

RACIAL DISCRIMINATION IN THE LEGAL SYSTEM: A DISSERTATION ON THE MOVIE THE TRIAL OF CHICAGO 7

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ABSTRACT

Race refers to a group of people who are relatively alike in their biological inheritance and are distinct from other groups (American Anthropological Association 1997: 2) (The Interaction Between Ethics and the Criminal Justice System, Part I). Ruth Benedict in her book “Race & Racism” has described racism as the dogma that one ethnic group is condemned by nature to congenital inferiority and another group is destined to congenital superiority. To simplify, racism in its most general sense can be defined as social practices which attribute merits or allocate values to members of racially categorized groups solely because of their ‘race’. Racism is widespread in the United States of America. African Americans as a community have suffered this discrimination on the basis of their skin colour in different aspects of their lives, initially through a pattern of exclusion and segregation, both informal and formal, in the shape of legislation and court decisions that have historically endorsed overt racial discrimination. I would like to bring to light the presence of this form of racial discrimination in the legal system by building my essay on the movie *The Trial of Chicago 7* by Aaron Sorkin. In the essay, I would like to argue on the point that although fundamental rights are guaranteed to every citizen and the constitution safeguards them, the film shows that the legal system discriminates against people of colour/black people on the basis of their race.

Introduction

The Trial of Chicago 7 portrays the reality of racial discrimination in the United States of America which is still a serious bone of contention between the ‘white’ American judicial system and their black counterparts. One significant reason that racial discrimination is still an issue in the legal fraternity is that Americans seem reluctant to have an open conversation about the relationship between race and crime. Lawmakers ignore the issue, judges run from

it, and crafty defense lawyers exploit it. The idea that race matters in the criminal justice system are hardly shocking and it surely does not surprise most African-Americans. The Yale Law Journal based on 'Racially Based Jury Nullification: Black Power in the Criminal Justice System' which was written by Paul Butler has a liberal critique which states that 'American criminal justice system is racist because it is controlled primarily by white people, who are unable to escape the culture's dominant message of white supremacy, and who are therefore inevitably, even if unintentionally, prejudiced.' These white actors include legislators, police, prosecutors, judges, and jurors. They exercise their discretion to make and enforce the criminal law in a discriminatory fashion. In the movie *The Trial of Chicago 7*, Bobby Seale was the victim of this racial discrimination and faced its repercussions throughout his trial. The movie was based on the infamous trial of the Chicago 7, who were charged with conspiracy and crossing state lines with the intention of inciting riots and protests in Chicago during the Democratic National Convention of 1968. All the defendants were protesting against the USA's participation in the Vietnam War. They were collectively called the 'New Left' and included Abbie Hoffman, Jerry Rubin, David Dellinger, Rennie Davis, Tom Hayden, John Froines, and Lee Weiner, who were part of the demonstrations. However, Bobby Seale who was the head of the Black Panthers was added to the list of defendants despite having no connection with the seven defendants. Seale repeatedly asked Judge Hoffman to take into account that his counsel was not present because he was ill and therefore, the proceedings cannot go on because of his fundamental right to have counsel. However, his right was repeatedly violated, and the judge denied the motion for postponement of trial before the trial began in spite of knowing that Bobby's lawyer was sick. Further, he asked William Kunstler who was representing the other defendants to represent Bobby's case so that he can be shown as a part of the group of defendants but Seale knowing the consequences refused. Judge Hoffman's indifference towards Bobby as a black defendant can be seen throughout his trial. The judge continued to charge Bobby Seale with several counts of contempt of the court and did not let him uphold his fundamental right of having a legal representation. Instances of this kind of racial discrimination include an example where the judge asks Seale to identify one of the black panthers sitting beside him (Fred Hampton) who was 'obviously' giving him legal advice because 'that's what happens when you don't have a lawyer.' Later in the trial when Hampton speaks up on behalf of Bobby, he was 'executed' in a police raid. However, Bobby later makes a point that Hampton was first shot in the shoulder and then in the head and was, therefore, brutally murdered. After 1.5 months of no legal representation when Seale took an objection to testimony, requested to cross-

examine the witness, and represent himself in the court of law, he was beaten, gagged, and chained to a chair. Finally, when the prosecution approached the judge, a mistrial was given to Seale on their advice. This is a strong example of the presence of this form of discrimination in the legal system. Moving to the current scenario, we can find ample examples in the society which suggest the same.

In present times too, the situation is grim as racial discrimination in the legal system of the United States of America is widespread. With the recent waves of police brutality and the Black Lives Matter movement, attention is directed towards this form of discrimination again. A recent report by the Sentencing Project (Quigley, Bill. "Racial Discrimination And The Legal System: The Recent Lessons Of Louisiana | United Nations". UN Chronicles, 2021) shows that African Americans are jailed at nearly six times the rate of whites, and Hispanics are jailed at nearly twice the rate of whites. In some American States, blacks are jailed at more than 12 times the rate of whites. One in nine African American men between the ages of 25 and 29 is now in jail. If these rates of incarceration continue, one in three African Americans born in the United States today can expect to spend time in prison. Human Rights Watch (Quigley, Bill. "Racial Discrimination And The Legal System: The Recent Lessons Of Louisiana | United Nations". UN Chronicles, 2021) reports that though African Americans are but 12 percent of the United States population, they constitute 30 percent of the people arrested, 41 percent of those in jail, and 49 percent of those in prison.

Racism in its best form can be seen by observing the fact that the majority of the judges are white and all heads of law enforcement are white. This American justice system which negatively impacts blacks disproportionately as compared to whites continues in spite of decreasing levels of reported prejudice. Undesirable judgments towards blacks have become a widely accepted pattern of behaviour in society and it is so easily adopted by a certain portion of the society that they are hardly ever criticized or questioned. It is a well-known fact that being black has certain notions for society and a certain type of behaviour is expected out of them. Just like in the movie *The Trial of Chicago 7*, despite Bobby Seale not being related to the seven defendants was dragged into a political case so as to make the case looks scarier and more serious to the jury, it is seen in real life how black people are easy targets for arrest and are made a 'lesson' for the society to follow. In the movie, Aaron Sorkin also points out the Rap Brown Law which was charged on the seven defendants. The act fundamentally makes it a crime to cross state lines with the intent of creating violence, promoting riots, or abetting any individual to perform such activities. This law is called the

Anti-riot Act in the present legal scenario. It was recently used by the Attorney General of the United States of America after George Floyd's death against people who were supporting the Black Lives Matter Movement or protesting against the government.

Social analysts have also developed the idea that prejudice and pre-conceived notions cause discrimination (Hodge, Michael et al. "Institutionalized Discrimination In The Legal System: A Socio-Historical Approach". Explorations In Ethnic Studies). However, individual beliefs contribute minutely to the overall discriminatory actions. For example, studies examining police behaviour with African Americans have tried to impose a "prejudice leads to discrimination" framework on the results. While making arrests or delivering judgements or making laws prejudice is seen towards blacks as Judge Hoffman had towards Bobby Seale. If an individual police officer were asked if he or she is prejudiced against black youths, the response would no doubt be an absolute denial of any such attitude on the part of the police officer, but it is in fact true and depends on the case to case basis and a common assumption that prejudice leads to discrimination cannot be taken into account as the reason for this kind of racism. The system's approach of institutionalized discrimination offers a more robust explanation of questions of inequality in the legal system of the country. This explanation would not be possible if the traditional prejudice-leads-to-discrimination model was applied.

Therefore, it is safe to conclude that discrimination exists in the legal system based on race and it is not a myth. It can be seen in the disparities between rates of arrest and actual arrests, the length of sentences, and the greater disproportion of blacks comprising the prison population and death row candidates. The parasitic nature of institutionalized discrimination has equally infested other components of the legal system. For example, the percentage of black lawyers has remained around two percent for the last several decades. Furthermore, the percentage of black law students hovers around five percent (Kleck, Gary. "Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty"). These discrepancies are part of the historical stance of the laws with respect to blacks in this country. Historical evidence of the founding documents of the American republic indicates the deeply ingrained nature of racism and the importance attached to race and skin colour. Three hundred years of apartheid-like treatment based on an ideology of innate superiority has left whites in America in a privileged position regardless of the class status in which they find themselves. It is automatically assumed that blacks have some propensity to commit a crime and perpetrate violent actions. This "myth" is supported not only by popular media depictions but within the scholarly press as well.

Racism and discrimination are real in the lives of black Americans. The basic guarantee of equal treatment of law is not extended equally in the criminal justice system. The facade of equal treatment is the mythology of the criminal justice system when applied to black Americans.

Questionnaire 1: Reflections on the Writing Process

Please write the title of your paper below.

Racial Discrimination in the Judicial System

2. What is the main claim of your essay?

The main claim of the essay is the existence of racial discrimination in the justice system and the impact it has on people of colour and the impartiality of justice provided to them.

3. What is/are the reasons for your claim? Please write in bullet points below.

The reasons for my claim are-

In the movie *The Trial of Chicago 7* by Aaron Sorkin, Bobby Seale the defendant who was black was dragged into a case of inciting violence and riots just to add weight to the case.

Bobby Seale was not provided with a lawyer despite of his repeated requests and was therefore deprived of his fundamental rights.

The judge's indifference and his attitude towards the black defendant was rude and uncalled for.

When the defendant was deprived of his fundamental rights and demanded them in a court of law he was beaten and charged with contempt.

The defendant's partner who was helping with the case was brutally murdered.

There exists a history of incidents where a black person has suffered injustice because of his colour.

This kind of racial discrimination exists even in today's modern world.

4. While making your argument, are you also refuting any argument? What is the counter claim in this essay?

The counter claim is that the constitution safeguards the fundamental rights of its citizens and has in place the separation of powers to keep in check the system of checks and balances.

5. Please state your thesis statement below.

Although fundamental rights are guaranteed to every citizen and the constitution safeguards them, I would like to argue that the film shows that the legal system discriminates people of colour/ black people on the basis of their race.

6. What are you trying to say/do you hope to accomplish in this essay? (1 – 3 sentences)

Through this essay I would like to bring to light the injustices faced by people of colour in a court of law on the basis of their race and the cause of action which can be taken to prevent this type of discrimination to render a fair and impartial trial.

7. How did you begin writing the essay? Say something about the process (how/why did you choose the primary text, did you move from text to the sources or the other way around, etc.). Was it difficult to find sources or was it more difficult to make a claim?

I began writing the essay by describing what exactly is racial discrimination and then moved forward to associating it with the court of law and taking examples from the movie which is the primary source. I think it was more difficult to make a claim because after making a claim one can easily find sources to support it but if the claim is not articulated properly there is scope of confusion.

8. Have you found five relevant sources for your essay? Please list the sources in the relevant citation style below.

Kleck, Gary. "Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty." *American Sociological Review*, vol. 46, no. 6, 1981, pp. 783–805. JSTOR, www.jstor.org/stable/2095079. Accessed 28 Feb. 2021.

Butler, Paul. "Racially Based Jury Nullification: Black Power in the Criminal Justice System." *The Yale Law Journal*, vol. 105, no. 3, 1995, pp. 677–725. JSTOR, www.jstor.org/stable/797197. Accessed 28 Feb. 2021.

Bonilla-Silva, Eduardo. "Rethinking Racism: Toward a Structural Interpretation." *American Sociological Review*, vol. 62, no. 3, 1997, pp. 465–480. JSTOR, www.jstor.org/stable/2657316. Accessed 28 Feb. 2021.

Hall, Ronald E. "Anti-Racist Racism as a Judicial Decree: Racism in the Twenty-First Century." *Journal of African American Studies*, vol. 19, no. 3, 2015, pp. 319–328. JSTOR, www.jstor.org/stable/43525597. Accessed 28 Feb. 2021.

"Historic Exclusion and Persisting Inequalities: Advancing Equal Rights on the Basis of Race and Ethnicity." *Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide*, by Jody Heymann et al., 1st ed., University of California Press, Oakland, California, 2020, pp. 19–44. JSTOR, www.jstor.org/stable/j.ctv1f8854w.6. Accessed 28 Feb. 2021.

9. In what ways have you used research material? Only as quotation, only as paraphrase, as both quotation and paraphrase, as footnote/endnote.

Footnote/endnote and paraphrase

10. How many sources support your claim and/or support the counter? (Indicate the numbers)

Supporting my claim--4

Supporting counter-claim--1

Questionnaire 2: Peer Assessment

Identify the title of the essay. Does it adequately represent the subject matter of the essay? If there is a subtitle, is it linked appropriately to the subtitle?

The title of the essay is Presence of racial discrimination in the legal system. No, it does not adequately represent the subject matter of the essay because the title gives no idea about the movie, The trial of Chicago 7.

Identify the thesis statement of the essay you are reading. Write it down verbatim. Is the thesis a strong claim and is it detailed enough?

Although fundamental rights are guaranteed to everyone and the constitution safeguards them, the film shows that the legal system discriminates against people of colour/black people on the basis of their race. The thesis is a strong claim but it is not detailed enough. It is vague. The thesis needs to be precise with less redundancy.

Do the Introduction and thesis clearly prepare you as a reader for the issues that are addressed? How can it be made more effective?

The introduction look more like an answer to what racism is. It mentions that the essay is built on the movie Trial of Chicago 7 but no more information is given with respect to the movie. Thesis is not precise. It can be made effective by editing certain things like constitution safeguards them can be removed and only one thing could have been written like people of colour or black people or simply, racial discrimination term could have been used. Although, it prepares me as a reader for the issues that will be addressed but the introduction could have been better in terms of explaining racial discrimination by linking it to the legal system and laws.

Can you find anything that should have been in the essay and isn't, or shouldn't have been in the paper and is? Offer reasons for your choices.

The essay should have covered that Bobby Seale was falsely accused for a murder in Connecticut and was brought for the trial for this charge. Other than this, the essay covers all the instances of racial discrimination happened in the movie.

Do the textual examples support the claims? Are they well-argued, clear, specific and related to the thesis? Which are the strongest examples and which are the weakest?

Yes, the textual examples support the claims. Though they aren't well argued and specific but are related to the thesis. The paper was supposed to be built on the movie but instances from the movie at some points are not explained and are just mentioned as one liner. The strongest example was of bobby being gagged and bounded in the courtroom and the weakest was Judge Hoffman's prejudice towards Bobby Seale.

Does the reader know where he or she is at all times in the paper? Do paragraphs have topic sentences and do they logically flow into the other? Offer at least one example that can be improved and comment on it.

Yes, the reader knows where she is at all times of paper. The paragraphs have topic sentences and it flow from past then present and what the reason is for discrimination in all times.

While, making the second claim, the author talks about a lot of unnecessary statistical data that diverts the reader's interest. This can be improved by trashing out the data from the essay.

While making the first claim, the author talks about the trial history that goes off the thesis and deviates the point author is trying to make as it covers a larger part of that claim.

Does the paper have problems with grammar, spelling, punctuation, logical fallacies, etc. that distract from the point being expressed? Mark those in the text.

Yes, the paper has problems with grammar, punctuations and phrasing.

Are all the secondary source quotations properly introduced and cited; e.g. if there is a quote, are quotation marks used?

No, quotations marks are not used at many places. There is no in-text citation in the essay.

Does the conclusion adequately demonstrate the argument made in the essay?

No, the conclusion brings new data and information instead of adequately demonstrating the argument made in the essay.

Analyse the quality of the sources in the Reference section of the essay. Are the sources relevant to the essay and the thesis in front of you? Are they written in the correct citation format?

The sources used are good quality journals. Yes, the sources are relevant to the thesis and the essay. No, only the journal name is supposed to be italicized but the author has italicized the whole citation.

REVIEWER

Questionnaire 2: Peer Assessment

Identify the title of the essay. Does it adequately represent the subject matter of the essay? If there is a subtitle, is it linked appropriately to the subtitle?

The title of the essay is well thought and adequately represents the subject matter of the essay.

Identify the thesis statement of the essay you are reading. Write it down verbatim. Is the thesis a strong claim and is it detailed enough?

I could not identify the thesis statement because it was not clearly mentioned in the essay but the gist of it was about operational prejudice and biased decision by Judge Julius Hoffman in the movie The Trial of Chicago 7 and a criticism of the same.

Do the Introduction and thesis clearly prepare you as a reader for the issues that are addressed? How can it be made more effective?

The thesis statement of the essay was not mentioned specifically in the essay. As a reader, I was expecting the Introduction to give me an insight onto what is operational prejudice and biased decisions in the court of law and should end with the thesis of the essay as to give me a clear idea as to what it was.

Can you find anything that should have been in the essay and isn't, or shouldn't have been in the paper and is? Offer reasons for your choices.

As a suggestion, the essay can include the present conditions of this type of operational bias i.e. it should've given an overview of the fact if this prejudice and bias still exists in the legal

system and how we are coping with it to make the essay more engaging and relatable to our present.

Do the textual examples support the claims? Are they well-argued, clear, specific and related to the thesis? Which are the strongest examples and which are the weakest?

I think the examples support the claims made. One of the strongest example was disregard of Ramsey Clarke's (former Attorney General) testimony by the Judge Julius Hoffman and one of the weakest example I think was that Judge Julius Hoffman was partial because of his support for the government of the United States of America.

Does the reader know where he or she is at all times in the paper? Do paragraphs have topic sentences and do they logically flow into the other? Offer at least one example that can be improved and comment on it.

In a general sense yes, the paragraphs logically flow into the other

Does the paper have problems with grammar, spelling, punctuation, logical fallacies, etc. that distract from the point being expressed? Mark those in the text.

No, the problems with grammar or spellings does not distract the reader from the point being expressed. I've highlighted the issues where changes need to be made in respect to these.

Are all the secondary source quotations properly introduced and cited; e.g. if there is a quote, are quotation marks used?

Yes, proper in-text citations are present.

Does the conclusion adequately demonstrate the argument made in the essay?

The conclusion does provide a gist of the essay and the arguments present.

Analyse the quality of the sources in the Reference section of the essay. Are the sources relevant to the essay and the thesis in front of you? Are they written in the correct citation format?

The quality of sources used in the essay is very good. The writer has used many journals and dissertations of jurists and quoted them properly. The citation format is correct too.

Questionnaire 3: Revision

In doing your revisions, how much and what exactly did you rewrite? Why did you change what you changed?

While doing my revisions I rewrote my title first of all so that it is more clear as to the fact that the essay takes the movie The Trial of Chicago 7 as the base, I added citations in several areas to make my essay more credible and also made my claims clearer and more assertive so that the reader does not get confused. I also added the provision of Rap Brown Law in my essay because it seemed relevant.

In what ways did the revision improve the paper?

I think the revision improved my paper by making it more concise and at the same time informative and clear to the reader.

Did you find the peer assessment helpful? If so, in what specific ways did it help?

The peer review was helpful in a way that it allowed the other person to review and point it mistakes in the essay and the same time helped me to understand what my essay lacks and what more I can do to improve it.

Quote the sentence which most clearly says what your thesis is and give its location in terms of paragraph number.

My thesis statement is 'Although fundamental rights are guaranteed to everyone and the constitution safeguards them, the film shows that the legal system discriminates against people of colour/black people on the basis of their race.' It is mentioned in the ending of the first paragraph.

Does the conclusion logically follow your argument in the essay?

I believe the conclusion logically follows my argument in the essay and I have tried to conclude my essay well.

Works Cited:

Kleck, Gary. "Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty." *American Sociological Review*, vol. 46, no. 6, 1981, pp. 783–805. JSTOR, www.jstor.org/stable/2095079. Accessed 28 Feb. 2021.

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