Censorship and Music: Rock, Rap, and the First Amendment (Program)

Institute of Bill of Rights Law at The College of William & Mary School of Law

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CENSORSHIP AND MUSIC: ROCK, RAP, AND THE FIRST AMENDMENT

Fourth Annual Student Symposium
Thursday, April 1, 1993
Student Division, Institute of Bill of Rights Law

-- All are invited to attend and contribute to the discussion. Admission is free. No registration is required. Sponsored by the Marshall-Wythe School of Law at the College of William and Mary.--
CENSORSHIP AND MUSIC: ROCK, RAP, AND THE FIRST AMENDMENT

KICKOFF
SOAPBOX/OPEN MICROPHONE
Noon, Student Lounge
An opportunity for the public-at-large to express views

THE FIRST AMENDMENT ON TRIAL
MOOT COURT EXERCISE:
6:00 p.m., Marshall-Wythe School of Law - Room 119

THE JUSTICES--
John E. Nowak, Lee Distinguished Professor, Marshall-Wythe School of Law, presiding
Neal E. Devins, Professor of Law, College of William and Mary
Paul Marcus, Haynes Professor of Law, College of William and Mary
Chrisos Badavas, 2L
Tim Goplerud, 2L
Kyle Johnson, 2L
Mark Peritz, 2L

THE ADVOCATES--
Representing Rap Records
Chris Fields, 1L
Ken Hickox, 1L
Brett Loney, 1L

Representing the Russells
Mike Cox, 1L
Gretchen Lynch, 1L

RAP RECORDS, INC. V. RUSSELL--STATEMENT OF FACTS AND PROCEDURAL HISTORY
Rap Records produced and distributed the music video Nasty Business by the rap group "Nasty Boys." The video contains graphic depictions of both sexual acts and a game of Russian Roulette. James Russell, a sixteen year-old, took his own life while playing Russian Roulette with friends, while watching the video.

The parents of James Russell subsequently sued Rap Records, the group Nasty Boys, and the individual members of the group pursuant to Freedonia's "Obscenity Victims Compensation Act," which allows recovery by victims of damages directly resulting from exposure to obscene material. The jury found the video to be obscene, and awarded the plaintiffs damages of one million dollars. The Supreme Court of Freedonia affirmed the judgment on appeal.

The advocates will address such issues as whether the video has "redeeming artistic value," the significance of the fact that it is targeted largely to minors, and the general question of whether damage awards are appropriate under the First Amendment when violence is allegedly caused by music videos.
KEYNOTE
COP KILLERS AND KILLER COPS
7:15 p.m., Marshall-Wythe School of Law - Room 119
Dave Marsh, author of 50 Ways to Fight Censorship

PANEL DISCUSSION/TOWN MEETING
7:45 p.m., Marshall-Wythe School of Law - Room 119
Each panelist will be given 5 minutes for opening remarks, after which the floor will be opened to general questions and debate.

PANEL--
Dennis R. Martin, President, National Association of Chiefs of Police
Jay Alan Sekulow, Chief Counsel, American Center for Law and Justice
Jimmie L. Briggs, Minority Writing Fellow, The Village Voice
Mary Morello, Founder, Parents for Rock and Rap
Harvey D. Eluto, Founder, Virginians Against Censorship
Neal Grover, professional musician
Bill Wilder, 3L
MODERATOR—Roger Mudd, Carter Lowance Fellow, College of William and Mary

MOOT COURT JUDGES
John E. Nowak is the Lee Distinguished Professor at the Marshall-Wythe School of Law. Professor Nowak is visiting from the University of Illinois College of Law. He graduated from Marquette University and the University of Illinois College of Law. Prior to joining the faculty at Illinois, he clerked for Justice Walter Schaefer of the Illinois Supreme Court. Professor Nowak, a nationally recognized constitutional scholar, is the co-author of a multivolume constitutional law treatise and a leading constitutional law hornbook.

Neal E. Devins is professor of law and lecturer in government at the College of William and Mary. He received his A.B. from Georgetown University and his J.D. from Vanderbilt Law School. Professor Devins has previously served as Assistant General Counsel for the United States Commission on Civil Rights, and Project Director for the Institute for Public Policy Studies at Vanderbilt University. He is the author of over thirty articles on constitutional law, civil rights, and education, and is a frequent contributor to national newspapers and magazines. Professor Devins is the editor of Public Values, Private School (Stanford Series on Education and Policy) and Readings in Institutional Dynamics (with Louis Fisher).

Paul Marcus is the Haynes Professor of Law at the College of William and Mary. Professor Marcus received his A.B. and J.D. from UCLA. Prior to joining the faculty at the University of Arizona College of Law, he taught at the University of Illinois College of Law, and practiced law in Los Angeles. He is the former Dean of the University of Arizona Law School. Professor Marcus is the author of Criminal Procedure: Cases and Materials (with Cook), Copyright and Other Aspects of Law Pertaining to Literary, Musical and Artistic Works (with Myers and Nimmer), The Prosecution and Defense of Conspiracy Cases, and The Law of Entrapment.
BIOGRAPHICAL INFORMATION, CONTINUED

KEYNOTE SPEAKER
Dave Marsh is a freelance journalist who has spent the last decade writing and lecturing about censorship. Mr. Marsh is the former associate editor of Rolling Stone, and is currently a music critic for Playboy and editor of Rock and Roll Confidential. He is the author of numerous books about popular music, including Born to Run and Glory Days. Mr. Marsh also serves on the boards of the Rhythm and Blues Foundation and the National Writers Union.

MODERATOR
Roger Mudd is the 1992-93 Carter Lowance Fellow at the College of William and Mary. Mr. Mudd received his A.B. from Washington and Lee University and his M.A. from the University of North Carolina. Mr. Mudd has over 35 years experience in the field of journalism, including positions at the Richmond News Leader, WTOP (Washington, DC), NBC, CBS, and the MacNeil/Lehrer NewsHour.

PANELISTS
Jimmie L. Briggs, Jr. is the Minority Writing Fellow at the Washington, DC office of the Village Voice. Mr. Briggs graduated from Morehouse College. Prior to joining the Village Voice, he was a freelance writer and Foreign News Aide for the Washington Post.

Dennis R. Martin is President of the National Association of Chiefs of Police and Training Officer for the Saginaw County, Michigan Sheriff's Office. Mr. Martin graduated from Michigan State University. He has held several other law enforcement positions over the past 18 years, including patrol officer for the sheriff's department.

John A. Sekulow is Chief Counsel for the American Center for Law and Justice. Mr. Sekulow received his B.A. and J.D. from Mercer University. The ACLJ is a public interest law firm dedicated to establishing a network of Christian advocates and the promotion of pro-family causes. Prior to joining the Center, Mr. Sekulow was an attorney in private practice and General Counsel for Jews for Jesus. He has argued before the U.S. Supreme Court numerous times and is the author of From Intimidation to Victory.

Mary Morello is the founder of Parents for Rock and Rap. PFRR is dedicated to fighting music censorship and promoting rights guaranteed by the first amendment. Ms. Morello is an honorary member of Ice-T’s Rhyme Syndicate.

Neal Grover is a local musician and songwriter. Mr. Grover is a graduate of Bard College, where he studied Composition and Jazz. He has played in numerous bands, ranging in style from bluegrass to Chicago-style blues.

Harvey D. Eluto is a Virginia Beach bookseller who is the founder and President of Virginians Against Censorship. VAC is an organization pledged to promote free access to information and opposition to censorship. Mr. Eluto has organized several seminars and panel discussions in the Virginia Beach area concerning the First Amendment and censorship.

The INSTITUTE OF BILL OF RIGHTS LAW was established at the College of William and Mary in 1982 by a private bequest to support scholarly research on issues involving constitutional liberties. It is an academic foundation with a mission of quality research and public education.

The STUDENT DIVISION OF THE INSTITUTE OF BILL OF RIGHTS LAW was established to foster dialogue and promote research among law students. An integral part of the Institute, the Student Division enhances the educational opportunities of students and promotes the ideal of the lawyer as a thoughtful citizen contributing to the resolution of political and social problems.

Symposium support and organization are provided by Symposium coordinators, Mark Donald, Dawn Darke, and Scott Drabonstadt, and Symposium staff Susan Reiners, Mark Capron, Mike Cox, Fred Ochsehnicht, Michael Homes, Bill Madigan, Janet Breckenridge, Rebecca Mordini, and Lee Stokes.

Institute staff are: Rodney Smella, Director; Ray Kindred, Deputy Director; John Nowak, Lee Visiting Professor; and Millie Arthur, Administrative Assistant.