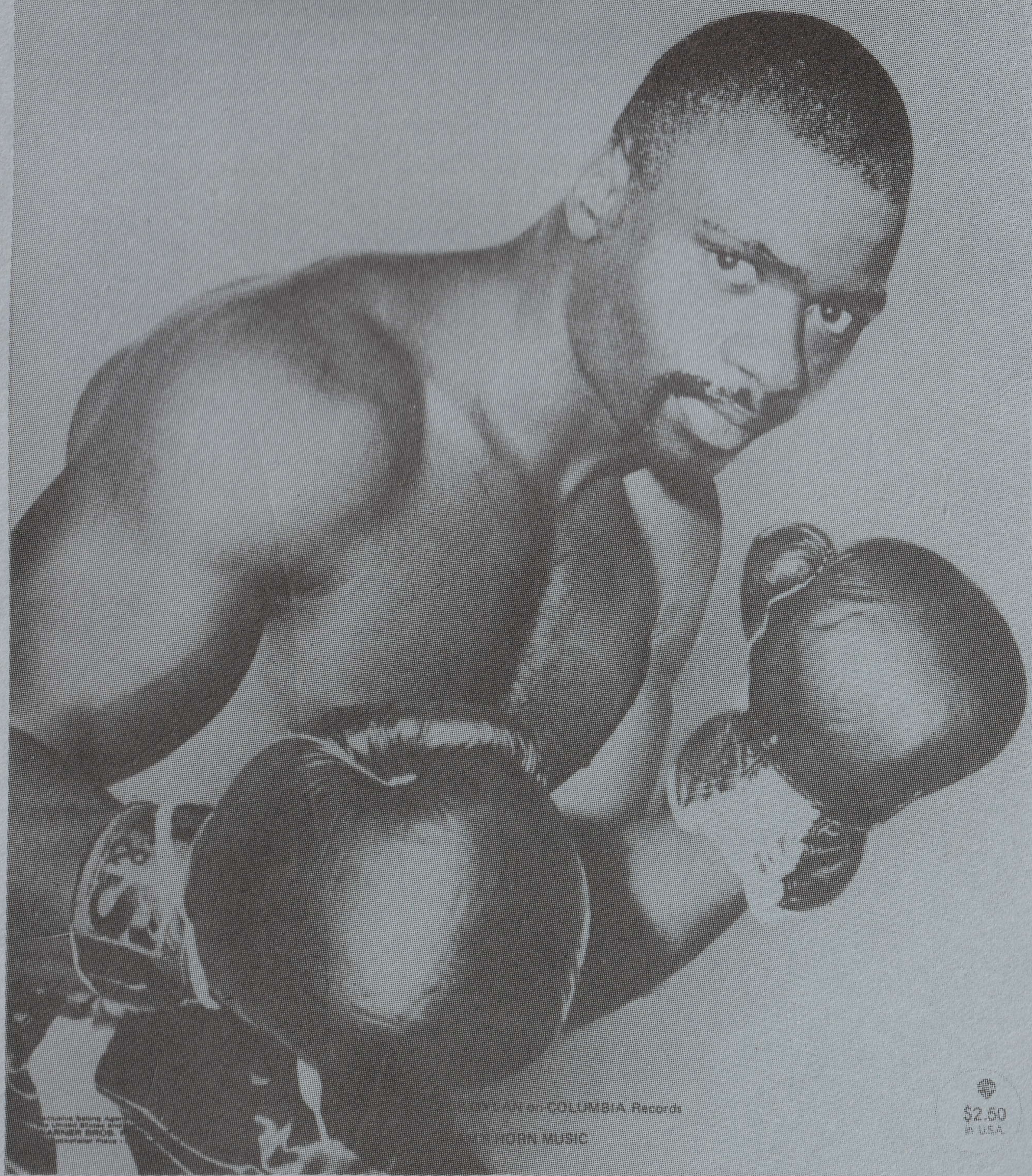


HURRICANE

Words by BOB DYLAN and JACQUES LEVY

Music by BOB DYLAN



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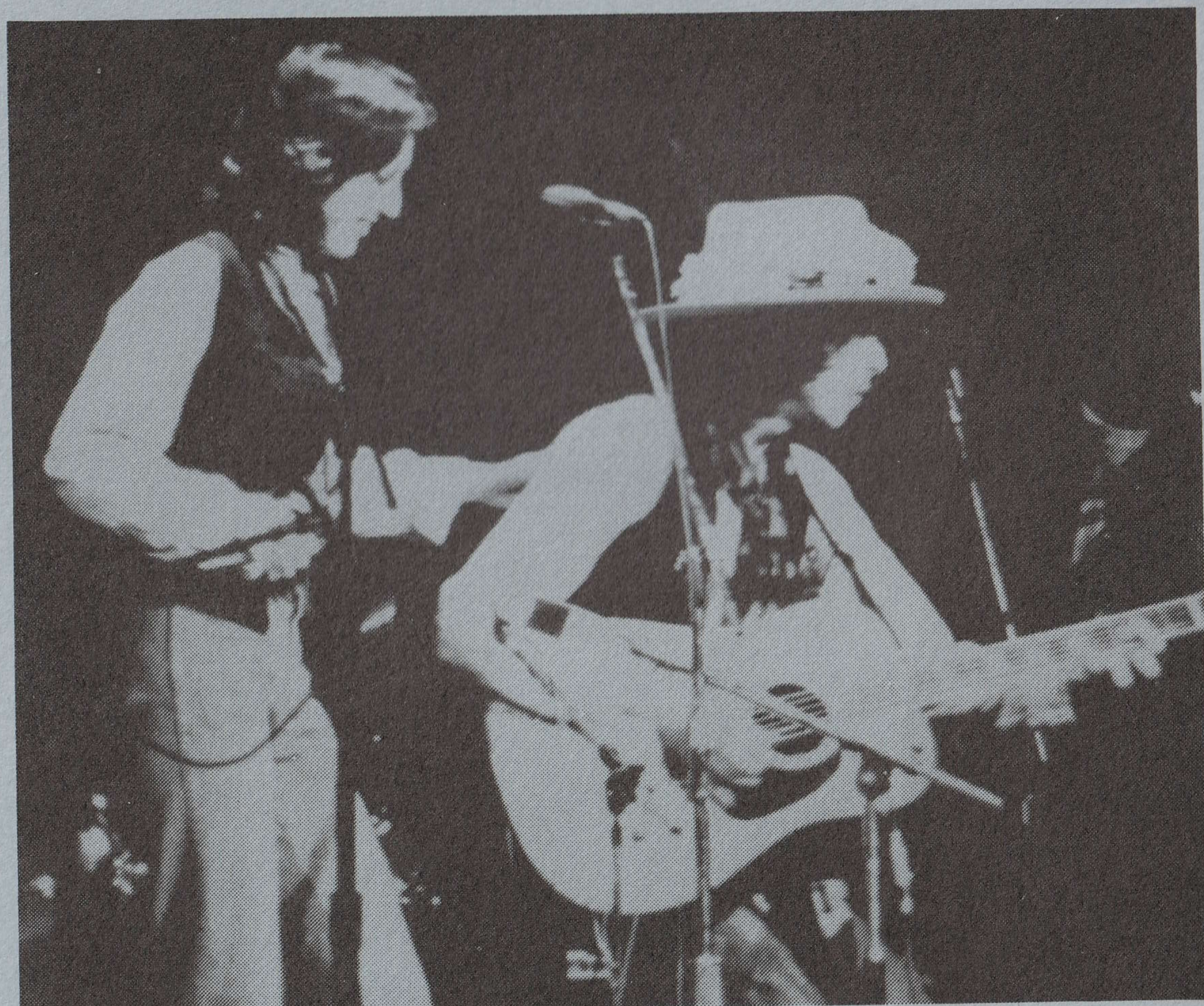
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OUTSIDE
THE LAW

Sometimes you just find yourself over the line.

--Brownsville Girl



'FORE THE HURRICANE BEGINS

Welcome to the first edition of LOOK BACK'S OUTSIDE THE LAW series, published as a supplement to issue #18 and available only to our subscribers. Future editions will include work already in progress on Joey Gallo, John Wesley Hardin (without the 'g' Bob), George Jackson, and others. Many, many thanks to Mitch Blank for making this edition possible.

FAMOUS ETIQUETTE PUBLISHERS LTD. 1988

All photographs from the collection of Rob Whitehouse.

THE STORY OF THE HURRICANE

Research by Mitch Blank

Text & Transcription Rob Whitehouse

This is a story about a beautiful man--and beauty should never be imprisoned.

-Bob Dylan, The Night of the Hurricane 8 Dec 1975

Bob Dylan won't talk about the whole Rubin Hurricane Carter thing anymore. Too many legal hassles (including Miss Patty Valentine's unsuccessful suit against Dylan et al.), too much time and energy spent rewriting lyrics, reading legal reports, conducting two massive benefit concerts, and so forth, not to mention Dylan's personal time visiting Carter in prison and reading his books. One thing is certain: after talking to Carter, Dylan believes him innocent of the first-degree murder charges which put him behind bars for nineteen years in the prime of his life. Never mind the inconsistency in Dylan's condemning boxing in "Who Killed Davey Moore?" and then more-or-less glamorizing it in "Hurricane," what counts is Dylan's sincerity and his willingness to act on it, as he did. The most striking feature of Carter's Press Conference comments is his steadfast sincerity in maintaining his innocence. If he is innocent, as indeed the Federal District Court found him, there is more than a grain of truth to Dylan's much earlier comment that "to live outside the law you must be honest."

What follows then is the story of the Hurricane.

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they were pressured by Paterson detectives to give false testimony; they were offered inducements of \$10,000 in reward money and promises of lenient treatment in criminal charges pending against them.

March 17, 1976 - The New Jersey Supreme Court unanimously overturns the convictions, ruling that the prosecution withheld evidence favorable to the defense, and orders a new trial. Carter and Artis are released on bail.

Dec. 22, 1976 - After a second trial in which the prosecution was allowed to argue for the first time that the murders were motivated by racial revenge, Carter and Artis are reconvicted; the same life sentences are imposed, and they are forced to return to prison.

Dec. 22, 1981 - Artis is released on parole, after serving 15 years.

Aug. 17, 1982 - The New Jersey Supreme Court, in a 4-to-3 decision, rejects an appeal for a new trial.

Feb. 17, 1983 - Carter wins his suit against the state for his 1974 illegal detention in the Vroom Readjustment Unit. Federal District Judge Dickinson R. Debevoise issues an opinion granting Carter damages.

Nov. 7, 1985 - Judge H. Lee Sarokin of Federal District Court in Newark, N.J. overturns the second trial convictions after finding that the prosecution

committed "grave constitutional violations": the convictions were based on "racism rather than reason, and concealment rather than disclosure." Judge Sarokin advises the state, in the interest of justice and compassion, against seeking a third trial.

Nov. 8, 1985 - In the District Court, the prosecutors argue that Carter is dangerous and should remain in prison pending the state's appeal. Finding no evidence of dangerousness, Judge Sarokin orders Carter freed without bail: "human decency mandates his immediate release." Carter has served 19 years in prison.

Dec. 19, 1985 - The prosecutors assert to the United States Third Circuit Court of Appeals that Carter is a danger to the community and should be re-incarcerated pending appeal.

Jan. 17, 1986 - The United States Court of Appeals rejects the state's arguments, and Carter remains free.

Aug. 21, 1987 - The United States Court of Appeals upholds Judge Sarokin's decision throwing out the convictions.

Jan. 11, 1988 - The United States Supreme Court denies the state's appeal, thus affirming Judge Sarokin's rulings.

Feb. 19, 1988 - The Passaic County Prosecutor's Office announce they will not seek a third trial, and they file a motion to dismiss the 1966 indictments against Carter and Artis.

Feb. 26, 1988 - A Passaic County judge signs an order dismissing the indictments. The 22-year saga is finally over.

RUBIN "HURRICANE" CARTER

Press Conference 29 Feb. 1988

That's hard! I mean, says what, for simply asking for a ride home. Its incredible. But you know, having said all that, I think what struck me most about being released from prison was that for twenty years I was considered a danger to society, a scourge upon humanity.

I was locked away in an iron cage for not one, but for three of my lifetimes. I mean, I know that doesn't sound funny, but someone obviously mistook me for a cat. I was a prisoner, a number, a thing to be guarded with the maximum of security and the minimum of compassion. Not a human being, but a body to be caged and counted, fifteen to twenty times a day and even when I was brought to the Federal District Court to be released, and I think many of you were there to witness this oddity, you saw me chained, you saw me shackled, and you saw me handcuffed. I had to be escorted by three car loads of heavily armed guards. Do you remember that? Man, I frightened myself, I appeared to be so dangerous.

But the very next second, with the stroke of a judge's pen, I am free. Completely and utterly free. With all of the rights and protections that everyone here takes for granted. Suddenly, I can walk out the door as if the last twenty years had never happened. As if society was saying to me what Roseann Rosannadanna would say to us every day on Saturday Night live - "never mind."

But those twenty years did happen. One moment I am a championship prize fighter and the next moment, and for twenty years thereafter, I am reviled as a triple murderer. Then, the next moment I am a man whose been wrongly imprisoned. Now, you try to make some sense out of that, because I be damned if I can. It is just too much to even think about.

But I think there are number of conclusions that might be drawn about the criminal justice system from my experience. First of all, the death penalty. I was far from the first and I won't be the last innocent man, innocent person, that the State seeks to execute. It has happened before and it will happen again. And if it happened to me, it can happen to you. It can happen to anybody and if you are black and poor and don't have the quality of lawyers that I've had, the chances are nine out of ten that the State will successful. And that success rate of the State will mean for some poor soul that that penalty of death is final. It is irrevocable and it is permanent.

Secondly, and many may not wish to hear what I have to say about this, prisons are not country clubs. They are not vacation resorts. I know, I just spent twenty years of my life there. I am expert at that and criminals are not coddled. Where is the proof of this? Just go sixty miles south of here in a place called Trenton, New Jersey, and you will find a unit there called the "Vroom Readjustment Unit" and I challenge any reporter, anywhere in the world to go to that building to see the devastation that you find there. Come back and report that to the people and I guarantee you that that building will be torn down, brick by brick before the sun goes down that day, because there's only one thing in this world more dangerous than a vicious hoodlum and that's an angry tax payer whose money is being wasted. What we have to understand, and what we have to come to grips with is that brutal punishment in a totally hostile environment does nothing to alleviate crime. Absolutely nothing.

If this society is serious about eliminating crime and, I have to tell you I see little evidence of that being the case, then it should concentrate

its energies upon eradicating the causes of crime, the roots of crime; the drugs, poverty, illiteracy, unemployment, and racism. A simple-minded lock-em-up and throw away the key approach ensures only that those who have already been condemned to a life of violence and despair are then punished further for it. If we are to have compassion for the victims of crime, and we must, then we must include all victims because peace rules the day only where reason rules the mind.

Thirdly, there is far too much power invested in local prosecutors and far too little, if any, accountability. The Passaic County Prosecutor who unfortunately are not atypical were able to persecute John Artis and me for twenty-two years by using the enormous resources of the state and constrained my no one. They were constrained neither by the truth, by the facts, nor by justice and they are even now in effect legally immune from the consequences of their actions. Now, that's what I would call unchecked and unbalanced.

Fourthly, federal review of state court criminal proceedings or what is commonly known as habeas corpus is absolutely vital and necessary. All too often, as what happened in this case, state courts succumb to political considerations and to local pressures that have nothing to do with justice, nothing to do with justice. In our case, it took 19 years before we were able to get out of the state court system and seek federal review. Nineteen years. That's incredible! But once we did, once we were able to get out of the state court system, it was a matter of only a few months before the federal courts found that the state court's conviction, and I am quoting now, "were based on appeals to racism rather than reason and concealment rather than disclosure". The District Court, in concluding, that without these grave constitutional

violations, the jury would have found us innocent, ordered my immediate release and all the Federal Courts, including the United States Supreme Court agreed. Now that's what I call swift justice, if justice exists anywhere. But even Federal review is no real guarantee of justice because the most powerful enemy of justice is inertia, that's you and me maintaining the status quo; that's us too; or let's not ruffle any feathers.

And that is why I want to acknowledge here today, and sing the praises of Federal Court District Judge H. Lee Sarokin. His clarity, his wisdom and depth of understanding is incomparable. For he alone had the courage to face squarely and look it in the eye and put aside an issue that the state courts for 19 years had side-stepped. And that is, that the poison of racism had permeated the state's entire case. "To not throw out these convictions," so ruled Judge H. Lee Sarokin, "would be to commit a crime as heinous as those for which we were unjustly convicted." Now that man was saying a mouthful.

The question invariably arises, it has before and it will again. "Ruben," someone will ask me with all pomposity that can be mustered, "Ruben," are you bitter? (laughs) They will ask that question and in answer to that I will say; "After all that has been said and done, the fact that the most productive years of my life between the ages of 29 and 50 have been stolen; the fact that I was deprived of seeing my children grow up, wouldn't you think I would have a right to be bitter?" "Wouldn't anyone under those circumstances have a right to be bitter?" In fact, it would be very easy to be bitter, but it has never been my nature in life, nor my lot to do things the easy way. If I have learned nothing else in my life, I have learned that bitterness only consumes the vessel that contains it and for me to permit

bitterness to control or to affect my life in any way whatsoever, would be to allow those who imprisoned me to take even more than the 22 years they have already taken. Now, that would make me an accomplice to their crime. And if anyone believes that I am going to fall for that; if anyone believes that after surviving prison for 20 years I am going to stump my toe on the way out the door; if anyone believes that in anyway whatsoever I will give the state a victory; then they are green enough to stick in the ground and grow.

Thank you.

Question

When was the last time you spoke to Bob Dylan?

Answer

Bob Dylan, if you recall, had a concert here in New York last year, I think it was, and we spoke quite extensively over a couple of days and Bob Dylan, as is everyone here, is an incredible person, a genius, almost like Leon Freidman, but in a different capacity.

Question

Reuben, I know you can't speak for the prosecutor, but what do you suppose their motive was in pursuing this as they have? Perhaps knowing the real truth?

Answer

Well, Professor Arthur Miller was asked a similar question, not pertaining directly to me, but pertaining in general to prosecutors and Professor Miller of the Law School of Harvard said, "There are

just too many sleazy prosecutors". Now, I didn't say that, I'm not saying that. Professor Miller said that. I think in this regard this would be an answer to your question as well.

Question

You said in your comments that if it could happen to you it could happen to anyone - it would seem to me that most people in this country would still do nothing?

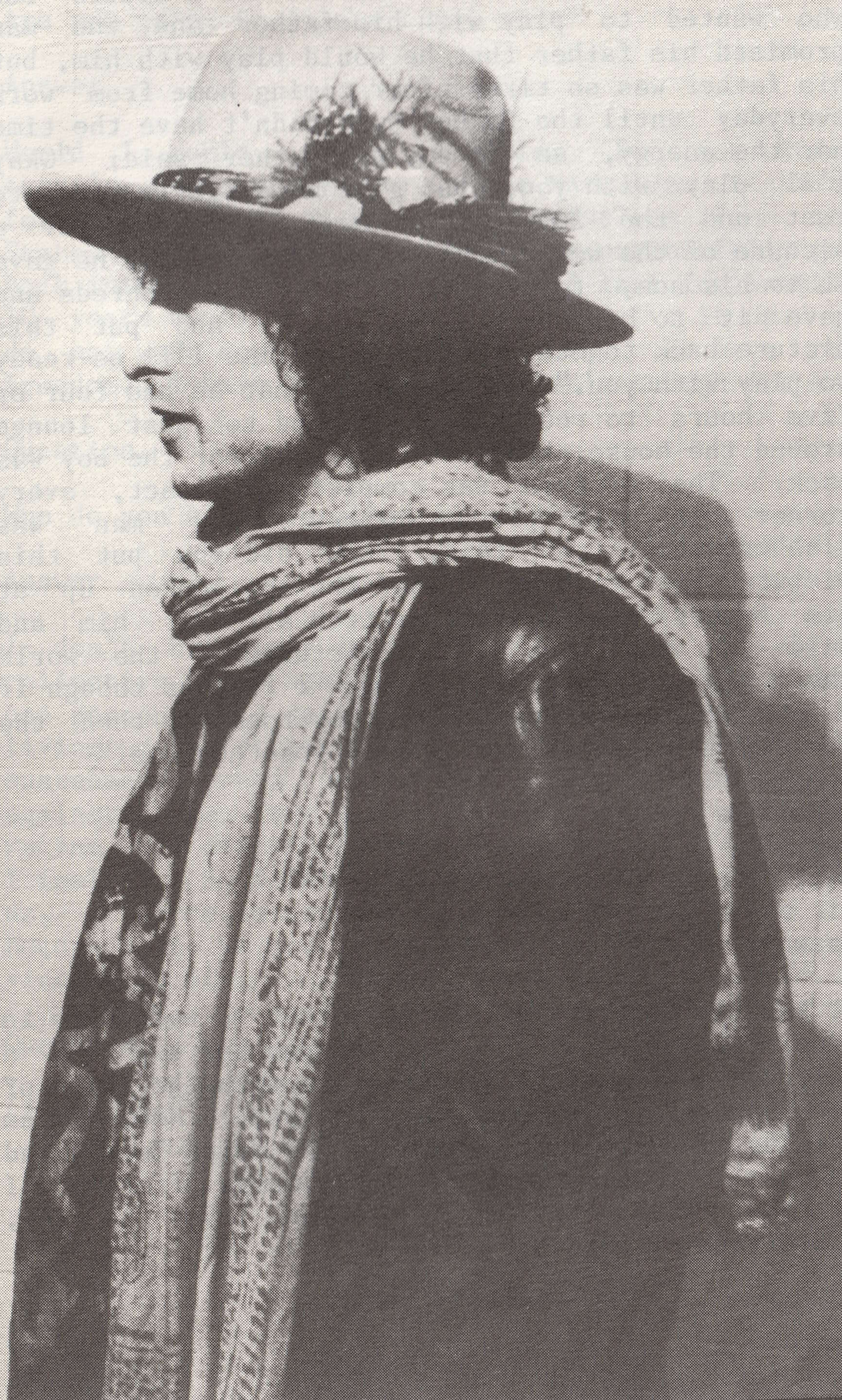
Answer

You see, all human suffering, and I know what your question is and I will answer that, but I will go round about to do it. All human suffering can be measured by the behavior of gas. That is, if you take a certain quantity of gas and pump it into a room, that gas will fill that room completely and evenly no matter how big the room or how small the quantity of gas and that's what makes gas so dangerous.

Well human suffering fills the human consciousness and the human mind in the same way so there is no big suffering and there is no small suffering. But if you look around you right now as I did when I got out of prison, you will see people lying on the streets; you will see drug infestation everywhere; you will see crime proliferating unchecked in every area; you will see people's doors and windows are barred and locked to keep the criminals out. It is the society that produces these criminals. It is the society that produces an aura where crime can take place against anybody. And then when that crime takes place and the public cries out for a resolution to that crime then anybody can be a candidate to solve that particular crime. It is everywhere. All you have to do is but to look. You see it, I see it, it's everywhere.

PEOPLE DEC 22/75

**BOB DYLAN BRINGS A
MESSAGE OF HOPE TO HIS
'BROTHER' HURRICANE CARTER**



I think the solution to that would be a story that I once heard about a man who had a little son who wanted to play with his father and the man promised his father that he would play with him, but his father was so tired after coming home from work everyday until the father just didn't have the time nor the energy, so one day the father said; "Okay I'll play with you, but give me a little time to rest and the father took from the newspaper a picture of the world that he was reading and he gave it to his son, tore it up into a hundred shreds and gave it to him and said now you go and put this picture back together and by that time I'll be ready to play with you." The man knew that he had four or five hours to read the papers and to just lounge around the house, but five minutes later the boy was back. The picture was completely intact, every corner in its proper place. The man was flabbergasted. He said, "How did you put this picture back together?" And the son looked up at his father with naivete written all over him and said "On the back of that pictures of the world there was a picture of a boy and I felt as though if I can put the picture of the boy together then the world would just naturally come together too."

Question

What is your plan for the future?

Answer

It has not been until this day, that we were able to even think about the future because for two and a half years we have had to struggle with the State of New Jersey to put this case to rest. Now, I am writing my third book, which is "No Holds Barred and No Bars to Hold." I have several movie offers and I am just going to, as my lawyer loves to say, "Cultivate my garden."

Question

Are you going to file a civil suit?

Answer

Would I could. Would I could. But you know, there's a dichotomy there. We have been fighting for 22 years to just unravel ourselves from the State. And it would seem to me to purposefully get back into a court battle that would last for another 10 years would make you not able to give it up. I do not want anything from the State. We have our freedom. I have my health and that's enough for me.

Question

Who do you blame for this injustice?

Answer

I don't blame any individual. I think it is a collective crime against all people. You see, when one person is in jail illegally; when one person is living on the streets with no shelter, no home, no sustenance; when one person is being discriminated against; when one person is feeling the pains of racism and discrimination, then all of us feel it. I feel it. So I don't blame anyone. I blame all of us, if there is any blame at all. We all share it. Because if we are not all victims, there are no victims at all.

Question

(Inaudible)

Answer

I don't think anything, I simply quote from the Federal District Court's opinion. When the Federal District Court said that this case came about only through appeals of racism, rather than reason; racism is sleazy! That this conviction came about only because of the concealment of evidence that would have established our innocence. That's sleazy! I am not saying it. The court says it.

Question

What would you say the people who perhaps believe that what happened 20 years ago, that type of racism doesn't exist anymore?

Answer

Well, I well understand that, but in 1966 when I went to prison, there was a ferror in this country. Black people understood where they were going and where they were coming from. Black people understood and many other people understood the necessity of a good education. People understood the necessity of not discriminating one against the other. People understood that. People understood what would happen if our youth become narcotized all over the place. People understood that. In 1988, people don't seem to understand that any longer. People don't understand education. There are children running around right now who can't speak a single word of standard English. Not one single word. I mean, they speak black English, which is their mother tongue, but they don't know or understand that in order to survive in this country as it exists that one must speak standard English. They are being very poorly educated. There is no hope and that's terrible. That's terrible for everybody, and we all suffer for it.

Question

Do you feel then, that it is more likely that your situation would and could happen now?

Answer

It happens all the time. Look at what's been going on here. The stun gun trials, where people have been brutalized in police stations. Look at what's going on everywhere. It's in the media, you know it better than I know it. It's there. All we have to do is wake up and we will save ourselves. There would be no people in prison if those people who are uninjured became as angry as those who are injured. There would be no people illegally in prison. There would be no people laying on the streets without a home. There would be no people who have to barricade themselves into their own homes, afraid to walk the streets at night. That would not happen. It's our fault, all of us.

Question

(Inaudible)

Answer

In 1974 the prison system sent me one night about 1:00 in the morning with about 50 or 60 heavily armed guards and movie cameras. In this way, if they had to do away with me permanently, they had it on the camera that showed that I perhaps provoked these 150 armed guards. They sent me to the Vroom building and in this Vroom building there was a war going on. People being brutalized every single day; all day. People brought there and left to die, to languish. And that's where I became familiar with the federal system. That's why it is necessary to have a court of last resort, such as the federal

system; because I applied for immediate release from illegal detention there and the federal court granted that immediate release and then justice words like "brutality", "violence", "viciousness" and "despair", people turn those words off, but what people won't turn off is money. The federal court gave me \$30.00 a day for every day I spent there. Now when the government grants money, then you know its horrendous and you can understand that yourself.

Question

Would you go back to the Patterson parole board?

Answer

Excuse me for laughing.

I would not go back to Paterson under any circumstances and or any reason at anytime for any purpose. (laughter)

Question for the lawyer

What do you estimate the net cost in dollars?

Answer

A million and a half dollars maybe, if you averaged it out, if you didn't include interest a million and a quarter. It really is not measurable. You have to throw in the other time. I figure that if you want to put hourly rates on it and not allow for interest, we are somewhere in the area of two and a quarter or two and a half million, but it is meaningless.

Question

We all know that you are here today because the state prosecutor (...rest inaudible)

Answer

On the contrary, I was never guilty, so I need nobody to tell me I'm innocent. That has been my anchor, so to speak, for these 22 years. I knew and I have always known and it has never been doubt that I am innocent. I don't need anyone to say to me that I am innocent. In the same way as just because a jury in 1967 and again in 1976 said that I was guilty based on the erroneous information that they received; based on the illegal introduction of a racist motive that they received and then couldn't see anything else but racism, because they pronounced me guilty did not make me guilty. Did not make me guilty and could not make me feel as though I was guilty and that is the reason why even when I went to prison I still maintained my innocence. That's why I wouldn't wear prison clothes. That's why I wouldn't work in the prison. The one thing that I had learned in life is that you do not help your enemy and prison is the enemy of all mankind. I don't need anyone to tell me I'm innocent. Just my blackness to them connotes guilt. I am innocent. I am innocent. I am as pure as the driven snow in that regard. I don't need anybody to tell me that, I know. I have been filing briefs, writing briefs, responding to what the prosecutor submitted in the federal courts, I have been living in the southern part of Jersey. After being in prison for so many years I cherish my privacy. I cherish it to the point that I do not wish it to be disturbed.

Question

You have had time to reflect on your life - how do you think your life would be different today without the 20 years in prison?

Answer

If I permit myself to think how my life would have been different had this not occurred, I would be living in a fantasy world, because it did occur. It did happen and there's nothing that is going to change the fact that it did happen. So all I do is take what happens and try to make the very best of it. I don't try to take what comes, but simply try to make what comes the way I like to take it. So there's no way you can separate what could have or what should have been from what is and I will take the "is-ness" of it any day.

Question

Can we expect to see you making (rest inaudible)

Answer

You can expect anything from me, because that's what the Hurricane is all about, isn't it?

Question

Are you going to seek public office at anytime?

Answer

No, I think we have quite enough politicians. I just resolved myself from becoming a prisoner, I don't want to be a politician. I think a prisoner is one step above a politician.

Question

Considering that racism was the central part of this case, when you look at your defense (rest inaudible).

Answer

It is dichotomy, but that's me. That has always been me. I don't believe in black, white, green, yellow. I don't believe in Jewish or Italian or Irish or African. I don't believe in male, female, Democrat or Republican. I don't believe in those images or those words because the moment you attach a word, it creates an image and the moment you create that image, you are not dealing with the person, so I deal with people, and that's all. If those people wish to have an image attached to themselves, that's fine with me, but I go to the heart. Because only one heart can teach another heart what the printed word doesn't say and that's where I won again.

Thank you.

QUOTATIONS FROM THE DECISIONS OF
UNITED STATES DISTRICT JUDGE H. LEE SAROKIN
IN THE CARTER/ARTIS CASE

I cannot in the face of the conclusions reached in my opinion and the injustices found, permit Mr. Carter to spend another day or even an hour in prison, particularly considering that he has already spend almost 20 years in confinement based in part upon a conviction which I have found to be so constitutionally flawed.

To deny the relief sought would be inconsistent with my own ruling and render compassion meaningless. If my ruling is correct, Mr. Carter's past imprisonment may have been a travesty -- to continue it would be even a greater one.

Memorandum Opinion and Order
November 8, 1985

* * *

The extensive record clearly demonstrates that (Carter and Artis') convictions were predicated upon an appeal to racism rather than reason, and concealment rather than disclosure.

The jury was permitted to draw inferences of guilt based solely upon the race of the (defendants), but yet was denied information which may have supported their claims of innocence. To permit convictions to stand which have been as their foundation appeals to racial prejudice and the withholding of evidence critical to the defense, is to commit a violation of the Constitution as heinous as the crimes for which these (defendants) were tried and convicted.

* * *

In essence, the prosecution was permitted to argue to the jury that defendants who were black were motivated to murder total strangers solely because they were white. Although racial revenge may indeed be a motive for murder, its highly inflammatory and prejudicial effect upon a jury requires that its existence be supported by sufficient and competent evidence. Furthermore, that evidence must be attributable and relevant to the defendants on trial and not based upon a stereotyped supposition as to how a particular group would react in a given situation.

* * *

The inferential leaps made by the prosecutor are virtually impossible without the unstated appeal to the jury that it is perfectly reasonable to expect blacks to commit murder when one of their own is attacked. The fallacious premise of the argument becomes self evident if it is reversed and applied toward whites. Would a jury be permitted to conclude that a white defendant would have expressed such violent and indiscriminate rage without any evidence of personal racial animosity?

The evidence did not support the imputation of the racial revenge motive to Carter and Artis. There was no proof that Carter and Artis were black militants with an inclination to kill whites, nor that they had even the slightest hostility toward whites,... . In fact, the only blatantly racial statement placed before the trial court was Bello's testimony that while he was being interviewed by a prosecutor's detective in October 1966, that detective referred to blacks as "niggers" and "animals."

* * *

An appeal to racial prejudice and bias must be deplored in any jury trial and certainly where charges of murder are involved. For the state to contend that an accused has the motive to commit murder solely because of his membership in a racial group is an argument which should never be permitted to sway a jury or provide the basis of a conviction.

* * *

(Carter and Artis) were deprived of the opportunity to demonstrate why (Bello) settled on the particular version (he told at trial) and to bring out the role of the prosecution in that choice. 1.

1.

In its August 21, 1987 opinion, the U.S. Third Circuit Court of Appeals wrote:

Justice Clifford (of the New Jersey Supreme Court) noted in dissent, and we agree, that a complete account of Harrelson's polygraph examinations (of Bello) and the prosecution's use of his conflicting oral and written conclusions had

the real capacity ... to bring about the utter destruction of by far the most important witness in the State's arsenal, with the fallout ... casting doubt on the tactics of the prosecution.

Absent the potent ammunition this (suppressed) knowledge would have afforded the defense, Bello was free to say that he had selected this one of several versions because it was "true." However, if defendants had known all of the relevant facts, they could have argued not only that the choice was predicated upon facts submitted by the prosecution, but that those facts were false. The jury could well have concluded then that if Bello had been told

that the "in-the bar" version or some other version was found true by the Polygrapher, he would have told that version. From those circumstances the jury could have concluded that Bello's choice of the final version was not a decision based on truth but rather one influenced by a premise, and a false one at that, furnished by the prosecution.

* * *

Even at its strongest links, the government's chain of evidence has been substantially called into question by (the defendants).

* * *

...the prosecution has resources unavailable to the average criminal defendant. Therefore, it is imperative that information which is essential to the defense in the hands of the prosecution be made available to the accused. If trials are indeed searches for the truth rather than efforts to conceal it, full and fair disclosure is necessary to protect and preserve the rights of the accused against the awesome power of the accuser.

Although extended appeals in criminal matters have been widely criticized, the need for review is amply demonstrated by this matter. There is a substantial danger that our society, concerned about the growth of crime, will retreat from the safeguards and rights accorded to the accused by the constitution. The need to combat crime should never be utilized to justify an erosion of our fundamental guarantees. Indeed, the growing volume of criminal cases should make us even more vigilant; the greater the quantity -- the greater the risk to the quality of justice.

Opinion
November 7, 1985

...after reviewing the record evidence, "(t)he conclusion is inescapable that ... the 'wrong' test result was fed to Bello to 'break' him."

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at Bob Dylan

