trial cases, navigate the challenging authority issues around rap on trial.

KM: Remember that California law I mentioned earlier that would make it harder for lyrics to be admitted as evidence? Well, before the state Senate voted to approve the bill, State Senator Dave Min recognized Kubrin and her colleague Professor Lerner for their work on this issue.

California Legislature Clip: Senator Min? I just wanted to speak out in support of this bill. It's based on the very important work of two former colleagues of mine at UC Irvine, people I'm proud to call friends, Professor Charis Kubrin at the school of criminology, Professor Jack Lerner at the law school. And I urge your aye vote. Is there any further discussion or debate?

KM: Professor Kubrin also told me that she believed the law was a step in the right direction.

CK: When is it useful to have the lyrics in? There may be a very, very small number of cases where it makes sense to allow the lyrics in. However, allowing them in introduces bias and prejudice as my research shows. So, you really have to weigh the benefits and consequences of that. So, I think laws like this, I think are a really good practice and highly encouraged.

KM: On her website, endrapontrial.org, Kubrin has published the over-100-page legal guide.

CK: Right on the front page there is a whole section about the legal guide where we, it's a hundred-page document with lots and lots of discussion of cases along with tactics and suggestions for attorneys dealing with these cases on how to present the evidence, when to call expert witnesses, so on and so forth, along with the background, kind of the history and context and genre convention that I mentioned earlier.

KM: According to Professor Kubrin, allowing the practice of rap lyrics to be used as evidence only serves to further the negative stereotypes of the musical genre and people of color.

CK: We're allowing these stereotypes to continue and pervade our institutions and systems of justice. It puts challenges and threats on artistic expression and First Amendment issues. I mean, there are many, many implications to this practice, if you will. And you know, some people might say, well, it's just a handful of cases here and there, but this is actually happening quite frequently, not just in the United States, but in Canada and in other parts of the world where rap music lyrics are being put on trial. So, this is a pretty serious issue that has broad scope.

DJ: So far, we've heard a lot from folks in academia about this issue about how using rap lyrics as evidence is often a pile on of facts, how it can prey on ugly stereotypes, but this discussion would not be complete without a voice for the recording studio.

KM: At the center of the dispute over rap lyrics as evidence is artists looking to share their craft with the world. Coming into its 50th year of existence, rap has ascended to be one of the most popular musical genres in the United States. And its influence has changed music forever. The power of the rap music

industry is indisputable, but that is the industry. What about the individual rappers? Do they feel they have the agency to speak their truth when their very own lyrics may be used against them?

Roqy Tyraid: I've always felt like some sort of a pushback from the industry as a whole, when it comes to, in just certain parts of society, when it comes to either being an artist that talks about things that is really pertinent to Black liberations, the struggle, things that are very socially aware. Yeah, my name is Roqy Tyraid, I'm an indie artist, you know, I'm a hip-hop artist. I'm an MC, a songwriter, performer. It's funny that, it's funny because we saw a bit of a change in 2020, but it felt performative. It felt you know, they, more or less, like industry as a whole commodified struggle and pain and things that we were shining a light on because it was just a fashionable thing to do.

KM: In addition to his career as a hip-hop artist, Roqy sits on the board of directors for the Arizona ACLU.

RT: Throughout history, you know, being an artist and witnessing, you know, certain artists talk about certain stuff. It has been something that is people, especially people who are not Black, brown, indigenous, who don't face that systemic, those systemic issues, they tend to shy away from it, whether or not it's like outright denying it or just feeling uncomfortable. And I've never shied away from engaging in those conversations, whether it was in my immediate area, whether it was through my platform, whether as an artist or whether it was, you know, on my travels and the civil rights advocacy field, I felt like it's important that we don't compartmentalize our feelings and our experiences, despite certain people wanting to turn away from it.

KM: Rocky said that his advocacy for civil rights is something that can be heard in his music.

RT: I guess one of the things that people have as of lately had noted is there's a lot of social commentary in my music.

KM: As an insider of the industry and arguably someone who has the most to lose or gain out of this issue, I asked Roqy about his thoughts on why rap music specifically is the musical genre that is brought up in criminal cases.

RT: I would say that it speaks to just the historic prejudice against Black folks. I mean, we can take it outside of music. I mean, you know, we have been demonized, vilified. We've been painted as this like, you know, danger to society and we live in a society that uses fear as a tactic, whether it's from a societal standpoint, whether it's from a religious standpoint and that has been applied to Black folks as a whole since we arrived on these shores and that's in order to encourage tribalism and to get people to work against the benefit of an entire body of people. That mindset that Black folks are dangerous, that that's like a volatile, it's like a volatile combination when you mix music or that takes advantage of First Amendment rights. So, it's really just about various fantasies and create creative expression and you mix the criminal justice system like that, that is something that has really been detrimental to a lot of artists, regardless of their stature.

KM: I was also curious if Rocky had ever felt pressure not to speak his mind either publicly or through his music, out of concern for how people might perceive the message.

RT: Absolutely. Absolutely. That was one of the things that I faced right before the 2020 Black Lives Matter, like the resurgence of like those sort of demonstrations and that general conversation that we were having as a society. You know, working with some people in Hollywood, in the music industry, I

show up as somebody who is pro-Black, who is just a, I'm a Black man in America, but one of those, the, the layers of that fabric is me being a self-aware person who is pro-Black, who strives to advocate for our need and to advocate for liberation and to, you know, to recognize things that impact us specifically. And you know, whether it was somebody who outright was uncomfortable around it or tried to find a way for me to not engage in those sort of conversations about music because it's not profitable. Yeah, it was something that we always experienced and, you know, there's certain language that certain people would use and say that you would be branded as a militant or, you know, that, certain people would not want, would not want to support your music because you know, it just makes them uncomfortable.

KM: What about record labels and music executives? Are they coming to the aid of rappers who find themselves on the wrong side of the law?

J. Christopher Hamilton: Oftentimes this rap artist who you see in music videos, you see on TV with this braggadocio approach to, you know, his artistry and, you know, all of the trappings of success really is a very small player in the grand scheme and is often marginalized in that process from business tactics as well as legal tactics and ends up, and oftentimes if anyone who's following the hip-hop community, oftentimes ends up either in jail, dead or bankrupt. My name is J. Christopher Hamilton, I am an assistant professor at the Newhouse School for Public Communications at Syracuse University.

KM: Professor Hamilton examines the entertainment industry and seeks to help shed light on how people from marginalized communities make their voices heard. But before becoming an entertainment scholar, he worked in the industry. Hamilton told me about his own thoughts on why he believed the rap industry finds itself under the microscope, such as in the ongoing case against Young Thug and Gunna in Georgia.

JH: I think that part of the reason why this particular trend that is using rap lyrics and criminal prosecutions is I think that it becomes, I think there's a, I think depending upon what part of the country we're looking at, but in particular where the Young Thug cases taking place in Georgia, you know, there has been a huge spike in crime in Georgia, in Atlanta, in particular. So, my point is, is that I think that the pressures being exerted on the criminal justice system to quote-unquote make an impact on deterring crime or preventing crime is manifesting itself in ways like this. And I think the same could be said for a lot of the things that happening in New York City. So again, I haven't studied this, this is just me from as an observer, recognizing the correlation between, you know, a rise in crime, then all of a sudden, a rise in the use of rap lyrics against, you know, artists and because it's, it's low hanging fruit.

KM: Professor Hamilton told me that the legislation that was being introduced to address this issue in New York, California and in Congress is promising and believed that it had the potential to protect rap artists from exploitation. However, he told me that these laws would not address what he saw as the root of the problem.

JH: So, you want to prevent artists engaging in criminal activity, but you know, largely the reason why they're able to, the ones that are criminal engaging crimes, large reason why they're able to do that is because they are supported and subsidized right by an organization that can facilitate that for them. And there's accounts, examples of artists who in their attempt to change their lives, but they're still in the streets doing things like selling drugs or guns or whatever, so, have you. Funding their business enterprises through these efforts and then those business enterprises become successful enough that the bigger companies say, hey, you know what? I'm really impressed with what you created, let me lend

you some more money towards that. Oh, why not? Why don't I just buy that from you? Here's \$30 million for your. Now, this is a label that was largely created off of drug proceeds. Now the big company says we're gonna acquire that label and build it into a bigger company, co-mingling dirty money with I guess, clean money, but when it comes time, when the dragnet comes down and thereafter, the artist, what he did 20 years ago, or 10 years ago, or last year, the label is never held accountable for that aid effort, commingling of resources, providing a financing, they're going in the wind and the artist is left holding the bag.

KM: Hamilton said that while he doesn't believe record labels and music executives have a diabolical plan to squeeze rap artists for all their worth until they become a legal liability, the system itself incentivizes this type of treatment. I asked Roqy about his thoughts on this.

RT: Corporate America views our culture as a commodifiable venture, and us is just a vessel for that. So, they don't necessarily, they don't care what happens to the artists in particular, because they're going to exploit them regardless if they're here and regardless if they're not, and we've seen so many posthumous albums as an example, you know, and you know, it could be as debatable as, oh, this artist would not have worked with this individual to outright creating holograms or, you know, like Fortnite characters or whatnot. And in selling the, you know, NFTs of artists who are no longer here, like they view because of the capitalist society that we exist in, because of how racism is inherently tied to that, you will continue to see record labels can exploit us without any real recognizing that this individual's a human being, they may need mental health counseling, they may need financial literacy courses, they may need some sort of Big Brothers Big Sisters program. If they're getting signed at 17, 18, 20 years old, and still not really become who they're meant to become and now playing with millions of dollars. They don't mind because you know, this, this is a revolving door. This industry is a revolving door at the end of the day.

KM: Roqy believes that the best way to solve this issue is for rap lyrics or any form of artistic expression for that matter to never be admissible as evidence.

RT: Again, it's just the same old story of vilifying Black folks and not applying that same level of justice, that same level of empathy and rationality that they would for a white entertainer. What does a prosecutor have to, why would they do that? Because they, their, the job of the prosecutor is to prosecute. It is to lock people up and they'll use any and every means necessary to accomplish that goal because their career falls on that, they are financially incentivized to lock people up. And if there's no obstruction to that form of evidence, they're going to use it. And that's just the American judicial system.

["Tyraid Tuesday 10" Plays]

KM: I want to thank all of the experts who spoke with me for this episode. I would especially like to thank Roqy Tyraid, whose music you can find on Spotify. The song you hear now is "Tyraid Tuesday 10."

["Tyraid Tuesday 10" Plays]

DJ: For all the latest in issues affecting our justice system, read our reporting at [courthousenews.com](https://www.courthousenews.com). And join us for the next episode of Sidebar, where reporter Nina Pullano walks us through what cases the U.S. Supreme Court will consider in its next term. That starts up in October, given that the court's

last term was chock full of history-making decisions, this is an episode you won't want to miss. Until then, thanks for listening.

[Outro Music]