The clock was the herald of death. Mary and I kept noting how our living room clock’s minute hand seemed to tick louder as the day went on. As we heard the ticks, we kept looking up: 10:02 a.m. . . . 1:47 p.m. . . . 5:32 p.m. We tried to keep busy, but still the hours dragged by. I’m sure they were flying by for Robert Butts. Robert was on death row in Georgia and scheduled to be executed that very day, May 4, 2018. He was a convicted murderer who was alleged to be a gang member. I’d been working with him as an expert witness since 2005. A text came in the early evening that the U.S. Supreme Court had temporarily stayed his execution. We barely had time to feel a frisson of hope when, moments later, another text announced the court had declined to consider his case. At 9:58 p.m. (EST), Robert Butts was injected with a lethal dose of pentobarbital. Prison officials said that he twitched and said, “It burns, man.” Then he took his last breath.

That night, I thought back over Robert’s playful posts, under a pseudonym, on my Facebook page, daring me to figure out who he was. He wrote with another name because he was on death row at the time and used a smuggled-in “cell phone” to post. I was stumped trying to figure out who this mystery guy could be, and, finally, he had to call me to reveal his identity. I was astonished to receive a rogue phone call from Georgia’s death row. His calls continued for several weeks until his phone was confiscated. I don’t remember now all of what we talked about. I know it wasn’t about his case. He was realistic about his situation and didn’t want to get too hopeful. I told him I used some of his
poems in a class I was teaching (Butts 2013), and we discussed his writing. We bantered as much as anything, just like two normal people. And now, he’s dead.

However, like nearly all of the gang members on whose cases I’ve consulted as an expert witness, Robert wasn’t innocent: he was actually guilty. He participated in a carjacking, and a completely innocent man, Donovan Parks, was shot and killed. Robert was one of eighty-three gang members, sixty of whom were charged with murder, on whose cases I consulted over the past twenty-five years. Seventeen were facing the death penalty. Only two or possibly three of those people were innocent. Most of the men and women whose courtroom tales I tell are not sympathetic. They belong to a stigmatized group: a gang. A former president of the United States and many Americans consider the people grouped under this label as “animals” or barely human. Why would I want to tell their stories?

I’ve discovered firsthand that what transpires in the trials of gang members is a far cry from what we would consider justice. The heart of this book is a set of stories revealing what actually goes on in a courtroom when the defendant is a gang member. This is not a dry legal text about due process or procedural justice. This book demonstrates, through real-life stories, how stereotypes, implicit bias, and demonization undermine any notion that a verdict or sentence could be based only on the facts as presented in court.

For example, consider the trials of Robert and his codefendant, Marion Wilson. They were said to be members of a gang in Georgia named “Folks.” The court qualified a white police officer, Ricky Horn, as an “expert” on gangs, though, he admitted under oath, he learned most of what he knew of gangs from TV and the movies. Horn testified that “FOLKS,” the name of the gang, was an acronym for Followers of Our Lord King Satan. Not only were the defendants young Black male gang members; prosecutor Fred Bright’s coup de grâce was his assertion that they were devil worshippers to boot! In my postconviction testimony, I explained that “Folks” derived its name from a now-defunct coalition of Chicago gangs opposed to the rival “People” coalition. It’s also a common slang term, as in “your people, my folks.” It has nothing to do with the devil and his works and ways. Often, when we say a defendant has been demonized, we mean it figuratively. In this case, the term became literal.

Marion and Robert’s trials were in Milledgeville, Georgia, a Bible Belt city whose main claim to fame was that it was Georgia’s capital during the Confederacy. Milledgeville is also the principal city in Baldwin County, made infamous by Bryan Stevenson (2015) in Just Mercy. I’m sorry to report that injustice in that district didn’t end with the railroading of Walter McMillian, the wrongfully convicted subject of Stevenson’s stirring book.
At both Robert and Marion’s initial trials, their literal “demonization” as followers of Satan went unrebutted by the defense. Do you think the prosecutor’s declaration that these two young Black men were devil worshippers just might have influenced the juries to sentence them to death? We’ll never know for sure. The jurors may have concluded that the crime warranted the death penalty based solely on the facts of what was a brutal murder. Don’t forget, unlike Walter MacMillian, Robert and Marion were guilty as charged.

But we know from social psychology that dehumanizing someone, like calling them “servants of the devil,” gives us moral permission to do violence against them—the undeniable violence of a death sentence. This psychological process is similar to how the initials written on Rodney King’s police report, “NHI” or “No Humans Involved,” justified his brutal beating (Wynter 1994). After all, if “they” are not really part of humankind then “we” are allowed to beat them, dispose of them, or even kill them. If “they” are animals, it’s okay to put them in cages. As Donald Trump bellowed to a cheering crowd at a 2016 Nashville campaign rally, gang members “are not human beings! They are not human beings!”

I fundamentally disagree with the former president, and I think most Americans are neither so crude nor so barbaric. However, I’m mindful that many people are unconcerned with what happens in court to gang members and even less so with those who kill. Many think, “They are guilty anyway. Who cares how they are convicted?” There is considerable sympathy among Americans for the worldwide trend toward disregarding the rule of law and even nodding in approval at vigilante violence as long as it is against “them.” Ionesco’s (1960) satiric play, Rhinoceros, depicting how, in the 1930s, many Frenchmen turned into stampeding, Fascist beasts, has ominous and obvious contemporary parallels. It can happen here. In fact, it did on January 6, 2021.

The Awesome Power of Stereotypes

I’ve been doing gang research for nearly forty years. I’ve studied gangs firsthand in Milwaukee and Chicago. I have traveled around the globe for my research, to the point where one of my books is called A World of Gangs (2008). My books concentrated on understanding the conditions that give rise to gangs and what is often destructive rebellion. My slogan is “research not stereotypes.” In this book, I use my research to dispel many of the most egregious stereotypes of gangs. But my experiences in court have shaken my faith in the efficacy of reason and research. I’ve discovered how the negative associations of the categories that people use to order the world, like gangs, persist even in the face of research, like my own. When I’ve attempted to
educate juries, judges, lawyers, and the other participants in the court on how gangs operate and how people come to join gangs, they often are not convinced and continue to see gangs as some exotic “other.” To understand what has been happening in courtrooms and minimize that divide, I realized I had to turn my critical gaze from “them” to “us.”

I apply studies in social psychology to explain why guilt by association is, in fact, the default, metaphorical way all of our minds work—including jurors. Confronting stereotypes with research and reason doesn’t always work either. I give some distressing examples from my own testimony of the “backfire effect”—juries turn off when they hear research or arguments that run counter to their firm beliefs. Studies have concluded that some people even dig in and become more resistant to persuasion when confronted with facts they don’t like.

I use my courtroom stories to explain how our minds work subconsciously when primed by even the slightest mention that the defendant may be a gang member. I show how the image of a gang member, a type of persuasive construction called a prototype, is deeply embedded in our minds. This frightening image colors what we think about anyone in the category of “gang member.”

For example, I asked my undergraduate classes, “Close your eyes and think of a gang member,” and they overwhelmingly thought of an image of a dangerous-looking dark-skinned thug. Google an image search for “gang member,” and several pictures like the one in Figure 0.1 appear. Walter Lippman (1922, 3) called stereotypes “pictures in our head” and some involuntarily come to mind as soon as the word “gang” is uttered. This is why prosecutors love to bring gang evidence into a case even when it isn’t relevant to the crime. It is the definition of “pre-judice”—judging based on preexisting images and beliefs about gangs that color the evidence presented in court.

I let Patrick Stout tell you how he was forced to take off his shirt and reveal a tattoo on his arm that the prosecutor claimed was evidence of hardcore gang membership. These tattoos primed the jury to think Patrick was a dedicated, murderous gang member and were instrumental in persuading them to sentence him to death. Later, during an ineffective counsel hearing, I pointed out the tattoos, in fact, meant the opposite—that Patrick had little knowledge of the gang or its symbology. Fortunately, the appeals court overturned his death sentence, though it upheld his conviction.

Of course, race colors everything in a courtroom. A gang member is the “prototype” of the deep-seated fears white people cultivate of a “violent, criminal, and hostile” Black male: a fear of “the other.” N. Winter (2008, 19) explains how we all hold in mind preexisting racial “schema,” relatively stable patterns of racialized thoughts and beliefs that have developed culturally over centuries. He argues that racial schema (2008, 20) “can lead us to attribute stereotyped characteristics to people on the basis of only their
group membership” Jennifer Eberhardt (2019) and others write about this as “implicit bias.” I describe how it automatically and universally affects a jury’s decision-making.

I give multiple examples of how gang trials are about right and wrong but more ominously about them and us. The demonizing of gangs is an example of what psychology calls the fundamental attribution error, a widespread belief that crime is more the result of the offender’s “evil” character than the circumstances of the criminal event. I show how stereotypes and demonization strip away an understanding of the context of a crime and the real-life biography of the offender.

I take you into the act of murder itself and debunk prosecutors’ often-stated claim that murders by gang members are ipso facto cold blooded. For all but a handful of professional hitmen, the act of murder has horrific emotional consequences for the perpetrator. I let several gang members explain in their own words their shattering reactions to their own lethal acts of violence. I argue those reactions are evidence of humanity—monsters or animals aren’t personally devastated by a kill.
But why does all this matter? After all, aren’t stereotypes and demoniza-
tion, as used by prosecutors, an effective way to get to a desired end—the
punishment of violent criminals? Many believe evil constantly threatens us,
whether in the guise of gangs, illegal immigrants, or terrorists. We are ter-
rified and feel we are, therefore, justified to use any means necessary to ex-
terminate the enemy, like pests or a virus, before it exterminates us. To this
mindset, each trial is a battle of good against evil. But our courts place
plaintiffs and defendants before their peers not to battle good and evil but
to determine innocence or guilt of breaking the law.

I’ve found juries’ exaggerated fears are often implanted and inflamed by
prosecutors who make use of crude stereotypes of the “big bad wolf” to suc-
cessfully frighten juries. This book reveals that the “us vs. them” demoniz-
ing of mainly nonwhite defendants has become routine for prosecutors. The
prosecutor’s job too often is not to discover the truth but to win cases. Suc-
cessfully demonizing a defendant has the added benefit of being useful for
prosecutorial career aspirations. My thesis is that the stereotyping and de-
humanization of gangs and nonwhite others is the psychological rationale
for our mass incarceration society.

The Myth of Sisyphus

This book is not a morality tale, like Stevenson’s (2015) Just Mercy, where
the injustice lies in the possibility that the innocent might be convicted. On
the one hand, my forty years of experience with real live gang members
strongly supports Stevenson’s profound words: “Each of us is more than the
worst thing we have ever done.” However, most of the subjects in Steven-
son’s (2014, 17–18) book and movie are innocent, and we are outraged at
their wrongful convictions and the lack of official compassion for their
situations.

The stories in this book, on the other hand, are more complicated. They
are about gang members who killed, sometimes over a gang rivalry or some-
times over a dispute in a drug transaction or robbery. Perhaps the subject of
the story murdered someone in response to out-of-control feelings of hu-
miliation or in retaliation for previous acts of violence. Some killings were
fatal mistakes committed in confusion as a young man was high or furiously
angry. You can understand some youthful killers, like Jacqueline
Montañez, by understanding her childhood of abuse. Some, however, like
Michael Cooks, were in the wrong place at the wrong time and their emo-
tional reactions, along with the presence of a firearm, ended human lives.

While my testimony has resulted in acquittals and reductions of charg-
es, typically the best I’ve accomplished is minimizing harm. In the last
chapter, I tell you about Francisco, whose attorney congratulated me and
Introduction

said this sixteen-year-old’s thirty-three-and-a-half-year sentence was a “victory.” Without my testimony, the public defender said, it would have been much worse. Thirty-plus years didn’t look like a victory to Francisco, to his mother, . . . or to me. My stories are filled with heartbreak.

The ancient Greek myth of King Sisyphus, who was doomed by the gods for eternity to keep rolling a boulder up a hill in Hades only to have it roll back down, is an apt metaphor for my stories. The writer Albert Camus famously declared that one must, ironically, imagine Sisyphus happy with his unending task, because it leaves him always striving toward the heights of his purpose. Like Sisyphus, my message is to carry on even if defeat is inevitable.

This book does not follow the standard narrative of heroes and villains or of an eternal battle of good versus evil. I’m in sympathy with the critiques of prosecutors by Paul Butler, David Medwed, Angela J. Davis, Babe Howell, and Emily Bazelon. However, I’m a social scientist, an activist, and a storyteller, not a lawyer or a journalist. My stories reveal verdicts and sentences that undoubtedly relied on harmful stereotypes outside the evidence. Most do not have happy endings. While I testify for the defense, I also don’t believe anyone should get away with murder. In my world, right and justice do not always, or even eventually, prevail. So why would I want to do this work?

Why I Wrote This Book: Arthur Dent’s Story

I don’t think there was a single turning point in my decision to retreat from academia and use my research to combat stereotypes in court. I have more stories to tell about bizarre courtroom dramas than I can fit into these pages. Throughout the book, I add some personal anecdotes about changing stereotypes and my struggles with my own “them and us” mentality. Thinking back, a good example of why I have devoted the past few decades of my life to working as an expert witness is the ambiguous case of Arthur Dent.

Andrea Lyon, a clinical professor of law at DePaul University at the time and a lawyer so known for capital cases she earned the moniker “The Angel of Death Row,” represented Arthur Dent and asked me to look at gang-related aspects of his murder charge. Like most homicide cases I’ve consulted on, at first, this case seemed open and shut. Multiple witnesses identified Dent, a thirty-four-year-old gang member, as “the old guy on a bike” riding through rival gang turf and shooting and killing Aaron Seay. Two eyewitnesses, Romelle Coleman and Alonzo Washington, gave video recorded statements identifying Dent as the shooter. The prosecutor is video recorded as asking whether their statements were coerced in any way and
whether they were treated well by the police. All the defendants unsmilingly answered to the camera that they were treated well and their statements were voluntary.

I took the #60 CTA bus to Cook County Jail from my office at the University of Illinois–Chicago to interview Mr. Dent. The University of Illinois–Chicago is about a half-hour bus ride away from the forbidding cluster of buildings that housed at the time more than ten thousand prisoners and a similar number of staff. Cook County Jail is like an urban plantation with the incarcerated, mainly Black people and, over the past decade, an increasing number of Latino inmates, serving as its “slaves.” The “ overseers” become whiter and whiter as you move up the ranks from correctional officers to supervisors, court clerks, prosecutors, and judges. About 90 percent of those behind bars, like Arthur Dent, were being held awaiting trial, meaning they had not yet been convicted of any crime. What Nicole Gonzalez Van Cleve (2016) calls “Crook County Jail” symbolizes what Michelle Alexander (2010) calls the “New Jim Crow.”

Getting through security into one of the eleven divisions of the jail is an exercise in the Kafkaesque. The rules change depending on who is at the division gate. Sometimes correctional officers briefly patted you down and sent you through. Other times, they found items that could not be permitted into the jail, like my medicine for diabetes or the wrong kind of notebook. One time, jail guards didn’t allow me to put my meds in a locker, but they said I could hide them under the bush outside the gatehouse while I was in the jail. I could pick them up when I was finished, assuming they would still be there. Sometimes they let me in with my meds; sometimes they didn’t. I just never knew when a rule would be enforced—or a new one made up.

Arthur was a tough-looking guy in his midthirties with a balding head. He was affiliated with the Mickey Cobra gang and had been shot and wounded a few months before by a member of the Gangster Disciples. The neighborhood where he had sometimes hung out, Ellis Towers, was a hot spot for violence between a host of gangs and factions of gangs. In 2005, when the homicide took place, violence within gang factions was as likely as violence between gangs. Andrea Lyon brought me into the case to explain that to the court. It was almost three years after the shooting and Arthur’s case had not yet gone to trial. This is not an unusual time span for Cook County courts. In fact, one inmate was found to have been held without bail for more than ten years before his trial.

Arthur described to me the complex gang relationships in the area both between and within gangs and volatile interpersonal conflicts over drugs, other illicit businesses, and gang loyalties. The dominant gang in the area, the Black P Stones, was in turmoil due to the emergence of a new Emir, or street leader. The Emir, Arthur told me, was dangerous since he was always drunk.
Arthur listed a diverse set of male and female drug dealers and gang members with a variety of plausible motives to shoot at the victim, Aaron Seay. Arthur told me Seay had been a “stickup man” who robbed drug dealers and so, obviously, had many enemies. One of the main area drug dealers, Dora, bankrolled her business with an insurance settlement and had multiple relationships that had resulted in numerous personal jealousies that might also have led to violence. The Ellis Towers area was a tinderbox, and the shooting of Seay was one spark that everyone feared could set the area on fire.

When questioned by police, Romelle Coleman, a Black P Stone, at first suggested a fellow member named “Face Mob” as the shooter. Then, Arthur told me, Romelle realized admitting a P Stone did the shooting would bring on conflict between the Stones and the Gangster Disciples. So, during his interrogation, Coleman switched stories and put the blame on Arthur Dent. Arthur had a motive from having been shot a few months before, but he was neither a P Stone nor from the neighborhood. If he were named as the shooter, the local Black P Stone set wouldn’t get the blame.

Arthur’s alibi—that he was with his girlfriend a hundred miles away—didn’t really hold up. All calls from jail are recorded, and I read a transcript of a call Arthur made telling his girlfriend to convince detectives he was with her and not in Chicago the day of the shooting. And to make things worse, this wasn’t his first homicide charge. When he was eighteen, he was sentenced to thirty years for murder and was on parole at the time of this shooting. After hours of changing their stories, the two eyewitnesses gave a video recorded statement positively identifying Arthur as the shooter.

Leaving the cell where I interviewed Arthur, I was conflicted. He came off as “street,” and his blunt and profane personality would grate on white police officers, prosecutors, and many jurors. His story had more than a few holes, and his prior homicide on his rap sheet wouldn’t help. On the other hand, I liked him, particularly because his lively description of the Ellis Towers area blended gang history and clashes between flawed but larger-than-life personalities. The changing nature of violence on the streets that I’d been documenting for years was well illustrated by his complex tales of jealousy and factional conflicts. He had his own opinion about the perpetrator, but it was clear there were too many motives from too many possible culprits to easily figure this shooting out. I found credible his view that he was picked out by the police because of his record, who then coached the eyewitnesses to confirm the charge. In my eyes, however, even if police truly did coerce the accusation, it didn’t mean he didn’t do it.

A squinty-eyed chubby white deputy sheriff escorted me out of the cell, where I had interviewed Arthur, and led me to the front gate. He growled to me, “Why are you talking to a scumbag like Dent?” I answered stiffly, “I’m not certain he is guilty of the shooting he’s charged with.” The deputy, who
was older and clearly believed he had seen it all, muttered, while looking straight ahead: “Well, if he ain’t guilty of that, he’s guilty of somethin’.” Arthur Dent was an unemployed African American gang member, on parole, and had a violent past. As far as the veteran deputy was concerned, Arthur was deserving of prison because of who he was. The facts of this specific crime were less important. The deputy sheriff’s belief in Arthur’s guilt based on a judgment of his character and gang membership rather than on the evidence was like the movie *Groundhog Day* for me. I’d relive those sentiments over and over again in court.

The facts of this specific crime became a bit more problematic as I investigated the case. Years later, I would show my college classes the prosecutor’s videotape of Coleman’s eyewitness statement to police. I would ask my students what was wrong with this picture? No one really got it at first, but an “aha” moment arose when I asked them to look at the time stamp on the video. The video was taken in an interrogation room of a local police district in July 2005. Romelle was wearing a winter coat as he testified that Arthur Dent was the shooter. Yes, a winter coat in the heat of a Chicago summer.

In Lyon’s videotaped deposition of Romelle Coleman, she asks him why he was wearing “a puffy coat” in July? He said police beat him up and the coat hid the bruises. He swears in his deposition for the defense that his testimony to police was coerced and that police told him to identify Arthur Dent as the shooter. They had decided Arthur was their man and coerced testimony to help nail their case shut. Was Andrea’s videotape of Coleman renouncing his statement enough for acquittal? If you think so, you don’t understand how justice works for gang members.

My expert witness statement centered on the deadly mix of possible motives in the area, due to the fracturing of gang sets. I had gone to the neighborhood and interviewed multiple local gang members who described a chaotic gang scene that did not in the least resemble the prosecutor’s simplified tale of traditional gang rivalries and retaliation. I wrote in my statement to the court that gang members would often pin the blame for crime on someone who was innocent, mainly to protect people within their own gang. The eyewitness testimony, I argued, should not be uncritically accepted, citing Romelle’s recantation of his testimony.

My statement did not say Arthur was innocent. Indeed, I had read all the evidence, and I couldn’t decide in my own mind whether he was guilty or not. Getting him off was Andrea Lyon’s job, not mine. My job was to point out the many factors that made this far from an easy-to-understand, “typical” gang shooting. I couldn’t imagine how a jury could determine his guilt “beyond a reasonable doubt.” But they did. Arthur was sentenced to natural life in prison. He sits today in Stateville, Illinois’s infamous maximum security prison, living out his life, waiting to die behind bars.
Arthur Dent, a veteran gang member, was presumed guilty, and the considerable evidence to the contrary was disregarded by jurors. Prosecutors presented a “gang frame”: in this case, a story of long-standing rivalries and retaliation. The prosecutor, like my deputy sheriff, told the jury Arthur was an evil man, a scary gang member with a violent past. I explore in detail, later in this book, the fundamental attribution error, which, as noted above, results in blaming a person’s “evil” character for a crime while holding the circumstances as less important—if they count at all.

The jurors were likely afraid of Arthur, who, in their minds, exemplified the category of “gang member.” They concluded that Arthur, and people like him, deserved to go to prison for life to keep their streets safe. Their hard stereotype of a gang member allowed them to discount any “discrepant information”—like Romelle Coleman’s recantation or my testimony about possible multiple motives—that didn’t fit the profile of a dangerous gang member who was violent by nature. Did Arthur actually commit the crime? The jurors may have thought, “Eh, give the prosecutor the benefit of the doubt. Isn’t killing what gang members do?”

Even though Arthur may have been guilty, his trial had not been decided by a reasoned consideration of the evidence. He was sentenced to life in prison without parole. Stereotyping and demonization ruled, and my efforts to complicate an overly simple gang frame abjectly failed.

Arthur’s tale exemplifies the ambiguity of my work. I’ve had to answer for myself the question of why I should care about what goes on in the trial of a man who may be actually guilty of murder? It comes down to some core beliefs. I provide testimony in gang cases because I do not think prosecutors should be able to use stereotypes and lies to frighten juries to get a conviction or an overly punitive sentence. The Constitution doesn’t say only the innocent should get a fair trial. I believe in a justice system where the accused should be convicted based on what they did, on the evidence, not on inflammatory labels of who they are said to be or because they are members of a despised group.

More broadly, David Garland (2001, 136) writes, our punishment society targets “suitable enemies . . . for a conservative social politics that stresses the need for authority, family values, and the resurrection of traditional morality.” This book draws a psychological link from stereotypes of gang members as the other to the deep recesses of America’s racism and the ongoing justification for its mass incarceration society. I’ve concluded our harsh sentences are more of a displacement of popular fears, insecurity, and racism than a thirst for justice.

If you are offended by the existence of people like Arthur Dent and don’t think it matters how he is convicted, you can stop reading this book right
now. Unlike our former president, I believe another two words for “gang member” are “human being.” I fear the growth of authoritarianism in our country and the disregard of the rule of law. Most of all, I’ve learned to reject the “us vs. them” mentality that justifies injustice and violence. While I’m hardly optimistic, I am not hopeless. Throughout the book, I sketch out some ways I’ve combated stereotyping, give some advice for defense attorneys, and offer support for the movement for progressive prosecutors. My stories reveal that context matters, and, while murder is an evil act, it is seldom committed by evil people.

I admit I’m torn by self-doubt. The victims of my sixty murder cases were human beings as well, and the anger and grief of their families and loved ones is heartfelt and justified, as Sister Helen Prejean (1993) painfully illustrates in her book, *Dead Man Walking*. I won’t demonize those who channel their anger into calls for legal vengeance. However, I also think our correctional policy needs to reincorporate rehabilitation and our sentences, including for murder, are unnecessarily long, in prisons that are often inhumane. Most important, I show that the defendants in my cases are flawed human beings, not irredeemable monsters. I think we are more like them than we are willing to admit. In other words, I have met “the enemy” in person. And they are us.

I’m hoping the sum total of my stories and examples of stereotyping prompt the reader to question the fairness of the trials of members of stigmatized groups like gangs. The chapters that follow explain how our innate tendency to think in categories is exploited by prosecutors and feeds the ravenous appetite of our mass incarceration society for vengeance. The first part uses my courtroom stories to explain the awesome power of gang stereotypes and how they are stitched together into stories or frames that resonate with juries. Social psychology gives us various methods for how we might change people’s stereotypes, and I explain how I applied them in the courtroom. The second part builds on the stereotyping mechanisms introduced in the first to show how prosecutors dehumanize gang members to get the most severe sentences. The final part looks at how I reframed gang stereotypes in court and tried to combat the demonization by humanizing defendants. I argue for persistence in this struggle, though my successes were few and their impact limited. I end by appealing for sentencing reform, advocating protest in the streets for more fundamental change, and demanding an end to the dehumanizing rhetoric of prosecutors.

My stories suggest we already may be living out a version of the dystopian *Handmaid’s Tale* (Atwood 1986), where some people are reduced to categories and denied basic humanity. The reader is surely aware that this “us vs. them” mentality is not restricted to the courts but pervades public opinion and makes rational discourse difficult. I show through personal
stories how I grew up immersed in racial stereotypes and tell of experiences that led me to political activism. I explain the events that challenged my own stereotypes and motivated me to use my research to combat prejudice and demonization in courts.

This book is a summary of my experiences aimed at encouraging others to resist our all-too-human tendency to dehumanize the “other.”

**CASE LAW**

I

Stereotypes and Frames
The Nature of Gang Stereotypes

What Is a “Gang-Related” Crime?

Early in 2002, I got a call from Brian Kammer of the Georgia Resource Center, a nonprofit law office providing high-quality representation to people on death row. Kammer was looking for someone, anyone, who could counter the state’s argument that the 1996 murder of Donovan Parks was “gang related.” I was asked to give a deposition at a habeas corpus ineffective counsel hearing, where Kammer would argue that had I testified in the original trial, I might have persuaded at least one juror to have voted against the death penalty for Marion Wilson. This was the case of Wilson and Robert Butts that opened the Introduction of this book. Kammer argued that Wilson’s original attorney was “ineffective,” in part, for not calling a gang expert to rebut numerous outrageous and prejudicial claims by the prosecution about gangs.

Brian is an intense, totally dedicated attorney with much too much experience representing clients on Georgia’s death row. He told me of the exonerations he had won and the rewards of his work, which included the many clients whom he had befriended and worked for tirelessly. He said matter-of-factly his unrelenting fear was that he would have to watch them die. Brian’s caseload of death penalty cases was visibly taking its toll on him. He became an avid cyclist and runner to deal with the stress. I admired his dedication but was in awe of his capacity to carry on when all of his clients were facing execution.

An actual line of cells makes up death row in the Jackson, Georgia, prison where Marion Wilson was held. This was the same death row where, a decade before, Walter McMillian waited before Bryan Stevenson (2015)
successfully argued for his freedom as recounted in *Just Mercy*. In a small common area, condemned prisoners would mingle during the day, passing the time during what could be a decades-long process of appeals. In a room just down the hall, the old electric chair had been removed to make room for a cot on which these men would be permanently “put to sleep” by lethal injection. The courtroom where the habeas hearing would be held was right next to it. In a small nearby room, in the shadow of the death chamber, I interviewed Marion as I prepared my testimony. In 1996, Marion Wilson and his codefendant, Robert Butts, had hitched a ride with Donovan Parks, a twenty-four-year-old correctional officer, stolen his car, and then killed him. In separate trials, they were both convicted and sentenced to die.

I was perplexed with why Fred Bright, the Baldwin County prosecutor, would even need to inject the specter of gangs into this case. It seemed like swatting a fly with a sledgehammer. The charge was “malice murder” or homicide in the course of committing an armed robbery. Malice murder by law made the defendants eligible for the death penalty, and there is no mention of gangs in that statute. In Bright’s closing statement, however, he ranted that Marion Wilson—he called him by his street name, “Murdoch”—was a hardcore gang member and claimed the murder was “gang related.”

I had consulted in a couple of gang court cases before this one. What was transpiring in these cases was much more than a rational sifting through evidence. For example, going over the transcripts of testimony in Marion’s case, I found myself mixing up the original defense attorney and the prosecutor—they both trafficked in the same rhetoric and stereotypes. In more than one way, Marion was “defenseless” at his trial. Marion Wilson was, indeed, guilty, but his trial was much more than weighing evidence to prove his guilt beyond a reasonable doubt of the crimes for which he was charged. The trial transcripts were filled with inflammatory rhetoric on gangs, with a deluge of stereotypes and outright falsehoods assaulting a jury who could not help but be frightened to death. Marion’s, not theirs.

I had read the social history of Marion Wilson’s life. Wilson was the son of a white prostitute who had lived with serial partners, some abusive. Marion was pushed out onto the streets from the age of nine and had a long rap sheet of crimes. His biracial background caused him constant anxiety on the streets, as he struggled with his racial identity. With me, however, he was calm and thoughtful, in stark contrast to the portrait of a violent gangster painted by prosecutors. He talked insightfully about how racist and polarized Milledgeville was: how he had been harassed by police and all the trouble Black kids had in the local schools. Marion told me how African American neighborhoods had gangs long before the current Folks and Bloods. He said, sensibly, that drug sales were an everyday hustle in a small town with few jobs.