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Judges hand down the law with help from Bob Dylan. The protest era's vagabond poet is cited more often than any other songwriter in legal opinions and briefs. His ballads have become models for legal storytelling.

By Carol J. Williams, Los Angeles Times, May 9, 2011

On summer nights in the mid-1960s, while black-and-white television crackled elsewhere in his Staten Island home with news of Southern violence and Vietnam, Bobby Lasnik would stretch out in his bedroom to let the righteous soundtrack of the civil rights movement waft into his impressionable teenage soul.

Tuned in to WBAI-FM, coming across the water from Manhattan, he heard baleful laments about injustice that he would carry with him for a lifetime.

"Suddenly there was someone speaking a certain kind of truth to you. You'd say, 'Wow! That's something I'm not used to hearing on the radio, something that moved me,'" Lasnik said of the first time he heard the lyrics of Bob Dylan. "I don't even remember which song it was, but I loved the imagery, the words you wouldn't think about putting together and the concepts that would emerge in your mind when you heard them."

Now the imagery flows in the other direction. U.S. District Judge Robert S.
Lasnik — Your Honor, not Bobby — has been known to invoke the voice of the vagabond poet in rulings from the federal bench in Seattle. He has recited lines from "Chimes of Freedom" in a case weighing the legality of indefinite detention and "The Times They Are A-Changin'," the battle cry of the civil rights movement, in a landmark ruling that excluding contraceptives from an employer's prescription drug plan constitutes sex discrimination.

Lasnik isn't alone in weaving Dylan's protest-era pathos into contemporary legal discourse.

No musician's lyrics are more often cited than Dylan's in court opinions and briefs, say legal experts who have chronicled the artist's influence on today's legal community. From U.S. Supreme Court rulings to law school courses, Dylan's words are used to convey messages about the law and courts gone astray.

His signature protest songs, "Blowin' in the Wind" and "The Times They Are a-Changin'," gave voice and vocabulary to the antiwar and civil rights marches. His most powerful ballads, "The Lonesome Death of Hattie Carroll" and "Hurricane," have become models for legal storytelling and using music to make a point.

Dylan's music and values have imprinted themselves on the justice system because his songs were the score playing during the formative years of the judges and lawyers now populating the nation's courthouses, colleges and blue-chip law firms, says Michael Perlin, a New York Law School professor who has used Dylan lyrics as titles for at least 50 published law journal articles.

Perlin and others lured to the law by the moral siren songs of the 1960s credit Dylan with roles in passage of the 1964 Civil Rights Act, federal sentencing guidelines that purport to ensure more equitable prison terms and due process reforms prohibiting racial profiling.

"Everyone wants to believe that the music they listen to says something about who they are,"
says Alex Long, a University of Texas law professor who has researched the penetration of political songwriting into the legal system.

"Being a judge is a pretty cloistered existence, having to crank out these opinions in isolation. Dylan was popular at the time they were coming of age and trying to figure out who they were," says Long, a 41-year-old exposed to Dylan's musings as a child at the foot of his parents' record player. "The chance to throw in a line from your favorite artist is tempting, a chance to let your freak flag fly."

During a semester in 2007, Long combed legal databases to identify lyrics in court filings and scholarly publications, finding Dylan cited 186 times, far outpacing the rest of the top 10: the Beatles, 74; Bruce Springsteen, 69; Paul Simon, 59; Woody Guthrie, 43; the Rolling Stones, 39; the Grateful Dead, 32; Simon & Garfunkel, 30; Joni Mitchell, 28; and R.E.M., 27.

And it doesn't end with musicians. In apparent efforts to add rhetorical flourish to their rulings, judges have also often cited famous writers and humorists. In a U.S. Court of Federal Claims ruling last year, Judge Francis M. Allegra lamented the perplexity of the 1982 Tax Equity and Fiscal Responsibility Act, writing that it "is the sort of law that brings to mind the old Mark Twain line: 'The more you explain it, the more I don't understand it.'"

But to date, it is the songs of the 1960s that seem to have the judges' ears.

One oft-cited line comes from Dylan's first top 10 hit, which half a dozen California appellate court rulings have included to convey that expert testimony is unnecessary to make a point obvious to any layman.

You don't need a weatherman To know which way the wind blows.

— "Subterranean Homesick Blues"
Georgetown Law School Professor Abbe Smith describes Dylan's "Hattie Carroll" as "an almost perfect ballad, a little bit of story and a little bit of lecture." It mocks the injustice of a six-month jail sentence given a wealthy Maryland socialite, William Zantziger, for the 1963 beating death of black barmaid Hattie Carroll for being too slow to bring his drink.

Devoted Dylan fans now teaching law have incorporated into their curricula that ballad and "Hurricane," the story of boxer Rubin "Hurricane" Carter's murder trial in Paterson, N.J., as models from which aspiring trial lawyers can hone their craft.

The traffic stop during which the Paterson police found shell casings linking Carter to a triple murder should have led to exclusion of the evidence because the police had no "reasonable suspicion" of a crime having been committed when they stopped him, said Allison Connelly, a University of Kentucky law professor and former public defender.

His trial is a textbook example for young attorneys on the value of digging for evidence and challenging the authorities' side of the story, Connelly said. She asks her students to draw on Dylan's lyrical account of the case to identify flaws in the prosecution's theory, find witnesses and set up parallel time lines to create an alibi for the defendant.

All of Rubin's cards were marked in advance

The trial was a pig-circus he never had a chance

—"Hurricane"

The song tells a story of racist cops, a crooked judge and a biased jury that sent Carter to prison for two life sentences. A federal judge ultimately overturned Carter's conviction, saying the prosecution had been "based on an appeal to racism rather than reason."

Dylan's portrayal of the case as a frame-up may have influenced the enactment or enforcement
of laws prohibiting traffic stops without cause and barring prosecutors from dismissing jurors because of their race, Connelly speculates.

In one of his first important cases after being named to the federal bench by President Clinton in 1998, Lasnik quoted Dylan's "Chimes of Freedom" to evoke the artist's sympathy for the downtrodden and mistreated. The case centered on a challenge by deportable undocumented immigrants who had been detained for years.

We ducked inside the doorway, thunder crashing

As majestic bells of bolts struck shadows in the sounds

Seeming to be the chimes of freedom flashing

Flashing for the warriors whose strength is not to fight

Flashing for the refugees on the unarmed road of flight

An' for each an' ev'ry underdog soldier in the night

An' we gazed upon the chimes of freedom flashing.

—"Chimes of Freedom"

But while judges like Lasnik, 60, pay homage to Dylan, the respect doesn't appear mutual, notes David Zornow, a partner at the New York office of Skadden, Arps, Slate, Meagher &
Flom.

"This is a guy who doesn't have a lot good to say about judges," says Zornow, who in the voluminous archive of the artist's lyrics found only two references to judges that cast them as caring and professional. Most refer to corruption and caprice.

Like a suspect invoking his right to remain silent, Dylan declined through his spokesman Larry Jenkins to talk about his role as legal muse.

Dylan's lyrics are often identified with the left, but the two citations in U.S. Supreme Court rulings were made by conservatives. Chief Justice John Roberts Jr. ruled in 2008 that billing firms hired by payphone operators didn't have standing to sue because they had no claim on the money they collected, slightly misquoting Dylan with his comment: "When you got nothing, you got nothing to lose."

The lyrics:

When you ain't got nothing, you've got nothing to lose.

—"Like a Rolling Stone"

Last year, Justice Antonin Scalia brought up Dylan when he scolded his high court colleagues for declining to rule yet on the evolving question of when employees have an expectation of privacy in using company email, arguing that "'The times they are a-changin' is a feeble excuse for disregard of duty."

Lasnik, who has also quoted Paul Simon's line from "The Boxer" about willful ignorance — "A man hears what he wants to hear and disregards the rest" — feigns distress at the justices' emulating of his habit of referencing Dylan.
"When Chief Justice Roberts quoted Dylan, I thought, 'Oh, no!'" said Lasnik. "Now it's not cool anymore."