Race and the Criminal Justice System

ANT 324L/AFR 320 – spring 2011

Tu/Th 9:30-11:00a CBA 4.328

João H. Costa Vargas
costavargas@mail.utexas.edu, SAC 5.144, tel. 512-232-6591

Consider the following chronology of events:

- Feb. 4, 1999: Four white plainclothes officers from the New York Police Department's Street Crime Unit search for a rapist, and encounter unarmed West African immigrant Amadou Diallo, 22. A confrontation ends with 41 shots fired in front of Diallo's Bronx home. He is struck by 19 bullets and killed.
- Feb. 5, 1999: Civil rights activist the Rev. Al Sharpton calls the shooting "a police slaughter." U.S. Attorney Mary Jo White says her office will investigate the case, along with the Bronx district attorney.
- Feb. 16, 1999: Grand jury begins hearing evidence.
- March 3, 1999: Thousands rally on Wall Street demanding that the four police officers be indicted.
- March 9, 1999: Twelve people are charged with disorderly conduct for protesting outside Police Headquarters in the first of what will become nearly a month of rallies demanding the arrest of the officers. More than 1,200 people are eventually arrested, including the Rev. Jesse Jackson, former Mayor David Dinkins, NAACP President Kweisi Mfume, Rep. Charles Rangel and the actors Ossie Davis, Ruby Dee and Susan Sarandon.
- March 26, 1999: Police Commissioner Howard Safir announces changes for the Street Crime Unit, including requiring the previously plainclothes unit to don uniforms. He says the changes are partly in response to concerns about the unit voiced by political and community leaders.
- March 30, 1999: Hundreds of off-duty police officers rally in support of their four colleagues.
- March 31, 1999: The four officers who shot Diallo are indicted for second-degree murder. Officers Kenneth Boss, Sean Carroll, Edward McMellon and Richard Murphy have no visible reaction as they enter innocent pleas in state Supreme Court in the Bronx.
- Dec. 16, 1999: A state appeals court rules the trial should be moved from the Bronx to Albany, citing pretrial publicity.
- Jan. 25, 2000: State Supreme Court Justice Joseph Teresi rules that Court TV can broadcast the trial live.
- Jan. 31, 2000: Jury selection begins.
- Feb. 1, 2000: Twelve jurors, four of whom are black, are seated. The forewoman is black, and once lived in the Bronx.

- Feb. 2, 2000: Opening statements by the prosecution and defense are given as the trial of the four officers begins.
- Feb. 17, 2000: Judge Teresi grants a prosecution request -- unopposed by the defense -- to allow jurors to consider second-degree manslaughter and criminally negligent homicide as alternatives in their deliberations.
- Feb. 22, 2000: Prosecutors and defense attorneys rest their cases.
- Feb. 25, 2000: All four officers are acquitted of all charges.

The killing of Amadou Diallo by the police was not an isolated event, in both time and space. Consider, for example, the Sean Bell shooting incident that took place in the New York City borough of Queens on November 25, 2006, in which one Latino and two African-American men were shot at a total of fifty times by a team of both plainclothes and undercover NYPD officers (two of whom were African-American), killing one of the men, Sean Bell, on the morning of his wedding day, and severely wounding two of his friends. The incident sparked fierce criticism of the police from some members of the public and drew comparisons to the killing of Diallo. Three of the five detectives involved in the shooting went to trial on charges ranging from manslaughter to reckless endangerment, and were found not guilty.

More recently, on May 11, 2009, police officer Leonardo Quintana fatally shot Nathaniel Sanders II, an 18-year-old black man, outside an East Austin apartment complex. Police officials claim that the shooting happened after Quintana and Sanders struggled for a gun. On August 5, 2009, Travis County District Attorney Rosemary Lehmberg released a statement informing that "…The Grand Jury has determined that no criminal charges will be brought against Austin police officer Leonardo Quintana, the primary officer involved, or either of his back up officers, Austin police officers Alex Hitzelberg and Mohammad Siddiqui."

Police brutality is an everyday occurrence in all major U.S. metropolitan centers, especially in inner-city neighborhoods where the population is predominantly Black, Latin@, and poor. Police abuse is also a social phenomenon with a long history that can be understood through a critical examination of how particular conceptions and practices related to race, urban space, and poverty, are reflected in the criminal justice system. Law enforcement, courts, and penal institutions mirror beliefs and power differentials in society.

It is telling that during the 1950s and 1960s Chief William Parker of the Los Angeles Police Department saw his agency's mission to protect white citizens from the influx of dark-skinned immigrants. In 1965 he said to a television interviewer, "It's estimated that by 1970, 45 percent of the metropolitan area of Los Angeles will be Negro. If you want any protection for your home and family, you're going to have to get in and support a strong police department. If you don't do that, come 1970, God help you!"

In this course, we will examine historical and contemporary studies that provide arguments about the connections between race, poverty, and the criminal justice system. More specifically, our readings and discussions will provide perspectives through which

to understand not only how and why acts of police violence, questionable court proceedings, and unjust sentences routinely take place, but also why and how they are often sanctioned by society at large. What historical and contemporary circumstances explain and are necessarily connected to the acquittal of the officers involved in the killings of Diallo, Bell, Sanders, and so many others? What historical and contemporary circumstances explain the brutality and subsequent acquittal of the officers involved in the beating of Rodney King in 1991? Such examples suggest recurring patterns that point to ways in which society and its institutions (re)produce representations and practices that often take race, age, class, and gender as markers of expected behavior.

Course dynamics

I encourage you to develop the habit of studying, debating, and writing short papers with one or two colleagues.

It is crucial that readings be completed prior to the date when they are scheduled. Besides completing the reading, you will be responsible for the following:

A) Three short essays (4-5 pages) on themes related to our discussions. I will provide further instructions on these essays in class.

Essay 1 due on February 22, Tuesday, in class.
Essay 2 due on March 22, Tuesday, in class.
Essay 3 due on May 5, Thursday, in class.

Essays 1 or 2, not both, can be revised and turned in on March 31, in class. If you decide to do so, the revised essay's grade will count toward your final grade (even if it is lower than the original essay's grade.)

On matters related to all aspects of writing, including the policy on plagiarism, please consult the Undergraduate Writing Center, where you can also get individualized assistance with your essays. http://www.uwc.utexas.edu/

B) Participation in class discussions:

1. Through your critical interventions during lectures and presentations by other students.
2. In a group setting. Each participant will be assigned a group. Two groups will be scheduled to present the readings for designated weeks. Both groups should decide on the dynamic of their presentation. During such presentations, the groups will engage with the readings' main points, will debate within and between themselves, and will also be responsible for conducting and mediating the debate with the other members of the class.

I encourage you to find ways to render your presentation as interesting and captivating as possible. You can use various media (film, photography, music) to make your points.

C) Unannounced quizzes. At most, these will be given 4 times during the semester, at the beginning of class. There will be no make up for quizzes. They are meant to provide a barometer of your preparation for class, and will count toward your participation grade.

Laptop and electronic devices policy
Classroom Laptop use is for taking notes related to this course only. Laptop activities unrelated to this course will lead to dismissal from class (and marked as an absence for that day).

All other electronic devices must be turned off during class. Any use of these devices, including texting, websurfing, et cetera, and will lead to dismissal from class (and marked as an absence for that day).

Notice
Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with disabilities (471-6259)

Attendance
Each time you have four unjustified absences, your final grade will be diminished by a letter grade, and by half a grade for each additional two absences. The rule is cumulative.

Religious holydays sometimes conflict with class and examination schedules. If you miss an examination, work assignment, or other project due to the observance of a religious holy day you will be given an opportunity to complete the work missed within a reasonable time after the absence. It is the policy of The University of Texas at Austin that you must notify each of your instructors at least fourteen days prior to the classes scheduled on dates you will be absent to observe a religious holy day.

Grading
Your final grade will be calculated as follows:

Short essays: 75%
Participation: 25% (equally divided between attendance, participation in class, quizzes, and presentation)

Required reading (books available at the Resistencia Bookstore, 1801 South 1st St # A Austin, TX 78704, 512-416-8885).

Angela Davis, *Are Prisons Obsolete?* New York: Seven Stories Press, 2003

Marc Mauer and Meda Chesney-Lind (editors). *Invisible Punishment: The Collateral Consequences of Mass Imprisonment.* New York: New Press, 2003.

Christian Parenti. *Lockdown America: Police and Prisons in the Age of Crisis.* London:

Verso, 2003.

Assata Shakur, *Assata: an Autobiography.* Chicago: Lawrence Hill Books, 1987.

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2010.

ANT 324L/AFR 320 READER (available at Abel's Copies: University Towers, 715D W. 23rd St, ph. 472-5353).

Course Structure
The course is organized in five interconnected parts:

Part I: Weeks 1-3
Mass imprisonment and racialization
- Social representations, practices, and race
- The 'possessive investment in whiteness'

Part II: Weeks 4-6
Black Politics, Repression, and Law and Order Policies
- Black Panthers as threat to white social order
- Containment as state policy
- Militarized police and occupation strategies

Part III: Weeks 7-10
The intersecting aspects of the prison industrial complex
- The prison industrial complex
- Race and punishment
- Gender and mass imprisonment
- Youth and institutionalization

Part IV: Weeks 11-13
Mass imprisonment: collateral effects, resistance, globalization
- Collateral damage: families and communities
- Urban rebellions as political responses to repression
- Globalization

Part V: Weeks 14-15
When social change is an imperative
- The theory and praxis of new social movements
- Reparation
- New models of social organization

(readings marked with an asterisk * are in the reader)

Week 1) Introduction

January 18, Tuesday
January 20, Thursday: group assignments

a. Judith Butler, 'Endangered/Endangering: Schematic Racism and White Paranoia.'In Robert Gooding-Williams, ed., *Reading Rodney King/Reading Urban Uprising* (New York: Routledge, 1993), pp. 15-22.*
b. Phillip A. Goff et al., "Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences." *Journal of Personality and Social Psychology* (2008), 94/7, pp. 292-306*

Week 2) Race, Crime, and Punishment

January 25, Tuesday
January 27, Thursday

a. Michelle Alexander, 'Rebirth of Caste.' In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press), pp. 20-57.
b. Angela Davis, 'Introduction,' and 'Slavery, Civil Rights, and Abolitionist Perspectives Toward Prison,' pp. 9-39.
c. Marc Mauer and Meda Chesney-Lind, 'Introduction.' In *Invisible Punishment,* pp. 1-12.

Recommended
d. Katheryn K. Russell, 'Introduction,' and 'The Color of Crime.' In *The Color of Crime,* (New York: NYU Press, 1998), pp. xiii-xvi, 1-13.

Week 3) The Possessive Investment in Whiteness

February 1, Tuesday
February 3, Thursday: Groups I&II

a. George Lipsitz, 'Introduction: Bill Moore's Body,' and 'The Possessive Investment in Whiteness.' In *The Possessive Investment in Whiteness* (Philadelphia: Temple U Press, 1998) , pp. vii-xx, pp. 1-46.*
b. Jeremy Travis, 'Invisible Punishment: An Instrument of Social Exclusion.' In *Invisible Punishment* pp. 15-36.
c. Robert Perkinson, 'Prison Heartland.' In *Texas Tough: The Rise of America's Prison Empire* (New York: Henry Holt and Co., 2010), pp. 15-47.*

Recommended
d. Michael K. Brown et. al. 'Race Preferences and Race Privileges.' In *Whitewashing Race: The Myth of a Colorblind Society* (Berkeley: U. of California Press, 2003), pp. 1-33.

Week 4) Black Politics and Law Enforcement in the 1960s and 1970s
February 8, Tuesday
February 10, Thursday

a. Parenti, 'Nixon's Splendid Little War: Social Crisis and Containment.' In *Lockdown America,* pp. 3-28.
b. Churchill and Vanderwall, 'The COINTELPRO ERA.' In *Agents of Repression* (Boston: South End Press, 1990), pp. 37-62.*
c. Assata Shakur, *Assata,* pp. XVI-XIII, pp. 2-70.

Week 5) The Politics of Law and Order
February 15, Tuesday
February 17, Thursday

a. Mike Davis, 'The Hammer and the Rock,' In *City of Quartz* (New York: Vintage, 1992), pp. 268-322.*
b. Michelle Alexander, 'The Lockdown.' In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), pp. 58-94.

Recommended
c. Parenti, 'Discipline in Playland, Part I – Zero Tolerance: the Science of Kicking Ass,' and 'Discipline in Playland, Part II – Policing the Themepark City.'In *Lockdown America,* pp. 69-110.

Week 6) The Police as Occupying Military Force
February 22, Tuesday: paper 1 due in class
February 24, Thursday: Groups III&IV

a. Robin Kelley, 'Slangin' Rocks… Palestinian Style: Dispatches from the Occupied Zones of North America.' In Jill Nelson, ed., *Police Brutality* (New York: W.W. Norton, 2000), pp. 21-59.*
b. Parenti, 'Carrying the Big Stick: SWAT Teams and Paramilitary Policing;' and 'Repatriating *La Migra'*s War: The Militarized Border Comes Home.' In *Lockdown America,* pp. 111-160.
c. James Forman, Jr., 'Children, Cops, and Citizenship: Why Conservatives Should Oppose Racial Profiling.' In *Invisible Punishment,* pp. 150-162.

Week 7) The Prison Industrial Complex
October March 1, Tuesday
October March 3, Thursday: event at CAAAS (TBC)

a. Angela Davis, 'Imprisonment and Reform;' 'The Prison Industrial Complex.' In *Are Prisons Obsolete?,* pp. 40-59; 84-104.
b. Parenti, 'The Rise of Big House Nation: From Reform to Revenge,' 'Prison as

Abattoir: Official Terror,' and 'Balkans in a Box: Rape, Race War, and Other Forms of Management.' In *Lockdown America,* pp. 163-210.

Week 8) Race and the Criminal Justice System

March 8, Tuesday: Groups V&VI
March 10, Thursday: Jaime Alves conducts lecture, answers queries

a. Marc Mauer, 'African Americans and the Criminal Justice System.' In *Race to Incarcerate* (New York: New Press, 1999), pp. 118-141.*
b. S. Donziger (ed.), 'Race and Criminal Justice.' In *The Real War on Crime* (New York: HarperCollins, 1996), pp. 99-129.*
c. Michelle Alexander, 'The Color of Justice.' In *The New Jim Crow,* pp. 95-136.
d. George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (Chicago: Lawrence Hill, 1994), pp. ix-xi, 3-16.*
e. A. Shakur, *Assata,* pp. 99-130.

Recommended
f. David Cole, 'The Color of Punishment.' In *No Equal Justice: Race and Class in the American Criminal Justice System* (New York: New Press, 1999), pp. 132-157.

March 15, 17, no class: spring break

Week 9) Gender and the Criminal Justice System

March 22, Tuesday: paper 2 due; video screening 'War on the Family.'
March 24, Thursday

a. A. Shakur, *Assata,* pp. 131-172.
b. Angela Davis, 'How Gender Structures the Prison System.' In *Are Prisons Obsolete?,* pp. 60-83.
c. Meda Chesney-Lind, 'Imprisoning Women: The Unintended Victims of Mass Imprisonment.' In *Invisible Punishment,* pp. 79-94.
d. Beth Richie, 'The Social Impact of Mass Incarceration on Women.' In *Invisible Punishment,* pp. 136-149.

Week 10) Youth and the Criminal Justice System

March 29, Tuesday; video screening 'Juvenile Corrections.'
March 31, Thursday

a. S. Donziger (ed.), 'Youth Violence and Juvenile Justice.' In *The Real War on Crime,* pp. 130-145.*
b. R. Kelley, 'Kickin' Reality, Kickin' Ballistics: 'Gansta Rap' and Postindustrial Los Angeles.' In *Race Rebels* (New York: Free Press, 1994), pp. 183-227.*
c. Texas Juvenile Probation Commission, *The State of Juvenile Probation Activity in Texas* (2010), pp. 1-24.

Recommended

d. Michael K. Brown et. al., 'Been in the Pen so Long: Race, Crime, and Justice.' In *Whitewashing Race: The Myth of a Colorblind Society* (Berkeley: U. of California Press, 2003), pp. 132-160.

Week 11) The Collateral Consequences of Mass Imprisonment

April 5, Tuesday

April 7, Thursday: Groups VII&VIII

a. Judith Greene, 'Entrepreneurial Corrections: Incarceration as a Business Opportunity.' In *Invisible Punishment,* pp. 95-114.

b. C. Parenti, 'Big Bucks from the Big House: The Prison Industrial Complex and Beyond.' In *Lockdown America,* pp. 211-244.

c. Donald Braman, 'Families and Incarceration.' In *Invisible Punishment,* pp. 117-135.

d. Joan Petersilia, 'Who's Coming Home? A Profile of Returning Prisoners.' In *When Prisoners Come Home: Parole and Prisoner Reentry* (New York: Oxford University Press, 2003), pp. 21-53.*

e. Texas Appleseed, *Texas' School-to-Prison Pipeline: Dropout to Incarceration, the Impact of School Discipline and Zero Tolerance* (Austin: Texas Applesseed, 2007), pp. 1-11. *

Recommended (especially so for presenters)

e. Michelle Alexander, 'The Cruel Hand." and 'The New Jim Crow.' In *The New Jim Crow,* pp. 137-208.

f. Ira Glasser, 'Drug Busts = Jim Crow.' *The Nation,* July 2006, pp. 24-26.

Week 12) 'There is no Justice, Just US': Urban Rebellions

April 12, Tuesday

April 14, Thursday (Possible viewing: The Fire This Time)

a. Bruce Western, Becky Pettit, and Josh Guetzkow, 'Black Economic Progress in the Era of Mass Imprisonment.' In *Invisible Punishment,* pp. 165-180.

b. Rhonda Williams, 'Accumulation as Evisceration: Urban Rebellions and the New Growth Dynamics.' In R. Gooding-Williams (ed.) *Reading Rodney King/Reading Urban Uprising* (London: Routledge, 1993), pp. 82-96.*

c. Michael Omi and Howard Winant, 'The Los Angeles 'Race Riot' and Contemporary U.S. Politics.' In *Reading Rodney King/Reading Urban Uprising,* pp. 97-114.*

d. Oliver, Johnson, and Farrell, 'Anatomy of a Rebellion: A Political-Economic Analysis.' In *Reading Rodney King/Reading Urban Uprising,* pp. 117-141.*

e. Michelle Alexander, 'The Fire This Time.' In *The New Jim Crow,* pp. 209-248.

Week 13) Globalization and its (dis)contents

April 19, Tuesday
April 21, Thursday (Possible viewing: The Fire This Time)

a. Andrew Barlow, 'It's "Mine": Globalization, Racism, and the Erosion of Social Responsibility.' In *Between Fear & Hope: Globalization and Race in the United States* (Lanham: Rowman & Littlefield, 2003), pp. 109-134.*
b. Manisha Desai, 'Transnational Solidarity: Women's Agency, Structural Adjustment, and Globalization.' In N. Naples and M. Desai (eds.), *Women's Activism and Globalization* (London: Routledge, 2002), pp. 15-33.*
c. Texas Appleseed, *Texas' School-to-Prison Pipeline: School Expulsion, the Path from Lockout to Dropout* (Austin: Texas Applesseed, 2010), pp. 1-40.*

Recommended
d. R. Robinson, 'The Cost of Ignoring the Race Problem in America…,' '…and in the Black World. In *The Debt: What America Owes to Blacks* (New York: Dutton, 2000), pp. 161-198.

Week 14) What can be done?

April 26, Tuesday
April 28, Thursday

a. A. Shakur, *Assata,* pp. 173-259.
b. Ron Daniels, 'The Crisis of Police Brutality and Misconduct in America: The Causes and the Cure.' In Jill Nelson (ed.), *Police Brutality,* pp. 240-260.*
c. A. Lorde, 'The Uses of Anger: Women Responding to Racism.' In *Sister Outsider* (Freedom, CA: The Crossing Press, 1984), pp. 124-133.*
d. Texas Appleseed, *Texas' School-to-Prison Pipeline: School Expulsion, the Path from Lockout to Dropout* (Austin: Texas Appleseed, 2010), pp. 41-88.*

Recommended
e. R. Robinson, 'Thoughts About Restitution.' In *The Debt,* pp. 199-234.

Week 15) Alternatives, perspectives

May 3, Tuesday: Groups IX& X
May 5, Thursday: paper 3 due

a. A. Davis, 'Abolitionist Alternatives.' In *Are Prisons Obsolete?,* pp. 105-115
b. A. Shakur, *Assata,* pp. 260-274.
c. R. Kelley, '"Roaring From the East": Third World Dreaming.' In *Freedom Dreams* (Boston: Beacon Press, 2002), pp. 60-109.*
d. A. Barlow, 'Possible Futures of Racial Justice in the Global Era.' In *Between Hope and Fear,* pp. 139-166.*