

THE RUTHERFORD INSTITUTE

Rapper Charged With Terrorism for Lyrics Criticizing Police; Supreme Court Fails to Protect Controversial Artistic/Political Expression

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Washington, D.C. — Individuals who engage in controversial and unpopular political or artistic expression, by criticizing the police for example, can be labeled terrorists and subject to prosecution and suppression by the government as a result of the U.S. Supreme Court's decision to let stand a lower court ruling in *Knox v. Pennsylvania*.

By refusing to hear the case of rapper Jamal Knox (a.k.a. "Mayhem Mal"), who was charged with making terroristic threats after posting a song critical of police on Facebook and YouTube, the U.S. Supreme Court has approved the government's expansion of the definition of "true threats." In asking the U.S. Supreme Court to review the case, The Rutherford Institute in conjunction with CATO Institute, had argued that allowing the government to expand its definition of what constitutes a "true threat" could have significant chilling effects on online communications and controversial art forms, including expressive activity shared through social media such as Facebook and YouTube, particularly in an age when the government engages in unprecedented monitoring of new and ever-changing forms of expression, online and otherwise.

"Instead of targeting terrorists engaged in true threats, the government has turned ordinary citizens into potential terrorists, so that if we dare say the wrong thing in a phone call, letter, email or on the internet, especially social media, we end up investigated, charged and possibly jailed," said constitutional attorney John W. Whitehead, president of The Rutherford Institute and author of [Battlefield America: The War on the American People](#). "This criminalization of free speech, which is exactly what the government's prosecution of those who say the 'wrong' thing using an electronic medium amounts to, is at the heart of every case that wrestles with where the government can draw the line when it comes to expressive speech that is protected as opposed to speech that could be interpreted as connoting a criminal intent."

Rap artist Jamal Knox teamed up with Rashee Beasley to form the rap group "Ghetto Superstar Committee." Knox and Beasley wrote, performed and shared songs on social media sites such as Facebook and YouTube that reflected their personal experiences. In 2012, Knox and Beasley wrote a song about being arrested by Pittsburgh police on drug and weapons charges and shared the song on Facebook and YouTube. The song, titled "F**k the Police," contained violent lyrical rhetoric regarding the police that is typical of the rap genre and its commentary on the experiences of minorities at the hands of law enforcement. Police had been actively monitoring Knox's social media presence when they discovered the song, resulting in criminal charges against Knox and his rap partner for multiple counts for terroristic threats and witness intimidation. At trial, Knox's attorneys argued that the rap song and its lyrics were protected by the First Amendment and not "true threats" that can be punished criminally. The trial court

rejected the First Amendment defense and a divided Pennsylvania Supreme Court upheld the conviction on appeal.

Affiliate attorneys Ari Savitzky, Paul Vanderslice, Mark C. Fleming, James Bor-Zale, and Rauvin Johl of Wilmer Cutler Pickering Hale and Dorr assisted The Rutherford Institute and CATO Institute with the First Amendment arguments.

The Rutherford Institute, a nonprofit civil liberties organization, provides legal assistance at no charge to individuals whose constitutional rights have been threatened or violated.