

BOOK REVIEWS

Book Review: *Everyone against Us: Public Defenders and the Making of American Justice*

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Everyone against Us: Public Defenders and the Making of American Justice

Allen Goodman

Chicago: University of Chicago Press, 2023; xiii + 222 pp.

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Goodman starts off inauspiciously, as in the preface he feels the need to address the suggestion that he should justify his participation in the enterprise of criminal justice in Cook County in light of his "whiteness." Rather than reject this criticism as patently antiwhite and therefore contrary to the ideals of a liberal society, he considers it a fair question for anyone to pose. As luck would have it, he is Jewish and therefore immune to such concerns.

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He identifies more with the American underclasses than he ever could with “white European American conservatives” (xi). Indeed, he was teased due to the transliteration of his surname in Yiddish—“Guttermann”—thus making him part of the persecuted classes he served.

Once past the preface, the reader finds an engaging book, told as a series of recollections in chapters of subject matter groupings such as “Jail Rules,” “Investigations,” “Trials,” “Plea Deals,” “Domestic Violence,” and “DNA.” The stories are woven together well, and by the end the reader gets a sense of the sentiment behind the book’s title, given that public defenders are unpopular, are pitted against the bountiful resources of prosecutors, and lose the vast majority of their cases. As well they should. It is interesting to note that Goodman does not define the primary mission of the defense in terms of finding truth but rather as “prevent[ing] injustices by identifying flaws in the prosecution’s case, either in the ultimate proof it provides or in the process by which it is built” (14). One notices that most of the success stories do not involve factually innocent clients.

Goodman’s memoir does not inspire confidence in any aspect of the justice system, including jury trials. He writes, “Among the cases that do get to trial, there is an old unwritten rule floating around Cook County defense practitioners: Take winners to a bench, take losers to a jury” because “some people are credulous idiots, and they might be your only hope” (44). This is amply demonstrated in a case in which his client was literally arrested while inside the house he burglarized. The client did not want to take a plea deal, so the case went to trial. At trial, the victim was asked by the prosecution to identify the burglar. He replied, “The man at the defense table wearing the glasses.” Goodman, his second chair, and his client were all wearing glasses. The prosecution asked him to try again. “The man at the defense table wearing the necktie,” which all three were. “Can you please be more specific?” the prosecution pressed on. “Sure, the black guy.” This faux pas resulted in a finding of not guilty. The book contains many such amusing, but sad, anecdotes.

The low point of the book is in the chapter “Chiraq,” the title of which implies that the violence in Chicago is reminiscent of that in the Iraq War zone. In this chapter, Goodman makes clear that despite his championing of civil liberties, he does not consider the private ownership of guns to be one of them. Like that of the American Civil Liberties Union (2002), his interpretation of the Second Amendment to the US Constitution is that it was meant to protect not the individual right to bear arms, but rather a “collective right,” which in practice means that its purpose is to ensure that the National Guard exists as a backup to a standing army. Goodman claims it “obliterates” “the boundaries of common sense” to believe “the founders of

America . . . must've wanted every moron to be entitled to brandish¹ deadly weapons" (113). Does it really make more sense to argue that the Framers were so concerned that the new central government would want to prevent states from creating militias to back up its own military that they would create an amendment to address it?

Particularly interesting about this line of argument is that if one wanted to defend the claim that the Framers did not intend an absolute, inviolable right to individual firearm ownership, an obvious (and far more plausible) route would be to note that the Bill of Rights originally applied to the federal government (until a novel interpretation of the Fourteenth Amendment resulted in the "incorporation doctrine"). That is, the Second Amendment is, in the originalist sense, a restriction on the federal government rather than on the states. But this argument would run contrary to the goal of centralizing power in the federal government, and so it is ignored.

Goodman pontificates, "Why? Why is Chicago so violent? . . . The real answer of course is painfully obvious to me: guns" (111). Goodman is not a social scientist, or it would be obvious to him that one cannot explain a variable (the extreme variation in violent crime among different parts of America) with a constant (the presence of guns everywhere in America). Indeed, Goodman does not feel the need to refer to any available statistics: "I really don't believe that Chicago is a wildly anomalous outlier in rates of gun crimes among American metropolis cities" (111). It is (see Lott 2023).

After "Chiraq," *Everyone against Us* returns to its more interesting and edifying narrative. Most striking about Goodman's book is his cataloging of police and prosecutorial abuses, of which there is no shortage in Cook County. Even more concerning is the fact that when police and especially prosecutors are caught engaging in blatant misconduct, rarely is there any significant punishment. One sympathizes with Goodman's quest to fight against such abuse, understanding why "it helps to shift mindsets a bit and think of ourselves as defenders of the process, with the Constitution as our true client."

For anyone interested in an insider perspective of the criminal justice process in a big city, especially from the perspective of a public defender, *Everyone against Us* is highly recommended. It is a quick, pleasant read and my favorite style of "true crime."

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¹ It is curious that Goodman chooses to use "brandish" here, as the term implies displaying a firearm with the intent to intimidate or threaten, not merely bearing it.



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