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## SYMPOSIUM: BOB DYLAN AND THE LAW FOREWORD

Samuel J. Levine

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## SYMPOSIUM: BOB DYLAN AND THE LAW FOREWORD

*Samuel J. Levine\**

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### INTRODUCTION

On April 4-5, 2011, Fordham Law School hosted a Symposium on Bob Dylan and the Law, co-sponsored by the Louis Stein Center for Law and Ethics, Touro Law Center, and the *Fordham Urban Law Journal*. Given its subject matter, the Dylan Symposium differed from typical law school conferences, both in the attention it received outside the legal academy and in the format of the Symposium proceedings. By the time the Symposium opened on the evening of April 4,<sup>1</sup> news of the Symposium had reached national and international

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\* Professor of Law & Director, Jewish Law Institute, Touro Law Center. I thank Fordham Law School for hosting the Symposium, and in particular, Bruce Green, Director of the Stein Center, Jessi Tamayo, former Associate Director, and the editors and staff of the *Fordham Urban Law Journal*, for all of their work on the Symposium. In addition, I thank Dean Larry Raful for his support and Touro Law Center for co-sponsoring the Symposium.

1. Following introductory words of welcome by Professor Bruce Green, the opening evening included a panel discussion by Professors David Hadju, Alex Long, and Abbe Smith, moderated by Corny O'Connell, a graduate of Fordham Law School and a disc jockey on Fordham University's radio station, WFUV. The program focused on some of Dylan's most well-known songs related to the law, including *Hurricane* and *The Lonesome Death of Hattie Carroll*. The evening closed with a performance of these and other songs by Pete Kennedy, guitarist for the band, The Kennedys. For media reports of the events of the evening, see Dan Duray, *Bob Dylan for the Prosecution*, OBSERVER.COM (Apr. 6, 2011, 12:33 a.m.), <http://www.observer.com/2011/daily-transom/bob-dylan-prosecution>; Nate Schweber, *The Legal Side of Bob Dylan*, N.Y. TIMES (Apr. 5, 2011, 3:08 p.m.), <http://cityroom.blogs.nytimes.com/2011/04/05/the-legal-side-of-bob-dylan>.

audiences, through print, broadcast, and Internet media outlets.<sup>2</sup> Attendees included not only scholars, but also members of the public and the press, resulting in further media coverage in newspapers and news shows, throughout the United States and beyond.<sup>3</sup> As for the proceedings, in addition to live covers of Bob Dylan's songs, many of the presentations were accompanied by recordings of Dylan's music.<sup>4</sup>

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2. See, e.g., Kiley Armstrong, *Academics to Dissect Bob Dylan at NY Conference*, THE HUFFINGTON POST (Apr. 2, 2011), [http://www.huffingtonpost.com/2011/04/02/bob-dylan-and-the-law\\_n\\_843989.html](http://www.huffingtonpost.com/2011/04/02/bob-dylan-and-the-law_n_843989.html); Kiley Armstrong, *Bob Dylan Gets the Academic Treatment at Law Conference*, THE JAKARTA GLOBE (Apr. 4, 2011), <http://www.thejakartaglobe.com/entertainment/bob-dylan-gets-the-academic-treatment-at-law-conference/433424>; Kiley Armstrong, *Academics to Dissect Law, Bob Dylan at Conference*, THE CHINA POST (Apr. 4, 2011), <https://www.chinapost.com.tw/art/celebrity-news/2011/04/04/297224/Academics-to.htm>; Kiley Armstrong, *Academics to Dissect Bob Dylan at NY Conference*, TOOWOOMBANEWS.COM (Apr. 3, 2011), <http://www.australianews.com.au/story?cityid=d1de82e1-fce9-4f45-9541-79d83e888155&storyid=263faf6d-c540-47dd-891a-4bf9f3637b63>; Kiley Armstrong, *Academics to Dissect Bob Dylan at Fordham Conference*, CBSNEWS.COM (Apr. 2, 2011), <http://newyork.cbslocal.com/2011/04/02/academics-to-dissect-bob-dylan-at-fordham-conference>; Karen Sloan, *Come Gather 'Round Legal Scholars for a Conference on Dylan*, NAT'L L.J. (Mar. 24, 2011), <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=120248782858>.

3. See, e.g., Duray, *supra* note 1; James Jachno, *Bob Dylan Hits Dissected by Academics*, THE TELEGRAPH (Apr. 6, 2011), <http://www.telegraph.co.uk/culture/music/bob-dylan/8429893/Bob-Dylan-hits-dissected-by-academics.html>; Peter Lattman, *Bob Dylan's Legal Fan Club*, N.Y. TIMES (Apr. 7, 2011), <http://dealbook.nytimes.com/2011/04/07/bob-dylans-legal-fan-club/>; Mark Memmott, *Bob Dylan Is Songwriter of Choice for Freewheelin' Justices*, NPR.ORG (May 9, 2011), <http://www.npr.org/blogs/thetwo-way/2011/05/10/136135935/bob-dylan-is-songwriter-of-choice-for-freewheelin-justices>; Schweber, *supra* note 1; David Ushery, *The Debrief with David Ushery*, NBCNEWYORK.COM (Apr. 8, 2011), [http://www.nbcnewyork.com/on-air/as-seen-on/The\\_Debrief\\_with\\_David\\_Ushery\\_Apr\\_8-10\\_2011\\_New\\_York-119498449.html](http://www.nbcnewyork.com/on-air/as-seen-on/The_Debrief_with_David_Ushery_Apr_8-10_2011_New_York-119498449.html); Carol J. Williams, *In Some Courts, Dylan Rules*, L.A. TIMES (May 9, 2011), <http://articles.latimes.com/2011/may/09/local/la-me-bob-dylan-law-20110509>.

4. For example, Professor Allison Connelly's PowerPoint presentation, "Dylan: The Complete Trial Lawyer," relied on the narrative in Dylan's song *Hurricane* to demonstrate the technique of "Using *Hurricane* to Teach Trial Skills."

Connelly's presentation was complemented by an email from Claudia Levy, whose late husband, Jacques Levy, collaborated with Dylan on many of the songs on the album *Desire*, including *Hurricane*. Reflecting upon their collaboration, Levy recalled: "Together [Jacques] and Bob created a narrative that would explicate the case and the injustice done to the fighter." See E-mail from Claudia Levy, to Samuel J. Levine, Professor of Law, Touro Law Center (Apr. 2, 2011) (on file with author). At the time, Jacques Levy was an established director in the Off Broadway Theater, accounting for the opening lines of *Hurricane*, which "are actually stage directions: Pistol shots rang out in the barroom night/Enter Patty Valentine from the upper hall/She sees the bartender in a pool of blood/Cries out, 'My God, they killed them all!...' " *Id.*

At the same time, likewise owing to the subject matter, the Dylan Symposium was a powerful academic experience for the participants, who took Bob Dylan and his work seriously. Speaking from a wide range of perspectives and experiences, presenters uncovered in Dylan's life and lyrics valuable insights into American law and society.<sup>5</sup> Reflecting the diverse interests of the speakers, the Symposium explored a variety of legal themes, ideas, images, and facts, reinforcing impressions of Dylan as a prophet — at least as a prophet of the law — whose words and warnings, written over the course of half a century, remain relevant for contemporary listeners and readers.<sup>6</sup> The articles in this Symposium Issue of the *Fordham Urban Law Journal* provide a glimpse into the unique atmosphere of the Dylan Symposium, illu-

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Levy further recalled that during the concert tour, The Rolling Thunder Review, which Jacques Levy directed, “Hurricane took on the power they hoped it would. At the end of the tour they performed at Madison Square Garden in a concert called ‘The Night of the Hurricane.’ The song and the concert gave force to the defense of Hurricane Carter. It was profoundly gratifying to Dylan and Jacques. Carter was retried and eventually released from prison. The song succeeded in the intensity of its moral convictions and Dylan’s desire for justice.” *See id.*

While many of the other presentations at the Symposium were accompanied by Dylan’s music, of particular note, Professor Richard Underwood offered an original composition, *Talk’n Fordham University Law School Bob Dylan and the Law Conference Blues*, which he performed in the manner of Dylan’s video rendition of *Subterranean Homesick Blues*.

5. For previous examples of legal scholarship that relies on Dylan’s work, *see, e.g.*, Garrett Epps, “*Meanness in this World*”, 14 WIDENER L.J. 847, 854–55 (2005); Adam Gearey, *Outlaw Blues: Law in the Songs of Bob Dylan*, 20 CARDOZO L. REV. 1401 (1999); Samuel J. Levine, *Portraits of Criminals on Bruce Springsteen’s NEBRASKA: The Enigmatic Criminal, the Sympathetic Criminal, and the Criminal as Brother*, 14 WIDENER L.J. 767, 768 n.8, 776 n.43 (2005); Alex B. Long, [Insert Song Lyrics Here]: *The Uses and Misuses of Popular Music Lyrics in Legal Writing*, 64 WASH. & LEE L. REV. 531 (2007); Michael L. Perlin, “*Ain’t No Goin’ Back*”: *Teaching Mental Disability Law Courses Online*, 51 N.Y.L. SCH. L. REV. 991, 993 n.7 (2006-07)[hereinafter Perlin, “*Ain’t No Goin’ Back*”]; Michael L. Perlin, *Tangled Up in Law: The Jurisprudence of Bob Dylan*, 38 FORDHAM URB. L.J. 1395 (2011) [hereinafter Perlin, *Tangled Up in Law*] (citing sources); Abbe Smith, *The Dignity and Humanity of Bruce Springsteen’s Criminals*, 14 WIDENER L.J. 787, 800 n.63 (2005); Michael A. Coffino, Comment, *Genre, Narrative and Judgment: Legal and Protest Song Stories in Two Criminal Trial Cases*, 1994 WIS. L. REV. 679, 680–83 (1994).

6. Cf. SETH ROGOVOY, *BOB DYLAN: PROPHET, MYSTIC, POET* 8–9 (2009):

Dylan’s work stems from the ancient tradition of Jewish prophecy . . . in the sense that a prophet . . . is a truth-teller to and an admonisher of his people . . . The Prophets . . . pointed out the hypocrisies and errors of their subjects’ ways, warning of punishments that could befall them and suggesting paths toward collective redemption.

strating both the common themes explored in the Symposium presentations and the range of perspectives that were presented.<sup>7</sup>

### I. DYLAN'S JURISPRUDENCE

On the morning of the second day of the Symposium, April 5, Professor Michael Perlin, undoubtedly the leading theorist on the “jurisprudence of Bob Dylan,”<sup>8</sup> opened the paper presentations with a seemingly exhaustive survey<sup>9</sup> of the “multiple iterations” of law reflected in Dylan’s work.<sup>10</sup> Building on decades of his own personal and scholarly connection to Dylan’s music,<sup>11</sup> Perlin undertakes the ambitious goal of “creat[ing] a topography of Bob-as-jurisprudential scholar” in a number of “discrete areas of law (and law-and-society).”<sup>12</sup> Setting the stage for the presentations that would follow through the course of the day, Perlin addressed such topics as: civil rights; inequality of the criminal justice system; institutions; governmental and judicial corruption; political and economic inequality and emancipation; poverty; the environment; inequality in the civil justice system; and the role of lawyers and the legal process.<sup>13</sup>

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7. In addition to the speakers whose articles are collected in this Issue, other participants at the Symposium included Professor Allison Connelly, see *supra* note 4, Professor Tracy McGaugh, who presented “The Lonesome Death of Hattie Carroll: Using Dylan’s Primer on Theory of the Case in the First Year,” and panel moderators, Dean Larry Raful and Professors Bruce Green, Howard Erichson, and Deborah Post.

8. See Perlin, *Tangled up in Law*, *supra* note 5.

9. In his conclusion, Perlin insists that this survey is not exhaustive, and he identifies areas of law that he did not explore in the article. See *id.* at 1437. Nevertheless, it is probably fair to say that he has provided the most extensive scholarly analysis of Dylan’s “jurisprudence” to date.

10. *Id.* at 1399.

11. See *id.* at 1397-99; Perlin, “*Ain’t No Goin’ Back*”, *supra* note 5, at 1000-01.

12. Perlin, *Tangled Up in Law*, *supra* note 5, at 1399.

13. *Id.* Perlin explains that he has “omitted—for time and space considerations—any discussion of Dylan’s songs that deal primarily with issues of war and international affairs,” adding that “[t]his grouping of songs . . . is worth an article of its own.” *Id.* at 1399-1400 n.15. Indeed, a more complete treatment of Dylan as legal prophet might demonstrate the abiding relevance of his views on international law, particularly with respect to Israel. See BOB DYLAN, *Neighborhood Bully*, on *INFIDELS* (Special Rider Music 1983); see also BOB DYLAN, *Masters of War*, on *THE FREEWHEELIN’ BOB DYLAN* (Warner Bros. Inc. 1963); BOB DYLAN, *With God on Our Side*, on *THE TIMES THEY ARE A-CHANGIN’* (Warner Bros. Inc. 1963); BOB DYLAN, *John Brown*, on *THE BOOTLEG SERIES VOL. 9: THE WITMARK DEMOS: 1962–1964* (Columbia Records 2010).

Speaking for many at the Symposium, Perlin concedes that “it has been fun” to invoke Dylan in his scholarship,<sup>14</sup> but at the same time, “it has been much more than that.”<sup>15</sup> For Perlin, referencing Dylan is “a reflection of a near-total consonance between Bob’s jurisprudential and political values and the values I seek to assert in my writings.”<sup>16</sup> Although few, if any, of the other speakers share the same degree of personal and professional attachment to Dylan and his music, they clearly share a similar seriousness of purpose and vision in applying Dylan’s work to an examination of law and society. Expanding on many of the topics introduced by Perlin, the speakers relied on Dylan to express both hope and disappointment in the American legal system and its relation to American society.

Professor Renee Knake revisited the landmark United States Supreme Court case, *NAACP v. Button*,<sup>17</sup> through the lens of Dylan’s songs, arriving at the thesis that “[t]he law needs music.”<sup>18</sup> Demonstrating the relevance of music to legal and social change—in particular, the relevance of Dylan’s music to civil rights—Knake delineates three ways Dylan’s music illuminates the law:

many of Dylan’s songs capture the struggle inherent in efforts to achieve equality . . . his music preserves the history of *Button* for modern culture in a way that the legal opinion does not and, perhaps, even delivers a form of justice in the aftermath of the law’s failure . . . [and] *Button* and Dylan remind us about the importance of exercising our First Amendment rights, whether the speech is in the form of litigation or song.<sup>19</sup>

Notably, while acknowledging the significance of the legal victory in *Button*, Knake emphasizes the continuing frustration experienced by the NAACP in attempting to achieve its long-term vision of racial equality.<sup>20</sup> In this context, Dylan inspires us “to step forward, to refuse to remain complicit in law’s failings, to open a conversation, to remember the legacy of the past but at the same time to recognize the work that remains to be accomplished.”<sup>21</sup>

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14. Perlin, *Tangled Up in Law*, *supra* note 5, at 1439.

15. *Id.*

16. *Id.*

17. 371 U.S. 415 (1963).

18. Renee Newman Knake, *Why the Law Needs Music: Revisiting NAACP v. Button Through the Songs of Bob Dylan*, 38 FORDHAM URB. L.J. 1303, 1303 (2011).

19. *Id.* at 1312.

20. *Id.* at 1305.

21. *Id.* at 1326.

Looking at a range of historical eras captured in Dylan's writings, Professor Laurie Serafino identified a similar ambivalence in Dylan's broader view of American legal and social progress.<sup>22</sup> According to Serafino, Dylan's reflections on "patterns in history affirm to him that real, substantive change cannot be maintained . . . because he knows that society will end up back at the beginning, albeit, perhaps with some improvement."<sup>23</sup> Nevertheless, Serafino cites Dylan's "admiration for some of the leaders whom he believes improved America."<sup>24</sup> Moreover, notwithstanding Dylan's apparent disappointment with the limited success of both the Post-Reconstruction era and the Civil Rights era, Serafino finds a measure of optimism in Dylan's declaration that "if all of us folks that thinks alike, if we gave all we could give[, w]e could make this great land of ours a greater place to live."<sup>25</sup> Still, analyzing contemporary Supreme Court decisions through the spectrum of Dylan's approach to American history, Serafino closes on yet another note of ambivalence, stating: "I am hopeful that those decisions will bring about America's Third Resurrection rather than simply extend its death."<sup>26</sup>

## II. DYLAN AND JUDGES

Voicing similar concerns about the limits of legal progress, Professor Richard Underwood took these themes one step further, offering blunt descriptions of "when the law doesn't work."<sup>27</sup> Focusing on Dylan's early career, Underwood observes that Dylan was "inspired to write some bleak, depressing songs that touched on the failure of the system, and the *failure of the law*."<sup>28</sup> As Underwood puts it, "[w]e believe in the rule of law, but a lot of times the law does not work very well,"<sup>29</sup> producing instead "a seemingly failed system and ruined lives."<sup>30</sup> Noting that "[w]hen Bob Dylan set out for New York, there

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22. See Laurie Serafino, *Life Cycles of American Legal History Through Bob Dylan's Eyes*, 38 FORDHAM URB. L.J. 1431, 1433 (2011).

23. *Id.*

24. *Id.*

25. *Id.* at 1480 (quoting BOB DYLAN, *The Death of Emmett Till, on THE BOOTLEG SERIES VOL. 9: THE WITMARK DEMOS: 1962-1964* (Columbia Records 2010)).

26. *Id.*

27. Richard H. Underwood, *When the Law Doesn't Work*, 38 FORDHAM URB. L.J. 1495, 1495 (2011).

28. *Id.* at 1497.

29. *Id.* at 1498.

30. *Id.* at 1497.

were a lot of failures of the law to sing about,”<sup>31</sup> including “killers, bad judges, and locked up prisoners,”<sup>32</sup> Underwood poignantly adds: “There still are.”<sup>33</sup> To be sure, Dylan “takes a lot of poetic license in his topical or finger-pointing songs[,]”<sup>34</sup> but Underwood concludes that, as an artist, “Dylan was not concerned with ‘true facts’ as such . . . [; h]e is not documenting true crime, but is instead going for an effect.”<sup>35</sup> In this regard, “[Dylan] wrote some very powerful songs about what happens to folks when the system and the Law fail them.”<sup>36</sup>

Building on Underwood’s theme of “bad judges,” David Zornow paraphrases a quotation from Dylan to ask, rhetorically, are power and greed and corruptible seed all that there is?<sup>37</sup> Zornow presented his thoughts in an unconventional manner, drafting a fictional indictment brought by Special Assistant United States Attorney Bob Dylan against “[j]udges, who over the generations repeatedly have failed to meet their obligations to dispense justice.”<sup>38</sup> Zornow relies on extensive quotations from the vast corpus of Dylan’s writings to support the allegations that judges have engaged in “overt acts of misuse of power, greed and corruptible seed.”<sup>39</sup> A former federal prosecutor, Zornow effectively channels Dylan to produce a compelling and disturbing portrait of judges who, in various ways, violate their oaths “to uphold a system of justice on Earth.”<sup>40</sup> Ultimately, recognizing that judges are “mere mortals,” Zornow turns to Dylan’s spiritual side to conclude that “[t]he only refuge for those seeking true justice may be the one that is found in heaven.”<sup>41</sup>

Professor Alex Long discussed a different aspect of the relationship between Dylan and judges: the prevalence of citations to Dylan’s

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31. *Id.* at 1498.

32. *Id.* at 1505.

33. *Id.* at 1498.

34. *Id.* at 1505.

35. *Id.* at 1497, 1505.

36. *Id.* at 1502.

37. David M. Zornow, *Dylan’s Judgment on Judges: Power and Greed and Corruptible Seed Seem to Be All That There Is*, 38 *FORDHAM URB. L.J.* 1511, 1513 (2011).

38. *Id.*

39. *Id.*

40. *Id.* at 1522.

41. *Id.* at 1522-23. Dylan’s connection to religion and spirituality, in his personal life and his music, has been the subject of considerable popular and scholarly interest. See, e.g., ROGOVOY, *supra* note 6.



work by “the freewheelin’ judiciary.”<sup>42</sup> Building on a prior article in which he identified Dylan as, by far, the most frequently cited popular singer in judicial opinions,<sup>43</sup> Long takes the next step in his project to try to answer the obvious question: “Why Dylan?”<sup>44</sup> Fittingly for Dylan, the answer to this seemingly simple question is rather complex. On one level, judges cite the lyrics of popular musicians “for any number of reasons,” though Long finds that at times these lyrics “add[] little to the persuasive effect of the judge’s argument,” while “[s]ometimes, the image created in a lyric fails to serve as a vehicle for a judge’s broader point. Dylan’s lyrics are no different . . . in that respect.”<sup>45</sup> Yet, based on “[a] Bob Dylan anthology,” Long concludes that citations to Dylan may be different: “[J]udges are more inclined to attempt to use Dylan’s lyrics as a vehicle . . . . And sometimes they actually succeed.”<sup>46</sup> Indeed, Long takes judicial references to Dylan seriously, on the grounds that “the legal community is sometimes able to recognize the images conveyed in Dylan’s songs as the vehicle for legal concepts. When this occurs, a judge’s inclusion of Dylan’s lyrics moves beyond the realm of novelty and into the realm of argument and persuasion.”<sup>47</sup>

### III. DYLAN IN AMERICAN LAW AND CULTURE

Other speakers at the Symposium expanded the conversation to include a broader consideration of Dylan’s place in American law and culture. Professor Louise Harmon compared and contrasted Bob Dylan and Lenny Bruce, self-consciously acknowledging that the “compare and contrast” genre signals a “traditional academic exercise,” while noting the novelty of applying this analytic framework to controversial and iconoclastic performing artists.<sup>48</sup> Drawing upon a verse in Dylan’s 1981 song about Bruce, Harmon attempts to decipher Dylan’s characteristically cryptic reference to Bruce as “[m]ore of an outlaw than you ever were.”<sup>49</sup> Harmon sets forth the intriguing

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42. Alex B. Long, *The Freewheelin’ Judiciary: A Bob Dylan Anthology*, 38 FORDHAM URB. L.J. 1363, 1363(2011).

43. See Long, *supra* note 5, at 540.

44. Long, *supra* note 42, at 1366.

45. *Id.* at 1389.

46. *Id.* at 1363, 1389.

47. *Id.* at 1389.

48. Louise Harmon, *Bob Dylan on Lenny Bruce: More of an Outlaw Than You Ever Were*, 38 FORDHAM URB. L.J. 1287, 1287 (2011).

49. *Id.* at 1297.

theory that Dylan was “singing to himself,”<sup>50</sup> contrasting his own methods of resistance with Bruce’s “acts of direct civil disobedience.”<sup>51</sup> In this reading, Dylan pays tribute to Bruce for engaging in “the kind of outlawry that Dylan meant to honor and respect.”<sup>52</sup> Nevertheless, Harmon does not suggest that Dylan “lacks courage, [but] only that it will manifest in another, less confrontational, form.”<sup>53</sup> Thus, she concludes, notwithstanding his courage to protest unjust laws, “Dylan knows that he does not have the heart and soul to be civilly disobedient, and honors the fact that Lenny Bruce did, which is why Lenny Bruce was more of an outlaw than you ever were.”<sup>54</sup>

Looking back at the earliest days of Dylan’s career, Judge John Facciola compared Dylan to another important figure in popular culture who had a more direct and profound influence on Dylan’s music: Woody Guthrie.<sup>55</sup> Indeed, one of Dylan’s earliest original compositions, *Song to Woody*, “expressed [Dylan’s] admiration for Guthrie in hero-worship terms.”<sup>56</sup> Moreover, in a number of ways, Dylan’s early career carried Guthrie’s imprint:

[Dylan] sounds like Guthrie . . . like Guthrie, [Dylan] must disdain roots and obligations and keep wandering to fulfill his responsibility as a poet . . . [and] as a young man, [Dylan] had to keep moving, running from the constraints that a society corrupted by greed would impose. . . when [Dylan] speaks to political and social issues, [he] comes at them from the well-established American folk music left . . . [and] like Guthrie, Dylan was drawn to Greenwich Village . . . [where], like Guthrie, Dylan could find a place to crash with fellow artists without fear or obligation.<sup>57</sup>

After these early years, however, “Dylan’s carrying forth the Guthrie tradition . . . came to a sudden halt.”<sup>58</sup> Though “Dylan remains concerned about [issues such as] inequality, race, and its impact on criminal justice,<sup>59</sup> . . . Dylan left the American folk tradition behind.”<sup>60</sup>

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50. *Id.*

51. *Id.* at 1299.

52. *Id.*

53. *Id.* at 1304 n.49.

54. *Id.* at 1304.

55. John M. Facciola, *Dylan and the Last Love Song of the American Left*, 38 *FORDHAM URB. L.J.* 1279, 1279–80 (2011).

56. *Id.* at 1280.

57. *Id.* at 1284–85.

58. *Id.* at 1285.

59. *Id.* at 1286.

60. *Id.*

Somewhat paradoxically, Judge Facciola concludes that in other ways, Dylan carries on the American folk music tradition exemplified by Guthrie, “singing what he wants to sing and probing who he is and the world he inhabits.”<sup>61</sup> In fact, Dylan “also keeps traveling. Old Woody Guthrie would be proud of him.”<sup>62</sup>

Turning to a more recent episode in Dylan’s life, Professor Alex Lubet’s presentation explored “an encounter Bob Dylan had with the law and its meaning in the context of social constructions of mental disability, in general, and on autism in particular.”<sup>63</sup> Through an examination of the events surrounding Dylan’s arrest in Long Beach, New Jersey, on July 23, 2009, Lubet asserts that Dylan was, essentially, “held for questioning under suspicion of ‘autism.’”<sup>64</sup> Based on reports of the arrest, including the remarks of the arresting officer, Lubet argues that suspicion of mental disability played a primary role in Dylan’s arrest,<sup>65</sup> and the officer’s statements to Dylan “smacked of condescension.”<sup>66</sup> Moreover, Lubet finds in the officer’s treatment of Dylan “harassment and verbal abuse,” which are “all too common in the lives of those presumed to be autistic, mentally disabled, or simply non-conformist enough to be branded defective by the intolerant and insecure.”<sup>67</sup> Drawing upon the field of disabilities studies, Lubet concludes that “Dylan has been subjected to what disability studies call ‘enfreakment’ throughout his career.”<sup>68</sup> At the same time, rumors of Dylan as autistic raise further questions about perceptions of autism and mental disability in American law, culture, and society.

#### IV. DYLAN AND THE PRACTICE OF LAW

The final speakers at the Symposium related Dylan’s life and work to their own personal and professional experiences in the law. Professor Randy Lee, who organized the 2005 conference on Bruce Springsteen and the law that served as the inspiration for the Dylan

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61. *Id.* at 1288.

62. *Id.*

63. Alex Lubet, *Arrested Development: Bob Dylan, Held for Questioning under Suspicion of “Autism,”* 38 FORDHAM URB. L.J. 1385, 1385 (2011).

64. *See id.*

65. *Id.*

66. *Id.* at 1389.

67. *Id.* at 1391.

68. *Id.* at 1392.

Symposium,<sup>69</sup> talked about “Bob Dylan’s Lawyers, a Dark Day in Luzerne County, and Learning to Take Legal Ethics Seriously.”<sup>70</sup> Lee echoes Dylan’s contempt for corrupt judges, but in place of Dylan’s fictional and stylized accounts of judicial misconduct,<sup>71</sup> Lee decries the scandals perpetrated by judges in Luzerne County Juvenile Court, not far from the Harrisburg campus where Lee teaches.<sup>72</sup> In response to the scandal, Pennsylvania’s Interbranch Commission on Juvenile Justice recommended, among other measures, improvements in ethics continuing legal education.<sup>73</sup> For Lee, the recommendation signaled “a call ‘to get serious’ about legal ethics,” which, in turn, requires that we “first, see if we can ‘make any sense of it,’ ‘pull it apart’ and see if any of it can fit back together in a meaningful way.”<sup>74</sup> “[I]n other words,” we have to “do the kind of stuff to legal ethics that Dylan has been doing to the parts of life that matter for almost half a century.”<sup>75</sup> Relying on Dylan’s autobiography, with the addition of sources as varied as Shakespeare, Cardozo, C.S. Lewis, and *Star Wars*, Lee returns to the Pennsylvania court scandal. Heeding the call to “get more serious about legal ethics,” Lee resolves to “ask questions and then look for the answers inside [himself].”<sup>76</sup> Or, as Lee puts it, he will accept Dylan’s challenge to try “to make sense of [it all], to understand how hard it is to make sense of life.”<sup>77</sup>

Professor Abbe Smith, who had opened the Symposium the prior evening with remarks on some of Dylan’s most well-known songs about the law,<sup>78</sup> closed the Symposium on a personal note, referencing two of Dylan’s more obscure songs to illustrate her experience representing a criminal defendant in the Minnesota Iron Range.<sup>79</sup>

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69. See Randy Lee, *Symposium: The Lawyer as Poet Advocate: Bruce Springsteen and the American Lawyer: An Introduction*, 14 WIDENER L.J. 719 (2005).

70. Randy Lee, *Bob Dylan’s Lawyers, a Dark Day in Luzerne County, and Learning to Take Legal Ethics Seriously*, 38 FORDHAM URB. L.J. 1323 (2011).

71. See *supra* notes 28-47 and accompanying text.

72. See Lee, *supra* note 70, at 1323-29.

73. *Id.* at 1335.

74. *Id.*

75. *Id.*

76. *Id.* at 1370.

77. *Id.* at 1371.

78. See *supra* note 1.

79. Abbe Smith, “No Older ‘n Seventeen”: *Defending in Dylan Country*, 38 FORDHAM URB. L.J. 1471 (2011).

Smith labels this experience “defending in Dylan country,”<sup>80</sup> not only geographically, but also metaphorically. On one level, the Minnesota Iron Range is where Dylan grew up; on the evening following a hearing in Duluth, Smith had an opportunity to dine at Zimmy’s Bar and Restaurant, which is full of Dylan memorabilia and souvenirs, and plays only Dylan music in the background.<sup>81</sup> More thematically, Smith draws a parallel between her young client and characters Dylan describes in one song as “[n]o older ‘n seventeen . . . . And cast off like a criminal/Inside the walls . . . of Red Wing.”<sup>82</sup> Smith lends further context to the complex world of criminal defense through quotations from another Dylan song that depicts “the deterioration of his birthplace . . . captur[ing] the depressing feel of the place.”<sup>83</sup> Smith points to the “extreme urban poverty and deprivation into which [her client] was born,”<sup>84</sup> and the despair that followed his crimes, conviction, and imprisonment. Nevertheless, taking one more page out of Dylan’s book, Smith ends on a positive note, trying not to picture her client as a Minnesota prison inmate, but instead remembering him “young and hopeful” — “forever young.”<sup>85</sup>

#### CONCLUSION

Taken together, the articles in this Symposium Issue provide a journey through both Bob Dylan’s career and the American legal landscape. Befitting a legal prophet, Dylan is often critical, skeptical, and cynical, at times uncompromising in his portrayal of the failures of American law and society. The presentations at the *Dylan and the Law Symposium* reflected, in part, the disappointment and frustration expressed in Dylan’s words and music.

Yet, the speakers at the Symposium echoed another side of Bob Dylan’s work: a refusal to surrender or despair in the face of disheartening reality. Instead, drawing upon Dylan’s prophetic dreams and visions of American law and society, the Symposium produced among the participants a shared sense of advocacy, a desire and hope for a better future — ultimately, perhaps, even a sense of redemption.

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80. *Id.*

81. *Id.* at 1494-1495.

82. *Id.* at 1471.

83. *Id.* at 1476.

84. *Id.* at 1496.

85. *Id.* at 1497-98; see BOB DYLAN, *Forever Young*, on PLANET WAVES (COLUMBIA RECORDS 1974).

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*FOREWORD*

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