Race and the Criminal Justice System

AFR 320/ANT 324L/LAS 324L – unique #s 30393/31344/40198 – spring 2012

Tu/Th 9:30-11:00a, WAG 420

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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) Weekly short reports (1-2 pages) on the assigned readings. *The reports are due in class. No late reports will be accepted.* I will give instructions for writing the reports. A signed checklist should be turned in with each one of your reports.

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. At the beginning of each lecture, I will ask for a volunteer to share a quotation from one of the readings. The quotation, no more than two sentences, should be representative of the author's argument, and provocative.
2. Through your critical interventions during lectures and presentations by other students.
3. In a group setting. Each participant will be assigned to 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 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 3 times during the semester, at the beginning of class. There will be no make up for quizzes. They are meant to gauge 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, web surfing, et cetera, and will lead to dismissal from class (and marked as an absence for that day).

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 (for example, from A- to B-), and by half a grade (for example, from A- to B+) for each additional two absences.

Religious holidays sometimes conflict with class and examination schedules. If you miss an assignment, or other project due to the observance of a religious holiday, 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 participation in class, quizzes, and presentation)

Required texts

1. Assata Shakur, *Assata: An Autobiography*. Lawrence Hill & Co., 2001
2. Angela Davis, *Are Prisons Obsolete?* Seven Stories Press, 2003.
3. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.* New Press, 2010.
4. Course Reader

All books are available at Resistencia Bookstore:
1801 S 1st St # A
Austin, TX 78704-4255
(512) 416-8885

The Course Reader is available at Abel's copy:
University Towers, 715D West 23rd St
Austin, TX 78705
(512) 472-5353

The books and reader will be available in the PCL library reserves for 2-hour consultation.

Course Structure

The course is organized in five interconnected parts:

Part I: Weeks 1-4
<u>Mass imprisonment and racialization</u>

- Social representations, practices, and race
- The 'possessive investment in whiteness'

Part II: Weeks 5-6
<u>Black Politics, Repression, and Law and Order Policies</u>

- Black Panthers as threat to white social order
- Containment as state policy

Part III: Weeks 7-10
<u>The intersecting aspects of the prison industrial complex</u>

- Race and punishment
- The prison industrial complex
- Gender and mass imprisonment

Part IV: Weeks 11-13
<u>Mass imprisonment: collateral effects, resistance, globalization</u>

- Collateral damage: disenfranchisement, dilapidated neighborhoods
- Youth and institutionalization
- Globalization

- Urban rebellions as political responses to repression

Part V: Weeks 14-15
<u>Social change?</u>
- The theory and praxis of new social movements
- Fixing criminal justice?

Readings marked with an asterisk ***** are in the reader

Week 1) Introduction; implicit knowledge about race and some of its consequences
January 17, Tuesday: introduction
January 19, 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 24, Tuesday: Report 1
January 26, Thursday
a. Angela Davis, 'Introduction,' and 'Slavery, Civil Rights, and Abolitionist Perspectives Toward Prison,' pp. 9-39.
b. William J. Stuntz, 'The Rise and Fall of Crime, the Fall and Rise of Criminal Punishment,' in *The Collapse of American Criminal Justice Justice* (Cambridge, MA: Belknap Press, 2011), pp. 244-281.*
c. Jeremy Travis, 'Invisible Punishment: An Instrument of Social Exclusion.' In *Invisible Punishment* pp. 15-36.*

Week 3) The New Jim Crow
February 31, Tuesday: Report 2
February 2, 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. Robert Perkinson, 'Prison Heartland.' In *Texas Tough: The Rise of America's Prison Empire* (New York: Henry Holt and Co., 2010), pp. 15-47.*

Week 4) The Possessive Investment in Whiteness
February 7, Tuesday: Report 3
February 9, Thursday
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. Assata Shakur, *Assata,* pp. VII-XIX.

Recommended

c. 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 5) Black Politics and Law Enforcement in the 1960s and 1970s

February 14, Tuesday: Report 4

February 16, Thursday

a. Assata Shakur, *Assata,* pp. 2-70.

b. Safiya Bukhari, 'Coming of Age: A Black Revolutionary.' In *The War Before: The True Life Story of Becoming a Black Panther, Keeping the Faith in Prison & Fighting for Those Left Behind* (New York: The Feminist Press), pp. 1-17.*

Week 6) State repression, and the lockdown

February 21, Tuesday: Report 5

February 23, Thursday

a. Churchill and Vanderwall, 'The COINTELPRO ERA.' In *Agents of Repression* (Boston: South End Press, 1990), pp. 37-62.*****

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.

Week 7) The color of justice

February 28, Tuesday: Report 6

March 1, Thursday

a. Michelle Alexander, 'The Color of Justice.' In *The New Jim Crow,* pp. 95-136.

b. A. Shakur, *Assata,* pp. 99-130.

Week 8) The Prison Industrial Complex

March 6, Tuesday: Report 7

March 8, Thursday: "Visions of Abolition"

a. George Jackson*, Soledad Brother: The Prison Letters of George Jackson* (Chicago: Lawrence Hill, 1994), pp. ix-xi, 3-16.*****

b. Angela Davis, 'Imprisonment and Reform;' 'The Prison Industrial Complex.' In *Are Prisons Obsolete?,* pp. 40-59; 84-104.

March 13, 15, no class: spring break

Week 9) Gender and the Criminal Justice System

March 20, Tuesday: Report 8

March 22, Thursday: "War on the Family"

a. A. Shakur, *Assata,* pp. 131-172.
b. Angela Davis, 'How Gender Structures the Prison System.' In *Are Prisons Obsolete?,* pp. 60-83.

Week 10) Collateral consequences of mass imprisonment

March 27, Tuesday: Report 9
March 29, Thursday

a. Michelle Alexander, 'The Cruel Hand.' In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), pp. 137-172.
b. 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.*****
c. 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.*

Week 11) The new Jim Crow

April 3, Tuesday: Groups I & II; Report 10
April 5, Thursday

a. Michelle Alexander, 'The New Jim Crow.' In *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), pp. 173-208.
b. Ira Glasser, 'Drug Busts = Jim Crow.' *The Nation,* July 2006, pp. 24-26.*
c. A. Shakur, *Assata,* pp. 173-192.

Week 12) Juvenile incarceration

April 10, Tuesday: Groups III & IV; Report 11
April 12, Thursday

a. Texas Juvenile Probation Commission, *The State of Juvenile Probation Activity in Texas* (2010), pp. 1-24.*
b. Texas Appleseed, *Texas' School-to-Prison Pipeline: Dropout to Incarceration, the Impact of School Discipline and Zero Tolerance* (Austin: Texas Appleseed, 2007), pp. 1-40.*
c. Council of State Governments Justice Center, *Breaking School' Rules? A Statewide Study of how School Discipline Relates to Students' Success and Juvenile Justice Involvement* (New York, 2011), pp. ix-xiii.*

Week 13) Globalization and its (dis)contents

April 17, Tuesday: Groups V & VI; Report 12
April 19, Thursday

a. 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.*****
b. 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.*****

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

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

Recommended

e. 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.

f. 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.

g. 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 24, Tuesday: Groups VII & VIII; Report 13

April 26, Thursday

a. A. Shakur, *Assata,* pp. 173-259.

b. William J. Stuntz, 'Fixing a Broken System.' In *The Collapse of American Criminal Justice* (Cambridge, MA: The Belknap Press, 2011), 285-312.*

c. A. Lorde, 'The Uses of Anger: Women Responding to Racism.' In *Sister Outsider* (Freedom, CA: The Crossing Press, 1984), pp. 124-133.*****

Recommended

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

Week 15) Alternatives, perspectives

May 1, Tuesday: Groups IX& X; Report 14

May 3, Thursday

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.*****