

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY LATOUR, a minor, and JOHN A. LATOUR and DENISE LATOUR, as parents and natural guardians of Anthony Latour and in their individual capacity,

Plaintiffs,

v.

RIVERSIDE BEAVER SCHOOL DISTRICT,
Defendant.

Civil Action No. 05-1076

Electronically Filed

**EXPERT REPORT OF BAKARI KITWANA
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs Anthony Latour and his parent, John and Denise Latour, submit this expert report of Bakari Kitwana in support of Plaintiffs' Motion for Preliminary Injunction. A copy of Mr. Kitwana's expert report and his curriculum vitae is attached hereto.

Dated: August 16, 2005

Respectfully submitted,

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EXPERT REPORT OF BAKARI KITWANA

Anthony Latour, et. al. v. Riverside Beaver School District United States District Court for the Western District of Pennsylvania Civil Action No. 05-1076

I. Expertise

A copy of my curriculum vitae is attached as Exhibit A.

Former Executive Editor of the Source Magazine: The Magazine of Hip-Hop Music, Culture and Politics. Deemed the bible of hip-hop, the Source has been the top-selling music magazine in the country since the late 1990s. I worked at the magazine for 4 years (1995-1999) in various capacities, including Senior Editor of National Affairs. As an editor at the Source, I wrote and edited hundreds of articles on hip-hop and youth culture. Prior to my work at the Source, I authored my first book *The Rap on Gangsta Rap* (Third World Press) in 1994. After leaving the magazine, I've authored 2 additional books, *The Hip-Hop Generation: Young Blacks and the Crisis in African American Culture* (Basic Civitas, 2002) and my most recent book, *Why White Kids Love Hip-Hop: Wankstas, Wiggers, Wannabes and the new reality of race in America* (Basic Civitas, June 2005). *The Hip-Hop Generation* has been adopted as a course book at over 50 colleges and universities across the country.

In addition to book publishing and magazine work, I've been a visiting scholar in the political science department at Kent State University, where I taught a course entitled *The Politics of the Hip-Hop Generation*. I've also been a consultant for the Rock and Roll Hall of Fame on hip-hop where I've been an instructor for three years in their summer teacher institute, providing instruction on the significance of hip-hop in the lives of American youth and ways of incorporating hip-hop into elementary and high school curriculum. Over the last decade, I've also lectured actively on hip-hop and youth culture at colleges and universities across the country, including Harvard University, Stanford University, Columbia University, Cornell University, The University of Virginia and countless others. In the last 3 years alone, I've averaged approximately 40 public lectures a year. Additionally, I've been called upon to comment as an expert on hip-hop and youth culture by countless print, radio and television news media, including CNN, BET, CSPAN, The Boston Globe, the Washington Post, and Access Hollywood. I've also written on hip-hop for the New York Times, the Boston Globe, The Village Voice, and for UNESCO's publication *DIOGENES*.

II. Material Reviewed

I reviewed the audio recordings and written lyrics of "Massacre," "Actin Fast ft. Grimey" and "Murder He Wrote." I have also reviewed the recordings of the songs that mention "Jane Smith." I have also reviewed the complaint filed in this case, and the transcript of "John Doe's" testimony at the May 17, 2005 expulsion hearing.

III. Background

Hip-Hop

The term hip-hop has become a catchall phrase for the youth culture and the various elements of that culture that many young Americans increasingly identify with. Hip-hop is a culture that has its roots among young Blacks in urban communities throughout the northeastern United States. The Black subculture that emerged in the South Bronx in the early to mid 1970s began as what hip-hop pioneer Afrika Bambaataa called the five elements (“grafitti art, breakdancing, rapping, djing and doing the knowledge”). What popularly became identified as hip-hop culture by the early 1990s in some cases expanded beyond that definition mostly due to the commercialization of rap music to include things like verbal language, body language, fashion, style and worldview or sensibility. The culture has also expanded beyond the urban context to suburban and rural environments, as well as from a national phenomenon to an international one. In America’s it’s become mainstream youth culture that young people are identifying with across race. Now there are not only prominent Black rappers but Asian American, white American, Native American and Latino American rappers as well. Regarding white kids specifically, it has been noted by music industry insiders that young white Americans have been significant supporters of the music. In my own research I’ve found the interest of young white Americans to go far beyond a surface fascination to actually engaging the arts of hip-hop. In my work in and around the hip-hop industry, I’ve encounter countless young white Americans at all levels of hip-hop culture.

Part of the reason why the culture is so influential is because unlike rock and roll and other musical genres when young people identify with hip-hop they are identifying with more than a music. And although the jazz subculture be-bop, much like hip-hop, had a cultural lifestyle connected to it, it didn’t emerge in a global, information age, hence its reach didn’t move far beyond jazz aficionados.

The term hip-hop refers interchangeably to rap music, hip-hop culture itself, and/ or some aspect of the culture or the cultural movement.

Hip-hop’s Vocabulary

Hip-hop is a mostly male artform that tends to use very aggressive language. It gave young Black men access to mainstream public space at a time when their voices were virtually non-existent in mainstream American life. Hip-hop also emerged out of a social and political context where young Blacks were locked out of the mainstream American economy. In the mid 1970s as manufacturing jobs are being exported over seas, a generation of Black youth were emerging with very limited jobs options other than the underground economy and service industry jobs without benefits like healthcare that characterized earlier the 50s and 60s. As countless young Black entered into the criminal justice system, the language of prison culture came to permeate hip-hop by the 90s. This in part explains the anti-establishment and outlaw language that dominates a fair amount of rap music today. But much of this is metaphorical. Most rap stars aren’t involved in criminal lifestyles.

Battle Rap

Part of the tradition of hip-hop is the desire to be the best. And every rapper thinks he or she is the best. The tendency is to believe or at least make fans believe that you are the best rapper ever. Part of this tradition includes verbally beating back any would-be competitor with words. Battle rap is an aspect of hip-hop that grew out of this tradition. From the earliest days of hip-hop mc battles, verbal confrontations between mcs (the term emcee or mc are synonyms for rapper or hip-hop artists) battling for verbal supremacy, has been part of the culture. The idea is to belittle or diss (disrespect) your opponent and boast about yourself. Your goal is to make it clear to listeners that you are the best rap artist. There are countless historical examples of this among well-know established rap stars from the late 70s and the early 80s (KRS-One and MC-Shan; Kool Mo Dee and LL Cool J) right up to the present (50, Cent and Ja Rule; Jay-Z and Nas; Eminem and Ray Benzino). Entire songs have been made that diss other rappers, referred to as diss records. When such a record is made targeting an mc, generally, that mc is inclined to respond on record as well to defend their lyrical skills and reputation as an mc.

Internet Battles

In more recent years with the mainstream success of the film Eight Mile, what was once confined to nightclubs and other 18 and over venues has made it's way onto the internet, where young kids fascinated by the culture and whose opportunities to battle other mcs are limited now participate in internet battles. Various websites exists where such battling is commonplace. Established of age mcs jokingly refer to these underlings as "Internet thugs," as their bark is infinitely louder than their bite.

Hip-Hop as a literary artistic form

Hip-hop is poetry and part of the African American poetic tradition, which includes metaphor, simile and tons of word play. This has been documented by literary scholars like Harvard University professor Henry Louis Gates, Jr in his book *The Signifying Monkey*, University of Pennsylvania English professor Houston Baker in his *Black Studies, Rap and the Academy*, and Duke University professor of Popular Culture Mark Anthony Neal in his *What the Music Said*. It's also been documented by Linguists like Geneva Smitherman (*Black Talk: Words and Phrases from the Hood to the Amen Corner*).

Local vs. Commercial

A distinction between local and commercial hip-hop is crucial to understanding the culture. In the 80s there were a handful of hip-hop artists with record deals. With the commercial success of hip-hop by the 90s, with numerous artists reaching platinum sales, hip-hop as a career option for youth exploded. At the same time as young budding artists now pursue record deals with major labels, many others are just rapping for the love of the art and marginal success at the local level. Hundreds of thousands of artists have emerged in various cities, suburbs and rural areas across the country. In Minneapolis for example there is a thriving independent hip-hop scene. As rap artists like Eminem, Kanye West, 50 Cent and others have emerged from relative obscurity to international fame,

such success stories have encouraged young aspiring artists to do the same and jump into the rap game at a local level in search of the American Dream.

IV. Conclusions and opinions of Anthony's Song

Both Anthony's battle raps and his narrative song are standard fare. They don't depart from the norm of either published or unpublished hip-hop that I've seen over the years. In his battle raps he's doing what other mcs do, dissing an opponent and bragging about himself by comparison. Likewise, there is no precedent in hip-hop where rap lyrics from a battle led to an actual in person violent confrontation. The emphasis is on lyrical skill. When I judged an emcee battle at Oberlin College in May 2004, for example, no fighting came in the aftermath—fans and participants alike knew it was all in fun. Last year, I also judged an emcee battle regarding the 2004 presidential election at a night club in Cleveland. This was part of a national competition, where the winner in each city went on to a final battle in Miami. No violence was reported at any of the events which took place in several cities around the country.

Lyrical boxing is an apt metaphor. Actually, there is a weekly event in Cleveland called "Spit Boxing" that takes place at a nightclub called Hi-Fi. Aspiring rappers arrive and sign up to battle any comers. No violence has ever ensued.

In regards specifically to narrative, there is no precedent in hip-hop where rap lyrics in a narrative form led to subsequent violence. There is no precedent in hip-hop that I'm aware of where a rap artist describes a violent scene and then subsequently carries it out. Rappers do however speak often of rapping about reality. This is done after the fact, meaning folks don't rap about what they are going to do, they rap about what has been done in the past. What are common are descriptions of fictitious violence or descriptions of events that have happened in the past, which the emcee then exaggerates and embellishes.

The Notorious BIG's rap song "Niggaz Bleed" for example is an elaborate narrative that describes a shoot-out and robbery. The Notorious B.I.G. was never accused of or convicted for murder. On Jay-Z's most recent cd, the Black album there's are several rap songs where he narrates of killing opponents who are trying to kill him. Jay-Z is president of Def Jam Records. He has not been accused of nor convicted of murder. Hip-hop fans don't listen to his cds and expect him to go out and do so.

Rather than a departure from the hip-hop tradition, which has been functioning now for at least thirty years, what I hear and see in Anthony's rhymes is an attempt to imitate artists he admires and to create his own similar music. It is interesting to note for example that the rap star 50 Cent entitled his latest cd, "The Massacre." The album was released in February 2005 around Valentine's day with media hype that played on the Valentine's Day massacre lore prevalent in mainstream American culture. Anthony might have been

influenced by The 50 Cent album title, given that Anthony entitled one of the songs in question “The Massacre” as well.

As a former adjunct professor in two English Departments, when I view Anthony’s lyrics, I see a young man with an incredible sense of language who is demonstrating a fact that is increasingly being acknowledged by educators across the country who are now developing elementary, middle school and high school curriculum using hip-hop: that hip-hop can inspire students to engage in poetry at a level unthinkable for young people prior to its emergence.

The opinions expressed in this report are held to a reasonable degree of professional certainty.

s/Bakari Kitwana

Bakari Kitwana