‘Crook County: Racism and Injustice in America’s Largest Criminal Court’ by Nicole Gonzalez Van Cleve

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BOOK REVIEW

Crook County: Racism and Injustice in America’s Largest Criminal Court.

A decade ago Steve Bogira’s Courtroom 302 gave us a glimpse of the corrupt
culture of the Circuit Court of Cook County’s courthouse at 26th and California
in Chicago. Now a new book, Crook County: Racism and Injustice in America’s
Largest Criminal Court, throws back the curtain to reveal systemic denial of
due process and the complete mockery of justice there. Author Nicole
Gonzalez Van Cleve obtained an insider’s understanding of the courthouse’s
culture by spending time on both sides of the farcical adversarial system.
Trained as an ethnographer, Van Cleve carried out her comprehensive study
while working as a prosecutor’s law clerk for the Cook County State’s
Attorney’s Office (CCSAO), and later as a clerk for the Cook County Public
Defender’s Office. In both positions Van Cleve ‘participated in their respective
cultures’ (p. xiii) obtaining the ultimate insider knowledge of what she calls the
‘work group’ – prosecutors, defence lawyers, and judges.

In addition to her own observations, Van Cleve conducted 104 interviews
with work group members (p. xiii) and drew on ‘1,000 hours of observations
[over two years] from 130 “court watchers” trained in collecting qualitative
data in the courthouse’ (p. xiii). What Van Cleve and the court watchers found,
and what many in the work group admit, is a criminal “justice” system that
‘assaults our expectations of justice and our notion of racial equality in an era
of supposed colorblindness’ (p. xii).

Van Cleve begins by noting the racial disparity between mostly poor
minority defendants and family members waiting in line to get into the
courthouse and mostly white, well-dressed lawyers and prosecutors who
breeze by, entering as a privileged class (p. xii). She then describes one
example after another of judges berating defendants for asking questions in an
attempt to understand the proceedings. Although defendants’ lives are
literally on the line, they are expected to be silent spectators, accepting of
whatever makes the work group function with the least effort expended, often
at the expense of defendants’ rights to due process and a fair trial. If a
defendant speaks out of turn he or she is often yelled at like a child.
Defendants are viewed by the work group as “mopes.” Van Cleve notes how
‘[s]imilar to the abuses that enforced racial segregation in the south,
defendants were policed out of the legal process through open court humiliation’ (p.80).

Criminal defendants labeled as mopes are viewed by professionals [of the work group] as unworthy of basic due process rights. Accordingly, trying to participate in court proceedings, exercising due process rights, asking questions of professionals, or rendering themselves “visible” to the court professionals in general are all punishable offenses (p. 80).

Van Cleve found that, ‘[g]iven the categorization of defendants as mopes, court proceedings are constructed as a “ceremonial charade,” in which due process is reduced to ceremony without substance for those deemed to be undeserving’ (p. 73).

Van Cleve witnessed people routinely being coerced into pleading guilty, defendants being kept largely in the dark about their rights, and judges threatening to retaliate against defence lawyers for filing pretrial motions to protect defendants’ due process rights. The latter ensures that attorneys self-police and voluntarily neglect their clients’ rights (by, for instance, failing to file discovery motions, motions to suppress illegally obtained evidence, etc.) in furtherance of the social cohesion of the work group. She notes how even defence attorneys who ‘were sympathetic to defendants, … were often complicit in subversions of due process’ (p. 75).

_Crook County_ allows readers to understand how such an unjust system maintains itself and is rarely ever held accountable by the higher courts. A couple of paragraphs are worth quoting at length:

Like blind faith in colorblindness, blind faith in bureaucracy is a dangerous delusion. The coercive tactics required of the ceremonial charade were undetectable to bureaucratic instruments like the court record. It did not take long for me to realize that the court record, the emblematic symbol of bureaucratic fairness was a tool for manipulation – shifting power away from the defendant and to the professionals with a mere wave of a hand. The judge could quickly motion and actually stop the record, thus exerting influence on the “official” story inscribed in her courtroom and making that story the only narrative of justice – a narrative that indemnified professionals from any misconduct and fictionalized decorum above reproach (p. 91).
And:

Most obviously, I noted that menacing or intimidating looks from a judge could not be captured by a stenographer. Laughter and mocking were off limits. And despite being in the court as a clerk, I saw the record not as a source of protection that accurately documented court proceedings, but as a tool of censorship that protected the mainstays of court culture and its brand of racial abuse. Such practices were ambiguous during court call, ... such censorship transforms what should be a device that protects defendants into a device that actually violates their rights. Professionals literally have the power to abuse defendants and then rewrite history (p. 92).

Readers of *Crook County* will come away with a clear understanding of the epistemic arrogance of the members of the work group and their clear abuse of power. Moreover, readers will finally understand what those who have been frog-marched in handcuffs through its back halls know about the courthouse - that defendants are not viewed as human beings, and that innocence and guilt are irrelevant where “professionals” work not to ensure justice, but rather to ensure the smooth functioning of the meat grinder feeding Illinois Department of Corrections. Most importantly, readers will learn why wrongful convictions are so commonplace in Cook County and why it normally takes decades to overturn each one.

Van Cleve notes that it ‘is likely that the ceremonial charades endemic in the Cook County Court are producing mass wrongful convictions’ (p. 185). Speaking about courts in the U.S. in general, Lorenzo Johnson (2016) terms it another way, ‘courts are [being] used as a weapon against the innocent,’ where ‘innocent people are being kidnapped and held captive.’

In Chicago, we have a trifecta of institutions violating people’s due process rights. First, the Chicago Police Department is notorious for torturing and/or coercing false confessions and false statements, planting evidence, destroying or concealing exonerating evidence, intimidating witnesses, and much more. Second, corrupt prosecutors conceal or fail to disclose exonerating or favourable evidence or evidence favourable to defendants, knowingly use perjured testimony, and intentionally mislead jurors to obtain wrongful convictions. Moreover, the CCSAO habitually violates the state’s Freedom of Information Act, routinely denying defendants and the public access to prosecution records. Third, 75 percent of Cook County judges come from the ranks of prosecutors.
It is no revelation that Cook County’s judges work to cover up police and prosecutorial misconduct. Concerning the Jon Burge torture scandal, Steve W. Becker (2007: 211, 224, 213) noted years ago in the *International Review of Penal Law* how:

Sadly because of the incestuous relationship between prosecutors and the judiciary in Cook County (which includes Chicago), torture victims, their lawyers, and human rights organizations have been forced to seek justice in international forums because they have been unable to receive fair hearings at the trial court level … In fact, as a result of its marked pro-law enforcement bias and its fraternity of former prosecutors, the Cook County judiciary has, as an entity, firmly established itself as the final link in a continuing conspiracy to conceal a scandal that has stained Chicago for more than three decades (and that) … Interestingly, Governor Ryan pinpointed the judiciary as the entity most responsible for failing to render justice in the cases: ‘What I can’t understand is why the courts can’t find a way to act in the interest of justice’.

*Crook County* answers that question. It exposes a culture that perpetuates injustice. By denying people’s due process rights and then protecting all actors who partake in those denials, judges ensure not only that they don’t “act in the interest of justice” but also that defence lawyers and prosecutors don’t either because they have no fear of being held accountable.

I do have one bone to pick with Van Cleve. While I find *Crook County* to be an excellent expose of an unjust system, and a “must read” for anyone concerned about a just judicial system, it has one glaring failing: Van Cleve protects the unethical “professionals” by refusing to name names. She claims that ‘it is important to note that protecting the anonymity of those described in this book – be they attorneys, judges or defendants is imperative’ (p. xiii – ix). I find this galling. Why is it imperative to protect defence lawyers who work against their own clients’ interests? Why is it imperative to protect racist judges and prosecutors who deny defendants their rights to due process and a fair trial?

Van Cleve cannot square that statement with her claims that her ‘goal is to turn the lens on those in power’ (p. xiii), and that:

Before any talk of reforming the criminal courts and the complex of punishment can begin, breaking the code of silence is a first step in cultural disruption. Accountability and oversight of this court system is the only way [defendants] will have the protections they need in the courts. The law, due process protection, and even the Constitution are not enough (p. 185).
Even more appalling is that Van Cleve had the nerve to appear on *Chicago Tonight* and say it was imperative that voters know who these judges are in order to have any accountability. If she truly feels that way, why is she concealing these names from the voters/her readers? One can only conclude that she does so out of self-interest, unwilling to withstand the blowback if she were to expose those who violate so many Chicagoans’ rights. So, while she may be somewhat of a whistle blower, she blows a toy whistle while hiding under a blanket. Had she named names, she’d have been a heroine; instead she seems cowardly.

By not naming names, Van Cleve partakes in that same code of silence, turning only an extremely foggy lens on those in power – largely defeating her own goal. Like judges using eye rolls, menacing looks, and hand gestures to keep things out of the official record to deny defendants proof of abuses, Van Cleve’s refusal to name names does the exact same thing. If she had named names, defendants would finally have had some evidence. Others would be forewarned. Once again, silence – this time hers – conceals what she claims to want exposed, and what must be exposed for real accountability.

Nevertheless, *Crook County* does a service to that goal by inspiring others to demand justice. It will take many more “court watchers” and others to expose the extent that racism and classism play in our judicial system, but *Crook County* is a phenomenal jumping off point; and a must read for defendants, prisoners, lawyers, prosecutors, judges, and especially both criminal justice reformers and prison abolitionists.

Van Cleve definitely deserves credit for such an important addition to the public’s understanding of how truly crooked Cook County is. Let’s hope her book finds a wide audience and that in that audience are people courageous enough to do what Van Cleve won’t; expose the names of the unethical and corrupt judges and others who are violating people’s right to a fair trial. Until things change, the public cannot be confident in a single conviction coming out of 26th and California.

References


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Joseph Dole is currently serving a life without parole sentence at Stateville Correction Center. He spent nearly a decade of his life in the notorious Tamms Supermax Prison in complete isolation. He is the author of *A Costly American Hatred* (https://www.createspace.com/5008773) and *Control Units and Supermaxes; A National Security Threat* (www.createspace.com/6269436). He has published in *Truthout* and *The Journal of Ethical Urban Living*; and he is the winner (tied for first place) of the winter 2017 Columbia Journal Writing Contest.

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