The Condemnation of Blackness: Race and Criminal Justice
Dr. Peniel E. Joseph
Spring 2017
PA 388K (unique# 61325)/HIS 381(unique# 39695)
SRH 3.314/355 TU 9am-noon

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Course Description

This course examines the way in which racial bias in American history, policy, and politics has impacted the relationship between African Americans and the justice system, from the convict lease era in slavery's aftermath to the crisis of mass incarceration and the age of Black Lives Matter. We will pay particular attention to the history and impact of federal anti-crime policy on sentencing, mandatory minimums, DOJ Byrne Grants, the militarization of local law enforcement agencies, the drug war, juvenile justice, and prisoner rehabilitation and rights since The Great Society.

Students will be evaluated based on four criteria:
1) Weekly three paragraph critical analysis of the readings
2) Midterm assignment of a 2-page policy brief (due 9am Tuesday, March 7), this will include a short, group presentation on your brief. Presentations will be in class on March 21st. More information on this assignment will be provided in class.
3) Final 20 page critical historical and policy analysis on a specific aspect of criminal justice reform (e.g. ending money bail system for criminal defendants charged with low level warrants)
4) Class participation

Reading: We will read one book or article per week.

The course will take a panoramic view of the history of race and the criminal justice system. Beginning with the history of black criminalization after Reconstruction and focusing especially on postwar America’s institutionalization of a racialized criminal justice system and its corresponding impact on communities of color. We will examine what Michelle Alexander has labeled the New Jim Crow, the system of mass incarceration that makes the criminal justice system a gateway to multiple systems of oppression to a wide range of blacks and Latinos.

Assignments

We will generally read one full book or article per week. Students are expected to have read the book before the start of each seminar. A weekly three-paragraph response on the assigned reading is due by 5PM the day before our seminar. Each student should read everyone’s essay before the start of class and provide comments, both positive and critical, that will be used for class discussion. Your responses should be submitted in the “Discussion” section of Canvas, which will allow you to post your response, as well as comment on the responses of others.

Each paragraph should be five sentences and consider the following:
1. How does the author approach the subject of race and the criminal justice system? How does the history being explored connect to a specific contemporary demand(s) of the movement and what are the policy implications of the work, both historically and contemporaneously?

2. What’s the argument being laid out and how persuasive do you find it to be? Examine the sources in the bibliography and endnotes to consider the way in which the author has marshaled their evidence.

3. How does the work merit analytically and stylistically? Does the author’s analysis seem persuasive and insightful, even when you disagree?

4. Think about the readings in tandem, both thematically, chronologically, and theoretically. How have criminal justice reform movements progressed historically, policy wise, and in our national memory as citizens, scholars, and policy experts? Why do we focus on some aspects of the movement (voting rights, desegregation) but pay less attention to others (housing and occupational discrimination)? How does the study of the historic civil rights movement impact our understanding and conception of contemporary social movements and policy?

Meetings with Professor Joseph: All students are required to meet with Professor Joseph one-on-one once in January, and twice per month during February, March, and April. These meetings are informal and you will not be required to prepare materials. Tuesday and Thursday are the preferred days to meet, but other arrangements can be made. Please send meeting time requests to Alice Rentz at arenz@austin.utexas.edu or via Canvas, they will be assigned on a first come, first serve basis. If possible, try to schedule meetings for the entire semester in one request.

Midterm Assignment: Write a 2-page policy brief on criminal justice reform for one of the following three topics: Sentencing; Parole; Restoration of Citizenship rights for ex-offenders (which included voting rights, equal access to employment, housing, social welfare benefits, student loans, gun rights, etc. Based on our readings, class discussion, and outside research I want each group to write a short policy brief and to be prepared to debate your arguments in class.

Final Assignment: Combating the New Jim Crow: Policy Recommendations for the Criminal Justice System

I want you to imagine that you are a policy expert whose agency has been put in charge of writing a memo (twenty pages) that outlines the need for criminal justice reform, whether liberal, conservative, radical or any ideological perspective you wish to support and argue for.

1. Place the relationship between race and the criminal justice system in historical context. Make note of specific legal, legislative, institutional, social and political restrictions that comprised the struggle for civil rights in the twentieth century.
2. Discuss how substantive racial progress in criminal justice has been during the Obama Administration. How has this progress specifically helped push the nation toward ending mass incarceration?
3. What are the most pressing criminal justice policy challenges of our own time? How does race influence and impact these challenges, including ones thought to have been eradicated.
4. Outline your vision, including specific policy recommendations, of how criminal justice reform can be implemented at the local, state, and national level. What parts of The Movement for Black Lives Policy Agenda is realistic as a policy goal? Issues of sentencing, juvenile incarceration, parole, restoration of citizenship rights, money bail, punishment in public schools, racial profiling are among those that could be considered.

Please source your speech/policy paper with bibliography and endnotes. This final project is due in Professor Joseph’s LBJ School office by noon on Wednesday, May 10, 2017.
Class Schedule

Part 1. Blackness Condemned

January 17  Criminalizing Blackness, Public Policy, and Justice
January 24  Muhammad, The Condemnation of Blackness

Part 2. The Historical Origins of Mass Incarceration

January 31  Hinton, From the War on Poverty to the War on Crime
February 7  Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History” (PDF also posted on Canvas)
February 14  Dreisinger, Incarceration Nations
February 21  Fortner, Black Silent Majority

Part 3. The New Jim Crow: Criminal Justice in the Post-Civil Rights Era

February 28  Bell, Faces At the Bottom of the Well
Coates, “The Black Family in the Age of Mass Incarceration”
March 7  Alexander, The New Jim Crow
Forman, “Racial Critiques of Mass Incarceration: Beyond the New Jim Crow” (PDF also posted on Canvas)
March 14  SPRING BREAK-No Class Read Lowery, They Can’t Kill Us All
March 21  Stevenson, Just Mercy


March 28  Hill, Nobody
April 4  Taylor, From Black Liberation to Black Lives Matter
April 11  A Movement For Black Lives Policy Agenda, Part 1 (https://policy.m4bl.org/)
April 18  A Movement For Black Lives Policy Agenda Part 2 (https://policy.m4bl.org/)
April 25  Coates, Between the World and Me
May 2  Discussion of Final Project
Assigned Readings

Books can be found at the MAIN Co-op, on Guadalupe, under HIS 381/unique# 39695. They are also on reserve at the Benson Latin American Collection Library in SRH 1 and can be borrowed for 24 hours. In addition, those that are offered as e-books for checkout from UT are noted below.

Alexander, Michelle; *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2012)  [e-book here – you will need your EID/password to access]

Bell, Derrick; *Faces at the Bottom of the Well: The Permanence of Racism* (New York: 1992)

Coates, Ta-Nehisi; *Between the World and Me* (New York: Crown, 2015).

Dreisinger; *Incarceration Nations: A Journey to Justice in Prisons Around the World*


Hill, Marc Lamont; *Nobody: Casualties of America’s War on the Vulnerable, from Ferguson to Flint and Beyond* (New York: Atria Books, 2016).


Lowery, Wesley; *They Can’t Kill Us All: Ferguson, Baltimore and a New Era in America’s Racial Justice Movement* (Little, Brown and Company, 2016)


Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 512-471-6259, http://diversity.utexas.edu/

By UT Austin policy, you must notify Professor Joseph of any pending absence to observe a religious holy day at least 14 days in advance of the day you wish to take an absence. If you miss a class to observe a religious holy day, you will be given an opportunity to complete any missed work within a reasonable time after the absence.

For information in regards to what constitutes academic dishonesty, please see http://catalog.utexas.edu/general-information/appendices/appendix-c/student-discipline-and-conduct/