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Cover Page Footnote

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ARRESTED DEVELOPMENT: BOB DYLAN, HELD FOR QUESTIONING UNDER SUSPICION OF “AUTISM”

*Alex Lubet**

This Article discusses an encounter Bob Dylan had with the law and its meaning in the context of the social constructions of mental disability, in general, and on autism in particular. I do not, need not, and should not speculate on Dylan’s autism status—something few people could possibly know and that is a private matter.

On July 23, 2009, Bob Dylan was taken into custody by police in Long Branch, New Jersey, after complaints from residents that he was “suspicious” and perhaps “homeless.”¹ According to arresting officer, Kristie Buble (twenty-two years old at the time of the incident), “We see a lot of people on our beat, and I wasn’t sure if he came from one of our hospitals or something.”²

Buble’s remark implies that Dylan had a mental disability, rather than a physical disease. She continued, however, “He was acting very suspicious Not delusional, just suspicious. You know, it was pouring rain and everything.”³

While Buble claimed later to have known who Bob Dylan was and simply not to have recognized him from photos she had seen, one of her colleagues offered a different account. After Buble asked Dylan for identification, which he was not carrying:

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1. See Chris Franciscani, *New Jersey Homeowner Calls Cops on Bob Dylan*, ABCNEWS.COM (Aug. 14, 2009), <http://abcnews.go.com/GMA/jersey-homeowner-calls-cops-bob-dylan/story?id=8331830>; KJ Mullins, *Police Officer Mistakes Bob Dylan for Homeless Guy*, DIGITAL JOURNAL (Aug. 14, 2009), <http://digitaljournal.com/article/277653>; Paul Thompson, *Policewoman Escorts Bob Dylan to Hotel After Failing to Recognise Him*, THE TELEGRAPH (Aug. 15, 2009, 8:00 AM), <http://www.telegraph.co.uk/culture/music/bob-dylan/6031615/Policewoman-escorts-Bob-Dylan-to-hotel-after-failing-to-recognise-him.html>.

2. Franciscani, *supra* note 1.

3. *Id.*

He assumed she would at least recognise [sic] the name if not the face. But she ordered him into the back of her car and took him to his hotel to check his story. Then she radioed her older colleagues at the police station to ask if anyone knew who Bob Dylan was. “I’m afraid we all fell about laughing,” said Craig Spencer, a senior officer in Long Branch, New Jersey. “If it was me, I’d have been demanding his autograph, not his ID. The poor woman has taken rather a lot of abuse from us. I offered to bring in some of my Dylan albums. Unfortunately, she doesn’t know what vinyl is either.”⁴

Race was also a factor:

He was strolling along a residential street in the Latin Quarter of the seaside town when police received a call reporting an “eccentric looking old man” It was an odd request because it was mid-afternoon, but it’s an ethnic Latin area and the residents felt the man didn’t fit in. Let’s just say he looked eccentric.⁵

I would be remiss not to note that someone was arrested and commanded to produce identification because he did not look Hispanic. It is just too funny.

Dylan was driven to his hotel, identified, and released without charges being filed. Many reporters, readers, and commentators on the numerous online accounts of this incident were outraged that anyone could be arrested and asked for identification simply for taking a walk in the rain and being unusual or even shabby looking. It seems that Supreme Court Justice Potter Stewart would have concurred.⁶ In a landmark decision concerning the forced confinement of the mentally disabled, Justice Stewart wrote for a unanimous court:

May the State fence in the harmless mentally ill solely to save its citizens from exposure to those whose ways are different? One might as well ask if the State, to avoid public unease, could incarcerate all who are physically unattractive or socially eccentric. Mere public intolerance or animosity cannot constitutionally justify the deprivation of a person’s physical liberty.⁷

4. Annette Witheridge, *Like a Complete Unknown: Bob Dylan Frogmarched to Collect ID After Rookie Policewoman Fails to Recognise Scruffy Music Legend*, MAIL ONLINE (Aug. 14, 2009, 10:50 PM), <http://www.dailymail.co.uk/tvshowbiz/bigbrother/article-1206617/Like-complete-unknown-Bob-Dylan-frogmarched-collect-ID-rookie-policewoman-fails-recognise-scruffy-music-legend.html>.

5. Thompson, *supra* note 1.

6. *See O’Connor v. Donaldson*, 422 U.S. 563 (1975).

7. *Id.* at 576.

This story chronicles an important Dylan narrative that has persisted over the years, though mainly through oral tradition. Let me begin, though, with what this narrative is not.

Many authors working on Dylan pursue themes that cast Dylan as their kindred spirit or at least someone with common interests. For Seth Rogovoy, Dylan is a Jewish sage;⁸ for David Pichaske, Dylan is a Midwesterner;⁹ and for Steven Heine, Dylan is a Zen master.¹⁰ Even Sean Wilentz sees Dylan as a New Yorker and fellow student of history.¹¹ These authors also tend to be “Dylanesque” by using language far more cleverly than their projects demand.¹² This is to be expected. Books about artists are principally encomia.

But among iconic artists, Dylan may also have the most unabashed detractors. These are rarely authors, as neither intellectual capital nor royalties come from publishing this view. They are most often people we all know who just do not like Dylan. Some people find Dylan’s performance problematic, especially his voice. Others are troubled by his mystique—that same mystique that got him arrested in New Jersey.

This history must be written. Although it may seem that Dylan needs no defenders, his recent arrest proves otherwise. Even Dylan required no legal defense, others in similar predicaments do. Part of the reason for Dylan’s arrest is that many people think he is autistic. An Internet search of the terms “Bob Dylan” and “autism” yields up to 3.4 million hits (using Google on March 10, 2011). The breadth of this association is starkly contrasted by a paucity of depth. Those who believe that Dylan is autistic rarely provide justification. The

8. *See generally* SETH ROGOVOY, *BOB DYLAN: PROPHET, MYSTIC, POET* (2009).

9. *See generally* DAVID PICHASKE, *SONG OF THE NORTH COUNTRY: A MIDWEST FRAMEWORK TO THE SONGS OF BOB DYLAN* (2010).

10. *See generally* STEVE HEINE, *BARGAININ’ FOR SALVATION: BOB DYLAN, A ZEN MASTER?* (2009).

11. *See generally* SEAN WILENTZ, *BOB DYLAN IN AMERICA* (Gerald Howard ed., 2010).

12. *See, e.g.*, CHRISTOPHER RICKS, *DYLAN’S VISIONS OF SIN* (HarperCollins Publishers 2004) (2003).

reasoning on two amateur websites is not compelling.¹³ Most posts simply list Dylan as a famous person with autism or Asperger's.¹⁴

As real as autism is to its "famous people with" community, the claim of Dylan as autistic is both pure speculation and a trope for common attributes often associated with high functioning autism or Asperger's Syndrome. One is Dylan's famously private nature. While this is characteristic of some autistic people, there are many reasons people desire privacy. I would characterize Dylan's as "public privacy": a desire to avoid the kind of exposure that ruined the lives of many celebrities and those close to them. That kind of privacy helps to preserve family life—something Dylan does well, according to his youngest son, singer/songwriter Jakob.¹⁵ As the New Jersey incident indicates, Dylan also likes to take walks alone, often garbed in hooded sweatshirts and other "disguises."¹⁶

Another attribute associated with autism, and mental disability in general, is strangeness. We all know people who, like Officer Buble, think Dylan is weird. I liken this, not without nuanced differences, to the manner in which (mostly) young people call each other "retarded." At the time of the arrest, Officer Buble was not much older than the teens who use that epithet and her remarks to Dylan smacked of condescension:

So I said, "OK Bob, what are you doing in Long Branch?" He said he was touring the country with Willie Nelson and John Mellencamp. So now I'm really a little fishy about his story. I did not know what to believe or where he was coming from, or even who he was¹⁷

Later, "[f]ollowing her police training, Buble said she indulged him":

OK Bob, why don't you get in the car and we'll drive to the hotel and go verify this? . . . I put him in the back of the car. To be honest

13. See *Autism and Bob Dylan*, DERKEILER.COM, (Sept. 23, 2008, 6:42 AM) <http://newsgroups.derkeiler.com/Archive/Rec/rec.music.dylan/2008-09/msg01180.html>; *This explains everything. Bob Dylan Has Asperger's Syndrome*, DEMOCRATICUNDERGROUND.COM, (Jan. 17, 2006, 5:57 PM), http://www.democraticunderground.com/discuss/duboard.php?az=view_all&address=105x4608167.

14. See e.g., Susie McGee, *Famous People with Autism*, LOVETOKNOW AUTISM, http://autism.lovetoknow.com/Famous_People_with_Autism (last visited Aug. 7, 2011).

15. See Anthony DeCurtis, *A Different Set of Chronicles*, N.Y. TIMES, May, 8 2005, <http://www.nytimes.com/2005/05/08/arts/music/08decu.html?scp=1&sq=&st=nyt>.

16. See Francescani, *supra* note 1.

17. *Id.*

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with you, I didn't really believe this was Bob Dylan. It never crossed my mind that this could really be him.¹⁸

What stands out here is that, "following her police training," Buble calls a man more than three times her age — whom she has arrested apparently only for weirdness — "Bob." In papers for my pop music courses, my undergraduates almost universally refer to artists by their first names. One would hope for more civility from a civil servant, particularly when dealing with someone she regards as vulnerable. In hundreds of Internet posts I have read on this case, this nuance has escaped all notice.

Online reactions to Dylan's arrest vary. Among matters that stand out are: (1) gross distortions of facts—in particular, the 5:00 PM arrest is often moved to the middle of the night and Dylan advanced from walking in the yard to peeping in windows; (2) disagreement over police misconduct; and (3) evocations of profiling, especially racial profiling, with comparisons to the then week-old "Beergate" incident involving Harvard Professor Henry Louis Gates. One blog post comment stands out:

A lot of people in the autistic community [sic] believe Bob Dylan has a mild form of autism. Autistics are often profiled by the police because their behavior is different. They do not look in people's eyes which is interpreted as being dishonest. They may not answer questions or answer them slowle [sic]. They also may flail and yell if touched which the police interpret as resisting arrest. It was so bad in New York City that a few years ago the Chief of police asked the community to help him so he could write a protocol. Even if he is not autistic it may simply be that he is different that caused them to suspect something.¹⁹

This reader comment is the one I have found that specifically links Dylan's "autism" with speculation as to why he appeared "suspect." Ms. Harrison is aware of many traits associated with autism, not all of which are ascribed to Dylan in this case or elsewhere.

This arrest may have been Dylan's only real confrontation with police and a minor one at that, due largely to Dylan's composure. According to Buble:

18. *Id.*

19. Celia Harrison, Comment to *Maybe the "times they are a changin,"* THE-FIELDNEGRO (Aug. 16, 2009, 9:21 AM), <http://field-negro.blogspot.com/2009/08/maybe-times-they-are-changin.html?showcomment=1250428903700#c225126393573531444>.

“He was really nice, though, and he said he understood why I had to verify his identity and why I couldn’t let him go.” After Dylan’s manager ID’d him with his passport, Buble left, embarrassed, saying “OK” and “Um, have a nice day.”²⁰

Notably, Buble did not apologize. I see harassment and verbal abuse here, both 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.

I call Dylan the winner in this incident. As always, he won with words—here “really nice” ones. This was quite a contrast from his handling of the press conferences of his youth when he was asked some very obnoxious questions.²¹ Because Dylan remained composed, it may not have appeared that he was being bullied. Many non-conformists lack this unique ability because, as we say in disability studies, they are socio-culturally disabled whether or not they are mentally or physically impaired.

Dylan has been subjected to what disability studies calls “enfreakment” throughout his career.²² David Pichaske finds Dylan ostracized and isolated during his Hibbing High School days.²³ Even in his very first radio appearance, on WBAI, New York, in 1962, Cynthia Gooding made a spectacle of him on *Folksingers’ Choice*.²⁴ Gooding, a New Yorker who should have known more and better, is transfixed with Dylan’s harmonica holder, which his then-girlfriend Bonnie Beecher purchased for him at Schmitt’s, a distinctly unhip music store still open in downtown Minneapolis.²⁵ Dylan, appearing nervous, shy, and likely irked, shortly provides Gooding with autobiographical detail that is not only false, but could not possibly be true, about his boyhood in Sioux Falls, South Dakota, on the banks of the Mississippi River. The Mississippi River, of course, actually flows through eastern Minnesota, far from the South Dakota border.²⁶ My students always burst out laughing when they hear this. For Dylan the lie was

20. Francescani, *supra* note 1, at 2.

21. See, e.g., DONT LOOK BACK (Leacock-Pennebaker 1967).

22. The term “enfreakment” first appears in DAVID HEVEY, THE CREATURES TIME FORGOT: PHOTOGRAPHY AND DISABILITY IMAGERY 53–74 (1992).

23. See PICHASKE, *supra* note 9, at 53–58.

24. BOB DYLAN WITH CYNTHIA GOODING: FOLKSINGER’S CHOICE (Yellow Dog Records 1992).

25. See CLINTON HEYLIN, BOB DYLAN: BEHIND THE SHADES REVISITED 46 (HarperCollins Publishers 2003) (2001).

26. See BOB DYLAN WITH CYNTHIA GOODING: FOLKSINGER’S CHOICE (Yellow Dog Records 1992).

simultaneously a grab for privacy—as is the name “Dylan” itself—and a choice example of how we Upper Midwesterners deal with bi-coastal arrogance.

If this shadow history of Dylan’s enfreakment—and thus his “autism”—is obscured by his successful parrying of verbal thrusts, its plot is also thickened by the sixties, the decade he lead-authored, at least in the arts,²⁷ and a time when “freak” was an honorific. That decade’s legacy includes a succession of youth countercultures that sometimes intersect with mental disabilities in ways that are difficult to parse, leaving countless kids vulnerable to the bullying and verbal abuse of the opposing cultural trends begat by the Reagan eighties. This was most apparent to me in spring 2010 when I brought my graduate students to teach at Avalon, a grades seven through twelve charter school in St. Paul. Its student body is comprised of public school refugees, nearly all quirky-looking “misfits,” one-third of whom have Individualized Education Programs (IEPs) for disability accommodation. Nearly without exception, their IEPs are for mental disabilities. I requested that our music class have a good representation of students with disabilities, but that there be no disclosure—for both pedagogical and legal reasons. It was almost always nearly impossible to distinguish between the disabled and the merely quirky.

There is much more to be said about Dylan, the sixties, the curious history of enfreakment, and the popular mythology of autism. One particularly interesting element was the transformation of the idea of high culture in general and the role that was played by Dylan’s record label Columbia (now Sony) in particular. Columbia was engaged in eroding the barriers between high and low culture, both elevating the status of popular culture and popularizing classical music, including contemporary classical music.²⁸ This included the promotion of a handful of strange characters. Foremost among these were Dylan, Canadian classical pianist Glenn Gould, and long-dead, blues great Robert Johnson. Others included composer-performer Terry Riley, marketed as both a classical composer and a rock star, and the rock band, The United States of America. At least by virtue of his album

27. See generally MIKE MAROUSEE, CHIMES OF FREEDOM: THE POLITICS OF BOB DYLAN’S ART (2003) (making the case for Dylan’s primacy in the 1960s counterculture).

28. See Alex Lubet, Theories of Dreams: Bob Dylan and Autism (Not) (Jan. 15, 2010) (on file with author), paper was presented at the *CUNY Symposium on Music and Disability*.

covers, in particular *Bitches' Brew*, Miles Davis was implicated as well.²⁹

The standouts in this campaign, particularly in regard to the place of autism in popular culture, were Dylan and Gould. As sketchy as the “literature” is on Dylan and autism, there is a considerable body of writing, much of it scholarly, on Gould’s psyche. It includes several authors’ posthumous diagnosis of autism, notably S. Timothy Maloney’s essay “Glenn Gould: Autistic Savant.”³⁰ The essay’s title, the proliferation of posthumous diagnoses, and a great deal of what is said about Gould there and elsewhere is troubling, not the least because of the felt need both to know and to label. Such Gould scholarship is invasive and at times cruel. Blessedly, the 2009 video documentary, *Genius Within: The Inner Life of Glenn Gould*,³¹ yields new information about Gould’s personality and relationships that should make his diagnosticians tremble.

Much Gould lore roughly parallels Dylan’s and thus goes a long way toward explaining the latter’s reputation as autistic. Both artists’ refusal to perform is the most familiar. Each famously stopped concertizing (Dylan nearly stopped touring entirely after the famous motorcycle accident), though Dylan eventually returned to touring with a “never-ending” vengeance, to sing and play, but rarely to speak or entertain. Interestingly, the refusal by Miles Davis, their label mate, to face his audience was legendary. Davis, however, only makes two very short famous-people-with-autism lists—one of blacks, the other of people of color.³² Autism, it seems, is racially profiled. One unfortunate consequence may be the lack of autism services and research in black communities.³³ It bears mentioning that much of the Internet buzz about Dylan’s arrest compares his perceived composure and po-

29. *See id.*

30. S. Timothy Maloney, *Glenn Gould: Autistic Savant*, in *SOUNDING OFF: THEORIZING DISABILITY IN MUSIC* 121, 121–35 (Neil Lerner & Joseph N. Straus eds., 2006).

31. *GENIUS WITHIN: THE INNER LIFE OF GLENN GOULD* (White Pine Pictures 2009).

32. *See Notable People of Color Affected by Autism*, LAUREN’S AUTISM SPECTRUM AWARENESS SITE, <http://asdsite.weebly.com/notable-people-of-color-affected-by-autism.html> (last visited Aug. 15, 2011); Singanddance, Post to *Famous Black People with/suspected to have Asperger’s*, WRONGPLANET.NET (July 14, 2009, 8:09 AM), <http://www.wrongplanet.net/postx88370-0-0.html&sid=dc2afd529ae6e808bf6d9b088bb27e94>.

33. *See, e.g.*, David S. Mandell et al., *Race Differences in the Age at Diagnosis Among Medicaid-Eligible Children with Autism*, 41 J. AM. ACAD. CHILD & ADOLESCENT PSYCHIATRY 1447, 1447–53 (2002).

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liteness to Henry Louis Gates' Beergate perceived anger and finds a moral about being nice to the police and everyone living happily ever after. (It would be interesting to have a racial profile of those posters who believe that.) One blogger went so far as to speculate that the delay in reporting Dylan's arrest — there was no mention of it in the news for about three weeks — was a deliberate cover-up, so as not to embarrass Gates by showing what a role model (white) Dylan was in a similar situation.³⁴

Dylan's arrest was based on suspicion of his mental disability, autism or otherwise. The widespread autism rumor, though largely well-intended, is misplaced in its sentiment and ultimately problematic for all affected. The autism trope in American popular culture plays out in strange and complex ways. Two parodies of the famous opening of *Dont Look Back*, which features the recording of *Subterranean Homesick Blues* and a cameo by poet Alan Ginsberg, provide a striking paradox. The first, freshly made by Weird Al Yankovic, expresses what so many think, but are afraid to say about Dylan: that he is, like Yankovic, weird.³⁵ The second, from the Ontario Autism Coalition, uses the original video, replacing the paper placards that bore the lyrics with slogans about autism.³⁶ All that remains available is the opening still photo, because Sony used its legal muscle, perhaps uniquely, to force YouTube to pull all but Sony's own Dylan content. Thus, the artist is depicted as both a weird and potentially vulnerable freak and the proud sixties freak who wrote that generation's anthems. Were Dylan here, I would ask him, "How does it feel?" Were he the autistic person who has been the principle inspiration for my work in this field (or any of the others I have known), he would have a tough time answering such a question.

34. See Noel Sheppard, *Bob Dylan Detained By Cops Week After Gates, Story Buried Until Now*, FREE REPUBLIC (Aug. 15, 2009, 5:01 PM), <http://www.freerepublic.com/focus/f-news/2316899/posts>.

35. See Furbylord, "Weird Al" Yankovic - Bob, YOUTUBE (Jan. 16, 2006), <http://www.youtube.com/watch?v=Nej4xJe4Tdg>.

36. See *Bob Dylan Music Video with Autism Message*, ONTARIO AUTISM COALITION (Sept. 24, 2007), <http://ontarioautismcoalition.com/content/view/126/31/>.