

IS IT THE SONG OR THE SINGER?

Which of these lyrics are the words of a murderer?

*I went up to Memphis
And I met Delia there Found her in her parlor
And I tied to her chair
Delia's gone, one more round Delia's gone*

*She was low down and trifling
And she was cold and mean
Kind of evil make me want to Grab my sub machine
Delia's gone, one more round Delia's gone*

Or these?

*I shot the sheriff
But I didn't shoot no deputy, oh no, oh
I shot the sheriff
But I didn't shoot no deputy, ooh, ooh, ooh*

*Yeah, all around in my home town
They're trying to track me down, yeah
They say they want to bring me in guilty
For the killing of a deputy
For the life of a deputy*

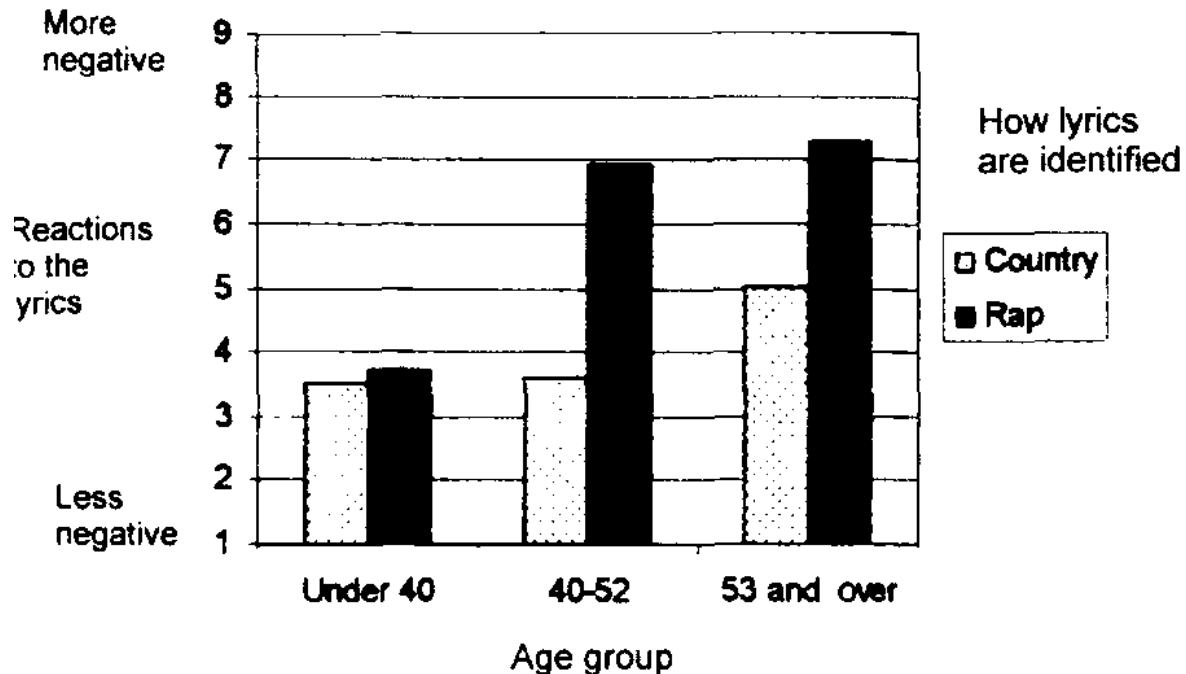
Or these?

*Listen, walked to your boy and I approached him
Twelve midnight on his traphouse porch and Everybody saw when I mother—' choked
him
But nobody saw when I mother—' smoked him
Roped him, sharpened up the shank then I poked him .357 Smith & Wesson bean scoped
him*

Let's try this from another angle. Read these lyrics and then see how you feel about them as evidence, if you were told the author – the murder suspect – was a country singer or a rapper.

*Well early one evening I was roamin' around,
I was feelin' kind of mean, I shot a deputy down,
Strolled along home and I went to bed,
Well, I laid my pistol up under my head.*

When people were asked to read these lyrics, and were told either that the source was “country” or “rap,” the response was drastically different.



This testing occurred in 1996. Fried, Bad Rap for Rap: Bias in Reactions to Music Lyrics, *Journal of Applied Social Psychology*, Vol. 26, Issue 23, December 1996. But the effects persist. Using the same lyrics and the same questions, researchers in 2016 found that “those who were told the lyrics were from a rap song perceived them to be more negative overall compared to those who were told the lyrics were from a country song.” Dunbar *et al*, *The Threatening Nature of 'Rap' Music*, *Psychology, Public Policy and Law* 22:280-292, 2016.

Dunbar and colleagues then tested the proposition with different lyrics, those from a Johnny Cash song. The lyrics were first pre-tested to see whether the audience could tell the genre as country; after that was determined not to be the case, the test was administered and again “those who were told the lyrics were from a rap song perceived them to be more negative overall compared to those who were told the lyrics were from a country song. *Id.*, 286.

A third and final test was done to tease out where race played out in the calculus. As described by the authors,

Participants were randomly assigned to one of six conditions, which experimentally manipulated the genre of the lyrics (no genre, country, or rap) and the race of the songwriter (Black or White). Thus, a 3 (genre label) 2 (race of author) between-participants factorial design was utilized. After learning about the genre of the lyrics and the race of the songwriter, participants read lyrics...

Id., 287. The results did not show race to be a factor, but labeling music “rap” – regardless of the race of the ‘rapper’ - was, again leading to rap lyrics being viewed more negatively. Taken together, “[t]he studies all found a genre effect, irrespective of the actual lyrics or the race of the author.” *Id.*, 289.

What does this mean? That once a jury (or judge determining admissibility) classifies lyrics as “rap” those words take on more profound and threatening/negative meaning than the same lyrics when believed to be “country.” So it is *who* sings and not *what* is actually being sung that affects admissibility and probativeness. Relevance then comes not from the speaker’s intent but from a judgment as to what a person who uses that style of communication must mean.

Back to the three sets of lyrics at the beginning of this article. They are, respectively, those of Johnny Cash, Bob Marley, and Antwain Steward, the third the only one charged with murder. The lyrics were used to make him a suspect, but ultimately were not presented at trial.

[For more information on “rap” as proof of a crime, read Nielson and Dennis, RAP ON TRIAL.
<https://www.rapontrial.org/>