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June 28, 2007

Timothy Evans
Honorable Chief Judge
Circuit Court of Cook County
Daley Center, Room 2600
Chicago, Illinois 60602

Re: Judge Pamela Hill Veal

Judge Evans:

I was greatly disturbed by the debacle that occurred on May 25, 2007 concerning African-American Judge Pamela Hill Veal and Attorney Allison Smith, a 27 year-old, three year Caucasian member of the bar, in which Judge Veal sentenced Attorney Smith to 14 days for contempt of Court. I observed another victory for white supremacy and insult to the African-American community. In another black/white clash in which the dignity and respect for African-American rights and authority is challenged over white privilege, the whites won – the operation of prejudicial white power.

Normally, the judicial decision of a Judge is a non-issue. The Court supports him/her. To contest it, one must follow the Court rules or the civil practice procedures. To elevate the decision of African-American Judge Veal to an issue of paramount urgency and significance, ignores the Judicial process and is an exercise of power over procedure.

I am advised that the attorney, aside from judicial processes, after being adjudged in direct contempt, was brought within twenty-four hours into the Judge's courtroom on orders alleged to be from the Chief Judge's Office. Judge Ken Wright, Presiding Judge, First Municipal District, appeared in chambers, inferring that the Chief Judge's office required that Judge Veal must reverse her order of contempt and release Attorney Smith. After Judge Veal's initial refusal of release, with an air of insistence and intimidation from Judge Wright, her superior, Judge Veal submitted to the

pressure and was compelled to reduce her contempt order, adjudging "time served" after 24 hours. The Attorney then refused to apologize to the Judge for her contemptuous actions. Although a Perfunctory Emergency Motion requesting relief was presented to Judge Veal when she appeared on the Bench, Attorney Smith had already been returned from the jail without Judge Veal's Bring Back Order and without her knowledge.

This was a highly unusual episode in judicial procedure. It contradicts any pretense of preserving the integrity and proper functioning of the judicial system. This action required Judge Veal to be a participant in a "Paris Hilton" phenomenon. Even the timing of the action contributes to the disdain of the authority for the position of Judge Veal, causing extreme embarrassment to her.

However, the essence of that unfortunate occurrence is the symbolic significance of preventing a Black Judge exercising her power over a white, ever so unaccomplished, lawyer and its affect upon society and particularly the African-American community in its conception of justice and fairness. Black people in the United States have had power only in relation to other Black People, as earlier when African-American police officers could only arrest African-American offenders. Real power for African-Americans is ultimately going to be about African-Americans making decisions that must be respected by all ethnic groups.

As stated by Clayton Riley, New York Journalist, "If the use of power doesn't change substantially as the color of the decision makers change, the gains will mean very little." Clearly here, Judge Wright, an African-American, assumed the role of an instrument of the "oppressor," the institutionally racist Judicial/legal System, in carrying out the mandate that the whites must not suffer penalty at the exercise of Black discretion. Here, even where the African-American is in a position of power, the institution prevails.

Indeed racism and prejudice are omnipresent in the judicial/Court system. A few examples: when Lisa Willis, near nine-month pregnant African-American woman was held in contempt for eleven days, by Judge Jane Stewart, despite all attempts to legitimately request a reconsideration, or appeal from the order, no effort was made by Judge Wright or Judge Evans to overturn or reduce the order but judicial process was followed.

Further, when Judge Stanley Sachs spoke from the Bench to white officers who failed to prosecute white law enforcement officers, and the judge scolded the officers, declaring that the officers would have treated African-Americans much more harshly, quoting the words that the officers would have used, the Judge was penalized by being transferred from the Bench. A wrong message was sent to policemen.

This illustrates in all dimensions, when the victim is black, no extraordinary aid will be granted to him or her. And when efforts are made in behalf of the African-Americans, as in Judge Sachs's case, the Judge is penalized. It appears that any ruling against an African-American is an acceptable ruling. A ruling favoring an African-American in a racial situation is not – whether by a Caucasian or African-American Judge. Further, a ruling against a white in a racial situation is questioned.

A concern arises that your office's failure to support a judge who took an unpopular position in a black/white situation will discourage other judges from reaching difficult decisions, even if they are following the law. A wrong message is sent throughout the legal system that the power of an African-American Judge to chastise a white attorney is scorned by the authority, allowing for the ever-growing disrespect of African-American Judges and lawyers throughout the system.

Lani Guinier, the Harvard law professor, in her book *The Tyranny of the Majority*, regarding justice and equality in our democracy, stated that the standard for justice on behalf of statutorily protected minority groups should incorporate the following principles:

1. that each group has a right to have its interests represented, and
2. each group has a right to have its interests satisfied a fair proportion of the time.

Once again the interests of the African-American was subordinated to the institutional domination of the white perspective. In 2007, we should focus on outcomes. Ultimately those in power must draw a line in the sand.

Certainly the Chief Judge has supervisory authority over all judges and their control and respect within the jurisdiction. I believe that the failure in this instance to support Judge Veal ultimately rests with you, regardless of who precipitated that action. We would hope that when our society experiences future such occasions, the interests of the African-American community will be equally satisfied in our Court system.

Very Truly Yours,


Lawrence E. Kennon, Esq.

cc: Judge Pamela Hill Veal
Judge R. Eugene Pincham
Bill Hooks
Carl Turpin, President
CCBA
