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Contact: Eric Friedman
efriedman@nycbar.org

Eli Cohen
ecohen@nycbar.org

City Bar Supports “Rap Music on Trial” Bill to Combat Bias in Criminal Trials and Protect Freedom of Expression

New York, May 9, 2022 – The New York City Bar Association has [issued a report](#) supporting New York State legislation that would ensure that defendants in criminal trials are free from having their creative artistic expression used against them as evidence. The City Bar urges the State Legislature and Governor to enact the bill.

In New York and across the country, rap music has been used to “prove” a wide variety of factual issues, including identity, knowledge, motive, or intent, and consciousness of guilt. According to the report, “these tactics threaten to chill the creative expression of ordinary New Yorkers” and “is likely to trigger anti-Black biases in jurors.”

Moreover, because rap music is the only genre of music consistently used as evidence in this way, the practice “threatens to invite racial discrimination and stereotyping into criminal prosecutions, and it continues a shameful legacy of demonizing and criminalizing Black art,” the report says.

This legislation is necessary “to supplement the traditional evidentiary principles requiring that the probative value of proffered evidence outweigh its potential for prejudice,” the report says. “Merely because a person has created art relating to or describing certain behavior does not provide good reason to believe that the artist has actually engaged in that behavior.”

Read the report: <https://bit.ly/3MW4Wlc>

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has approximately 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. www.nycbar.org