

THE “NIGGER TRINITY”: ENGAGING THE DISCOURSE IN
POST CIVIL RIGHTS/POST 1960s AMERICA

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The cultural and popular media landscape of the United States of America changed after the Civil-Rights movement of the 1960s. The word “Nigger” was changed during that same period of American history. There are several authors and a comic that helped change this word during the 1960s. The post Civil-Rights American has a different experience and understanding with this word than those born before 1970.

This work triangulates the current cultural location of the word “Nigger,” “nigga,” and “the n-word” using linguistics, law, and two media case studies. The “Nigger” trinity is a model that adds value to the discourse that surrounds this one word in post civil-rights/post 1960s America.

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CHAPTER 1

INTRODUCTION

On February 18, 2008, Spike Lee, director of the films Do The Right Thing (1989), School Daze (1988), Malcom X (1992), He Got Game (1998), Bamboozled (2000), and founder of 40 Acres and a Mule Film Works, gave a speech at the University of Texas at Arlington. It was an hour-long event at Texas Hall in which he spoke on his childhood, his successes, his failures, and his new interest in politics. After almost an hour, he fielded questions from the audience via two microphones in the middle of the two aisles. As over eighty people lined up to ask questions, he stated that he did not want to answer questions on “racism or anything like that.” The first person to ask a question was a middle-aged black female who asked, “What do you think of ‘the n word’?” (Lee UTA). Out of all the questions about film, fame, or philosophy that could have been asked of Lee, the first (and I suggest a very culturally important) question was about the emotionally charged word “Nigger.”¹

In the past, when Lee was asked why his films “make extensive use of nigger,” “the director replied that as an African American, he had more of a right to use [the N-word][sic].” Lee, at the time, did “not articulate the basis for that asserted ‘right’” (Kennedy 131). However, that night at UTA, his response was different. After a lengthy pause, he said, “I don’t know what I think about that word. I just know that it makes me uncomfortable to hear a white person say it” (Lee). Not only had his answer to this question changed, but, that night, it appeared as if his posture towards this word had changed also.

¹ The word is capitalized throughout this work is to pay homage to Dick Gregory. In his book, Nigger: An Autobiography, he tells a story of the day when a “white history instructor wrote the word “Negro” on the blackboard and spelled it with a small n. At the end of the hour, I went to the board and erased the letter n and wrote a capital N. Everyone stared and nobody said anything about it” (pg 81-82). Quotations of other works are not changed.

In 2004, actor and producer Samuel L. Jackson appeared in the documentary The N Word as himself. In it, he said that he tells people he is “a Nigger,” and if you messed with him he would “do some niggardly shit to you.” However, in 2005, when he played the title role in Paramount/MTV Films’ Coach Carter, he portrayed the opposite. His character does not allow his players to use the word, and, at one point in the film, Jackson’s character loudly scolds a student for using the word. He tells the team that “the word ‘Nigger’ is a derogatory term used to insult our ancestors. If a white man used it, you’d be ready to fight. Your using it teaches him to use it. You’re saying it’s cool. Well, it’s not cool, and when you’re around me, I don’t want to hear that shit!” Samuel Jackson the actor is different than Samuel Jackson the person, but these two different media examples show a complexity when it comes to this word’s meaning. This is more than a case of “selling out” for the media; this is a complicated example as to why this word’s meaning is difficult. Trying to figure out the different meanings and accents of “Nigger” can be confusing. In fact, The Nigger Bible gives 39 definitions to the word (DeCoy 89). Spike Lee and Samuel L. Jackson are not the only Americans that have changing ideas and emotions concerning this word.

Trying to understand the anxieties that surround the word “Nigger” from an American viewpoint can be a confusing social labyrinth of emotional ideologies. “Nigger” in American English, when spoken, written, or heard, has the power to ignite an emotionally charged encounter between two people, or many people. Some states in America have laws that deem the word “Nigger” a “fighting word” and other states deem it a “mere” word. If this word is said in a “fighting word” state, then a person could claim its use as “incite to fight” as part of a legal civil defense charging the person who said it. In a “mere word” state, the word “Nigger,” when said, does not give any person any authority to fight because of its use; it is merely a word. (Kennedy

44). In Chaplinsky v. State of New Hampshire (1942), the Court ruled that "fighting words" do not violate the Free Speech guarantee of the First Amendment. Chaplinsky remains the last case in which the Court tried a case explicitly for fighting words. The Chaplinsky case and fighting words are explained in much greater depth in Chapter 2.

In Helen Jackson Lee's autobiography, Nigger in the Window, Lee said she had "a hundred different ways of saying [accenting] nigger [sic]" to describe her cousin, Bea. To her, "nigger [sic] was a piece-of-clay word that you could shape ... to express your feelings" (Kennedy 37). Dr. John McWhorter says that, "many words have many meanings and the word 'nigger' is no exception" (The N Word). The way Americans produce this word in popular media culture has the ability to stir up feelings and emotions. Take the amount of emotions and feelings this word can generate, multiply that by the amount of "ways" you can say "Nigger," and you get a large social discourse. The longer our American society exists, the more ways of saying "Nigger" will come to be, the more meanings will be added, the more accents will be given, and the storyline of this word's discourse will expand in the United States.

The word "Nigger" has a long sociolinguistic narrative in American culture. How Western society has used this word in language, writing, film, and forms of popular media is set in the foundation of American history. No matter where a person may view this word's placement in relation to today's frame of intellect, our modern knowledge of the word "Nigger" is forever tethered to the history of the American slave system. The meaning and spelling of "Nigger" can change, but the origin of this word as an American construct will not. As people living the western cultural experience in 2011, Americans have a troubled history of emotions and changes to look back on regarding this word. However, language, and consequently words, can change their definitions or meanings over time.

Language is often a site of struggle for meaning; therefore, it is political. So, language, as well as popular media culture, changes and develops in uneven ways. For example, the word “gay” has had several different meanings. Linguist Miriam Meyerhoff, in her book Introducing Sociolinguistics, shows a graph of the linear shift with the term “gay.” She charts the shift in the words meaning from “full of joy” (1310), to “addicted to social pleasures and dissipations” (1637), to “(women) leading an immoral life” (1825), to “homosexual” (1935), and now “stupid or hopeless” (1980s). Linguists like Terry Crowley and Claire Bowen, who wrote The Introduction to Historical Linguistics, also point to the evolution of adjectives like “gay” in American language to help explain the changes in words. They acknowledge that this word, over 30 years, has undergone a shift in meanings (203). The way words and language affect people, both emotionally and socially, changes also. However, for post-Civil Rights America, the word “Nigger,” along with society, had already begun a social language shift before 1970.

This work is aimed towards anyone trying to educate themselves on “Nigger,” its history, and its current placement in popular media. At the same time, most specifically, the target audience for this thesis is post-Civil Rights America. In this work, the term “post-Civil Rights American” refers to the American citizen born after 1970. This group includes American men or women born after the passage of civil rights voting laws of 1957, 1964, and 1965. These people missed “the assassination of Malcolm X in 1965 and of Martin Luther King, Jr. and Robert Kennedy, both in 1968” (Franklin 8-9). The moniker “post-60s,” or “post-Civil Rights,” American is not about income, education, or race. It’s a mindset, set on understanding, experience, and knowledge, that is based on the cultural whereabouts of where and when people were born. This generation has seen the information age and has arguably come of age with an increased knowledge, sensitivity, and understanding about the cultural problems in America and

abroad. This era contains the group of Americans who are more knowledgeable, if by media exposure alone, to the many meanings this word has in Western society. Furthermore, they do not truly understand the pre-Civil Rights mind set as it relates to the word “Nigger” because this generation was born in a post-Civil Rights America.

For the American born after 1970, following Dick Gregory, Robert DeCoy, and Richard Pryor (discussed below), “Nigger” had already begun its change and its meaning had blurred. The issue facing post-1960s Americans as it relates to the word “Nigger,” is that they did not create the pejorative meaning of this word; they were born into it. At the same time, they have to deal with the consequences of the generations that have gone before 1970 who could have bullied, or who bully now, using this word or its different meanings. When a post- 1960s American hears, or says “Nigger,” it does not necessarily carry the emotion with it as much as it does the emotional baggage from its history. Those born after 1970 have a different mindset and more complex cultural baggage, per se, as it relates to “Nigger,” than those who were born before the struggles of the 1960s.

This work engages discourses surrounding the term “Nigger” from the 1960s to the present. To design a frame of reference for the current social and emotional understanding of this word, this thesis must begin by explaining the historical shift or swing that began during the Civil Rights Movement concerning this word and its meaning. This thirty-plus year time period is important in understanding this word’s theoretical continuum. Some schools of thought would say that during this post-Civil Rights struggle timeframe, this word has morphed into an “in-group term” of endearment or possible salutation similar to the word “dude” (Kiesling 284). Before 1960 and the Civil Rights struggle, this word could have been said to have one

predominant meaning in popular media culture: a linguistic attitude of bullish emotional hatred, though it probably had many accents all along.

This thesis focuses on the word “Nigger,” and how this word is playing out in popular media culture. A thesis focused on this word, and the emotional anxieties it carries, holds cultural relevance and will add value to the continued critique of popular Western culture. The word “Nigger” is not limited to black street vernacular. This word pervades American society. Different uses of this word appear in many media including films such as Gone With the Wind (1939), Superfly (1972), and Blazing Saddles (1974).² Gone With the Wind, a pre-Civil Rights era romance that was set in the old south, had a white lead character, and was produced by a white Jewish filmmaker David O. Selznick. Superfly is a “blaxploitation” film, post-1960s, whose lead character is a black American, and it was produced by black producer Gordon Parks, Jr. Blazing Saddles, a pithy satire set in the old west, was created in post-1960s America and was the product of white Jewish filmmaker Mel Brooks. These three films show the shift in

²The list also includes, among others: Home of The Brave (1949), Pinky (1949), The Dambusters (1954), Black Like Me (1963), Apocalypse Now (1979), Cotton Comes to Harlem (1970), Sweet Sweetback (1971), Shaft (1971), Blacula (1972), Lady Sings The Blues (1972), Souder (Paramount 1972), The Godfather (1972), The Legend of Nigger Charley (1972), Cleopatra Jones (1973), Coffy (1973), The Mack (1973), The Soul of Nigger Charley (1973), Wattstax (1973), Foxy Brown (1974), Dolomite (1975), Cooley High (1975), Car Wash (1976), Silver Streak (1976), Which Way is Up (1977), Mississippi Burning (1988), Friday Foster (1975), Boss Nigger (1975), Silver Streak (1976), Roots (1977), Apocalypse Now (1979), Bush Mama (1979), The Jerk (1979), Stir Crazy (1980), The Shinning (1980), Fort Apache: The Bronx (1981), Bustin’ Loose (1981), 48 HRS. (1982), The Toy (1982), Trading Places (1983), The Color Purple (1985), Silverado (1985), Full Metal Jacket (1987), Hollywood Shuffle (1987), School Daze (1988), Do The Right Thing (1989), Driving Miss Daisy (1989), Glory (1989), Harlem Nights (1989), House Party (1990), New Jack City (1991), Boyz N the Hood (1991), Malcom X (1992), Menace 2 Society (1993), True Romance (1993), Pulp Fiction (1994), Higher Learning (1995), White Man’s Burden (1995), Die Hard With a Vengeance (1995), A Time to Kill (1996), Jackie Brown (1997), Gridlock’d (1997), American History X (1998), He Got Game (1998), Go (1999), Bamboozled (2000), Monster’s Ball (2001), Training Day (2001), Undercover Brother (2002), Souder (Disney 2003), Crash (2004), Soul Plane (2004), Be Cool (2005), Underclassmen (2005), Amazing Grace (2006), Malibu’s Most Wanted (2003), Talk to Me (2007), The Great Debaters (2007), Lakeview Terrace (2008), Kick-Ass (2010), Hangover 2 (2011), and the Friday (original 1995) and Barbershop (original 2002) series. It has also been controversial when used in the books Old Surehand, Huckleberry Finn, Uncle Tom’s Cabin, Heaven, An Imperative Duty, All God’s Chillun, Stranger Fruit, Kingsbolld Royal, Them, Ragtime, A Time to Kill, Gone With the Wind, The Commitments, The Lair of the Whit Worm, To Kill a Mockingbird, and As Bad As I Want To Be, Nature of Prejudice. It has been addressed and discussed in the TV shows The Jefferson’s, Boston Public, NYBD Blue, The Chappell Show [highlighted later], The Mind of Mencia, The Bernie Mac Show, PBS Frontline, Saturday Night Live, and The Dr. Phil Show. Lastly, cartoons like South Park and The Boondocks have to be considered in this group because they have also caused contention lately concerning the use of this word.

meanings of the word “Nigger” over time, and add to the multifaceted accent of this word. Americans have been exposed to the word “Nigger”, its emotions, its history, and its changes over the last 30 years.

Post-Civil Rights Americans need to be careful with their words when creating a work that engages this word’s meanings. It is the same healthy prudence needed in a public, private, or group conversation about this word. What is meant by that is that this work is written in the same publicly prudent tone. As American citizens living in a free country, we have to be able to exchange ideas in spite of societal censorship. Some self-imposed censorship, or linguistic sensitivity, may be attributed to “political correctness.” However, “Nigger” is not going anywhere in Western language, and linguists like Dr. John Baugh agree that it will never vanish from the English language.

Furthermore, being born into “whiteness,” it would be unreasonable for me to approach the discourse around the word “Nigger” in cultural studies, race studies, or identity politics from any other view point than that of a white male born in America after 1970. I can only view, or write about, this subject from a white male’s point of view. However, in like thought to Richard Dyer’s book White, this work denounces up front any charges of “guilt or me-too-ism.” This thesis does not “display the expiation of my guilt about being ‘white’ nor to hint that it is also awful to be white.” To Dyer, being white “is everything and nothing” (Dyer; in Stam and Miller 733-734). My approach to the “whiteness” discourse concerning this word is parallel to Dick Gregory’s thought that “being a Negro doesn’t qualify you to understand the race situation any more than being sick makes you an expert on medicine” (Gregory 171). My race alone does not give me the “green light,” to echo Dyer, to produce a voice that speaks for my entire race. This work is also not to be considered my generation’s manifesto. Just being white does not qualify

me to understand the white supremacist hegemony of Western culture, its societal substructure, or the word “Nigger,” any more than any other critical cultural theorist.

The experiences that I have had with the word “Nigger” began in 1971 in Arlington, Texas, and have spanned my lifetime. As a boy growing up in the South, I have memories from before the age of cultural and racial consciousness of being afraid of two mysterious entities: “Niggers” and “Aggies.” These are two terms that Americans growing up in the South are exposed to. Aggies, referring to Texas A&M students, are simply a part of the Texas sub-culture. People who attend the University of Texas make fun of the Texas A&M students (Aggies) and vice versa. The earliest jokes and small talk I can remember frequently involved these two lexical terms. Not knowing what or who they were, I frequently had nightmares in which I thought mad-scientist-like creatures (Aggies) and dark shadow entities (Niggers) were plotting against society as a whole. They became a big, scary social problem in my mind. I cannot pinpoint when I learned what an “Aggie” was, but I do remember exactly when and where I became aware of what a “Nigger” was. It was 1979, and I was in the third grade.

The playground at J.B. Little Elementary is a place where we went after lunch and during recess to play sports, to play freeze-tag, and to act like third graders. A scuffle was about to break out between two boys, one white and one black. The black kid, named Deshaun, was prepping for the fight by psyching himself up. He was turning to his other black friend in the crowd and saying, “Come on Nigger! Give me some skin so I can beat this white boy up!” For me, time stood still and I will never forget that moment. I knew what “Nigger” could mean and the emotion that can come with it. I had never thought of Deshaun and his friend as “Niggers.” Deshaun’s older sister, Lacrechia, who was a year older, had always hugged and kissed on me, and, truth be told, I liked Lacrechia and her attention immensely. I had also heard the term

“Nigger-lover” before. Yet that moment, my new understanding of “Nigger,” made me look at myself as someone who might be considered, within the frame of that twisted ideology, a “Nigger-lover.” Since that moment on the playground, I have always been very sensitive to each utterance of the word “Nigger.” That sensitivity heightened when I joined the United States Army.

The things a young man can learn from Army basic training are as much about social and racial interaction as they are about training to kill other men. One day, while at a range, we basic trainees were asked to take a seat in a hanger where there were tables and chairs. One white soldier was sitting in a seat that a group of black soldiers wanted for their same-skin-colored buddy, so they chided the white soldier out of the seat with verbal threats and mock acts of violence. As the white private walked away from his seat, he said, “Man, this is bullshit!” The black instigator of the group responded with, “What did he say?” Another soldier, knowing it would outrage his friend, replied, “He called you a Nigger.” They all began to laugh as they stopped the instigator from charging the white soldier in a fit of rage. That was when I became hyper-sensitive to every utterance of the word “Nigger.” This word and its many meanings have always been a part of my linguistic experience, just as it is for the rest of post-Civil Rights America.

Cultural Studies and Discourse Theory

The qualitative model approach works best for this work because it affords “certain advantages.” Roger Wimmer, in Mass Media Research, explains that the qualitative method “allows a researcher to view behavior in a natural setting without the artificiality that sometimes surrounds experimental or survey research” (Wimmer and Dominich 49). There would surely be

an emotional bias or “artificiality” that could result from survey research surrounding the word “Nigger.” The method of data collection for this work was be field observation with the intent of framing a scholarly engagement around this word. Field observation also allowed an avoidance of the “artificiality” or bias that could be interpreted in this research.

This work engages the “discourse” around the word “Nigger.” Discourse is a key model from the French intellectual scholar Michel Foucault. Foucault said that discourse “is not simply that which translates struggles or systems of domination, but is the thing for which and by which there is struggle, discourse is the power which is to be seized” (Foucault 211). Using Foucault’s concept of discourse narrows the conversation about “Nigger” down to the power struggles for its meanings. Robert Allen, in Channels of Discourse, says that many scholars use discourse in the “Foucaudian” sense “to refer to a set of complex multilayered texts that determine and limit what can be said or known about certain subjects and therefore serve particular interests (Allen 62).

Robert Stam, in Film Theory, says that Foucault “replaced the concept of ideology with ‘discourse,’ seen as more pervasive, variegated, less tethered to Marxist concepts of class and production” (293). He was “interested in larger systems of representation ‘discourse’; a whole cluster of narratives, statements and/or images on a particular subject that acquire authority and become dominant at a particular historical moment.” James Proctor gives a current definition of Foucault’s idea of discourse. He says that:

The real world only acquires meaning through discourse. The round leather object which you kick is a physical object – a ball. But it only becomes a “football” within the context of the “discursive” rules of the game, which are socially constructed. (Proctor 60)

In similar form, the word “Nigger” is a six-letter word. But the arrangement of these six letters, as an American construct, contains acquired meaning. Because it is socially constructed in pre-

Civil Rights America, it becomes whatever it becomes in the discursive process in post-Civil Rights America.

Paul Marris and Sue Thornham, who authored Media Studies; A Reader, use terms like “emission of statements and social power” and “utterances and power” to explain the connecting points to Foucault’s “discourse.” They comment that discourse is “the larger term within which there exist a range of different ideologies, whilst for others ideologies are made manifest through a variety of different discourses” (Marris and Thornham 268). Norman Fairclough, in another chapter, says that “discourse is a concept used by ‘social theorists... analysts, and linguists’” (Marris and Thornham 309). This approach holds great insight for a thesis that surrounds the word “Nigger.” Foucault warns about the social and institutional sources that form meaning of words or expressions for the masses. He says that “speech... is intimately linked to social power; often it is literally the expression of power” (Foucault, quoted in Marris and Thornham 268). Engaging the discourse that surrounds this word might possibly tease out the cultural struggle for its many meanings.

This thesis engages the current discourses around the meaning of the word “Nigger.” By looking at the “whole cluster of narratives” that surrounds this particular subject, we can understand this word’s many meanings better. Foucault’s model of discourse helps this work better explore the power seizure that can take place at the site of the struggle for the meaning(s) of this one word.

It follows that the word “Nigger” can be one of the most “multi-accentual” words in the American English language. In the late 1920s, literary theorist Valentine N. Volosinov, who wrote Marxism and the Philosophy of Language, pointed to the multi-accentuality of words. Multi-accentuality, as described by Volosinov, is the arena of “continuous class struggle: a

ruling class will try to narrow the meaning of social signs, making them uni-accentual, but the clash of various class-interests in times of social unrest will make clear the ‘multi-accentuality’ of words” (Volosinov). Hall says that

multi-accentuality is used by Volosinov to refer to the way in which language produces different, even opposing meanings depending on how it is “accented” by those who “speak” it within a given social context. The line “God save the Queen” means something very different depending on whether it is sung by the Sex Pistols, a church congregation, or a football crowd. (Hall, in Proctor 31)

The word “Nigger,” depending on who is speaking it and to whom it is spoken, can mean something entirely different with each utterance or accent.

John Fiske, in Channels of Discourse, highlights the word “Nigger” to explain Volosinov’s multi-accentuality. Fiske explains that:

When the word nigger [sic] is accented by contemporary black rap artists in their music videos... they are giving it their meanings of blackness, racial subordination, and prejudice against the historically dominant white ones. In doing so, they are exploiting the multiaccentuality of the sign “nigger” [sic] (299)

There will be more on contemporary black rap later in the chapter. Using Volosinov’s theory, Fiske clarifies that “Nigger” can be given different meanings with each user’s different accent, making it multi-accentual.

Stuart Hall’s example of Volosinov’s multi-accentual sign is the swastika, a “potent emblem of Nazi Germany, which was subsequently re-appropriated (and thereby re-accented) within the street styles of youth cultures in the 1970s and early 1980s, as a multi-accentual sign” (Hall in Proctor 28). Just because those youths re-accented the sign did not make them fascist, but, as Hall points out, “on the other hand they could be” (Hall, in Proctor 29).

Much like the phrase “God save the Queen” and the swastika, the word “Nigger” has the ability to mean something different with each accent. Using Volosinov’s model of multi-accentuality, says James Proctor, author of Stuart Hall; Routledge Critical Thinkers, post-Civil

Rights America can engage the idea of “class relating to popular culture, notably, the notion that multi-accentuality suggests there are no popular cultural forms or signs that ‘belong’ to a particular class and whose meaning can be guaranteed forever” (Proctor 29). The struggle, Procter suggests, depends upon the success or failure in giving a word like “Nigger” a “‘a socialist accent,’ not as class versus class but the power bloc versus the people” (Proctor 29). The ruling class is trying to conceal the meaning of “Nigger” by using the phrase “the n word,” and in the process of concealment, the meaning becomes more complicated. In his book Wretched of the Earth, French philosopher Frantz Fanon describes deceptive phraseology that can mask what is really going on with different meanings of words. He cautioned us saying, “Let us admit it, the settler knows perfectly well that no phraseology can be a substitute for reality” (Fanon 45). The phrase “the n word” and the word “nigga” can be stand-ins for “Nigger”; however, these substitutions only complicate this word’s meanings and subsequent discourse. This word’s accent when it is spoken affects not only popular media culture but also current linguistics theory, lawmakers, and media gatekeepers. These are, this work suggests, the “power blocs” of whom Hall spoke and the social “ruling authorities” that Foucault warned about.

The purpose of this thesis is to engage the discourse around the word “Nigger” by placing it in these three focused areas of critical thought: linguistic theory, First Amendment law, and cases in the media. By engaging the “Nigger” discourse in these three areas of social concern, this work will add value to the quest for greater education and less emotion concerning this word’s struggle. To do that, this work plans to triangulate the way it engages the “Nigger” discourse. Triangulation, a term that is commonly used by marine navigators, is one of the research elements Wimmer and Dominich present in Mass Media Research. They lament that “When a ship receives a signal from only one navigational aid “it is impossible to know the

vessel's precise location." In order to understand the location of something they need three "signals" (in this case, linguistics, First Amendment law, and media case studies) (Wimmer and Dominich 50). Furthermore, triangulation is an activity that linguist Dr. Howard Giles calls "a mechanism for building cumulatively on empirical insight," and it can be used within communication research to "begin to impose order on the uncertainty that interaction presents to us" (Giles, Coupland, and Coupland 1). By looking at this word in three objective arenas, this work can triangulate, and thereby focus, the various theories surrounding the word "Nigger." Triangulation in and of itself is not going to impose order on the way this word plays out in popular media culture or day-to-day life in America. Triangulation is not the only way to engage the discourse of this word. However, it will, combined with critical, theoretical, and methodological approaches, aid in better understanding the uncertainty that can come with this word and its different accents.

The other three points of study in this work are the words "Nigger," "nigga," and the phrase "the n word." These three words provide three locations on which to focus. At the same time, the focus of this work is on the word "Nigger" itself. The other, and later, meanings and phrases of this word came from the original, exclusively American word. Dr. Randall Kennedy agrees that this word can generate different meanings of itself. He says that word "Nigger" is the "epithet that generates other epithets" (Kennedy 27). In the documentary The N Word, Dr. Kennedy adds that it does not matter if "the n word" or "nigga" is used in place of "Nigger" because "there is no private space to distinguish between the 'nigga' in the black linguistic world and the 'nigga' in the white" (The N Word).

In American language since the 1700s, the word "Nigger" has been used as a lexical epithet. However, after the 1960s, more groups of people began to use the term. Richard

Rodriguez, a professor in the Department of Chicano Studies at California State University in Los Angeles, said, “Hispanics have started using the word with the same intent as blacks” (Rodriguez quoted in First Amendment Center). More people began to use this word, and, as a result, more lexical terms and phrases came from different groups.

When exactly in Western history the word “nigga” began to be represent the word “Nigger” is debatable, but it has been in the recent past. The word “nigga” began to be used more commonly to refer to the word “Nigger” possibly in the latter part of the 1980s, and, notably, after the rap group Niggas With Attitudes (NWA) became famous. The group was composed of four Black Americans from California; Eric Wright (EazyE), Dr. Dre, Yella, and Ice Cube. Dr. Robin Kelley, author of Race Rebels: Culture, Politics, and the Black Working Class, says that NWA was “one of the most compelling groups on the hip hop scene in years” (Kelley 189). She says that at the same time as NWA, Ice T, in Straight Up Nigga (1991), was saying “Most of all, I’m straight up Nigga.” and “I’m a nigga, not a colored man or a black or a Negro or an Afro-American” (Kelley 194). NWA is arguably the seminal act of the gangsta-rap sub-genre; moreover, they are an identifiable marker for the change from “Nigger” to “nigga.” The success of NWA and the multi-accentual way they used this word added to its many meanings and complicated an already complex issue.

However, by 1999, when rapper Ol’ Dirty Bastard recorded the single album Nigga Please, he used the term “nigga” 76 times and that is not counting the repetitions in the chorus. Not only does this exemplify the “Nigger” to “nigga” shift, but with so many repetitions of this word, it is proof de facto that “nigga” has its own meanings also. Groups like NWA, Ice T, Ice Cube, and Ol’ Dirty Bastard are the examples that point to the time and place for the apparent shift in this word’s representation. These are the beginning signals of popular media (music)

shifting from saying “Nigger” to saying “nigga.” What was “Nigger” before NWA and others began to be “nigga.” Pertinent to the validation of this thesis, the word “nigga,” verifiably since the 1980s, began to be used and can stand in place of “Nigger.”

At the same time “nigga” began to stand in for the word “Nigger,” another socially constructed American substitute, this time a phrase, began to allude to the original pejorative word. The phrase, or euphemism, “the n word” is the newest form to represent and/or stand in for the word “Nigger.” The phrase “the n word” has become the most salient, but not necessarily the most prudent, means of dealing with this word in American culture. Social narrators like Jabari Asim, author of The N Word: Who Can Say it, Who Shouldn't, and Why, suggest that the change was, perhaps, during the O.J. Simpson murder trial in 1995. During the trial, one of the key pieces of evidence for the prosecution was the testimony of Los Angeles police detective Mark Furrman. However, recorded tapes presented by Simpson's defense team, archived ten years before the trial, heard Furrman “use the N word [sic] over forty-one times” (Asim 180). This consequently diminished his credibility and thereby eliminated his testimony.

Asim also goes on to point out that it could have been the way F. Lee Bailey, a member of the defense team for Simpson, had handled the word “Nigger” during the trial that helped change the way this word is now used. F. Lee Bailey, a white male, “knew firsthand that ‘nigger,’ if wielded skillfully, could be used to expose a hostile witness and pave the way to a favorable verdict” (Asim 174). In fact, in his book For The Defense, Bailey admitted that in another courtroom case in 1973, he “barked out the word, trying to give it as much meanness as I could” (Bailey in Asim 174). Last, it could have been Christopher Darden, part of the prosecution team, that did not want the Furman tapes to be heard. Darden overstated it when said that the word “Nigger” was

A dirty, filthy word... an extremely derogatory and denigrating term, because it is so prejudicial and so extremely inflammatory that to use that word in any situation will evoke some type of emotional response from any African-American within earshot of that word. (Darden in Asim 180)

While trying to overemphasize this word was part of Darden's prosecution strategy, it might not have shown his true sentiments towards it.

Attempting to point to Mark Furrman, F. Lee Bailey, or Christopher Darden as the perpetrators in the shift from "Nigger" to the phrase "the n word" is counterproductive for the purpose of this work. However, what does add value to the point here is that during the O.J. Simpson trial, the use of the word "Nigger" was something that the media could not avoid reporting on. It was key to the defense's case to let the jury hear Furman using this word in a pre-Civil Rights accent. Christopher Reed, a reporter for London's Guardian newspaper described Americans "as 'in shock' after hearing the [Furrman] tapes" (Asim181). So, presumably, and since that time, as a way to avoid offending advertisers and audiences, the news media subsequently began to report on this using the phrase "the n word." A good modern day example of such reporting would be TV's Matt Lauer.

Matt Lauer, American journalist and host of NBC's The Today Show, provided a case of "the n word" and how it is adding to the different meanings surrounding this word. In Todd Larkins' documentary, The N Word, Matt Lauer is shown interviewing the singing star Jennifer Lopez after one of her performances on The Today Show. The racial controversy with her at the time was that "some African Americans accused her of bigotry on account of lyrics in one of her songs that referred to niggers [sic]" (Kennedy 174). When Lauer approached her, he began to question Lopez about this controversy. He asked "Your song 'I'm Real,' that I understand will be on the remix version of your album later this year, contains the n word, excuse me for saying it." Lauer goes so far as to apologize for saying the phrase "the n word" itself even though he did

not say the word “Nigger” or call anyone the epithet. Lauer’s use of the phrase “the n word” is an example of this word’s many complex and evolving meanings.

In similar contrast to some people not wanting to say “Nigger,” using the phrase “the n word,” one could imagine that there is a majority of Germans that would love to avoid saying Holocaust. In 2004, Dick Gregory theorized another social warning about the social pattern of substituting “the n word” or “nigga” for “Nigger”. He stated that, “If we change the holocaust to ‘the H word,’ will that make what happened any better?” (The N Word) Can Germany distance or separate itself from the reality of the Holocaust? Much is the same for some in America, by saying “the n word,” there is a separation or purposeful distance from the history and possible emotion that is its reality. The phraseology of “the n word” is adding to the complexity and meaning of the word “Nigger.” However, pertinent to the focus of this thesis, is that this one n word has now become the n word. A phrase has come to “rule over” a word, just like Foucault talked about regarding discourse.

If most Americans understand that the phrase “the n word” means “Nigger,” then what is the point of using the phrase instead of the word? Merriam Meyerhoff says that:

People sometimes end up in confused arguments about what words ‘really’ mean. Just because one meaning of a word is older than others, this doesn’t make it the ‘real’ meaning of the word. Most linguists find the notion of real meaning unhelpful. Instead they find it more useful to talk about what is conventionally implied by a word when it is used ... and what it implies when it is used in different conversational contexts. (56)

There is no real meaning, but there is an original, exclusively American, meaning and spelling.

This phrase “the n word” is a construct, stemming from “Nigger,” which was another American construct.

By eliminating all other words or phrases than these three from this analysis, this thesis hopes to avoid discursive distractions over what other n-words may exist or what they may mean.

If the dominant culture continues to change the word “Nigger” to “the n word” or “nigga,” does that make the history of slavery, racism, or bullying with the word “Nigger” any better or worse, or does it just allow a “loophole” out of the emotion associated with it by talking about it and not actually saying it? This reduces this word’s discourse to a linguistic shell game where the real meaning has to be guessed.

Much like the works of linguists Dr. John Baugh and Dr. William Labov, this work, too, seeks to create a “sense of shared mission with others who seek to provide new solutions [and more questions] to old, and racially sensitive, social problems” (Baugh 14). The foundational strength of this work is its refusal to take sides or, like Giles, the critique of becoming “linguistically self-categorized” when it comes to this word’s discourse (Giles Coupland and Coupland 47). The Nigger Trinity, in Chapter 2, sheds light on a different model of solution-oriented thought, which, at a minimum, will add to the discourse that surrounds this word.

Furthermore, this thesis is not be able to provide any essential ideas, social cures, or cultural answers to this word, but its focus is essentially on the word “Nigger” and its place in modern popular culture. This approach is what Greg Tate calls an “Anti-essentialist Essentialism” and allows this work to focus essentially on the word “Nigger” but provide no essential solution (Neal 110). There might not be a real essential cure for this word’s multi-accentuality, but the history, however, is real.

Brief History of the Word

The origin of the word “Nigger” can be, and is, debated. It has been traced back to the 17th century and etymologists have differing beliefs. “It is derived from the Latin word for ‘black,’ ‘negar,’” says Dr. Randall Kennedy (The N Word). In his book, Nigger: The Strange

Career of a Troublesome Word, Kennedy elaborates that in 1619, when John Rolfe delivered his first shipment of enslaved Africans to Virginia, his ships packing list listed them as “negars,” which he says was Latin (4). Dr. Robin Kelley tells that the first twenty slaves delivered to Virginia “were called ‘negars,’ which is Dutch” (The N Word). Dr. Kelley also states that if the Spanish, French, or Dutch, “initially meant ‘niger’ to mean ‘black’ and did it have a negative meaning, we don’t know that” (The N Word). Considering the conditions of slavery, it could very well have had a negative meaning. Jim Lowe, senior editor of Merriam-Webster, Inc., theorizes that, "For the French, Spanish and Portuguese, these were not negative terms. They simply meant black. It wasn't until it came here and during slavery that it became negative" (First Amendment Center). The Random House Historical Dictionary of American Slang says that the word “Nigger” did not originate as a slur but took on a derogatory connotation over time.” Finally, Dr. Kennedy says that “no one knows [emphasis added] precisely when or how niger turned derisively into nigger and attained a pejorative meaning” (Kennedy 5). Black inferiority was at one time a near universal assumption, so the word “Nigger,” in some cases, could have been used without deliberate insult. At the same time, it could quickly and easily be used as a word that reduced anyone with black skin to less than civilized standards.

It was somewhere in the 1700s that “Nigger” began to appear in what the dictionary describes as “dignified argumentation” such as Samuel Sewall’s denunciation of slavery, The Selling of Joseph. In 1837, Hosea Easton wrote A Treatise on the Intellectual Character and Civil and Political Condition of the Colored People of the United States: and the Prejudice Exercised Towards Them. In it, Easton says that,

The term itself would be perfectly harmless were it used only to distinguish one class of society from another; but it is not used with that intent... [I]t flows from the fountain of purpose to injure. (Kennedy 5)

It was a word that “early blacks had to endure” says Dr. Robert Pratt, Professor of U.S. History at the University of Georgia. He goes on to report that “by the first third of the 19th century, you begin to see the word in print as “Nigger” and now into current day” (The N Word). Pratt goes on to elaborate that in and around the 1960s, there was a “gradual change in the way the word was used” (The N Word). It was distanced from the “better class” of whites to separate them from what they perceived to be a “lower class of whites,” and black Americans began to use the term as an “in group” term, a term of endearment or salutation (Kennedy 9). Pratt says that it began to be “stigmatizing to the speaker” (The N Word). Some people today distance from using this emotional word because “whites of higher standing have aggressively forsworn the use of nigger” (Kennedy 9). These are footprints for the way the word was changing during this era in American history.

In the 1960’s, politicians’ usages of this word began to separate. The accused racist politician Strom Thurman never used the word “Nigger” because he said that “poor white trash used that word,” yet he conducted the longest filibuster in U.S. history in opposition to the Civil Rights Act of 1957 (The N Word). This white politician in the 1960s separated his usage of the word to give the impression of a separated, yet higher, class. An example of a politician that, at that same period in time, openly used this word is Paul Johnson. In the 1964 race, running for the Mississippi Governor seat, Johnson joked that the acronym NAACP stood for “Niggers, Apes, Alligators, Coons, and Possums” (Kennedy 116 – 117). Johnson won the governor’s seat in that race. This was polar opposite posturing between two white politicians. However, it was only different in the production of this word, because their ideologies seem to be in lockstep as it related to black and “other” Americans. While in the 1960’s, white politicians could use the

word “Nigger” and still have a chance to win, this word might spell political suicide for any politician today.

The pioneering work that began this change was in 1964. Dick Gregory, and his book Nigger: An Autobiography, were the beginning, this work argues, that began the shift in this word’s discourse. This change has carried forward to the present day’s imaginary rules and norms that can govern our speech. In 1964, during the Civil Rights Movement, Dick Gregory, activist, author, comedian, and speaker wrote an autobiography, a memoir that outlined his life and struggles from birth in 1932 until 1964. In his prelude he wrote, “Mamma, wherever you are, every time you hear the word ‘nigger,’ they are advertising my book” (Gregory 7). Gregory, from an autobiographical standpoint, gave the word a face. Then, three years later, in 1967, Robert DeCoy wrote The Nigger Bible. The book’s cover states that it is “The most controversial book of our generation!” DeCoy says that it is “written by an acknowledged Nigger about the experiences of Niggers, addressed and directed exclusively to my Nigger people for who it was purposely conceived” (Pg 19). With this book, he attempted to give the word its own soul by discarding “the traditional vestiges of Judeo-Christianity” (The Nigger Bible 13). Dick Gregory, in the book’s foreword, promoted and backed DeCoy’s beliefs. These two books add formative structure for how and support why the understanding of the word “Nigger” began to change during the timeline this work identifies. The argument is that these two books, along with the time they were printed, were the beginning of this word’s post-Civil Rights understanding. They also began the different nodes in the “Nigger Trinity” model explained in Chapter 2. Without these two early preceding steps, the next shift, beginning in the late 1960s and into the 1970s, might not have happened.

This word also changed in the popular TV media following the Civil Rights movement. The bigoted character Archie Bunker from the 70's TV show All in the Family, played by Carroll O'Conner, never used the word "Nigger" on TV, electing instead to refer to Black Americans as "spades" or "black beauties." These alternate terms used by O'Conner's character were pejorative, but they do begin to show the shift in the production of this word in popular media. Around the same time, The Jeffersons, a CBS sitcom that ran from 1975 till 1985, did use the word "Nigger." The main character on the show, George Jefferson, a black American businessman played by Sherman Hemsley, did use the term (The N Word). The show also chose to use terms like "whitey," "cracker," and other racist banter. These two shows highlight that popular media, along with American cultural norms in the 1970s, had changed concerning the ethical treatment and/or production of this word. The point here is that black Americans could say "Nigger" on television, but a white American could not.

The next key to understanding this word's shift was leveraged by a bold comedian from Peoria, Illinois: Richard Pryor. Pryor was also a movie star. Donald Bogle, who wrote Toms, Coons, Mulattoes, Mammies, & Bucks: An Interpretive History of Blacks in American Film, says that "Richard Pryor Live In Concert, a box-office hit and a crowning achievement in films of the 1970s, carried Pryor to full-fledged stardom" (Pg. 264). Bogle later says that Pryor achieved "the ranks of superstar icon" (Bogle 326). He could be, by his large success, considered the cusp of the pivotal change in this word's acknowledgement and understanding for how post-Civil Rights America sees and understands this word. He did help alter, or re-inflect, the word "Nigger." However, later in his career, he, along with others in the media's eye, shifted his stance towards the word "Nigger" to a more nuanced posture. After a trip to Africa in the 1980s, Pryor vowed to never use the word again when he "realized that Niggers were figments of white

people's imaginations” (Live on the Sunset Strip). Bogle says that Live on the Sunset Strip was a more than formative moment for the aging comedian and the word “Nigger,” which was addressed by Pryor during the film. He says that the film was “one of the most intensely personal moments in the history of films” (Bogle 277). In the early seasons of Pryor’s career using the word “Nigger” and addressing racism did not “intimidate or frighten” him (Bogle 263). By the time he changed his position towards the word “Nigger,” he had already changed the landscape of how popular media culture understood this word.

Writer and director Ron Shelton says that “Richard Pryor took the head off a lot of things. And he made white people, brown people, and black people start looking at the race relations, and the world, differently” (The N Word). Donald Bogle said Richard Pryor “moved one and all” and that he was a “leading man in the movies” during the 1970s (Bogle 433 & 231). Robert Anthony Neal, in his 2002 book, Soul Babies, acknowledges that Pryor was an artist who “began to open up the entire ‘text of blackness’ for fun and games” and the word “Nigger” was one of the motifs of his comedy in the early seasons of his career (Neal 10). One of his earliest routines was “Super Nigger,” “Able to leap tall buildings with a single bound, faster than a bowl of chitlins” (Asim 206). However, when he recorded the album That Nigger’s Crazy in May 1974 with tracks on the album entitled “Nigger with a Seizure” and “Niggers vs. The Police,” he broke new media ground. Then in September of 1976 he released the album Bicentennial Nigger. He was awarded a Grammy for both of these albums.

In 2002, thirty-five years after Gregory’s autobiography, a renewed interest was placed back on this word’s different meanings. The 2002 book, Nigger: The Strange Career of a Troublesome Word by Dr. Randall Kennedy, is a good starting point for a post-Civil Rights understanding of this word. Dr. Kennedy is the Michael R. Klein professor at Harvard Law

School and maps out extensive research surrounding this word. His book includes history, cultural language, cultural law, and media examples of the utterances and the effects of the word “Nigger.” Kennedy is a proponent of free speech, opting not to allow anyone protection, ownership, or refuge from this word’s emotional place in Western culture.

In 2004, the documentary The N Word was produced by Todd Larkins and was aimed at understanding and deconstructing this word’s current social and emotional condition. This documentary includes many Hollywood actors, sports icons, historians, and professors. More importantly, it included Dick Gregory and Randall Kennedy. In the film, they are all allowed to give their honest opinions, views, and understanding of the word. Larkins outlines four different primary uses of “Nigger”: 1) A word used by people who are of other races said to an African American to indicate a black person is of inferior cast. 2) “Affectionate leveler,” 3) Class designation between people who are African American, 4) Teens that use it as an “affectionate leveler” or “cool word.” Larkins’ categorical approach can be insightful and add to this word’s debate. It shows a categorical approach. Furthermore, the eclectic arrangement of appearances (male, female, black, white, young, old, professors, authors, actors, comedians, and musicians) in his documentary add to the premise that this is a broad spanning discourse. These newer works show more discourse, not less.

Then, in 2006, Dee Brown wrote Why do I have to be Your NIGGER? Theories in Niggativity. Brown’s research focuses on the subject of using the term “in group,” or as a term of endearment, as a form of “unconscious self-hatred” or “self-degradation” and why African-Americans could see each other as “Niggers” (Pg 55). Furthermore, he says that for the most part, black Americans that use “Nigger” today are “verbal nigger lovers” engaged in “niggativity” (Brown 169). On the subject of black Americans “re-appropriating” the epithet as an “in group”

term of endearment, he says that is not saying much. He elaborates by saying “the most popular term still remains to be the one that was invented by past enemies out of pure hate” (Brown 192). This book also adds to this word’s meanings. Brown’s described views are similar to Richard Pryor’s that this word was a white man’s construct. The book adds to the discourse around “Nigger” and points out that the trend is more discourse about this word, not less. Author Jabari Asim is further proof of that fact.

Asim’s The N Word. Who Can Say it, Who can’t, and Why. He recounts that the nation’s first black newspaper, The Freedom’s Journal, had addressed this issue. In the article, Samuel Cornish and John B. Russwurm lamented that “they were trying to arrest the progress of prejudice and consequent evils,” and that “one of those evils was the adoption of racist epithets by blacks themselves” (Asim 41). Black Americans were discussing this word’s meaning in the 19th century. Asim’s book focuses its critique directly on the word “Nigger,” “nigga,” and the phrase “the n word.” Asim engages the “Nigger” discourse from, but not limited to, the mid-nineteenth century. He points that some of the multiplicity of the word “Nigger” stems from the generalized science of “niggerology” (Asim 21). “Niggerology,” he defines, is “a brand of science dedicated to proving Negro inferiority” (Asim 21). This is what helped form the bases of institutionalized racism in America today concerning this word. Asim’s book adds to the meanings within the “Nigger” discourse.

The movement that began during the turbulent 1960s is at the crux of this thesis because the latest publications and public uses concerning this word have begun to change. How the post-Civil Rights American views and uses this word is not the way the pre-Civil Rights era views it – or perhaps it may be. The post-Civil Rights American has experienced more meanings and usages of this word. Craig Watkins, who wrote Representing: Hip Hop Culture and the

Production of Black Cinema, says that, “racialized ideologies and practices do not stand still” (Pg 3). However, even prominent pre-Civil Rights Americans can change their posture or accent of this word.

While speaking to Reed Toxin from the United Health Group on Fox News in July of 2008, Jesse Jackson, who thought his mic was off, was heard saying the word “nigga.” This was in reference to the soon to be first black President, Barack Obama. He has since apologized for his language. This shows that Jackson, even though an open proponent of banning “Nigger,” can change his posture, position, and production of this word within different settings. Jackson, along with another activist Reverend Al Sharpton, has publicly challenged the entertainment industry and the American public to stop using the word. This may point to the hypocrisy or a double standard that can come from the use of this word and its many accents.

Before Jackson said “nigga,” his peers were already pointing to this possible hypocrisy surrounding this word. On June 18, 2007, D.L. Hughley was performing at Bass Hall in Fort Worth, TX, and said, “If we didn’t say the word ‘Nigger’ then they [Jesse Jackson and Al Sharpton] wouldn’t have a fucking job!” Hughley was referring to Jackson and Sharpton being at the spearhead of the NAACP November 2006 campaign calling for the abolition of this word from the English language. Engaging the emotional complexities that Americans might have towards this word can be difficult. Engaging the discourse that surrounds “Nigger” in popular culture can be harder.

The three chapters that follow spotlight the framework for this thesis. If we can examine this word via linguistic theory, First Amendment law, and popular media case examples, we can possibly avoid the emotional situations or hurtful experiences that can stem from this word and

at the same time maintain our freedom of speech. These three chapters will help cast light on the complexity of this word's many accents in America.

CHAPTER 2

LINGUISTICS

Language as well as popular media culture changes and develops in uneven ways. We can “draw both positive and negative inferences about people from the way they talk” and/or the words that they use (Meyerhoff 54). Such is the case with the word “Nigger,” which often evokes a negative reaction from those who hear this word uttered by Americans, especially from non-African Americans. However, many words contain emotional power from which we can draw powerful inferences. Youth, for example, experiment early with words that can contain power such as curse words. Speakers of languages other than English also use words that can have perceived strength or power similar to that of “Nigger.”

For example, the word chingar in Mexican Spanish is semantically similar to “Nigger,” as it can carry strong emotional meaning depending on the context in which it is used. In Speaking Spanish Like A Native, Brad Kim reports that chingar is a “mainstay in the diet of daily Spanish” (98). In fact, Kim lists chingar as one of the “big four,” or “essential,” words when “watching your language” in Spanish (96). It can mean “to fuck (over)” or “to screw (over),” but it “depends entirely on the context in which it is used” (98). Chingon, a noun derived from the verb chingar, refers to a “bad ass” or “cool person” (98). For example, the 1983 film El Norte, directed by Gregory Nava, tells the story of two Central American peasants who are trying (illegally) to get to the U.S. in search of work. In one of the scenes a truck driver tells them to use chingar to sound more “Mexican.”

Similarly, Russian men sometimes use the word mushadeek, which depending on context, can mean “peasant” in a derogatory manner or a term of endearment (John McWhorter in The N Word). Research on Korean reveals that most of the Korean Americans interviewed “described

ttangkhang as highly derogatory, likening its affective force to that associated with terms like kike and nigger” (Lo 469). Chingar and mushadeek exist as culturally specific words embodied in culture and bound by cultural knowledge and experience. These words are examples of words that can have multiple meanings.

Introduction

This chapter begins a three-part study on the word “Nigger” within a sociolinguistic context. “Nigger” is woven into the cultural history of the U.S. A brief discussion of this word through a sociolinguistic lens will help the post-Civil Rights American understand this word’s issues from a sociopsychological perspective. In addition to, understanding this word’s many meanings. Looking at “Nigger” through a sociolinguistic lens will enable post-Civil Rights America to better understand why people may to say “Nigger,” or, instead, choose to say “nigga” or “the n word.”

In the early 1960s, at the beginning of the Civil Rights era, linguist William Labov conducted scientific language studies that showed the “relationship between different linguistic variants and the social order” (Meyerhoff 16). In short, Labov began to quantify language as well as words. Howard Giles and Robert N. St. Clair, in their book Language and Social

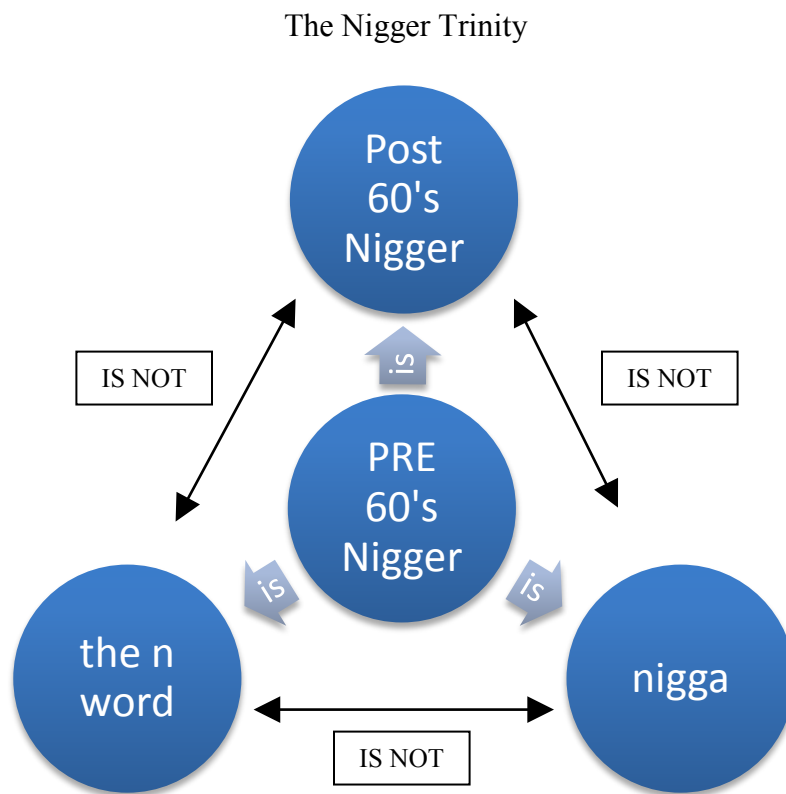
Psychology, state:

Sociolinguistics research has, in large part, consisted of attempts to discover the societal rules and norms that are thought to govern varieties of language behavior, often resulting in the formulation of grammars with the surface rules for the appropriate use of speech in different social contexts. (45)

Sociolinguistics, then, provides a framework for the study of how speech communities use language and of the effects that words can have on members of those communities.

Through a sociolinguistic perspective, we can begin to understand the perceived rules and norms surrounding the use of “Nigger” and its variants within different social contexts.

An additional understanding of this word comes through a model I have developed called the “Nigger Trinity.” This model can add further value to the understanding of this word.



Each of the three terms embodies its individual ideological meaning within a larger discourse, but the discourse around the word “Nigger” is tethered to each of these meanings. As the Nigger Trinity model shows, the pre-1960s word “Nigger” is the nucleus. The word “Nigger” is the center of this model because it predates the other terms and also because it is the source for these other terms. However, “nigga,” “the n word” (explained above), and the post-1960s “Nigger” are

not the same. This work will explore the relationship of each term and how each term relates to the other.

The three words in the periphery of the Nigger Trinity are not independent of each other, and no amount of semantic change or its multiple accents can change its foundational derogatory referent. Dr. Kennedy summarizes this best when he says that “the fact is that the n-words [“Nigger”, “nigga”, “the n word”] rankle” (Kennedy 121). This is because the inescapable referent for “Nigger” is tied to the former slave system in the United States.

The “Nigger Trinity” model represents the current dominant meanings of the word “Nigger.” It is similar to the Christian faith’s Holy Trinity. Within the Holy Trinity, God is the originator, the beginning, and the head. There would be no discourse about Jesus or the Holy Spirit in the Holy Trinity if it did not first begin with the Father, God. In similar form, there cannot be a discourse about “nigga” or “the n word” without understanding and discussing “Nigger.” The term “Nigger” is the referent of each of the later terms, much like God is the referent of The Father, the Son, and the Holy Spirit in the Holy Trinity. It is from the word “Nigger,” as Dr. Kennedy says, that “other epithets are generated” (Kennedy 27). This analogy gives a frame of reference in order to understand this word and its different meanings. As such, it is a platform for examining this word’s meanings in post-Civil Rights America.

Language Attitudes Theory

When a person utters “Nigger,” “nigga,” or “the n word” its usage can trigger emotional attitudes in the hearer as well as in its speaker. Understanding these attitudes is a first step in understanding that when the word “Nigger” or its other variants are used,

there can be mixed reactions. These attitudes sometimes influence that speaker to say the phrase “the n word” or “nigga” instead of the word “Nigger” itself.

Accommodation Theory

According to Giles et al. (1971), accommodation theory (AT) is “concerned with motivations underlying and consequences arising from ways in which we adapt our language and communication patterns towards others. Accommodation is to be seen as a multiply organized and contextually complex set of alternatives, ubiquitously available to communicators in face-to-face talk” (Giles, Coupland, & Coupland 2). The characteristics of accommodation theory can explain why Americans choose other meanings of “Nigger” in daily face-to-face communication.

The focus of accommodation theory on the “social cognitive processes mediating individuals’ perceptions of the environment and their speech... and determining roles ascribed to norms in molding sociolinguistic behaviors” helps us understand how speakers accommodate to their interlocutors (Giles, Coupland, & Coupland 2). This is directly related to the choices people make -- we accommodate to those around us at that moment. Americans accommodate to the different ideologies of “Nigger” and move about within the different terms in the “Nigger Trinity” through attunement.

Attunement Theory

Attunement is a process whereby we adjust our words, pronunciation, and slang. Through attunement, speakers “render the addressee(s) as equally important as the speaker and also present communicative behaviors as elements in a dynamic system” (Meyerhoff 73). As is the case with “Nigger,” people attune their use of this word to the ideology that is most in tune to

their interlocutors. The different accents, variants, or phrases for “Nigger” are the mechanisms employed in attunement. Post Civil-Rights Americans attune their production of this word by converging or diverging within the “Nigger Trinity.”

Convergence and Divergence Theories

Convergence and divergence are linguistic “strategies of conformity and identification” (Giles, Coupland, and Coupland 27). The convergent and divergent communication principles within AT may explain how and why some Americans may choose to say “Nigger” over other variants. Bourhis and Giles (1976), “The Language of Cooperation in Wales: A Field Study,” tested whether language attitudes actually influence converging or diverging behavior. That study revealed that in the face of “ethnically threatening” questions, the Welsh people diverged their speech to more neutral speech, which suggests that when faced with emotionally charged interactions, convergence or divergence takes place (Bourhis and Giles 13).

The “Nigger Trinity” can be understood through the linguistic theories explained above. If an American chooses to converge or attune with the choice to say “Nigger,” then they diverge from “the n word” or “nigga” ideological constructs. If post-Civil Rights America chooses to converge with “the n word” when confronted with this word then they diverge from the “Nigger” or “nigga” ideologies. If you choose to say “nigga,” you have diverged from “Nigger” or the “n word.” The choice of convergence or divergence is “triggered by conscious or unconscious desire to emphasize similarity [or difference]” (Meyerhoff 73). In doing so, Americans attune their speech because of “interpersonal differences,” choosing avoidance over “cope-with-it-ness” (Giles, Coupland, and Coupland 7). To use the “n word” or “nigga” forms of “Nigger” is to play

a linguistic and ideological shell game. The real choice is choosing which ideology (elements within the Nigger Trinity model) to attune with when talking about this word and its discourse.

The convergent and divergent strategies contained within AT are much more complicated than this work has described them. However, these examples are more practical models for understanding how “Nigger” can, and is, playing out daily in post-Civil Rights American society. These theoretical models help to explain why and how we use this word without necessarily relying on its inherent and sometimes emotional meaning. In addition, it develops further what governs our use of this word. Convergence, divergence, attunement, and accommodation theory explain why Americans use different meanings of this word. These theories bring into sharper focus the fact that Americans presently have to deal with this word by either converging with or diverging from current ideological constructs contained within the “Nigger Trinity.”

Chapter Conclusion

Since the O.J. Simpson murder trial in 1995, there has been a “hyper-convergence” towards the phrase “the n word” (Giles, Coupland, & Coupland 11). Currently, the trend in popular media is towards “the n word” ideology. The overarching fact is that post-1960’s Americans were born into a society where this word is a part of their vocabulary, even though it has changed. So the choice to say “nigga,” “the n word,” or “Nigger” is either a convergence or divergence from sociolinguistic norms. This word remains part of day-to-day life in American culture. A small portion of popular media is helping change the way post-Civil Rights Americans think about and consequently use this word.

This chapter supports the “Nigger Trinity” model by showing that we are converging and diverging within it, depending on the audience that we are accommodating to. The language

attitudes that exist with the word “Nigger” will remain. This word does not have a once and for all position; it can change with each accent. How we choose to function with this word in post-Civil Rights America is complex.

This chapter adds value to this field of study by exploring “Nigger” through sociolinguistics and further educating the reader on this word’s cultural understanding (or misunderstanding) in hopes of reducing the emotion that can be associated with its usage. To understand it, Americans cannot hide behind “the n word” ideology, and Americans do not need to give way to the “nigga” ideology. This point is important because the word itself could very well be the zeitgeist of American race relations. Looking at the word “Nigger” in America via sociolinguistic theory is helpful and important for cultural clarity and social progression. At the very least, understanding this word more from a sociolinguistic perspective will draw attention towards enlightenment and away from raw emotion.

Randall Kennedy points out that “as a linguistic landmark, ‘nigger’ is being renovated. Blacks use the term with novel ease to refer to other blacks, even in the presence of those who are not African American” (Kennedy 170). Post-Civil Rights America has seen, heard, and been a part of “Nigger’s” renovation, innovation, and subsequent change following the 1960s. Therefore, in an attempt to understand this word and its multiple meanings better and to further explore the subconscious rules and norms that are currently governing this word in America, in addition to the laws that are not, one needs to understand 1st Amendment law.

CHAPTER 3

FIRST AMENDMENT

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

First Amendment to the U.S. Constitution

The First Amendment, ratified on December 15, 1791, governs Congress. The framers of the First Amendment and the Bill of Rights made sure that this newly formed government would not interfere with free speech. The Constitution protects the right to free speech for every citizen and noncitizen in America, but it does not protect free speech absolutely. Therefore, freedom of speech (FOS) is under constant evaluation and scrutiny. The word “Nigger” is under social scrutiny as it relates to freedom of speech. Many debate banning or regulating this word. Looking at this word in relation to possible regulation will add to the understanding of this word’s many meanings.

The idea of free speech is pervasive. Free speech is not guaranteed for Americans only by the Bill of Rights but also by Article 10 of the Universal Declaration of Human Rights, by Article 19 of the International Covenant on Civil and Political Rights, and by Article 10 of the European Convention on Human Rights. At the same time, there is a difference between the idea and the practice of FOS. Different nations interpret FOS differently, but the idea is widespread. Even in the U.S., the ideas and actual practice of FOS are constantly in flux. However, Thomas Jipping, the director of the Center for Law & Democracy at the Free Congress Research & Education Foundation in Washington, D.C., remarks on a “genuine and overt attack on

intellectual freedom and tolerance which threatens to subvert the Bill of Rights” (Jipping, in Worldani.com). Attacks on freedom of speech are as old as the laws that protect it.

FOS is not absolute; it has been, is, and will be under constant negotiation. The federal government and the states have long been permitted to limit some forms of speech. This chapter will shed light on those “genuine and overt” attacks on free speech via possible legislation concerning “Nigger.” The purpose of this chapter is to present and review the evidence that words like “Nigger,” in and of themselves, are Constitutionally protected as free speech.

Brief History of First Amendment Law

FOS has developed many hypotheses and analyses. But Howard Zuckman, who wrote Communications Law in a Nutshell, tells that;

General theories and principles do not resolve hard cases. Thus, the quest has been for operative or functional tests permitting reasonably consistent decisions in the field of free expression. (Zuckman 6)

Zuckman goes on to highlight Schenck v. United States, 249 U.S. 47, 39 S.Ct. 247, 63, L.Ed. 470 (1919), as one of the “first of these tests” to FOS (Zuckman 6). In the case, the Court was requested to strike down a law violating the Free Speech Clause. Charles Schenck had, during the war, published and handed out leaflets challenging the war and its system. The Supreme Court upheld Schenck's conviction for violating the Espionage Act. Justice Oliver Wendell Holmes, Jr., writing for the Court, suggested that "the question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent" See Schenck v. United States, 249 U.S. 47, 39 S.Ct. 247, 63, L.Ed. 470 (1919). That

"clear and present danger" clause was extended in Debs v. United States (1919), again by Justice Holmes.

The case involved a speech made by Eugene V. Debs, a political activist. Debs had not spoken any words that posed a "clear and present danger" to the system, but a speech in which he denounced militarism was nevertheless found to be sufficient grounds for his conviction. Justice Holmes suggested that the speech had a "natural tendency to obstruct the draft system" See Debs v. United States, 249 U.S. 211 (1919). The Supreme Court has shaped the First Amendment to allow a multitude of restrictions on speech. Additional restrictions on speech were accepted by the Supreme Court in Gitlow v. New York (1925). In it, Justice Edward Sanford suggested that states could punish words that "by their very nature, involve danger to the public peace and to the security of the state" See Gitlow v. New York, 268 U.S. 652 (1925). Lawmakers were given the freedom to decide which speech would constitute a danger.

The problem "Nigger" presents for popular culture, the media, lawmakers, and the FCC is that the Bill of Rights allows for breathing room or a gray area so that free speech can survive. In N.A.A.C.P. v. Burton (1963), the Supreme Court of Appeals of Virginia's Justice Brennan wrote that "[b]ecause First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity" See N.A.A.C.P. v. Burton, 371 U.S. 415 (1963). In Cantwell v. Connecticut (1940), the courts had to address proselytizing in a predominantly Catholic neighborhood. Mr. Cantwell and his son accused of violating a breach of the peace ordinance by distributing their Jehovah's Witness literature. However, the Court made it clear that they were steering clear of any suppression of a "free communication of views" See Cantwell v. Connecticut, 310 U.S. 296 (1940). This case addressed that even though someone not liking the communication of another person's speech was not a sufficient reason to suppress

that speech. This free speech situation concerning behavior was addressed in Texas v. Johnson, 491 U.S. 397, (1989). In it, the courts held that flag burning was protected by the First Amendment. Therefore, free speech through communication can be protected. The litigious battles over FOS in America have, and will, continue due, in part, to the categorical approach to First Amendment law.

Introduction

The First Amendment is not aimed at regulating, silencing, or catering to sensibilities, especially over a single word. This amendment does the contrary, and that is the crux of the argument that attempts to legislate “Nigger” as unconstitutional. This chapter highlights similar court cases that have addressed FOS in America. In turn, there will be a better understanding of how the word “Nigger” might play out in the regulatory arena and, more importantly, where it stands in relation to the First Amendment. This chapter looks at the freedom of speech discourse from a categorical approach to the First Amendment as it relates to law via trademark, copyright, indecency, speech codes, hate speech, and fighting words. Each of these sections of law is a category in which this word might fall.

Contemporary First Amendment methodology has a “categorical approach to free expression problems” -- there is a hierarchy (Gilmore, Barron, & Simon 101). In fact, “the categorical approach is firmly entrenched part of our First Amendment jurisprudence” (Gilmore, Barron, & Simon 137). Hence, some categories of speech and expression are not protected by the First Amendment. You cannot say “I’m going to kill the President,” and you cannot falsely scream “FIRE!” in a public place such as a crowded movie theatre. As such, the law does restrict speech that physically threatens or harms.

Another restriction of speech is contained within the categorical approach, and it deals with the hierarchy of permitted speech. Justice John Paul Stevens, in R.A.V. v. City of St. Paul (1972), summed up the categorical methodology:

Our First Amendment decisions have created a rough hierarchy in the constitutional protection of speech. Core political speech occupies the highest, most protected position; commercial speech and non-obscene, sexually explicit speech are regarded as a sort of second-class expression; obscenity and fighting words receive the least protection of all. See R.A.V. v. City of St. Paul, 505 U.S. 377, Supreme Court of Minnesota (1972)

The details and additional significance of the R.A.V. case will be discussed later in the chapter. However, it is important to note here because of its categorical approach to free speech. By examining these categories contained within the First Amendment, we can get a second point in triangulating this word's placement in popular media and thereby understand more clearly its location in current Western culture.

The word "Nigger," for now, is covered by the First Amendment. Linguist Dr. John Baugh, author of Out Of The Mouths of Slaves, and Dr. Patricia Cukor-Avila, linguist, author, and Associate Professor at the University of North Texas have affirmed that this word is not going to disappear from the English language. Because it is not going to disappear, it will continue to be a free speech issue, negotiated in courts, social structures, and in popular media. John Hope Franklin, who wrote The Color Line: Legacy for the Twenty-First Century, warned that the courts are going to "continue to take on cases involving racial discrimination of one kind or another" (Franklin xiii). This word will continue to be negotiated in and out of court and so will the categorical approach to FOS. The categorical approach "is currently subject to considerable ferment" (Gilmore, Barron, & Simon 101). If this word will perpetuate in the language, then attempts to suppress this word legally, which are unconstitutional, are frivolous and obfuscatory. This chapter will further cast the evidence and highlight the thesis of this work:

it is up to the post-Civil Rights America—not Congress, the states, or institutions, to cope with this word and its different meanings.

“Nigger” can be offensive and racially discriminatory, but the Supreme Court has made it clear in cases like Hustler Magazine, Inc. v. Falwell (1988), that “the fact that society may find speech offensive is not a sufficient reason for suppressing it” See Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988). Some Americans finding this word offensive is not a reason, constitutionally, to suppress it. In addition, as Dr. John McWhorter states, “It is going to be hard to legislate, or socially legislate.... It is not just a piece of verbiage on paper, it is a live thing” (The N Word). It will be hard, but over time, it might be possible within the categorical approach to the First Amendment to legislate “Nigger.” There is a lengthy battle that has been taking place for some time within fighting words legislation.

Fighting Words

Fighting words, as a First Amendment categorical doctrine, is actually a “response to one of the most fundamental of free speech problems: the situation where the exercise of free speech so endangers the public order as to transform the protected speech into illegal action” (Gilmore, Barron, & Simon¹²²). The word “Nigger,” when spoken in certain accents, and more specifically, when projected across W.E.B. Dubois’ “color line,” could be said to endanger the public order. Moreover, calling someone “Nigger” can turn free speech into illegal action. Therefore, this is the categorical banner of First Amendment law under which this word is most likely to be litigated. Fighting words also serve as a major consideration in the creation of speech codes (discussed later) and in the Supreme Court’s interpretation of those codes.

The fighting word jurisprudence was established in Chaplinsky v. State of New Hampshire (1942). Chaplinsky reportedly called the Rochester, New Hampshire city marshal a “Goddamned racketeer and a damned Fascist and the whole government of Rochester are Fascist or agents of Fascists,” as he was being arrested by the marshal outside the city hall. He was subsequently persecuted under a state statute that forbade “addressing any offensive, derisive or annoying word to any other person who is lawfully in any street or other public place” See Chaplinsky v. State of New Hampshire, 315 U.S. 568 (1942). The state supreme court upheld Chaplinsky’s arrest. Furthermore, the state court put a caveat on the statute saying no words were “forbidden except such as have a direct tendency to cause acts of violence by the persons to whom, individually, the remark is addressed” See also Chaplinsky v. State of New Hampshire, 315 U.S. 568 (1942). This caveat inaugurates the fighting words concept as a First Amendment doctrine. The U.S. Supreme Court quoted the New Hampshire Supreme Court with approval.

Was Chaplinsky being a threat or being dangerous because he was voicing his right to free speech with passion, both by tone and volume? Roger Sadler says, in his book Electronic Media Law, “After all, his words didn’t lead to a fight” (23). Furthermore, who defines what speech is “offensive, derisive, or annoying” enough to legally justify illegal action? In this case, it was the city. Afterwards, the Supreme Court, trying to explain fighting words, said that, “Such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality” (Gilmore, Barron, and Simon 123). In the Chaplinsky case, the Supreme Court ruled that “so-called fighting words could be prohibited, but these words have come to mean face-to-face invective or insults that are likely to result in a violent response on the part of the victim” (Calvert and Pembrer 147). However, the fighting words doctrine has been

limited by the over breadth doctrine in cases like Houston v. Hill (1987), Duran v. City of Douglas (1990), and R.A.V. v. City of St. Paul (1992).

If the Chaplinsky case could be considered the starting point for regulation of speech, then the R.A.V. case might be considered the turning point away from regulation of speech. At first, in R.A.V. v. City of St. Paul (1992), the Supreme Court of Minnesota overturned a St. Paul, Minnesota city ordinance that “prohibited anyone from expressing racial or religious hatred through methods such as painting swastikas on building or burning crosses in people’s yard,” ruling that cross burning on another person’s lawn was protected See R.A.V. v. City of St. Paul, 505 U.S. 377 (1992). The decision in this case has “sharply limited attempts by state universities and colleges and public schools to use speech codes to discourage hate speech or other politically incorrect comments or publications” (Calvert and Pimble 147). The Court did not overturn Chaplinsky, but they realized that they were overly broad in R.A.V.

However, in Virginia v. Black (2003), the Court upheld the state law that made cross burning illegal on “another person’s property or in public area with intent of intimidating any person or group.” The Court ruled that state law in this case was justified “because of cross burning’s long pernicious history as a signal of impending violence” See Virginia v. Black, 538 U.S. 343 (2003). This case is closely related to the regulation of the word “Nigger” because of this word’s verifiable “pernicious history.”

In Houston v. Hill (1987), the U.S. Supreme Court overruled the Houston city ordinance prohibiting speech, stating the ordinance was “too vague.” Raymond Hill had broken a city ordinance that made it illegal to “interrupt” a police officer during his or her duty. Hill repeatedly yelled, “Why don’t you pick on somebody your own size?” See Houston v. Hill, 482 U.S. 451 (1987). He was subsequently arrested. Then in Duran v. City of Douglas (1980), Ralph Duran

was arrested for allegedly making obscene hand gestures and yelling profanities at city officers. Duran and Hill received summary judgments because their speech could be construed as “crass and unjustified,” but “criticism of the police is not a crime” See Duran v. City of Douglas, 904 F.2d 1372, 378 (1980). Though this is not a Supreme Court case, it is another example of words that can be “crass and unjustified” but still covered by the First Amendment.

Furthermore, “Fuck the Draft,” may sound like fighting words, or words to incite, to some in America, but not to Paul Cohen. In 1971, the U.S. Supreme Court, in Cohen v. California (1971), ruled that Cohen should not have been arrested for “walking around a Los Angeles courthouse wearing a jacket with those three words on the back.” Cohen had allegedly violated section 415 of the California Penal Code, which prohibited “maliciously and willfully disturb[ing] the peace or quiet of any neighborhood or person [by] offensive conduct” See Cohen v. California 403 U.S. 15 (1971). The Court ruled that “One man’s vulgarity is another man’s lyric,” and that they “could not punish the speech simply because other people might be offended by it” See Cohen v. California 403 U.S. 15 (1971). The Cohen case is important because “fuck” is a word that many Americans, and the Federal Communications Commission, would agree is offensive, much like “Nigger.” The Supreme Court ruled that the state “could not make the simple public display of this single four-letter expletive a criminal offense” See also Cohen v. California 403 U.S. 15 (1971). Thus, trying to give the word “Nigger,” a single six-letter word, a criminal status, would likely be found unconstitutional. In the case of freedom verses fighting words Donald Gilmore highlights Nadine Strossen, who wrote Regulating Racist Speech on Campus: A Modest Proposal. She says that

The justification for not outlawing ‘words that wound’ is not based on a failure to recognize the injurious potential of words. The refusal to ban words is due precisely to our understanding of how very powerful they are and of the critical role they play in our democratic society (Gilmore 132).

The word “Nigger’s” ability to wound does not override its critical role or negate its social narrative within American language. It does the opposite; it makes understanding the many meanings tied to it, through more discourse, that much more important. The legal question for fighting words was asked by Roger Sadler. He says the question is, “Should the words themselves be illegal, or should we just punish the actions that result from those words?” (Sadler 23). Free speech means just that; speech is free from restriction by law and actions are not.

The Foundation for Individual Rights in Education (FIRE), a Philadelphia-based civil liberties group, condemns and challenges policies that apply to fighting words. FIRE’s executive director, Thor Halvorssen, says that, “The fighting words doctrine is a dead letter.... the only valid restrictions on speech involve time, place and manner” (Halvorssen, quoted in Hudson). However, as the Chaplinsky, Hill, Duran, and Cohen cases show, even a city statute or ordinance in America has the ability to challenge, and possibly influence, free speech and the word “Nigger” via the categorical approach to First Amendment law. Another arena where free speech is being negotiated is the discourse around hate speech.

Hate Speech

Discourse over the need for hate speech legislation is not new. Therefore, “more and more the courts are being called in to determine just how far the state may go in limiting what people say and write about other people when their language is abusive or includes racial, ethnic, or religious invective” (Calvert and Pimble 147). Hate speech advocates argue that racist speech should not be afforded First Amendment protection. In 1989, Professor Mari J. Matsuda, who wrote Public Response to Racist Speech: Considering the Victim’s Story, called for “legal

sanctions” for hateful speech (Gilmore, Barron, & Simon 131). However, hate speech has already been addressed by the courts in National Socialist Party v. Skokie (1977).

In the late 1970s, American Nazis threatened to march in Skokie, Illinois, a community with many Holocaust survivors. Skokie, aiming to prevent the Nazis from legally marching, passed several ordinances that ultimately were overturned. This case determined that the display of the swastika does not constitute “fighting words;” as the District Court argued that:

It is better to allow those who preach racial hate to expend their venom in rhetoric rather than to be panicked into embarking on the dangerous course of permitting the government to decide what its citizens may say and hear. Rhetoric, though perhaps venomous, is not considered to be harmful enough that it is worth sacrificing the freedom of speech See National Socialist Party v. Skokie, 432 U.S. 43 (1977).

Moreover, regulation of speech involves the risk that the wrong speech will be censored. The Supreme Court has defined some categories of speech as unprotected, such as fighting words, because the value of free speech is second to the prevention of violence.

Cross burning in America could be seen as hate speech. Burning a cross in public or private places, in most cases, could be more offensive or threatening than using the word “Nigger.” However, the Supreme Court, in R.A.V. v. St. Paul (1992), discussed briefly above, has already addressed this issue. In fact, the Supreme Court struck down the biased Minnesota statute because the city was overreaching and the law was overly broad. The Court ruled that the St. Paul ordinance was unconstitutional. Justice Scalia wrote:

Although the phrase in the ordinance "arouses anger, alarm or resentment in others," has been limited by the Minnesota Supreme Court's construction to reach only those symbols or displays that amount to "fighting words"... Displays containing abusive invective, no matter how vicious or severe, are permissible unless they are addressed to one of the specified disfavored topics. Those who wish to use "fighting words" in connection with other ideas — to express hostility, for example, on the basis of political affiliation, union membership, or homosexuality — are not covered. The First Amendment does not permit St. Paul to impose special prohibitions on those speakers who express views on disfavored subjects See R.A.V. v. City of St. Paul, 505 U.S. 377 (1992).

The courts, in short, said that the fighting words doctrine was sufficient. The decision in this case has “sharply limited attempts by state universities and colleges and public schools to use speech codes to discourage hate speech or other politically incorrect comments or publications” (Calvert and Pimble 147). The R.A.V. case is at the core of this work’s argument. The Supreme Court has made it clear that there is to be less legislation, not more.

“Nigger” could be at least punished more severely under the law. In Wisconsin v. Mitchell (1993), a 19-year-old Black male was given an increased sentence in Kenosha, Wisconsin “because of his speech.” Before Mitchell and three other black young males beat a 14-year-old white boy into a coma, Mitchell reportedly said, “There goes a white boy. Go get him!” See Wisconsin v. Mitchell, 508 U.S. 476 (1993). The subsequent appeal was denied by the Supreme Court ruling that the State of Wisconsin was justified because of Mitchell’s “motivation” (Sadler 26). In fact, Mississippi Burning, a film depicting the racist and turbulent American culture in 1964, was the movie Todd Mitchell and his friends watched that fed their violence before they beat the 14-year-old boy. Roger Sadler wrote that Mitchell obviously attacked the boy “because he was white” (Sadler 26). In this case, hate speech was not protected.

Hate speech legislation is another sub-category of the categorical approach to the First Amendment. As Wisconsin v. Mitchell (1993), demonstrates, if violence preceded by the word “Nigger” is perpetrated against black people in America, the sentence given will likely be increased, based on jurisprudence. However, for now, hate speech, even though controversial, is covered by the First Amendment.

Speech Codes

Another category of rule or regulation that could be used to control “Nigger” is speech

codes. While “Congress shall make no law... abridging the freedom of speech,” in the 1980s and 1990s, institutions like the University of Michigan, the University of New York at Buffalo, Stanford University, and the University of Pennsylvania instituted “speech codes” on their campuses. In fact, “there were approximately 645 hate speech codes in place at U.S. colleges and universities in 1990; by 1991, the number grew to over 3,000” (Uelman 1992). Examples of communication that are illegal under these codes could include Holocaust denial, sexist, and racist speech. However, in NAACP v. Burton (1963), the Court ruled that “government may regulate in the free speech area only with narrow specificity” See NAACP v. Burton, 371 U.S. 415 (1963). Therefore, for the most part, speech code cases are contained within the workplace, private organizations, and institutions such as university campuses – but why? What about free speech? Those who regulate speech codes usually try to do so under the guise of fighting words or hate speech. These institutions have tried to silence free speech via these codes and, vicariously, the unfettered exchange of competing ideas and theories concerning “Nigger.” What has happened to speech code cases when they confront the First Amendment can add more support to this thesis.

The Policy Manual of the University of North Texas contains speech codes within its “Free Speech and Public Assembly on Campus Grounds Policy” applicable to the total University. In chapter 7, policy 18.4.8 prohibits “speech that is likely to incite or produce imminent lawless action, expression that consists of fighting words” (University of North Texas Policy Manual). UNT is using the fighting words doctrine to encode their version of speech codes. This is notable here because it is an example to ponder when considering the possible circumnavigation of litigation concerning the First Amendment, and vicariously, speech codes.

Prohibiting undesirable speech was once considered to be an anathema to the marketplace of ideas by the Supreme Court. In Shelton v. Tucker (1960), the Court ruled that “The vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools” See Shelton v. Tucker, 364 U.S. 479 (1960). If the First Amendment limits Congress and the Fourteenth Amendment limits the states, then why did these institutions adopt such unconstitutional codes? Because of examples of behavior that were litigated and were neither fighting words nor hate speech. One such example happened in January 1987 at the University of Michigan.

In Doe v. University of Michigan (1989), an unknown person allegedly handed out fliers on the campus declaring "open season" on Blacks. The flier labeled them "saucer lips, porch monkeys, and jigaboos" See Doe v. University of Michigan, 721 F. Supp. 852, E.D. Mich. (1989). After that incident, a student disc jockey at the university's radio station aired a racist joke. Then in a demonstration protesting these two incidents, a KKK uniform was reportedly displayed from a window in a dormitory on the campus. These incidents prompted the University of Michigan to adopt speech codes aimed at curtailing the growing incidents of racist activity. The school intervened to protect some people who the administration thought could not protect themselves. However, the Court ruled that even though the university had “noble intentions,” they ruled that “Speech cannot be banned simply because it may offend some people” See Doe v. University of Michigan, 721 F. Supp. 852, E.D. Mich. (1989). Federal Judge Avern Cohn wrote that the university:

Could not establish an anti-discrimination policy which had the effect of prohibiting certain speech because it disagreed with ideas or messages sought to be conveyed.... Nor could the University prescribe speech simply because it was found to be offensive, even grossly so, by large numbers of people.... These principles acquire a special significance in the university setting, where the free and unfettered interplay of competing ideas is

essential to the institution's educational mission. See Doe v. University of Michigan, 721 F. Supp. 852, E.D. Mich. (1989)

Doe v. University of Michigan was ruled to be invalid by the district court of Michigan because it was vague, overbroad, and unconstitutional in light of Chaplinsky and R.A.V.

In UWM Post, Inc. v. Board of Regents of University of Wisconsin, 774 F. Supp. 1163, E.D. Wis. (1991), the university's speech codes were struck down by the courts because they were overbroad and unconstitutional. Later, in Corry v. Stanford, No. 740309 Cal. Super. Feb. 27 (1995), the Stanford speech codes were ruled "facially invalid" and unconstitutional based on the R.A.V. case. These two cases are not Supreme Court cases but they do show the ongoing litigious debate surrounding speech code regulation. No public university speech codes have been upheld because they would likely violate the R.A.V. ruling.

More speech code cases were thrown out by the courts in the 1990s. As a consequence, the codes have been toned down because they are unconstitutional due to the Chaplinsky and R.A.V. cases. These speech codes did not stand up in court, and, for the most part, have ceased. These defeats themselves are good evidence that speech code cases are being laid to rest. The U.S. Congress and the FCC are staying away from ruling on speech codes for now. Speech code censorship is viewed as overbroad and passé now, but the same institutions are now negotiating policies that might restrict how people may use "Nigger." However, speech codes and speech code legislation are further proof that freedom and equality ideologies are constantly in flux with each other. Speech codes will likely continue to be struck down as unconstitutional, whether in private or public schools, because the court has jurisprudence for "hate speech," freedom of speech, and speech codes do not circumvent the First Amendment.

Trademark

A trademark is used to differentiate products and services from each other. Trademark law was established by the Trademark Act of 1946, more popularly known as the Lanham Act. It defines the term “trademark” to “include any word, name, symbol, or device, or any combination thereof” See Trademark Act, 60 Stat. 427, 15 U.S.C. § 1052 (1946). This piece of legislation establishes the federal procedure and guidelines for trademarks; more importantly for the focus of this chapter, it aims at protecting the trademark holder from any infringement or the “likelihood of confusion” See Trademark Act, 60 Stat. 427, 15 U.S.C. § 1052 (1946). Legislative protectionism concerning the word “Nigger” can be confusing. However, the struggle for the trademark on this word is just as relevant as the struggle to abolish it within popular media.

In the fall of 2004, Hollywood actor Damon Wayans began a fight with the U.S. Patent and Trademark Office. His case is now on a second appeal. The popular writer, actor, and director wants a trademark on the word “nigga” so that he can commodify it and turn commodity into profitability in the form of “clothing, books, music, and general merchandise, as well as movies, TV and the internet” (Cadenhead in Wired.com). However, trademark law via the Lanham Act, amended in 1996, prohibits trademarks from being registered if it “Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage” See Trademark Act, 60 Stat. 427, 15 U.S.C. § 1052 (1946). However, it seems that what might be scandalous or disparaging to one might be a capitalist opportunity for another.

Wired.com reported that Keon Rhodan, a black male entrepreneur in Charleston, South Carolina, “has been using ‘Nigger’ on a line of T-shirts, hoodies, and other attire for six years in a part-time, trunk-of-his-car business” (Cadenhead, in Wired.com). The website went on to state that in 2001, Rhodan “attempted to register ‘Nigga Clothing’ as a trademark” in 2001 and was

denied by the Trademark Office. Rhodan reportedly “sold around 2,000 of the shirts at events.” If this trademark is granted, the legal ramifications could be long, numerous, and tedious to the U.S.

Neither Rhodan, who previously had a declined application at the Trademark Office, nor Wayans has been successful in their requests for a trademark. Even though these requests continue to be denied, they do count as attempts to trademark this multi-accentual word and do show that there is a battle over this word’s meaning and subsequent commodification. Wayans and Rhodan are at the heart of the issue with the “cultural capital,” “ownership,” and “right to say” philosophies (Wired.com). The Trademark Office is holding firm that the word “Nigger,” even in the form of “nigga,” is “immoral or scandalous.” It seems that Wayans’ charge, for now, has been tempered because there have not been any further appeals in the case. However, any legislation in a republic nation has the ability to be changed.

Obscenity and Indecency

To understand this word’s possible legislation, it is helpful to be aware of a balanced understanding of obscenity and indecency law. Indecency is primarily used in broadcasting rather than print or movies, and the standard for indecency is different than that for obscenity. Indecency was addressed in FCC v. Pacifica Foundation (1978), which ruled that the concept of “indecent” is connected with “sexual or excretory activities and organs” See FCC v. Pacifica Foundation, 438 U.S. 726 (1978). Obscenity was addressed in Miller v. State of California (1973), litigating it as “sexually explicit” See Miller v. State of California, 413 U.S. 15 (1973). Obscenity, along with “fighting words” discussed above, receives the least or no protection. Both indecent and obscene address sex in one form or another, but indecency has to rise to the level of the more

regulated and less protected obscenity. Indeed, indecent material is protected by the First Amendment, and banning it would be unconstitutional. However, even the restriction on indecent material is limited to the 10 p.m. to 6 a.m. broadcast time slot in an attempt to avoid younger viewers. These laws say nothing about “Nigger,” or race in general. So, for now, the FCC sees this word neither indecent nor obscene.

The popular media environment has changed since 1978, when comedian George Carlin’s “seven dirty words” monologue was ruled “indecent” See FCC vs. Pacifica Foundation, No. 77-528 U.S.C. 438 U.S. 726 (1978). The key wording within indecency and obscenity law is that these laws are “measured by contemporary community standards.” In a “contemporary community” in America today, the standard method of dealing with this word is eradication, via “the n word” or “nigga” ideologies. It is understandable that popular and broadcast media’s standards evolve and change. As a result, the word “Nigger” has taken on additional meanings. Though the regulation of obscenity and indecency can be murky, it does not cover regulation of “Nigger.”

The FCC can restrict the word “fuck,” or “the f word,” because it is connected to “sexual or excretory activities and organs” See FCC v. Pacifica Foundation, No. 77-528 U.S.C. 438 U.S. 726 (1978). The word “Nigger” is not connected with sex, excretory activities, or organs. However, on broadcast radio or TV, this word is often deleted or avoided because of this word’s pernicious history. Trademark and indecency laws could be considered minor issues as they relate to “Nigger” in post-Civil Rights America. However, these two arenas are part of a slippery slope that will be negotiated if there are any governmental regulations concerning this word. After all, the FCC can be, and currently is, being challenged in the courts on its indecency policy. The FCC is in charge of censorship, but it must abide by the First Amendment.

Chapter Conclusion

This is a political issue – freedom of speech is not absolute. However, there is no need for the regulation of words from the federal government. The Constitution, Congress, and the Supreme Court have the authority to deter actions but not individual words. The Due Process Clause, established by the Fourteenth Amendment in 1868, cautioned against violating free speech rights but said that freedom of expression comes with responsibility. When talking, writing, or theorizing on the word “Nigger,” people need a sense of shared responsibility. The challenge “Nigger” presents for current Western culture is upholding free speech responsibly while discouraging irresponsible racism. As shown, the U.S. Government, for now, is going to steer clear of any legislation regarding this word. Therefore, all the controversy surrounding this word is legislation via cultural manipulation in America, an ideological bullying brought on by sensibilities. The same people who tell others who can and cannot use “Nigger” have the same mental bullying attitude and ideological posturing that “Bull” O’Connor took against the masses during the 1960s Civil Rights movement. The issue concerning the word “Nigger” is not about race or color; it is about social legislation by manipulation and forceful intimidation, similar to authoritative selection because our government guarantees our right to free speech.

Therefore, America, institutions, and people still need to steer clear of any government regulatory law that abridges freedom of speech or the First Amendment. Those who find “Nigger” offensive should oppose, discuss, resent, or perhaps refute it with further speech. But trying to ban words deemed to be offensive, as in the case of substituting “the n word” or “nigga” for “Nigger,” is culturally counterproductive, and moreover, obfuscatory. In Whitney v. California (1927), the American free speech litigator and Supreme Court Justice Louis Brandeis said, "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the

processes of education, the remedy to be applied is more speech, not enforced silence" See Whitney v. California, 274 U.S. 357 (1927). More speech has been given as a social remedy to the American people by our Supreme Court, not silenced speech.

Looking at the American joint collective website, established for open dialog by the Obama administration, Change.org reveals that regulating this word is not the will of the American public. As of January 15, 2009, the closing day for voting on Change.org, abolishing or regulating the word "Nigger," as an initiative, never made it to the list of priorities for change in America. This battle for the linguistic meaning and ownership of this word is obfuscating other, more important social issues and concerns. Therefore, efforts to ban or eradicate this word legally are obfuscatory. At the same time, eradication may not have to be a legal edict; it may very well be omitted from literature voluntarily.

On January 5, 2011, National Public Radio reported on a recent story concerning an Alabama book publishing company that would begin editing Mark Twain's The Adventures of Huckleberry Finn. Host Neal Conan, of NPR, says that the "Alabama-based publisher NewSouth [sic] books will replace Twain's noun with the word slave" (Conan, on NPR). So, in the 219 times it appears in the original text as "Nigger," it will now be voluntarily replaced with the word "slave." In the NPR story, Twain scholar Alan Gribben says that "replacing the words will allow more students to experience the classic book" (Gribben, on NPR). There will be more on the Huckleberry Finn editing, or censorship, in the conclusion of the paper. What this does show, for now, is another recent example of post-Civil Rights America trying to cope with this word and its many meanings.

The word "Nigger," for now, is protected by the First Amendment. There are too many different meanings of this one word and regulating singular words is a slippery slope of over-

regulation. Dealing with “Nigger” is tricky due to its political difficulties. Yet, solutions have been proposed to navigate this culturally awkward word. The free marketplace of ideas, reasonableness, and more education about the word “Nigger” will serve Western cultural progression better, it seems, than legislating or banning it. Within curative conversation, based on the exposition of ideas devoid of emotion there is the ability, within post-Civil Rights America to say the word “Nigger.”

For now, it looks as if these approaches to legislation will linger. Some in America today might find this word hurtful, inflammatory, regressive, or offensive, but that is not a reason for eliminating it. As this word is complex in light of free speech in America, it is also multifaceted in American media. Remember, “the fact that society may find speech offensive is not a sufficient reason for suppressing it” See Hustler Magazine, Inc. v. Falwell, No. 86-1278, 485 U.S. 46 (1988).

CHAPTER 4

MEDIA

The third point in this work's triangulated focus is the media. As Roger Stam, who wrote Film Theory: An Introduction, points out, there are "contradictions lurking just below the apparently unperturbed surface of the mass media" (Stam 309). Therefore, examining media case studies and applying critical analyses will expose some of those social contradictions produced by the mass media. Critical theory, defined by Baran and Davis in Mass Communication Theory, Foundations, Ferment, and Future, 4th edition, is "Theory seeking emancipation and change in a dominant social order." They go on to explain that "structure" within critical theory is the "social world's rules, norms, and beliefs." Then, they define "agency" as "how humans behave and interact within the structure." However, it is "dialect" that is used in the "ongoing struggle between agency and structure" (Pg 33). Critical theory is the method for this study because it will best guide the readers to examine the word "Nigger" and "openly espouse certain values and use these values to evaluate and criticize the status quo, providing alternate ways of interpreting the social role" of the word "Nigger" in Western culture (Baran and Davis 231). This is a struggle over the meaning of this word, as cultural studies would have it. This thesis plans to be another counter-hegemonic tool to engage the current social and emotional struggle, or displacement, of the meaning of this word.

The last chapter of this work focuses on two specific examples that have manifested themselves as ideological struggles, as it relates to "Nigger," in popular media. Much like Robert Allen's discourse and critique on television, this chapter is a contemporary criticism that takes two media case studies and analyzes them together "with the goal of understanding the cultural logic that sustains them" (Allen 177). These two case studies show two cultural snapshots of the

uses of “Nigger” in the media and what happens after this word is uttered and the camera is watching. Author James Proctor says that the media does not “express ideology in context, rather the media becomes a site of ideological struggle” (Proctor 72). In Racist Ideologies and the Media, Hall says that, “The media is not only a powerful source of ideas about race, they are also one place where these ideas are articulated, worked on, transformed and elaborated” (Marris and Thornham 273). The word “Nigger” is being “articulated, worked on, transformed, and elaborated” in popular media today, and that is another arena where the ideological struggle is taking place for this word’s meaning. The two cases outlined in this chapter will provide an objective analysis to support the argument of this work.

Post-Civil Rights America knows the difference among the many meanings this word can have, if not by popular media exposure alone. Those Americans born after the struggle of the 1960s have had the opportunity to laugh at and see this word differently than do the previous generations. They laughed with Richard Pryor and rapped along to NWA at early ages. Hollywood films have “Nigger” in the dialog. Post-Civil Rights America only studied segregation and “separate but equal” in social studies growing up. Post-Civil Rights America knows that the discourse around this word will linger. Therefore, looking at two media cases will add to this lingering discussion about this word’s many meanings.

Media Case Studies

The individuals in this comparison are Michael Richards, from Seinfeld fame, and Dave Chappelle, from The Chappelle Show. The reason that these two make a good case comparison is that they are both well known men working within the media, mostly in television. They are both comedians and they both have been involved in current discourse and criticism about their

use of the word “Nigger.” What tethers these two case examples even more tightly together is that both men are not presently working in the media. These men have both been removed, by their own actions, from popular media and have been criticized for their use of “Nigger.” Furthermore, these two male celebrities have been grouped together and compared before.

On January 27, 2008, E! Entertainment aired a one-hour program titled The Top 20 Biggest Hollywood Meltdowns Ever. Chappelle and Richards were both in the top 10 of that list. Chappelle came in 9th, they reported, because he walked away from a large financial contract and told no one where he was going. There is more on Chappelle, and the departure from this contract, later in this chapter. Richards’ meltdown, in the ranking, was worse, taking 5th place, because of his shocking meltdown in Los Angeles. The E! Entertainment examples show how the media has already treated these case examples in a similar fashion.

On November 17, 2006, at the Laugh Factory comedy club in Hollywood, Richards was on stage doing his stand-up routine. Kyle Doss and Frank McBride, both black males, were out to celebrate Doss’ 26th birthday. They came in late and were reportedly being boisterous in the upper balcony. While Doss and McBride’s behavior was questionable and may have been disruptive, Richards’ could have dealt with them in many other ways than the way he regrettably chose. Richards’ use of “Nigger” was limited to a regressive, hateful, and bullying meaning. It was aimed at degrading and demeaning Doss and McBride. The camera at the back of the room documented the entire incident.³

³ RICHARDS. Shut up! 50 years ago we’d have you upside down with a fucking fork up your ass! *Pausing, as he paces back and forth.* You can talk you can talk, you can talk! You’re brave now mother fucker! Throw his ass out, he’s a nigger! He’s a nigger! He’s a nigger! A nigger! Look there’s a nigger! Backing up on stage Richards points at Doss and McBride; while the crowd begins to verbally react in shock. RICHARDS. Oooh... ohhh. Alright you see? *He begins pacing back and forth on stage; addressing the crowd.* This shocks you, this shocks you, to see what’s buried beneath you stupid mother fuckers. DOSS. That was uncalled for. RICHARDS. What wasn’t called for? It’s uncalled for you to interrupt my ass you cheap mother fucker! You guys have been talkin’ and talkin’ and talkin’. *He pauses several seconds.* I don’t know. I don’t know. I don’t

Just as easily as he dropped the mic, he dropped out of the media spotlight because of his words and pre-Civil Rights America behavior. Richards had already begun to disappear from the spotlight. Since the late 1990s, when he did 175 episodes of Seinfeld, Richards had had a scarce career. He appeared in a few films, and seven failed episodes of The Michael Richards Show in the fall of 2000.

The internet is filled with mock action sequences and fake videos with stars, as well as amateurs, imitating famous personalities. As a result, Richards' incident looked almost like a staged part of the act or hoax. However, when you realize that Richards was using "Nigger" in its pre-Civil Rights meaning, accent, and tone, it suggests a momentary step back in time, a time when "White America" bullied and belittled "Black America" with words and emotions such as Richards' remarks. That momentary cultural flashback can send a twinge in the emotions of American culture when hearing the pronunciation of "Nigger" like Richards used in this example. It is a flashback that is reminiscent of the linguistic reality of pre-Civil Rights America. In Richards' case, as with any high profile person, it can become instant fodder for popular media.

know. *He addresses the crowd that has vocally begun to turn on him.* What's the matter? Is that too much for you to handle. They are going to arrest me for calling a black man a nigger. The crowd, including Doss, McBride, their friends, and patrons begin to leave the club.

RICHARDS. Wait a minute. Where's he going?

DOSS. That was uncalled for you fucking cracker-ass mother fucker!

RICHARDS. Cracker-ass? You calling me a cracker ass, nigger?

DOSS. Fuckin' white boy.

RICHARDS. Are you threatening me?

DOSS. We'll see what's up.

RICHARDS. Oh that's a big threat. That's how you get back at the man.

DOSS. That was real uncalled for.

RICHARDS. Wait a minute. He's not going is he?

DOSS. It's not funny. That's why you're a reject, never had no shows, never had no movies. Seinfeld, that's it.

RICHARDS. Oh I guess you got me there. You're absolutely right. I'm just a wash up.

DOSS. That was un-fucking called for. That ain't necessary.

RICHARDS. Well you interrupted me, pal. That's what happens when you interrupt the white man, don't you know.

DOSS. Uncalled for! That was uncalled for!

RICHARDS. You see? *Addressing the crowd.* You see, there are still those words, those words, those words. Richards drops the mic as he walks down and then off the stage (Youtube).

Richards' event sent the media into a battle of different, yet similar, ideologies. This was a classic case of hegemonic negotiation over the meaning, or meanings, of this word. Furthermore, this incident was an instant case for cultural studies. Richards went on the David Letterman show and awkwardly apologized the day after. It is interesting to note that the apology was in the middle of Jerry Seinfeld's appearance on the show, promoting Seinfeld, the seventh season's release on DVD. Richards also paid a visit to the National Action Network led by Reverend Al Sharpton. Richards then appeared on The Al Sharpton Radio Show where he apologized for his use of "Nigger," and discussed black culture, black history, ideologies, and consequences with Sharpton. Sharpton, before sitting down with Richards, told CNN Entertainment that, "This is not about accepting an apology, this is about starting a process to really deal with the continual problem of racism in this country." He went on to say, "I think that what he did was so injurious that he has to sit down with a group and decide how he tries to ... deal with healing the obvious problem he's got in his own mind and his own heart, because it couldn't come out of you if it wasn't in you" (Sharpton, on CNN Entertainment).

Doss and McBride had several media appearances. Their most poignant appearance supporting similar media ideologies at work was their appearance on The Today Show with Matt Lauer. In the studio interview with Doss and McBride, Lauer used the phrase "the n word" to talk about Richards' use of the word "Nigger." Furthermore, Lauer had previously interviewed Jennifer Lopez live on The Today Show and questioned her use of the word "Nigger" in the lyrics to her 2001 song titled I Am Real released by Sony records. He used "the n word" phrase in the Doss interview, the same way he approached it while interviewing Lopez. Lauer talked all about the word, just would not say the word. It is as if The Today Show was setting Lauer up as the white arbitrator of all current affairs related to "Nigger" in popular media. He talked about

how this word is playing out in popular media, because it can be a touchy and relevant cultural subject, but he used the “n word” ideology to address the word “Nigger.” The “n word” has been accepted as the newest ideology. Lauer’s interview can possibly show the way the media adapts and/or perpetuates a constructed consciousness as it relates to this word.

Katt Williams, from the BET Comic View and the movie Norbit, commented on the Michael Richards’ use of “Nigger.” In his 2007 stand-up American Hustle, Williams stated that Richards “had called the wrong people “Nigger.” Williams went on to say that the “real niggas” would have retaliated much differently from Doss and McBride. By saying this, Williams is implying that there is a status quo, a perceived solidarity, or one way of coping with this word: with violent retribution. Richards’ rant, though unfortunate, along with Katt Williams’ response shows the contradictions in the mass media. Williams’ comments, along with those of other figures in popular media like Spike Lee and Samuel Jackson, add to the different meanings and different discourses that can stem from “Nigger.”

The Laugh Factory incident could be said to have framed Richards’ as the recent face of racism, a spot previously held by Mark Furman from the O.J. Simpson trial mentioned earlier. Richards’ verbal assault on the two men was captured on video by one lone camera at the back of the club, giving all post-Civil Rights America, and the world, a perfect case of how, when, and where you should not use the word “Nigger.” He used the pre-1960s pronunciation, with an “er” on the end, not the more palatable “nigga.” He used the word when he was angry at the two men for their alleged interruption of his show, and he uttered it when he was on stage with a microphone. This was a classic case of anger, mixed with pride and given a platform. His pronunciation, his emotion, and the forum he used epitomized hate, racism, and pre-Civil Rights ideology as it relates to “Nigger.” Consequently, Richards has not been seen much in popular

media since his apology tour. The media gatekeepers, popular media, and more importantly, current Western culture in general, are not tolerant of regressive ideologies concerning race relations, and this word. The post-Civil Rights American can understand the different intonations and accents of this word because they have grown up hearing them. Richards' utterance was visibly angry and ideological.

However, there have been several utterances of "Nigger" at that club, and others came even after bans and fines were established to curtail its utterance. Why did these utterances not get the attention that Richards' got? TMZ reported that shortly after, on December 4th, 2006, radio and TV personality Andy Dick jumped up on stage at LA's Improv during another comedian's routine and yelled, "You're all a bunch of Niggers" in the microphone (Dick in TMZ). As a result, he was temporarily banned from that club. Then on December 6th, 2006, Damon Wayans, mentioned in the trademark law section above, was at the Laugh Factory, where Richards was weeks prior, as part of a showcase comprised of all black comedians, called "Chocolate Sundaes." Wayans first sentence was "Give yourself a big round of applause for coming down and supporting nigger night" (Wayans in TMZ) He was fined for using it fifteen more times, bringing his fine to \$320 (15 times said x \$20 each). Subsequently, he was banned from the club for three months. Then on January 11th, 2007, out in front of the same club as the Richards' and Wayans' incidents, brat packer Anthony Michael Hall, from 80's films like The Breakfast Club and Sixteen Candles, joked, while the camera was watching less than a couple feet from him, with a Hispanic-looking male saying, "I'm scared of this nigga right here." He later said, "What up, nigga?" to another person off camera (Hall in TMZ).

These snapshots were not as publicized as vehemently as Richards' incident because they were not directly aimed at demeaning someone, a clear difference from Richards' outburst. His

use of “Nigger” was not the most shocking part of his diatribe. Fifty years ago, well before the Civil Rights American came to be, a black man that interrupted a white man’s act could have been lynched, and Richards described in detail what would have taken place during that lynching. So by the time he got around to labeling the men “Nigger,” it was already a hateful, regressive, and racist tongue-lashing for the ages.

Richards’ outburst at the Laugh Factory that night was shocking enough to change things, for comedian Paul Mooney, Richard Pryor’s longtime colleague. Before Richards’ meltdown, Mooney did routines on stage such as “Nigger History Lesson,” “1-900-Blame-A-Nigger,” “Nigger Vampire,” and “Niggerstein.” He was a user and staunch defender of this word. Mooney reportedly said, “I’m not bothered by it. The word is going nowhere; it is not leaving the planet. I’m going to use it because it conjures up demons and I like that.” However, after Richards, Mooney, like Pryor before him, changed the way he dealt with this word. He appeared in the press pledging to “abandon the slur,” and furthermore, asked “all rappers and all the people on the earth” to put a “moratorium on the n word” (Asim 208). Mooney, thereby, adapted the current popular ideology of eradication. Post-Civil Rights Americans understand this word differently because it was beginning to change before we were born. They understand this word can be thought provoking, complicated, and sometimes laughable. For this reason, Dave Chappelle makes the best cross comparison to Richards and the best media case and point for the way we can, and should, look at the word “Nigger” in post-Civil Rights America.

Beginning in January 2003, Comedy Central ran The Dave Chappelle Show via Paramount and the Viacom Company. On the DVD released in 2007, The Best of Chappelle’s Show Uncensored: Top 25 Sketches, there is a mock-Frontline story about a white supremacist KKK Grand Dragon named Brother Clayton Bigsby, played by Dave Chappelle, that happens to

be a blind, black male. The opening title screen of the Frontline special is narrated by a white male who voices over the words on the screen, “Warning: For viewers sensitive to the issues of race, be advised that the following piece contains gratuitous use of the ‘N’ word.” In the next frame, he reads, “And by the ‘N’ word, I mean Nigger. There, I said it.” In this sketch, Chappelle uses “Nigger” in one of the most thoughtful, complicated, and laughable forms in modern, popular media. During the Clayton Bigsby skit, Chappelle, at one point, yells “Go home Nigger!” with other KKK members. The books that Clayton Bigsby supposedly wrote, Nigger Stain, I Smell Nigger, and Nigger Book Making, add to the satire. These books, the narrator tells us, made Bigsby a “leading voice in the white supremacist movement.” A blind, black KKK leader, helping the white supremacist movement, yelling “Go home Nigger!” adds contextual complexity.

Coming back from a break later in the DVD, Chappelle says “Welcome back to The Chappelle Show, America’s number one source for offensive comedy.” He begins, after this greeting, telling the audience about the feedback he received from the Clayton Bigsby sketch; he said it was “very controversial” and “sparked much controversy.” He went on to say that white people would come up to him when he traveled in different places and say, “That sketch you did about them Niggers was funny!” To which he replies, “Take it easy. I was just jokin’ around.” Chappelle took offensive comedy and made it funny, but recognized he had hit a sensitive issue.

Following the criticism of the black, white supremacist sketch, Chappelle challenges his viewers further with an even more complicated skit. He sets the skit up with a question to his live audience, “Would the word ‘Nigger’ be so bad if we used the word for other people?” The storyline is about a white family with the last name “Niggar.” The Niggar family is as close to a Leave It to Beaver episode as they could get: the episode was even shot in black and white and

set in the classic 1950s. A family with this last name, pre-1960s, is even more complicated and ironic. The milkman, played by Chappelle, is delivering milk to the Nigger family. He greets them with “Hello, Niggers.” Then as he is leaving, the wife of the family asks him if he would like to take some bacon with him. Chappelle replies, “No ma’am. I know better than to get between a Nigger and his pork. Might get my finger bit off” (Best of Chappelle). The scene ends with the “Nigger” family having the “Wetback” family over for dinner. This is deconstructive, complicated, ambiguous, and laughable. That relatable and laughable humor was extremely profitable for Viacom and Chappelle. However, for as popular as it was, it ended abruptly.

Chappelle did not meltdown as reported, and his departure, by his own admission, had less to do with his use of the word “Nigger” than with the pressures of new-found fame and money. He has now been on record, on several shows, explaining what happened. On The Oprah Show, he said that he was once asked to wear a dress and play the part of prostitute with co-host Martin Lawrence for a movie in the name of comedy. He refused. When Oprah asked him why he walked away from the money, he said that he “did not walk away from the money,” but instead walked away from the “circumstances that were coming with the new found plateau.” Later, on The Conan O’Brian Show, he said that his wife was “still salty” at him for leaving the show. When asked why, Chappelle said, “don’t think your gunna walk away from fifty million dollars and your wife is gunna just be cool with it.” When Conan asked him about “disappearing” for a while, Chappelle said that it was true and that he had gone to Africa to “chill.” When asked the reason why he left, he said, “If you’re a black man trying to hide out, Africa is a good place. A lot of cats match my profile.” Nothing was ever mentioned about his gratuitous use of “Nigger.” However, that does not mean that his use of this word was not a factor.

The “Clayton Bigsby White Supremacist” and “Nigger Family” sketches were not

mandated by Comedy Central, because if so, as he stated on the The Oprah Show, he would not have done them, much like his refusal to wear a dress in the name of comedy. He did not believe that a man dressed in women's clothes was funny. However, he demonstrated that "Nigger" could be funny. In 2002, when Chappelle played the character Conspiracy Brother in Undercover Brother, he used the word. To Chappelle, the word can be used in funny ways.

His departure from popular media was not about the criticism and controversy surrounding his use of "Nigger;" it was getting away from the stress of the new plateau in his career. Chappelle said, "I figured, let me just cut myself off from everybody, take a minute and pull a Flintstone, stop a speeding car by using my bare feet as brakes" (Chappelle in IMDB). One could only imagine how many people wanted a piece of his time and new money. In addition, he addressed his critics in a New York Times interview. In it, he says, "I'm not so concerned when black intellectuals say that 'the N word' is awful. If people stop saying the N word, is everything going to be equal?" (Asim 211). He also laments that "people do have racial hang-ups, but I think one of the reasons I can joke about it is people are shedding those racial hatreds. I look at it like that word 'Nigger' used to be a word of oppression. But that when I say it, it feels more like an act of freedom" (Chappelle in IMDB).

Chapter Conclusion

The way that Chappell and Richards chose to use "Nigger" is not the end of the discourse over this word. These are two snapshots of popular media, and additional stories in the history, or career, of this word. However, for this work, this comparison further highlights the ideological differences of pre- and post-Civil Rights America. Richards was born, in Canada, in 1949. Chappelle was born in 1973, in the post-60's generation. These two popular media case studies

help flesh out what can, and has, happened in the media's eye since these two men decided to use the word "Nigger." What is found in the comparison is a possible explanation for understanding popular culture in America. The cultural logic sustaining these two examples is this: Richards' reads not as a comparison, not complicated, but regressive and shocking; Chappelle's reads as thoughtful, complicated, progressive, and humorous. Asim says that Chappelle is "fearless, abrasive – even outrageous – but reliably funny" (Pg 211). Post-Civil Rights America knows when an utterance of "Nigger" is regular speech, satire, or racial slur.

Could the argument be made that Dave Chappelle is a return of the Step-n-Fetch-it character that Donald Bogle talks about, just repackaged by Hollywood? Asim does say that Chappelle plays "dangerously with stereotypes" (210). Furthermore, Chappell does a Step-n-Fetch-it-like dance in one of the sketches on the DVD. Does Michael Richards' Klan-like verbal attack mean that we are not advancing in our quest to be more progressive within Western cultural consciousness, as it relates to this word? Some, as his example shows, have not. Some will not. However, for the lion's share of post-Civil Rights America, there is more tolerance, more diversity, and it is more widespread. Chappelle was a success because Chappelle's humor was understood. In order to understand this word, America cannot adopt the phrase "the n word," and cannot give way to "nigga." The post-60s, or post-Civil Rights, American, has a reasonable and nuanced mentality about "Nigger," and understands that there is more to this word than emotion and that it has many meanings.

"The media undoubtedly play an important role in the formation and maintenance of attitudes.... Particularly with their importance for dissemination of our (socio)linguistic knowledge" (Garrett 629). Examining how popular media is disseminating the word "Nigger" adds focus to the triangulated location that this thesis outlines. If popular media is disseminating

separate illusory ideologies as it relates to the word “Nigger,” and at the same time popular culture, as a vast majority, is producing different ideologies, then there will never be a finality to this word’s “troublesome career” (Kennedy). But, if we can illuminate media case examples, then examine the texts, there can be a better understanding about how American society might be working and in whose benefit.

CHAPTER 5

CONCLUSION

Undoubtedly, there is more information about this subject that has been left out than has been included. Therefore, these are only a few examples of the shaping and explaining of this word. A full project examining “Nigger” would be, and has been, many books in length. This is a contribution to this word’s discourse and legacy that addresses this word in a First Amendment context, its sociolinguistic understanding, and two comparative media examples. These have all been analyzed in the context of the “Nigger Trinity.” Maybe there is no cultural logic or middle ground that America as a nation can agree on when it comes to the word “Nigger.” Maybe this word will forever fan the flames of a racist history in Western culture. Western culture will never be able to forget that this word is tied to the American slave system and the emotional racist sickness that came along with it. Therefore, there will never be a full conclusion to this word’s evolution.

Asim laments in his book that “Washington and Jefferson were racists, but how racist was their language? As quintessential Southern men of their time, they behaved in public according to entrenched notions of honor, courtliness, and refinement.” Violent language was “beneath a gentleman,” and the word “Nigger” had [even then] already become stormy enough to be ungentlemanlike. With that thought in mind, it was no wonder that “during the constitutional convention, ‘slavery’ became in essence the ‘s’ word, to be avoided out of respect for the delicate sensibilities of the distinguished members from the South” (Asim 28). With that in mind, it is more understandable that Matt Lauer even apologized for saying the phrase “the n word” on NBC’s The Today Show. Does Lauer’s distance from the phrase show that this word’s forms will be further changing? That remains to be seen. It does highlight that the converging

and diverging with emotionally charged words has been a social mores since before, and now after the 1960s.

If every American agreed and the legislation was drafted to ban the word “Nigger,” and use in place of it the phrase “the n word,” history cannot be changed and this word would remain a stubborn part of the American dialect. Randall Kennedy points to the openly racist ex-Senator Strom Thurman and his deflection of the use of the word “Nigger.” Kennedy writes that Thurman was a “white supremacist who never used the N-word” (Pg 9). This demonstrates that people can be openly racist, and yet linguistically tap-dance around racist language. To use the phrase “the n word” or the word “nigga” instead of the word “Nigger” is helping to continue the mystique of this word and creates more meanings. “Classical Marxism tends to define ideology as false consciousness, or a complex production of illusory ideas about the way society works and in whose benefit” (Allen 165). The phrase “the n word” or the word “nigga” are illusory because by using them, we may feel that we escape racial linguistic problems or glazed over this word’s impact in America. This, can therefore, shed more light on “the way people perceive to be organized.” The distinctive elite, vis-à-vis the relevant ones, discuss this word without saying it, choosing to be objectively distant, calling it “the n word.” The phrase “the n word” is an ideological construct of this generation. Currently, a majority of popular media groups use the same ideology.

This work ends with some questions that still exist for linguists, lawmakers, and media gatekeepers on how to deal with “Nigger,” “nigga,” and the phrase “the n word.” Is there a way that the media can continue to censor this word in hopes of its elimination from western English? Is the media really censoring this troublesome word, or can an argument be made that “Nigger” is being perpetuated in the camera’s eye? Is it the media’s job to try and change popular Western

culture's vernacular or to simply hold up the mirror and show what is really going on within the culture being represented? Will there be continued legislation on behalf of the FCC that will one day make this word illegal? If, one day, legislation does prohibit the use of "Nigger," how do we enforce the hypothetical ban on the Internet? If the dominant in American society continues to act as if this word does not exist, by saying the phrase "the n word" or the word "nigga," will that make racism simply vanish or erode Dubois' "color line"? Now that "Nigger" has been replaced in daily appropriate speech by the phrase "the n word," does that change its referent? Have the people who say they have "appropriated" the term really done something, as Jabari Asim points out, or merely taken on the same oppressive language of their oppressors, choosing to perpetuate self hatred? Lastly, this work has suggestions that might be beneficial for future research about the word "Nigger" and its discourse.

Future research on this word that includes gender would add to the "Nigger" discourse. One of the overwhelming facts that became clearer while researching the word "Nigger" is the issue of gender. Take a look at the gender in the group of: Dick Gregory, Robert DeCoy, Richard Pryor, EazyE from NWA, Randall Kennedy, Jabari Asim, and Dee Brown. This word's societal issue seems to be a predominantly male driven discourse. The question of gender could also be raised with Dr. John Baugh's Texas and California linguistic discrimination studies. In his table, Dr. Baugh categorizes the ages of the groups that were studied in relation to the "Terms of Self-identification among American Slave Descendants," but there is no sub-division to examine gender differences (Pg 89). It is noteworthy, however, to say that the documentary The N Word does include several female interviewees, to include Whoopi Goldberg, Jennifer Lopez, Lisa Gay Hamilton, Robin Kelley, Nia Long, Sandra Bernhard, and Cee-Lo. Larkins' documentary

highlights that this word's issue does span gender differences. However, not much other research does.

Dee Brown's book is sub-titled "Theories in Niggativity." Brown, Asim, Larkins, Kennedy, DeCoy, and Gregory have all engaged the discourse that surrounds "Nigger" via literature, documentary, and theory. These different theories lament on how the word "Nigger" came to be, its history, and how it is handled, understood, or articulated in Western American culture and they are just that; theories. Queer theory, gender studies, African American studies, film theories, etc., all had a beginning, and all theories have a beginning. Circumstantially, maybe it is time, with all the researchers and theories on this word, that there be a new focused study, "Nigger Theory," to be taught in school.

In like thought to Michael Adams, who wrote "Teaching 'Bad' American English: Profanity and Other 'Bad' Words in the Liberal Arts Setting," this work suggests that "Nigger," and or "Nigger Theories," should be taught in academia. Adams gives three reasons to teach "'bad' American English, profanity, sexual slang, underworld slang, and pejorative terms" (Pg 353). The three reasons are:

First, it is intellectually irresponsible to teach only part of a subject in order to be polite; second, 'bad' American English is used often and thoughtlessly and is, therefore, a subject that needs classroom treatment, for both intellectual and social reasons; and third, many react to 'bad' words in an equally thoughtless way and wrongly attempt to obstruct their use for the wrong reasons. (353)

The reason that Adams spearheaded, and consequently taught, "Bad American English" at Albright college, is that he heard "speakers six to sixty, that incorporate fuck or one of its derivatives, asshole, damn, shit, bitch, and Nigger" as well as other slang terms (Adams 353). Adams goes on to explain that the "persistent mystifications" around bad words can be cleared up or avoided altogether by education (Adams 355). His description of the class he taught was

that “Bad words are interesting phenomena: some words are bad from the beginning, while others begin their lives as good words, only to become bad over time” (Adams 358). Studying the word “Nigger” in a classroom environment may not be the ideal, or only, solution, but it is a step towards more education and away from raw emotion as it relates to this word. Lastly, as Adams states, “Teaching ‘bad’ American English helps students to consider better the origins and consequences of their own and others’ use of ‘bad’ words, indeed, of language in general.”

One of the prominent negative issues when the word “Nigger” is discussed openly is a lack of knowledge on this word. Only few scholars acknowledge Dick Gregory’s 1965 autobiography titled Nigger. In addition, it has been hard finding anyone who acknowledges Robert DeCoy’s 1967 book titled The Nigger Bible. These are the two formative works that were published during the turbulent 1960s. Having a discussion, monologue, or teaching a class about the word “Nigger” without including Gregory and DeCoy is debasing of this word’s history. Conversely, understanding these two formative works opens the door to understanding the beginning of the shift that this word began in the 1960s. Furthermore, understanding Gregory and DeCoy’s contribution to this word helps the reader understand the “Nigger Trinity” as a concept model. Withholding these two formative works from a “Nigger” discourse would add to the social misunderstandings as it relates to this word.

Some, like Michael Richards, have not progressed as it relates to this word. Some will not. However, for the lion’s share of post-Civil Rights America, there is progression as it relates to this word. There is no hiding behind “the n word” eradicationist ideology, nor giving way to the “nigga” cultural capital theology. We have a reasonable nuanced mentality to this word. This work champions an education and reasonableness ideology with a nuanced theology.

Any American who finds this epithet offensive when uttered has the same First Amendment protection to have their voice heard. That is part of the free exchange of ideas. It is healthy to engage in a curative expression of ideas, hopefully without emotion. Talk about it-- don't try and avoid or own it. Supreme Court Justice Louis Brandeis says talk more, not less, also. "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence" (First Amendment Center). Proliferation on your individual experiences as well as socialization and education concerning this word is progressive. Talking about "Nigger" helps us "avert" some of the "evil" that came with it. Talking about it will in turn help us understand the painful history of the word, and vicariously the disease of racism.

Every time someone avoids the word "Nigger" by saying "the n word" or "nigga," there is no curative nature to their conversation. The issue of correctness is the most powerful focus of language awareness in American English. Many language users hold passionate views about what is right in language and what is wrong with it" (Garret 628). Diverging from the word "Nigger," because of some people's passionate view about it is not helpful for the whole. Diverging from this word in public places because there are black-skinned Americans that might hear and be offended is surmised best by O.J. Simpson's defense attorney Johnny Cochran. After Christopher Darden, Simpson's prosecutor, called "Nigger" the "filthiest, dirtiest, nastiest word in the English language, Cochran rebuffed saying that, "If centuries of oppression failed to impair the judgment of African Americans, how could two syllables do the job?" (Asim 9). Only when American cultural studies can open up and trade the exposition of ideas and experiences concerning this word, will we find cultural progression. This thesis has to induce the idea that it is OK, when the discourse is curative in nature, for all Americans, of any color, to speak about

“Nigger” and the theories they have concerning their understanding, and or experience, with this word as it relates to First Amendment, sociolinguistics, media case examples, and the “Nigger Trinity.”

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