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# Paper Wall: The Law as a Tool of Social Division for Courtroom Officials

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# Paper Wall: The Law as a Tool of Social Division for Courtroom Officials

## **Abstract**

The legal system is implicit with biases that shape how it runs on a larger scale, even if its individual members are hesitant about discussing racial, gender, etc. bias.

## **Keywords**

Legal, anthropology, court, defendant

## **Disciplines**

Anthropology | Gender and Sexuality | Law | Race and Ethnicity

## **Comments**

Written as an Anthropology Honors Thesis.

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Paper Wall: The Law as a Tool of Social Division for Courtroom Officials

**Introduction**

On August 11, 2014, Los Angeles Police Department (LAPD) officers Sharlton Wampler and Antonio Villegas confronted and shot an African-American man named Ezell Ford multiple times. Concerned about his being in a “gang area,” the officers stopped their car and began speaking to Ford, who was walking on the sidewalk. After he “veered into a residential driveway and slipped between a car and some bushes,” the officers found him “bent over, hands obscured,” and were concerned “[he] was carrying drugs and trying to dump them. (Larrubia and Keller: KPCC June 11, 2015). The officers decided they had enough evidence, given that he was in an area prone to illegal drug use, to “cuff him,” and a struggle ensued that would eventually kill the man. (Larrubia and Keller: KPCC June 11, 2015). No drugs were ever found in the area.

Although dealing with one branch of the justice system, Ford’s story is telling of the biases that play a role in defining how interactions between legal officials and ordinary citizens go, and what makes examinations of the legal system so relevant. They are significant throughout the justice department – creating relationships with law enforcement while also dictating proceedings in the courtroom. I viewed these trends, which create unequal divisions of power, firsthand in conducting anthropological fieldwork at a courthouse in the mid-Atlantic region of Silver County, over the course of four months. My ethnographic work consisted of participant observation during public hearings or trials, and interviews of courtroom officials

including the District Attorney, Chief Sheriff's Deputy, and Chief Public Defender. Their names here are pseudonyms. Importantly, I found that many of the people I met with and observed were unable to acknowledge the biases that are implicit in the judicial system. The main question that drives my research is why this discrepancy exists, and there is no easy answer for it. From my experience, I would argue that it is a combination of officials' livelihood being tied to their work, and their commitment to a binary sense of right and wrong. In the eyes of the officials, the law acts objectively, without input from individual people. They may contend that the law exists separately because their income, to support their children or pay for their house, is based upon the legal system surviving. For that reason, I hypothesize that they may be less inclined to acknowledge its flaws.

My research focused on biases in five areas, which make up the subsections of this paper. The first is power inside the courtroom, including the way that officials conduct themselves, contrasted with the way that defendants must do so. There are both physical and symbolic boundaries that drive these interactions. The second, power outside the courtroom, has to do with the ways officers in law enforcement make judgments in their day-to-day work, and also how the context of its location affects court attitudes. In the third section, I examine how race is tied to the way that the judicial system runs. Specifically, using accounts from officials at the Silver Country Courthouse, I discuss trends in the race of defendants, lawyers, judges, and juries. Among the people that I interviewed, the Chief Public Defender, Allison Carmichael, pointed to by far the most issues in this area in our meeting. This fact is also significant. Next, I analyze the ways that gender differences become apparent with the way that positions are filled at the courthouse. There are tendencies for men, for example, to occupy the positions of the most power. Finally, I examine how language serves as an indicator of power within the court system.

It is necessary to learn a whole new vocabulary of legal terms to participate in court hearings, and the ability of some people to do so enables them to control what happens more easily.

Meanwhile, others must take a more passive role.

### *Context of the Place and the Players*

These trends are especially relevant today. Although less known, Ford's death is insight into the breadth of people affected that occurs outside of the spotlight. Those events, coupled with other similar ones around the same time led to what became known as the "#BlackLivesMatter" movement, which focused on exposing some of the same phenomena that I examined, with an emphasis on racial discrepancies. As co-founder Alicia Garza (2016:23) puts it, "Black Lives Matter is an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks' contributions to this society, [their] humanity, and [their] resistance in the face of deadly oppression." With its founding, the divisions between law enforcement and minority communities became even more pronounced, turning into a national issue that rallied around the deaths of other African-Americans such as Michael Brown and Trayvon Martin (Garza 2016:23). This tension has made it intriguing to study, and is the backdrop upon which my research is set.

I drew these conclusions during 20 hours of fieldwork and 5 hours of interviews, over the course of four months in late 2016 at the courthouse. Doing so presented several challenges. First, it was difficult to plan my schedule around when there would be hearings going on, which occurred largely in the morning. I did not know what to expect initially, and I was only able to stay for around an hour at a time before I had class. The periods in which there were hearings were also erratic. There were long periods in which there were no trials of any kind, as the prosecution prepared a case against the defendants. Furthermore, I was not allowed to witness a

few different kinds of proceedings, such as family and juvenile court, which limited my ability to conduct thorough fieldwork. In addition, although I got to know some of the attendants who worked in the courtroom, I was not able to participate directly in the hearings. Without a law degree, I was powerless to play an active role in the proceedings I witnessed, and instead watched from my assigned seat as the other actors did.

Towards the beginning of my fieldwork, I had difficulty with the differences in language at the courtroom and in everyday life. During my first few weeks of fieldwork, each time I went to the courthouse I returned with a list of vocabulary terms I had heard and did not understand. I was largely ignored by the courtroom staff until my last few weeks of fieldwork, when several lawyers asked me if I was waiting for my own trial. I sat in two kinds of courtrooms – criminal and civil cases, and settlement cases. The criminal and civil cases took place in much larger courtrooms on the fourth floor, with a judge, space for a large jury, press members, and space for an audience around fifty people. In contrast, the settlement cases took place in a much smaller room, located on the third floor of the courthouse, with only the judge and the lawyers in attendance. Aside from me, there was no audience in these hearings.

Over time I began to note some of the patterns that governed the way that the courthouse was run. From the security checkpoint immediately inside the doors, designed to filter who was allowed in and where they were going, to the placement of sheriff's deputies inside the courtroom, to the location of the main courtrooms on the top floor, to the language used by attorneys and judges, aspect of the proceedings was designed to instill power in the bureaucracy. Gradually, I started to acknowledge these factors, that, intentionally or not, were playing a role in both how defendants and how officials felt. I began to focus my research on the manifestations of the same kind of bias that influenced the death of Ezell Ford. As his case shows, perceptions

about people and the areas in which they live dictate police attitudes towards them. These police attitudes are translated into the official view of the legal system if a case is brought to court. But where do such attitudes come from? Are they based upon fact or rumors, or both? Does the legal system acknowledge any differences between them? Are there demographics that lend themselves to one role or the other? Why? And how does the legal system intersect with religion, with culture, or with society, generally? Should they be separate? As Laura Gomez (2010:501) writes, “racial ideology is an essential part of exploring how race and law co-construct each other in ongoing ways. In the contemporary context, it would be useful for scholars to trace the rise of color-blind ideology as having deep roots in law and yet increasingly embraced in society at large.”

My focus was not limited to racial discrepancies, however. I found that there were important manifestations of gender bias and racial bias, and resolved to study those, and any other biases that I found prevalent. The list turned out to be more extensive than I had anticipated. I initially believed that the courthouse operated in an impartial manner, but with time saw my views changed. Although at first I found the experiences of the defendants themselves more interesting, I shifted focus when I realized the difficulty that communicating with them would be. Officials, on the other hand, would be much easier to get in touch with, and could allow me to conduct more in depth fieldwork. Whereas defendants filtered in and out of the courthouse frequently, the officials stayed. For that reason, I believed that I would have access to a wealth of knowledge that my informants could tell me, and a topic that defined the courthouse as a space.

These areas, which made clear to me that proceedings were not as objective as officials would have liked, were wide ranging. Over the course of my fieldwork I noticed that there were

important distinctions between the amount of men and women who were involved in proceedings at the courthouse. The number of men forced to appear in court, for example, far outnumbered the number of women, while every judge was male. In addition, Silver County is not immune to the same racial issues that made Ezell Ford's death contentious, and I found there were implications about the types of people that exercised power in the courtroom and the people who were subject to it. Bourdieu (1987:837) writes that a trial "represents a paradigmatic staging of the symbolic struggle inherent in the social world: a struggle in which differing, indeed antagonistic world-views confront each other. Each, with its own individual authority, seeks general recognition." But these authorities are not equal to begin with, and this has important implications towards the way that the courts function.

On a personal level, officials' viewpoints were in part representative of a personality type with strong convictions about right and wrong. To enter the field of law enforcement, or prosecution, a person must believe wholeheartedly in their work, replacing any doubts about bias with belief in their morals. In other words, they justify complex social issues on a personal level, using their own lack of wrongdoing as evidence of the system's functioning. This was a trend that I observed throughout my fieldwork. There were important discrepancies between the perceptions of ordinary people and those of the officials. It was common for officials to have a much smaller point of view in evaluating the system.

Generally, the courts seemed to be biased in favor of white people, as each and every official that I met with or observed was white. Furthermore, the ability to speak in the formal manner that the courtroom expected was a crucial divider between people who were able to shape proceedings and those who were shaped by them. This legalese was nearly unrecognizable with common English. When I began my fieldwork, I was forced to familiarize myself rapidly



with this same way of speaking. By and large, most defendants were forced to watch as their lawyers represented them, unable to participate in it. Finally, physical barriers shaped the experiences of defendants when at the courthouse, as people were expected to follow a specific set of instructions when entering and exiting, through areas controlled by courtroom workers. Thus, ordinary people who were forced to go to the courthouse were also forced to conduct themselves in a certain manner and had their time already planned when they arrived.

Interviews proved to be my most valuable source of information during my fieldwork. I gained access to some of the most influential people at the courthouse, and was able to glean much from the experience that they had working. Most notably, I conducted interviews with Allison Carmichael, the Chief Public Defender, Perry Grayson, the District Attorney, Jimmy Molaskey, the Court Administrator, and Richard James, the Chief Sheriff's Deputy. I will introduce each of them briefly, as their work and their backgrounds are very important to my fieldwork. My most meaningful insights arose from Carmichael, who was more aware of the shortcomings of the justice system, and the difficulties of her job. I intended to meet with her for around a half hour or so, but our conversation swelled to an hour. Her main responsibility was gathering information on cases, and making plea arrangements with her clients, but, when necessary, also spent time in court. She was the only person I interviewed who discussed race and demographics with me. In her eyes, the main flaw of the justice system was its inability to move people who did not deserve to be in jail for mental purposes, out. Every other person was reluctant to reveal insights they undoubtedly had from working in the field.

Meanwhile, Perry Grayson, the District Attorney, took a hardline approach to crime and what should be done about it. He had always wanted to be either a police officer or a prosecutor. Thus, he felt very passionately about his work at the courthouse. Although he insisted that if his

office makes a case, they are convinced they have the right person, Grayson acknowledged that at times they may jail people who did not deserve it but solely because, in his words, “there’s nowhere else to put them.” He confided to me that he resented some of the tactics the defense case often uses, such as intimidation of victims.

Richard James, the Chief Sheriff’s Deputy, worked in law enforcement for around 40 years. We talked for around an hour and a half, despite being promised only a half hour or so. Chief James viewed the Black Lives Matter movement as vilifying the entire police force because of a few “bad apples,” and was the best example of someone who had difficulty separating their home from their work life, having spent such a long time in similar positions. This is important because it is indicative of how invested in their work many officials are. This investment, coupled with a devout sense of right and wrong, was common for courtroom workers. Although serving as justification for choice of employment, these attitudes made it difficult for many to acknowledge flaws in the justice system or outside influences. For some, their jobs were tied to who they are, thus making it impossible to critique the system without also critiquing the person.

Finally, Jimmy Molaskey, the Court Administrator, played a less hands on role on proceedings than did the other interviewees, but informed me about basic court practices, and the guiding principles on which the bureaucracy runs. Importantly, these included acting impartially and fairly towards all parties, which was one of the main characteristics that the courts attempted to embody. Previously, the way the courts were to be run was left undefined, but after the implementation of the guiding principles, implemented by Molaskey, this changed. Molaskey was the first interview that I conducted, and his responses about an ‘ideal’ prosecutor and defense attorney were immensely helpful for the remainder of my fieldwork and for future

interviews.

### **Important Literature in the Field**

The fields of sociology and legal anthropology examine some of my core questions, and serve as the backbone for my analysis. Using participant observation as a way of gleaning answers that may shed light on the courts, a variety of authors have written about power, race, gender, and language as they relate to the court system. Despite the differences between individual locations, when taken together they allow for trends to be observed in communities. Bourdieu (1987:841), for example, writes that “[t]he juridical field is the basis of the supply of legal services arising from professional competition; demand is always partially conditioned by the effect of this supply. There is constant tension between the available juridical norms, which appear universal, and the necessarily diverse social demand.” Carol Greenhouse, David Engel, William O’Barr, Alice Goffman, and Patricia Ewick and Susan Silbey, among others, make up an important part of the subfield that analyzes this tension and that came to fruition during the death of Ezell Ford.

Ewick and Silbey (1998:43) write that “[l]egality is a structural component of society. That is, legality consists of cultural schemas and resources that operate to define and pattern social life. At the same time that schemas and resources shape social relations, they must also be continually produced and worked on by individual and group actors.” Exploring how intertwined the law is in defining social relations, Ewick and Silbey insist that the concept of ‘legality’ is intrinsically linked to the makeup of their community. By the same token, illegality shares a similar link with the communities that define it, determining social attitudes towards various actions. Only afterwards are these actions judged to have been acceptable (legal) or not (illegal). This act of judging is key. Many of the people I spoke with during my fieldwork were adamant

that the law acts as an impartial body, separate from outside influences that could affect the outcome of a legal dispute. To Ewick and Silbey, however, the law does not exist in its own sphere, but rather is intimately linked to other sections of life.

In *Praying for Justice*, Greenhouse (1986:198) argues that the residents of a southern town named 'Hopewell,' use their religious faith to "sustain" social ties, and thus, the law. In "framing a desire for freedom – which is not freedom, believers articulate relationships, the idea of whose rewards they cherish. In the desire for freedom, more than in freedom, individuals simultaneously evoke their mutual separateness and their bonds." Meanwhile, "[i]n their confirmed desire for freedom, the hypothesis that social life can be understood in terms of personal meaning is both confirmed and clarified." This is important because it ties religion to social life. Meanwhile, social life, as Greenhouse (1994:175) alludes to, is intimately tied to the law. In *Law and Community in Three American Towns*, she found that people from three different regions of the United States held similar views about the law – namely that they looked down upon people who had breached it, and also appreciated how local laws reflected the values of their specific way of life (Greenhouse 1994:44).

Alice Goffman (2014:122), in her book *On the Run: Fugitive Life in an American City*, conducted sociological fieldwork in Philadelphia, analyzes the ways that African-American men must navigate the criminal justice system. She found that their lives can center around the threat—or reality—of prisons, which can affect them, their family, and their friends (Goffman 2014:183). In other words, these are effects of the biases that govern police or lawyers' judgments. She goes on to explain that the penal system is so internalized by African-American youths that it "furnishes the social events around which young people work out their relationships to one another." Although "contact with the criminal justice system is almost

universally understood as something to be avoided,” certain people or communities can be forced to negotiate a more challenging relationship with it.

William O’Barr, in his fascinating book *Linguistic Evidence: Language, Power, and Strategy in the Courthouse*, describes how language specifically is manipulated by lawyers and judges as a way of creating boundaries between them and common people. There are also different tactics for speaking to men and women. He writes, “the legal system contains another set of assumptions about language and communication [that] are implicit in the regularities of courtroom procedures and may be discovered through detailed observation of courts in action” (O’Barr 1984:39). His point is that, because of the gravity of the situation, languages biases are used as a weapon to tip the scale slightly in one direction or another, but normally at the expense of ordinary citizens.

A number of other authors have contributed important articles to the field that are relevant to my work. Pierre Bourdieu, for example, in “The Force of Law: Toward a Sociology of the Juridical Field,” examines the way that power is manifested in the courtroom, dividing its participants into those with influence and those without it. He explains that “[t]here is no doubt that the practice of those responsible for ‘producing’ or applying the law owes a great deal to the similarities which link the holders of this quintessential form of symbolic power to the holders of worldly power in general” (Bourdieu 1987:842). He explores this intersection of legal authority and social, political, and economic influence.

In addition, Bryna Bogoch, in “Courtroom Discourse and the Gendered Construction of Professional Identity” (1999), writes about a sense of professional identity is maintained, specifically focusing on women. Analyzing court proceedings in Israel, she uses quantitative analysis to show how “the professional competence of women lawyers was challenged and

undermined” (Bogoch 1999:329). Sigurd D’hondt, in “The Cultural Defense as Courtroom Drama: The Enactment of Identity, Sameness, and Difference in Criminal Trial Discourse” (2010), examines how courtroom proceedings are a battle between ways of life, and a convenient way for one set of views to dominate others. Using an example of a Turkish man accused of battery in Belgium, she writes on how the discourse of “Cultural Otherness” shapes proceedings between competing ways of life (D’hondt 2010:67). Next, Brian Johnson, in his piece “The Multilevel Context of Criminal Sentencing: Integrating Judge- and County-Level Influences,” makes a similar argument, but focuses on the sentencing process itself, and the ways that it is shaped by outside influence.

Furthermore, James Ptacek, in *Battered Women in the Courtroom: The Power of Judicial Responses* (1999), argues that the demeanor in responding to lawyers or defendants, specifically when responding to females, is important in maintaining their image. The way that they present themselves is crucial for judges. Nigel Fielding (2013) has also written an interesting article on the experiences that common people have while in court in the United Kingdom, serving as a defendant. Finally, Phoebe Ellsworth and Samuel Sommers explain in “Race in the Courtroom: Perceptions of Guilt and Dispositional Attributions” (2000), racial bias can be difficult to acknowledge due to the emotional response it produces. Guilt or shame at this bias often leads to its stiffening, which does not solve the problem as it continues to affect people implicitly (Ellsworth and Sommers 2000:1372). This is an important factor in explaining how proceedings go once inside the courthouse.

### **Power in the Courthouse**

There is a pyramid of power that defines the way interactions are supposed to go while in the courtroom. It overlaps with gender and race, but also includes other norms I observed and

that make it convenient to separate the officials from common people. At the top of this pyramid of major players is the judge, whose permission must be sought even with tasks so basic as approaching the bench. He dictates notes to the clerks and decides on sentencing. Next, the lawyers also enjoy positions of power within the court system, with their role varying according to their job description. Defense lawyers act as interpreters between the law and their clients, who can have difficulty understanding how to navigate the bureaucracy and make sense of proceedings. Despite their association with the accused, the defense ultimately also depends on the law for their job. They are decidedly more on the side of common people, but there is a limit to how much they can help them. Thus, the law is tied to social relations. And these relations become evident even in the physical layout of the building.

Immediately after entering the courthouse, there is a security station that screens who can enter or not, and what they are allowed to bring. Despite being friendly with the security guards, and visiting at least twice a week, each time I was expected to take my laptop out of my backpack and turn it on. I was made to do the same with my phone. A small fence separated those entering from those exiting, assuring that all visitors had to pass security before they were allowed access to the building. Visitors had no control over this, but rather were expected to abide by these rules even when they were often forced to be there against their will. When in the courthouse, visitors are all treated with suspicion. It embodies the same 'otherness' that was prominent in Ford's death.

Within the courtroom, there are definite boundaries between those who are allowed to participate and those who, if allowed to enter, can only observe. After reaching the top floor where the main courtrooms are, for example, every person must check in with the attendants that guard the doors. These women serve as gatekeepers, admitting and denying people as they see

fit. beforehand, to the point that defendants have no say in what is to happen to them. Once inside, other barriers exist. Bourdieu (1987:828), for example, analyzes the space that courtroom actors perform in, noting that the “judicial space...divides those qualified to participate in the game and those who, though they may find themselves in the middle of it, are in fact excluded by their inability to accomplish the conversion of mental space – and particularly of linguistic stance.” A fence separates the seating area from the jury’s area, the judge’s desk, and the attorney’s seats, separating people in the courtroom into those who are allowed to participate and those who are not. Once in the sitting area, a person can only cross the threshold if they are permitted to. In other words, a prosecutor or judge must give them explicit permission to enter the arena before they become players in this “game.” Even those there for their own hearings were forced to wait. Thus, the legal system exerts influence not only on defendants’ time, but also on the space that they occupy. By obligating them to come to the courthouse, telling them where to sit, and when to be there, the officials exert control over every aspect of their interactions. Everything is organized.

The manner in which proceedings are run can present difficulties, as well. Fielding (2013:297), writing about the law in the United Kingdom for example, writes how “legal professionals recognized that certain legal conventions confused lay participants. For example, ‘the hearsay rule is baffling to witnesses.’ The effect of the doctrine of inadmissible evidence it to exclude context, resulting in criminal history without a history.” This context is not provided deliberately, and despite professionals’ awareness of “lay people’s” difficulties in understanding the proceedings, nothing is done. This is because, although it was not ostensibly obvious during my research, the situation benefits the officials. Writing specifically about how peasants make sense of a complicated legal system, Jane Collier (1975:126) explains that “[c]ivil litigation



between peasants helps to transfer peasant wealth to the higher classes by enriching lawyers and judges, while the ejection of peasants who violate the strict moral code of the community serves to maintain the precarious balance.” Still, this notion applies to anywhere there is difference in social class. The defendants that I witnessed were “transferring wealth” by participating in hearings, as their pay funded the upper classes.

Importantly, the goal of the prosecution is also very different from that of the defense, symbolic of the gap between the two sides. As Court Administrator Jimmy Molaskey explained to me, the primary purpose of these attorneys is to “get a successful prosecution” regardless of any social implications that may underline a case. This is important because it separates the two sides. In contrast, the defendants occupy the last portion of the pyramid, largely powerless to influence the proceedings at all. Furthermore, vulnerability by defendants could actually be viewed as a positive by the prosecution. As Fielding (2013:295) explains, “anxiety signaled engagement.” The justice system’s role had been so internalized that it translated into an emotional response. This anxiety, common to experiences for newcomers, was another way of dividing them from the officials (Fielding 2013:298).

### **Power Outside of the Courthouse**

As the case of Ezell Ford indicates, there is also bias that governs how the justice system interacts with their community. This influence goes both ways; the local ethos affects what offenses the courts are likely to prosecute more strongly, while breaking the law reinforces the idea that some action is wrong. As Greenhouse writes, concerning Hopewell, “litigation – the invocation of state legal authority – is a sign of difference and anticomunitarianism, but difference is also a justification of litigation by ‘insiders’ in defense of their community” (Greenhouse 1994:175). Just as I found during my participant observation, and which many of

my participants declined to acknowledge, the law can be influenced by a variety of factors. It is not independent of outside influence, but rather involved in a complicated exchange of ideas within the context of a place. Johnson writes that his “study demonstrates that the criminal sentencing decision-making process is jointly influenced by individual case characteristics, judicial background factors, and county-level contextual influences” (Johnson 2006:291). These are some of the same influences that Greenhouse alluded to. As Allison Carmichael explained to me, the context of Silver County is shaped by its ruralness and conservativeness, so these two factors help to shape the identity of courtroom officials even if they do not acknowledge it. Judges, in particular, are powerful people with biases that can influence their views. D’hondt (2010:92) elaborates, “the interactional effect of this reconfiguration of identities is that the courtroom setting now appears to be ironically embodying ‘we’-ness together with normality. In this way, the hegemonic position of ‘our’ culture as the invisible epicenter of normality can be maintained in an entirely inconspicuous fashion.”

In looking at the way these judges manage “cultural property,” Tim Murphy (2004:126) explains that “the policy objective is to transform senior judges into managers and to make it their explicit responsibility to manage in bulk the process of decision-making against the background of performance targets and outcomes.” This refers to the intended standardization of the judges’ work, which can be simplified slightly by checking a defendant’s actions against what they know about an area’s value set. Still, implementing it is more difficult, and I saw much variation between individual judges and their styles. Johnson (2006:283), for example, found that “the effect of the judge’s race was noteworthy [whereas] the influence of the judge’s gender was minimal. The age of the judge was significant, however, with older judges being less likely to incarcerate convicted offenders and sentencing them to shorter periods of confinement.”

In my own fieldwork, although on a much smaller scale, I found that younger judges tended to be the most impatient, while older ones tended to be more understanding. It is clear that there is much variation between the kinds of offenses, judges, and sentences that color the way the justice system runs. Perhaps influenced by the relatively homogenous nature of Silver County, this was rarely mentioned to me. I saw it in practice on my own, however.

This was obvious from the simplicity in which the Chief Sheriff's Deputy, for example, viewed his work. His task was simply to enforce this sense of normalcy, and to remove or correct the behavior of those who challenged it. Trish Oberweis and Michael Musheno, however, call into question the police's ability to accurately determine who may be a threat to breaking the law, and the effect that such faith in their judgement has. They write, "police routinely engage in the process of identifying who deserves a softening of the state's coercive powers, dividing some from others. Several 'suspicious behaviors' were listed as criteria" (Oberweis and Musheno 1999:907). These criteria include phrases such as "'Wut up,'" which was included in the "criteria of suspiciousness" (Oberweis and Musheno 1999:907). Thus, the impressions that individual police officers had were central to people's interactions with them, and thus to the actions that the justice system would take. As such, it was not as objective as people would like to believe.

The entire process, rooted in experience according to James, was made according to overly simplified criteria, and led to demographics of people appearing in court more than their population percentage would suggest they should be. Oberweis and Musheno (1999:907) explain, "[t]hrough this power of determination, police create a gulf between themselves and other citizens." Bourdieu (1987:828-829) sums up this same separation between sides, writing that "the difference between the vulgar vision of the person who is about to come under the jurisdiction of the court, the client, and the professional vision of the expert witness, the judge,

the lawyer, and other juridical actors, is far from accidental.” He goes on, describing this divide, “[r]ather, it is essential to a power relation upon which two systems of presuppositions, two systems of expressive intention – two world views – are grounded.” As such, it is by design that there are structural divisions between defendants the court administration. Alice Goffman (2014:100) elaborates that the threat of prison, when citizens are confronted by police can be used as a “tool of social control.” This is contrary to virtually everything that I was told while conducting my fieldwork. Still, it was obvious that there were gaps between the amount of influence different parties were allowed to have, even if it was not admitted to me very often during my interviews.

### **Racial Implications in the Courtroom**

Race played an important role in defining how relations at the courthouse played out. In my own fieldwork, I found that all of the judges and lawyers were white, and that juries, a supposedly objective third party, were also always Caucasian. Sigurd D’hondt (2010:71) sheds some light on this in “The Cultural Defense as Courtroom Drama: The Enactment of Identity, Sameness, and Difference in Criminal Trial Discourse,” writing that “the applicability of particular legal doctrines crucially depends on the fact that the defendant’s otherness is tacitly taken for granted (as an ‘object’ that exists independently of the discourse produced).” In other words, the fact that the defendants are different from the officials is important in how the courtroom runs, and, not only that, this notion is never up for discussion, but rather “exists independently of the discourse produced” as a way of enacting “cultural defense” (D’hondt 2010:92) against people appearing to threaten social order. This was apparent from my fieldwork from the amount of people who came from minority backgrounds that were present.

During our interview, Carmichael also commented to me about how the amount of people

with a minority background in court was disproportionate to the population in Silver County. According to her, she sees a large number of Latinos in the area, most often convicted on DUI charges. She elaborated that, as a minority, a person has a higher chance of being stopped by police, is likely to have a higher bail, less chance of reaching a plea agreement, and more likely to receive a longer sentence. Silver County, in fact, has one of the highest incarceration rates in Pennsylvania. Her explanation for why was fascinating.

Carmichael explained to me that Silver County is “very rural [and] very conservative,” and, in light of that, its current penal system functions as the “new Jimmy Crow,” or a way to “keep black men down.” And this is true about the United States as a whole. I asked her about why the United States has both such a high percentage of people in prison, and a high recidivism rate. One of the main reasons, according to her, is “institutionalized racism.” She told me a story, where, after meeting with a white man she deemed racist, asked him, ‘Would you consider yourself to be a racist?’ He responded: ‘No, it’s like my daddy always said, there are niggers in every race.’ So, she continued, “at the same time that he’s denying it, he’s affirming it.” As such, it is clear that the law is not objective; it is influenced, in this case, by people’s ideas about race. More generally, Good (2008:S57) has written that although “empiricism may be pragmatically justifiable in its use of the testimony of eyewitnesses to establish the chain of events leading up to accidents...yet such an approach seems so fundamentally misguided when dealing with ‘cultural’ phenomena – which are agreed by social scientists to be contextual.” The context of Silver County, in part, was based around these racial divides, so the impartial approach employed by the courts was problematic.

This attitude of denying any wrongdoing, while implicitly contributing to it, creates a climate in which the death of Ezell Ford makes sense. Although I did not witness any kind of

racism myself during my fieldwork, it possible that I walked past or sat next to the man she was describing to me. The power that white people hold over people of minorities, simply by being white, is crucial. The color of their skin on its own creates a power gap that symbolically divides them from other people, without knowing anything about who they are or where they came from. This divide is evident in examining the kinds of people who occupy positions of power in the courthouse. As I have said, every official that I saw was white. Although it may seem like a coincidence, I would argue, given the skewed incarceration rates of minorities versus their population rates, it is not. In interviewing the Chief Sherriff's Deputy, Richard James, he was adamant that police do not even realize that they are examining people for signs of future crimes, it is so instinctive. In fact, it is so engrained in his psyche that, he told me, even while driving the street while off-duty "he is scanning," looking for signs of trouble.

To be sure, not all of the signs that James is scanning for have to do with race. But instinctive decisions about the character of people based upon their physical appearance only point one way. And these kinds of perceptions are indicative of the paper wall that the law erected. Incarceration is an easy excuse to judge communities, and, if proven correct, can be continually used as justification for having such thoughts. Doing so neglects to examine the other factors that led to Ford's death. For example, I would question what creates those instincts. How do police know a specific person could be liable to committing a crime? In the case of Ezell Ford, it had to do with race. Yet, James was very hesitant about admitting this to me. According to him, issues simply have to do with whether or not someone is breaking the law or not. The process is simple. People who have committed crimes already are the most likely to commit more crimes, he told me. He was adamant that it has nothing to do with race, but rather with keeping communities safe. But courts do not exist separately from social tension. This

internalization and subsequent denial of racial biases is very important. If “white people are reminded of the possibility of racial prejudice in an interaction, they may work to inhibit their own racial biases; if they are not reminded, they might not notice, and their biases will often be expressed” (Sommers and Ellsworth 2000:1371). In other words, white people have the luxury of forgetting about racial bias, a notion that, when compounded with Carmichael’s analysis of her experience and the judicial system, calls into question the impartiality of both the law and those who interpret it.

The courts do not exist separately from the rest of the country – the tensions that divide one divide the other. Carmichael told me that the courtroom is “ground zero” for fighting racism, meaning it is where new attitudes are tested. As a space, the courtroom is intrinsically tied to the social issues that the country as a whole is struggling with, meaning that, naturally, the same issues will appear in the courthouse. Despite this, neither Chief James, nor District Attorney Grayson, nor Court Administrator Molaskey could give me an answer about the kinds of demographics that come through the area. When I asked him, Molaskey responded that they “get all kinds of people.” For his part, James challenged some of the deaths, such as Ezell Ford’s around which Black Lives Matter rallied, insisting that the issue was about the civilian’s refusal to cooperate. This difference in perspective was very interesting. Grayson dodged the question. This inability to acknowledge or discuss the issue of race is important. Although I could tell even from my time that I spent in the courthouse that there were racial boundaries present, the officials who work there seemed unwilling to perceive them. The lack of diversity among the employees is not, in and of itself, a problem, by when one demographic is unilaterally responsible for trying other demographics, the situation becomes more complicated. How much power is justified? And where should it be derived from?

On the surface, the power of the law should come from the legal system itself, but we have already seen that the legal system is not independent of social conflict or religion, for example. Thus, it seems that the legal system is empowered, in part, by non-legal factors. The spectacle of the courtroom, from the judge to the jury, is designed to keep the defendant's focus on the present moment. However, his or her presence in the courtroom is usually not an accident. In reality, it is the result of careful power divides that influence decision-making. As I have said, these divides are not unilaterally dependent on the law. They also draw upon community religious beliefs, or cultural beliefs. These factors are rarely on the side of minorities.

Part of the reason that bias is justified is the idea that people of minority backgrounds are more prone to breaking the law. For this reason, they were often unable to climb the social ladder. In *Law and Community in Three American Towns*, Greenhouse et al (1994:131) find that “[i]f the basic struggle for upward mobility is culturally understood as the struggle to transcend nature, then self-mastery becomes highly charged as a positive cultural value. At the top of the hierarchy, social life can be assumed to be self-regulating...In theory, the ‘lower’ orders lack this self-mastery.” Or, put another way, these ‘lower orders’ are “failures...[and] conflict is assumed to flow up the social scale” (1994:131). People who commit crimes are said to have done so because they lack the self-control that the upper classes have; they cannot control themselves from stealing, for example. However, my own experience suggests that it is the officials who have mastered a way of manipulating the way that the system works. Defendants do not have this ability. In *On the Run*, Goffman chronicles the cycle African-Americans can become trapped in once they have negative interactions with law enforcement. The legal system threatens them with jail time, separation of their families, and decrease in income, factors that can force people towards a dangerous path where they can provide better (Goffman 2014:114). Her account



makes clear that, because they do not suffer from any of these same challenges, it is difficult for law enforcement to empathize. The fault is shouldered by the African-Americans who have broken the law, which allows others to feel better about their own identity.

### *Gender Implications in the Courtroom*

Although officials would say that the proceedings are objective, there were a variety of instances where gender bias proved significant. In my own fieldwork, I found that the number of men far exceeded the number of women who faced trial, which Carmichael confirmed. In her eyes, the majority of defendants she dealt with were young, white men, often with children already. On average, about 7 out of 9 defendants were male. Thus, regardless of how officials believed the justice system to be working, it was clear that there were important differences in the amount of people who were being processed by the system. Women likely do not want to be evenly represented in this statistic, but I find it significant that there was such a difference between the two. The amount of people from each gender was not split down the middle. Furthermore, every judge was a male, and every clerk was a female.

These clerks occupied a crucial role in courtroom hearings, yet these roles went largely unnoticed. The clerks transcribe the judges' official decrees, and also are responsible for distributing paperwork and completing forms to keep the courts running smoothly. I never witnessed any judge treat a clerk badly, but the division of power was clear. In handing documents to the clerks, the judges, seated above them in his chair, would drop paperwork down onto their desks that he needed to be completed, with the expectation that they would do it. Similarly, a crucial part of the courts' smooth operations were the attendants seated outside their doors, who acted as gatekeepers in allowing or denying entry to people from the public. Just like the clerks, they were always middle-aged women, and served their role away from the spotlight.

In contrast, the judges and lawyers occupied the main space for where the legal proceedings took place.

In addition, most juries were majority male, as well. This is important to note because “lawyers must at one and the same time acknowledge their subordination to the judges and convey power, authority, and credibility to the opposing sides, to their clients, and, where necessary, to juries as well” (Bogoch 1999:331). In contrast, “judges must display dominance and control, while appearing neutral and objective,” traits most commonly associated with men (Bogoch 1999:333). This is not an accident. It is important to note that nothing about these gender differences are inherently bad, but they are reflections of a system with skewed perceptions. Despite this, many of the people I met with had difficulty acknowledging this.

In her piece, “Courtroom Discourse and the Gendered Construction of Professional Identity,” Bryna Bogoch (1999:329) “analyzes courtroom interactions to determine how gender affects the construction of the professional identity of lawyers and judges in Israeli district courts.” Women such as Allison Carmichael, the Chief Public Defender “face a double bind: one the one hand they are under pressure from their clients and the general judicial culture to adopt an aggressive, adversarial interactional style in the courtroom; on the other hand, if they do so, they incur disapprobation for behaving in a manner unbecoming a woman” (Bogoch 1999:332). Carmichael herself acknowledged gender expectations that accompanied her role in the courtroom. According to her, she is forced to occupy a variety of roles, including “social worker, minister, and mother,” to her clients, a distinctive feature that could only come with being a woman.

To be sure, she discussed the need to also be a “mechanic” or “a plumber,” but the gender implications are clear. Carmichael’s identity in the courtroom was shaped by her being a woman.

She was expected to nurture her clients, many of whom were “young enough to be her kids,” while also serving as an interpreter of the law for them. As Bogoch (1999:332) writes, “women who have achieved top managerial or professional status often feel they are expected to adopt male interactional styles in the workplace in order to assert their authority.” Possibly because each of the judges were male, and the juries consisted largely of males, it was common for female attorneys to behave in what would be considered male behavior. It is paradoxical for a female defense attorney to be a mother and a fierce advocate for their client, yet that is the role that female officials were expected to play.

In addition, gender bias was also evident in how the court addressed its attorneys. Whereas males were referenced more formally, females were often represented by their marital status. For example, Bogoch (1999:344) writes that male lawyers could be called “Attorney Cohen,” while female ones might be addressed as “Ms. Cohen.” Male attorneys were also chastised mainly for being overly aggressive (Bogoch 1999:362), indicating that many felt compelled to adhere to gender stereotypes about asserting dominance while in the courtroom. In other words, gender norms played a role in dictating how courtroom workers viewed themselves and their work. While I myself did not witness any attorneys of either gender being overly aggressive, I noticed distinct styles between the male and female lawyers. The males tended to stand closer to the jury when speaking to them, while the females often stood further away, sometimes behind a podium. I never witnessed a female attorney interrupt a male one with an objection, but I witnessed the opposite, and a male lawyer interrupting another, multiple times.

Bogoch offers an explanation for this phenomenon, which is in line with her own findings. She writes, “in discussions of gender and interruptions, it has been generally been found that women are less likely to interrupt men, mainly because of the power difference

between the two” (Bogoch 1999:346). Despite her assertion that “lawyers often interrupt other lawyers and witnesses in order to channel the testimony in the direction they seek, or to prevent the other side from challenging their own version of reality,” in my experience it was only women who were interrupted by men. Thus, not all lawyers are prone to challenging the other side’s version of events, but rather it is usually men objecting to each other, or to women, in accordance with gender norms. In my own fieldwork, only when reassured by these norms did attorneys tend to object.

Interestingly, many of the prosecutors that I witnessed during my participant observation were women. Within the department, two of the five attorneys are female. While not a large enough sample size to be statistically significant, it was important for my fieldwork. Possibly as a result of the times in which I was able to attend hearings, females normally represented the commonwealth of Pennsylvania in the proceedings. There were implications of this. I would often enter courtrooms before they began to listen to the officials chat amongst themselves between hearings, and when referencing their female colleagues, it was common to discuss their marital status; on one occasion, I heard one person mention that a female colleague had “robbed a cradle,” meaning her husband was young. In all the time I spent observing the courtroom workers, I never heard them reference the marital status of a male.

Thus, there are dominant currents that underline the judicial system, including gender. Although it strives to be impartial, the justice system is not immune to implicit biases, either. Generally, as O’Barr explains, there are guidelines for how female witnesses should be treated. They include being “especially courteous to women,” avoiding “making them cry,” and using the difference in women’s behavior “to advantage” (O’Barr 1984:63). Given that “[w]omen are contrary witnesses. They hate to say yes...A woman’s desire to avoid the obvious answer will

lead her right into your real objective – contradicting the testimony of previous witnesses... Women, like children, are prone to exaggeration; they generally have poor memories” (Bailey and Rothblatt 1973 qtd. in O’Barr 1984:63). The presence of such attitudes within the legal community is telling of how biases continue to exist, even if they are not outwardly discussed. To be sure, the piece O’Barr quotes was written in 1973, but it firmly places the role of women below that of men while in the courthouse. In fact, it is a technique of male lawyers to influence proceedings, specifically targeting women. I did not get a chance to study this during my own research, but within my own limited sample size, I did find make note of males’ more aggressive speaking style while speaking.

There were also differences between how the judges treated female defendants and male defendants. During my fieldwork, it was much more common for judges to lash out at male defendants at a perceived waste of the court’s time. On three separate occasions, I witnessed the same judge raise his voice at men, for their inability to pay someone, or violating their parole. Tellingly, he never did the same to women. Although it is possible that this is just a coincidence, and a result of the judge’s exposure to those three particularly noncooperative men, I would argue that, if “judicial demeanor is best understood as the *emotional presentation of authority* by judges” as Ptacek (1999:95) argues, this is implicit, but rather an explicit attempt by the judge to appear fair and compassionate. Ptacek (1999:95) continues, “the emphasis on *authority* derives from the fact that in the courtroom judges are always ‘doing authority,’ even when smiling or joking with other court officers. The weight of their institutionalized power imbalances every interaction.” Thus, the demeanor of the judges that I witnessed could be interpreted as a way of trying to mitigate this imbalance of power. Still, given that “[h]ow judges speak, the kinds of questions they ask, their facial expressions, how close to the bench they allow women to stand,

how diligent they are at assisting women – all of these behaviors symbolically express an image of authority in the person of the judge” (Ptacek 1999:95), it is a shallow attempt by the ultimate authority in the courtroom at disguising the power that they have.

The attempt at hiding divisions of power is dangerous, as it makes it more difficult to ascertain where one’s authority begins and ends. Still, as I found, an analysis of discourse reveals a variety of important information that underlines the relationships. Bourdieu, for example, examines these power relations more generally. He writes “[t]he history of social welfare law clearly demonstrates that the body of law constantly registers a state of power relations. It thus legitimizes victories over the dominated, which are thereby converted into accepted facts” (Bourdieu 1987:817). Thus, given that it was evoked by someone in a position of power, this subtle difference in treatment becomes an “accepted fact.” Applied to gender bias, and to personal experience within the courtroom, the fact that it was a judge excused him of any accusation of bias towards females, excusing his actions from discussion.

Yet, simply by treating women kindly, the judge made sure that others would follow him. As Bourdieu (1987:842) explains, “[t]here is no doubt that the practice of those responsible for ‘producing’ or applying the law owes a great deal to the similarities which link the holders of this quintessential form of symbolic power to the holders of worldly power in general, whether political or economic.” Put another way, this symbolic power, which judges hold over people’s heads and create gaps even with acts so insignificant as gossiping or greeting them, is crucial in illustrating the difficulties that women face. By and large, however, the officials were unable or unwilling to acknowledge this. If they could, the judges would view everyone exactly the same, gossip about the same things, and address them in the same manner. But at the Silver Country Courthouse, this is not the case.

### *Language Differences*

Furthermore, the way that language is conducted within the courtroom is also endowed with cultural capital that defendants are noticeably lacking. The proceedings can only function in this manner, without any way for defendants to counter it. As D'hondt (2010:92) explains, separation between defendants and officials "is only possible because these techniques for ironically projecting 'we' and 'they' onto the developing speech situation do not challenge the formats of participation that are bureaucratically imposed by the protocol." In fact, "they draw upon and reinforce them; invoking an expert identity or providing information about preparatory meetings accentuates rather than suppresses the attorney's involvement in the inquisitorial part of the criminal procedure." Language is a way of clearly dividing "we" from "they," as it allows one group to run the proceedings in the courtroom. This formal language is known as 'legalese,' and it renders one group of people powerless.

For example, the way that lawyers speak to their clients, and to their opposition's clients, is carefully manipulated to evoke desired responses. O'Barr (1984:18) explains that "legal language is extraordinarily wordy...lacks clarity...is pompous...and [is] simply dull." O'Barr (1984:32) also notes that attorneys make "effective use of variations in question format to get the most favorable responses for [their] client[s]," which allows them to "maintain tight control over witnesses during cross-examination." Thus, language is used as a way of delicately pushing defendants, who may not know exactly what they are being manipulated into doing, towards acting in the way that the attorneys want. I asked Molaskey about this, and he responded that, after meeting with their lawyers, it is expected that the clients understand exactly what is going on. Yet, even by the end of my few months of conducting fieldwork, I still heard words whose meaning I did not know. As I have said, I also had to look up legal vocabulary after starting my

fieldwork, as I found it difficult to keep up with the formal language. This distinction is largely unnecessary, yet, despite this, none of the officials I spoke with thought that this difference in language was a problem – after meeting with their attorneys it was expected for everyone to be on the same page. This language is foster such separation.

Analyzing the “practices and processes” of courts in Antigua, Mindie Lazarus-Black (1995:637) has written how courts are set up around “creating an environment in which certain languages, speech styles, individuals, social groups, or forms of behavior are ‘automatically,’ ‘naturally,’ and ‘hegemonically’ positioned as subordinate.” Legalese, in a way, is an entirely different language from normal conversational speak. This difference serves as a manner of “humiliation” (Lazarus-Black 1995:637). That is why, during my own fieldwork, most defendants sat passively while their attorneys attempted to advocate on their behalf. In addition, the terms that are used within the courthouse serve as a way to separate people from the courtroom authorities. As Lazarus-Black (1995:637) explains, “magistrates become ‘Your Honor,’ lawyers are ‘learned friends’ police are ‘public servants,’ and probation officers are ‘knowledgeable experts.’ Such titles perpetuate the hierarchical relationships between the agents of the state and ordinary citizens, who bring their grievances to court.” This practice of “euphemism” is detrimental. I frequently took note of how judges were addressed as ‘Your Honor,’ in my own notes, despite having been chatting with the same people who addressed them formally minutes before. It seemed ironic to me that this was necessary.

The difficulties that can arise from working in the courtroom are augmented when a defendant is unable to speak English at all. At least once a week a translator was required, usually for Spanish, to interpret the proceedings. Being reliant on another person, especially when their livelihood was at stake, must have been a difficult experience. On one occasion, I



witnessed a Latino man attempt to speak English and represent himself, only to be told by the judge to stop and speak through his interpreter. In other words, the fact that the proceedings take place in English, because that is the language of all the judges and jury members, complicates the hearings for people that may not speak English natively. Furthermore, countrywide, “[w]ho pays, adequacy, checks on the quality, form of interpretation, and who interprets are still subject to much variation within the American legal system” (O’Barr 1984:39).

To be sure, the court does not ignore those people, it helps them, but in doing so they are forced to start from a lower point than are the rest of the population. It is clear it is not the courts’ first priority, and this attitude has effects on individual people and their views towards the legal system. In contrast, those people can worry about their sentence or plea, while others must focus on whether or not they will be able to understand what will happen. On a personal level, I witnessed 5 or 6 defendants during my time working, and it was common for the defendant to appear more downbeat or reserved than the majority of other people. I would imagine that, in part, some of the challenges they experienced in court were related to this language barrier, which was designed to keep one group of people more powerful than any others.

### **Conclusion**

My research focused on the discrepancy between how the courts ran, and how the officials believed that they ran. Ultimately, it is clear that working as a public servant is a difficult job, and that the demands of the position affect the people that occupy them. Carol Greenhouse (1994:131), for example, elaborates further on this and how attitudes towards law enforcement specifically can impact the way a court functions. The positions are high-pressure and demanding, more so because attitudes towards the law depend on the context in which the community is based. Court officials, therefore, must be able to read and react to these attitudes

and make decisions with them. Interestingly, however, the officials I met with had a difficult time admitting this, instead insisting that the system functioned impartially. Given the way that citizens view the law, it is no wonder that the law enforcement themselves share their opinions. However, it is surprising that they struggle to admit this.

Only the Chief Public Defender, Allison Carmichael, had a candid discussion with me about the justice system's inability to influence all demographics equally. In contrast, many of the other bureaucrats that I spoke with, especially those involved with the prosecution or sheriff's department, saw their work through a binary of right and wrong. They expected that everyone shared these views. In other words, their task was simple: to enforce the law. If someone breaking the law, they had to be apprehended. The hearings, therefore, also had an explicit purpose: to bring justice to people who had broken it. Silver County District Attorney Perry Grayson mentioned to me in our interview that his office is confident that they always apprehend the right person. If they are not certain, they do not file charges. In their eyes, the judicial process seemed so simple: law enforcement arrests a person, against whom the DA's office either chooses to bring charges or not. The only relevant information is if the accused broke the law or not, and if there is evidence to support their claim. Nothing else matters. Put another way, to them the law acted equally upon people, regardless of ethnicity, language skills, or skin color.

However, tension comes to a head in the courtroom, where attitudes no longer have any place to hide, and the walls that divide communities become clear. Whether for this reason or not, the lack of control that ordinary people have while in the courtroom is both striking and crucial to their experiences with the legal system. For this reason, people of a minority background are especially helpless, as they do not participate in the process of legality defining

the mainstream is afforded. This is a serious hurdle that minorities must face during their time in court. Had Ezell Ford been given the chance to appear in court, he would have been subject to biases that had to do with his skin color, ability to articulate himself, and his neighborhood or origin, just as he had to when dealing with the police. The reasons for the police apprehending him, despite a lack of incriminating evidence, are rich with anthropological and sociologically relevant motives that can tell much about the biases that shape perceptions.

It is obvious that the context in which Silver County is situated played a role in determining how the proceedings went. Carmichael described the area as “rural,” and “conservative,” and pointed out to me that the rate at which minorities are arrested exceeds the rate at which they populate the area. In her words, the reasons for this was “institutionalized racism,” or the idea that the justice system implicitly attempts to “hold black men down.” James did not explicitly share this same attitude, as evidenced by his discussion of instinct while working in law enforcement, the same instinct that brought the death of Ezell Ford. Still, he, Grayson, and Molaskey all had difficulty having a frank discussion about the demographics that are often found in the courtroom as defendants. This is especially surprising given the number of ways in which the legal system erects a paper wall to separate those within it from those outside.

For instance, the way that people were expected to speak while in court separated those who could switch into a much more formal dialect, and those who could not. The people I spoke with that worked at the courthouse saw themselves as being fluent in the formal speak, legalese, that is necessary for proceedings, while it was clear during my observation that the defendants were not. Still, it was the expectation of the officials that, after having met with their lawyer once or twice, they would be. William O’Barr (1984:18) shed light on this issue, explaining how “legal language is pompous [and] simply dull” And this is just one example of the structure built-

in to the way the courts run that make them less impartial. For people who did not speak English, their experience was even more complicated. They were reliant on their translator to relay the events to them, at the mercy of attorneys, judge, and jury who did not even speak their language. They were truly alone, and not for any fault of their own. Grayson and others' position of power at the courthouse shaped the lens through which they interpreted their surroundings. This point of view was complicated by the luxuries that many officials at the Silver County Courthouse enjoyed but did not include in their assessment that the justice system was objective.

In addition, there was also implicit bias in how women were treated in the courtroom, given that the dominant identity there was male. The context in which it was fostered favored males, as indicated in the ways that female attorneys could be addressed and the way judges were expected to behave (Bogoch 1999:333-346). While judges were expected to always "display dominance and control," stereotypically male characteristics, females could be stripped of their law degree in being addressed as "Ms" or "Mrs." These barriers served as a way of empowering the dominant context in which the courts are situated, which favored men over women and white people over minorities. To reinforce the boundaries that they created, there are other boundaries. There are physical boundaries within the courthouse, dictating where visitors are allowed to go, and demanding that they submit to security before entering. From the moment they enter the courthouse, defendants lack control. Furthermore, the biases that are present in police allow them to make judgments that influence who is arrested, which can be used as evidence of their correctness. It creates a cycle that endorses a legal methodology that does little to better the lives of people who are struggling. In light of this, it is no wonder that the Black Lives Matter movement has risen, and that the deaths of people such as Ezell Ford, helpless to resist both inside and outside the courthouse on their own, have inflamed whole communities to

do so on their behalf.

Officials can become so committed to their work that they had a difficult time separating it from their personal lives, causing this significant discrepancy. Grayson, the Chief Sheriff's Deputy Richard James, and court administrator Jimmy Molaskey all mentioned this to me. They were so personally invested in what they were doing that they had a difficult time acknowledging some of the flaws in the system. The 'instincts' that accompanied law enforcement jobs were also a tool for associating communities with negative ideas. On the other hand, the Chief Public Defender, Allison Carmichael, saw the system's disproportionate incarceration of minorities as a huge problem. The difference in perspective is striking, despite that all four work in the same building. Carmichael was decidedly more on the side of the defendants. In essence, there were inhibiting factors for people foreign to the legal system, yet the officials were so used to them that they did not take them into account. This lack of reflexivity was specific to the prosecution.

In part, this is because the defender's office gets to know its clients much better than the prosecutor's office does, who is acting on a file they have compiled, or a name. This distinction sums up the relationship between the two sides that are so crucial to the justice system. Interestingly, despite this acknowledgement, by and large the officials at the courthouse would not or could not see flaws in the justice system, as it was intrinsically tied to their sense of personal and local worth. Officials gave into artificial coloring of the law based on their local context, and internalized it to the point that they believed wholeheartedly in it. Their belief was so absolute that they did not view it as subjective, instead arguing that the law was an objective judge of community character. They seem to deny that law has links with any other aspect of life. This problem then reproduced itself, creating a cycle of division that has come to a head recently and will continue to do so until important social changes are made.

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