

# Judge reinvigorates Tucker's rap lawsuit

By Garland L. Thompson  
Special to Sentinel-Voice

PHILADELPHIA (NNPA) - Generation X and the new marketers focusing on Generation Y are too young to remember the dramatic March on Selma, when C. Delores Tucker and Rev. Martin Luther King Jr. led a committed host of young people battling their way across the Edmund Pettus Bridge, braving fire hoses and police dogs to make real the First Amendment rights trumpeted by rappers such as Russell Simmons and 50 Cent.

Few will soon forget Tucker, however, because the last march she started — against demeaning, profane and sexist lyrics in rap music — is still going on.

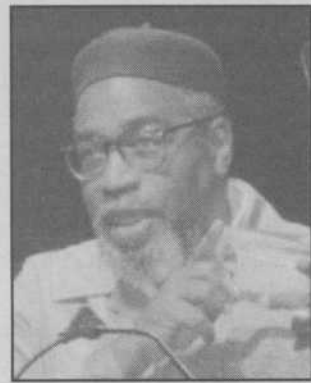
One month ago, little noticed by the general press, the Ninth U.S. Circuit Court of Appeals, sitting in Los Angeles, issued an opinion heard "round the record industry."

Judge John T. Noonan, while hearing an appeal by William Tucker, her widower, said a jury should decide whether Charles Ortner, David Kenner, Geoffrey Thomas and their clients, Interscope Records and Death Row Records, acted with malice in making "wild criminal charges" against the late Tucker for campaigning to clean up rap.

The companies had sued her in 1995, accusing her of racketeering, extortion, unfair business practices and

*"We never used to have all this profanity in our music... Now everybody in the world is trying to follow that (gangster) lifestyle."*

— Kenneth Gamble



other civil wrongs designed to undermine their business.

Among other claims, the companies alleged that she tried to induce Death Row to breach its contract with Interscope to assist in opening a Black-controlled distribution company through the National Political Congress of Black Women, a group she founded (as the former NCBW).

In a 2000 CNN interview, she explained what she was trying to do:

"I have, since 1993, led a crusade against this gangster, porno rap. And all of the industry does not support it. In fact, I got involved by two of our entertainers coming to us and asking us to help. Dionne Warwick and Melba Moore and many others who did so, but didn't want their names known."

Rap artists such as Tupac Shakur, Eminem, and KRS One attacked her in their recordings.

The record companies sued, but later dropped their litigation.

Tucker and her husband

fired right back, alleging malicious prosecution in two lawsuits, filed in 1998 and 1999, naming as defendants the companies and several attorneys and saying the companies' claims were retaliation for her exercise of free speech.

That constitutional right, loudly proclaimed by those who disagree with Tucker, is one she personally risked her life to defend at the Edmund Pettus Bridge and in other desperate struggles during the battle to end segregation in the South.

A note on the legal posture: Tucker and her husband did not sue over defamation, but the different legal issue of improper use of the courts to silence a critic.

According to the legal dictionary, malicious prosecution refers to a "wrongful and groundless criminal or civil action brought against the plaintiff... malicious prosecution tort law seeks to protect against unjustifiable and unreasonable litigation."

That's different from  
(See Lawsuit, Page 10)

## Hazel

(Continued from Page 3)

years, came to NNPA after back-to-back educational fellowships.

She was a Wasserman Fellow on the Press Politics and Public Policy at the Harvard University John F. Kennedy School of Government, where she earned a master's in public administration in 1999. She then served for one year as an American Political Science Association fellow for journalists in the office of Sen. Ted Kennedy before she was recruited by NNPA as its first female Capitol Hill correspondent and its first Capitol Hill correspondent in 30 years.

The stories she has covered for NNPA include the Election 2000 debacle; the World Conference Against Racism in Durban, South Africa; and the terrorist attack at the Pentagon on Sept. 11, 2001. She also spent eight days in New Orleans investigating the immediate aftermath of Hurricane Katrina; and exclusively covered the flight from Detroit to Montgomery with the family entourage and body of civil rights icon Rosa Parks.

Her journalism awards include a 1990

NNPA First Place Feature Story Merit Award; the 2004 Unity Award for economics writing from Lincoln University; the 2004 Charles Tisdale Award, named for the Publisher of the historic Jackson Advocate; and a 2004 Fellowship at the Annenberg Institute for Justice in Journalism. Edney is also a graduate of the 2006 Women and Power Executive Leadership Program at Harvard's KSG.

She is an adjunct professor of journalism at the Howard University John H. Johnson School of Communications, where the NNPA News Service helps to mentor students for professional journalism.

NNPA Chairman John B. Smith Sr. says he has high hopes for Edney at the helm of the News Service, which is under the NNPA Foundation.

"It is my hope that through the joint efforts of the foundation, under the leadership and tutelage of Ms. Edney, we will be able to build an even stronger unit between the [NNPA] and [its] foundation whereby we will be unique in the dissemination of news that affects people of color."

## Debate

(Continued from Page 1)

dedicated and talented, and all others."

Candidates participating in the debate were Sens. Joe Biden of Delaware; Clinton of New York; Sen. Christopher Dodd of Connecticut; former Sen. John Edwards of South Carolina; former Alaska Sen. Mike Gravel, Rep. Dennis Kucinich of Ohio; Obama of Illinois and Gov. Bill Richardson of New Mexico.

Smiley, who organized the debate after seeing that there were few domestic issues in the presidential discourse, told the NNPA News Service before the debate that people would particularly watch Obama for his perspectives.

"They're really curious to see whether or not he's going to step up on issues that matter to us when he's in front of us at Howard, being questioned by us. How is he going to respond?" Smiley said.

Rep. Elijah Cummings (D-Md.), an Obama supporter, says he was delighted at the range of issues that were discussed and was surprised that some issues had taken so long to be put on the table.

"This was the first time they discussed education, and I was shocked," he said.

"This just goes to show you why it's so important that you have African-American folks asking questions and people that are sensitive to our issues."

Among the energetic applause for Obama, whose Black father is from Kenya and White mother is from Kansas, was his identification with often-asked questions in the Black community, concerning America's relationship with Africa.

"What are we doing with respect to trade opportunities with Africa? What are we doing in terms of investments in Africa? What are we doing to pay attention to Africa consistently with respect to our foreign policy? That has been what's missing in the White House," he said to loud applause.

But, at the end of the forum, many in the responsive audience were still undecided.

"I'm still looking," said Christopher Emanuel, who works in the Office of Civil Rights for the Environmental Protection Agency. "Hillary said what she had to say in order to get where she had to go. Biden, well, that's flat line right there. Gravel, he

speaks the truth; I like the things he's saying, but he doesn't have a snowball's chance in hell. So, all I see is style and little substance."

Stephanie Logan, who graduated from Howard in May, says she had hoped to better distinguish between the candidates during the debate, but that didn't work.

"Nobody really grabbed me, to be honest," said Logan. "I feel like they were all saying the same thing. When it comes down to it, unfortunately, in politics, while they all have these wonderful ideas — and I believe they do want to make a change — but there's so much theocracy that I wonder if they'll even be able to do it. I wish somebody would ask them, 'How are you going to do it though?'"

Rev. Al Sharpton, a former Democratic presidential contender who drew applause when he walked into the auditorium, didn't seem impressed either.

"I thought the candidates were adequate. I'll tell you where I was disappointed. I didn't hear any specifics on, especially the [Supreme Court] decision today on [race and education]. 'What kinds of Supreme Court Justices would I appoint? What would I be looking for?'"

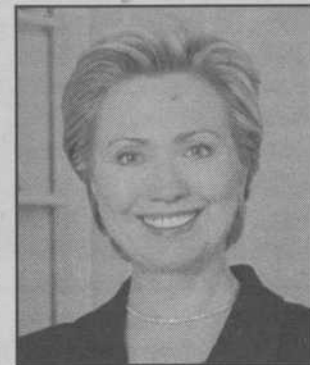
Noting Clinton's quip concerning the attention given to White women, Sharpton said, "That was good. I wish I had heard more of that from the candidates."

Sharpton was less complimentary of Obama. "I think he did good. I don't think he hurt himself tonight."

Smiley and political analysts around the country have predicted that the more domestic issues are discussed, the candidates will increasingly vie for the Black vote, which will likely be pivotal in the general election in November 2008.

"This should be repeated and repeated and we should be out in the corn fields, if you will," said Lee. "We should be out in the urban centers. We should be out in the churches. We should be out in the schools. America has to have its trust restored in this election and they've got to see the candidates."

A similar debate for Republican presidential candidates is scheduled for September 27 at Morgan State University in Baltimore, Md.



*"If HIV/AIDS were the leading cause of death of White women between the ages of 25 and 34, there would be an outraged outcry in this country."*

— Sen. Hillary Clinton

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