

# Actor Jussie Smollett indicted on six counts of disorderly conduct in Chicago

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On Tuesday, February 11, the Office of Special Prosecutor Dan K. Webb announced a grand jury indictment of actor Jussie Smollett on six counts of disorderly conduct stemming from allegations he lied to the police about being the victim of a racist and homophobic hate crime in downtown Chicago.

The vindictive reopening of the case against Smollett stems both from anger at the lack of prosecution of Smollett from right-wing, law-and-order elements and from the need to make an example of Smollett in order to protect the legitimacy of #MeToo-style allegations in other cases, a key concern of the Democratic Party.

The charges come nearly a year after the office of Cook County State's Attorney Kim Foxx announced it would be dropping a 16-count indictment against Smollett after agreeing to a deal Foxx described as an "alternative prosecution" for someone with no criminal history. Under the apparently unwritten deal, reached by Foxx's deputy, First Assistant State's Attorney Joseph Magats, Smollett would forfeit the \$10,000 bond paid after his arrest and perform some 15 hours of community service in exchange for dropping all charges and sealing the entire court record of the case.

In January of last year, Smollett, an openly gay African-American actor, reported to the Chicago Police Department (CPD) that two apparent Trump supporters wearing MAGA hats physically attacked and harassed him. Smollett's statement to the police claimed the two men slung insulting racist and homophobic slurs, placed a noose around his neck and poured bleach on him. The media as well as many politicians and public figures accepted, unquestioningly, Smollett's allegations.

However, Smollett's account quickly unraveled, and by February 13, 2019, Smollett found himself under investigation for making false reports to the police. The

media's initial sympathy and support for the actor quickly turned into a spiteful campaign on the part of CPD and then-mayor Rahm Emanuel to punish Smollett and destroy him in the court of public opinion. His twin crimes were undermining the basic premise of the #MeToo campaign—that all accusations by those claiming to be victims must be believed regardless of evidence—and legitimizing Trump's claims that he and his supporters are unfairly accused of racism.

Foxx, who had been approached by Tina Tchen, a lawyer and former assistant to President Barack Obama who has played a central role in the #MeToo witch-hunts, and by relatives of Smollett put in contact with her through Tchen, said she would recuse herself from the investigation on February 19. A day later Smollett was indicted by a grand jury with a class 4 felony of filing a false police report, carrying potential penalties of 1 to 3 years in prison and up to \$25,000 in fines. On March 8, the charges against Smollett were expanded to 16 counts, brought under Foxx's deputy, Magats. Then, just several weeks later, Magats announced charges against Smollett were being dropped.

Smollett did suffer more than damage to his reputation: his acting career virtually came to an end. On April 30, the producers of the television show *Empire* announced Smollett's character was being written out of the show.

Charges against Smollett were subsequently revived as the result of efforts by retired Illinois appellate judge Sheila O'Brien, who petitioned a Cook County judge to appoint a special prosecutor to look into Foxx's handling of the investigation and prosecution, including her "recusal," which was ultimately judged to be illegitimate since Magats works for her. O'Brien, who is close to political figures in both the Democratic and

Republican parties, including indicted alderman Ed Burke, said she “was visiting a friend in the hospital, a former judge, a former state’s attorney who is married to a state’s attorney, a woman who was so sick—yet so upset about what happened because she took great pride in being a prosecutor,” and said, “I’ve got to do something.”

The reopening of charges against Smollett is being seized upon by Foxx’s opponents in the race for Cook County State’s Attorney. Foxx has admitted, “Truth is I did not handle it well, I own that, I’m making changes in my office to make sure we do better.” With only 35 days left before the election, the Smollett case has become a central focus in media outlets, with her Democratic Party primary opponents calling on Foxx to resign. Former alderman Bob Fioretti said, “In any other county in the state of Illinois, she would have been censured, suspended or disbarred. So there is no doubt she must resign now.” Another opponent, Bill Conway, a former US Navy intelligence officer whose father is a billionaire and co-founder of the Carlyle Group, said, “We here in Cook County are just tired of politically connected people. People getting better deals.”

Foxx, a former chief of staff for Cook County Board President Toni Preckwinkle, ran against previous incumbent Anita Alvarez on a platform of reforming the criminal justice system, dealing with questions of police misconduct and reducing cases of overzealous prosecutions. Foxx defeated Alvarez in the Democratic Party primary largely due to Alvarez’s close involvement in the coverup of the police murder of Laquan McDonald. She has been endorsed in the upcoming March primary election by the Cook County Democratic Party, Illinois Governor J.B. Pritzker, Chicago Mayor Lori Lightfoot, Preckwinkle, and US Senators Dick Durbin and Tammy Duckworth.

While Webb has announced charges against Smollett, he said in regard to the actions taken by Foxx and her office that he has “not reached any conclusions about whether prosecutors engaged in wrongdoing and that he was continuing to investigate.”

The reopening of the case against Smollett is politically motivated. His selfish opportunism has provided fodder for the extreme right, including Trump, who say the case proves that right-wing attacks and fascist provocations are nothing but “scams”

perpetrated by the left. More importantly, the real concern motivating the prosecution is to preserve the use of #MeToo-style accusations, which have emboldened certain layers of the petty bourgeoisie to use their racial and sexual identities to further their careers. If even the flimsiest of accusations, such as Smollett’s, are treated as credible despite a complete lack of substance, it would no doubt feed skepticism toward future allegations.

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