

POLI 490
Advanced Research: Racial Disparities in Criminal Justice
M, W 3:35-4:50 PM, Dey Hall Room 203
Fall 2022

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Office hours: M, W 11-12 and by appointment

From traffic stops to the death penalty, racial and gender-based disparities abound in US criminal justice outcomes. In this class, we will explore the literature relating to racial disparities in various criminal justice settings and current efforts to address these. Readings will cover such issues as the war on drugs, mass incarceration, racial profiling in traffic stops, and the politics and public opinion of crime, as well as current research projects underway here on campus. The class will involve students working on original research projects addressing a particular issue of racial disparity in criminal justice in North Carolina or elsewhere.

We will go into some detail on a few topics together in class but the main focus of this class will be your own research and reporting out to the rest of the class on your results, which we will do regularly. Here are the topics we'll discuss together:

Traffic stops: what's the point? What are the dangers? Given the racially disparate characteristics of the process, is this a feature or a bug in the system? That is, were traffic stops designed to generate racial disparities and social control, or is this an inadvertent consequence of people's behavior and choices?

Protesting while Black: We'll explore a 1968 Governor's commission and 1969 laws here in North Carolina that made it illegal to obstruct traffic, engaging in "rioting" (defined as three or more people standing together in public after a police officer tells them to disperse) and other laws that allow arrest of individuals engaging in protests. The numbers make it clear that this has a disproportionate effect on minorities. Again, is this a bug or a feature?

Abortion and the "protection of the unborn": Same question. Laws in 2011 provided for very serious punishment (ranging up to LWOP, life without parole) for killing a fetus. Where is that legislation going to stand in a post-Roe world? What is the intention, what will be the impact?

Voting Restrictions: We'll look in some detail at the case of *CSI v. Moore*, which challenged the long-standing practice of disenfranchising people not only while they are serving a felony conviction, but also after they have been released and are on "post-release supervision" or those who were never even sentenced to prison, but rather probation, and those who have not paid all their fines and fees stemming from a felony conviction. This law was overturned in a lawsuit filed in 2021, and restored voting rights to 56,000 individuals, the largest expansion of voting rights since the Voting Rights Act in 1965. What was going on?

The War on Drugs: Same questions. When were these laws passed (1980s and 1990s), and what was the purpose of them?

In each of these cases, a pertinent legal question is to distinguish between “disparate impact” and “discriminatory intent.” That is, some laws may just so happen to have a different rate of application to members of different demographic groups, but that was not the intent of the law. However, if the law was actually intended to do this, then that’s a different question and the law can be challenged on that basis.

I’m going to introduce you to each of these topics, and we’ll discuss them in class. However, the main work will be on your side. I want each of you to work, individually or in a small group (2 to 4 members), to explore legislative intent. That involves figuring out when a particular law was passed and then finding documents from that historical period to document what problem the law was designed to solve. This might come from newspaper stories in the period leading up to the law, from legislative debates if those are available, from committee reports or commissions that might have been established, or from other types of historical records. Several of the readings deal directly with this matter, but there is no cookbook solution to showing legislative intent; you’ll need to use your own ideas here as well.

Then we also want to be aware that many laws with discriminatory intent may have been passed with language that appears racially neutral on its face, and how to recognize that. For example, we know for sure that after the civil war through the early 20th century law-makers throughout the South attempted to disenfranchise African-Americans. But the methods they chose, grandfather clauses, poll-taxes, literacy tests, were not racialized on their face. So how do we recognize racially discriminatory intent? That will be for you to decide and for us to discuss. We can also make use of a UNC Library resource, “On the Books”, a historical research collection of Jim Crow Laws here in the state: <https://library.unc.edu/tag/on-the-books/>.

Your work will take the form of an academic paper. Depending on the number of students working together, the paper should be longer or shorter, approximately 10 pages per student as a minimum. For the final exam, you will revise the paper into a powerpoint slide show or poster presentation (your choice). This involves no extra research, but a different form of professional presentation.

Assignments will be as follows:

Item	Share of final grade:
Class participation	15%
Selection of a research project before week 4 of the semester	5
Presentation of the research question and data sources, week 7	10
Written draft / progress report due in class in week 11	10
Almost-final presentations during weeks 15 and 16	10
Final paper due on the last day of class	40
Final exam in the form of an oral presentation to the class	10
Total	100%

Grading Scale

Converting your final average to a letter grade:

94 or above: A
90 to 93: A-
87 to 89: B+
83 to 86: B

80 to 82: B-
77 to 79: C+
73 to 76: C
70 to 72: C-

67 to 69: D+
60 to 67: D
Below 60: F

Missed class and late assignments: Missing class more than a few times will certainly affect your participation grade. Papers are due at the beginning of class on the day they are due. Any late papers / progress reports will be accepted but down-graded by 5 points (on a 100 point scale) after the class when they are due, then 5 more points each 24 hours including weekends; if you are late with the assignment, email me the paper. If you know ahead of time you will miss an assignment for some good reason, contact me so we may agree on an alternative, without any penalty. Similarly, if you have an illness or a university supported excuse then no penalties will apply. Just stay in touch.

Books: There are no required books for purchase. All the readings will be on the class web site.

Caveat: I consider the syllabus in a class to be a contract. However, I do reserve the right to make changes to the syllabus, including project due dates (excluding the officially scheduled final examination), when unforeseen circumstances occur. These changes will be announced as early as possible so that students can adjust their schedules.

Disabilities: Please let me know in the first two weeks of class if you need any accommodation for a disability. No problem. But don't delay in letting me know.

Academic Honesty: Study together but make sure the work you hand in is your own. For all course work, the Honor Code applies; the student's signature on her/his work confirms that the Code rules were respected. Familiarize yourselves with the Code at <https://studentconduct.unc.edu/honor-system>. You also need to familiarize yourself with the concept and practice of plagiarism in order to make sure that you avoid it. Plagiarism is defined as deliberate or reckless representation of another's words, thoughts, or ideas as one's own without attribution in connection with submission of academic work, whether graded or otherwise. Take the library's tutorial at <http://www.lib.unc.edu/instruct/plagiarism/> and ask me if you have any questions.

Effort: Don't come to class unprepared to participate. That just makes me feel disappointed in you, and we don't want that! This means, in particular, doing the readings before you come to class. Otherwise you can't really provide meaningful participation.

Covid: If you are sick, please don't come to class. If I get sick, I won't come to class. Hopefully none of this will happen. However, if I get sick but can still teach, I'll make arrangements to teach the class remotely by zoom. If you get sick, please contact me about making up any work, most likely by contacting me by zoom during office hours or at another time. I do not plan to teach the class in a hybrid (in-person as well as with a remote option) because I don't think the remote option promotes high quality learning. So, as long as we can, let's meet in person and hopefully that will be how the semester goes. However, we'll remain flexible and if you get sick, please just let me know.

Weekly Schedule

Week 1, Aug 15, 17: Introduction and traffic stops

Monday: Introduction, no readings.

Wednesday: Watch this film through the UNC Libraries: “Driving While Black: Race, Space and Mobility in America,” by Gretchen Sorin and Ric Burns. You may need to use a computer on the UNC campus to access, or go through the UNC library page first. Recommended: Gretchen Sorin’s book of the same name.

Week 2, Aug 22, 24: Are traffic stops dangerous for the police, or for motorists?

Monday: Woods, Jordan Blair. 2019. Policing, Danger Narratives, and Routine Traffic Stops. *Michigan Law Review* 117, 4: 635–712.

Wednesday: Kirkpatrick, David D., Steve Eder, Kim Barker and Julie Tate. 2021. Pulled Over: An investigation into traffic stops across America and the deaths of hundreds of motorists at the hands of police. *New York Times*. October 31.

Week 3, Aug 29, 31: Protesting While Black

Monday: Johnson, Kaneesha R., Frank R. Baumgartner, and Marty A. Davidson, II. 2022. Finding Discriminatory Legislative Intent when Criminal Justice Outcomes Show Racially Disparate Impact. Paper presented at the Midwest Political Science Association annual meetings, Chicago IL, April 7–10.

Wednesday: No readings, more discussion of the same project, materials to be distributed in class or ahead of time on the class website.

Week 4, Sep 7: “Protecting the unborn” in the 2011 legislative session

Monday: Happy Labor Day!

Wednesday: Read Section 14-6 of the NC Criminal Code, enacted in 2011 and come to class with any feedback about what problem the legislature was attempting to solve:

Statement of research question, data sources, and group members due in class Wed Sep 7.

Week 5, Sep 12, 14: CSI v. Moore, a recent case about felon disenfranchisement

Note: All the readings for this week are available here:

<https://forwardjustice.org/resources/>

Monday: 2019 Complaint, Burton, Baumgartner, Burch Reports

Wednesday: 2021 NC Superior Court Final Judgement and Order.

Special guest, Whitley Carpenter, Senior Criminal Justice Counsel, Forward Justice and one of the lead attorneys on the case.

Week 6, Sep 19, 21: “On the Books” – A UNC historical collection about Jim Crow laws, many of which are still on the books

Monday: Overview of the project, available at <https://library.unc.edu/hub/projects/on-the-books/>

Wednesday: Discussion with special guest Brianna Nunez-Franklin, UNC Libraries, and program Manager, On the Books project.

Week 7, Sep 28: Research presentations #1

Monday: Happy Well-being Day!

Wednesday: student presentations

Initial presentation of research question, data sources, and research plan due in class Wed Sep 28. (Note: written paper to me, and quick oral summary to the class.)

Week 8, Oct 3, 5: Moving from disparate impact to discriminatory intent: The role of government

Monday: Rothstein, Richard. 2017. *The Color of Law*. New York: Norton, Preface and Chapter 1.

Wednesday: Discussion of strategies of how to demonstrate intent.

Week 9, Oct 10: War on Drugs

Monday: Readings TBA

Wednesday: Happy University Day!

Week 10, Oct 17, 19: Back to traffic laws and when they were passed

Monday: Review of various states' passage of traffic codes, materials to be made available on the class website.

Wednesday: Review of media coverage of these events from various states.

Week 11, Oct 24, 26: Research week

Monday: Class time is group office hours. You must attend one or the other this week.

Wednesday: Class time is group office hours.

Written draft of paper / progress report due in class Wed Oct 26. (Note, no presentation, just a written paper to me.)

Week 12, Oct 31, Nov 2: Research week

Monday: Class time is group office hours. You must attend one or the other this week.

Wednesday: Class time is group office hours.

Week 13, Nov 7, 9: Research Week

Monday: Class time is group office hours. You must attend one or the other this week.

Wednesday: Class time is group office hours.

Week 14, Nov 14, 16: Update on *Working as Intended*

Monday: See updates available here:

<https://fbaum.unc.edu/books/WorkingAsIntended/WorkingAsIntended.htm>

Wednesday: continued from Monday.

Week 15, Nov 21: Almost-final presentations

Monday: Group A

Wednesday: Happy Thanksgiving!

Week 16, Nov 28, 30: Almost-final presentations and discussion

Monday: Group B

Wednesday: Group C and discussion

Note: Final paper projects due in class Wed Nov 30.

Final exam, Thursday December 8, 4:00-7:00 pm

Note: the final exam is a PPT or Poster presentation of your research. Come to class prepared to present your results and see the results of the others.

(last updated August 10, 2022)